



International
Labour
Organization

Record of proceedings

International Labour Conference
112th Session, 2024

► Record of proceedings



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9A

International Labour Conference – 112th Session, Geneva, 2024

Date: 19 June 2024

Plenary sitting: Opening of the 112th Session of the International Labour Conference

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Monday, 3 June 2024, 11.20 a.m.

Presidents: Mr Adejola, Chairperson of the Governing Body of the International Labour Office, and Mr Buzu

Opening of the session

Mr Adejola

Chairperson of the Governing Body of the International Labour Office

Let me take this opportunity to welcome you all to the first sitting of the 112th Session of the International Labour Conference.

For those of you who may not know me, my name is Abiodun Richards Adejola. I am the Ambassador and Permanent Representative of Nigeria here in Geneva and, in my capacity as Chairperson of the Governing Body of the International Labour Office for 2023–24, it is my honour to declare open this 112th Session of the International Labour Conference.

Let me also take this opportunity to extend to you all a very warm welcome to Geneva and to our Conference. I am confident that this year's session will live up to the expectations and trust that have been placed in it.

Election of the President of the Conference

Mr Adejola

Chairperson of the Governing Body of the International Labour Office

Without further ado, let us move to the first item on our agenda for this morning, under which the Conference is called on to elect its President.

At this stage, I would like to give the floor to Ms Imene-Chanduru, the Government representative of Namibia and current Chairperson of the Government group, to put forward her group's nomination.

Ms Imene-Chanduru

Government (Namibia), speaking on behalf of the Government group

On behalf of the Government group, I am honoured to present the nomination of His Excellency Mr Alexei Buzu, Minister of Labour and Social Protection of the Republic of Moldova, for the presidency of the 112th Session of the Conference. He has the unanimous support of the Government group.

Before assuming his role as Minister of Labour and Social Protection, Mr Buzu actively contributed to institutional capacity-development initiatives, enhancing results management processes and advancing good governance. His extensive experience in development affairs includes collaborating with various international organizations and projects across several regions, on topics such as economic development, labour markets, social assistance, education, health policies, governance and migration.

A staunch advocate for gender equality and inclusion, Mr Buzu has championed several initiatives. These efforts focus on promoting the equal participation of women in politics, creating opportunities for parents to balance professional and family life, and combating sexual harassment.

The Government group is confident that Mr Buzu has all the necessary skills and experience to successfully guide the work of this session of the International Labour Conference and is honoured to nominate him as President.

(The proposal is supported by the Employers' and the Workers' groups.)

Mr Adejola

Chairperson of the Governing Body of the International Labour Office

The nomination put forward by Ambassador Imene-Chanduru with the unanimous support of the Government group has met with the agreement of the Employers' and the Workers' groups. As there is no other proposal, I take it that the Conference wishes to elect Mr Alexei Buzu, Minister of Labour and Social Protection of the Republic of Moldova, President of the 112th Session of the International Labour Conference.

I offer my warmest congratulations to Mr Buzu and invite him to come up to the podium and assume his duties.

(Mr Buzu, Minister of Labour and Social Protection of the Republic of Moldova, is elected President of the 112th Session of the International Labour Conference and takes the President's chair.)

The President

First and foremost, I would like to thank you for having entrusted me with this honourable duty. On a personal note, this appointment is a proud moment for the Republic of Moldova. This recognition motivates us to push forward with even greater dedication and commitment, ensuring that we meet and exceed the expectations placed upon us.

Please be assured that my fellow Officers and I will spare no effort in guiding the work of the Conference in accordance with its rules and principles, as well as with those of this noble Organization. In that regard, I shall rely on your valuable support and contributions to ensure that this session of the Conference yields the results we all expect from it, in pursuit of the ILO's mandate and to the benefit of all its constituents.

Election of the Vice-Presidents of the Conference

The President

Our next task is the election of the Vice-Presidents of the Conference, in accordance with article 3(2) of the Standing Orders of the International Labour Conference. Mr Bormioli, the Clerk of the Conference, will read out the names of the candidates proposed by the three groups.

Mr Bormioli

The Clerk of the Conference

The nominations for the positions of Vice-President of the Conference are as follows: for the Government group, Mr Moyo (Zimbabwe); for the Employers' group, Mr Dubey (India); and for the Workers' group, Ms Lestic (France).

The President

If there are no objections, may I take it that these proposals are approved?

(The proposals are approved.)

I am therefore pleased to invite my fellow Officers to come up and join me on the podium.

Nomination of the Officers of the groups

The President

It is now time to receive the nominations of the Officers of the Government, Employers' and Workers' groups. The groups are, of course, autonomous in their choices. The names of the candidates proposed by the groups are displayed on the screen, as indicated below:

Government group

Chairperson	Ms Imene-Chanduru (Namibia)
Vice-Chairperson	Ms Méndez Escobar (Mexico)

Employers' group

Chairperson	Ms Hornung-Draus (Germany)
Vice-Chairpersons	Mr Furlan (Brazil)
	Ms Janahi (Bahrain)
	Mr Mackall (United States of America)
	Mr Matthey (Switzerland)
	Mr Zouanat (Morocco)
Secretary	Mr Suárez Santos (International Organisation of Employers)

Workers' group

Chairperson	Ms Passchier (Netherlands)
Vice-Chairpersons	Mr Baah (Ghana)
	Ms Brown (United Kingdom of Great Britain and Northern Ireland)
	Ms Choo (Singapore)
	Mr Vogt (United States of America)
Secretary	Mr Beirnaert (International Trade Union Confederation)

Constitution and composition of Conference committees

The President

The next agenda item concerns the constitution and composition of the standing committees and technical committees that will consider items on the agenda of the Conference. The Standing Orders of the Conference provide for the establishment of the following standing committees: the General Affairs Committee; the Credentials Committee; the Drafting Committee; the Committee on the Application of Standards; and the Finance Committee.

As regards the General Affairs Committee, its composition corresponds to that of the Governing Body. It is therefore composed of all the regular and deputy Government members of the Governing Body and all the regular and deputy Employer and Worker members, as nominated by the respective groups.

Concerning the Credentials Committee, the groups have informed the Secretariat of the nominations of its members for endorsement by the Conference in plenary. They are as follows: for the Government group, Mr Essah (Nigeria); for the Employers' group, Mr Yllanes Martínez (Mexico); and for the Workers' group, Ms Losi (South Africa).

As regards the Drafting Committee, in accordance with article 9 of the Standing Orders of the Conference, its composition shall be determined by the committee that refers a text to it. At this session, that will be the Standard-Setting Committee.

The provisional composition of the Committee on the Application of Standards as published on the Conference website is subject to the approval of the Committee at its first sitting.

The Finance Committee is composed of one Government delegate from each Member of the Organization represented at the Conference. There is therefore no need to register for this Committee.

In addition to these standing committees, the Conference may wish to establish the following technical committees to consider and report on, respectively, items IV, V and VI of the Conference agenda: the Standard-Setting Committee on Biological Hazards; the Recurrent Discussion Committee on Fundamental Principles and Rights at Work; and the General Discussion Committee on Decent Work and the Care Economy.

The composition of all the committees is communicated to participants on the [Conference website](#).

If there are no objections, may I take it that the Conference approves the establishment of the committees and their composition as proposed?

(The proposals are approved.)

Suspension of certain provisions of the Standing Orders and other procedural formalities

The President

Our next item concerns the suspension of certain provisions of the Standing Orders of the Conference, with a view to facilitating the special sitting to be held on 6 June on the situation of workers of the occupied Arab territories, and other procedural formalities relating to conduct of the business of the Conference, as set out in document [ILC.112/D.1](#). The suspensions relate to limiting the duration of statements made during the special sitting to three minutes and, to the extent necessary, allowing delegates to deliver separate statements on the Appendix to the Report of the Director-General and on the other parts of that report.

If there are no objections, may I take it that the Conference wishes to suspend the provisions of its Standing Orders for the purposes set out in document ILC.112/D.1 and to approve the other procedural formalities set out in that document?

(The proposal is approved.)

Requests for representation in Conference committees submitted by international non-governmental organizations

The President

In accordance with article 2(2)(k) of the Standing Orders of the Conference, the Governing Body has invited certain international non-governmental organizations to be represented at the 112th Session of the Conference. It is understood that it will be for the Conference to consider their requests to be present at the sittings of the committees dealing with items on the agenda in which they have expressed a particular interest.

In accordance with article 36(6) of the Standing Orders, the Conference may wish to invite the organizations on the list that is available via the [website of the Conference](#) to be represented in the committees concerned.

If there are no objections, may I take it that the Conference approves this proposal?

(The proposal is approved.)

Opening address by the President of the Conference

Mr Buzu

President of the 112th Session of the International Labour Conference

Having concluded our administrative business for this sitting, and with your indulgence, I would like to say a few remarks on the high expectations we share for the work of our Conference in the coming two weeks.

As labour ministers, union leaders and employers' representatives from around the world, we are at the forefront of building just and equitable societies. Whether we are boosting employment, addressing informality, reforming institutions or promoting gender equality, most of the time with limited resources, we are more effective when we reflect and collaborate on these challenges together. The International Labour Conference provides us with an invaluable opportunity. Each year, we gather here to share insights, find inspiration and develop solutions collectively. It is a privilege for the Republic of Moldova to chair this Conference and to facilitate these crucial exchanges. I wish us all a successful Conference.

Presentation of the reports of the Director-General of the International Labour Office

The President

It is now my great honour to give the floor to my good friend, Mr Gilbert Fossoun Hounbo, Director-General of the ILO, so that he may present his vision for the world of work. Likewise, we look forward to hearing his thoughts on the work to be accomplished at this session of the Conference as well as to the presentation of his reports entitled *ILO programme implementation 2022–23* ([ILC.112/Report I\(A\)](#)) and *Towards a renewed social contract* ([ILC.112/Report I\(B\)](#)), together with its appendix, *The situation of workers of the occupied Arab territories* ([ILC.112/DG/APP](#)).

Mr Hounghbo

Director-General of the International Labour Office and
Secretary-General of the Conference
(Original French)

I wish to join the Chairperson of the Governing Body and the President of the Conference in welcoming you to the 112th Session of the International Labour Conference.

I would like to begin my statement by congratulating President Buzu, together with the Vice-Presidents, on their election to take charge of our work.

I would like to share with you the ambivalence which is currently occupying my mind. Since our last meeting in June 2023, I have often asked myself the question as to where our world is going: on the one hand, we are making remarkable, positive and encouraging progress and, on the other, we are facing a never-ending chain of challenges and crises.

Global macroeconomic prospects are stable. As you are aware, the International Monetary Fund (IMF) is forecasting growth in global gross domestic product (GDP) of 3.2 per cent in 2024 and 2025, which is quite stable compared to 2023.

To varying degrees, all regions have recovered the pre-pandemic level of economic activity. The effective action taken by central banks to bring inflation under control has also made a positive contribution. In this sense, the surges in inflation should abate, with inflation decreasing from 5.8 per cent in 2024 to 4.4 per cent in 2025. I sincerely hope that this could relieve the purchasing power of workers, which has been badly affected.

At the same time, there has been no respite in geopolitical tensions. The hotspots have intensified. The appalling situation in the Middle East has been added to the already existing crises. The absolutely awful conflicts in Gaza, Yemen, Sudan, Haiti, Ukraine and the east of the Democratic Republic of the Congo, to name but a few, continue to be major problems for humanity and, more especially, for multilateralism. Is it really necessary to lament the failure to conclude a treaty on pandemics at the World Health Organization (WHO) last week?

As regards the labour market, the ILO is forecasting a global unemployment rate of 4.9 per cent in 2024 and 2025, which is a slight fall – but a fall nevertheless – in relation to 2023, when it stood at 5 per cent. It is also a downward revision of the previous forecast of 5.2 per cent, which we made in November 2023. All in all, these encouraging prospects prevent us from “seeing the wood for the trees”. The unemployment rate of 4.9 per cent translates as a total of 183 million unemployed persons throughout the world.

As we know, the unemployment rate measurement does not include those workers who, for various reasons, have left the labour market and no longer have a job, although their profound desire to have one remains intact.

As a result, ILO specialists have devised a new index, the job gap, to make up for this failing. The job gap remains high, according to our forecasts – 402 million in 2024, although we should note that it has fallen in comparison to 2022, when it was 473 million.

The job gap for women in low-income countries stands at 22.8 per cent, as opposed to 15.3 per cent for men, while in high-income countries the rate is 9.7 per cent for women and 7.3 per cent for men. In the labour market as a whole, 45.6 per cent of women have a job, compared to 69.2 per cent of men. These inequalities are in addition to those constituted by the wage gap between women and men.

Furthermore, the battle against informal employment appears to be running out of steam. Formal employment creation has not kept up with the increase in the working-age population. The number of informal workers has increased from about 1.7 billion in 2005 to 2 billion in 2024.

The same duality exists in the perceptions of artificial intelligence and its consequences for the labour market. Our analyses show that most professions are enhanced by technology rather than just being automated.

Benefiting from the opportunities offered by artificial intelligence constitutes an alternative rather than a threat, provided of course that we make a decisive investment in upskilling, vocational training, the acquisition of new knowledge and retraining.

The ILO will intensify its research in this area and, in particular, in relation to the effects on the labour market and also on the intrinsic value of labour.

This duality reminds me of the Declaration of Philadelphia which stipulates, and I quote: “poverty anywhere constitutes a danger to prosperity everywhere” and “labour is not a commodity”.

It goes without saying that I am delighted that we will soon be devoting special attention to the 80th anniversary of the Declaration of Philadelphia (10 May 1944) and, in this regard, I would like to welcome Ms Jayati Ghosh to join us today. We are keen to hear what she has to say.

I would like to thank all the Heads of State and Government, all the tripartite constituents, as well as all our partners who support the Global Coalition for Social Justice.

To date, we have registered 280 partners including 68 governments. We will have the opportunity to discuss this at greater length during the inaugural forum, which will take place on 13 June.

I would now like to say a few words about the committees.

As is customary, the Committee on the Application of Standards will discuss the supervision of compliance with ILO standards.

The Standard-Setting Committee will hold its first discussion on biological hazards to follow up on the recommendations made by the Standards Review Mechanism Tripartite Working Group. It will examine and make recommendations intended to remedy the insufficiencies identified by that Group for the 2025 session of the Conference.

The Recurrent Discussion Committee on Fundamental Principles and Rights at Work will examine the impact of the multiple and interdependent crises on the effective implementation of fundamental principles and rights at work.

Finally, the General Discussion Committee will discuss decent work and the care economy.

On the fringes of the work of the Conference committees, we will have the opportunity to talk to the co-facilitators of the Second World Summit for Social Development, planned for 2025 by the United Nations General Assembly. This Summit represents a unique opportunity for social equity to become one of the three major pillars of our societies, on the same level as the economic and environmental pillars.

This year again, I invite you to consider my report to the Conference in an open-minded manner.

My report pursues the theme of social justice by examining the fundamentals of a society designed to be fair, and on which the opportunities and institutions of decent work should be built. It relates to the question of the renewal of the social contract.

How can the social contract be revised at the global, regional and national levels so as to make social justice the foundation of sustainable peace, shared prosperity, equality of opportunity and a just transition? The report does not impose any preconceived ideas but its aim is to stimulate what, we hope, will be a productive and fruitful debate.

The Conference will also debate my annual report on the situation of workers of the occupied Arab territories. The current tragic conflict gives rise to the exponential loss of human lives and means of subsistence. It requires our greatest attention. The conflict must end. I will be so bold as to insist on this. I hope that the special plenary sitting, organized on an exceptional basis on 6 June, may contribute to this aim.

In relation to ILO governance, although this subject is not on the Conference agenda, I invite all the Member States which have not yet done so, to ratify the Instrument of Amendment to the ILO Constitution, 1986.

As a reminder, 126 countries including 2 countries which occupy non-elective seats have already ratified this Instrument of Amendment. However, its implementation remains subject to its ratification by at least three of the other Member States occupying non-elective seats.

I will conclude by citing this extract from the Declaration of Philadelphia: “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development, in conditions of freedom and dignity, of economic security and equal opportunity”.

Presentation of the report of the Chairperson of the Governing Body

The President

It is now my pleasure to call on the Chairperson of the Governing Body for the period 2023–24, Mr Adejola, who will present his report on the activities of the Governing Body for the period of his tenure. The report is available on the Conference website as document [ILC.112/Report I\(C\)](#).

Mr Adejola

Chairperson of the Governing Body of the International Labour Office

I have the honour to present to the Conference my report for the period 2023–24, which is contained in document [ILC.112/Report I\(C\)](#). The report I am submitting contains a summary of the most salient discussions that have taken place in the Governing Body since the 111th Session of the Conference. It is a report focused on keeping the Organization's tripartite constituents informed of the decisions taken by the Governing Body, whose membership is limited and changes every three years, as will be the case during this session of the Conference. This is important, as the decisions taken set the direction for the work of the Organization in each of its Member States.

First and foremost, permit me to commend the tripartite members of the Governing Body for the dedication with which they have carried out their work over the past 12 months. While they might have been vigorous, intense and outright demanding on many occasions, both for our delegates and for the Office staff who worked tirelessly to support us, our discussions led us to reconcile dissonant positions through consensus-building in most cases. Of course, our

work has not been easy, but, for the most part, we have succeeded in bringing it to successful conclusions, and I thank you all for your efforts, commitment and support.

I could not present to you the fruits of this joint effort without first stressing how important it has been for my country, Nigeria, to be able to contribute to the work of the ILO as Chairperson of the Governing Body. Nigeria had not held this position since 1972, 52 years ago, and it has been my distinct privilege to assume this responsibility. I have done my best to represent the commitment of all actors in the world of work, both in my country and in Africa, and in other regions, to the advancement of decent work as a means and an end, to achieve true social justice for us and for future generations.

The report I present to you today speaks for itself insofar as it contains a detailed account of subjects examined by the Governing Body at our five sessions of work: the short 348th Session held last June; the 349th Session in October–November 2023; the 350th Session in March 2024; and the two special sessions held in November 2023, namely the 349th *bis* and 349th *ter* (Special) Sessions. I will therefore not repeat the contents of the report, but will limit myself to a few additional comments that will hopefully give you a flavour of the matters we considered and of how the work was conducted.

The Global Coalition for Social Justice, as envisioned by the Director-General and taking into account the guidance provided in the Governing Body discussions, has been established and will hold its inaugural forum next week, that is, on 13 June 2024. Through this Coalition, the Organization aims to deepen the commitment of the international community to the promotion of social justice, while advancing the implementation of the Decent Work Agenda, and the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. This year, the Office has undertaken advocacy and engagement efforts to promote the Coalition and has defined its thematic policy domains. A first report on the state of social justice in the world is expected to be published in 2025, as part of the Office's contribution to the Coalition. I wish the Director-General every success in the next stages of the Coalition and warmly invite Conference participants to attend its inaugural forum next week.

As you are aware, the right to strike under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), was the subject of the two special sessions of the Governing Body in November 2023. At the 349th *bis* (Special) Session, held on 10 November, the Governing Body of the ILO decided to refer a dispute over the right to strike to the International Court of Justice in The Hague. Delegates took a decision by vote to urgently refer the matter to the Court. At the 349th *ter* (Special) Session of the Governing Body, held on 11 November, a proposal to urgently include a standard-setting item on the right to strike on the agenda of this 112th Session of the Conference was not endorsed. The Governing Body decided that, after having received the advisory opinion of the International Court of Justice, it would consider appropriate follow-up action.

This year, the Governing Body also followed up on several resolutions previously adopted by the Conference. These included the resolution concerning the second recurrent discussion on labour protection and the resolution concerning a just transition towards environmentally sustainable economies and societies for all.

The Governing Body also followed up on cases of non-observance of international labour standards under various articles of the ILO Constitution. The discussions that took place in this context once again proved that, by combining the standard-setting function of the Organization with the clear political will of Member States whose cases were examined, results in favour of social dialogue and social justice could be achieved. I would therefore like to commend the constituents from all Member States whose cases have been on the Governing

Body's agenda this year, for their commitment and resolve to promote the principles and values that motivate our collective action every day.

Ongoing conflicts, which have had a profound impact on the world of work, were also discussed at length by the Governing Body. The ILO has indeed been vigilant in its monitoring of the impact of these conflicts, in cooperation with United Nations bodies, and has mobilized resources in support of the affected regions. Since October 2023, the escalation of the conflict in the occupied Arab territories has required urgent ILO action to mitigate its impact on the labour market and provide immediate assistance. A special sitting to be held this Thursday, 6 June, will also allow us to discuss the appendix to the Report of the Director-General on that subject.

I should like to conclude by expressing what a great honour and privilege it has been for me to serve as Chairperson of the Governing Body of the International Labour Office over the past year. As my term comes to an end, I hope that, under the new administration, the noble founding principles of this institution will continue to nurture the seeds of the future of work that we seek to harvest, for the sake of a lasting peace firmly rooted in social justice.

Before I close, I would like to thank the Employers' and Workers' Vice-Chairpersons, my dear friends, Ms Hornung-Draus and Ms Passchier, for the work we have done together over the past 12 months. It has become immensely clear to me how important it is that, while representing their respective groups, the Officers of the Governing Body share a common perspective and responsibility for the work of the ILO itself. This sense of collective responsibility can be achieved only by working collegially in the best interest of the Organization and its constituents.

I would also like to express thanks and appreciation to the wise and coherent Director-General, a man of enormous grace and élan, who is urbane and debonair. I can truly confirm that he has lived up to the commitment he made in his eloquent inaugural speech to be "Director-General of nobody, and the Director-General of everybody ... from all regions across the world", as well as his "total readiness to represent and advocate the views of all tripartite constituents of the Organization". It has been such a huge honour to work with and learn from the Director-General. I also commend the positivity and professionalism demonstrated by the Deputy Director-General, together with the Assistant Directors-General, the Directors and their teams, for the constant support they provided.

Finally, I profoundly acknowledge my very own President, Asiwaju Bola Ahmed Tinubu, President of Nigeria, for the opportunity given to me to serve in this capacity. I am truly and exceedingly grateful.

I look forward to meeting you again at the 351st Session of the Governing Body, which will take place on Saturday, 15 June, at which point I will pass the baton to my successor. With these words, I present to you my report on the work of the Governing Body for the period from June 2023 to June 2024, and I thank you all for your attention.

Opening statements by the Chairpersons of the Employers' and Workers' groups of the Conference

The President

Let us now turn to the Chairpersons of the Employers' and Workers' groups, to hear their views on the work ahead of us.

Ms Hornung-Draus**Chairperson of the Employers' group**

On behalf of the Employers' group, I congratulate the President and Vice Presidents on their election at this 112th Session of the International Labour Conference. They lead this session in a dynamic context at international level, which contains many challenges and also many opportunities. The task we have at this Conference is to seize the opportunities and shape them in a way that promotes the objective pursued by the ILO.

The rapidly changing world of work, with technological advancements, changing dynamics in the world economy, geopolitical shifts and the employment impacts of climate change policies, underscores the need for a meaningful social dialogue and collaborative, faithfully constructive action at all levels.

Trust in multilateral organizations, but also among social partners, is declining. In this context, the ILO needs to focus on strengthening social dialogue institutions. The ILO's tripartite nature, its values, and principles rooted in and directly related to the real economy on the ground, make it uniquely capable of addressing these challenges if it stays faithful to its mandate. The International Labour Conference provides a unique platform to reaffirm the ILO's fundamental principles, championing decent work and, as a precondition for this, creating a conducive and enabling environment for sustainable enterprises, especially for small and medium-sized enterprises (SMEs), and strengthening social dialogue at all levels.

Reaching a tripartite consensus in the different thematic committees over the next two weeks will be crucial to demonstrate the ILO's ability to deliver on its mandate, as outlined in the Declaration of Philadelphia. This is all the more important in a year which marks the 80th anniversary of the Declaration of Philadelphia, as the Director-General already mentioned in his speech. We have an opportunity to demonstrate the ILO's relevance and to practice what we preach.

Unfortunately, the recent referral to the International Court of Justice of an issue of fundamental importance for the ILO and all its constituents all over the world, namely the right to strike, was not a demonstration of the ILO's capacity to live up to its tripartite mandate. The role of the ILO and tripartism would have been strengthened had the Office, led by the Director-General, acted diligently and respectful of all Member States and constituents of the ILO, using proper procedures to bring this question to the International Labour Conference, the supreme decision-making body of this house. This should be a lesson for the future, highlighting the need for the International Labour Office to work with integrity and impartiality, bringing all constituents together. The expectations are high for the Director-General to redress the situation and to demonstrate the ILO's added value, which is the basis for strengthening and contributing to the multilateral system.

The Report of the Director-General *Towards a renewed social contract* is an excellent opportunity for achieving this by delivering a strong message to the world and in particular to the Second World Summit for Social Development, to be held in 2025. The mandate and mission of the ILO have not changed since the Declaration of Philadelphia: advancing social justice through decent work with a human-centred approach. This is based on three pillars: (i) governance, which implies standards, principles and social dialogue; (ii) the conditions to create a shared prosperity, which means enabling environment for SMEs, skills, employment-friendly macro policies; and (iii) solidarity, social protection and non-discrimination.

But these three pillars, which were part of the old social contract, should also be part and the basis of the new social contract, and they need to be applied to today's challenges. We have

to look for just and fair transition, and this means focusing on getting away and allowing SMEs and start-ups to move out of informality all over the world. We have to make sure that employment impacts of ecological policies are not to the detriment of people and do not create poverty and social exclusion. We have to make sure that digital technology is to the benefit of everybody and does not have negative social impacts. We have to be open for new forms of work, for new forms of employment, which are, of course, emerging with new technologies, so the ILO has the chance to redefine the social contract, to renew what was the social contract by being open and by redefining the mandate as it was defined in the Declaration of Philadelphia and adapting it to the current realities. Let me say that the Global Coalition for Social Justice, which was the Director-General's initiative, and which will be launched during this session of the Conference, is an excellent platform to engage with other United Nations agencies, governance, businesses, social partners, civil servants, and other civil society organizations and academics, and it will be able to voice these messages. It will be a platform to engage and to discuss these messages, with the ILO in the driver's seat. The Employers are very pleased about this Global Coalition for Social Justice because we know that it will raise the profile of the ILO in the multilateral system. We have an opportunity, and we should use it to demonstrate the ILO's relevance and to practice what we preach.

Let me now take a moment to review the items in each committee.

The Committee on the Application of Standards, which is the longest standing Conference committee, provides the most authoritative tripartite guidance on implementing ILO standards.

We look forward this year to the General Survey discussion on *Labour administration in a changing world of work*, which is vital for ensuring decent work and stimulating economic growth. And this discussion will focus on how to make labour administrations more flexible, coordinated and effective.

Furthermore, like in previous years, the Committee on the Application of Standards will discuss 24 individual cases of non-compliance with ILO standards. Employers value these discussions to address allegations, to understand situations on the ground, and to assist the Governments concerned and also the Employers and Workers, and maybe to find out that after all there was no non-compliance given the situation on the ground. All this is an open process, and we have to deal with it with an open mind. However, we must avoid politicizing the list of cases. The mandate to improve the implementation of international labour standards is there and should apply regardless of the nature of the Government, and it should ensure the balanced supervision of international labour standards.

Despite the Employers' request to suspend this year's discussions regarding the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), precisely because it had been turned to the International Court of Justice for an advisory opinion, we do note that some cases will deal with this Convention. The Employers will continue to strive for consensual conclusions and respectfully voice their views on the interpretation of Convention No. 87. But we need to avoid a situation which pre-empts the outcomes of the referral to the International Court of Justice. Trying to push in that direction would unnecessarily complicate our deliberations and hinder any positive outcomes.

The pandemic and the many measures taken on the consequences of the pandemic, on which we have big controversies in our societies, show that the new standard-setting discussion on protection against biological hazards in the working environment is highly pertinent. It is also important because it highlights the need for governments to fulfil their public health responsibility to manage and mitigate global health crises in a reasonable

medically and scientifically proven way and respectful of human rights and civil liberties, and also respectful of the different responsibilities of governments, employers and workers.

The agreed technical guidelines on this topic, adopted in June 2022, set a reasonable basis as they offer detailed guidance to governments, employers and workers and their representatives on preventing and controlling work-related injuries, illnesses, diseases and fatalities resulting from exposure to biological hazards.

However, achieving a good and balanced outcome will require further efforts. All constituents need to assume and be explicit about their respective responsibilities in a preventive occupational culture. Also, we should aim at a practical standard that integrates diverse national contexts and occupational safety and health systems in developed and developing countries, in different sectors, and in big, medium-sized and small enterprises. And this standard should be actually implementable, which would guarantee that it will be widely used.

Let me now turn to the recurrent discussion on fundamental principles and rights at work as a follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, which will for the first time include occupational safety and health.

As acknowledged in the ILO report, this discussion is essential to building on the undeniable progress made since previous discussions in 2017.

It will be particularly important to agree on the best way to tackle the root causes of the lack of decent work, and this remains the major impediment to realizing fundamentals in practice. Informality, lack of good governance, weak institutions, corruption and lack of an enabling environment for enterprises, especially for SMEs, require a renewed push to effectively tackle implementation deficits by looking at what does not work on the ground.

Remaining faithful to the mandate of recurrent discussions will be essential as they are not intended to be policy discussions. The Committee must therefore avoid entering into controversial new policy concepts. Otherwise, it will engage in endless disagreements, compromising a productive outcome based on consensus.

This session of the International Labour Conference will also hold a first general discussion on the care economy. In a growing number of countries, a well-functioning, reliable and robust care economy becomes imperative for welfare development. In this context, greater recognition must be given to the role and value of private care enterprises, which are often SMEs. Other relevant elements, such as the weight of informality and the need for appropriate skills, should not be overlooked. Of course, the care economy is not, and should not be, solely about promoting gender equality, but we also recognize with great appreciation and admiration the crucial role of the many female-led enterprises in this field in all parts of the world.

Let me close by making some comments on the Declaration of Philadelphia. Eighty years ago, in May 1944, the Declaration of Philadelphia pledged peace, development and social justice. Some believe the Declaration anticipated the rise of globalization, which has created significant prosperity for many, especially in those areas of the world that were suffering from poverty, informality and lack of opportunities. Unfortunately, today we are witnessing a decline in trade and foreign investment, as mentioned by the Director-General. This decline is led by fear, tensions and a new sort of protectionism. We are concerned that this deglobalization will soon lead to significant declines in social prosperity and to the loss of decent jobs in many parts of the world. The ILO has the opportunity to contribute to redressing this problem together with other international organizations and actors, including the World Trade

Organization, using the principles of the Declaration of Philadelphia and the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, as a reference for ensuring fair and prosperous globalization.

We will have, finally, a special sitting to discuss the terrible situation of the occupied Arab territories. Let me reiterate the Employers' group's deep and sincere solidarity with all the victims of this tragic conflict. We are profoundly saddened and concerned by the escalating situation in the region, including unacceptable violations of human rights, which are causing immense human suffering and economic instability. I will, of course, elaborate on this point during my intervention at the special sitting.

Let me conclude by reiterating the strong commitment of the Employers to achieving tangible outcomes. The Employers will make every effort to succeed in our discussions, and we wish you and all the delegates a successful and fruitful Conference.

Ms Passchier

Chairperson of the Workers' group

Let me start by congratulating the President and the three Vice-Presidents on their election and also thank the Director-General for his very pertinent remarks. It is an honour to address this assembly today on behalf of the working women and men of the world, especially the millions without a voice and protection at work, who have already looked up to the ILO for a century as their beacon of hope for a better and fairer future. If we want this Organization to live up to those high expectations and remain relevant in the current world of work, we must do our utmost to ensure that the ILO can and will deliver once more on its century-old promise of more social justice for peace, democracy and decent work for all.

More than 100 years ago, at the end of the first devastating world conflict, the ILO was created with the recognition that universal and lasting peace can only be established if it is based on social justice. A unique tripartite governance structure was established, and the setting and supervision of international labour standards was recognized as being at the core of the ILO's mandate to prevent a race to the bottom at the expense of workers' rights, to create upward convergence, and ensure a level playing field for business. The first international social contract was born.

This year we celebrate the fact that 80 years ago, in 1944, the Conference was emerging from the Second World War and adopted the Declaration of Philadelphia. We can all probably quote some of its fundamentals and, later this morning, we will hear more about it from Ms Ghosh. For us as workers, however, what stands out is the key notion that labour is not a commodity. We emphasize the need always to keep the humanity of work as a guiding principle and recognize freedom of association as an expression essential to sustain progress, on the understanding that progress can only be achieved by, and I quote, "continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision ...". These fundamentals are just as relevant today. Yes, we have seen social and economic progress, but major decent work deficits remain, and recent developments are reversing positive gains from the past.

Many regions in the world are torn apart by war and conflict, leading to the highest level ever recorded of world military expenditure, while enormous numbers of civilians of all ages are increasingly suffering from starvation, disease, death and destruction, resulting in involuntary migratory flows. Unfettered globalization in the digital era is increasing inequality, insecurity and the violation of workers' rights. Growing numbers of working people see the

stability of their jobs, incomes and pensions in danger, especially in the global South, while profits for big business are soaring with almost 70 per cent of wealth held in the global North where the world's richest people and businesses are concentrated. In many places, democratic space is shrinking with the fundamental right to freedom of association and expression the first to fall victim. A stark signal of this is the number of trade unionists and journalists killed while exercising these fundamental freedoms. The sense of fear and insecurity caused by all this, coupled with sentiments of unfairness and lack of a positive perspective for the future is a recipe for major unrest and recourse to nationalism, protectionism, racism and xenophobia.

The best recipe, as the ILO has shown over its 100 years of existence, is social justice that provides protection to all, a level playing field and a fair sharing of the planet's opportunities and resources. However, these resources are currently in existential danger with climate change causing poverty and instability, and threatening the survival of the planet. We must heed the young people who are taking to the streets to save their planet and future. We therefore need an urgent fundamental change of direction, challenging a business model that puts profit above people and planets. The challenges facing the world of work are huge and inaction is simply not an option. We therefore very much welcome this year's Report of the Director-General *Towards a renewed social contract*. Our group expects the ILO constituents at this Conference to send clear messages on how to develop a bold and ambitious agenda with clear proposals for follow-up action and a leading role for the ILO and its century-old mandate in the run up to the 2025 United Nations Second World Summit for Social Development.

The ILO's mandate set in 1919, further developed in 1944, and reaffirmed in 2008 by the Declaration on Social Justice for a Fair Globalization, is still fully up to date. This refers to social justice, decent work, and the protection of workers and their families against old and new risks in the world of work as part of a fair model of globalization. The fundamental rights guaranteed by the ILO are universal and must be applied universally. That is central to renewing the social contract. This universality presumes that the ILO's notion of a worker remains inclusive, covering old and also new forms of work, regardless of employment status, with adequate protection, including the right to organize which is so fundamental to this house. Renewing the social contract must also mean reaffirming tripartism, social dialogue and collective bargaining as key drivers for negotiating the terms of a just social and environmental transition towards lasting peace and a sustainable planet. This should underpin a renewed push towards democracy, not only in the governance of this house, which we strongly support, but also within countries and workplaces, reversing the worrying trend of shrinking civic and democratic space, lack of trust in public institutions, and increasing authoritarianism. As the Declaration of Philadelphia clearly states, and I quote, "it is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective". As I said, the 2025 Second World Summit for Social Development gives us an excellent opportunity to take up the unfinished business of the Declaration of Philadelphia, ensuring policy coherence and the leadership role for decent work and social justice of the ILO in the multilateral system.

Let me now touch briefly on other important items on the Conference agenda. The Committee on the Application of Standards has an essential constitutional task which makes the ILO so unique in the United Nations system. In too many countries, the realization of decent work and social justice remains jeopardized by the violation of labour rights, particularly the rights to freedom of association and collective bargaining. The debates in this Committee are therefore crucial. Ratification must imply the commitment by Member States to give effect to Conventions they have voluntarily ratified and to their obligations under the ILO Constitution. The Committee will have its first special sitting to discuss the situation in Belarus, following

measures taken under article 33 of the Constitution. We urge governments, in particular the Government of Belarus, to engage with the ILO and allow access to the imprisoned trade unionists as a priority in implementing further recommendations of the Commission of Inquiry.

We have a Standard-Setting Committee on Biological Hazards. In the ILO Centenary Declaration for the Future of Work, we agreed the fundamental importance to the ILO of setting, promoting, ratifying and supervising a clear, robust, up-to-date body of international labour standards. In 2016 already, our standards review mechanism identified important gaps in the ILO's body of standards regarding occupational safety and health. This was before the COVID-19 pandemic brutally exposed how none of us is safe from biological hazards, as clearly many workers are obliged to work in high-risk environments. Especially now that in 2022 we jointly elevated the right to a safe and healthy working environment to a fundamental principle and right for all workers, we call for the support of all delegates. To be ambitious this year and prepare the solid ground on which next year the ILO can develop and adopt strong and binding global standards to protect workers from biological hazards.

We also have a general discussion on the care economy. At the First Session (1919) of the International Labour Conference, let me just remind you, of around 500 registered participants, 22 were women. When we look around this room today, we see how far the world of work has changed, with women in many key leadership roles. But at the same time, enormous challenges remain. This year, the Conference will have an important discussion on the care economy, a sector in which gender stereotypes have become embedded, reflected in low pay and poor conditions. We will only achieve more gender equality in practice when both private and public care are more highly valued and when the burden of care will be more equally shared between men and women. This must be urgently addressed with an important role for social dialogue and collective bargaining, supported by a strong public sector. The COVID-19 pandemic has shown how crucial the care economy is for our future. We look forward to good discussions and recommendations to increase investment and address the widespread decent work deficits in the care economy in the interests of the long-term sustainability of our economies and societies.

We will have a recurrent discussion on fundamental principles and rights at work. This discussion comes at a critical time considering the increasing and widespread attacks on rights and democracy across the world. Indeed, as exposed by an independent high-level evaluation of the programme, the ILO's strategy to promote fundamental principles and rights in an integrated manner has largely failed to make progress on defending the core enabling rights of freedom of association and collective bargaining. These rights constitute the essence of the ILO's mandate to defend democracy at work. As is no secret in this house, in our view, the right to strike is an intrinsic corollary of freedom of association and collective bargaining. However, I will respectfully refrain from making any further comments on this matter as the issue is now being considered by the International Court of Justice. I just want to remind everybody that article 37(1) of our own Constitution obliges the Organization to put any dispute on interpretation before the august body of the International Court of Justice. We consider that we must use this recurrent discussion to equip the ILO and its constituents to focus and intensify a worldwide campaign to promote democracy at work, aiming to achieve universal ratification of all core labour standards, starting with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and now also including the fundamental safety and health Conventions.

To conclude, at this Conference, the challenge for all of us is to show that the ILO is ready and capable to lead and deliver on social justice as a precondition for peace and prosperity. It is a question of us all becoming the drivers for a change that should be human-driven, gender-balanced, and planet-oriented. This is about recognizing work as bringing value, dignity and influence to those selling their labour, not themselves, and bringing social justice and stability to their economies and societies. The ILO must seize this opportunity and show the key role it can play in the global governance structures needed to accompany this change. It can only play this role when its tripartite constituents allow it to do so. We encourage and invite employers and their organizations to look beyond short-term business interests and work with us in this house on long-term sustainability. We urge governments to be ambitious, going beyond national and regional perspectives, to support a strong role for the ILO in tackling the challenges. I promise you, we on our side will mobilize our people to actively engage as well. Such truly tripartite endeavour is in the interest of employers and workers, economies, and societies. A world in turmoil requires leadership. This is what the ILO can and must offer as it did in 1919 and in 1944 with social justice as its guiding principle and primary goal to ensure lasting peace and stability. The world of work outside is watching us with high expectations. Noblesse oblige. I don't know how you say that properly in English. If we take our own uniqueness seriously, we had better deliver.

Address by Ms Ghosh, Development Economist and Professor of Economics at the University of Massachusetts Amherst, on the occasion of the 80th anniversary of the Declaration of Philadelphia

The President

As the Director-General and other speakers have noted, this year marks the 80th anniversary of the Declaration of Philadelphia, which was unanimously adopted by the Conference in 1944. At the time, the Declaration set the North Star by which the ILO and its constituents have been guided, as they promote the common welfare of humankind through the principles set out in it. The document has also since served to inspire other international instruments, including the Universal Declaration of Human Rights.

To commemorate this momentous occasion, this year's opening sitting will be honoured by a special address by Ms Ghosh, renowned micro-economist and dear friend of the ILO. She teaches at the University of Massachusetts Amherst. Ms Ghosh's core areas of work include international economics and globalization, employment patterns in developing countries, microeconomic policy, and gender and development. In 2023, she was awarded the prestigious Galbraith Award by the Agricultural and Applied Economics Association, in recognition of her breakthrough discoveries in economics and her contributions to humanity. She was awarded the ILO Decent Work Research Prize in 2011. In 2022, she was appointed to the United Nations Secretary-General's High-level Advisory Board on Effective Multilateralism.

I extend to Ms Ghosh a warm welcome to our Conference. We look forward to hearing her thoughts on this special day.

Ms Ghosh

It is an extraordinary honour for me to have a chance to speak to you today. I am immensely conscious of this privilege, especially because, in our increasingly fraught times, when multilateralism seems so frayed and its prospects are of such concern, the ILO still provides an impressive example of what can continue to be achieved in an atmosphere of

genuine dialogue and compromise. Of course, as you know, the ILO is the United Nations organization concerned with advancing social justice through the promotion of decent work, but it must deal with so much more than employment alone. Work is a central reality that defines the conditions of life of most people on earth, and the conditions and consequences of work reflect the interplay between many other social, cultural, economic, technological and legal forces. That is why I believe that the ILO has always sought to bring to the table not only its three constituents, but also many other actors that shape the world of work.

Eight decades ago, as you have heard, the ILO adopted the Declaration of Philadelphia, a statement broadening its aims and purposes, and setting out the principles that should inspire the policies of its Members. It is a brief document but one that now, even after so many years, is inspiring, even visionary. It emphasized that labour is not a commodity, that freedom of expression and of association are essential to sustained progress, that poverty anywhere is a danger to prosperity everywhere, and that the war on want must be unrelenting in every country. Let me remind you of some of the major goals that were outlined in that document. They included full employment and the raising of standards of living; employment that enables workers to use their skills to the fullest extent, providing sufficient training and enabling migration to achieve this; ensuring that workers receive a just share of the fruits of progress; ensuring a minimum living wage to all employed people; recognizing and enabling collective bargaining and collaboration of workers and employers in developing both social and economic policies; social protection measures; and ensuring basic living conditions for all, including health, child welfare and maternity protection, adequate nutrition, housing, recreational facilities, as well as a basic income for all and equality of educational and vocational opportunities.

Today, in what seems like a much more divided and fractious world, some, if not all, of these goals may seem much harder to attain. Decades of economic policymaking in most parts of the world have relied on the perceived benefits of profit-oriented investment in the liberalized markets. As a result, social justice and improved conditions of working life were seen as the by-products of this economic growth process. But this expectation has not been fulfilled for the most part. Instead, there have recently been significant increases in economic inequalities and material insecurities across many dimensions, and this has created socio-political divisions and sometimes extreme polarization both within and between countries, and it has fuelled suspicion and a lack of trust, which make collective action much more difficult. As has been noted by the Director-General, multilateralism is certainly facing severe difficulties and in many countries democracy itself is under threat.

In such circumstances, it is easy to despair and to think that the challenges are insurmountable and that we as humans are already too near the precipice. But remember, the world in 1944 was also divided, uncertain and insecure. The scars of the Second World War were still raw and had not healed. Even while new geopolitical tensions were emerging as major powers sought to carve up the world and create spheres of influence and domination, the process of political decolonization was just beginning, with many countries still under external control. For many people, the world then seemed very precarious, and suspicions and mistrust were rife. Despite all these challenges, there were some significant moves towards international cooperation, such as the Bretton Woods Conference of 1944, the Charter that created the United Nations in 1945, the Universal Declaration of Human Rights in 1948 and the ILO Declaration of Philadelphia – remember that the ILO had already been in existence for 25 years, but this was an important move in this context. The Declaration recognized the importance of international cooperation and provided a powerful mandate to work together for peace, development and social justice. The Declaration also recognized the importance of

what we would today call policy coherence, whereby all national and international policies and measures, in particular those of an economic and financial character, should have as their central aim, and be judged and accepted only insofar as they may be held to promote and not hinder, the attainment of conditions in which all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom, dignity, economic security and equal opportunity. Over subsequent decades, this approach has laid the foundation for a series of ILO Conventions, Protocols and Recommendations, including the fundamental labour standards such as freedom of association, the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour, the elimination of discrimination in employment and occupation, the right to a safe and healthy working environment, and occupational safety and health. These in turn have impacted millions of lives around the world.

Much like in 1944, we are currently experiencing a period of flux within countries and in the international economy. It is now overwhelmingly evident that we cannot continue with business as usual. The past dominant economic policy paradigm has created unbalanced, unequal and unsustainable outcomes. More significantly, it is really not fit for purpose because it cannot address the dominant challenges of our time. The major threats posed by climate change; planetary stress; environmental damage; loss of biodiversity; the potent and often contradictory impacts of new technologies; the stagnation of decent and productive employment opportunities; and massively increased inequalities of wealth and income and the resulting insecurities and tensions are leading to increasingly dysfunctional and even violent societies. Clearly, we must recover the ability to cooperate and coordinate internationally if humanity as a whole is to survive these challenges.

I was therefore inspired to see the Report of the Director-General entitled *Towards a renewed social contract*, which brings the Declaration of Philadelphia into the contemporary context and identifies critical elements of a reinvigorated social contract for our times. It is an ambitious plan, but it simply cannot be achieved within the economic framework adopted by most policymakers in the world today. It requires a major shift in how we think about the economy and its purpose. Instead of thinking about how public policies and social processes can help the economy, we need to ask how the economy can serve society and be in harmony with nature and the planet. This requires recognizing where the current approach to economic policies is failing us. Three flaws in this approach are particularly important. One is the assumption that the best indicator of economic progress is the expansion of economic activity as measured by GDP. The second is the notion that this expansion of GDP is so important that, in order to achieve it, society must, albeit temporarily, sacrifice other goals, even if these other goals are socially beneficial. The third is that it requires governments to reduce intervention in markets because markets on their own are supposed to operate to produce the best possible outcomes.

As a result of these beliefs, far too much economic policymaking still worships at the altar of GDP as the primary goal. For example, we are often fed estimates of how much GDP would increase if more women were employed, as if that is the main purpose of employing more women. We are made to view natural disasters mainly in terms of their impact on loss of GDP, rather than as humanitarian catastrophes. We consider how public health crises impact GDP, rather than in terms of the loss of life, health and dislocations that they cause. But GDP is not a good indicator of even material progress; it is just the sum of all marketed transactions, and market prices do not reflect the social value of goods and services. Rather, prices emerge from imperfectly functioning markets, which are often subject to oligopolistic control and, in some cases, are marred by rent-seeking. GDP includes much that is not of social value, such as

excessive financial returns, and it excludes unpaid care work within households and communities, which is the bedrock of most societies. Instead of implicitly seeing how various social conditions serve the economy, we should be identifying the critical features of an economy that enables the society we want, and then whatever GDP increases that result can simply be seen as a positive fallout of that process.

The goals of the Declaration of Philadelphia provide an excellent basis from which to start. They can lead us to consider transformative strategies to deal with the crisis of employment along with inequality, planetary warming, environmental damage, instability and insecurity. But what would be the institutional and policy elements of a transformation like this? Here are some elements. It requires a strong and adequately resourced public sector, which is also inclusive and accountable to the people, and a more imaginative use of the available fiscal and monetary tools of governments. It is important that policy coherence is in evidence, that is, both microeconomic and financial policies are in conformity with the social goals. Resources garnered from progressive taxation should be used to enable more and better job creation in public services. Public expenditure to realize social and economic rights needs to be strengthened. This includes spending on physical infrastructure to provide basic needs and social spending on nutrition, health, social protection and education. Micro, small and medium-sized enterprises (MSMEs) typically provide the bulk of employment in most countries, yet they tend to be relatively underserved by public policies and have less voice in policy formulation than large corporations. A major focus on MSMEs and giving them adequate representation would be an important component of a transformative economic strategy that also delivers social justice. The significance of care work and its potentially huge role in future employment generation must be highlighted, not least because it can also have a transformative impact on gender relations and the lives of women. It is important to recognize that such work can also be skilled and requires training. Recent technological changes also point to the need for a new and more nuanced approach to skill formation and lifelong learning and a fresh perspective on productivity and, of course, there has to be much greater emphasis on transparency and accountability to the citizenry, with strong, independent agencies to enforce this.

Markets on their own are not only imperfect and short-termist in their functioning, but they can also generate unequal, unjust and even cruel outcomes that are inefficient from social and planetary perspectives. Markets need to be shaped and regulated in the public interest for socially desirable outcomes. This requires carefully designed and democratically implemented laws and strong regulatory institutions that are also open, transparent and accountable, so that they are not captured by powerful interests. Along with incentives, we need social monitoring and audits of processes and outcomes so that private activity is aligned with the public interest. I believe all of you know that this is very true of labour markets, but it is also why informality, for example, must be addressed to provide social and legal protection for workers, as well as more viable conditions for micro and small enterprises. It is also why laws and regulations are required to ensure safety at work and occupational health, which are coming under much greater strain at a time of global warming. The need for environmental and public health regulations is just as true for other markets, like financial markets and markets for goods and services, and all of this in turn has an impact on work and employment. But there is only so much that can be done by governments and public institutions. The significance of countervailing power is undeniable and the ILO in particular has always been very good at recognizing this. It is why permitting and enabling associations and mobilizations of different groups is so important and must form an essential element of the attempt at transformation.

Within the ILO structure, the presence of both workers' and employers' organizations that are membership-based and democratic confers additional legitimacy. While other civil society organizations are certainly important, the greater credibility of direct representation, rather than some organizations speaking on behalf of others, must be recognized. This feature should also therefore imbue social dialogue efforts in other national and international contexts. Allowing different voices to be heard at all stages of institutional development and policy formulation is not just necessary in an abstract sense, in terms of justice, but it is also a necessary condition for success and for avoiding the destabilizing conditions and lack of legitimacy that have created much of the problem for us in the first place. Obviously, these changes are required at both national and international levels, so there is no doubt that this is a massive task, but I think that all of us recognize that not changing or simply tinkering around the edges are no longer viable options. How do we even dream about this, much less implement it, in serious national and global discussions, how can such major changes in both approaches to and the implementation of economic policies be brought about, and how do we contain the inevitable backlash from those who benefit disproportionately from the current system?

This Conference of which I am privileged to be part today may provide a clue to the possible answers. For someone outside the ILO, the basis on which it is organized, that is, a tripartite system with representation from workers, employers and governments, has always seemed like a truly remarkable achievement in its very existence and persistence. The ability to base the functioning of a major international organization on the agreements and compromises made by potentially conflicting players, and to do this regularly, often very effectively and with some notable successes over the decades, is certainly a source of inspiration. Clearly, this success rests on another aspect that has been a major part of the ILO's orientation and framework: the emphasis on social dialogue. It is no surprise that the ILO champions social dialogue everywhere and emphasizes its importance in deciding upon and seeking to meet all other goals. In a sense, this annual Conference can be seen as the apotheosis of these efforts. I have been observing these annual conferences from the outside for several decades now and I have to say, to me, they have always been incredible achievements, even in the years when they do not seem to have achieved very much. The very ability to bring together such disparate people, groups and interests, to thrash through the often quite complex and potentially inflammatory issues, and to discuss them at length and in detail and come up with compromises that all can accept seems almost unbelievable in a world where such possibilities seem to be constantly shrinking. I am sure that pressures, tensions, disagreements and conflicts erupt in such circumstances, and there must be an incredible amount of painstaking and tedious effort going into hammering out compromises. Yet, the International Labour Conference has worked through this possibly complicated process for decades to come up with many Conventions and other decisions that have been of great significance and consequence. I would also highlight persistence – the “never give up” attitude that I believe underlies many of the Conference's successes.

This, then, may well be a model for others, even for those in very different circumstances, who are looking for the best ways to achieve change. Continuing social dialogue is essential and can indeed deliver results, and such dialogue is critical not just for work and employment but also for so many other policies and processes that affect our lives and natural environment. It is clearly time for others who want change to recognize this and to appropriate the lessons from this demanding but fruitful process. That is why I am so grateful to be a small part of this endeavour today and I truly wish you all the very best for this Conference. I wish you success not only for its own sake, but because the Conference is so important and sets such a positive example to the rest of the world.

Closing of the sitting

The President

That brings us to the conclusion of the opening sitting of the Conference. We have put in place the structure that we will need to achieve our work over the next two weeks.

I declare closed this opening sitting of the 112th Session of the International Labour Conference and thank you all for your participation.

(The Conference adjourned at 1.10 p.m.)

112th Session of the International Labour Conference, 2024

Transcript of the discussion of the Reports of the Director-General and the Chairperson of the Governing Body

The interpretation of proceedings serves to facilitate communication and the transcription thereof does not constitute an authentic or verbatim record of the proceedings. Only the original speech is authentic.

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► Tuesday, 4 June 2024

Mr Alexei Buzu

President (Republic of Moldova)

Good afternoon, ladies and gentlemen. Please be seated. We are starting our session. I kindly ask all delegates to be seated so we can start our session. Thank you. Dear colleagues, good afternoon. It is my great pleasure to declare open the second sitting of the 112th Session of the International Labour Conference. Today we shall begin the general discussion on three reports: the Director-General's report on the ILO programme implementation for the year 2022-2023, which comes under Report I (A); the Director-General's thematic report entitled 'Towards a renewed social contract', published as Report I (B); and the Report of the Chairperson of the Governing Body for 2023-2024, Report I (C). At this point I would like to remind you that, according to the arrangements approved at our opening sitting yesterday with regards to the modalities for the special sitting on the situation of the workers of the occupied Arab territories, the appendix to the Director-General's report on the topic will be discussed at a special sitting on Thursday, June 6th. I shall therefore encourage you to please focus your interventions on the first three reports which I have just mentioned. For the rest of the plenary programme over the days to come, including the adoption of the committee outcomes in the plenary, you will find full details in the Conference tentative programme in the daily programme published online and in the ILO events app. Before I open our discussion I would like briefly to remind you of the principle governing our plenary discussions. Firstly on the use of parliamentary language. I wish to call on all those who will speak in the plenary to do so with both the openness and the dignity that are appropriate to the highest international body in the realm of social and labour-related matters. Freedom of expression is a vital feature of the International Labour Organization. To exercise this freedom in a spirit of mutual respect, it is essential that all delegates respect and accept the procedure, use parliamentary language, refer only to the items under discussion and avoid raising any questions foreign to these matters. The respect of this principle is necessary if we want to work to be effective and successful. Secondly, on the plenary starting times, there is a firm agreement on the part of the officers to begin our sittings strictly on time. Only in this manner will we manage to complete debates within the time scheduled. I am counting on you all to make this possible. Thirdly, I must refer to the length of the plenary speeches. As you may already know, the duration of speeches is limited by the standing orders of the Conference to five minutes only. Five minutes only. This time limit will be strictly applied. It is therefore strongly recommended that all delegates reduce courtesies to a minimum. Timekeeping is a collective responsibility. For the sake of transparency, a countdown will be displayed on the screen for all interventions. I shall point out that this strict limit does not apply to the statements of the Employer and Worker spokespersons as they open the general debate within the group statements. Lastly, I would like to address the points of order and rights of reply. Delegates who wish to raise a point of order or request the right of reply in the plenary do not need to interrupt the proceedings. Instead, they should simply raise their flag. A member of the staff will then approach them in the room and attend to their request. In the case of a right of reply, I ask you that you clearly inform that member of staff the intervention in respect to which the right of reply is sought. Please be reminded that a right of reply should refer only to the matter in question. It should not exceed two minutes, and it should be delivered in

respectful parliamentary language. It is not the practice in our organization to allow the right to reply to a reply. I hope that that was clear on these rules, and I hope that we will follow them strictly. May I take it that these arrangements are agreeable to the Conference? Perfect. Thank you. Without further ado, we shall now open the discussion on the reports of the Director-General and the Chairperson of the Governing Body. We will be following the speakers list as displayed in the room and published in the daily programme. Now I am pleased to welcome all of today's distinguished speakers and invite the Chairpersons of the Employers' and Workers' groups of the Conference to deliver their opening statements. They will put forward their groups' views on these three reports and the work ahead. We shall begin with the Employers' group. Mrs Hornung-Draus, you have the floor, madam.

Ms Renate Hornung-Draus

Chairperson, Employers' group

Thank you very much, Chair, and let me begin by thanking the Director-General and also the Chair of the Governing Body for presenting their reports, on behalf of the Employers' group. The Director-General's report in particular, which is called 'Towards a renewed social contract', is a good opportunity to reflect, innovate and advance towards achieving social justice. And I am very happy to make a couple of comments on this, which I already made some comments in my opening statement. And I would like to underline that this report and the heading of the report, which is of course also inspired by the discussions taking place in the United Nations and with the preparatory work leading up to the Social Summit by the UN held next year, is an excellent opportunity and an excellent basis for achieving a very strong message from the ILO towards the whole UN system. And I will say once again, the mandate and the mission of the ILO have not changed since the Philadelphia Declaration. Advancing social justice through decent work and with a human-centred approach means that we have to look at three basic pillars in our policies. Governance, which is very much about standard setting, about the principles, let me highlight here the 1998 Declaration on Fundamental Principles and Rights at Work, which are now under the topic under the recurrent discussion, and of course a very important principle of governance, the social dialogue and the tripartite principle of consultation and tripartite action as when it comes to labour market and employment. The second pillar is linked to delivering on shared prosperity, and here we have to go beyond standard setting. We have to look at an enabling environment for small and medium-sized enterprises. We have to address the issue of having enterprises being able to move out of informality and also workers to be able to move out of informality. We have to address the issue of improving the skills of workers to improve productivity. And last not least, an employment-friendly macro policy, and this is all the more important because all these are preconditions for delivering on decent work, which is one of the key objectives and the mission of the International Labour Organization. And finally the third pillar, which again has not changed since the Philadelphia Declaration, solidarity, social protection but also non-discrimination. All these elements have to be applied to today's challenges, and today's challenges are quite substantive. We know that the measures which were taken in the context of the COVID-19 pandemic have actually disrupted our world of work. But at the same time they have accelerated the application of new technologies, of the development of artificial intelligence, of digitization. And this has to play also an important part in reflecting on how the ILO can contribute to advancing decent work. The ILO's response should be concrete, strategic and not on an abstract level but really

very, very concrete, focusing on the real economy, focusing on the lives of enterprises and workers. Concerning the central role for employers and worker organizations and social dialogue, let me highlight that these organizations are anchored in the real economy, and we as social partners provide first-hand expertise on the realities of work. Engaging with representative social partners through social dialogue contributes to societal cohesion and is crucial for the well-functioning and the productivity of the economy. This should therefore be a key element in restoring or strengthening the social contract. Second point, the effective labour market governance. The report rightly outlines that trust in public institutions is key to ensuring a shared prosperity and lasting peace. We call for effective governance for fighting corruption, for ensuring equitable and sustainability labour markets. And this relies, of course, on effective, flexible and modern national regulations with institutions that adapt to the new realities of work, that are open to new realities of work and that are based also on social dialogue. Let me come to the next point, which is creating a conducive environment for sustainable enterprises. I am very pleased that in your report, Director-General, you recognized that sustainable enterprises “require an enabling environment to fulfil their role in driving economic growth and decent job creation.” This point needs further elaboration because we see that in many parts of the world informality has actually been increasing over the last years and not decreasing. And where there is informality, there cannot be sustainable enterprises, there cannot be decent work. That is why we need to make sure that the standards, regulations but also the policies are conducive for people being able to work in the formal economy without being overburdened by regulation, without being overburdened by taxes or social contributions. And that is an issue which needs to be discussed very, very seriously also with the financial institutions, with the finance ministers. It goes far beyond labour market or employment policies. But these policies and all these aspects need to be integrated. We also need to look at how we can support entrepreneurship, how to reduce bureaucratic hurdles. Very often when governments say, “We want to reduce bureaucracy,” they produce another law, so they combat bureaucracy by producing even more bureaucracy. That cannot be the solution. We have to look for simpler regulation for less bureaucracy and also less reporting or due diligence and all sorts of obligations which do not contribute to productivity and they do not add any value. An important point which the ILO has been focusing on in the last years, and I am very pleased about this development, is the focus on skills. The report could do with a stronger focus on the skills agenda which we agreed upon in the Centenary Declaration in 2019 and also in the 2021 discussion of this International Labour Conference to position the ILO as a global skills leader. Nobel laureate Arthur Lewis said, “The fundamental cure for poverty is not really money but it is knowledge.” And it is our responsibility to make sure that education, which is the bedrock of any thriving society, is promoted and access to education for everybody is promoted. Let me say a couple of words about productivity growth. We are convinced that productivity growth is a driver for social justice, so the ILO needs to make every effort to incorporate productivity in a proper strategy for its promotion. Indeed, again the Centenary Declaration recognized that improving productivity creates employment opportunities and improves living standards. A robust productivity agenda is therefore essential for a renewed social contract and goes beyond simply sharing productivity gains. But these gains have to be produced first of all before they can be shared. It includes reskilling, investing, improving regulations, reducing informality and strengthening institutions which will create high quality jobs and elevate living standards for all. Lastly, reforming social protection systems. One of the main barriers to formality, to transition from informality to formality, is precisely that this transition is accompanied by too-high burdens on companies. And every development economist will tell you that watching

this is actually a very important key to promoting the transition from informality to formality. So when we look at social protection, also in the ILO, we should not only look at those who receive social protection but we also look at those who finance the social protection. Because if we produce a crowding out from social protection financing sides, this will actually make the social situation worse and it will reduce the potential for social protection and for extending social protection. And of course our common objective, our common mission is to have universal social protection. But this has to be financed and this has to be put on a sustainable basis so that all companies, all actors in society can contribute to this social protection without being pushed into informality. Dear colleagues, the report rightly addresses social challenges brought on by climate change and calls for action to enhance new job opportunities. But we need to focus our attention as the ILO, and we are unique in this, on potential adverse effects of climate policies which do not take into account employment effects. It is the ILO which has to draw the attention of the other organizations on the need for climate policies to be designed in a way that they do not destroy employment, that they do not make social cohesion a problem, that they do not increase inequalities. And this is a very, very important point when it gets to very concrete measures of social policy when it is in the context of climate change and green deals and whatever you call them. So the renewed social contract, as it was labelled by the Director-General, I think, to sum up, is that we move away from what was the old social contract. The old social contract was based on the industrial age, of mass production, on standard setting, on regulation. The renewed social contract has to focus on the much more complex realities of our economies, of our world of work. It has to focus on SMEs, on innovation, on informality, improving productivity, because all these are bases for achieving decent work. Let me finish by saying we discussed this in a very dynamic context at the international level, which contains many challenges but also many opportunities. The task we have as this International Labour Conference is precisely to seize these opportunities and shape them in a way that promotes the objectives pursued by the ILO. And they have been pursued by the ILO for the last hundred years and will probably remain the same, but the realities on the ground have to change and we have to adapt the ways to achieve this mission in looking at what is exactly happening and how can we really address the current challenges. So with this, I would like to thank you again for this report, and I would like to finish my speech. Thank you very much.

Ms Catelene Passchier

Chairperson, Workers' group

President, Vice-Presidents, Secretary-General of the Conference, distinguished delegates, ladies and gentlemen, I thank the Director-General of the ILO for his report to this International Labour Conference, providing us with a solid basis for this important and timely discussion. We have a unique opportunity at the second UN social development summit next year to develop our vision on a renewed social contract for the world that would better equip global, regional and national governance institutions to deal with the challenges of our times; reverse the growing sense of disenfranchisement, isolation and desperation among working people and their families; rebuild global solidarity; and provide hope for a better future for all on a socially and environmentally sustainable planet. On the concept of a social contract, we welcome the report's focus on the mandate of the ILO as per its Constitution and the Philadelphia Declaration to work towards a world where "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their

spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". To achieve this objective, indeed, we need to renew our social contract, reconfirming our respective roles and responsibilities. Yesterday I commented on the state of the world with poverty and inequality on the rise almost everywhere. The ambitions of the Copenhagen summit in 1995 have not been realised and we are clearly not on a path to achieve the SDGs any time soon. Therefore, a new or renewed social contract needs to be stronger and its implementation measures more effective, with a particular focus on tackling the inequalities within and between countries that hamper social development for all. Our common leadership should ensure that future development policies deliver on social justice, freedom, dignity, economic security, gender equality and equal opportunity to all as prerequisites for lasting peace. And we thank the DG for his ideas and will elaborate on a few. We agree that any future social contract must build upon the existing ones, starting with the ILO Constitution. This initial social contract was premised on the recognition of the principle of freedom of association. It was freedom of association that enabled tripartite governance to emerge in order to address the exploitative working conditions, depravation and industrial unrest at the start of the 20th century. Today we must recognize that the very core of our social contract is under attack. Democracy at work and beyond can only flourish with full respect for and universal ratification of Conventions 87 and 98. The centrepiece of any new social contract must be to ensure an enabling environment for social dialogue with freedom of association and the right to collective bargaining at its heart. We must all, all of us, recognize our respective responsibilities in the promotion of these enabling rights in law and in practice as preconditions for social justice, democracy and a sustainable future. Following the 1995 Social Summit in Copenhagen and the WTO Ministerial Conference held in Singapore in 1996, the ILO adopted in 1998 the Declaration of Fundamental Principles and Rights at Work to safeguard and promote respect for basic workers' rights in a globalized economy. We fully support the Director-General when he suggests seizing the opportunity of next year's Social Summit to construct a stronger labour protection floor that encompasses the full spectrum of human rights at work. For us, this also requires a renewed emphasis on non-discrimination on any grounds. In addition to occupational safety and health, two more constitutional fundamental workers' rights are more crucial than ever. One is living wages that allow all people to live with dignity. The promotion of statutory negotiated living wages will be key to address poverty and inequality, and we must build on the recent consensus in the ILO on this issue. Second, today, as in 1919, living wage strategies cannot be decoupled from safeguards for the protection of maximum hours of work. This is recognized as a human right already in the ILO Constitution. The seemingly unstoppable flexibilization and precariousization of work is leading for increasing numbers of workers to irregular hours, overtime, or work for several employers to make a living. We need to build a new consensus around working time, insisting on respect for the principles outlined in our very first Convention that enforced a balance between work, rest and leisure. Ladies and gentlemen, while we value the DG's report as an excellent basis for our discussions, we must express some disappointment with the lack of a clear gender perspective. There have been many advances for women in the world of work over the past centenary. However, women continue to lag behind. In recent times, things have become worse in most regions. Women continue to dominate in informal work, involuntary part-time work and other forms of precarious, low-skilled and low-paid jobs, with poor labour and social protection and lack of access to education and training. And this is strongly related to their perceived primary roles as spouses, mothers and carers. Poverty continues to wear a feminine face, and young and migrant women are particularly affected. This is exacerbated by the recent acceleration and the withdrawal of the state from providing

vital public services, including the care services on which women so heavily depend. The promotion of equal sharing of family responsibilities, adequate maternity protection and pay equity have taken a back seat in both public policies and macroeconomic policies. The challenge is how to provide women and men in the rapidly changing world of work and in the context of demographic change a perspective of having a decent job with sufficient income to live a decent life and raise a family while also taking care of sick and elderly relatives. These issues, including a life course approach in social policies, social protection and the organization of work and working time, must be brought together to ensure a genuine gender perspective to the new social contract in which women are fully recognized and their voices heard as equal citizens and participants. So, in our view, the 1998 social floor for globalization needs to be complemented with living wages and maximum working time for all and strengthened with the necessary transformative agenda on gender equality as outlined in the Centenary Declaration. Therefore, we join the Director-General in his call for strengthened annual follow-up to the 1998 Declaration and efforts to work towards universal ratification, and the need for enforcement and accountability both in the public and private sector and also in global supply chains. We emphasize the urgent need for mandatory due diligence regulation as well as using the full potential of the MNE Declaration and its tools. We support the DG's report in stressing the crucial importance of safeguarding other basic human rights such as food, water and sanitation, education and healthcare as a precondition for social development. There is an urgent need to safeguard effective public services to protect the basic necessities to all people and must recognize their key importance for ensuring effective equality in practice to women and girls. In addition to expanding the concept of a social floor consistent with the ILO Constitution and the Universal Declaration of Human Rights, its place at the heart of global economy policies and strategies needs to be strengthened. Too often public and private investment and policy interventions at national and international level have sacrificed basic social and labour rights on the altars of free-market competition and austerity. Further policy coherence and social democratic safeguards should indeed be sought to more effectively protect human rights in the future of work and as a resilient basis for both social and economic development. International financial institutions and global trade policies must effectively protect human and labour rights and ensure that trade partners and their entire populations mutually reap the economic benefits of their contributions. Thirty years after its creation, the WTO is now clearly defunct as it fails to deliver for all. We now need to strengthen the system to protect labour rights and reverse the declining labour income share through decent jobs creation and living wages for all and protect the policy and fiscal space of governments to drive their industrialization and structural transformation towards solid, demand-driven, resilient economies. This is key for the renewed social contract. In our common future, compliance with human and labour rights standards must deliver a return in economic growth and development. Ladies and gentlemen, universal social protection is the single most impactful measure in ending global poverty but will require a shift in approach to public finances. Public policy must focus on the expansion of fiscal space, tax reforms, debt restructuring and relief and financing for social objectives. And these policies should be shielded against inconsistent policy interventions from public and private institutions, including the international financial institutions that are too often insisting on austerity measures at all cost. The ILO, with its standards on social protection, and its social partners should play a crucial role in this regard. The ILO's mandate requires it to monitor the social impact of economic policy. Clearly, its role in the multilateral system needs to be strengthened to do so more effectively vis-à-vis policies and institutions for trade and investment. Full employment remains crucial and the Global Accelerator offers a good

opportunity to translate intentions into action. We must strengthen industrial transformation approaches and use the opportunities for job creation in the green, digital and care economies and ensure that global trade and supply chains do not diminish our collective efforts in this regard. The Director-General has asked us how to deliver pro-employment macroeconomic policies geared towards providing decent work for all. In our view, and as expressed in the Centenary Declaration, a new social contract should apply a human-centred rights-based approach aiming to safeguard the labour protection floor and develop just transition plans towards full employment and universal social protection using the opportunities provided by the environmental, technological and demographic challenges of our times. Ensuring an enabling environment for social dialogue, with full respect of freedom of association, the right to collective bargaining and tripartite social dialogue, can deliver national pro-employment macroeconomic policies, responding to the challenges and opportunities of the real economy in countries around the world and help to establish an accountability framework going beyond GDP which indeed takes into account how policies impact on human and labour rights. Ladies and gentlemen, and I am almost at my concluding remarks, we fully agree that our unique selling point, which is our system of international labour standards, must be robust, up to date and fit for purpose when it comes to the current and future challenges in the world of work. We have been faithfully participating in the Standards Review Mechanism exercise, but our group is extremely worried about the direction it is taking, with too much emphasis on a quick abolition of standards deemed outdated and not enough action on replacing those standards with more modern ones nor with filling gaps that we jointly identified. We need a renewed commitment to the fundamental importance of international labour standards for the protection of workers in all forms of work. In such a context, we must also consider the need for new standards and speed up the process to adopt and implement them to deal with new social, environmental and technological challenges, using innovative approaches, including in the broader setting of the United Nations. To conclude, the decisions we will make today will determine whether we are up to the task of establishing social justice and peace for tomorrow. The Summit of the Future in 2024 and the World Social Summit in 2025 are historic opportunities to deliver the required paradigm shift in global governance for social justice, and we cannot miss it. Thank you.

Mr Ioanis Parteniotis

Worker (Bulgaria)

Dear ladies and gentlemen, delegates, on behalf of Bulgarian workers let me congratulate you for the election in such important positions. I would like also to express my firm conviction that, thanks to your presidency, the current 112th Session of the International Labour Conference will catalyse a fruitful discussion on agenda items. In recent years, imbalances all over the world have increased dramatically, with rising poverty levels pushing-up the risk of social exclusions. The richest are getting richer, and poor are getting poorer. In Europe we face more and more challenges. It becomes obvious that to overcome imbalances we urgently need to review our economic, financial and energy policy as well as our education and healthcare systems. One of the most important achievements, providing guarantee to the well-being of the EU citizen, is the European Social Model. Lastly, it was further improved by the adoption of the adequate minimum wages directive. Bulgaria is among the first EU countries which have already legally settled the level of its minimal wage at 50% of medium salary. But the very unstable political situation, several parliamentary elections over the last few years,

does not allow the implementation of any sustainable policy, including social ones. The Bulgarian trade unions have achieved serious success in negotiations with the state regarding the need to adequately update the salaries of public sector workers so that it matches with the growth of salaries in the private sector. But the increase is not enough to compensate for high inflation. As a result, we have organized many protests with demands for better pay. Employees in state administration from the sector of culture, miners, energy, healthcare workers, teachers, university staff and professors as well as from many other economic sectors all joined our actions. The Green Deal dispositions are among the main reasons for the rise of inflation and worsening for the national labour market situation. Some enterprises are forced to close and workers are fired without having any effective programme and measures for the business or for the work. No proposal at all. Last month, due to the pressure from the organized massive protests, several meetings on the future of the energy sector took place. A commitment to find solutions has been taken. Bulgaria's pension system is under huge pressure. The number of working people is decreasing while the number of retired persons is rising. At the same time, individual pensions must be increased to compensate for the growth of prices. To establish sustainability in the national pension system and to adapt to the demographic changes, trade unions are constantly asking to remove the limitation of the maximum insurance income, to change the taxation policy with a progressive income taxation and tax-free minimum. Our proposals are supported by the International Monetary Fund. Due to the neoliberal economic policy implemented during the last two decades, today we register a lack of over 200,000 workers on the labour market, very few investments and depopulation of 23% for our country. In practice, many industries are relying on retired workers. And again the working people are paying the price for all the wrong political decisions. The number of working poor is growing: 11% of all workers. Sadly, after 17 years of EU membership we have achieved meeting in prices but not in wages. Labour insecurity is growing and it is difficult to negotiate and conclude collective agreements with employers, just because the commitment of state institutions is often formal, backed by the political instability. Stress, poor food and life quality are provoking serious mental and health problems to the Bulgarian workers, affecting the quality of their work and their health. In practice, every fourth employed person in Bulgaria is receiving the minimal salary and only 28% of the workers are covered by collective agreements. Honourable President and Vice-Presidents, dear ladies and gentlemen, delegates, social justice is a responsibility for the whole society. Similarly, the proper way to achieve balance and to protect the interests of workers is through social dialogue. Thus, the expansion of collective bargaining and the determination of decent minimal wage must come together with efforts to strengthen the role of national social partners. Our time is to undertake effective actions about the better protection of workers' rights in any way possible. I am wishing you a very fruitful exchange and activities during the present session, and thank you for your kind attention. Thank you very much.

Mr Fassoun Coulibaly

Government (Mali)

Director-General, President of the Governing Body, President of the Conference, members of the bureau, when we adopted the Centenary Declaration for the Future of Work in 2019 the essential objective was to make progress on social justice based on fairness and equality of rights. Looking at the report 'Towards a renewed social contract', we are led to the heart of the work of the ILO. As you said in your report, Director-

General, social justice is still an imperative and an essential condition for providing for lasting durable peace. We agree about the challenges facing the world of work. They are characterized by lasting injustice, by insecurity on the labour market, by growing inequalities, alongside multiple crises and a degradation of the social contract. Social dialogue remains an indispensable condition to renew the social contract. The new social contract has to be based on respect for human rights, including fundamental principles and rights at work, and has to guarantee universal access to social protection, the financing of which remains a challenge for our countries. The Global Coalition for Social Justice that we have joined is a unique opportunity to strengthen our action in favour of this cause, and the democratization of the governing structure of the ILO will make a strong contribution to that. As far as employment and vocational training policies are concerned, the Government has signed an agreement with IFAD for financing a second FIER project costing 59 billion CFA francs. 60,000 young people from the countryside aged between 15 and 40 will benefit from vocational training and assistance getting employment. 12,000 activities generating income and 5,000 rural microenterprises will be financed and 40,000 jobs directly created. Apart from that, the Government has started to set up a database on employment for young people coming out of vocational training. It has started working on a national strategy for the digital transformation of the system based on technical teaching, vocational training, development of skills and an entrepreneurship strategy. In Mali the independent committee for follow-up and evaluation of the recommendations emitted by the national dialogue on report has now submitted its second report. That was on the 27th of May 2024. The inter-Malian dialogue for peace and national reconciliation, which took place on the 6th to the 10th of May of this year, has made it possible for the people of Mali to make use of endogenous mechanisms to prevent and resolve conflicts with a view to finding consensus solutions to the problems affecting our country, and that made more than 300 recommendations. With the commitment of the social partners, the pact for social stability and growth was signed on the 25th of August of 2023 under the presidency of His Excellency Colonel Assimi Goïta, the president of the transition and the head of state. And that was accompanied by an action plan for 2023-2027, evaluated at 105,918,000,000 CFA francs, accompanied by a social truce. One of the priorities remains the organization of elections for union representatives. A national health and safety at work policy is about to be adopted by the Government with a view to assuring the inclusive protection of workers. The implementation of the universal regime for health insurance will make it possible progressively to cover the risk of illness for everyone. The current coverage is around 22% of our 22,395,000 people. The challenge remains extending that to the other 78% of the population working in farming and the informal economy. The project 'PROPEL Adapt Mali', financed by USAID, was launched on the 23rd of May 2024. The idea of that was to increase affiliation of workers to health insurers and to accelerate the provision of universal health coverage in our country. Thank you very much.

Mr Hassan Mohamed Hassan Shehata

Government (Egypt)

Excellency the President of the Conference, the Director-General of the ILO, ladies and gentlemen, at the outset I would like to address my congratulations to the President of the Conference and the Vice-Presidents for their election at this important session of the International Labour Conference. We fully support you for the success of your business. I would like also to extend my thanks and appreciation to the Director-General

for his report which is entitled 'Towards a renewed social contract', whereby he emphasizes the importance of collective work, cultivating a social dialogue culture and the tripartite commitment among governments, employers and workers around the world to renew the social contract through an integrated system for the respect of the fundamental principles and rights at work and their promotion in an adequate working environment while taking into account the national specificities, the various development rates in the developing and least developed countries, as well as in the labour world and by the workers worldwide. Ladies and gentlemen, the challenges, among which the increased number of the unemployed and the lack of social protection, mentioned in the report makes it incumbent on us to lend great attention to the report and to endeavour to make its recommendations a reality. Egypt is keen in all its policies and legislations to work towards the balance in the labour relationships providing an adequate environment with the participation of all social partners. Under the guidance of the president of the country, Egypt is also keen to bolster its cooperation with the ILO and to continue in the collective work. This has been reflected in a number of development projects targeting the work domains, such as freedom of association, social dialogue, youth employment, gender equality and fighting against the worst forms of child labour. Egypt is committed to continuously renew the social contract and its development. We are also committed to continue the dialogue with work and development partners everywhere. With a view to provide full social protection and decent work for all, we renew our pledge to continue to work in a participatory manner where every partner will undertake and uphold its responsibility. This is one of the main concepts mentioned in the report this year as a prerequisite for going forward towards justice and balance in the labour relationships. Egypt goes forward with steadfast steps, believing that adequate work is one of the main stays of investment and providing a decent life for all citizens. The Supreme Council for Social Dialogue in Egypt embodies these principles and concepts. It continues to work to finalize the draft of the new labour law aiming at the balance among the parties of the work relationship. Moreover, the National Council for Wages has succeeded this year to raise the national minimum wage to mitigate the negative impact of inflation. In the same vein, Egypt is keen to ensure a human-centred development, and it has launched a project called Professional 2030 with the participation of the private sector to develop the skills of the young people and to help them engage in technical and professional work. We also continue to extend social protection for all categories. We will continue also to provide this important social protection for all and to continue the constructive social dialogue towards the social justice we all aspire to. Thank you for listening.

Mr Ahmad Alenezi

Worker (Kuwait)

In the name of God, your Excellency the Director-General, your Excellency Mr Chairperson, ladies and gentlemen, your Excellencies, may the peace and grace of God be upon you all. I am taking the floor before you today on behalf of the Kuwait Trade Union Federation and on behalf of the entire working class of Kuwait. It is an honour for me to take the floor at this very important annual meeting which is held under very difficult conditions, very difficult economic, social and political conditions in the world. I hope that you will be able to work in order to achieve all the objectives that you have set forth and that you would like to achieve at the end of this 112th Session. I would like to thank the ILO for the support that it provides to the tripartite constituents. I would like to thank the ILO for the various activities, the training sessions, the workshops that it

has held and that have led to polishing and improving the skills and abilities of our workers and improving the labour environment. We at the Kuwait Trade Union Federation and we in the trade union movement in the State of Kuwait and the entire working class of Kuwait, we work relentlessly in order to defend the rights, the achievements and the interests of the workers in Kuwait in all sectors. We affirm our commitment to overcome all challenges, including the need to abolish the sponsorship system. We also are working relentlessly in order to cope with artificial intelligence, digitization, climate change and the green economy. We have held many workshops and training sessions in order to educate the workers of Kuwait over the past years. We call upon you all in order for us to be able to streamline our vision and our objectives and overcome the challenges that we are witnessing in the region and in the world. We will make every effort in order to enhance the role that we play within this organization. The current difficult context requires that we adopt a strong and unified position to defend the rights and dignity of our peoples. We condemn this continuous war on our people, on our workers in Palestine and in the Gaza Strip. We condemn the systematic destruction of the infrastructure which makes it impossible for the population in the Gaza Strip to live a decent life. We unequivocally refuse any attempt to forcibly displace the local population in Palestine. I think, ladies and gentlemen, that the men, women and children of Palestine, they are waiting to see the conclusions of this conference. Ladies and gentlemen, we in the Gulf States, in the different trade unions there, we are working relentlessly in order to create a Gulf trade union in order to support unions in all Gulf States in order to achieve their interests and in order to be able to implement the various national visions that our countries have put forth. I assure you that we will continue to cooperate and exchange experiences with all the members of this organization. I would like also to thank the secretariat of the Conference for the efforts that the secretariat has made to make this conference a success. My thanks also go to all those who participate in the success of this conference. May the peace and grace of God be upon you. May we be able to live in a world without war, in a world that enables us to live a decent life. Thank you all.

Mr Ahmad Bin Suliman Alrajhi

Government (Saudi Arabia)

President of the Conference, Director-General, ladies and gentlemen, I would like to start by expressing my pleasure in attending this 112th Session of the ILC. And I would like to congratulate you, Chair and Vice-Chair, on your elections. I hope that the work of our conference will be crowned with success. Please allow me also to express my appreciation for the wonderful work done by the DG and his team since the last ILC. I would also like to congratulate the DG on the report provided, especially when it comes to picking the theme 'Towards a renewed social contract', something which is very important, which has highlighted the need to renew the social contract in the face of global challenges. We would also like to reiterate what the DG said in his report when it comes to the importance of social protection, the importance of international cooperation, of reactivating the tripartite structure, and also the strengthening of fundamental labour standards, establishing safe and healthy working conditions, and also combating climate change and other challenges. This requires cooperation at all levels with all partners. President, Saudi Arabia is attached to the principles and objectives of the Charter of the UN. When it comes to the areas in which we work on the international level, we work to strengthen peace and realize the SDGs, which are fully in line with the objectives of the 2030 vision adopted by Saudi Arabia. We would also like

to insist on the need to identify the challenges we are facing and the means to face all of these challenges. Climate change is perhaps one of the most important of those today. In fact, 70% of the global workforce faces health risks due to climate change. We should also mention one of the biggest changes facing the labour market today, and here I am talking about new technologies. Today we see that artificial intelligence could lead to the creation of millions of jobs by 2030. In this regard, Saudi Arabia would like to insist on the need to find a balance between these new technologies and the need to protect workers from all types of exploitation. Ladies and gentlemen, we do need to reactivate the tripartite structure. We need to strengthen international labour standards and social dialogue so that we can meet the needs of all individuals. We need to attach priority to the working environment, making sure that it is safe and healthy. In this regard, Saudi Arabia adopted a national policy in relation to health at work. We have a national council which is responsible for this issue, and this council today has over 23,000 experts and this council will have over 47,000 members by 2025. This council works to reduce accidents at work in Saudi Arabia. Accidents at work have increased quite significantly in recent years. Saudi Arabia has ratified 20 ILO Conventions. The most recent one was 187. Ladies and gentlemen, human rights have always been a priority for Saudi Arabia. Proof of this can be seen in the efforts undertaken by our country to protect human rights and to provide a legality of opportunities in the world of work, fighting against discrimination in work. Saudi Arabia has also ratified a Recommendation supplementing the Convention on forced labour. Efforts are underway in this respect. President, Saudi Arabia has made all efforts in order to realize the objectives of the Protocol of the Convention. We have also tried to face global challenges today. This is why partnership with the ILO, with the World Bank, thanks to that we have organized an international conference on the labour market. This is a conference which took place in Saudi Arabia in December 2023. Over 40 experts took part in the conference. I would also like to invite you, President, I would like to invite all of you to attend the 10th edition of this conference which will take place in 2025 in Saudi Arabia. Once again, I wish you every success in your work. Thank you.

Ms Maryam Mariya

Government (Maldives)

Bismillah ir-rahman ir-rahim. Mr President, the Director-General of the International Labour Organization, Mr Gilbert Hounbo, honourable delegates, distinguished guests, ladies and gentlemen. It is with profound honour and privilege that I address you today as the Minister of Higher Education, Labour and Skills Development of the Maldives at this distinguished International Labour Conference. Since joining the International Labour Organization in 2009, the Maldives has consistently demonstrated its commitment to upholding the rights and dignity of workers through the ratification of numerous Conventions. In recent years, the Maldives has undertaken significant legislative reform and institutional strengthening to ensure the protection of workers' rights and the promotion of decent work across our archipelago. The ratification of key Conventions on industrial relations and occupational safety and health signifies our dedication to fostering an environment where workers can thrive and contribute to national development. Our government has proactively engaged with both employers and workers, striving to safeguard the interests of all stakeholders in the labour market. Through constructive dialogue and partnership-building initiatives, we aim to cultivate an environment of mutual respect, understanding and cooperation, ensuring that the rights of workers are upheld and

their voices heard. As we convene here today it is imperative to reaffirm our collective commitment to advancing the cause of social justice and decent work for all. We must draw on the collective knowledge and expertise present in this assembly to address the multifaceted challenges facing our global market and to build a future, a future where every worker can realize their full potential and live a life of dignity and fulfilment. I extend my deepest gratitude to the International Labour Organization for its relentless efforts in promoting social justice and decent work worldwide. I also wish to express my sincere appreciation to all partners and stakeholders for their steadfast support and collaboration in our endeavour to create a more just and equitable society. Together we strive to build a world where every worker is valued, respected and empowered to lead a life of dignity and purpose. Thank you.

Mr Grégoire Sébastien Oona

Government (Cameroon)

In presenting the congratulations of Cameroon on your election, I would like to thank you for giving me the floor and congratulate the entirety of your bureau. President of the Conference, ladies and gentlemen, climate change, health and security crises and developments that we have seen, particularly in digital technology over the past few years, have led to a paradigm change which can only be addressed through a renewal of the social contract, which provides the ILO with a key part to play in the multilateral system. For our country, Cameroon, social justice remains an essential precondition to the provision of lasting, durable peace. Given that, stakeholders have to work hard to provide the basis for a new social contract which will provide equality of rights and opportunities for all, developing employment, sustainable development and universal social protection. Looking at the Director-General's analysis in his report, we can see that the social contract, as defined by Jean-Jacques Rousseau, taken up by the Philadelphia Declaration, has over the centuries been a factor providing for stability, rights and development for peace and intergenerational solidarity. Thanks to the social contract, over the years societies have been able to work on setting up a balance between individual rights and collective responsibilities. These days, ladies and gentlemen, we have to recognize that, despite the efforts of all parties, social tensions and policies that are imperilling the very bases of the social contract are only getting worse. It thus becomes imperative that we redefine the social contract. This is why, Mr Director-General, Cameroon is committed to working on and supporting the new social contract that you have suggested to us. Apart from the classic factors involved, it needs to be based on decent work. Decent work has to be a central objective to relaunch and reconstruct the economy. Updated standards that are relevant, defining rights and responsibilities have to be elaborated and implemented. Universal social protection, for its part, has to take into account workers in the informal sector, particularly in developing countries. And as far as social dialogue is concerned, that has to be at the centre of all decision-making for shared prosperity. And given that, the Government of Cameroon would like Member States of the ILO to be motivated to ratify all of the fundamental Conventions passed by the tripartite mandate of the ILO. Mr President, for the government of our country, the success of the social contract has to involve all social actors. It has to pass through quality education, social protection for all, including workers in the informal sector. The time has come for the world to address historic injustice and inequality and to construct new social contracts oriented towards greater inclusion and greater sustainability. Mr President, we are faced with climate change and conflicts among the tripartite constituents. We need to work for social development

focused on human beings, the respect for rights and dignities of human beings, thus constructing a consciousness and social cohesion which we cannot do without. Cameroon reiterates its commitment to social justice and wishes to privilege [? 73:55] dialogue at all levels, consultation with all stakeholders and projects able to attract the attention of international financiers. And we need to make these provide the finance to make social justice a pillar of all of their policies and decision-making at a national and international level. Thank you for listening.

Mr Moustafa Bayram

Government (Lebanon)

Ladies and gentlemen, Chairman of the Conference, ladies and gentlemen, good afternoon. We cannot talk about the Director-General's report without talking about essential facts. I have left my dear country, Lebanon, but I am in spirit with the people in my country who have been subjected to unceasing Israeli aggression for the last eight months, particularly in the south. We have seen more than 37 violations of Lebanese sovereignty over the past few months. This has led to the destruction of hundreds of businesses, and workers and entrepreneurs have been forced to leave their villages and are losing their jobs and their livelihoods. This has affected civilians and thus violated the basic principles of military action. Civilians are targeted with phosphor bombs, which are banned at an international level. We have seen it taking the lives of farmers, women and children. That happens every day, violating the principles set out in the Director-General's report on the right to health, the right to a healthy environment, the right to a decent life. However, the situation does not get in the way of our desire to live and to promote the good of the country of Lebanon. We have had more than 25 tripartite meetings with a view to increasing workers' wages, with a view to strengthening vocational training, strengthening governance and transparency. We have adopted electronic procedures which do not cost anything for the public purse. We have promoted the coordination between the private and the public sector, guaranteeing transparency in their interactions. We are trying to combat corruption through that. That will make it possible for citizens to regain trust in the state and will also make it possible to establish the rule of law. We have strengthened our legislation on the basis of basic principles and human rights. We have strengthened the situation of foreign and domestic workers. We have addressed the actions of the employment agencies responsible for foreign and domestic workers, thus improving the reputation of our country. In a very difficult economic framework we continue to work on this. We are in a dreadful economic situation which is worsened by the presence of Syrian refugees. Syrian refugees are now one-third of the population of Lebanon, a situation we do not see anywhere else in the world. They are mainly in the south of the country, and we have been relying on international assistance to deal with them. We cannot pass over in silence the situation in Gaza. We can watch civilians being killed live on our screens, destruction on an unprecedented scale, hospitals being targeted. This is unprecedented in history and contradicts all the principles set out in the Director-General's report setting out basic rights to life and food. People in Gaza cannot get food. How can they? They are under a blockade. We will not get social justice without humanitarian justice. Mr President, we reaffirm our right to life, our right to a safe life. We have a right to food, to education and to peace, and we will fight for our rights. And I would wind up by telling you about a true story that happened in Gaza today. A child of seven years was found crying. They were asked, "Why are you crying? Why are you crying? Why don't you laugh?" And this child said, "I smiled the last time a month ago. And I said I smiled

because I was taken out of the rubble of our house alive. But that smile only lasted half an hour because I found that my baby brother, my other brothers and sister and my mother had died. And I have also learned that my father was found dead under the rubble of his business. I am sad because my school has been destroyed." What is happening in Gaza today is a test for our humanity. Thank you.

Mr Malik Tahir Javaid

Employer (Pakistan)

Bismillah ir-rahman ir-rahim. Honourable Chair, respected Director-General of the ILO, dear heads and members of delegations present at the ILC, may the peace and grace of Allah Almighty be with you. On behalf of the members of Pakistan, I express our gratitude to our colleagues within the ILO and the Member States who have worked to make a success of this 112th Session of the ILC. This session takes place against the backdrop of compounding socio-economic and geopolitical challenges and the devastating effects of climate change. These crises often hit the most vulnerable the hardest, raising the question are we truly committed to the universal aspirations for social justice, dignity, economic security and equal opportunities? The challenges we face are immense, requiring a collective effort to address their impacts and repercussions. It is a time for introspection, evaluating our intentions and actions to tackling the injustice, inequalities and insecurities before us today. I compliment the Director-General for presenting his insightful report on renewing the social contract and reshaping the way we work and live. We must collaborate closely to benefit from constructive dialogue with all stakeholders in the public and private sectors. The COVID-19 pandemic brought unprecedented challenges to work and social life. While the world is on the path of recovery, low-income and middle-income countries have experienced slow recovery rates, exacerbated by ongoing political and economic instability and environmental impacts. Over four to five years Pakistan has faced increasing economic insecurity and skewed outcomes for certain workers, firms and communities, undermining their ability to uphold their part of the social contract. The Director-General's call to prioritize national social contracts is crucial. We must identify the policies and institutions needing renewal to secure social justice. The Employers' Federation of Pakistan was among the first to join the ILO Global Coalition for Social Justice, aligning with our commitment to a new social contract. We are fully committed to supporting the ILO and the Government of Pakistan in implementing an ambitious agenda for social justice, aiming for a sustainable and inclusive future. As social contracts come under pressure, awareness becomes a powerful tool for advocating change. The Employers' Federation has engaged deeply with low-tier communities in our agriculture economy. We have communicated in local languages with landlords, farmers and their families about fundamental rights at work, human rights, the importance of girls' education and the eradication of child labour and domestic work. With the private sector, we promote pay equality, living wage and workplace diversity. We recognize and celebrate companies that contribute to creating inclusive, equitable and decent workplaces. We have partnered with the Government on awareness campaigns about social security benefits for employers. Collaboratively, we advance the ILO Declaration on Social Justice, international labour standards, social dialogue and tripartite cooperation. Our journey is long, and persistence is key to achieving social justice. Closing the gender pay gaps and achieving gender equality are matters of social justice. Universal social protection and environmental justice are also integral to this cause. We now look forward to overcoming rising inequalities and social injustice

through the green and digital economy which have the potential to create new jobs and economic opportunities. However, they are not equally distributed, benefiting some more than others. Environmental injustice where the marginalized groups often face higher levels of environmental risks, impacting their livelihoods. Reskilling and education is essential for the green and digital economy. In Pakistan, characterized by extreme informality, in-work poverty and underemployment, national and global investments must prioritize expanding access to digital technologies, skills development and green economy literacy. Overcoming these challenges requires a comprehensive, multi-stakeholder approach. Collaboration among governments, the private sector, workers' organizations, academia, civil society and communities is not only essential but a collective responsibility. The Employers' Federation stands resolute with the International Labour Organization in promoting social justice, international labour standards, social dialogue and tripartite cooperation. With great confidence, the Employer's Federation acknowledges the Director-General's report as a catalyst for transformative social changes in the world of work. The Employers' Federation eagerly looks forward to collaborating with the ILO and our coalition partners to advance the cause of social justice. Thank you very much.

Mr Ali Alabed Alrida Abuazum

Government (Libya)

In the name of God, the most Merciful, the most Gracious, your Excellency President of the Conference, ladies and gentlemen, dear delegates. The Report of the Director-General is especially important as it addresses an important topic, namely a renewed social contract steering away from exclusion and violence and embracing a cultural social structure based on investing in natural and human resources, the development and building of an economy that bolsters the living standards and ensures social development for all. To keep up with the changes and the developments in Libya we have undertaken our role to respond to the needs of the production parties and the institutions in relation to labour matters and the protection of the fundamental rights of the workers. The Government of National Unity is seriously willing to achieve social security and it has established the implementation means in projects aiming at improving and reforming the wage structure, the distribution of added value arising from the production process, the income redistribution, the wage raising and the issuance of the standard salary law and the provision of the basic services in terms of health and education as well as providing a source of income to the jobseekers to integrate them in the labour work and the labour market. Ladies and gentlemen, in a world that knows fast technological and scientific advances, we should talk about biological hazards. The challenges are many in terms of the occupational safety and health. These biological hazards are mostly complex. They include threats such as contagious diseases, natural disasters. And we need to understand them thoroughly and to adopt innovative strategies for prevention and to respond to these challenges in an effective manner and to ensure the protection of our collective safety and security. Ladies and gentlemen, we convene today to discuss two fundamental concepts to achieve welfare and stability in our societies. Decent work and the care economy represent the cornerstone of any prosperous society. This leads to social security and social justice and equal opportunities for all. The care economy is an important system. It provides support and services to those in need in terms of health, education and social care. I would like to stress that we will continue to work together towards well-being and equality for all. I would like also to thank you for listening. I wish all countries of the

world to continue to uphold the principles of social justice and equality. We fully support the activities of the Organization for the reasons and the values it was created for, and I wish you all success. And thank you for all the efforts you have made in preparing for this conference. Thank you.

Mr Farouk Alhadidi

Government (Jordan)

In the name of God, your Excellency the President of the Conference, your Excellencies ladies and gentlemen, may the peace and grace of God be upon you all. It is an honour for me to speak before you today on behalf of the Hashemite Kingdom of Jordan. I am taking the floor at this 112th Session of the ILC. During this conference we will be discussing a number of very important topics and we will attempt together to overcome challenges facing work throughout the world. Ladies and gentlemen, we need to strengthen social dialogue in order to be able to overcome together challenges that are imposed by the new forms of labour. We have to be able to overcome these challenges. In order to do so we have to rehabilitate young people. We have to build their skills. We have to polish their abilities and skills, and we need to encourage them to be creative and innovative. We must put forward the necessary measures to protect workers and to improve working conditions in all sectors. We need a constructive and responsible social dialogue. This is a must in this changing world in which we live. This is even more important today than it was ever before. Recent developments in the world force us to deal with many issues, including issues relating to development, issues relating to employment and unemployment. All of these topics have to be discussed within a constructive and responsible and serious dialogue in which the tripartite partners share roles and responsibilities. Ladies and gentlemen, the content and the methods of social dialogue must be developed. They also must be reviewed and updated. We have to enhance this social dialogue. We have to promote this dialogue. We have to enhance its performance based on a renewed vision that moves away from our traditional approach and that responds to the social challenges that are imposed upon us. And that also enables us to overcome the economic challenges that are faced by our enterprises in this highly competitive changing world economy. Ladies and gentlemen, the Government of Jordan believes in the need to keep pace with developments in labour markets. We have to focus on the future of human resources. We have to take into account the technological revolution that we are witnessing. In order to do so, Jordan has launched an Economic Modernization Vision for the period 2022-2033. This vision centres on the slogan of 'A Better Future'. It is based on two strategic pillars. First, to accelerate growth through unleashing Jordan's full economic potential, and the second pillar is to improve the quality of life for everyone. And of course, achieving sustainability is a cornerstone in this future vision. We must empower young people, both males and females. We must provide them with the necessary skills. This is why the Jordanian Government, back in 2019, created the Technical and Vocational Skills Development Commission. The commission works in order to keep up with developments in the labour market. And in order to improve and enhance the education received by these young people, this commission also helps build a partnership between the Government and the private sector in order to match education to labour market needs. This is also done through the creation of a number of sectorial skills councils. These are specialized sectorial councils in which the private market constitutes 80% of members. The Government is also keen on stimulating the private sector so it generates more job opportunities for young people. The Ministry of

Labour has launched the National Employment Programme which targets people between the ages of 18 and 40. The ministry also provides funds and capital and operational support in order to encourage investors, both foreign and Arab, to invest in Jordan, especially when they want to invest in building factories in Jordan in which would be employed Jordanian citizens, especially in those parts of Jordan which witness high poverty and unemployment levels. Ladies and gentlemen, in order to ensure the rights of workers in the private sector and to provide them with a safe and sound work environment, in order to enhance the protection that is afforded to them and in order to reduce occupational injury and disease and enhance occupational hazard prevention, the ministry in Jordan has developed the occupational health and safety system. This is a comprehensive system that respects the best international standards in this field. We have also enacted a number of legislations in order to keep up with new forms of labour and the technological revolution. We have reviewed and updated a number of laws, including the social protection law, the vocational labour regulation law and the labour law in general. The ministry has also given utmost attention to promoting women. Back in 2006, the ministry created the Woman's Work and Gender Directorate which focuses on issues relating to working and job-seeking women. So, this new directorate, which was created back in 2006, focuses on the promotion of women. At the end of my speech, I would like to thank the ILO for the relentless efforts that it has been making in order to support different countries in the world in order to enable them to enhance and improve relations between the tripartite constituents. Thank you for your attention.

Mr Rogério Araújo Mendonça

Government (Timor-Leste)

President of the Conference, Director-General of the ILO, Gilbert Hounbo, ministers and distinguished delegates, it is a privilege for me to be here to represent the people and the Government of Timor-Leste in the 112th Session of the International Labour Conference. Since Timor-Leste became a member of the ILO in 2003, the Government of Timor-Leste has been working closely together with the ILO and has adopted a series of legislative measures related to decent work which aim to respond to the challenges associated with efficient and effective management of the labour market. Gradually but firmly we have been contributing to the areas of promotion of employment, guaranteeing of fundamental labour rights, expansion of social protection and promotion of social dialogue. At the moment we are drawing up the first amendment to Timor-Leste's labour code and adopting new legislation addressing domestic work and against violence and harassment in the workplace. In addition, with the recent passing of an act on safety, health and hygiene at work we have further reinforced our commitment to ensuring safe working conditions for everyone. Apart from that, we are still in the process of ratifying Conventions 138, 144, 102, 105 and 190. Mr President, although there has been improvement in the growth of employment and in our economy and an expansion of social protection, this growth is excessively dependant on the public sector and there is still a significant portion of the population that is not actively participating in the labour market or is in a vulnerable situation of employment and often without any kind of social protection. In an economic context where agriculture is the main provision of sustenance and where about 75% of our population lives in rural areas, farmers, in particular women and young people, are the most vulnerable workers along with informal workers in an urban situation. Our country is faced with huge challenges, and to overcome them we are committed to improving our infrastructure, creating decent jobs for our large young population. 70% of our

population is young people. We need to provide our workforce with qualifications and extend social security to all workers. We need to diversify the economy, to promote equal opportunities, to combat child labour in all of its forms and guarantee the health and safety at work of all of our workers. As a result of our efforts, we have been able to modernize our legal system and have been able to expand social coverage. And I am proud to say that today, apart from a universal healthcare system, we have a social security system which is capable of protecting all workers in the event of old age, disability, widowhood and parenthood. Mr President, the Government of Timor-Leste remains completely committed to the Decent Work Agenda and is proud to have been one of the first countries to join the Global Coalition for Social Justice in January of 2024. We are looking forward to working together with the ILO and all of the coalition partners to achieve a greater balance between the economic, social and environmental dimensions of sustainable development to significantly reduce inequality and poverty and to provide for the essential needs and opportunities of people around the world. Mr President, promotion of gender equality, social dialogue and the strengthening of institutional capacity are addressed in our national decent work programme and are reflected in both the national employment strategy and the national social protection strategy. To ensure sustainable and inclusive economic and social development in Timor-Leste it is urgent to strengthen the incentives for private sector investment in order to accelerate the diversification of our economy and to provide decent and sustainable employment opportunities for all. Timor-Leste is firmly counting on the support of the ILO and of the other development partners that we have to continue the recent advances and to effectively promote social justice and decent work for all. Thank you.

Mr Abdulghani Bakur Alsayegh

Employer (Saudi Arabia)

President, Vice-Presidents, Director-General, ladies and gentlemen, heads and members of delegations, may the grace of God be with you all. I represent the employers' organization of the Kingdom of Saudi Arabia, and it is my pleasure to congratulate the President and Vice-Presidents of this conference on their elections. I would also like to thank the DG and his entire team. They have made huge efforts when it comes to preparing this report, 'Towards a renewed social contract'. The first chapter of this report sees the DG highlight the importance of clarifying the importance of social contracts. He also established indicators which allow for the evaluation of the effectiveness and efficiency of this new social contract and its contribution to strengthening justice and decent work in order to improve productivity levels. And all of this in order to improve the global labour market and to push it towards continued and sustainable growth. In the report, all of the elements converge around the coalition. This was a promise by the DG during his electoral campaign, and he has kept his word we see in this report. Ladies and gentlemen, 2023 was a very important year for our organization. We realized our dreams by renewing the labour market in Saudi Arabia. In fact, the growth rate in Saudi Arabia reached 108%. We know that small and medium businesses account for those who face the most challenges in the global labour market, and this reflects the importance that we attach, with the Government of Saudi Arabia, to this extremely important sector. Unemployment has been reduced to its lowest level since 2003. We have also achieved targets when it comes to women's employment. They represent 7% of the global labour market in Saudi Arabia, and we have surpassed the goals that we set for 2030. We have strengthened social dialogue. We have also

improved contracts, working to protecting salaries and wages, increasing social protection. All of this work is done on the basis of tripartite or bilateral dialogue between the various stakeholders on the Saudi Arabian labour market. Ladies and gentlemen, the Philadelphia Declaration in Chapter 3 mentions the ILO's commitment to promoting in all countries around the world programmes which aim to ensure protection of workers, right to childhood, ensuring coverage for women, taking care of workers in every regard. In relation to this Declaration, I would also like to mention the situation of workers in the occupied Arab territories. I am sad to see this reality, with discrimination being faced by workers in Palestine. Today the three social partners in Palestine are being attacked, therefore they cannot talk about taking care of women, children, taking care of the health of workers and ensuring good working conditions in workplaces. Today I would like to ask you to accept Palestine as a member of the ILO. The DG should draft a full report in relation to this matter. The workers in the occupied Arab territories are not worth less than other workers elsewhere. In conclusion, President, I ask the DG to take this message to the CAS. We see this committee combatting against child labour. Children in Palestine are not working. They are dying. What is more important for women or young people? To work or to live? This response needs to be amongst the list of topics being discussed by CAS next year. Thank you.

Mr Leota Laki Lamositele

Government (Samoa)

I bring you peace in the name of the Father, the Son and the Holy Spirit. Talofa lava. Mr President, Director-General, distinguished delegates, ladies and gentlemen, talofa lava and warm Pacific greetings. It is a pleasure to address the Conference on behalf of the Government and people of my country, the independent State of Samoa. I congratulate you, Honourable Alexei Buzu, on your appointment as President of the Conference. I assure you of Samoa's full support of your stewardship, and to ensure a successful outcome of our meeting. As we convene this 112th Session of the International Labour Conference we recall the importance of the fundamental principles and rights at work, as adopted during the 86th Session of the International Labour Conference. It has been 26 years, yet their relevance and importance is absolutely needed to help us navigate today's labour market and economic recovery pathways. Mr President, we commend the Director-General's report emphasizing social justice and decent work as central principles of an effective and sustainable social contract at the national and global levels. These principles are reflected in our own national strategy, the Pathway for the Development of Samoa, which takes a people-centred approach to empowering communities, building resilience and inspiring growth. At the national level, Samoa shares common challenges experienced in the global labour market such as shortages in skills and skills mismatch, stagnant living standards and wages and the rising cost of living and dependence on imports. As a Small Island Developing State, these challenges are exacerbated by the impact of climate change and global events. We continue to pursue strengthening our labour policy framework and call upon the ILO and our partners to support implementation. The second Samoa National Employment Policy provides the strategic framework towards improving employment levels and labour standards. I want to share Samoa's achievements to demonstrate our commitment to provide decent work. Samoa's first Minimum Wage Policy will guide the review of our minimum wage every two years and ensure that wages reflect the cost of living and level of economic growth. Recently enacted labour law reform has introduced important protection for workers and promotes a positive relationship between workers

and employers. As part of our commitment towards the elimination of child labour in all its forms, Samoa became a pathfinder country under the Alliance 8.7 initiative and has commenced implementation of its National Action Plan. I would also like to make special mention of our role as co-chair of the Climate Action for Jobs International Advisory Board. It is vital for the progress of this initiative that the ILO, as secretariat, and Member States continue to put decent jobs and livelihoods at the centre of climate action. Finally, I am pleased to inform that Samoa has deposited its instruments of ratification for Convention 190 on violence and harassment, and Convention 187 Promotional Framework for Occupational Safety and Health. Mr President, at the regional level we had the opportunity to meet as the Blue Pacific at the high-level tripartite forum recently held in Fiji in April of this year. We agreed in that meeting that we look forward to strengthen high-level engagement of the Pacific Ministers of Labour and work with the ILO and partners on the implementation of the 2050 strategy for the Blue Pacific Continent through tripartism. To conclude, Mr President, we convey our appreciation to the ILO Director-General, Mr Gilbert Houngbo, for the support in furthering Samoa's work towards inclusive, full and productive employment. We look forward to a continued partnership in ensuring labour policy cohesion across all sectors of the economy as well, elevating the level of implementation and enforcement of Samoa's labour policies and laws towards economic and labour market recovery. I wish you all a productive Conference and meaningful dialogue amongst all constituents. Soifua.

Mr Edil Baisalov

Government (Kyrgyzstan)

Madam Vice-President, Excellencies, let me offer my congratulations to the President of the Conference. Honourable Minister Mr Alexei Buzu, your election is a well-deserved recognition of Moldova's success in leading the social reforms in our region. Congratulations are also due to the team of vice-presidents. We wish you much success in your work in leading this conference. Ladies and gentlemen, it is an honour to address the 112th International Labour Conference on behalf of the national delegation of the Kyrgyz Republic. Let me offer an unequivocal endorsement of the report 'Towards a renewed social contract' submitted by the Director-General and his team that summarizes the important work carried out by our organization and charts the ambitious programme of work for the years to come. Kyrgyzstan is proud to belong to the family of the International Labour Organization since 1992. We have joined 54 Conventions, and yesterday I had the honour to deposit with our Director-General, Honourable Mr Gilbert Houngbo, the instrument of ratification of Convention No. 190 on violence and harassment. Our commitment to the cause of protecting workers' rights is steadfast and growing stronger. The Kyrgyz Republic, under the leadership of His Excellency President Sadyr Japarov, has declared creating jobs as a top priority for this year and the years to come. As we enter the period of significant economic growth and doubling our economy until 2030, we are dedicated to implementing the principles of all ILO Conventions through comprehensive national strategies that include prevention, protection and enforcement measures. Our government will work closely with employers, workers and their representative organizations to foster a culture of respect and safety in all workplaces. Mr President, the Kyrgyz Republic salutes the upcoming launch of the Global Coalition for Social Justice, a pioneering initiative by the International Labour Organization's Director-General. By fostering international collaboration, this coalition aims to address inequalities and promote fair treatment across all sectors. The Kyrgyz Republic is actively participating in this effort by

implementing progressive labour policies and promoting social inclusion. Our country's dedication to fair wages, safe working conditions and workers' rights aligns with the coalition's objectives. Through our involvement, we aim to contribute to building more inclusive societies where every worker has the opportunity to thrive in dignified and equitable conditions. The advent of artificial intelligence is revolutionizing the world of work, presenting both opportunities and challenges. AI has the potential to enhance productivity, create new industries and transform existing ones. However, it also poses significant risks to traditional job markets, necessitating proactive measures to mitigate displacement. The Kyrgyz Republic is at the forefront of addressing these challenges by investing in education and training programmes that equip our workforce with the skills needed to thrive in an AI-driven economy. Our initiatives in digital literacy and technology adoption are paving the way for a more adaptable and innovative workforce. Ladies and gentlemen, under the visionary leadership of President Sadyr Japarov, the Kyrgyz Republic is at the forefront of promoting sustainable development in mountain regions, which are particularly vulnerable to climate change. President Japarov's initiative to establish a global mountain and climate dialogue at the upcoming COP29 underscores our commitment to addressing the unique challenges faced by mountainous regions. We call on all nations to support and endorse this initiative as it seeks to foster international cooperation and share best practices for sustainable mountain development. Together we can ensure that these vital ecosystems are preserved for future generations, contributing to global environmental resilience. In conclusion, I would like to recognize my fellow members of our national delegation, represented by the Deputy Minister of Labour, Chairman and Deputy Chairman of the National Confederation of Trade Unions as well as Deputy Chair of the National Chamber of Commerce. It is not always easy, but we are committed to working together as social partners with a comprehensive and balanced approach to solving problems related to labour and safety of our workers. Thank you for your attention.

Mr Soodesh Satkam Callichurn

Government (Mauritius)

Madam President, Excellencies, distinguished delegates, let me start by congratulating you, Madam President, and all those who have been elected to steer the work of this conference. I would also like to congratulate the Director-General for his second report to the Conference advocating for a renewed social contract, which undoubtedly paves the way on how best to tackle injustices, inequalities and insecurities. Madam President, Mauritius stands committed to implementing the flagship initiative of the Director-General of the ILO that is the Global Coalition for Social Justice. Conscious of its importance, Mauritius is sparing itself no effort to come up with national policies and is set to accelerate action towards achieving social justice for all. We have already triggered the process in view of our adherence to the coalition. As policymakers, we are fully committed to the need to prioritize social justice in our national development plans, invest in education, skills development and training, strengthen social protection systems and promote gender equality and empowerment of marginalized communities. On this score, Madam President, I can safely affirm that Mauritius has already achieved substantial progress. Let me here refer to a few salient latest measures. With the introduction of the national minimum wage since 2018, recent figures show that the number of private sector workers in the lowest salary band decreased from 34% in 2017 to 7.1% in 2023. Madam President, the Government of Mauritius works to secure greater social inclusiveness of the most vulnerable segment

of our population. In fact, we recently adopted the Protection and Promotion of the Rights of Persons with Disabilities Act which gives effect to the United Nations Convention on the Rights of Persons with Disabilities and other international instruments to which Mauritius is a party. Under this piece of legislation, amongst other measures, employers are given fiscal incentives to employ persons with disabilities. Furthermore, Chair, the continued implementation of the Marshall Plan against poverty and targeted social protection programmes for low-income categories and vulnerable groups have also sustained government efforts to ensure social inclusiveness. In fact, due to our efforts to eliminate poverty, the World Bank projects that the poverty rate in Mauritius would have declined from 16% to 7% by 2026. Education is key to success and upward mobility of the vulnerable segments of society. The Mauritian Government therefore strives for an inclusive, equitable and quality education system through free education to all, from pre-primary to tertiary. Madam President, we welcome the item on the care economy on the agenda for this conference. With the ageing population and a growing number of working mothers, the care sector is undoubtedly called upon to expand rapidly. Concrete measures taken by the Government of Mauritius in the care sector include the setting up of a geriatric healthcare unit and an early dementia diagnosis clinic in the public hospitals. Chair, family care is also high on the agenda of the Mauritian Government. Following recent amendments brought to the labour legislation, workers now benefit from the possibility to use their leave entitlement to care for their children, parents and grandparents having healthcare-related issues. Chair, I am also pleased to note that the ILO has included the theme 'Protection against biological hazards' on the agenda of the Conference. If adopted, this new standard will surely help member countries to devise policies, strategies and frameworks in order to take proactive and protective measures against biological hazards. To conclude, Madam President, Mauritius continues to embrace the collaborative partnership of the ILO. Our shared vision is to build a more equal, accessible and resilient world. Let us therefore, with the Global Coalition, join forces to advocate, pursue and work towards equal opportunities for all. On this note, I thank you for your kind attention.

Mr Muhammetseyit Sylapov

Government (Turkmenistan)

Director-General, Madam Vice-President, ladies and gentlemen, allow me to greet you all on behalf of the delegation of Turkmenistan to the 112th Session of the International Labour Conference, and thank you for giving us this opportunity to speak in this plenary sitting. Ladies and gentlemen, Turkmenistan confirms its commitment to the ILO's Centenary Declaration for the Future of Work and welcomes the DG's report 'Towards a renewed social contract', which highlights the issue of social justice and special attention is paid to the fundamental basis of a fair society in which opportunities and institutions are built to ensure decent work: the social contract. The report seeks the realization of the call for all people, irrespective of race, creed or sex, to have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and stimulates discussion of priorities in this area. Undoubtedly, the ILO has all the advantages and opportunities to do this. A social contract involves establishing rules and laws through mutual agreement between the government of the country and its people. This is through social dialogue, which allows us to formulate obligations between the tripartite partners in the area of work and social support for the population which is proclaimed in the Convention on Tripartite Consultation to promote the

implementation of international labour standards. Social dialogue is a precondition for a renewed social contract and the advancement of social justice ahead of participation in the global summit. Social justice allows society and the economy to function more harmoniously and effectively, and the main task of the state is to ensure security, stability and the prosperity of its people, regardless of their ethnicity, skin colour, race, sex, origin, property or professional status, place of residence, language, age, attitude to religion, political convictions and any other factors. We fully recognize that currently there is a need to unite our joint efforts to attain our common goal: social justice. At this stage, there is an increased need to activate tripartism and engage in social dialogue so that priority can be placed on matters related to social justice. Conference participants, colleagues, in conclusion I would like to assure you that Turkmenistan will continue to pay particular attention to matters pertaining to social and economic justice, ensuring people's fundamental rights and freedoms. I thank you for your attention.

Mr Faya François Bourouno

Government (Guinea)

Madam Chair, this conference is taking place in a context in which the question of social protection of workers is at the centre of world concern. Many efforts have already been put into this by the various bodies of the ILO and by all of the players in the international community to set the bases for universal social protection for everyone in the world of work. And given that, I very much welcome the fact that the International Labour Organization has shown the path, through its guidelines on workers' protection, to follow up on the conclusions adopted at the 111th Session of the International Labour Conference last year. Chairman, the Government of Guinea has set itself the objective of giving the country a universal framework for social protection and that it is a priority at the top of its agenda. Given this, specific mechanisms have been put in place to extend the coverage of social systems to improve the conditions of life of our people. A national social provision fund has been created to cover public sector workers. Diagnostic centres have been put in place to improve healthcare for workers in the mixed sector and the private sector. Health insurance for public sector workers is in place, and a programme to extend social coverage to the informal sector is being implemented. Apart from that, work has been ongoing on drawing up a social provision code and revising the labour code and the social security code. Our country is fully committed, in fact, to making sure that every worker has a chance to exercise their rights to decent conditions of work and that every workplace in Guinea is healthy and safe. I would like to welcome the initiatives and the efforts put in by the ILO in supporting strategic policies and strategies with a view to a fair transition of economies and societies in a sustainable fashion. Guinea is engaged to joining in with other member countries to face up to the challenges in sustainable development and remains active in supporting the ILO guaranteeing decent work in a changing world. Looking at social justice, the whole world recognizes there is no peace without it. That is why social justice has to be a central lever in our policies, as set out in our development strategies and in conformity of the Philadelphia Declaration. In Guinea, after acceding to the highest office, the President of the Republic, Mamady Doumbouya, opened consultations with everyone involved to address the concerns of social, economic and political players. And these consultations have led to important progress. To guarantee inclusive growth and reduce poverty, there has been a direct levy placed on mining and other extractive industries and the income has been redistributed to poor people. Various collective conventions have also been initiated to increase the minimum wage, but I also mention the other

instruments. We are in a state of continuous coordination between the social partners and the state, and to support that movement the employers' new federation has set in place its management board, and the workers' movement now also has a single confederation bringing together all of the union organizations in the country. And I would like, on behalf of my country, to express our gratitude towards the International Labour Office for its consistent support, thanks to which the Republic of Guinea has been strengthening social dialogue and, for the first time, has drawn up a national charter for social dialogue, which is a fruit of a consensus between all of the parties concerned. Madam Chair, in this changing world, the implementation of the ambitious programme presented by the Director-General, based on the new social contracts and social justice, requires the efforts of all. We need to orient our work towards policies which are sustainable, inclusive, which respect environmental balance, to preserve the bases of decent work for future generations.

Mr Mohamed Abdelaziz Gobran Abdelelhalim

Worker (Egypt)

In the name of God, the most Merciful, the most Gracious. Mr Gilbert Hounbo, the Director-General of the ILO, Mr President of the Conference, ladies and gentlemen, on my behalf and on behalf of the Egyptian working class I am pleased to convey to you the greetings of the workers and the people of Egypt. We wish you all success for this 112th Session of the ILC. We hope that our deliberations will find solutions to the issues of the world of labour and workers and to achieve our aspirations for a better future for all of us. In light of the significant challenges we all face, this current session, ladies and gentlemen, discusses vital issues with direct impact on the world of work and the workers. On this occasion I commend the Director-General of the ILO for his full, comprehensive report taking the issue of social justice as the mainstay for welfare and equal opportunities. There is no full social justice without decent work and without institutions contributing to preserve it. This goal does not come without challenges. Where in the world of today we see a great deal of geopolitical instability and widespread wars in many areas of the world, this has given rise to economic crises and resulted in high inflation rates and food prices in addition to climate change with direct impact on the labour of work. All these challenges together are not comparable to the upcoming artificial intelligence tsunami, as described by the IMF Executive Director. And this tsunami will lead to the loss of millions of job opportunities worldwide. The workers will be the most affected and will pay a heavy price. All the aforementioned challenges make it incumbent on us to coordinate our collective action on all levels. And it also requires aligned international policies and the building of institutional capacities to achieve decent work and to work towards the respect of the fundamental principles and rights at work established by the ILO. The General Federation of Trade Unions of Egypt, the voice that represents the Egyptian worker, continues to exert every effort to improve the working conditions, the occupational safety and health and to raise the wages through working closely with the deputies in the House of Representatives, the Shura Council and the National Authority for Social Insurance. We also continue to work with the civil society organizations, the ILO and the Ministry of Manpower as well as all other relevant ministries. We have taken part in the social dialogue session on the national employment strategy to devise skills development programmes to rehabilitate the human capacities and to train the people and the workers on the skills of the future to meet the work requirements. It also aims at favouring and promoting the participation of women and young people in the sector. Our federation expresses its full solidarity

with the people of Palestine, and we fully condemn the atrocities in Gaza. Out of 193 countries, 147 do recognize Palestine as a State. The occupier kills the children and the women, prevents the food aid and rejects every plan for peace and all calls for a ceasefire, and it stands in full and flagrant violation of the international law. We call for the halting of the war in Gaza without any conditions. There is no full peace in the Middle East without a solution and a fair and permanent solution to the situation of Palestine. Thank you very much.

Mr Ihar Staravoi

Government (Belarus)

Madam Chair, ladies and gentlemen, on behalf of the Government of the Republic of Belarus, allow me to greet the participants of the 112th Session of the ILC. Let me also congratulate the minister from Moldova, Alexei Buzu, on his election to the high and honourable post of President of the Conference. I wish him successful and fruitful work. The discussion on issues of the social dimension within the walls of the ILO has been going on for several years now. Economic crises have become a serious catalyst for the intensification of the search for ways to strengthen the role of the social and labour block, both at the interstate level and in the national policies of Member States. Today it is obvious that issues of fair distribution of resources, creation of equal opportunities for all and strengthening the effectiveness of social mobility are no less important for sustainable development than economic growth and technological progress. In recent decades changes in the social and labour sphere have become particularly acute. With its vast experience and expertise, the ILO is at the forefront of understanding contemporary trends in the world of work. The ILO Centenary Declaration laid a solid ideological foundation for promoting best practices in implementing human-centred policies. It defined the main directions of the movement. These are investments in people and their abilities, the development of effective labour institutions and the creation of decent jobs, ensuring social protection for every person from birth to death, creating a system of universal labour guarantees, ensuring the universal right to vocational training throughout life, and the real achievement of gender equality. These fundamental tasks must become a key part of the universal collective commitment to building a system of social relations based on the principles of social justice. In his report, the Director-General speaks of the need to renew the social contract and provides a clear vision of how we must move forward to achieve this goal. Madam Chair, in Belarus we do not consider social policy as an alternative to economic growth policy. On the contrary, these are two integral parts of one whole. In Belarus great importance is attached to ensuring that the results of economic development have a positive effect on the well-being of all citizens. We are convinced that economic growth in itself is not a guarantee of improving people's quality of life. It is necessary to have appropriate institutions and mechanisms that would ensure a rational and fair distribution of resources. Therefore, many measures of state policy are aimed at implementing solidarity approaches and preventing excessive and unfair stratification in society. The fundamental principle of social justice enshrined in the ILO Constitution is the cornerstone of the ideology of the Belarussian state. Madam Vice-Chair, in June last year at the 111th Session of the ILC, a resolution was adopted on article 33 of the ILO Constitution in relation to Belarus which essentially calls for the isolation of the Belarussian state. We consider this resolution to be unfair and politically motivated. There are no objective reasons for applying restrictive measures to Belarus and revising cooperation relations. The adoption of the resolution was lobbied by the countries of

the Western bloc. The goals they pursue are obvious to us. This is a way to punish our country for its independent sovereign course, to discredit it in the ILO and to use the Organization's mechanisms to support the illegal sanctions policy of Western countries against Belarus. The measures set out in the resolution are contrary to the fundamental principles of the ILO. I am convinced that the existence of such an unfair resolution in relation to a full member of the ILO causes irreparable damage to the credibility of the Organization since it clearly shows the entire whole world community that a separate group of countries has the ability to manipulate the position of the ILO at its own discretion. Tomorrow, June 5, the Committee on the Application of Standards will hold for the first time a special meeting on the situation in Belarus, as provided for in the resolution. I call on the delegates of the Conference who will take part in the work of the said committee to support the Republic of Belarus and not allow further politicization of the activities of the International Labour Organization and its supervisory bodies. Thank you very much, Madam Vice-President.

Mr Mohamed Alisha Janah

Employer (Maldives)

Bismillah ir-rahman ir-rahim, the Director-General of the ILO, the President of the 112th Session of the International Labour Conference, distinguished delegates, guests, observers, ladies and gentlemen. We convene this year at a moment of profound change that continues to transform the future of work. Now, more than ever, our shared efforts are imperative for responding to intersecting challenges. Small Island Developing States such as my own country, the Maldives, stand at the forefront of these plural crises. We know from our experience that a globalized world is deeply interconnected, that shocks in one area continue to have cross-border reverberating effects. We also know that these impacts can generate insecurity and uncertainty. It is how we respond to the challenges of today that can give us the opportunity to create a future where universal and lasting peace is a reality. As we look to the future, towards engineering more resilient economies and societies, our task is not just to diversify and transform the structural basis of our economy. Rather, it is to do so in a manner that is anchored in social justice and in accordance with a just transition. As an archipelago nation, we in the Maldives are clear-eyed about the threats posed by climate change to all workers. Many of our industries, from tourism and fisheries to emerging sectors, including communications and construction are vulnerable to climate change related disruptions. However, the transition towards a more sustainable economy continues to create opportunities for us, unlocking the potential inherent in sustainable practices, conservation and renewal emergencies. With digital transformation in full swing across all sectors, we are effectively leveraging digital technologies and infrastructure to build a more modern, more resilient, more accessible economy and society. These changes and challenges in all their forms are disruptive and transformative. We welcome the Director-General's report with its timely focus on the social contract as the foundation of just societies and the capacity of the social contract to deliver social justice through decent work. Decent work and social justice are essential levers for sustainable development. The report draws attention to the need to reframe our social contract using social dialogue to make it the cornerstone of a human-centred response to transformative change. As the Director-General's report identifies, attention must also be given to those who may at times be on the fringes of existing social contracts. Inclusivity is an essential part of social justice. The Maldives has relied on the significant contributions of migrant workers with the size of our labour force otherwise being

constrained by our demographics. Employers have an important stake in expanding the labour pool and bringing diversity and much needed skills, especially in sectors and industries where it is difficult to retain or access local talent. Equally, investment in training and upskilling the local labour force remains essential. Careful consideration must continue to be given to addressing the social contract in this context with a view to ensuring that migration policy benefits all stakeholders and contributes to sustainable development and upholds social justice. The ILO, with its unique tripartite structure, embodies the potential for multilateralism. To work together towards these worthy objectives, social partners including employers' organizations such as the National Federation of Maldivian Employers, remain as critical collaborators and drivers of change and collective efforts. We remain committed to revitalizing tripartism as a key avenue for renewing the social contract. Over the past century the ILO has relied on this essential tool of social dialogue to address collective challenges. This tool remains as relevant today as it did over a hundred years ago. Against a backdrop of turbulence and transformation, a reaffirmed commitment to inclusive social dialogue remains at the very core of our shared ability to address the shared challenges of today. Thank you very much.

Mr Justin Viard

Government (Haiti)

Director-General, Ms Vice-President, it is an honour to speak on behalf of the Government of the Francophone who celebrate this 112th Session of the International Labour Conference. The group takes note of the Director-General's report on the new social contract and the need to have a social contract based on the respect for human rights, social justice, sustainable economy, equality of chance, effective governance and a fair transition. In a world faced with multiple crises and unprecedented changes, the foundations are faced with a lot of tests. The social contracts are being made more fragile by developments in the economy and increasing inequality. Apart from that, we have the digital transition which is providing lots of challenges. Apart from that, commitments taken through the programme for sustainable development with a view to 2030 to overcome the challenges, particularly in employment, are making slow progress. Given that worrying situation, the Francophone group calls for strengthening of tripartism and social dialogue in employment policies. It invites countries that have not yet done that to ratify all of the relevant Conventions, in particular 122 on employment policies which establish work as a human right and a right to full employment freely chosen. The group encourages the effective implementation of the commitments entered into through the Declaration of the ILO on Fundamental Principles and Rights at Work in 2018 and in 2022 which guarantee a safe and healthy workplace as a fifth fundamental right and principle at work. Education and quality apprenticeships are key to the development of skills for opportunities to decent work, and the Francophone group calls for all involved to work to strengthen guarantees in this sense. We welcome the work in the OIF to promote education, training and higher education and research, in particular through its Dakar Institute. To increase young people's opportunities in the French-speaking countries to have access to decent work, the OIF is strengthening numerical skills by the D-CLIC, train yourself in digital technology. Thousands of young people from 14 different countries have trained through that. The group is pleased to see the official launching of the Global Coalition for Social Justice and invites all players involved to join in with that initiative. It also notes with interest the large number of partners that have come from different places that are

joining in this initiative, which demonstrates its relevance. The group welcomes the implementation of the setting up of a tripartite group on the new social contract for our shared programme, which will undoubtedly make a contribution to renewing the social contract and giving a boost to initiatives for decent work and making it possible to make it happen. We support the 2025 Summit for Sustainable Development. We hope that the effective work of the ILO, that this work will make it possible to have a fairer distribution of the wealth of the world and more effective rights to have decent and freely chosen work. The world of work is in perpetual evolution. That needs to be taken into account. Finally, we emphasize the importance of multilingualism and cultural diversity within our UN actions, and we therefore encourage the ILO in its efforts to achieve its objectives in that area. Thank you very much.

Mr Wayne Prins

World Organisation of Workers

Chair, Director-General, distinguished delegates, ladies and gentlemen, human flourishing can take many forms, yet one of the hallmarks of a thriving society is the ability, the willingness and the imperative to care for the vulnerable. From child care to elder care, from support services to education to healthcare, care workers are essential to meeting the physical and psychological needs of people of all ages. We depend on them to sustain human, social and economic development on every level. The ILO's publication 'Decent Work and the Care Economy' reports that the care economy constitutes 381 million jobs globally, about 11.5% of total employment. In healthcare, 70% of these paid care workers are women. Yet much too often care workers, those who dedicate their lives and careers to caring for others, are vulnerable themselves. They are underpaid, overextended and overwhelmed. Too often they do not have enough hands or enough resources. Too often they are victims of workplace violence. Too often they cannot adequately provide for themselves or their families. And too often they do not receive the gratitude they deserve for caring for us, our children and our parents. As president of the World Organisation of Workers, I submit to you that we must do better and we can do better. Exacerbating the plight of those working in the care economy is the problem of systemic labour shortages. This growing global concern is experienced by almost all developed economies. It is leading to profound challenges for workers and employers in all economic sectors, but it is felt most acutely by workers in the care economy. The main contributing factor to systemic labour shortages are ageing populations, the creation of more jobs through economic growth, insufficient domestic birth rates in industrialized countries and the devaluing of care work. Solutions include immigration to bring in new workers, optimizing the available workforce through greater participation and improved productivity, leveraging technology to assist with human labour and training new workers to join the workforce. WOW and its member affiliates represent some 1.3 million workers worldwide, hundreds of thousands of whom work in the care economy, primarily in Africa, Asia and the Americas. The realities care workers face around the globe are not all the same, and the solutions will need to be different too. That is why your wisdom as worker representatives is so important. As leaders in the field of labour, we are uniquely placed to offer solutions to improve the lives of those working in the care economy around the world. Working together, we can use our collective voice to advocate for policies and practices that make it easier for women to have both families of their own and rewarding careers. We can encourage governments to provide adequate resources for front-line caregivers who often bear the brunt of worker shortages while being paid the least. We can encourage the

participation of more men in the care economy, in both paid and unpaid care. We can facilitate the training and education of care workers to ensure they are equipped with in-demand skills. We can insist that care workers have a seat at the table when governments grapple with the issues that affect them. We can advocate for labour policies that allow for better representation and easier access to collective bargaining. We can increase public awareness and support for the indispensable contributions care workers make to the well-being of all of us. I come to you not with despair but to share hope and to encourage you all in the work to be done to improve the lives of those working in the care economy. We have the privilege, the opportunity and the responsibility to speak to their challenges and provide solutions. Regardless of our differences, we have much that brings us together, most importantly our continued focus on the dignity of every worker and the pursuit of decent work for all of us. This is our noble calling and purpose. And it is this pursuit that keeps us motivated in our efforts to help not only care workers but workers everywhere to do safe, meaningful work and to provide for themselves and their families. Thank you.

Mr Seong-Kyu Kang

International Commission on Occupational Health

Decent work is the most important value of the ILO. The goal of decent work cannot be achieved without ensuring healthy workers in the workplace. In 2022, with this concept in mind, the ILO defined occupational safety and health as one of the fundamental principles and rights at work. Each year it is estimated that 2.9 million workers die due to work-related incidents caused by traditional and emerging hazards in the workplace. Every day, 8,000 workers, more than double the number of ILO employees, die from work-related causes. ICOH has estimated the economic loss to be 6% of GDP. Occupational hazards have two aspects: physical factors which are visible risks and social factors which are not visible. Physical factors include dust, noise, radiation, heavy metals, solvents, gases, vapours, and biological hazards, which is one of topics in this ILC's 112th Session. Social factors include job stress, long working hours, shift work, workplace violence and harassment. These hazards cause and aggravate cardiovascular disease, stroke, back pain and mental illnesses as well as traditional occupational diseases such as pneumoconiosis and chemical poisoning. In addition, workers with lifestyle diseases such as hypertension, diabetes and hyperlipidaemia are more vulnerable to work-related diseases. Furthermore, socio-economic factors can influence the development and exacerbation of work-related diseases. I was born in a low-income country, raised in a middle-income country and now live in a high-income country. These countries are the same: the Republic of Korea. The occupational risk in Korea today is different compared to when I started working in occupational health 35 years ago. The hazards that disappeared from my sight exist somewhere around the world. We continue to face the exposure of workers to various occupational hazards every day. Occupational health is not just a problem within one country or region. It is time to embrace the idea of global responsibility for workers' health. Social inequality itself is one of the most significant occupational risks today. Incomplete social security systems affect work-related conditions in many low and middle-income countries. ICOH, International Commission on Occupational Health, based in Rome, Italy, is an ILO-recognized international non-governmental organization comprising 2,000 individual professionals from over 100 countries as well as group members, public institutes, societies and associations in various countries and regions. ICOH has been hosting triennial congresses for 120 years, since its establishment in 1906 following the historic

event of saving workers' lives during the construction of a Swiss tunnel. Last April ICOH held its 34th International Congress in Marrakesh, Morocco, and announced the ICOH Marrakesh Declaration after a week-long discussion at the Congress. In the Declaration, ICOH calls for support from the ILO to revitalize the Joint ILO/WHO Committee on Occupational Health. ICOH has urged the ILO to request its Member States to ratify ILO Convention 161 as well as 187 and 155. To achieve this, ICOH commits to providing all possible support to the ILO in its highly valued efforts on global responsibility for workers' health. Dear delegates from trade unions, employers' associations and governments of Member States, let us come together to save the workers' lives and protect one of the fundamental human rights: a safe and healthy working environment. Thank you very much for your attention.

Mr John Ofori Nyantakye

International Young Christian Workers

Thank you, Madam Chair, and permit me to follow the protocol that has already been established. I thank you for the comprehensive report that shows clearly how in most countries our systems are taking a huge step back in terms of social justice and decent work. In the IYCW we reaffirm the analysis of the report with the following testimonies. "I work in a supermarket for 12 hours, in peak season for 15 hours work a day, with only half an hour lunch or rest with a very low salary. I was forced to stop my education to help my family to meet our daily needs." This is young workers from Egypt. "The minimum wage is not even \$4 per month. Therefore, if they pay us \$80 per month in a store, they already believe that they have the authority to pressure us to do more work. So we have to get used to it. And if we don't like it, they throw us away." Young workers from Venezuela. "My parents died recently, and I am an orphan. Now my dream was to work in the IT field but without my parents and with no income I shifted my studies into mechanics, and I work in a band in weddings, which is seasonal, to afford my needs." Young workers from India. Like these testimonies and millions of others, young workers and young people are struggling to have a glimpse of dignity with all the social injustices we must endure every day. We see that most countries are being led by right-conservative parties. They are part of those small groups who are winning through the crises and changes in the world of work, while the bigger part of the world is suffering without job security, no education, no access to services and social protection, no decent income, having insecurity for their future and just trying to survive each day of their life. Therefore, we call to go further than handing out band-aid solutions to those who are suffering from the changes but create measures that drive real change towards a universal human right, equal access to opportunities, fair distribution and just transitions. In the IYCW, we reaffirm our commitment in advancing social justice through renewed social contracts. Therefore, the social contract needs to include the voice of young workers in the decision-making to advance democracy at work. It is crucial to create a more inclusive and equitable world of work by recognizing the efforts of those unrecognized or underrepresented workers' organizations and include them in the social dialogue. We need a social contract that will secure safe and healthy working environments, access to social protection regardless of their socio-economic backgrounds that includes access to health, essential benefits and quality education for young workers. Most important is that the social contract needs to ensure the labour protection of all workers by guaranteeing the freedom of association, including migrants, refugees, domestic workers, rural workers and informal workers, providing decent living incomes and social benefits. In the IYCW in its almost 100 years of existence

we believe that we need to continue our fight through our actions towards a new society which is based on solidarity, peace and justice where human dignity is at the centre of the economy. I thank you for your attention.

Ms Béatrice Lestic

Worker Vice-President (France)

Thank you. This brings us to the end of the list of speakers for this sitting. Thank you very much for your contributions to today's work. The sitting is ended.

► Wednesday, 5 June 2024

Mr July Moyo

Government Vice-President (Zimbabwe)

Good morning. May I have your attention, and good morning. Good morning, distinguished delegates. I am honoured to declare open the third sitting of the 112th Session of the International Labour Conference. As this is the first time that I am addressing this assembly in my capacity as Government Vice-President of this session for the Conference, I would like to thank you all for having entrusted me with this responsibility. Rest assured that I shall spare no effort to make sure our work in the plenary over the coming days is fruitful. This morning we shall continue with the general discussion on the reports of the Chairperson of the Governing Body and of the Director-General. Before we begin, I should like to remind you that, according to the arrangements approved at our opening sitting with regards to the modalities of the special sitting on the situation of the workers of the occupied Arab territories, the appendix to the Director-General's report on this topic will be discussed at the special sitting tomorrow, the 6th of June. I therefore encourage you to please focus your interventions on reports 1(A), 1(B) and 1(C). I want to thank you for this. Likewise, I would like to recall the principles governing this discussion which the Conference President referred to yesterday afternoon. One, on the use of parliamentary language, I wish to call on all those who will speak in plenary to do so with both the openness and the dignity that are appropriate to the highest international body in the realm of social and labour-related matters. Freedom of expression is a vital feature of the International Labour Organization. To exercise this freedom in a spirit of mutual respect, it is essential that all delegates respect the accepted procedure, use parliamentary language, refer only to the items under discussion and avoid raising any question foreign to these matters. The respect of these principles is necessary if we want our work to be effective and successful. Two, on plenary starting times, there is a firm agreement on the part of the officers to begin our sittings strictly on time. I am sorry we have delayed a little bit today. Only in this manner will we manage to complete the debates within the time scheduled. I am counting on you all to make this possible. Three, I must refer to the length of plenary speeches. As you may already know, the duration of speeches is limited by the standing orders of the Conference to five minutes only. This time limit will be strictly applied. It is therefore strongly recommended that delegates reduce courtesies to a minimum. Timekeeping is a collective responsibility. For the sake of transparency, a countdown will be on display on the screen for all interventions. Four, I should like to address points of order and rights to reply. Delegates who wish to raise a point of order or request the right of reply in the plenary do not need to interrupt the proceedings. Instead, they should simply raise their flag. A member of staff will then approach them in the room and attend to their request. In the case of a right of reply, I ask that you clearly inform that member of staff who will come to you the intervention in respect of which the right of reply is sought. Please be reminded that a right of reply should refer only to the matter in question. It should not exceed two minutes and it should be delivered in respectful parliamentary language. It is not the practice in our organization to allow a right to reply to a reply. We have a long list of speakers for today, so I suggest we begin with our business without delay. And my first speaker, I would like to begin by giving the floor to the first delegate on my list who is the President of the Bangladesh Employers' Federation. Mr Kabir, I give you the floor.

Mr Ardashir Kabir

Employer (Bangladesh)

Mr Chairman, ladies and gentlemen, a very good morning to you. At the outset, may I take this opportunity to congratulate the Chairman on being elected to the distinguished chair, and I also congratulate the vice-chairs for being elected to their respective positions. My compliments to the Director-General for exhibiting a comprehensive report titled 'Towards a renewed social contract', highlighting the challenges and opportunities faced by the global community during this age of digital progress. The report on a renewed social contract serves as a crucial reference for understanding the current state of social demographics and labour markets. It highlights the actions needed to promote social justice globally. It provides valuable insights into persistent inequalities, vulnerabilities and injustices faced by workers and employees worldwide as well as the challenges businesses encounter across different countries. It underscores the interconnectedness of economic, social and environmental dimensions, emphasizing the need for a holistic approach to addressing humancentric issues. Social contracts are essential for the collective well-being and governance of any society. We can go back all the way to the time of Jean-Jacques Rousseau and his social contract establishing what is provided, how and by whom, thereby connecting individuals and communities. They articulate responsibilities and duties, reflecting a common understanding of access to basic services, employment opportunities and social protection, and define the role of and our expectations from the state, especially as an insurer of last resort in challenging times, as we saw during COVID. To maintain legitimacy and support, social contracts must be periodically updated, re-examining roles and responsibilities in order to ensure social justice in times of unprecedented and very fast change. The UN Secretary-General has emphasized the need for a new social contract to combat poverty and social exclusion. However, climate change, structural inequality, demographic shifts, technological transformations and diminished civic space have been a barrier to this progress. Workers are transitioning from carbon-intensive sectors, for example, which were posing health risks to environmentally friendly ones. Digital technologies, such as artificial intelligence are creating insecurities and raising concerns about transparency and respect for rights. The ILO tripartite governance model, based on freedom of association, is a unique system to promote and renew the current social contract. This renewal should focus on accountability, adaptation, responsiveness and inclusivity, prioritizing labour market imbalances and addressing workers and enterprises on the fringes of existing social contracts. As employers, our role in maintaining a proper social contract is paramount. We should emphasize promoting fair labour practices by ensuring fair wages, safe working conditions and respect for labour rights, including the right to organize and bargain collectively. Fostering inclusivity and skills development is essential, creating a diverse and equal-opportunity work environment. Additionally, we must be responsive to economic, social and technological changes to ensure business practices remain relevant and supportive of employee and employers' needs. By addressing these challenges and committing to these principles, we can ensure that social contracts remain relevant, inclusive and robust, fostering a society that upholds social justice, economic security and equal opportunity for all. At the same time, workers also have a critical role in maintaining the social contract. They must actively engage in their own skills development, adapting to new job requirements and technological changes which are coming upon us almost every day. Upholding workplace responsibilities, maintaining high standards of professionalism and supporting inclusive practice are

essential if the workers and the employers together are to meet contemporary challenges. The governments bear a significant responsibility in upholding the social contract. They must ensure the creation and enforcement of fair labour laws and policies that protect workers' rights and promote equitable economic growth that ensures sustainability of businesses. All responsibilities do not belong to businesses. Businesses cannot bear the burden of every aspect of society. Governments must commit to transparency, accountability and responsiveness in their actions. Ensuring public trust and effective governance by fostering an environment that supports social justice, economic security and equal opportunity, governments play a pivotal role in maintaining and renewing the social contract. In conclusion, as a constituent of the ILO, we hope that the ILO will foster a renewed social contract that promotes a universal and lasting peace based on social justice to create a world where social justice is both a journey and a destination, characterized by universal human rights, fair labour practices and inclusive sustainable economic growth. This vision requires the active participation and commitment of employers, workers and governments working together to build a just and equitable society for present and future generations. Thank you.

Mr Steinar Krogstad

Worker (Norway)

Ladies and gentlemen, the Director-General's report has a sombre start. He reminds that trust in governance is waning and that many feel the system is rigged against them. We welcome the discussion on how to renew the social contract. However, I believe we already have the answer: the implementation of the Decent Work Agenda. In 2015, during the UN General Assembly, the four pillars of the ILO Decent Work Agenda became integral elements of the 2030 Agenda. We should continue emphasizing the Decent Work Agenda as our solution to deliver on Sustainable Development Goals. The Centenary Declaration highlights the need for a transformative agenda for gender equality and an investment in people through jobs, skills and social protection. It recognizes the relevance of the care economy. Unpaid care work has to be recognized, reduced and redistributed. To achieve this we need financial investment in care systems and care infrastructure. To achieve gender equality we also need data. Currently, fewer than half of the UN Member States can measure progress on gender equality. We cannot achieve what we cannot measure. Better data will revolutionize decision-making. Estimates show that stronger data systems will unlock a powerful data dividend with \$32 return for every dollar invested. However, data systems lack investment and critical information is missing. In his report, the Director-General asked whether universal social protection might be our best hope for inspiring global solidarity and putting the Sustainable Development Goals back on track, fostering a more equitable and sustainable world. I agree. As a workers' delegate from Norway, I have witnessed the remarkable development of the Norwegian welfare state through my life. The vision of community that provided social security from cradle to grave was largely realized between 1945 and 1970. Even before Norway became a wealthy nation, it was a matter of will and planning and, of course, strong unions. However, despite these advances, a recent documentary called *The Black Swan* is currently shocking the Nordic countries. The documentary reveals a stark, unsettling reality where entrepreneurs, lawyers and business people deliberately cheat the tax authorities, collaborate with criminal gangs and embezzle millions at the state's expense. [vgr INAUDIBLE 15:58] and organized crime undermines the very foundation of our society. We need to rebuild trust by implementing rigorous checks and balances and taking decisive action against crime

and corruption. We must recommit to transparency, accountability and genuine dedication to the welfare of all citizens. In Norway the trade unions have advocated for several measures to address these challenges. To combat work-related crime, there has been established robust collaboration between various agencies: the Labour Inspection Authority, the Labour and Welfare Administration, the police and the Tax Administration. This cross-agency collaboration ensures that efforts are more effective and targeted. Additionally, the new Transparency Act requires companies to ensure human rights and decent work conditions are respected in their operation and supply chains. Companies must carry out due diligence activities and respond to information requests about their impacts on human rights and working conditions. Sustainable public procurement is key. Oslo, and other Norwegian cities, has since 2013 had social contract clauses in its procurement of goods. In 2023 due diligence requirements were included in all tenders, both goods and services, where there is a high risk of violation of human rights and labour rights, and/or where there is a risk of corruption and/or negative impact on the environment. Europol states that 60% of crime networks in Europe use corruption as an active tool. This is highly detrimental to society and must be fought. The best way of doing this is by revitalizing tripartism and applying the principles of good governance and encourage sustainable investment. This will build trust and help renew the social contract. Thank you.

Mr Ali Hossein Rayati Fard

Government (Iran (Islamic Republic of))

In the name of God, the Most Compassionate, the Most Merciful. Mr President, I congratulate you on your worthy election as President of the 112th Session of the International Labour Conference as well as the election of the Vice-Presidents. I would also like to thank the Director-General for presenting his report on renewing social contracts. This report clearly shows that the world of work has simultaneously been affected by compounded and intersecting crises over the past few years, the effects of which cannot be contained without adopting appropriate policies and actions at the national, regional and international levels. The unveiling of the Director-General's latest report to us, achieving social justice and elaborating the requirements of a new social contract adapted to current conditions, heralds a new chapter in the world of work, the necessity of renewing the social contract and adapting it to the evolving current conditions, an undeniable necessity for achieving social justice and lasting peace. In the Islamic Republic of Iran this is not only a policy concern but also a cultural idea and a genuine religious value enshrined in the constitution and overarching documents such as vision documents. To renew the social contract, strengthening the mechanisms of norm setting and tripartite dialogue, bridging legal gaps and supporting workers and cross-border businesses as well as securing fiscal space for investment in social policies are essential. Based on the Director-General's report, one of the key priorities for renewing the social contract is to provide universal social protection and equitable access to public services. In this regard, the development and completion of the Iranian welfare database as a comprehensive welfare information system has been one of the most important actions of the Government of the Islamic Republic of Iran to promote social justice. This system facilitates the accurate identification of target groups for supportive policies and better targeting of welfare services. In recent years, we have also witnessed significant achievements in the field of human development and the provision of basic services for all. Life expectancy in the country has increased from 54 years at the beginning of the Islamic Revolution to over 74 years at present. Free health

and medical services have been provided for all segments of society, including immigrants, and the country's food security has also been improved. However, the full realization of the ideal of social justice has still a long way to go. As the Director-General's report also pointed out, the world of work is the original arena for the manifestation of many inequalities and equalities that sometimes originate outside of a work environment. Unilateral coercive and sanction actions against countries, including the unjust sanctions against Iran, play an undeniable role in exacerbating these inequalities and depriving nations of the right to development and decent work. The International Labour Organization, in cooperation with other international bodies, can examine the impacts and consequences of these hostile actions on the world of work and the formation of equal opportunities for all. The inhumane crimes of the Zionist regime in the occupied territories have drawn the [vgr INAUDIBLE 22:35] and conscious attention of all humanity. The widespread protests in the farthest corners of the world reflect global public opinion against such behaviour that is contrary to all human principles and international standards. The ruling issued by the International Court of Justice is a strong and ideal legal confirmation of ending the injustice and crime being committed against humanity in Palestine. While supporting the respected Secretary-General's report on the occupied territories, we call on all Member States and social partners to resolutely condemn these crimes and stand with the oppressed workers and employers of Palestine. Achieving the ideal of social justice and full employment requires global cooperation and interaction. Therefore, the respected Director-General's initiative to propose the idea and establish a Global Coalition for Social Justice is a valuable step that we welcome, and we hereby announce the Islamic Republic of Iran's joining to this coalition from this podium. Finally, it is hoped that, with your esteemed president's wisdom and the participation of all stakeholders, the current session can take effective steps towards reviving and strengthening the new social contract and realizing the human ideals of the International Labour Organization. Thank you for your attention.

Mr Sahil Babayev

Government (Azerbaijan)

Dear Chairman, ladies and gentlemen, firstly I would like to greet the esteemed participants of the Conference and express my gratitude to Mr Hounbo, the Director-General, for his insightful report. The report outlines innovative strategies and recommendations for ensuring fundamental labour rights and principles during a period of growing social and political unrest and adverse effects of climate change. In this context, the initiative of a renewed global social contract which will contribute to the recovery of the world economy and the creation of new mechanisms based on the Decent Work Agenda is of particular importance. Since social partners are the ones who are primarily impacted by the socio-economic policies, social partnerships play a crucial role in the implementation of anti-crisis measures. This approach serves as the cornerstone for all laws and programmes in the field of labour, employment and social protection in Azerbaijan. Since 2001 the Government, the confederation of trade unions and National Confederation of Entrepreneurs conclude every two years a general collective agreement, declaring their coordinated position, joint activities and commitments in the field of socio-economic and labour relations. In other words, we ensure decent work in our country by creating sustainable, quality and green jobs, improving the workforce, providing workers with safe and healthy working conditions and strengthening social dialogue. During the last five years, four social reform packages have been implemented covering 40% of the population, with additional

annual funding of USD\$4 billion. During this period, the minimum pensions increased by 2.5 times, the average master pensions by 2.4 times, social benefits and pensions by 5 times, the minimum wage by 2.7 times, and the wage fund went up by 2.8 times. The DOST centres providing 159 social services from a single platform in a transparent manner, proactive services in the field of pensions and social payments, centralized electronic information service, all together ensure the quality of social services provided in a coordinated and modernized way. Our employment policy executed in close collaboration with the ILO and the effective execution of two Decent Work Country Programmes serve as a prime illustration of this. We are certain that the next Decent Work Country Programme, based on the social partnership and tripartism principles, will be signed shortly. Dear ladies and gentlemen, as part of the Great Return programme, large scale development and reconstruction projects are underway in the liberated territories of our country. As of today, more than 7,000 individuals have made their way back to the homeland. By the end of this year up to 30,000 people will return to their native lands. The economic revival of the liberated areas will become an integral component of the Azerbaijani's economic growth. As you are aware, Azerbaijan has been selected as the host country for the 29th Conference of the Parties which will be held in Baku in November this year. We believe that COP29 will serve as an effective platform to further advance the ILO's agenda within the framework of the UN climate process. At the end of my speech, I would like to reaffirm the importance and necessity of strengthening social dialogue for each country. I wish all the participants of this conference fruitful work and success in your endeavours along the way. Thank you for your attention.

Mr Ahmed Al-Asadi

Government (Iraq / on behalf of the Arab group)

In the name of God, the Compassionate and the Merciful. Chairman, Excellencies, I am pleased to address you on behalf of the Arab group at this 112th Session of the ILC. I would like to congratulate you on my behalf and on behalf of the Arab group, the representatives of all the groups. And I would also like to thank the Director-General, Mr Hounbo, for the report and for his presence at the meeting we had in Baghdad on the 27th of April. We thank Mr Hounbo as well for his very complete report titled 'Towards a renewed social contract'. Our countries are going through an important period that requires us to rethink our social and economic policies to face current and future challenges. We are seeing repeated crises, be they economic or social or environmental, and they are having an impact on the labour market, on unemployment and making it difficult for people to find decent work. This is covered by the eighth Sustainable Development Goal. We must address social issues at different levels in order to achieve social justice. Ladies and gentlemen, our region is going through various challenges, and the Arab Labour Organization therefore plays an important role in strengthening the Arab position and undergoing efforts to ensure that we have social security and stability during this period of troubles. Of course, we attach importance to the new social contract. This is so that we can create a fair and lasting future. This is also the title of the 49th meeting of the Arab Labour Organization, adopted at the Arab Summit for work in the 33rd session. During that session cooperation was strengthened between the governments, employers and workers in the Arab countries with a view to achieving social justice. We cannot talk about social justice without talking about the disastrous situation in occupied Palestine. Workers and the Palestinian people are daily suffering continued aggression on the part of the occupying forces, and this is happening in the

Gaza Strip for the eighth month in a row. This has caused thousands of deaths and injuries. It has devastated employment as well and the opportunity for a dignified life for the people in that area. We thank the Director-General for having agreed a special session during this conference to address the issue of workers in the occupied territories, but we also ask this to become a permanent item on the agenda so that it is debated. Ladies and gentlemen, of course everybody is working towards social dialogue, and among the social partners we have also the three sources of production that are involved in an attempt to achieve social justice and a better future. Therefore, we encourage all of the various stakeholders to carry on this noble work during this annual meeting in Geneva. We would also ask that pressure be applied to the international community and to the active stakeholders in order to end this destructive war and to end the suffering of employers and workers as well as to ensure that the human rights of workers in Palestine are upheld by respecting the principles of decent work and human rights in the framework of the new social contract. The Global Coalition requires cooperation and a pooling of international efforts. Therefore, we encourage everyone to support the Palestinian demands, in particular for the establishment of a Palestinian state, and also that Palestine be a fully-fledged member of the ILO so that it can also strengthen cooperation in terms of development so that we can help Palestinian workers and kickstart the Palestinian economy once again. We must also support the national Palestinian employment and social protection fund so that we can reduce the suffering of the Palestinian people and ensure them a dignified life in the future. Of course, in addition, we also have to uphold international standards and apply them for Palestinian workers so that they can enjoy their rights and reactivate the emergency fund for them so that future generations will also know social justice around the world. Thank you very much for your kind attention, and I wish everybody every success at this conference. I thank you once again for your kind attention.

Mr Nasser Abdulaziz Aljaryad

Worker (Saudi Arabia)

May peace be upon you. In the name of God, distinguished Chair of the Conference, Director-General, distinguished delegates, it is my pleasure at the outset to address you, Chairman, and congratulate you on your election as Chair of this session. I also congratulate the Vice-Chairs and wish everybody every success. In similar fashion, I also welcome the Director-General's report submitted for the Conference's consideration entitled 'Towards a renewed social contract'. And we support the content of this report, in particular with regard to the need to examine social contracts in light of new challenges. We need social contracts that are adapted so that we can face injustice and insecurity. Similarly, in terms of the situation of workers in the occupied Arab territories, we condemn Israel's practices as well as the crimes against the Palestinian people and Palestinian workers. These are a violation of international law. We encourage the international community to apply pressure to Israel so that these practices are ended. Ladies and gentlemen, we need increased attention to workers' rights in light of social and environmental changes. There are also new working methods that are appearing such as platform working and new technologies such as artificial intelligence. These have an impact on workers around the world. We require synergies and cooperation to find lasting and fair solutions here. Ladies and gentlemen, my country, the Kingdom of Saudi Arabia, in recent years has seen great social and economic change through the implementation of a 2030 Vision which aims to diversify our sources of income to strengthen the role of the private sector and the role of young people and women. We

have carried out widescale reforms in the labour sector. These include the development of regulatory frameworks and laws for the promotion of work. We also have a national commission, including workers' representatives. This works in collaboration with social partners. We support the development of new laws, and we do this through tripartite social dialogue so that we can create decent work and can uphold workers' rights in Saudi Arabia as well as the rights of migrant workers, without any discrimination, all while guaranteeing social justice and economic efficiency. We have participated in improving contractual relations in the labour market for migrant workers. This has helped us to improve our index in this area. We now have a figure of 73% in the international measure on this issue. This is a result that was above our expectations for our 2030 plans. In terms of participation of Saudi women in the labour market, the ILO report underlines that 36% is the figure that we have reached in terms of participation of women on the labour market. We are going to continue our efforts to uphold the rights of all workers in Saudi Arabia. Ladies and gentlemen, as the representative of our country and working with organizations in the Gulf countries, we have also created a council for the trade unions in the Gulf countries so that we can unify our efforts to contribute to decent work and to protecting all workers while also supporting the economies of the Gulf countries. In conclusion, we are facing many challenges, but nonetheless we are trying to consider the interests of all of the different stakeholders to strike a balance and to strengthen the economic situation of our countries. I sincerely wish everybody every success at this conference. I thank you.

Ms Agnes Makonda-Ridley

Government (Malawi)

Good morning. Mr President, it is with great pleasure and a profound sense of purpose that I am here today in person to make a statement to the 112th Session of the International Labour Conference. Firstly, allow me, Mr President, to convey my greetings and best wishes to you, Mr President, and your bureau and the entire session from his Excellency Dr Lazarus McCarthy Chakwera, President of the Republic of Malawi, and from the people of Malawi. Secondly, Mr President, I congratulate you and your bureau on the well-deserved election to steer the deliberations of this conference to a successful conclusion. I would also like to congratulate the Director-General, Mr Gilbert Houngbo, for submitting his second report to the International Labour Conference titled 'Towards a renewed social contract'. I agree with his views that climate change, wars, demographic shifts, increasing cost of energy and food, unemployment and underemployment, the growth of the informal sector are all exerting pressure on social contracts. The disruptive effects of climate change on labour markets cannot be disputed. In Malawi, for example, we have many testimonies on climate-related disasters and their far-reaching impacts. I believe many here are aware of the devastation that was caused in March 2023, that is last year, by Tropical Cyclone Freddy in my country. It caused permanent dislocation of labour markets in affected areas and beyond, contributing to food shortages as well as exacerbating unemployment, especially amongst the youth, which at that time stood at 23%. The worst affected was the informal economy, which accounts for 89% of our national employment in Malawi. In order to address these challenges, I agree with the Director-General that the solution is with us as tripartite partners. We need to seriously change our approaches. We need to examine what has worked and what has not worked to satisfy expectations of our citizens. I propose that we should cultivate a culture that stands on shared and collective responsibilities towards each other, based on the concept of Umunthu, or the

philosophy of Umunthu, which is part of our DNA in Africa. In Malawi, Umunthu reflects that no single person and indeed no single country exists as isolated and individual but rather as a member of the broader community built on the foundation that promotes, cohesion, harmony, duty, interdependence, achievement of group goals and conflict avoidance. Mr President, we in Malawi are moving on a structured development path that embraces the concept of the social contract. Malawi 2063, which is our long-term development strategy, is a promise to the people of Malawi by their government to move the country to an inclusively wealthy upper-middle-income country by the year 2063. Mr President, I am happy to report that Malawi has ratified all ten fundamental ILO Conventions and is reviewing policies and labour laws in order to align them to the ratified Conventions to adequately prevent and punish labour rights violations, including perpetrators of child labour, forced labour and trafficking in persons. With support from the ILO, we are in the process of generating our third Decent Work Country Programme which has prioritized employment creation, rights at work, social protection and social dialogue as cross-cutting issues. We have also developed a job creation strategy and a road map to accelerate creation of jobs and extend social protection through the Global Accelerator on Jobs and Social Protection for Just Transitions. Malawi is a pathfinder country of the Global Accelerator on Jobs and Social Protection, and as such, we have prioritized agriculture, tourism and mining as the main vehicles for wealth creation and job creation and as a vehicle that would take us to 2063 where we believe we will become an inclusively wealthy upper-middle-income country. Mr President, I wish to conclude by stressing the need for all of us to commit to and to renew and strengthen a new social contract that is built on a foundation of respect for human rights, equality of opportunities, fair distribution of wealth, just transitions and international labour standards. The Global Coalition for Social Justice provides an opportunity, uniting diverse stakeholders to fight social injustice, while the Second World Summit for Social Development provides a platform to promote social justice and to fight discrimination. International cooperation, essential to advance social justice, is part of the bedrock of what we must all do. We look forward as Malawi to the inauguration of the Global Coalition next week and the Second World Summit for Social Development in 2025. Lastly, Mr President, Malawi would like to appeal to the Office and to other partners present here to prioritize interventions to support Member States. Malawi looks forward to technical support from the ILO to promote social justice for a renewed social contract that will ensure that as we move as a country to 2063 we do not leave a single citizen of Malawi behind. I thank you, Mr President, for your attention.

Mr Mohammad Otaredian

Employer (Iran (Islamic Republic of))

Dear Chair, dear Director-General, dear delegates, good morning everyone. I would like to begin by thanking the Director-General for providing us with a report that offers a review of the dimensions of the renewed social contract. It was worth noting some views echoed also in the report. Among others, Mahatma Gandhi's comment in 1952 was worthy of recalling that said, "My notion of democracy is that under it the weakest should have the same opportunity as the strongest." Ladies and gentlemen, the importance of the Declaration of Philadelphia for social justice as a foundation for peace has been reaffirmed by the Director-General. This is why [vgr INAUDIBLE 48:08] in all fields exists in the world. Arms are easy to obtain but decent work and decent living conditions are hard to find. In short, we are living through a period of profound turmoil, transition and transformation. In all these discouraging circumstances, it is people

especially youth [? 48:37], who will bear the brunt of these effects. Ladies and gentlemen, the succession of multiple crises, in particular the COVID-19 pandemic, geopolitical, financial, food and energy crises, also the pressure of climate change introduced the urgency of a new social contract to regulate the rights and duties between states and citizens more effectively. In summary, the blueprint for a new social contract demands the active engagement of diverse actors by fostering collaboration, implementing proactive measures and affording comprehensive supports. Governments, platforms, companies, trade unions and stakeholders can collectively establish a nurturing ecosystem conducive to the flourishing of a new social contract content. Dear Chair, distinguished delegates, while social protection is recognized as a basic human right for virtually all governments and international institutions, most of the population still has in fact no social protection coverage. Ladies and gentlemen, I totally agree with the article 58 of the Director-General's report saying, "In order that social negotiation should succeed in laying the foundations of a social contract, strong employers' and workers' organizations must be active at all levels, and the State must guarantee these and not surrender its function of arbiter." Mr Chair, my organization, the Iranian Confederation of Employers' Associations, would like to propose considering the first day of June as the World Day of Employers, such as the World Day of Workers on the 1st of May, in order to call the world's attention in supporting the employers and owners of production and services to whom the expansion of the world economic development is indebted to. Mr Chair, at the end of my address, I would like to thank all the ILO and IOE's staff members behind the scenes for being such an excellent facilitator for such a diverse group of participants while upgrading the quality of the programmes. Ladies and gentlemen, thank you all for your kind attention.

Mr Omar Abdi Said

Government (Djibouti)

President of the Conference, Excellencies, ministers of Member States of the ILO, distinguished Director-General of the ILO, members of the bureau, employer representatives, worker representatives, distinguished delegates, I greet you all. At the outset, I would like to thank the Director-General of the ILO for his continued commitment towards social justice and shared economic progress. The theme of this conference, as highlighted by the ILO Director-General, reminds us that in a world ever more interconnected, cooperation and collective action are vital. We must forge a unified coalition that transcends national borders and political differences to promote development policies which respect both human rights and the environment. Allow me also to commend the tireless efforts of all Member States, employers and workers who have committed to promoting decent work and fundamental human rights. Since our previous meeting, held last year here in Geneva, relations between States have been severely strained by unprecedented global challenges that have been posed by successive crises. In this difficult context, the mission of the ILO, which is to promote social justice and human rights, is extremely important in guiding collective action towards a fairer, more equal and more sustainable post-pandemic world. The protection against biological risks and the discussion on decent work and the care economy are extremely important. In fact, our government has committed to guaranteeing the health security of our population by implementing effective preventive and remedial measures. In addition, we have strengthened our health system by investing on a large scale in hospitals, health centres and in training medical staff. These initiatives aim to reduce risks linked to infectious diseases and to strengthen the resilience of our health system

when faced with future threats. With regard to fundamental principles and rights at work, our country remains attached to promoting equitable, fair and inclusive conditions for all. Our labour code possesses an arsenal of provisions designed to establish a professional environment free from violence and intimidation, thereby promoting the empowerment of women and their full and effective participation in socio-economic life. Dialogue and tripartism are the bedrock of our action. We recognize that only robust partnership between the Government, employers and workers can ensure lasting progress towards social justice. Colleagues, ladies and gentlemen, with regard to the theme of this conference, decent work and the care economy, I would like to highlight the vital importance of this issue for my country. Informal sectors still represent a large proportion of our labour force which is mainly made up of women. However, upon the initiative of the Head of State and the President of the Republic, Mr Ismaïl Omar Guellé, a national plan has been established, and we are progressively witnessing a growing formalization of these activities, thereby offering more legal and social protection to persons concerned. Family carers, who are mainly women, play an extremely important role in providing unpaid care services, and this work needs to be recognized and valued as an essential contribution to our society and to our economies. By investing in care work and by supporting family carers, we can build a fairer, more equitable and more inclusive world for all. To conclude, allow me to reaffirm the unwavering commitment of the Republic of Djibouti towards the ILO's goals and the achievement of the 17 Sustainable Development Goals. We will continue to collaborate closely with all our partners to build a better future in which everyone can benefit from equal opportunities and contribute actively to collective well-being. I would also like to commend the President for leading our work. I would like to thank you for your attention and I wish you all a productive and fruitful conference. Thank you.

Mr Simon Masanga

Government (Zimbabwe)

Mr President, allow me to congratulate you and your fellow officers on your deserved election to preside over the 112th Session of the International Labour Conference. I wish to express my delegation's appreciation for the Director-General's report, which resonates very well with the aspirations of Zimbabwe. Mr President, Zimbabwe takes heed of the Director-General's call to work toward the renewal of a social contract so as to address the pressures affecting the world of work. In 2009, the tripartite partners in Zimbabwe signed the Kadoma Declaration towards a shared national economic and social vision. The declaration set the tone for the tripartite partners to address macroeconomic and social challenges by identifying areas that each of the tripartite partners needed to work on in order to institutionalize social dialogue and positively contribute towards the socio-economic development of Zimbabwe. In 2019 the Tripartite Negotiating Forum, TNF, was legislated and has since established an independent secretariat with the assistance of the ILO. Mr President, the persistent pressures in the world of work are an indication that we need to urgently take steps towards renewal of the social contract. Zimbabwe, under the auspices of the TNF, is currently working towards the conclusion of a social contract by the end of 2024. The Second Republic is currently implementing National Development Strategy 1, running from 2021 to 2025, which is consistent with collective aspirations and determination of the people of Zimbabwe and is aimed at achieving an empowered and prosperous upper-middle-income society by 2030. The Second Republic launched Vision 2030 to chart a new transformative and inclusive development agenda which seeks to improve

the lives of all Zimbabweans, leaving no one and no place behind. This is being pursued through a number of interventions. Number one, ensuring healthcare for all citizens of Zimbabwe through the building of hospitals and clinics throughout the country. Two, access to education for vulnerable children through the Basic Education Assistance Module, BEAM. Three, infrastructural development such as building of dams. And four, climate proofing agriculture through water harvesting and conservation agriculture, known in our country as Pfumvudza or Intwasa, road construction, energy and power generation, including the development of green energy. Five, industrialization, in particular validation and the beneficiation in the mining and agricultural sectors. Whilst implementing all of these initiatives, our major priority as a country is the promotion of employment, skills development and building sustainable enterprises for our youthful population to access decent jobs. Mr President, sir, with regard to the report of the Chairman on the Governing Body, my delegation takes note of the important issues that the GB has been working on. Of particular importance to my delegation is the need to democratize the governance structures of the ILO which continue to have non-elective seats reserved for countries of chief industrial importance. It is of uttermost importance that the reform process of the ILO shift towards the non-elective seats and pave way for equal regional representation of seats. This takes into consideration that currently no African country is included on the non-elective seats. To that end, Mr President, we call upon the countries of chief industrial importance who have not yet ratified the 1986 Instrument of Amendment of the ILO Constitution to do so and pave way for an inclusive ILO. Finally, Mr President, I wish to conclude my remarks by stressing that if we are to renew the social contract, we need to rebuild back better the trust among our social partners. This will lead to a more inclusive, human-centred and sustainable social contract. I thank you.

Ms Saida Neghza

Employer (Algeria)

In the name of God, the Compassionate and Merciful. Heads of government, ministers, Director-General of the ILO, Mr Gilbert Hounbo, Mr Alexei Buzu, President of the Conference, honourable delegates. At the outset, I would like to thank you for this invitation and for giving me the opportunity to deliver this statement at the 112th Session of the International Labour Conference. I would like to thank the Director-General of the ILO for his work and for his visit to the Algerian employers' confederation. I would like to commend Mr Alexei Buzu, the Labour Minister, following his election as President of this conference, and I wish him every success in his work. We are honoured to participate in the social pact launched by the Director-General of the ILO and we are confident that social cohesion and social justice are the foundation of true development, a development that involves all citizens. Ladies and gentlemen, a number of different crises, health and political in nature, have demonstrated that they can have varied consequences on States. Developing countries have been the most affected by these crises, and we have noticed this in the business world as well. SMEs have been the most affected and many have had to close. Therefore, we need cooperation that is based on solidarity and one that takes into account national circumstances more effectively. Within our confederation, we believe that qualified human resources are the key to development, and we need to ensure competitiveness and we cannot do this without qualified human resources and through work in the best conditions. And therefore we are organizing more training for heads of businesses so that we can raise awareness of this need, which is key to ensuring the sustainability of activities and competitiveness.

We are working to improve occupational safety and health, and to that end we recall that our confederation is implementing a project in collaboration with the ILO, and in particular through the ILO regional office in our country. And our theme is 'Working towards decent work' and we are dealing with the informal sector which is occupying a greater proportion in our country and it deprives workers of their fiscal rights. And I would recall that our economies are dealing with challenges at the moment, particularly in Africa. Africa suffered from colonialism, and we are now dealing with a scientific and technological delay and a lack of basic infrastructure. And this in a complicated geopolitical situation linked to security crises and environmental pollution, climate change, food crises and illegal migration. And I would recall the conclusions of the COP, particularly these conclusions which call for greater cooperation for countries of the south to mitigate the impacts of climate change and to promote businesses so that we can distribute different products. And I would sound the alarm regarding the issue of migration which empties institutions and societies of countries in the south of their employees, and the most qualified ones. And this means that we cannot use our modern technologies, and this phenomenon, linked to the issue of illegal migration, prevents cooperation between countries of the north and south, and we need to find mutually acceptable solutions. And I would recall the importance of social dialogue and the need to find solutions that are acceptable to all. I would recall the role of tripartism made up of unions and governments and employees' organizations. This is the approach that we use within this conference. Tripartism is necessary for dealing with important economic issues and for developing new policies that enable us to reach, through consensus, a new social contract. We cannot fail to mention the massacre of our brothers in Gaza who are facing a Zionist attack that has caused the deaths of thousands of women and children. I would recall the need to implement a two-state solution to enable our Palestinian brothers to live in peace. To conclude, I would recall the exceptional relations that link our confederation to the International Labour Organization and the IOE, and I would like to thank the Director-General for his fight towards a fairer world. I would like to thank the Secretary-General of the IOE for his continued support, and I would also like to thank him for his visit to Algeria last September. I would like to thank the Labour Minister of Moldova for his efforts during this conference.

Mr Jameel Humaidan

Government (Bahrain)

In the name of God, the Compassionate and Merciful. Distinguished President of the Conference, distinguished Director-General of the ILO, ladies and gentlemen, may God's peace be upon you. At the outset, allow me to address my most sincere congratulations to you, President, on your election as president of this conference. And similarly, I would like to congratulate the Vice-Presidents, and I wish you every success in your work. I am also honoured to pass on the greetings from the Kingdom of Bahrain and their wishes for a successful conference. I must express my deep gratitude and appreciation for the sincere efforts that have been undertaken by the Director-General of the ILO to strengthen the role of the International Labour Office across the world. I would also like to thank him for his efforts to provide greater support and assistance to tripartism within Member States. In addition, I would like to express the Kingdom of Bahrain's satisfaction with the spirit of fruitful cooperation that prevails between Member States of the Organization as well as the cooperation initiatives between different regions and the desire to strengthen consensus. We are trying to improve expertise on a bilateral level, and this is a major step for our organization. Bahrain would

like to answer the call of the Director-General to improve labour conditions and to improve social well-being to ensure a decent life and inclusivity for all, above all in regions that are suffering from volatile political and health conditions and which have had a significant impact on security and peace as well as the stability of labour markets. This requires all of us to look at the important values recognized by the UN and to ensure collective action in order to reduce global conflicts and maintain economic growth and stability within societies. The reform that has been initiated by our king, this project is the foundation for achieving the noble principle of social justice. This is a principle that aims to achieve the highest level of equality and solidarity and to enable adequate living standards for our country. To make this concrete, measures have been implemented. For example, freedom of association to strengthen social dialogue and to establish tripartism to broaden social protection for all workers without exception, including unemployment benefits, salary protection schemes and all other efforts that have been undertaken to ensure legal protection for workers through regulation and also through the implementation and establishment of a number of bodies. And joint efforts of the Government and workers have enabled us to ensure robust measures to improve development and education efforts on the labour market. Thanks to our integrated social protection system, Bahrain is one of the most advanced countries in this area and we are trying to limit unemployment and create more jobs. As I have already mentioned, we are looking at the needs of the labour market. And to conclude, I would like to highlight the firm position of Bahrain to maintain stability across the world as well as its plan of support to the people of Palestine so that it can establish an independent State recognized by all countries of the world and provide them with a life of dignity. We remain determined to support the rights of workers in the occupied Arab territories and Palestine. I wish you every success in this conference, and I would like to thank you for your attention.

Mr Yankoba Diémé

Government (Senegal)

Distinguished President of the Conference, I would like to congratulate you on your election. Distinguished ministers, Chair of the Governing Body of the ILO, distinguished Director-General of the ILO, who I congratulate on the quality of his reports, colleagues, delegates, guests. I am particularly honoured to take the floor at this 112th Session of the International Labour Conference on behalf of the tripartite delegation of Senegal. During the previous session of the Conference, the 111th Session, the Director-General of the ILO proposed to us a novel idea to establish a Global Coalition for Social Justice, and he suggested to us at that time that we should breathe new life into tripartism to renew the social contract. This is a wonderful idea, and I am honoured to reiterate here, on behalf of Senegal, that the achievement of social justice, which is the foundation of lasting peace, shared prosperity, equality of opportunity and just transition, must involve a renewed social contract. A social contract, the ultimate goal of which is to ensure decent work and social justice as full components of sustainable development. This is a vision that is in line with the will of the new government that has recently been elected to renew social dialogue on the basis of a new social pact. In fact, His Excellency Mr Bassirou Diomaye Diakhary Faye, President of the Republic of Senegal, resolutely has decided to make Senegal a just, prosperous and sovereign nation rooted in strong values. In addition, one of the main areas of the project for a sovereign, just and prosperous Senegal focuses on full employment, decent work for all and reducing poverty in all its forms. Thus, important work is underway in order to mitigate the

employment crisis and to better guarantee labour rights and to extend social protection and reduce poverty rates. And an example of this is the reform that is currently underway of the labour code and the social security code as well as the modernization of the labour administration and the national social association for artisans and the institution for inter-business health insurance for non-salaried workers which we have recently initiated and new initiatives to create jobs for young people and women. These initiatives will be furthered in the third country programme for decent work which is currently being prepared and which is focused on new priorities that include strengthening social protection and inclusivity as well as promoting employment and the effectiveness of labour market institutions. Ladies and gentlemen, our country, Senegal, which has a new occupational safety and health policy, is interested in the fourth agenda item which focuses on standard setting on biological hazards. And in the same vein, our attention will focus on studying the labour administration in a changing world of work. This elite administration has recently undergone many changes in our country, such as the dematerialization of procedures, strategic planning with regard to compliance control, and strengthening of logistics. Distinguished President of the Conference, before concluding my statement, I would like to say that I am very satisfied with the quality of tripartite social dialogue in Senegal. As we can see through the regular organization of trade union elections and the implementation of a national plan to strengthen social dialogue, social dialogue is key for us. And at the moment we have held a first dialogue on reforming justice and our conviction is that the outcomes of this conference will enable our States to renew the social contract in order to revitalize and rethink strategies that promote full employment which is productive and freely chosen. Thank you very much for your attention.

Mr Omar Faruk Osman Nur

Worker (Somalia)

Distinguished ladies and gentlemen, thank you for the opportunity to address the 112th Session of the International Labour Conference on behalf of the working people of Somalia and their trade union organizations under the leadership of the Federation of Somali Trade Unions. The Director-General's report, 'Towards a renewed social contract', highlights the urgent need for a collective approach to social justice, which is the foundation of lasting peace, shared prosperity, equal opportunities and just transition. We must seize this opportunity to reinforce our collective efforts to these goals. Somalia is navigating a critical period in its history. Our country has endured years of conflict, instability and economic difficulties, deeply affecting our labour market. Despite these obstacles, Somali workers have shown incredible resilience. The need for a new social contract in Somalia is urgent to rebuild our nation and ensure social justice for all. The connection between peace and social justice, as enshrined in the 1944 ILO Declaration in Philadelphia, is more pertinent than ever. In Somalia, enhancing rights, reestablishing and fortifying the rule of law and building strong institutions are essential for ensuring peace, which in turn enables the freedom of association, collective bargaining and social dialogue. These are not just ideals but vital mechanisms for peacebuilding, ensuring our society recovers effectively. We cannot talk about social justice without gender equality. Women in Somalia face significant barriers to employment, economic empowerment and education. We must tackle and eliminate these obstacles. Our commitment to gender equality is resolute as we have successfully campaigned for the domestication of ILO Convention 190 and are now campaigning for legislation on sexual and gender-based violence. This ensures women are protected and have equal opportunities in the

workplaces. The dual impact of climate change and ongoing conflicts is forcing more people to migrate in search of better living conditions and safety. Somalia is a country of origin, transit and destination for migrants. We must all embrace a comprehensive rights-based approach to migration that includes sustainable solutions for workplaces and societal integration. Migrants must be treated with dignity and respect, which is crucial for social cohesion and economic stability. Ladies and gentlemen, Mr President, climate change poses a significant threat to workers and the economy, with Somalia being especially vulnerable to repeated climate-related disruptions, exacerbating poverty and displacement. We advocate for a just transition that safeguards workers' livelihoods during the shift to low-carbon economies. On this World Environment Day, I am pleased to inform the International Labour Conference that Somalia has passed a progressive environmental management law. This law enshrines just transition and clearly dictates what our country must do to achieve this through social dialogue, ensuring our national climate action is ambitious and equitable, leaving no one behind. Geopolitical interests and polarization are undermining multilateralism at a time when global cooperation is crucial. The ILO, with its tripartite structure and mandate, plays a key role in supporting inclusive multilateralism. As Somalia prepares to join the UN Security Council it must exemplify the global commitment to international labour standards and collaborate to address critical global challenges such as peace, climate change and inequality. By doing so, Somalia can contribute strengthening the very multilateralism that is currently under threat. Finally, the Director-General's report offers a detailed road map for developing a new social contract. For Somalia and the world, this means recommitting to the principles of social justice, gender equality and inclusive multilateralism, which we wholeheartedly support. It entails placing workers' rights at the core of our efforts to rebuild a fairer and sustainable world. I thank you very much.

Mr Colin E. Jordan

Government (Barbados)

Chair, distinguished delegates, Barbados thanks the Director-General for his report 'Towards a renewed social contract'. Barbados continues to value its people, their development and their ability to lead fulfilled lives as they contribute their intellect and their physical labour to national development. We stand against the commoditization of that labour. Earlier this year we enacted the Labour Clauses (Concessions) Act. This legislation builds on the Labour Clauses (Public Contracts) Convention 1949 and aligns itself with accompanying Recommendation 84, which includes references to utilities as well as subsidies provided by the state. We are about to establish minimum rates of pay and conditions of work in the hotel and accommodation sector. Previously, we established minimum rates of pay and conditions for work in construction and road building under the Labour Clauses (Public Contracts) Act. Our National Workplace Wellness Policy, developed through the work of our largest trade union, the Barbados Workers' Union, is being rolled out with workers and managers being sensitized about the need to address wellness and work-life balance as part of personal, organizational and national development. At the recently concluded SIDS Conference in Antigua and Barbuda, Barbados launched the Bridgetown Initiative 3.0. Version 3.0 builds on the essential call contained in previous versions of the Bridgetown Initiative. If we are to achieve the goal of creating and maintaining jobs that contribute to the well-being of our population and broader national development, those reforms that we have begun to see in the international financial architecture must be intensified. A more equitable

governance of the international financial institutions is still an objective to be achieved. The Bridgetown Initiative also agrees that GDP per capita is inadequate for the measurement of progress. This measure alone cannot address the matter of vulnerability that continually hangs over us as a Small Island Development State located close to the hurricane belt. The ILO must actively support the Bridgetown Initiative and the principles it espouses. We have already made ourselves clear in various fora of the ILO that the Global Coalition for Social Justice will be essential if the international community is to be galvanized for human-centred developmental policies. There must be policy coherence, particularly as it relates to Small Island Developing States. Barbados recognizes that social security is a crucial component of social protection, an important pillar of decent work. When we received our most recent actuarial review and recognized the demographic trends and the resulting challenges that could face our national insurance scheme, we set about a process of strengthening the scheme to ensure its continued viability. We engaged all social partners and all stakeholders. We conducted townhall meetings across the country, allowing us to hear the views of the population. We have implemented the policies developed using the input from that extensive consultative process. As we addressed the revitalization of our social security scheme, we developed a new self-employed person regime to make it easier for those workers to participate in and to contribute to our social security programme and therefore to their own social protection. As a result of a decision of the Heads of Government of the Caribbean Community, or CARICOM, we have added additional categories of workers to the list of those entitled to free movement within the region. These additions include household domestics. Last month Barbados deposited the instrument of ratification of the Domestic Workers Convention, 2011. We will use this development to accelerate our work to improve the conditions of care workers, including those in the informal segment of that sector. Chair, before I conclude, I must remind you of two things. The climate crisis remains an existential threat, not just to the residents of Small Island Developing States like mine but to humanity generally. As Prime Minister Mia Amor Mottley often says, we are now living in the era of superlatives: the hottest, the driest, the wettest, the worst. Urgent action is needed to mitigate the negative impacts of the crisis and to adapt workplaces and the countries to the impact on human beings. Secondly, the impact of rapid advances in technological development must be recognized and guidelines put in place to ensure that the vulnerable do not become collateral damage. The intersectionality of climate and technology on the world of work and their potential impact on realizing development that is human-centred must be recognized, must be addressed. Barbados remains and reaffirms its commitment to fairness and to justice within our own country, within our region and around the world. Thank you very much, Chair.

Mr Francis Atwoli

Worker (Kenya)

The Central Organization of Trade Unions Kenya, welcomes the Director-General's report which proposes a renewal of the social contract, being the pillar that we have all along relied on in the pursuit of the promise made in the Declaration of Philadelphia on 10th of May 1994. We also, Mr President, note that a functioning and futuristic social contract is fundamental to the existence of just societies, which we all acknowledge as an imperative and essential ingredient for achieving universal lasting peace. Mr President, the Central Organization of Trade Unions in Kenya acknowledges that over the years many people across regions are losing trust in the way governance is

exercised, whether at the national level or at the international levels. People feel disillusioned, abandoned and seen they are not benefiting from the gains of our economic progress. This trend is unsustainable and does not portend well for humanity. Mr President, the situation is worsened by the lack of focus and attention on social protection by many governments. Just last week I had a productive meeting with the Assistant Director-General of the International Labour Organization for Jobs and Social Protection, Sister Mia Seppo, during her visit in Kenya, where the Central Organization of Trade Unions in Kenya emphasized the importance of the International Labour Organization to work together with governments to ensure that there is robust investment in social protection infrastructure not only in Kenya but in many other countries of the world. Today, more than ever before, Mr President, we must remind ourselves that the International Labour Organization, as a guarantor of social justice, cannot remain indifferent in the face of these challenges. Mr President, we note that while the International Labour Organization has the institutional means at our disposal to spearhead the renewal of the contract, there might be need for a relook into the bureaucracy of the Organization with the aim of boosting effectiveness and productivity. Mr President, at the same time, we must all remember that social dialogue is our time-tested tool which has for a long time served us well over the years and helped us to successfully navigate many daunting challenges on crises in industrial relations practice. Colleagues, we are encouraged by the timing of this discussion, which is happening just a few months before we convene at the Second World Summit for Social Development, which is spearheaded by the United Nations, in 2025. It affords us an opportunity to concretize our organization's priorities in order to better and entrench them in the United Nations system. Mr President, the Central Organization of Trade Unions in Kenya also sees this as an opportunity for international organization constituents to reflect on the extent to which we have exercised our collective responsibility we owe each other, including the mainstreaming of workers who have not been benefiting from a fair share of economic progress achieved so far. Mr President, lastly, these categories include women, youth, migrant workers, informal sector workers and workers in the care economy and digitally [? 100:58] enabled platforms, including gig workers. I must also note that the growth in the informal sector, particularly in Africa, has brought with it challenges and opportunities at the same time. And the Central Organization of Trade Unions in Kenya calls for a renewed focus by not just the International Labour Organization but also by governments so as to ensure that there are strategic investments in this [vgr INAUDIBLE 101:32] industry of informal sector, which aims at ensuring the formalization of the informal sector for more provision of employment in Africa, on our continent. Mr President, I thank you.

Mr Ergün Atalay

Worker (Türkiye)

Dear President, distinguished delegates, it is an honour to appear before you as the Worker's delegate of Türkiye. The living and working conditions of waged labourers around the world, including in my country, have continued to deteriorate over the last year. The vast majority of workers around the world have been suffering from various labour market problems such as precariousness, anti-unionism, poverty and inadequate occupational and safety measures for years. A significant number of workers have lost their lives due to work accidents and occupational diseases over the past year. These work deaths and the problems experienced by people and workers are strongly related to greed which ignores people and workers. This excessive greed for profit is at the

centre of all problems. In my country the situation of low and fixed-income earners has got worse over the last 25 years. The high rate of inflation has also led to worsening living conditions. The purchasing power of waged labour has been lost, and because of the heavy tax burden on the shoulders of working people there is no income justice anymore. A regulation enabling higher taxes to be collected from people with high incomes and lower taxes for people with low incomes needs to be enforced. The COVID-19 pandemic, earthquakes and wars have also hit workers hardest and unemployed people and people with low incomes around the world, as mentioned in the Director-General's report. Due to wars, workplaces have collapsed, workers' income has been lost. Workers have also lost their families. Working people, pensioners and minimum wage earners are paying the prices for these ongoing socio-economic policies. Trade union rights are declining across the world. The ILO Conventions have a significant impact on trade union rights and regulations with regard to the labour market. Most of these Conventions have become unenforceable right now, and the main reason for this is the relentless greed of multinationals. What we have seen is deregulation that is under way around the world. If the accepted and ratified Conventions are to be properly implemented, that would improve workers' rights. Therefore, the governments of Member States and employers must play an active role in the implementation of these ILO Conventions and standards. Every working person should benefit from the right to organize and to be involved in collective bargaining. Workers should have the right to choose a trade union of their own free will and without discrimination. The fundamental ILO Conventions must be respected. This is essential for the effective functioning of the tripartite mechanism. In Türkiye there are problems concerning the right to organize and collective bargaining for civil servants. Freedom of association and the right to choose a trade union for civil servants must be fully respected. Discriminatory practices on various grounds must be stopped. We have celebrated the centenary of the republic in our country last year. For the past 50 years we have been fighting terrorist organizations, and I regret to say that some developed countries are supporting these organizations, including by providing them with weapons. Today, terrorism has become an international problem that we need to solve. And while we are talking about labour rights in this room, conflicts continue to rage in many parts of the world. The Middle East is in flames. Today is the 243rd day of the occupation of Gaza. Palestinian workers are trying to survive despite Israel's brutal aggression that is violating all fundamental human rights. While this happens, the international community is just looking on. While we are talking here, infants, children and women are losing their lives. All over the world, students are demonstrating in support of Palestine. All of us in this hall, including trade unionists, have not been able to respond as effectively as these students have. I call on the international community to go beyond words and take action to end the wars and violations of workers' rights in Palestine and in other parts of the world as soon as possible. Thank you for your attention.

Mr Jamal Kadri

Worker (Syrian Arab Republic)

Director-General, ladies and gentlemen, Chairman of the Conference. At the beginning, I wish to congratulate the ILO, the Chair of this 112th Session of the ILC, on his election. I also thank the Director-General, Mr Gilbert Houngbo, for his annual report to the Conference on the very important issues in the world of work. I also thank him for the report on the workers in Palestine and the workers in the occupied Arab territories. The Organization needs to set up dissuasive measures against the occupying

Israeli forces because of the harmful effect that has in the occupied Arab territories as well as the issues related to the Syrian Golan. We also have discussions on the agenda concerning the protection against biological hazards, decent work in the care economy and following up the discussions on the fundamental rights and principles at work. These are subjects where we want to see better protection of workers. Ladies and gentlemen, this conference is taking place in difficult and complex circumstances, as the case around the world, particularly in the Arab region. Our region is suffering. It is suffering from the genocidal war led by the Israeli occupying forces against the Palestinians in Gaza. There are also severe violations committed by the occupying forces against workers in the Occupied Palestinian Territory and in the occupied Syrian Golan. In particular, these violations are seen through racist practices targeting our workers, discrimination at work and direct attacks, indiscriminate attacks. These represent a flagrant violation of the legitimate rights of the people under occupation. There are various international provisions governing this situation. These are various international norms that must be upheld. After a number of years, ladies and gentlemen, terrorists have targeted my country where we have seen terrorist groups succeed, and the Western occupiers continue to occupy part of Syria's national territory. My country is therefore deprived of its resources in terms of oil, gas and wheat. There have also been various separatist movements operating at local levels. What we need to see is effective international cooperation to resolve these issues. It is very important today that we work to rebuild in this region, under the aegis of President Bashar al-Assad. This is how the Syrian people will be able to rebuild the country. It is imperative that we build our economy and repair the damage done by terrorists and those who support them. I refer in this regard to Recommendation 205 of the ILO on decent work. This recommendation stresses the need to see concerted efforts from all countries to help countries that have been ravaged by war to set up policies for early recovery and to work on these policies in an effective way. This is something we need in Syria. Unfortunately, the economic embargos and unilateral coercive measures imposed on the Syrian people, by countries that support terrorism, run counter to this objective. This is simply collective punishment, which is unacceptable and should be condemned in the strongest possible terms. We should remove the economic embargos imposed on a range of countries, including my own. These embargos constitute a blatant violation of the Charter of Human Rights and of international law. In this end, I would like to mention the work that is being done in Damascus by the International Labour Organization and efforts and various projects that have been set up. These efforts and projects are welcome, and we call on all the different stakeholders to work, in particular after the earthquake that affected the country last year. We want to thank the Organization for the efforts that it has made and the support that we have received in my country. We wish once again to express our gratitude. And aiming to work towards health and safety at work is a priority for us as well. We once again call for transparent and fair elections so that we have the right candidates to the Governing Body of the ILO. All of this is essential to counteract certain tendencies within the Organization and to refocus efforts towards the goals of the Organization for which it was founded, upholding workers' rights around the world and ensuring a beneficial working environment. The various stakeholders in this area should work together on an equal footing together with all countries, and we want to see no discrimination take place. We hope that we will see lots of success during this conference and in the decision-making and policies that will serve the Organization's mission. Thank you very much.

Ms Sumita Dawra

Government (India)

Thank you, Chair, for giving me the opportunity to address the 112th Session of the International Labour Conference, popularly known as the International Parliament of Labour. I heartedly congratulate the ILO for organizing the 112th Session of the ILC meeting with the plenary discussion on such an important topic of social justice and social contract. ILC meetings allow countries and social partners to exchange ideas and foster the spirit of consensus building and tripartism, thus bringing us closer to a common goal of promoting decent work for all. The International Labour Organization has been instrumental in shaping a global social contract for over a century by adapting frameworks for economic and social progress. The ILO's emphasis on social protection sets benchmarks for key governance principles that lead to decent work and opportunities for all. Being a member of the coordinating group of the ILO's Global Coalition for Social Justice, India is committed to advancing social justice across the globe. India is guided by the principles of justice, liberty, equality and fraternity enshrined in our constitution to establish equitable and accessible social security systems for all. The fundamental rights enshrined in India's constitution symbolize our commitment to social justice and fair treatment for every citizen. India is moving towards a better future with the aim to provide universal social security to all formal and informal workers. The Employees' Provident Fund Organisation and Employees' State Insurance Corporation are pivotal in providing social security benefits in India to organized workers, reaching millions across the country. The Employees' Provident Fund Organisation extends benefits such as provident, pension and insurance funds to over 2.4 million establishments. Currently, 320 million members' accounts are maintained under the Employees' Provident Fund Organisation as in 2023/24. The Employees' State Insurance Corporation is serving 34.29 million insured persons offering assistance in various exigencies, including death, sickness, old age, with a network of 165 hospitals and more than 1,500 dispensaries across India. For providing social security to informal sector workers, India has created a national database of unorganized workers in the country, seeded with unique identification numbers through a digital portal named eShram. Almost 300 million workers have already been registered on the portal, which helps in evidence-based decision-making, policymaking and targeted delivery of social security schemes to informal workers. The eShram portal has been linked with the National Career Service portal, providing employment related services and opportunities to labour, and also the Skill India portal, which provides skill development opportunities, as well as with the portal for a pension scheme for informal workers, thereby benefiting millions of informal workers in the country. India is also providing various in-kind social protection benefits, including free housing, food guarantee through the public distribution system, subsidized cooking gas, cash transfers, agriculture crop insurance and so on. These efforts, coupled with advancements in digital payments and governance through direct benefit transfer system and financial inclusion initiatives have led to good governance and a targeted system of delivery of benefits. India, with the support of the ILO, has made efforts to map the unique beneficiaries of social security under the various central sector schemes. And based on this exercise, the ILO has revised its estimate of social protection coverage in India to about 48.8% in its database. While I thank the ILO for their sincere efforts for the correct estimation, the figure of 48.8% is also an underestimation of actual social security coverage in India because it does not account for in-kind benefits provided to the citizens of the country and it excludes the social security schemes which are run by the

state governments in India. The actual social security coverage of India is much higher. During 2023, under India's presidency, the G20 countries marked a significant stride towards addressing the global skills gap, social protection of gig and platform workers and sustainable financing of social protection. The G20 countries agreed to conduct a pilot study on international reference classification of occupations. This will help in skills gap mapping and addressing global skills gaps by cross-border job matching. India has already committed ten million rupees for this pilot study. I also urge the ILO and other G20 countries to contribute towards this pilot study. India is promoting the safe and regular migration of skilled personnel to countries facing labour shortages. The ILO is requested to prioritize its programmes towards safe and regular international migration and encourage countries to sign bilateral or plurilateral migration and mobility partnership agreements and social security agreements for the welfare of international migrants. India has witnessed a rise in the female labour force participation rate from about 23% in 2017/18 to 37% in 2022/23. The Government of India has enacted four labour codes to support gender equity, gender equality, provide comprehensive childcare services, have flexible working arrangements, and also prohibit gender discrimination and harassment at the workplace, thereby promoting gender equality and economic prosperity. Lastly, I thank the ILO for bringing together the countries across the globe to work towards labour welfare and for the development of a renewed social contract. Thank you.

Mr Khaled Fanatsah

Worker (Jordan)

In the name of God, the Compassionate and Merciful. Distinguished President of the Conference, distinguished Director-General, ladies and gentlemen, at the outset, I would like to congratulate you and your vice-presidents on your election as president at this conference. I would like to thank the Director-General for his comprehensive report, and I would like to say that the social contract is a concept linked to a transformational change in relations between individuals and society. This contract can be linked to technology and communications and responsibilities, and it reflects the challenges and opportunities that our societies are facing in this modern age. As part of this new social contract, individuals can play a more important role within society and in decision-making. Technology, in turn, plays an ever more important role in ensuring social interaction. Social responsibility should play a greater role in achieving a balance between individual and society. This new social contract requires a rethinking of strengthening mutual understanding and justice within society. The role of teaching and awareness-raising is extremely important as part of such efforts, and we must also be careful in using technologies so that we can ensure that they are of service to all. Trade unions play an essential role within society. These are society-based organizations that represent workers and defend their rights. They work to improve the working conditions and to increase salaries and ensure occupational safety and health as well as decent work. Trade unions play a role in ensuring a balance between employers and workers, and they strengthen social justice. In some countries, trade unions have to face challenges when it comes to representation as a result of legal obstacles in their countries. And so we must strengthen freedom of association and the enjoyment of their rights. They represent different population categories and they provide protection to all their members, and they can mobilize people so that we can have greater freedom, and they play a role with social partners to achieve social peace and to implement workers' rights. And we must talk about Palestinian workers, which we will do during the

special session. With regard to the situation of workers of the occupied Arab territories, we would like Palestine to become a fully-fledged Member State of the ILO and for it to be an independent State with East Jerusalem as its capital. Thank you for your attention.

Mr Joseph Bugeja

Worker (Malta)

Director-General, distinguished delegates, it is a privilege for me to address you today as the Maltese Workers' delegate at this esteemed International Labour Conference. We all are at a very critical juncture where our actions must speak louder than our words. Renewing our social contract has never been more pressing and essential. The forward-looking report from the Director-General provides a timely and essential framework for our discussions and guidance. The notion of the social contract is fundamental to our societies, embodying the mutual responsibilities that bind us together. Historically, social contracts have evolved to meet the changing needs of our societies and communities. Today, as we face unprecedented catastrophic and dangerous challenges ranging from climate change and economic equality to technological disruptions and demographic shifts, from war to genocide, our social contract must once again be renewed. This renewal must ensure that our governance systems and social protection remain robust, equal and inclusive. Pivotal to this new social contract is the principle of social justice. Social justice is about creating a fair, inclusive and equal society where everyone can enjoy a peaceful, dignified and fulfilling life, regardless of their background or circumstances. Regions and countries around the world are torn apart by war, famine, death and destruction. Thousands of people have died and the lives of millions are ruined by these conflicts. In times of crisis, it is the most vulnerable who bear the brunt of economic and social upheaval. Social justice also means that everyone has the chance to advance economically and socially. We must ensure that decent work and fair working conditions for all becomes a reality, where employment is not just a means of survival but a path to dignity and fulfilment. Decent work, apart from productive employment and fair pay, must encompass a safe and healthy working environment, inclusive practices, gender equality, continuous personal development, a just transition, freedom of association, the right to strike, collective bargaining and effective tripartite social dialogue. We must also emphasize the importance of social protection for all workers, including those in the informal economy. Social protection systems are the safety nets that prevent individuals from falling into poverty and despair during times of hardship. They are essential for building resilient societies where no one is left behind. As the report suggests, businesses' sustainability must be viewed through a dual lens: economic viability and social responsibility. While economic sustainability is crucial for businesses to thrive, it is equally important that they operate in a manner that is socially sustainable. This means adopting practices that support the well-being of workers, community and the environment. Businesses must recognize that long-term success is intertwined with the health and stability of the societies in which they operate. A socially sustainable business model not only assures ethical practices but also contributes to a more equitable and just world. Social justice in Malta has seen significant strides during the years, marked by various progressive measures aimed at enhancing the well-being and equality of its citizens. The increase in the minimum wage has provided a much needed boost to the lowest earners, ensuring a more equitable distribution of income. We ensured that social protection and basic working conditions are extended to platform workers, recognizing the growing gig economy. Most recently, new laws governing employment agencies have been

introduced to ensure fair practices and protect workers from exploitation. A notable development is the implementation of equal pay for work of equal value for subcontractor employees, addressing wage disparities and promoting fairness in the labour market. Furthermore, there have been increases in pensions and social benefits, improving the quality of life for pensioners and those most vulnerable in our society. The Government has also provided subsidies on fuel, water, electricity and basic food products, making essential utilities more affordable and supporting the overall cost of living. The General Workers' Union, in collaboration with the Alliance Against Poverty and Moviment Graffiti also published a study on the living income and how to transcend from a minimum wage to a living income. These measures collectively represent our commitment to social justice, aiming to create a more inclusive and equitable society for all its citizens. In conclusion, the path forward is clear. It is our collective duty to renew our global social contract, grounded in the principles of social justice and decent work for all. Together we must build a future where everyone, regardless of their circumstances, has the opportunity to thrive. The International Labour Organization must be the main promoter and take a leading role in this endeavour. Thank you.

Mr Sumbue Antas

Government (Vanuatu)

Mr President, good morning, and I bring you warm greetings from the people of Vanuatu. We thank the Director-General for his report and introducing the theme of this ILC conference, 'Towards a renewed social contract'. Today, as we continue to adhere to the principles that established the ILO many years ago, Vanuatu stands united with the international community in supporting the ongoing work of the ILO. We recognize that the ever-changing environment, the evolution of human beings' behaviour, the changes to standards and evolving aspirations of humanity have not diluted the established ILO principles. Those principles have withstood the test of time and we, Vanuatu, are pleased to be so associated. Our commitment to the principles has been revitalized in the past year and which can be reflected in confidence-building measures and capacity enhancements with the establishment of our ILO office in Vanuatu in November 2023 which, amongst labour issues, will focus on our mutual interests on climate change, migration and human security. This conference theme, social contract and justice, focuses on the very foundation of fair societies that opportunities are built on. Vanuatu subscribes to that, and we are delighted to acknowledge the ideas that are generated by this theme from everyone. It reminds us of the way we organize ourselves in our communities, such as in Vanuatu where people have to care for each other as a given. Vanuatu's national sustainable development plan requires us to set for ourselves a pillar of a society that seeks to ensure that we maintain the vibrant cultural identity which underpins the peaceful, just and inclusive society that is supported by responsive populations and capable institutions delivering quality service to all citizens. In so far as implementing global and national [vgr INAUDIBLE 132:49] are concerned, we will ensure that systems of [vgr INAUDIBLE 132:54] governance and religious faith principles are an inherent element to bestow life skills and knowledge for future generations. It is not only that but a healthy population that enjoys a high quality of physical, mental, spiritual and social well-being, resulting in quality healthcare for all; that there is an inclusive and equitable and quality education with lifelong learning; that Vanuatu society and other societies uphold human dignity and where human rights for children, women, youth, the elderly and vulnerable groups are supported, protected and promoted in our daily living. Those are what we consider as essential elements for the social justice which you

have ably decided to be a theme this year. Mr President, the same principles can equally apply in the economic settings, ensuring economic opportunities for all members of society. That, for many of us in the strong rural economy, creates opportunities which will enable the development of rural communities where the majority of our populations live in Vanuatu leading to an absolute increase in their contribution to national prosperity. Our own version of the social contract also calls on the members of the powerful leaders of the world, because of the political, economic and [vgr INAUDIBLE 134:10] status, to reinforce their relations with smaller countries under the same principles. It will contribute to the world the possibilities of good standards of living and protect the health of the world we live in. We agree that the DG's report can be an incubator to renewing the social contract and advancing social justice, and that in the United Nations Second World Development Summit in 2025 we will stimulate the conversations and renew our commitments. It is the choices and decisions that we make which will determine our future. Despite the social contract we aspire to, the developments in technology, the emergence of artificial intelligence, social media influences, will have a significant impact to our social contract. Caution should be expressed that these technological advancements should be for the good, to use them to feed each other and to address food security. What is the use of these advancements if one cannot find water, shelter and clothing to men, women and children? In fact, what good are all these developments if countries like Vanuatu face climate change challenges? We, Vanuatu, are a part of the community, we call ourselves Big Ocean States, and where climate change remains the most significant threat to our human society and sustainable development. With manmade negative effects of climate cost and determined by the work that these men and women have done over time, we wonder if the direction imposed on us by the [vgr INAUDIBLE 135:43] of the changing social contract will do justice to our communities. The influence, power, energy and authority of mankind, resulting in the creation of industries, formation of changing consumption behaviours and the degradation of our environment, creates a challenge. Finally, Mr President, Vanuatu graduated from LDC status to developing country status in 2020 at the height of COVID-19. Despite our graduation, [vgr INAUDIBLE 136:12] that we will need increased support from our friends and partners. We call on the ILO family to continue supporting Vanuatu and to increase the development efforts to the Small Island Developing States, the small and vulnerable economies, and the Big Ocean States, of which Vanuatu is part of. We thank you in anticipation of that support, and we look forward to a bold and clear declaration on the social contract for humanity. Mr President, I thank you.

Mr Nasser Al Meer

Employer (Qatar)

Delegations participating in the 112th Session of the ILC, may the peace of God be upon you. I represent the employers of Qatar and I would like to highlight a number of issues of concern to us all on our path towards achieving the SDGs and economic prosperity. I would like to thank His Excellency the Director-General for his report, and I would like to commend the important issues that he has referred to in his report and for addressing the situation of workers of the occupied Arab territories in Palestine. We are witnessing the destruction of infrastructure, and we invite the international community to condemn these actions. We are facing a certain number of economic and regulatory challenges that are hindering innovation and cooperation. Such challenges include issues of energy and the economy, and we must diversify as a result of this. But

we can see new opportunities as well, for example, when it comes to green technologies. This broadens our horizons, and we highly appreciate the efforts of the Government of Qatar to support employers, particularly through facilitating measures and investment procedures and in promoting a business climate. The Government has implemented a number of policies that enable local and foreign investors to more easily create and develop new projects. Sustainable development is the cornerstone of the national vision of Qatar up to the year 2030, and we support this vision thanks to the adoption of responsible environmental and social practices and we are committed to preserving the environment and ensuring sustainable development which will ensure prosperity for all. Strengthening international cooperation is the key to success in an interconnected world. In Qatar we hope to develop partnerships together with other countries to support business and investment. These partnerships facilitate the exchange of experience and enable us to open new markets. We are working tirelessly to train our labour force in Qatar in order to respond and meet the needs that are continuously changing within the labour market. We are committed to creating jobs and developing human resources in Qatar so that young Qataris can participate in building a prosperous future. Technology plays an essential role in enhancing competitiveness. We want to use modern technologies across the sector, and this will enable us to improve efficiency and provide new services to meet new needs. To conclude, I would like to express my thanks to the organizers of this conference. Collaboration and exchange enable us to achieve our shared goals when it comes to economic and social and sustainable development. Thank you.

Mr Faiez Almutairi

Arab Labour Organization

In the name of God, the Compassionate and the Merciful, may God's peace be upon you. Chairman of the Conference, Director-General, ladies and gentlemen, may God's peace be upon you. At the outset, I would like to express my warmest congratulations to the Chair of the Conference on his election, and thank you also to the Director-General for his report titled 'Towards a renewed social contract'. We are using more socio-economic policies to face current challenges. In doing this, we aim to strengthen social justice and good governance. That, in turn, contributes to mitigating social inequalities and ensuring greater stability between the three parties to production. This renewed social contract that comes at the same time as a call for a Global Coalition for Social Justice but also in parallel to our efforts towards the next Social Summit in 2025. Ladies and gentlemen, the Arab Summit held its 33rd session in Bahrain last month. Here we saw the adoption of an initiative from the Arab Labour Organization for a new social pact. This incorporates new guidelines and aims to ensure complementarity between visions and objectives. It is a coalition that sheds light on the best ways for us to proceed to achieving greater complementarity between the parties in production in the Arab region. We are now working towards implementing this initiative to consolidate and to implement social justice across the Arab countries. Ladies and gentlemen, the conditions in which workers are living in the occupied Arab Palestinian territories are getting worse daily. They are subject to continuous attack. This is a war of destruction that is being rained on Gaza that has lasted more than eight months now and it is the cause of a human and social and economic catastrophe. It is taking the lives of tens of thousands of innocent men, women, children, older people. It has also been the cause of the total destruction of the infrastructure in that part of the world and also has taken with it tens of thousands of jobs. That in turn has led to unprecedented levels of

unemployment in Palestine. There is no longer any means of subsistence in Gaza. So from this high rostrum I call on all of you to ensure that this war be ended and to ensure that emergency aid be sent to people who are still alive. We need to see more social justice and more security in order to achieve peace and security on our planet. We call on the other stakeholders and the ILO as well to support the Palestinian employment and social protection fund and UNRWA so that it can help all of those who have suffered the effect of this war. And we need urgent aid to help those in need. We also need a work plan to strengthen the development cooperation plan to the benefit of the occupied Arab territories in cooperation with the Arab Labour Organization. Similarly, we should integrate the annex document to the Director-General's report on the situation of workers of the occupied territories as a permanent document on the agenda of the ILC and the successive conferences. There, it should be submitted to the plenaries then. In closing, I recall that our work requires commitment to the benefit of all future generations. Here, in Palestine and around the world. I wish everybody every success. May God's peace be upon you.

Mr July Moyo

Government Vice-President (Zimbabwe)

I thank you, Director. Fellow delegates, that concludes our list of speakers for this sitting. I thank you all for your contribution to this morning's proceedings. The sitting is now closed.

Mr Rajeev Dubey

Employer Vice-President (India)

Good afternoon, distinguished delegates. It is my honour to declare open the fourth sitting of the 112th Session of the International Labour Conference. Before going any further, I would like to start by thanking you for all the trust you have placed in me as Employer Vice-President of this 112th Session of the Conference. My fellow officers and I will spare no effort to make sure our plenary proceedings in the coming days live up to the high standards of work undertaken by this organization and its constituents for over a century now. Before we begin our general discussion, however, we need to attend to an administrative matter. The Conference will recall that the Credentials Committee was established at our opening sitting on Monday. The secretariat has informed me that the Workers' group has nominated Ms Amanda Brown from the United Kingdom as the substitute for Ms Zingiswa Losi, Worker member of the Credentials Committee. This nomination was done according to the recommendation made by the Governing Body at its 350th Session in March 2024 to ensure the continuity of the committee's work. Ms Brown's nomination as a substitute member of the Worker member of the committee is now being presented to the Conference for approval. If there are no objections, may I take it that the Conference approves this nomination? Approved. Thank you. Distinguished delegates, we shall now resume our general discussion on the reports of the Chairperson of the Governing Body and of the Director-General. Before we go any further, I should like to remind you that, according to the arrangements approved at our opening sitting with regards to the modalities for the special sitting on the situation of the workers of the occupied Arab territories, the appendix to the Director-General's report on this topic will be discussed at the special sitting tomorrow, 6 June. I therefore encourage you to please focus your interventions today on reports I(A), I(B) and I(C). Thank you. I would also like to recall the principles governing this discussion, which the Conference President referred to yesterday afternoon. Firstly on the use of parliamentary language, I wish to call on all those who will speak in the plenary to do so with both the openness and the dignity that are appropriate to this highest international body in the realm of social and labour-related matters. Freedom of expression is a vital feature of the International Labour Organization. To exercise this freedom in a spirit of mutual respect, it is essential that all delegates respect the accepted procedure, use parliamentary language, refer only to the items under discussion and avoid raising any questions foreign to these matters. The respect of these principles is necessary if we want our work to be effective and successful. Secondly on plenary starting times, there is a firm agreement on the part of the officers to begin our sittings strictly on time. Only in this manner will we manage to complete the debates within the time schedule. I am counting on you to make this possible. Third, I must refer to the length of the plenary speeches. As you may already know, the duration of speeches is limited by the standing orders of the Conference to five minutes only. This time limit will be strictly applied. It is therefore strongly recommended that delegates reduce courtesies to a minimum. Timekeeping is a collective responsibility. For the sake of transparency, a countdown will be on display on the screen for all interventions. Lastly, I would like to address points of order and rights of reply. Delegates who wish to raise a point of order or request the right of reply in the plenary do not need to interrupt proceedings. Instead, they should simply raise their flag. A member of the staff will then approach them in the room and attend to their request. In the case of a right of reply, I request that you clearly inform that member of staff the intervention in respect of which the right of reply is sought. Please be reminded

that a right of reply should refer only to the matter in question. It should not exceed two minutes, and it should be delivered in respectful parliamentary language. It is not the practice in our organization to allow a right to reply to a reply. Without further ado, let us now begin with our list of speakers for the afternoon. I begin by giving the floor to Ms Golpour Charmarkoochi, Chairperson of the Confederation of Trade Union Workers of Iran. Madam, Charmarkoochi.

Ms Somayeh Golpour Chamarkoochi

Worker (Iran (Islamic Republic Of))

In the name of God. His Excellency Mr Director-General, ladies and gentlemen, distinguished delegates, with great sorrow for the unfortunate death of Mr Ebrahim Raisi, the President of the Islamic Republic of Iran, and appreciation for the kind message of the DG, Mr Gilbert Houngbo, to the Iranian annual labour summit. As a representative of the Workers' delegate of the Islamic Republic of Iran, I am very pleased to have the opportunity to speak in your presence, and I am here to expand our interaction and share experience. As the DG states, social contracts are the basic pillar of the system that provides the mutual interests for us as the workers and employers. Therefore, in order to achieve social justice, that is enjoyment of all human beings, irrespective of their social and occupational status to fundamental rights contained in the Declaration of the Human Rights and [vgr INAUDIBLE 7:39]. The collective efforts of the [vgr INAUDIBLE 7:45] organization, governments and international institutions is needed so that rights they could be not violated. Of course, in a crisis situation weak people are exposed to more damage and need support. In such situations, what caused the owners of the [vgr INAUDIBLE 8:05] interest to observe fairness towards the [vgr INAUDIBLE 8:08] in their belief and commitment to moral value. In the Islamic Republic of Iran we believe that religion is the base of the people's adherence and maintaining fair standards as the Quran has instructed to adherence to the contract and set up justice. And in the Islamic tradition, believers are committed to complying with the conditions, and oppression of the strong against the weak is prohibited to the extent that Hazrat Muhammad, the prophet of Islam, has repeatedly ordered a society in which is the right of the weak are not taken from the strong. Without hesitation it will not reach to the salvation. Unfortunately, we are facing great challenges for the realization of civil society based on ethics and human rights, which include various forms of domination, racism, exploitation, [vgr INAUDIBLE 9:17] of the strong against the weak, deliberately disenfranchising vulnerable communities. And [vgr INAUDIBLE 9:26] shows that we have moved away from the civil society based on the social contract on the basis of the value contained in the Philadelphia Declaration. In this, the role of the ILO, governments and the labour employer syndicates in the field of the labour relation is first trying to create decent working conditions and maintaining fundamental labour rights. Two, establishing convergence among stakeholders to ensure social justice. Three, providing technical and educational coverage. Four, orienting the future developments of the labour market due to the big changes caused by technologies such as artificial intelligence, climate change and problems resulting from the ageing of societies. In Iran, out of the population of 25 million working people, about 15 million are employed under the labour law and regulation, and the rest work in the government, freelance, domestic jobs. Of course, due to the fact that non-workshop [? 10:38] jobs are not well covered in the current labour law, we have freelance outside the protection of the labour law that we are trying to solve this problem. In conclusion, as a working woman who has

personally experienced gender restriction, I hope that with cooperation humanity could achieve a world free of undue discrimination.

Mr Alfonso Palacios Torres

Employer (Colombia)

Thank you, Chair, for giving me the floor. On behalf of ANDI, the Colombian employers, we think that it is of great importance that I have this opportunity to address the plenary. The Report of the Director-General on a renewed social contract, addressing inequality, social justice and promoting sustainable development, we think those are three very important points. However, we think it is important that the ILO's approach does not limit itself to normative standard setting but we also need to consider practical implementation. Creation of standards for their own sake will not lead us to solve the problem of inequality nor resolve the problems of informality and their structural causes nor to provide for social justice, nor will it help to promote sustainable development. Something that is necessary and complementary is strategies focused on the construction of public policy designed in a tripartite fashion, taking account of the different levels of development and the diversity of cultural reality, social realities and economic realities that exist in the Member States. Given that, the Colombian employers are convinced that the promotion of social justice requires a favourable environment for business development to make it possible to create the preconditions for formalization and make it possible to comply with legislation that seeks material equality. Addressing poverty by transition from informality to formality, creating jobs that are decent, free and productive, and the creation of a propitious environment for sustainable enterprises have to be the principle drivers of a dialogue involving everyone and all of the relevant stakeholders. That means the Government and the employers and the workers. These points are particularly important at a time when we are faced with great economic uncertainty, as in Colombia at the moment. Growth has not gone beyond 1% over the last four quarters, and of course that has led to a slowdown which is starting to be reflected in labour statistics. That is why at the moment we have a level of unemployment which has been going up continuously for eight months and has reached 11.3%, and we have a rate of informality which is at 56.1% at the moment of the labour market. So that is why we are very concerned by the attitude of the Colombian Government, not just because there's a lack of an adequate response to the economic difficulties that I've mentioned but because it is not following properly the principles that have always guided the ILO in its work: tripartism and the respect for freedom of association. As far as the first point is concerned, we are very concerned that the means of tripartite consultation and social dialogue provided for in the constitution have been weakened. For example, the commission on labour matters and salaries which has not been convoked although it has to be legally to address the reform of the labour code now going through the Colombian Congress. Nor has it been consulted on the definition of public policy, for example the policy on decent work. As far as the second point is concerned, that is the weakening of freedom of association, it is worrying the way that the Government has been interfering in employers' organizations, trying to influence who is representing employers in some of the largest employers' organizations. That is why we call on the Government to change their path and to not lose the opportunity to enter into real tripartite dialogue on the projects that are underway as I mentioned, such as the reform of the labour code, because we think that this opportunity means that we have to find solutions. Going by the three lines, widening social protection. Second, reducing informality in work and business. And thirdly, making it possible for businesses

to create new formal jobs. We in Colombian enterprises emphasize the importance of tripartite spaces for dialogue, making it possible to construct a more robust democracy and go down a path of greater consensus. Thank you very much.

Mr Daniel Teressa Shone

Government (Ethiopia)

Mr President, Excellencies, distinguished delegates, it is a great honour to address the 112th Session of the International Labour Conference on behalf of the Government of Ethiopia and the Ministry of Labour and Skills. Allow me to extend my congratulations to Mr President, along with the vice-presidents and other esteemed officers of this conference, on your election to preside over this session. Rest assured of my delegation's full support and cooperation as you undertake your responsibilities. The Ethiopian delegation welcomes the comprehensive Report of the Director-General on 'Towards a renewed social contract' for fighting the growing inequalities and promoting social justice in the world of work. Mr President, Ethiopia is on the promising path towards inclusive growth, aiming to eradicate poverty and achieve sustainable development. Our policies and ten-year development plan align with the Homegrown Economic Reform Agenda and the Green Legacy Initiative supporting Agenda 2063 of the African Union and the Sustainable Development Goals. Despite regional and international challenges such as natural disasters and recurring conflicts, we demonstrated unwavering strength and determination towards engaging social justice and labour rights. On behalf of the Ministry of Labour and Skills, I would like to highlight our focus on empowering the youth and potential growth. We believe that uplifting this segment of society is crucial for unlocking the full potential of our nation. Our progress in institution building under challenging conditions includes research and technology enhancing, building human capital, developing infrastructures, developing skills through training and standardization, creating jobs by expanding enterprises and employment opportunities, promoting industry peace through occupational safety and health and social dialogue. Creating conducive work environment are efforts that aim to produce qualified human resources, reduce unemployment and create sustainable job opportunities. Excellencies, distinguished delegates, in our pursuit of social justice and an inclusive labour ecosystem, allow me to share some of the key reforms and achievements of the Ethiopian Ministry of Labour and Skills. We have reformed several areas with our partners, such as skill development via vocational training, job creation through family businesses and public entrepreneurship and youth-led innovations, establishing one-stop public employment and migration service centres, digitalizing the labour market information system, ensuring industry peace and labour productivity, expanding overseas employment opportunities through bilateral agreements. While recognizing the tremendous potential of the digital revolution, digitalization presents both opportunities and challenges. We must bridge the digital divide and ensure equitable access to information and communication technologies. This requires a collective effort to provide the necessary infrastructure and the resources to all citizens. In conclusion, our world of work is undergoing rapid transformation due to technological advancement. To navigate these changes, we must strengthen social contracts grounded in equality, inclusivity and resilience. Social justice is both a process and a goal. To achieve it, we must act in fostering partnership and collaboration. Our goal is to create robust systems that can adapt to changing global conditions. Social justice requires immediate and sustained action. We must act now, not delay our efforts.

Instead, we must join in good faith, share our challenges and successes and work towards a future where fair and decent work is a reality for all. I thank you.

Ms Anna Jardfelt

Government (Sweden)

Your Excellencies, ladies and gentlemen, constituents of the International Labour Organization, it is an honour for me to address this 112th Session of the International Labour Conference. In an era marked by relentless change, we confront evolving challenges. The consequences of geopolitical instability which inflict profound human suffering in conflicts and crises are felt acutely also in our workplaces. These, coupled with transformative forces of the green, digital and demographic transitions, including the emergence of artificial intelligence, have effects on the world of work as well as society as a whole. At this critical juncture, a renewed social contract has a pivotal role to play in building trust, stability and social cohesion between the state and its citizens, between states within the multilateral system but also through social dialogue between the state, employers' and workers' organizations. Dialogue in all its forms remains a prerequisite for peace, inclusive and sustainable economic growth and human progress. Excellencies, ladies and gentlemen, in a turbulent and rapidly changing world, the worst mistake would be to stand still. To stand still alone without partners would be even worse. There is a need to reinvigorate multilateralism and to follow up on commitments made at the First World Summit for Social Development in Copenhagen almost 30 years ago and renew the social contract to fit the 21st century. Let me highlight four things. Updated commitments must place human rights, gender equality and non-discrimination at its core. Around the world we see a growing resistance and pushback against human rights of women and girls as well as LGBTIQ persons. Human rights are universal, indivisible, interdependent and applied to all. Updated commitments must be anchored in the ILO's fundamental principles and rights at work and the 2030 Agenda for Sustainable Development. Decent and productive work is the best way out of poverty. It is also a prerequisite for trade and an engine for economic growth and sustainable development. We must work together to promote productive employment and decent and gender-equal working conditions for all as important factors for globally inclusive economic development and a means to end poverty. Updated commitments must address the transformative challenges linked to the green, digital and demographic transitions, shaping the future of work. We must highlight the central role of social dialogue in these times of transition. A well-functioning social dialogue is key to adapt to a changing world of work. Updated commitments must make sure that the green transition fosters social inclusion and does not exacerbate already existing inequalities. We must ensure that everyone is given the chance to reap the benefits of the transition by giving everyone the chance to keep up with and adjust to the new requirements on the labour market. The transition should be just. No one can be left behind. Before I conclude, allow me to direct our thoughts to those affected by the many parallel conflict situations around the world, including in Ukraine and Gaza, and those living under repression or in other emergency situations. In my region, the impact on the civilian population in Ukraine continues to be immense. Sweden continues to stand united in strong solidarity with the Ukrainian people in the face of Russia's war of aggression. We will continue to support Ukraine and hold Russia accountable. International humanitarian law must be respected. We welcome the ongoing efforts of the ILO and the Director-General to support the Ukrainian constituents. We live in uncertain times and intensive work lies ahead of us. The Swedish Government will do its

part and remain a strong voice and actor in building a prosperous world with equal opportunities for all. I thank you.

Mr Khalifa Khamis Mattar

Employer (United Arab Emirates)

Excellency President of the Conference, Excellency Chair of the Governing Body of the ILO, Mr Director-General, ladies and gentlemen, dear participants in the ILC, may the peace of God, his mercy and blessings be with you all. First of all I would like to express to you on my behalf and on behalf of my colleagues in the UAE Employers' delegation all appreciation and thanks to all our friends in the ILO who participated and prepared for the 112th Session of the ILC. We convene today under the slogan of a renewed social contract and we need to address the challenges facing the market of labour. We need to redefine the social contract to make it a cornerstone in a human-centred approach towards the transformations in the world of labour which is affected by technological innovations, demographic changes and climate change. I am confident that the decisions and recommendations of the 112th Session of the ILC will contribute to make concrete progress and to elaborate effective strategies to address and face the current and future challenges, to bridge the gaps at the social and economic levels and to achieve higher levels of justice and fairness. All topics listed on our agenda of the Conference and its committees represent a special importance at present, among which the report, the DG of the ILO pushing forward to collective efforts to live up to today's challenges and to work towards partnerships, alliances in our countries and to exert every effort to provide opportunities that benefit all parties that would lead to trade linkages in many sectors and to open horizons to launch new products whereby we can all reap the benefits. Ladies and gentlemen, the business community in the UAE complies with the legislations governing the practice and exercise of business in the UAE. We can name here the labour law and the regulations governing the aspects of employment in the country, including the standard employment contract which safeguards the relationship among the contractual parties. Recent changes in the labour laws in the UAE have helped resolve labour disputes and accelerate the receiving of the benefits. They also enable the wage protection system to document the benefits of the workers and they safeguard the right of the workers to receive all their benefits. We stress here the need to safeguard the balance in the interests among the tripartite constituency. We should like to emphasize the role of the business community in enabling the Emirati personnel to raise their skills and their integration in the labour market by providing financial support. The programme called Compete enables the citizens to benefit from various opportunities. In fact, the non-oil GDP in the UAE has increased by 6.2%, contributing to almost 74% of the overall economy of the UAE. The registered economic licences have increased to reach one million, and the private sector contribution has reached 72%. This has resulted in making the Emirates among the top ten on the global competitiveness indicators and among the ten largest countries in the average monthly wage. As such, it has also reached number six on the best countries to live and work, according to InterNations' report. The current situation suffered by the Palestinian people remains a considerable challenge for the international community to achieve social justice. The Emirates has spared no efforts to support the global efforts to stand in solidarity with our brothers in Palestine and to provide humanitarian support as well as relief and medical assistance. We express the hope of the UAE chambers that we will overcome all obstacles for the Palestinians to live safely and freely in a sovereign, independent state. We stress the need to take all proposals and initiatives positively and

seriously to stop escalation and protect the civilians, to intensify global efforts to put an end to extremism, tension and violence. And in conclusion, I wish all success to this session of the ILC. Thank you.

Mr Md. Nazrul Islam Chowdhury

Government (Bangladesh)

Bismillah ir-rahman ir-rahim. Mr President, Excellencies, distinguished delegates, ladies and gentlemen, assalamu alaikum, good afternoon. Mr President, I would like to congratulate you on your election as the President of this Conference. We welcome the reports of the Conference by the Director-General and the Chair of the Governing Body. Bangladesh has [vgr INAUDIBLE 35:02] the importance of social justice at national and global level. We welcome the ILO efforts [vgr INAUDIBLE 35:11]. Mr President, the world today is facing many challenges, challenges in the form of lack of resources for skill development, in the form of loss of employment due to climate changes, technologies replacing workers, closing of enterprises. Migrant workers often remain out of all fundamental rights of work. Restrictions of migrant workers are still in place. Armed conflict and recovery from the effects of COVID-19 are still there to make it last even longer. Mr President, our Father of the Nation Bangabandhu Sheikh Mujibur Rahman shared his vision of our country as a world built on the idea of social justice. To realize that mission, our Honourable Prime Minister, daughter of our Father of the Nation Bangabandhu Sheikh Mujibur Rahman, Sheikh Hasina has prioritized creating decent jobs, social security, education and skill development [vgr INAUDIBLE 36:34]. Hard, pragmatic actions have resulted into development in the socio-economic indicator and enhanced labour rights. Mr President, Bangladesh has ratified eight out of ten fundamental ILO Conventions and a total of 36 Conventions, which is one of the highest in our region. To further align with international standards, we are working on the amendment of Bangladesh ILO Act. With the partnership of the ILO, we have introduced employment [vgr INAUDIBLE 37:24]. The Government also has initiated a universal pension scheme for all citizens to ensure social security. Mr President, as we continue to enhance our standards, we need recognition of our reports also. The developing world needs global justice to ensure enhanced market facilities, and burden sharing by MNCs are required for labour protection. We also need enhanced [vgr INAUDIBLE 38:04] for development cooperation and technical assistance. Pursuing punitive procedures will not help the developing countries. Mr President, I am pleased to witness successful implementation of the ILO programme for 2022-2023. A good number of initiatives, including the Global Coalition for Social Justice, democratization of the Governing Body, Global Accelerator for Jobs, sustainable enterprises are making notable progress. I conclude. I am confident that with our continued commitment and efforts we can make significant progress in the life of the millions of people of the world of work. Thank you, Mr President. Thank you all. Joy Bangla, Joy Bangabandhu. Assalamu alaikum.

Mr Vedat Isikhan

Government (Türkiye)

Esteemed Chair, distinguished ministers and delegates, it is my great honour to address you at this critical gathering organized at a pivotal moment: our pursuit of social justice and renewed social contract. I commend the ILO Director-General for this thought-provoking report 'Towards a renewed social contract'. It serves a timely

reminder of our collective responsibility to uphold the principles of social justice and dignity for all. The world of work is undergoing unprecedented transformations and challenges, and it is clear that the existing social contract is being seriously tested and struggles to find a solution to this challenge. Therefore, we need a renewed social contract built on the principles of solidarity, justice and equality. The ILO's principles, tradition and standards provide a solid foundation upon which we can construct a renewed social contract. Dear participants, while we are having a discussion on the renewed social contract of the ILO, our Palestinian brothers and sisters in Gaza are enduring the worst genocide in human history. While we speak of wages here, women in employment, collective bargaining and unionization, all these fundamental rights are being trampled by Israel in Gaza. Under the strong leadership of our esteemed President, Recep Tayyip Erdoğan, Türkiye is a leading provider of humanitarian aid to Gaza, delivering 54,000 tonnes of humanitarian aid to Gaza. As the State of the Republic of Türkiye, we will stand against this genocide as we have done so far. We will keep standing by the oppressed people of Palestine. Dear participants, Türkiye's approach to social justice and solidarity is deeply rooted in our ancient state tradition and serves as the compass guiding our current policies. Under the visionary leadership of our esteemed President Recep Tayyip Erdoğan and his vision of the century of Türkiye, we have taken bold and inclusive steps. Through targeted policies we have fostered equal opportunities and decent work for all with a particular focus on women and youth. Our efforts have yielded remarkable results. This year we have reached the highest levels of employment rate in history. We have also achieved significant reductions in both unregistered employment and the number of young people who are neither employed nor in education. Furthermore, our country's social protection systems have been repeatedly tested, most notably during the COVID-19 pandemic, and we have emerged stronger than ever. Beyond our national efforts, Türkiye is a leading voice for social justice on the global stage. Türkiye has been the country that has provided the most humanitarian aid in proportion to national income since 2015. We are proud to be a pathfinder country in the Alliance 8.7, working to eliminate child labour and sharing our expertise with other nations. Furthermore, our country has demonstrated its determination of social justice by participating in the Global Coalition for Social Justice. Ladies and gentlemen, in this period we see social dialogue as a driving force in shaping our policies and practices. The most recent and concrete examples of this are the public Personnel Advisory Board and the Tripartite Consultative Board and the Labour Assembly which we held in the last year. We are also committed to redefine the Maritime Labour Convention and the Forced Labour Protocol to further workers' rights. In concluding my remarks, I extend my sincerest thanks to the ILO for its tireless efforts towards social justice. I greet you all my deepest respect. Thank you.

Mr Evgeniy Ivanov

Employer (Bulgaria)

Dear Mr President, dear delegates, ladies and gentlemen, allow me on behalf of the Association of the Organizations of Bulgarian Employers and on my own behalf to welcome this highest decision-making forum of the International Labour Organization and to wish a successful and fruitful work of the 112th Session of the International Labour Conference. The Director-General's report this year again focuses on the new social contract. It continues the subject matter of social justice, the foundation of just societies on which we build the opportunities and institutions for decent work. The focus on how to renew the social contract today and ensure social justice is the foundation of lasting

peace, shared prosperity, equal opportunity and just transition ahead of the World Social Summit in 2025. The Conference themes of principles and rights at work, decent work and the economics of care as well as setting standards for protection against biohazards are important and relevant to us. Company productivity and competitiveness, digitalization, skills development, the promotion of gender equality, non-discrimination, diversity and inclusion at the workspace are key priorities for employers aiming to create sustainable employment and decent work. Global crises are deepening. The ongoing war in Ukraine and the war in Gaza are having a severe negative impact on the socio-economic conditions of the entire world. We are deeply concerned about the geopolitical situation which is hampering supply chains, international trade, accompanied by high inflation. After the unprecedented crises of the last three years, the Bulgarian business, united in the Association of the Organizations of Bulgarian Employers, continues to fulfil its mission and to defend its positions in decision-making, stimulating development of free entrepreneurship, business initiatives and market economy. Employers' organizations in Bulgaria continue to be united around three national priorities that they have been putting at the highest level for several years. Our country's full membership in the Eurozone first, the Schengen area second, and the OECD. In the past year the Bulgarian employers faced a serious challenge. Although Bulgaria has ratified ILO Convention 131, a mechanism for setting the minimum wage in accordance with the principles and criteria set out by the Convention has not yet been adopted. With the new rules introduced for setting the minimum wage, in our opinion as employers, the procedure laid down in Directive (EU) 2022/2041 of the European Parliament and that of the Council of 19 October 2022 on adequate minimum wages in the European Union has not been followed. As representatives of business, we believe that the model adopted for setting the minimum wage replaces the objectives and spirit of the directive and international standards, renders social dialogue in the area of minimum wage negotiations meaningless and erodes the role of the social partners on a key issue to them. Through its essence, we believe that in the [vgr INAUDIBLE 49:58] coming bilateral consultations, in constructive dialogue with the trade union representatives we will achieve the necessary level of consensus and the correct transposition of the Directive. I conclude by assuring you that the Bulgarian employers fully support the ILC agenda and its efforts to implement the ILO goals and values. Thank you for the opportunity to speak at this highly respected forum and for your attention.

Mr Yackoley Kokou Johnson

Government (Togo)

President, before I say anything else, I would like to join my voice to those who have spoken already to congratulate you and the members of the bureau on your conduct of this conference. I would like to take this opportunity to salute the devoted and constant leadership of the Director-General of the ILO, Mr Houngbou, his work in the service of his organization making it an instrument at the heart of social justice in a fruitful multilateral approach. Ladies and gentlemen, Togo welcomes and supports the Report of the Director-General based on progress of social justice and the promotion of decent work through a new social contract. Indeed, the promotion of social justice, which is an unavoidable and absolutely necessary precondition for lasting peace, as our organization has always stated, maintains its centrality in an interconnected world where we are seeing multiple challenges facing us such as the climate, health, geopolitical, socio and [vgr INAUDIBLE 52:56] crises on one hand and technological

progress on the other hand with its impact on labour and social life. This new social contract, which will take into account the major challenges facing the world such as the eradication of poverty in all its forms, the speeding up of structural transformations, sustainable development, the strengthening of resilience to crises and to shocks, governance for peaceful, just and inclusive society, protection of the environment with development solutions based on nature with the development of clean energy at an affordable cost, independence for women and equality of genders. We are convinced that the strategic framework called the Global Coalition for Social Justice will be the right tool to promote Agenda 2030 in addressing all of these challenges. Togo has signed up to this vision, choosing to make social justice and decent work integral parts of its development and supporting what it is doing on social dialogue mechanisms for inclusive and participative development. In axis 1 of its road map 2020-2025 entitled 'Strengthening inclusion and social harmony to guarantee social peace', which is a guiding light for the progressive realization of the vision of the President of the Republic, His Excellency Mr Faure Essozimna Gnassingbé, for shared growth, the Togolese Government is consistent in its efforts aiming to support its efforts on pillars of robust social justice for development of the country. Also through the installation of social protection. Four, aiming to make sure that the minimum needs of all of its citizens, all kinds of citizens are met. And I would like to mention a few things that are in the way as far as that goes. For many years we have been putting into place a system of monetary transport to give the most disadvantaged households a minimum income to survive on. At the moment around 60,000 individuals, 50,000 of them women, benefit from that. There has been a recent extension for the provision of school meals. Now there are more than 150,000 pupils beneficiaries of that. And there is also a programme for healthcare to school pupils. There is also a programme called WEZOU which makes it possible to provide free-of-charge care to pregnant women and newborn children. In January 2022 the salary scale for civil servants was revised, leading to an increase in pay, and then there was an increase in the minimum wage at the start of 2023. And the legislation providing for universal health insurance coverage entered into force on the 1st of January 2024 and is now being implemented. It is important to underline the fact that the new labour code, which entered into force in 2021 particularly addresses the needs of protection for vulnerable workers, as also does the ministerial ordinance which prohibits sexual and moral discrimination or harassment and violence and intimidation in work and at the workplace. Through the dynamic process of regular consultation, the social partners had a national forum on social dialogue in November 2022 addressing the subject of consolidating a culture of social dialogue which led to the adoption of a road map to re-found social dialogue in Togo. Ladies and gentlemen, to wind up, these are just some measures I could mention by way of example to demonstrate, if it was necessary, how easy it is for Togo to make the initiative of the Director-General its own for a global coalition whose launch is anticipated on the 13th of June next year which, along with other parties, will make it possible to make our contribution to achieving the objectives set out there. Thank you very much.

Mr Yury Senko

Worker (Belarus)

Chairman, ladies and gentlemen, I am speaking on behalf of the trade unions of Belarus which bring together around four million workers. First and foremost I want to underscore that we welcome and support the ILO's desire to work on a renewed global social contract. The trade unions of Belarus have, at several ILC sessions, drawn

attention to the fact that social injustice in the world continues to increase with each passing year. Inequality has reached colossal levels. There is a concentration of resources and wealth in the hands of the most influential representatives of business who are often also representatives of government. Meanwhile, international organizations who are called upon to support the balance of peace and justice have hardly any influence on the situation. In the 20th century the era of colonialism essentially came to an end. Technical progress opened up never-before-seen horizons and it appeared that millions of people in developing countries got the chance to have a better future. But these hopes were dashed. Freedoms changed but not the goal of the most powerful around the world. And that goal, as it was before, is to expand their influence and receive economic benefits. And, unfortunately, we must recognize that those international programmes which were adopted in previous years to resolve the existing issues, for the most part, are not being implemented. In his report, the ILO DG noted that there is a huge gap between reality and those commitments that countries adopted in the agenda for sustainable development. We are convinced that the reason for this is that not one of the important principles of this strategy is implemented. I recall this basic point. National development efforts must be supported by favourable conditions in the international economy, including agreed and complementary trade, monetary and financial global systems. Instead of this, we see that Western countries every year are increasing their use of sanction policies and various restrictions in international production chains, trade and finance. Here is a clear example. As the number of people suffering from chronic hunger continues to grow, Western countries apply restrictions which raise food costs, thus making food inaccessible for millions of people. At the same time, international financial funds called upon to help developing countries force governments to reduce social spending. The new social contract the ILO DG is talking about today is not possible without the resolution of these problems. But unfortunately, until now the ILO has not adopted always clear actions to restrict the illegal and unjust actions of individual states which violate the rights of workers in different countries. Moreover, today the ILO itself is prepared to apply sanctions and restrictions. It even tries to restrict Belarus' cooperation with international organizations in the area of health, child protection, occupational and nuclear safety, amongst others. This is completely contrary to the Organization's goals. I want to underscore that today in Belarus we have a just and fair social contract. This is confirmed by the fact that in our country we have reached a minimum level of inequality. Production capacity has been maintained and massive privatization is not allowed as it deprives people of jobs. Universal social protection is guaranteed, along with access to education and healthcare. All of these very important guarantees are in place in practice and are also enshrined in our country's constitution. And despite all of the pressure being applied on Belarus today, we will not deviate from our chosen course and, in social dialogue with the Government and employers, we will work to address all the people's important issues. Thank you very much, and I wish you all a good afternoon.

Mr Mammad Musayev

Employer (Azerbaijan)

... wars, climate change, migration, immigration problems, social inequality, millions of people living below the poverty level, lack of access to sufficient food and other such issues are not the problems of only one country or one region. Every country, society, organization and individual should understand their responsibility and contribute to overcoming these difficulties. Unfortunately, we do not always observe

this approach. Sometimes discrimination and double standards prevent us from taking joint steps towards solving problems. As Azerbaijan, we have unfortunately suffered from this in our modern history. According to international law, the world, or at least a part of it, turned a blind eye to the fact that the sovereign territories of the Republic of Azerbaijan were under occupation for nearly 30 years. Only the state and people of Azerbaijan did not give up their struggle, ended the occupation on their own, freed their lands and restored justice. However, during this period one million people were condemned to the life of forced refugees, lived in poverty and misery, and billions of dollars of damage was caused to the economy of Azerbaijan and its infrastructure. As a result of two wars, thousands of Azerbaijani youth were martyred. All of this was related to the non-application of the international law. Azerbaijanis, suffering from such negative situations, have not lost their faith in law, justice, equality and solidarity. The Azerbaijan Confederation of Entrepreneurs, which is the institution I lead, always implements its activities based on the principles of justice, both in domestic discussions and on international platforms. It is clear that activity carried out only within the interests of one group cannot produce sustainable, fair and effective results. From this point of view, a balanced and constructive dialogue environment has been informed in the field of regulation of labour relations and the implementation of social and economic policy in our country. The implemented policy promotes the development of the economy, increases the attractiveness of the investment environment and ensures the protection of workers' rights and the implementation of the state's social obligations. We understand that sustainable economic development and social well-being are possible only with the principles that no one is left out and everyone's interests are taken into account. Azerbaijan follows a similar approach, not only in domestic policy but also in foreign policy. It is no coincidence that this year the Republic of Azerbaijan is hosting the COP event which is the main discussion platform of the global climate crisis, one of the main challenges faced by our planet in the 21st century. I am sure that the COP29 event to be held in our country will serve as an effective platform for discussions on adequate solutions to climate change. As the Confederation of Azerbaijan Entrepreneurs, we intend to actively participate in this process as the main business association of the host country. An agreement has already been reached with the International Organisation of Employers regarding joint and active participation in COP29. Taking this opportunity, I invite each of you, especially the representatives from employers' organizations of different countries, to participate in the COP29 event to be held in November in our capital, Baku. Concluding my words, I would like to state once again that we should work for a peaceful but fair and universally accepted legal framework for solving each issue on the basis of mutual discussions involving all interested parties. Once again I thank each and every one of you and wish you success in the work of the Conference.

Mr Mohamed Elmi Ibrahim

Government (Somalia)

Honourable President of the International Labour Conference, Director-General, esteemed delegates, ladies and gentlemen. Mr President, it is my honour to address the 112th Session of the International Labour Conference on behalf of the Government of Somalia. The International Labour Organization has been vital in advancing the principles of social justice and decent work globally. We are grateful for the annual convening of this conference which serves as a crucial platform for contributing to the global dialogue of the opportunities and challenges in the world of work. We welcome

the Director-General's report which accurately captures the pressing need for addressing the challenges of our time. The Director-General eloquently outlines the current state of affairs where social justice remains not only a moral imperative but also a fundamental requirement for fostering universal and enduring peace. Mr President, the Government of Somalia is deeply committed to the ideals of advocating by the International Labour Organization. We believe that promoting social justice and decent work is essential for the overall development of our nations and the well-being of our citizens. Our journey towards stability and prosperity has been fraught with challenges, but we remain steadfast in our dedication to creating a brighter future for our citizens. In recent years, Somalia has made significant strides in rebuilding our economy and strengthening our institutions. We have undertaken major reforms that aim to address poverty, foster human development, promote decent work, enhance economic growth and open up new opportunities for employment. However, we recognize that much work remains to be done. Unemployment, particularly among our youth continues to be a pressing concern. We are actively working on various initiatives aimed at job creation, skills development and fostering entrepreneurship. These efforts are crucial to ensure that our young population can contribute positively in our nation's growth and stability. We are also committed to improving labour conditions across all sectors. Ensuring safe and healthy workplaces, fair wages and respect for workers' rights are fundamental principles that we strive to uphold. In collaboration with our social partners, including trade unions and employers' organizations, we are actively engaged in developing policies and programmes that aim to enhance the protection and improvement of our workers. Mr President, Somalia has faced numerous challenges in recent years which have exacerbated existing vulnerabilities and highlighted the need for robust social protection systems which have been working [vgr INAUDIBLE 70:14] to mitigate these impacts on our economy and our people, particularly the most vulnerable. In this regard, we acknowledge the critical role of international cooperation and solidarity. The support and assistance from the international community have been invaluable in our response to shocks and vulnerabilities and in our broader efforts towards recovery and development. We call for continued collaboration and support to ensure that no country is left behind in the pursuit of a more equitable and resilient world. As we look to the future, we are hopeful and determined that the principles and the values of the ILO will continue to guide us as we work towards achieving social justice and decent work for all. We are committed to being active participants in the global efforts to build a better world where everyone has the opportunity to live with dignity and hope. With these few remarks, I thank you for your attention and I look forward to a fruitful conference. Thank you very much. Assalamu alaikum warahmatullahi wabarakatuh.

Mr Khalid Houir Alami

Worker (Morocco)

Ladies and gentlemen representing governments and employers, brothers and sisters in the union movement, on behalf of the Democratic Confederation of Workers and unions of workers in Morocco I greet all of you. The DG's report and also the annexed report and the Recommendations, Conventions and standards of the ILO which are being discussed here, relate to very important issues: safety at work, protection from biological hazards, the protection of fundamental work rights and principles. These lie at the heart of the standard-setting work of the ILO. Today we see an increasing number of wars and we see crises around the world. We see the various negative consequences

of these crises, notably artificial intelligence. We see a world being shaken by all of this, and the people pay the price for all of this. We see all layers of society being affected, and this all has an impact on all aspects of life, including workers' rights. And we see numbers showing increases in poverty, unemployment, precarity and work and backsliding when it comes to workers' rights, which of course is not in line with the Conventions and principles of this organization. We need to have a just transition for social justice. We need to have democracy and respect for human rights, and we need to, of course, fight against all forms of corruption. We cannot have successful collective negotiations without respecting unions' rights. In my country, workers continue to defend their rights under the aegis of the Confederation of Workers' Trade Unions, which continues to fight and continues to negotiate in collective bargaining. This is our main goal. We are working on maintaining wages to fight against inflation. We are seeing increasing prices, and of course this is affecting lots of people. We also see a new collective bargaining mechanism but unfortunately it hasn't been implemented and there remain some points of disagreement which are standing in the way. We fight to preserve the retirement system, the pension system. We also try to preserve the right to strike as well. We ask the Government of Morocco to ratify Convention 187, which is the basis of the protection of the right to strike. We appreciate all the efforts of our comrades in international confederations to reach this goal, and we have also decided to bring the issue to the International Court of Justice. We managed to discuss the issue during the tripartite meeting in May last year. We reiterate our attachment to social justice, the respect for the fundamental rights, decent work, a safe and healthy working environment, respect for labour standards and also social dialogue, because it is only through social dialogue that we can achieve the change we want to see and it also allows for us to address many problems. Unfortunately, this process is being undermined by continued attacks on the social movement and claims by the workers who are just trying to preserve their rights, faced with attacks from liberalism. Today we are once again calling for a social contract which allows everyone to achieve their ambitions for a decent life and to fight against all these attacks. I would also like to condemn the attacks by the Zionist entity against the Palestinians and we reaffirm the right of the Palestinians to live in an independent state with Jerusalem as their capital. I thank you.

Ms Ida Fauziyah

Government (Indonesia)

Bismillah ir-rahman ir-rahim. Assalamu alaikum warahmatullahi wabarakatuh. Mr President, Director-General, let me begin by congratulating Moldova on assuming the presidency of this conference. Indonesia appreciates the Director-General for his report 'Towards a renewed social contract'. Let me now share our views on the report. First, ensuring inclusivity is indeed critical. Our economic development must entail better social protection and promotion of labour rights. Enforcing minimum wage, for example, and ensuring [vgr INAUDIBLE 78:24] have maintained a motivated and healthy workforce which is indispensable to sustained growth. We must work harder to realize social justice to all workers, including women, youth and persons with disabilities. I also wish to underline our duty to eradicate extreme poverty and improve living standards of our people. Indonesia therefore encourages the ILO to step up collaboration in development labour strategies that feed international conditions while remaining cognizant of future challenges. Second, strengthening capacity for social dialogue. Social dialogue is the foundation for a social contract, increasing investment in social dialogue [vgr INAUDIBLE 79:19] resilient and cohesiveness of our labour environment

and makes it better prepared to anticipate future disruptions and address labour market challenges. [vgr INAUDIBLE 79:34] furthering investment in training and education must remain high on our agenda, notably to equip workers with the skills required for the digital and green transition era. Third, adapting to global challenges while strengthening labour ecosystem at the national level. Global phenomenon such as armed conflicts, trade competition, climate change, the increased use of artificial intelligence and [vgr INAUDIBLE 80:06] effort to create better labour condition. Adapting to these global trends while [vgr INAUDIBLE 80:15] competitiveness and protecting workers' rights requires a comprehensive approach tailored to the specific condition of each nation. We believe that investing in lifelong learning programmes helps workers to adapt to the changing [vgr INAUDIBLE 80:36] demands and acquire new skills. Supporting entrepreneurship development, especially in disadvantaged communities creates opportunity for safe employment and economic empowerment. Promoting formalization have protection of rights and increased living condition of many workers. We must also support innovation in labour industries to enhance productivity and lay the foundation for a sustainable future. Mr President, at the national level, Indonesia commits and delivers first to see the renewed social contract as an opportunity to balance economic growth with social equity and [vgr INAUDIBLE 81:21] consideration. Our strategic development plan has long emphasized inclusive growth to reduce poverty and improve the living standards of [vgr INAUDIBLE 81:32]. Second, to undertake labour market reform to improve labour condition, among others, through the implementation of the Omnibus Law on job creation. This reform will make our labour market more flexible, able to attract foreign investment and create more job opportunities while striving to protect workers' rights. Third, to engage all national tripartite constituents and stakeholders to ensure the renewed social contract is realized, including in nurturing respect for freedom of union and recognition of the rights to collective bargaining. Key regulations in labour rights have and will continue to be discussed in a tripartite mechanism. Lastly, to ensure social security reform in Indonesia, continue to provide access to comprehensive social protection for all workers in the country, covering almost 140 million workers. We believe that evolving our policy coherence at all levels is crucial to ensure that all members of our society are accorded equal opportunity to live in dignity and prosperity. Mr President, before concluding my remarks let me underline Indonesia's full commitment to support the ILO in realizing its mandate. At the same time, I would like to underscore the vital importance for all constituents of the ILO to embrace the spirit of solidarity and cooperation to enable a constructive engagement that this organization is meant to uphold. Additionally, it is imperative for the Office to foster unity by listening to and accommodating the concerns of all its members in a balanced, fair and democratic manner, guided by international law and principle. Indonesia stands ready to work together to promote decent work and advance social justice for all. I thank you. Assalamu alaikum warahmatullahi wabarakatuh.

Mr Satybaldy Dauletalin

Worker (Kazakhstan)

Dear Chairman, participants of the Conference, today the fundamental values of peace, social justice, fair redistribution of economic growth and solidarity as well respect for and protection for the environment remain relevant. The urgency of the issues highlighted in the ILO Director-General's report is undeniable. The concrete proposals contained in the report provide a clear basis for strong steps in this direction. As the

report notes, the aspiration for social justice extends beyond the world of work. In countries where inequality and exploitation are increasing, where decent work deficits and citizens' distrust of elites are growing, social justice is essential for peace and stability. The most important condition for the development of the world of work is the formation of a new human-centred social contract and ensuring conditions for decent work which in turn will contribute to the steady economic growth and sustainable development of socio-economic systems at the regional and global levels. We support the main message of the Director-General's report that, in order to achieve social justice, it is necessary to develop the institution of social contract in the conditions of effective respect for freedom of association and the right to collective bargaining. The ILO mandate to promote decent work and social justice through the establishment and promotion of international labour standards is a tripartite expression of the social contract at the international level. At the core of any social contract are the four pillars of decent work: promotion of full and productive employment, social protection, social dialogue and tripartism. Fundamental principles and rights at the world of work, together with the principles of social justice, effective social dialogue and tripartism are the means of creating and renewing social contracts and at the same time their purpose. In the light of new challenges, social partnership, being the basis of the social contract, ensures the achievement of the targets in the social and labour sphere at the national and regional levels. Social dialogue should become a mandatory global mechanism involving collective bargaining at all levels and economic sectors, including in global supply chains, digital production, platform economies and remote work. Ensuring universal protection in the world of work, through the establishment of adequate wages, improving working conditions, achieving productive, freely chosen employment should be a crucial contribution for all. Kazakhstan's trade unions support the ILO's call for establishing a universal labour guarantee that will provide all workers with fundamental rights based on key ILO principles. We will continue to work within the framework of assistance provided by the ILO workers' bureau to strengthen cooperation and promote international standards as well as to develop a new Decent Work Country Programme for the Republic of Kazakhstan. The Federation of Trade Unions of the Republic of Kazakhstan always stands for constructive dialogue with social partners, to advocate for workers' rights and interests as well as ensuring social justice and promoting the principles of decent work. I thank you for your attention.

Mr Özgür Burak Akkol

Employer (Türkiye)

Dear President and Vice-Presidents of the Conference, dear Director-General and distinguished delegates, on behalf of the Turkish Confederation of Employer Associations and myself, I extend a respectful greeting to you all. I sincerely thank the ILO for dedicated efforts in bringing together social partners all over the world. It is always a privilege to be here as a part of a community devoted to creating a better future for all. Dear colleagues, we face many global challenges, including power imbalances, economic crises and unequal economic opportunities. In this context, the Director-General has focused on a pivotal issue in this year's report on renewing the social contract. Our key takeaway from his report is that we need accountable and inclusive policies to ensure social justice. We firmly believe that social justice is fundamental for peace and stability. Dear Director-General, I would like to take this opportunity to declare that we are now one of the partners of the Global Coalition for Social Justice. We see the Global Coalition as a crucial platform to advance Sustainable Development

Goals. At this occasion I would like to highlight our commitment as the employers of Türkiye for achieving the coalition's objectives. Ladies and gentlemen, at TİSK we are committed to promoting sustainable economic growth, productive employment and decent work. We are aware that this could be achieved by comprehensive strategies promoting investment and, of course, employment. Sustainable businesses have an important role in providing decent work and social justice. Hence, we maintain our hard work to create better results for the employees, employers and society as a whole. Dear colleagues, as TİSK we are dedicated to providing decent job opportunities with particular emphasis on women and the youth. We have extended our upskilling and reskilling programmes considering green and digital skills needs. We are proud to guide our employers through digital and green transformation processes. We are promoting the use of artificial intelligence and providing technology support to companies to minimize work accidents. We have strong collaborations with United Nations and European Union institutions which resulted in successful projects. Dear colleagues, we have sustained our work in strong dialogue with our government and trade union stakeholders. Last month we came together at the Labour Assembly in the leadership of our ministry. We have showcased an example of strong social dialogue that created valuable results for the labour market. Since 2019 TİSK has annually organized the Joint Dialogue Forum with the motto of 'Possible Together'. The forum unites esteemed representatives from workers, employers, government entities and, of course, international institutions. I appreciate the invaluable contribution of the Director-General and the ILO team each year. Dear ladies and gentlemen, our national actions hold significant importance. However, it is imperative that we unite our efforts to address global challenges. This conference is a great opportunity to join forces around open dialogue, shared experience and common commitment. I deeply appreciate the guidance and support provided by both the global and Türkiye offices of the ILO. I would also like to express my sincere gratitude to our minister, Mr Vedat Işıkhhan, and presidents of Türkiye's employees' associations for their continuous collaborations. On the other hand, we cannot ensure employment, decent work and social justice without first safeguarding the innocent lives. We express our profound sorrow for the suffering endured by the children, mothers and all people of Palestine. We call for a renewed commitment to peace and humanitarian support. Finally, I extend heartfelt thanks to all delegates for their invaluable contributions to make this a very fruitful conference.

Mr Abdulqader Shehab

Worker (Bahrain)

Your Excellency Director-General, your Excellency Mr President, ladies and gentlemen, may the peace and grace of God be upon you all. I would like to convey to you the greetings of my colleagues from the General Federation of Bahrain Trade Unions. They all wish you and wish your conference great success. I would also like to commend the Director-General, Mr Gilbert Houngbo. I would like to commend him for his continuous focus and championing of social justice ever since he took office. The world today needs to start implementing the principles of social justice. Given the widening gap and increasing social inequalities everywhere in the world, we need to adopt the principles of social justice in all aspects of life and in all our daily practices so that we can all enjoy the fair distribution of resources, equal opportunities and social welfare. Ladies and gentlemen, this session is held under exceptional circumstances. Indeed, one of the peoples of the world is witnessing a genocidal and ethnic-cleansing war. This war has been waged against these people for over eight months now. I am

talking of course about the oppressed and meek Palestinian people in Gaza and in other Palestinian occupied territories. Palestinians in the Gaza Strip face genocide, famine and displacement. They are bombed, hospitals are targeted and besieged. Medicine is not allowed in. Medical missions, including doctors and nurses, are arrested. Some of them are killed. Medical equipment and facilities are destroyed. Many medical facilities have been forced out of service. Schools and universities have also been destroyed. The disaster unfolding in the Gaza Strip as a result of Israeli practices is huge. I do not have the words to describe them. More than 40,000 people have been killed. More than 100,000 others have been wounded. My confederation calls on the ILO to shoulder its responsibilities. My confederation calls on the ILO to dispatch a fact-finding mission to the Gaza Strip in order to take a close look at the humanitarian conditions and to report thereon. We also call on the ILO to admit Palestine as a full member of the ILO in line with a decision taken by the United Nations General Assembly. This is the least that we can do. This is the least that we can do for Palestinians, this devastated people. The least that we can do for them is for them to have the right to be fully represented in all world fora. To help Palestinians and to provide them with relief, to allay their suffering, we suggest that the ILO creates a fund to support Palestine through which the ILO would provide support and relief to Palestinians in the West Bank and the Gaza Strip. Ladies and gentlemen, I would like to address my thanks and appreciation to South Africa. I would like to thank them for their noble position and for bringing a case against Israel before the International Court of Justice. In this case, South Africa accuses Israel of breaching the Genocide Convention in the Gaza Strip. Similar violations have also been committed by the Israeli occupation in the West Bank and within the Green Line. It is our firm belief that the position taken by South Africa is a lofty and noble position and should be adopted by all States which believe in human rights, democracy, human justice and in the defence of the oppressed, wherever they may be. We also thank Spain, Ireland and Norway for having formally recognized the State of Palestine. We value this step. We hope that other UN Member States will follow suit in order for the State of Palestine to become a fact and to become a full-fledged member of the international community. Ladies and gentlemen, if we at the ILO, if the governments, the workers and the employers, if we are not able to include this regime which is waging this genocidal war on the Gaza Strip, if we cannot include it on the list of the countries that commit breaches, then I think that we need to review the entire system. Ladies and gentlemen, I wish you all success and I hope that you will be able to make the decisions necessary to improve the state of the world. May the peace and grace of God be upon you all.

Mr Syed Hussain Syed Husman

Employer (Malaysia)

Dear President of the Conference, delegates, advisors and observers. I am honoured to stand before you as the President of the Malaysian Employers Federation to address some of the critical issues pertaining to the Report of the Director-General on renewing the social contract. Renewing the social contract is challenging and it involves long-drawn, laborious negotiations. There must be willingness to all stakeholders to relook at the long-outstanding practices that may no longer be relevant to the current needs. Policies and practices that result in a trust deficit include weak governance. Uncontrolled rising costs of living and the mismatches in skills of youths with the requirements of the labour markets must be addressed. Renewing the social contract will involve reassessment of the practice that we developed before the advent of globalization, digitalization and the emergence of new technologies. Malaysia's Unity

Government, formed after the 15th general election, embarked on a journey to review the economic and social policies, including new policies. The Government carried out the Twelfth Malaysia Plan mid-term review and introduced seven bold measures aiming at stimulating Malaysian economic development over the next ten years. Under the Twelfth Malaysia Plan mid-term review, the Government allocated 415 billion Malaysian ringgit to enhance management quality and relocation of resources to cover basic needs. MEF fully supports the 17 new initiatives aimed to catalyse socio-economic development towards achieving a sustainable, prosperous and high-income nation, taking into account the realities of domestic challenges and global trends. MEF is confident that the new initiatives will be the catalyst to ensure that Malaysia will be able to uplift its economic status to greater heights in line with the Madani Economic Framework. The Madani economic policy empowered and accelerated the country's economy for the next ten years. The new shifts include specifically focus on, one, eradicating extreme poverty: 1.5 billion Malaysian ringgit for a programme to increase income. Two, economic structural reforms to areas such as energy transition industries, digital industries, high-value electronic and electrical industries, food security and rare earth industries. Three, leading the Islamic economy with a focus on Halal industries as well as Islamic finance innovation in line with the principles of Sharia justice. And four, focus on exporting services such as global services, creative industries, aerospace and tourism. The Government initiatives are placing importance on proper expenditure planning through sustainable reforms. Governance and government delivery systems will ensure that the 17 new policy shifts are both practical and implementable. MEF is supportive of the Government's initiatives as it takes radical approaches to resolve major issues of the Malaysian economic structure and establish sustainable development. The new policies take into account the views of industries and all stakeholders as well as the country's financial capacity. MEF is happy to report that the Government takes into consideration views of MEF in drawing up the progressive wage system. Initially the Government announced that the progressive wage system is mandatory. MEF expressed the views that it should be a voluntary basis. The Prime Minister Mr Anwar Ibrahim took into account the MEF's views and decided that the progressive wage system is voluntary, incentive-based and linked to performance and productivity. MEF participated actively, shared [vgr INAUDIBLE 103:48] and all technical committees. The pilot project for the progressive wage system was rolled out on 1st June 2024 with 1,000 employers as voluntary participants from five determined economic sectors. The progressive wage system will be reassessed in September 2024 before the implementation to other economic sectors. MEF plays a proactive role to ensure the new policies are business friendly and advance progressive agendas that are beneficial not only to businesses but also to workers and society. MEF is indeed grateful for the assistance rendered by the ILO, especially ITCILO, ILO Bangkok regional office, in strengthening MEF's capacity. MEF is looking forward to welcome some of the Employers' delegates to the climate change and the green economic event organized by IOE in partnership with MEF to be held in Kuala Lumpur, Malaysia, on the 11th and 12th September 2024. I urge all stakeholders to work towards a win-win outcome on renewing the social contract for a sustainable future. Thank you.

Mr Bert Paterson

Worker (Grenada)

Good day all. Greetings from the tiny and most beautiful island of Grenada in the Caribbean. The matter I bring to this 112th Conference does go far beyond our shores

as it can have ramifications for countless workers worldwide. In the Report of the Director-General two very brief passages stood out to me in relation to the theme of this conference. Quoted from Paragraph 4, "To maintain legitimacy and support, social contracts need to be updated periodically to respond to evolving contexts." And quoted from Paragraph 32, "Both States and businesses have a role to play in providing dispute resolution mechanisms and grievance procedures. States must take appropriate steps to ensure, through judicial, administrative, legislative and other means, that when such abuses occur within their territories and jurisdiction, those affected have access to effective remedy." Not being an expert in all of the ILO's Conventions, I am not aware that they contain specific reference to protect workers from a recent development in the social and industrial landscape. That is workers' access to the courts. On March 21st, 2022, the British Privy Council, that is the highest appeal court for several independent countries still being members of the British Commonwealth, including Grenada, ruled in a matter involving a worker's claim of wrongful and unfair dismissal. The Privy Council upheld the ruling of the Caribbean High Courts that, as a local legislation on dispute procedure stated that "where parties to a dispute refuse to participate or does not settle a matter at the Ministry of Labour and refuses to arbitrate the matter, only in cases of wrongful dismissal the law indicated the worker had the right to have the matter remedied by the High Court". But in no other matter, including unfair dismissal does the worker have access to the court to settle a matter, signifying there can be no final and binding resolution or remedy to other disputes as those disputed matters were not specifically stated in the law. Clearly, an irrational judgment. The Privy Council, however, did indicate that if the Government so wishes, it can amend the law. Effectively, the workers of Grenada cannot bring a grievance matter to the courts other than a matter of wrongful dismissal. Workers are now the only citizens who cannot access the courts to settle a dispute if involving an employment relationship or contract. The danger is not localized as it is normal for rulings from one jurisdiction to be quoted and referenced in the court rulings of other jurisdictions. It was always assumed that the constitutions and common law practices of all civilized countries afforded all citizens, including workers, full access to the courts. But this ruling has proven this is not the case. Not wanting to be political, but it is impossible to ignore that Conservative courts across the world since the advent of globalization have been attempting to reverse the minimal worker rights gained over earlier decades. As we consider this lack of access, a matter of human rights, civil rights, right to fair resolution of disputes and right to representation, we submit as most necessary that this ILO Conference consider, either by addition or amendment to existing Convention or if necessary new Convention, that access by all workers to national and international courts be recognized as a fundamental right to be adopted by all ILO Member States. I thank you for your indulgence and trust that this matter, although generally ignored, should be given serious consideration by this tripartite body responsible for the protection and improvement of the lot of all workers, as any renewed social contract cannot ignore the importance of access to the courts by workers and indeed employers, and we would really like to see that happen. Thank you very much for your indulgence.

Mr Salvador Medina Torres

Worker (Mexico)

Ladies and gentlemen, delegates, allow me to congratulate you on the document prepared for this document conference in which you very well set out the need to renew the social contract given the commitments we have made in that direction. The

pressures on social contracts in many countries that are identified in the report reflect the confluence of diverse crises that have called into question peace, governance and the rule of law. Unfortunately, at a world level we are seeing a crisis of democracy and multiple crises of the coexistence of people in a way that affects the world of work and often leads to increased precarity of employment and income. We are seeing informality in employment is among other deficits arising from that, and this is happening in different countries. The greatest guarantor of social contracts in each country is the constitution. However, the universal guarantees provided for constitutions are not always provided for by the actual operation of the government and the courts but are subject to a pressure set out by the report and faced with many obstacles and difficulties in implementing the guarantees of a social contract as required by the constitution, leading to a lack of balance and democratization in the world of work. So we are faced with a historical challenge at different levels of the structure of the state, and the way that the different institutions work together as a whole is a basic index of the quality of their functioning. We cannot address all of the different areas of policy and governance in isolation, as the report said. The public institutions have to respond to financial crises and sectorial crises, and their inability to do that undermines confidence in institutions. As a result of that, part of the population does not see themselves as represented in policies. And in some regions and countries we are seeing an increase in social pressure. For that reason, and other reasons, we are seeing increasing crises of citizens' confidence in governance and legal systems. In some places, we see that the separation of power is breaking down and corruption is increasing and we have seen a rise in extremism. This is leading to armed conflict, which leads to destruction at a world level. We need a fundamental change in the model of development and production to achieve a new legitimate social contract. Given that, the renovation, reinvention, renewal of the social contract is only possible if we have the ability and the will to deepen democracy in real terms. But we have to be aware that at the moment the trend is more towards the liberal approach. In many regions we are seeing austerity policies which reduce freedoms and put pressure on the historical rights conquered by workers. Given that, the objectives for Agenda 2030 will have to be postponed to a longer timeframe, leading to prejudices for many people in many different parts of the world. Addressing that means that we need to look at the toolbox that we use. The policy toolbox that we have had so far is insufficient. We need a qualitative jump in the tools used and the kind of assistance given. We need to address the model of development. We need ones based in a new social contract that takes account of local and national reality. We need a new social contract based on the individual human being and their need for rights and social and decent work. We need social dialogue, respecting human rights, justice, the environment and the fair transition and securing democracy at work. A new social contract and a new framework of convivence and social dialogue continues to be the ideal means of mobilizing all three resources required, but we need the necessary political will there. In Mexico, historically tripartism has been a key social value, and the reform of 2019 made a contribution to putting many things in the right place, contributing to the strengthening of our institutions, to company, sector and national level and leading to the closing of selective bargaining agreements. Our social contract, however, still faces great challenges. We need to improve the framework of labour relationships. We need to focus on gender issues. We need to increase social protection, social justice and rights at work. That means that we need to invest more in social dialogue with a view to renewing the social contract. Union organizations in Mexico are committed to these changes and we would call on the ILO and ACTRAV to do the technical flanking work that is necessary for this end, as an indispensable interlocutor in the process. Thank you very much.

Mr Alfonso José Bustamante Canny

Employer (Peru)

Officials of the ILO, representatives of the workers, governments and employers, special greetings of course to the representatives of my country, ladies and gentlemen, good afternoon. Greetings from CONFIEP, representing the employers of Peru. We bring together 23 business associations from ten production sectors, including small and microbusinesses. We agree with the Director-General that sustainable businesses also need an enabling environment to be able to fulfil their function as a driver of economic growth and decent job creation. The DG's report alarmingly mentions that around 60% of the global workforce is employed in the informal economy. In my country, informality reaches over 71% and affects over 12 million Peruvians who have no work benefits or access to social protection. Informality represents an unprotection of the citizen. Red tape makes the transition to formality costly. Considering the per capita GDP in Peru, our informality rate is 20 percentage points higher than where it should be according to the World Bank. In addition to the huge problem of informality in Peru, today there are 3.3 million more Peruvians in poverty than there were in 2019, and 600,000 more than last year, reaching 30% of the population. We have been fighting against poverty for 20 years. This begs the question, what are the main factors that lead to informality? It is not a lack of regulation but, on the contrary, excessive regulation which is not aligned with reality, coupled with weak institutions, corruption and other factors. We have seen that the generation of productive employment and decent work through incentives for private investment in many countries like Peru is the best way to reduce not only informality but also poverty and the best way to create new opportunities. To do this, it is essential to create the necessary conditions to ensure economic growth and job creation in the formal sector. Let us not forget that the private sector is the best driver of economic growth and is the main source of job creation. In Peru the private sector provides 80% of total investment and 71% of formal jobs. Despite this contribution, the business sector has to face ideologies that distort reality and cause conflicts. Today, more than ever, we recall the principles of the ILO Centenary Declaration for the Future of Work, according to which the promotion of sustainable and inclusive economic growth, full and productive employment and decent work for all is achieved through, amongst others, policies and incentives which promote sustainable and inclusive economic growth, the creation and development of sustainable businesses and the transition from the informal economy to the formal economy. The Peruvian employers reaffirm our commitment to social dialogue with results, and we recall that the real social contract is what we create between workers and employers, which is business. But the most important thing is to continue to strengthen this wonderful relationship. Thank you very much.

Ms Joanna Bernice Coronacion

Worker (Philippines)

Friends, colleagues, delegates, on behalf of the Philippine Worker delegation I would like to extend our sincerest gratitude for the opportunity to speak before the ILC this year. We applaud the collective effort that went into the ratification of ILO Convention 190. It is a big victory for working people all over. Now the challenge is making sure that the substance of the Convention will be reflected in our national policy which is not limited to a violence-based agenda but includes all forms, such as trade

union harassment and repression. The Philippine Workers' delegation states our support for the movement towards the creations of a Convention and Recommendation for protection against biological hazards. We recognize the urgent need for the comprehensive protection for workers and communities. As a working woman, I strongly believe that care work, predominantly carried out by women, must be properly represented and adequately protected in the world of work. Our delegation aims for concrete standard setting for decent work in care in the coming years. The trade union movement is built on the principle of solidarity. As the saying goes in the Philippines, [foreign 123:27], "A pain in one part is a problem of the entire body." This commitment to workers' common interest, regardless of race, creed or identity keeps the international labour movement relevant. In solidarity, we express our concerns for our brothers and sisters in Myanmar. The ongoing civil war and the continuous brutalization of workers, activists and citizens by the military junta is completely unacceptable. We support calls for the recognition of the National Unity Government, or NUG, as the legitimate government of Myanmar. We urge the ILO to demonstrate its commitment to basic human and labour rights by working with the NUG in all relevant processes under its mandate. We join the calls for the 112th International Labour Conference to expedite the implementation of the ILO Commission of Inquiry recommendations by adopting a resolution on measures based on article 33 of the ILO Constitution. Our delegation is gravely concerned about the situation at home. The Philippines has been in the ILO spotlight and for good reason. More than a year since the conclusive findings of the ILO High-Level Tripartite Mission, we have yet to see any substantive steps towards addressing the systemic roots of precariousness and labour rights violations in the Philippines. The lack of meaningful progress gravely concerns us as it all contributes to the weakening of the ILO's inspection system. Despite claims to the contrary, hostility to trade unions remains the order of the day in the Philippines. The Philippine Government is creating the impression that things are improving for workers. If so, why has not a single case out of the 72 trade union killings been resolved? Why do instances of red tagging and profiling by security forces against unions continue to happen daily, such as those targeting SENTRO and KMU, or forced disaffiliation of unions such as the PNP, the Philippine National Police and non-uniform employees association? How can things be better when none of the High-Level Tripartite Mission's recommendations have been realized in a meaningful way? The name of [vgr INAUDIBLE 125:59] unrealized recommendations, there has been no traction and the proposed formation of a truth commission and presidentially mandated body on freedom of association violations. The presidential commission created by Executive Order 23 is glaringly insufficient. Among its many issues is the complete absence of participation by the social partners. As such, it has yet to deliver anything substantive in terms of giving justice to those harmed nor has it prevented freedom of association violations from happening. Progress on the freedom of association road map has stalled since its submission to the ILO was not endorsed by the majority of workers' representatives. Many of the measures aimed at aligning laws and practices with internationals are languishing in Congress, including the enabling law for Convention 151 and other measures that the President could easily certify as urgent. The President has defied calls to reassess the mandate and function of the National Task Force to End Local Communist. Despite all of those window dressings, unionization rates remain stagnant. This is the true litmus test of full compliance with freedom of association standards. It is no wonder wages have stagnated for years and job quality has yet to improve. This and many other [vgr INAUDIBLE 127:34] are what led to the almost unanimous call by the Philippine labour movement, including the ITUC affiliates in the Philippines, except FFW, for [vgr

INAUDIBLE 127:44] resignation. These are some of the crucial areas the Philippine delegation would like to put into focus. Good day to all.

Ms Verónica Patricia Navia Tejada

Government (Bolivia (Plurinational State Of))

Gilbert Houngbo, Director-General of the International Labour Organization, President and Vice-Presidents of the International Labour Conference, Heads of State and Government, ladies and gentlemen, representatives and delegates of the workers and employers. We have looked very closely at the analysis of the difficulties of the work of labour that were brought up in the inauguration of this labour conference, in particular data on the reduction of the employment rate during 2024, which has seen a slight rise since 2023. That means that there are more than 180 million unemployed workers in the whole world. Given that, I would like to take the opportunity to set out the strategy and policies implemented by the Bolivian country based in its economic model and the things that have been achieved which have led to a reduction in unemployment by 4% in our country. This has meant that public policies directly and indirectly have made a contribution to the social incomes provided for by the state. That has led to an increase in the number of new enterprises which create new jobs. Our economic model implies the continuity for the construction of the process of social and economic transformation, promoting the institutionalization of primary resources. Let us recall the words of the Director-General of the International Labour Organization saying that poverty is a danger to prosperity. We absolutely support that claim. That is why together we have to ratify our commitment to social justice, helping workers to achieve respect for their rights through protection of work and their right to work, stability of employment, respect for labour rights, and particularly the right to a salary as a precondition for a life in dignity. There the important players are the employers, the workers and, of course, the public authorities. Given that, we also have to express our complete rejection of unilateral blockades and the way that armed conflicts far from our South American continent affect our income. Labour is not a commodity, and so why is it then that some workers are seen as a workforce and not as a force for development in the social and economic development of states? In the analysis that we make in this International Labour Conference, where we talk among the constituents about the right to enjoy the fruits of work and chemical hazards, it is important that we consider the scope of social justice not just so that it is translated into numbers and statistics but so that it would lead to prosperity for workers, doing away with differences between men and women in that respect and promoting equality of access to opportunities for work, to pay and to human dignity, which in our country we refer to as living well. I would like to state that as an integral member of the International Labour Organization we have given a technical opinion on the right to strike as a result of the consultation carried out by the International Court of Justice saying that we recognize all workers' rights to organize in unions and the duty of the state to respect their independence. We also, as a result of that, have to recognize the right to strike, prohibiting any repression of the right to strike carried out by unions as long as they comply with the legal conditions set out expressly for this purpose. We think that this is the only instrument available to workers and the only available instrument for workers in their struggle. Thank you.

Mr Gyula Pallagi

Worker (Hungary)

Madam President, delegates, ladies and gentlemen, it is a great honour for me to address you today at the 2024 International Labour Conference as representative of the Hungarian workers. This event holds special significance as, in the spirit of tripartism, we come together to seek solutions to protect workers' rights and create a world of decent work. Let me also express my special thanks to the work of the ILO office in Budapest which actively supports our work between the conferences. The idea of the social contract which underpins the respect for workers' rights is based on the principles of human dignity and justice. This contract is a mutual agreement that ensures that every worker can perform their duties safely, under fair conditions, benefit from economic growth and play an active role in decisions that affect their destiny. In this context, I would like to draw your attention to two particularly important issues. Firstly, I would like to emphasize the importance of occupational health and safety. A safe working environment is a fundamental human right that must not be compromised. Preventing workplace accidents and illnesses is not only necessary for protecting workers' health but also economic advantages. Investments in occupational safety reduce long-term costs for companies, increase productivity and promote sustainable development. Ensuring conformity with the ILO standards is therefore essential. However, in Hungary we face a number of challenges. We see that the issue of workers' health has recently been treated by legislation as an administrative burden that hinders competitiveness and thus needs to be dismantled rather than as a fundamental right of workers. Therefore, we consider it necessary to maintain occupational medical examinations and proper training in occupational health and safety in accordance with ILO standards instead of deregulating these employer obligations. Secondly, I would like to address the issue of social dialogue and employee participation. As the Director-General points out in his report, social dialogue is the main institutional instrument for renewing the social contract. This contract can only be genuine if workers actively participate in the decision-making processes. Mechanisms for collective bargaining and social dialogue ensure that workers' voices are heard and that labour decisions are fair and equitable. Employee participation increases job satisfaction, strengthens workplace democracy and contributes to social cohesion. Yet in Hungary today, as in many other countries, social dialogue has become empty. Like many of the trade union rights that had been asserted in the past are under threat or attack, workers' voices are not even given a role in decision-making since the absence of dialogue, as the example of occupational health and safety deregulation shows, often goes hand in hand with the violation of workers' rights. The renewal of the social contract must be connected to the establishment of a genuine, meaningful social dialogue. It is our shared responsibility to implement the concept of the social contract into concrete actions. This requires close cooperation between governments, employers and worker organizations. Only through such cooperation can we achieve a labour world that is just, fair and safe for everyone. Thank you for your attention, and I wish the participants of the Conference a productive session. Thank you. Köszönöm.

Mr Igor Feketija

Government (Slovenia)

Director-General, Excellencies, ladies and gentlemen, it is a great pleasure to participate in this year's plenary discussion of the Director-General's report on the renewed social contract. We thank the Office for the well-prepared report and valuable opportunity to contribute to the debate. The debate is even more timely, taking into account ongoing multiple crises, wars, armed conflicts, which all have immense impact on the world of work. Major transformations driven by digitalization, technological progress, demographic shifts and climate crises, coupled with several persistent issues, including poverty, inequalities, informality, precarious forms of work, insecurities, lack of adequate social and labour protection eroded trust in public institutions, and unfair distribution of the fruits of progress call for our consideration for a renewed social contract. As underlined in the report, respect for human rights including labour rights stands at the core of the social contract. Effective realization of the fundamental principles and rights at work is a vital and indispensable part of social justice. Yet, significant deficits continue to persist in its implementation. These gaps must be overcome in joint and intensified efforts with a reinvigorated approach that can be inspired and boosted by the decision of the 110th International Labour Conference to include a safe and healthy working environment in the ILO's framework of the fundamental principles and rights at work. As one of the pivotal milestones of the Organization's history, this achievement gained further importance in the context of climate change. In the circumstances of major transformations in the world of work, we must focus on enhancing labour protection and providing adequate social security as one of the pillars of the renewed social contract. Both labour protection and social security systems need to evolve, advance and adapt to the new realities in the world of work in order to leave no one behind. Social dialogue, as proven in the past decades, is central to providing the right solutions to complex realities. Social security systems based on redistribution are gradually being eroded and are under constant pressure of fiscal deficits and public debt. We also feel more consideration should be devoted to pre-distribution, which means a fairer distribution or sharing of the fruits of labour and the progress stemming from it in the first place before inequality emerges, especially through more democratic models of ownership such as employee ownership. We feel this can be more effective than addressing the inequalities through redistribution after the fact. At the national level, in Slovenia we are carefully following and addressing these developments in consultation with the social partners and through broader public debate. To tackle negative consequences arising from the increase of atypical forms of work, the Slovenian Government has just recently adopted guidelines for the preparation of the strategy addressing and combatting precariousness, especially related to atypical forms of work. The final strategy will include concrete measures that will be formulated with the working group consisting of social partners and experts. Furthermore, pension reform is also under consideration. Systemic solutions are currently being developed and discussed in the area of pension and disability legislation with the aim of making the pension system more transparent and sustainable while providing adequate income to those who are no longer able to work. In conclusion, we would like to underline the importance of the normative mandate of the ILO in addressing the identified regulatory gaps and responding to new phenomena in the world of work. The ILO, with its unique tripartite structure and reliance on social dialogue, is fully equipped and rightly placed to set standards at the international level which advance social justice. Director-General, we welcome that this debate will also

feed into the discussion on the ILO contribution to the Second World Summit for Social Development where the ILO should present an impactful tripartite input. The summit will be an opportunity to address the new developments occurring since 1995 and for a renewed impetus to the realization of the 2030 Agenda. We need to jointly find a way to secure and advance the progress made in terms of social justice in recent decades and at the same time to address new challenges in the world of work and tackle the persistent ones. In this respect, we consider positively the constructive proposal, such as the initiative for a global charter of labour rights, as in the ILO's contributions to the upcoming Social Summit in 2025. Thank you all.

Mr Mohammed Attia Ibrahim Elfayoumi

Employer (Egypt)

Chair of the Conference, Your Excellency minister, workers' and employers' representatives, ladies and gentlemen. It is a pleasure for me to wish the 112th Session of the International Labour Conference every success and to emphasize its leading role in the world of work, and I wish our conference every success. The International Labour Organization is carrying out unceasing constructive efforts on the basis of its tripartite structure, which is the main driver of this organization in all its activities, namely the setting up of policies, of labour conventions to improve productivity and to improve and promote decent work, as also to implement all of the rights and obligations of all parties in order to realize the objectives set out. This International Labour Conference is one of the major tools of the ILO, making it possible to create harmony and cooperation between the tripartite partners. We noted with interest the Director-General's report entitled 'Towards a renewed social contract'. This report sets out a vision to strengthen decent work, productive work, sustainable development and development to the benefit of all, strengthening freedom and economic security. All of these issues are addressed in various ambits in the Conference, and this makes it possible to face up to the various challenges that the world needs to address. We are addressing biological risks. We are addressing fundamental rights at work, decent work and the care economy, among other things, at this conference. The General Federation of Chambers of Commerce represents the employers of Egypt and is also a member of various other organizations at regional and international level and it works to improve social dialogue. We also are involved in efforts with various other parties responsible for activities in the area of labour. And, of course, we work with the ILO, which is a privileged partner for the establishment of labour legislation. And it is also this organization that makes it possible to pursue our various objectives of decent work, of safety and necessary protection for employers and workers to promote sustainable development and economic stability. The improvement of the economic situation in Egypt is palpable. It is due to the efforts of the Egyptian economy to launch large infrastructure projects which are an ideal means for the creation of jobs for young people. The Government has also launched development projects across the whole of Egypt, which has led to improvement in the capacity of Egyptian industry and the skills of workers. Without ignoring the needs of entrepreneurs and of small and microenterprises, other initiatives have been launched targeting assistance to different parts of society. The Government has also implemented various pieces of legislation addressing labour, in cooperation with the workers and the employers. We have worked together to work on the law on unions, passed in 2007. We have also worked on legislation on investment which makes it possible to provide the necessary incentives for investments to facilitate trade and to improve economic governance. We have also provided guarantees to investors through this legislation and

through the setting up of a council for dialogue in industrial relationships. We have also worked on various other pieces of relevant legislation. Ladies and gentlemen, we have to ask the question why the world is not able to protect the Palestinian people and stop the genocide that has been perpetrated against them. Is it not now time for Palestine to become a member of full right in the ILO? Thank you.

Mr Marco Andrade Solis

Worker (Panama)

President of the 112th International Labour Conference, delegates, on behalf of the workers and the Panamanian union movement, we denounce the flagrant violation of labour rights and freedom of association in the Republic of Panama. Firstly we denounce the fact that the bank accounts of the main union in our country, SUNTRACS, affiliated with CONUSI, have been closed, including the account of our cooperative SUNTRACS, R. L. which is about to go bankrupt. This was a reprisal for its participation in the patriotic gesture but against the mining contract which violated 25 articles of the Panamanian constitution and which was declared unconstitutional on the 28th of November 2023. This is an environmental crime committed with mining exploitation in an important part of the Mesoamerican Biological Corridor. What is more, there is persecution and prosecuting of popular leaders, including human rights leaders, environmental leaders, indigenous leaders, farmers' leaders, students' leaders, fishers' leaders and union leaders who took part in this gesture, including leaders Jaime Caballero from SUNTRACS and Diogenes Sanchez from the Association of Professors of the Republic of Panama, ASOPROF. We also denounce the fact that the University of Panama, its authorities, after agreeing and signing the second collective convention with the workers of the University of Panama in the National Union of Workers of the University of Panama, SINTUP, after eight months of negotiation and which represented the only advancement in freedom of association in the public sector, now refuses to apply the convention. The rest of the workers in the public sector do not have their right to collective bargaining recognized or union fee discounts or the right to strike, in the case of the workers in the Panama Canal, when supplementary measures fail. These facts, which are not the only examples, would be enough to denounce the Government of Panama of Laurentino Cortizo as a violator of workers' rights and freedom of association. The new Government of the President Elect José Raúl Mulino, elected on the 5th of May has already announced a series of measures that it will take against the people, including the reactivation of the mining project, increasing the retirement age of women and men, increasing contributions, reducing pensions and other measures in the social security fund, privatization of insurance funds with individual account. Also included is the privatization of water, collection and treatment of waste, repression and criminalization of the social protestors, amongst others. All this will surely provoke confrontation with the extreme right neoliberal government working against the interests of the working class and the people. Minister, listen to what we are saying. We want the rector of the university to respect the convention agreed upon with our union. We also ask the minister for the Government to respects the rights of workers to organize themselves in unions, and we should not be denied legal representation. Long live the fight. Long live the workers of Panama.

Ms Ana Guezmes

United Nations

ECLAC would like to greet this conference, its president, Member States, representatives of workers' and of employers' organizations. We welcome the Report of the Director-General on a renewed social contract. We congratulate the ILO on the decision to incorporate the discussion of decent work and the care economy in this conference and we would like to thank them for the excellent report prepared for that. The Member States of Latin America and the Caribbean have recognized the centrality of care for making advances in gender equality, sustainability of life on the planet and sustainable development. Our States have made advances in statistics, in policies and systems of care, and over the past 47 years, in the regional conference on women of Latin America and the Caribbean, have agreed on the regional agenda. The Buenos Aires Commitment, a pioneering agreement adopted in 2022, is particularly worthy of mention. It is mentioned in the ILO report as well. And in that agreement the region recognizes care as a fundamental kind of work, whether it is paid for or not, and a productive sector with the potential to revitalize economies with the right of people to care, to be cared for and to care for themselves on the basis of the principles of equality, solidarity, universality and shared social and gender responsibility. However, delegates, the future is already here and the demand for care work is growing rapidly as a result of ageing, technological changes and the effects of climate change and there is a reduction of the time available and the number of people available to provide care. We are faced with a disproportionate number of women and children involved, leading to discrimination and feminization of policies. So investment is key, and a society that invests properly in care places not just justice in our hands but profound social change. So investing in integrated systems of care from an intersectional gender perspective, apart from contributing directly to sustainable development and well-being, creates directly or indirectly high-quality jobs in accordance with the officers that the Office itself has given us and the data that we have got together in ECLAC and the ILO in the region through the care simulator [? 156:48]. Apart from that, it makes it possible for women to enter into the labour market, participate in it and stay in it. It includes men in policies and in care, and it generates returns for the state in the form of taxes and contributions to social security and it leads to improvements for society as a whole. The care economy is a core part of the economy. There is going to be a growing demand for workers coming from this sector, men and women who will have to be able to work in decent conditions with proper training and guarantees for full exercise of their labour rights, including appropriate remuneration in decent conditions and with social dialogue. Given the care crisis across the world and also in Latin America and the Caribbean, ECLAC is ready to help the ILO and the tripartite constituents. As José Manuel Salazar-Xirinachs, the Executive Secretary of ECLAC has said many times, it is not a time for gradual, timid change but for ambitious transformational change. We are prepared to support the ILO in drawing up standards and statistics in Conventions and Recommendations in the 5R conceptual framework and in conjunction with the development of the care economy. Along with the United Nations, UN Women, the ILO, we will make the necessary efforts to create a macroeconomy and policy to advance in this direction to get proper standards and parental leave of quality but also of longer duration in the future. Ladies and gentlemen, what happens in this conference will be decisive to see whether we face up to the needs, expectations and hopes of current and future generations and provide for the good living that indigenous peoples in the Americas can teach us about. Care is a shared public good of all peoples. It is a local good as well. It is at the base of

sustainability and of life and is a key to achieve social justice. This is not a time for change. It is not an era of change. It is a change in the era. We need to make progress in care, including care for the people who care for us and including care for the planet. The balance between life and work [vgr INAUDIBLE 159:40]. Care renews our hope for a better future for everyone. Thank you.

Mr Marcelo Abi-Ramia Caetano

International Social Security Association

President of the International Labour Conference, Director-General of the ILO, distinguished delegates, ladies and gentlemen, it is my great pleasure to convey to all delegates to this session of the International Labour Conference the greetings of the membership of the International Social Security Association. Bringing together 333 member institutions from 163 countries, ISSA is the unique global organization for social security institutions and government departments. Sharing knowledge and enabling relevant networks, ISSA's mandate has, since its creation under the auspices of the ILO in 1927, been to promote the development of social security systems around the world. I wish to congratulate the Director-General on his report to this International Labour Conference and for his leadership to convene the world of work, national governments and international actors around a crucial question. How to renew the social contract, which is indeed under serious pressure, based on social justice, social dialogue and the values and the objectives that underpin the work of the ILO is of the utmost importance in a world of crises and transformative change. The Director-General's report and the debates at this International Labour Conference provide vital guidance to all of us in moving forward and in the preparation of the World Social Summit in 2025. I would like to echo the Director-General in emphasizing that renewing the social contract is fundamentally about investing in people. This includes, importantly, investment in their capacity to secure employment and productive lives and their capacity to enjoy protection against risks of loss of income and protection in old age. Social justice and investment in people are the core of social security and have been underlying principles for ISSA since its foundation. To promote these principles, ISSA has worked side by side with the ILO and other international partners in the expansion of social security systems around the world. Today, to effectively support individuals and societies to cope with transitions, demographic change, labour market transformations, changing life course, uncertainty and crises, social security systems have evolved and multiplied their functions. Income protection remains, no doubt, the fundamental pillar. However, the objective of modern social security systems to empower people, invest in their health and employment, and support resilience has been one of the key priorities in recent years for ISSA and its membership. To ensure that social security systems can play this vital role for a renewed social contract, we must also redouble our efforts to bridge the persistent social protection coverage gap that affects still too many workers worldwide. There are many positive examples of progress in extending social protection based on an innovative policy and implementation approach. However, we must strengthen our efforts and collaboration to accelerate progress and ensure that a renewed social contract would not only be a reality for a privileged few but for all workers and all population groups everywhere. The Global Coalition for Social Justice is of paramount importance in this regard. After having been one of the first organizations to join the Global Coalition last year, ISSA is fully engaged in promoting and contributing to this agenda. Ladies and gentlemen, ISSA and its members are more than ever committed to be at the side of the ILO in working towards social justice and to contribute to a cross-

sector effort to make a renewed social contract a reality, as proposed in such a timely manner by the esteemed Director-General. Thank you very much.

Mr Atle Høie

IndustriALL

Distinguished President, delegates, I am speaking on behalf of IndustriALL Global Union which has 550 affiliates in 130 countries, representing over 50 millions workers, including in the mining, energy and manufacturing sectors. There is no social justice in countries at war or in countries with severe oppression. Recently back from Ukraine, I will start there. The Russian war in Ukraine has already been going on for more than two years. Hundreds of thousands have been killed and injured and there is no end in sight. Notwithstanding, we call on the Government of Ukraine to stop using the war as a pretext to weaken labour laws and to resume social dialogue. The war has taken a huge toll on industry, people are living in constant fear, and our affiliates are clinging to the hope that the war will end and that they can go back to doing regular trade union work and start rebuilding their country. In Belarus, we demand that the Government stop the repression of trade unions and immediately release all trade union leaders and activists who are subjected to violations of their trade union and civic rights. We are extremely concerned about the inhumane conditions they are subject to in prison, including torture. We call on the ILO to demand, under article 33, that the Government implements the recommendations of the Commission of Inquiry. It is imperative that the Government issues an urgent report on the health status of the prisoners and allows for a tripartite mission to visit the prisoners. In Myanmar the military regime has killed more than 4,000 people, arrested almost 26,000 and suspended civil society organizations, including all free trade unions. The banning of trade unions and the absence of freedom of association has resulted in modern slavery conditions for most workers. This fact is corroborated by the findings of the ILO Commission of Inquiry. It is impossible to conduct due diligence in a military dictatorship. Therefore, IndustriALL continues to demand that companies stop financing the junta and thus responsibly exit the country. Furthermore, we find it unacceptable that the EU countries or the EU continues to grant trade preferences and keeps on supporting manufacturing in Myanmar. We reiterate our call on the EU to reevaluate its policies towards Myanmar. The EU must end its 'Everything but Arms' preferential trade policy and its support to the Multi-stakeholder Alliance for Decent Employment in the Myanmar apparel industry programme. On Argentina, we condemn in the strongest possible terms the attack from the new government and those employers supporting the Milei administration on fundamental and labour and social rights. We demand that the Government stops violating Conventions 87 and 98, in particular the attacks on the right to strike and the criminalization of social protests. It should also end the dismantling and privatization of state-owned companies and the defunding of public health, universities, education, science and culture. Finally, IndustriALL deplores the attack on the right to strike in many countries around the world. At the ILO, employers' representatives have shamefully cast doubt on this essential right for almost a decade. The right to strike is protected under Convention 87 and the ILO and its intrinsic corollary of freedom of association. The supervisory bodies of the ILO have built up an authoritative guidance in that regard over the past 70 years. Withholding labour is a crucial negotiating tool during the bargaining process. IndustriALL, together with the ITUC and other global unions, has strongly opposed the position from the Employers' group on the right to strike. In a landmark decision last year, the ILO Governing Body referred the matter to the International Court

of Justice for an advisory opinion. We call on all governments to side with the workers and support the trade unions' position in the International Court of Justice. And finally, I will come back to Palestine tomorrow, but having come back from Palestine just last week, I will reiterate our call for a free and independent Palestine within its own borders and with its rights to have its seat at this table and other international tables. Thank you very much.

Ms Christine Nathan

International Catholic Migration Commission

The world needs renewed commitment for the care of creation and for solidarity within the human community. Mr President, the International Catholic Migration Commission, ICMC, is pleased to deliver this statement at the 112th Session of the International Labour Conference, ILC, in response to the Report of the Director-General. Since 1951, ICMC has served migrants and refugees worldwide through its extensive network of Catholic bishops conferences, other Catholic inspired and civil society partners, global advocacy and direct humanitarian and resettlement programming in countries with complex migration and refugee-related issues. We place respect for the rights and dignity of our beneficiaries at the centre of our efforts regardless of faith, race, ethnicity or nationality. We have voiced particular apprehension regarding global, regional, national and local endeavours to establish autocratic regimes, curtail democracy and multilateralism and promote religious, racial, ethnic and religious discrimination and persecution in various parts of the world. There is no question that the most vulnerable persons bear the heaviest burdens, including forced migrants, refugees and informal workers. This year the Director-General's report centres on revitalizing the social contract. It poses the question of how this contract can be renewed across all sectors to establish social justice as the cornerstone of sustainable peace, equal opportunities and a fair transition to more sustainable societies. This framework aligns with our vision and ICMC would like to highlight the following reflections nurturing a renewed social contract to this esteemed audience. Migrants, refugees and their families face significant hurdles in meeting basic needs. It is crucial to advocate for access to fundamental rights such as education, fair employment opportunities with just wages and protection, physical and mental healthcare, housing, and nutritious food. Migration cannot be solely labelled as an emergency. Whether it is involuntary or a deliberate choice, migration is deeply intertwined with the complexities of globalization, demography, human rights and development. In many contexts work can greatly contribute to the integration of migrants and their families as well as to their active participation to the common good of the community. Migrants do contribute heavily to societies that welcome them. For the last seven years, ICMC has convened the global initiative titled 'The Future of Work: Labour after Laudato Si' in close collaboration with a diverse network of Catholic-inspired organizations and other faith actors and grassroot organizations in all parts of the world. We wish to bring to the discussion the approach developed by its partners known as 'Care is Work, Work is Care'. We are convinced that work is to be at the core of a transformation to respond to the call to care for our common home. Furthermore, care is a way of being, doing and existing which implies dignity, generosity, freedom and responsibility. Care is a deeply spiritual human experience. It is always inspired by a concern for unity in the making of becoming one, both humanly and spiritually. Work as a transforming activity is therefore an essential component of care. Let me also highlight that ICMC is a partner of the Global Coalition for Social Justice and pledges its support for an engagement with this multilateral

platform. To close this statement, let me turn to the message of Pope Francis to the participants in the consultation 'Care is Work, Work is Care' adopted on the 8th of May 2024: "The world needs renewed commitment, a new social compact that can bind us together, older and younger generations, for the care of creation and for solidarity and mutual protection within the human community." Thank you, Mr President.

Ms Ruth Wilkinson

Institution of Occupational Safety and Health

Dear Director-General, President, distinguished delegates, guests, observers, ladies and gentlemen. Social justice and sustainability illuminate our vision of a safe and healthy world of work. They have woven into our mission and our strategy. The Institution of Occupational Safety and Health, IOSH, is committed to advancing this cause as part of the Global Coalition for Social Justice. As the world's chartered body for professionals who keep workers safe and well, we at IOSH believe decent work under conditions of freedom, equity, security and human dignity is foundational to human well-being, enabling a sustainable future. Sustained, resilient and inclusive growth depends on fairness and social justice. Yet decent work eludes many, especially those among the world's two billion informal workers who are without social and legal protections. Many, including children, are economically, socially and politically marginalized, subject to forced labour and precarious conditions. Safe and healthy work provides conditions for individuals and communities to flourish. We say embrace the ethos of SDG 8, embrace a safe and healthy working environment and create decent jobs for people, planet and prosperity. Let business models and international and national policies embrace human rights standards regardless of where workers work and the work that they do. We recommend a pragmatic approach to accelerating progress to implementing the Decent Work Agenda at country level. To achieve this, stakeholders should embrace collaboration, joint decision-making and measurable actions promoting social justice, fundamental principles and rights and decent work. We need more sustainable trade strategies, elevating decent work standards as part of worker-centred trade policies and agreements. We also need more accountable, socially responsible businesses who prioritize people's safety and health as much as they do for generating profits. A new social contract should flow from the ILO's fundamental principles and rights at work to address major inequalities and challenges in our world. It must embed occupational safety, health and well-being as the foundation of social, sustainable business. It must improve protection for all workers, including all of those who are in disadvantaged groups, those who are vulnerable workers and those who are particularly vulnerable to labour market exclusion and long-term unemployment and those who face increasing challenges when going to work where there are still unsafe and poor working conditions and practices. I guess from everything I have just said, you could hear that all actors must embrace the need for collaboration, policy coherence and joint decision-making to drive that action that advances a just transition to achieve social justice, decent work and fundamental principles and rights at work, which includes a safe and healthy working environment. It is only together that we can foster greater progress. So let us make social justice central to achieving equitable and sustainable growth for all. Thank you.

Ms Lorraine Sibanda

StreetNet International

My name is Lorraine Sibanda. I am the president of StreetNet International, a global alliance of street vendors and market vendors with more than 20 years in existence and representing over 750,000 informal economy workers globally. I would like to start by welcoming the Report of the Director-General of the ILO which clearly states that we need to renew the social contract that takes the needs of informal economy workers into consideration and encourages an inclusive social dialogue. It is commendable to see the informal economy taken seriously by this distinguished international organization, even if many national governments continue to pretend as if it does not exist. Indeed, because street and market vendors are not legally recognized as workers, we do not have access to social protection and appropriate care services. In many countries, most street and market vendors are women, often the sole bread winners of their families, and are forced to bring their children to work with them to sustain their livelihood which results in their children growing up among market stalls, often without any basic infrastructure. And all of them are exposed to violence and harassment as well as all sorts of hazards. I myself started vending in the streets when I was only six years old, and many children accompany their parents as they work because they have no access to childcare centres. Furthermore, we also need proper health and safety services. Street and market vendors are workers in the urban public spaces, but we do not have the appropriate infrastructure for serving the public. Every day we are exposed to infections, contaminated waste, polluted air. Working in the street is not easy, and it often costs us our health, and sometimes even our lives. Not only do we physically suffer from these poor working conditions, we are also psychologically bullied by authorities who refer to us as promoters of disease and persecute us for needing to make a living. Yet when the COVID pandemic was raging, we quickly adapted and became public health agents, a role which was not properly recognized by governments. Street and market vendors' exposure to biological hazards is an issue of human and labour rights and also urban regulation. Authorities must be held accountable and ensure that these workers have access to social protection and occupational health services. In addition, we suffer from disability or old age. We can only count on each other, increasing the burden of care on our families and communities which already are living in difficult conditions and without any legal or social protection. Our solidarity has kept us alive, but given our contribution to national economies, it is unacceptable that we have no proper care services during our lifetime. It is imperative to ensure high-quality care services to all workers, including those in the informal economy so that we can not only just survive but thrive. We once again echo the Report of the Director-General, stressing the importance of inclusive social dialogue that recognizes street and market vendors as workers so that we can ensure our health and safety. We believe it is crucial to adopt a Convention on biological hazards, supplemented by a Recommendation that explicitly lays out the responsibilities of state authorities towards self-employed workers in public spaces, such as street and market vendors, as well as our fellow waste pickers. We commend the ILO Conference for focusing on the important topics of care and biological hazards which have a tremendous impact on the daily life of street and market vendors. We will continue to amplify our voices in these important high-level forums because there is nothing for us without us. Thank you.

Mr Walter Merkis

Confederación de Trabajadores y Trabajadoras de las Universidades de las Américas

We have come to this plenary to discuss the Report of the Director-General who has called us to work towards a renewed social contract based on social justice. This has come at a paradoxical moment because the President of Argentina has publicly stated that social justice is an aberration because it means that you must rob from one person to give to another. In Argentina, workers, especially those working in universities, are undergoing a serious and fast loss of their rights due to a government that does not recognize the principles of the ILO and violates international Conventions. It is well known by all that the attempt to implement a decree on need and emergency was currently halted by the justice system, and that implied an institutional dismantling of individual labour rights as well as collective labour rights. At the moment a draft law is being discussed in parliament and it is named the 'Basic Laws' in order to push forward the loss of sovereignty and protective measures. In order to defend our rights, workers from universities have taken part in a large march only one month ago. Over 1.5 million people marched across the country to fight against reductions in funding in universities. Moreover, we are fighting against wage cuts of over 60% that have been implemented over the past six months. The cruellest fact, though, has occurred at the University of the Mothers of Plaza de Mayo whose workers have not been able to collect their wages for over six months. In Argentina, more than ever before, we need the active support of the ILO in order to defend our rights, to prevent and curb the destruction of our rights, impose a rational limit to the conflicts caused by the Government, and contribute to relaunching social dialogue and tripartism. However, Argentina is not the only place that is suffering. In Guatemala they arrested and put in jail five different university workers who belonged to the University of San Carlos trade union. They were simply exercising their right to protest. In Panama we have suffered a setback due to the refusal of the Government to record the legitimate collective agreement that had been signed by the University of Panama's trade union. In Brazil the universities' trade union federation has been courageously striking for 90 days and there have been massive mobilizations across the country to defend wage cuts and to promote more budget for the universities. In Honduras the university authorities have tried to fire the Secretary-General of the national autonomous universities trade union. This is clearly a violation of Convention 87. University workers are committed to a solid coalition that promotes decent work and social justice. And that is why we want the universal respect of human rights and the fundamental rights at work. But to do so we need a new social contract that can take form in concrete and solidarity-based actions. Today, more than ever before, we need unity and we need international support. We cannot allow injustice and inequalities to continue gaining ground. The fight for university workers is a fight for the future of our societies, for public education and for a fairer world. Every single strike, every single march, every single protest, we always hope for a better tomorrow. Unity, solidarity, organization and the commitment to social justice are the pillars on which we want to build our future, and together we can achieve this objective. I want to take the opportunity now to state that the 15th anniversary of our university confederation was created (sic), and I want to salute all those who will defend social justice today and in the future. Thank you.

Ms Adriana Paz Ramirez

International Domestic Workers Federation

Distinguished delegates of the 112th International Labour Conference, please receive greetings on behalf of International Domestic Workers Federation, a federation that represents over half a million domestic workers organized into 88 domestic workers' unions in 68 countries around the globe. We welcome the Report of the Director-General and we also welcome the inclusion of the discussion on decent work and the care economy in the International Labour Conference agenda. Care is the foundation upon which life exists and is necessary for humans, societies and economies to function, but it is also crucial for the future of decent work. Care consists both of paid and unpaid. It includes direct and indirect care, as rightly stated in the ILO report on 'Decent work and the care economy'. The current social organization of care reflects profound inequalities that are rooted in the slavery and disenfranchisement of people from the global South. Such inequalities are expressed through differentiation of social and economic status and positions of power that are often used to exploit the labour of [vgr INAUDIBLE 194:00] women, girls, migrant women and migrants working in informal employment. The unequal organization of care is both a driver and an outcome of poverty and structural inequalities, with implications for the rights and the well-being of those who provide and receive care. Domestic workers are a key pillar of the care economy. Considering only those who are only employed directly by the household, they account for 25% of all care workers globally. Around the world there are 75.6 million domestic workers that are aged 15 years and over. Domestic workers have a long tradition of organization and mobilization to recognize care work performed at the household level as work and the rights of workers. This legacy informs the current conceptualization of care work as work, which is also ingrained in ILO Convention 189 on decent work for domestic workers, promoting decent work for domestic workers. C189 must be at the core of any care economy agenda and policy at the national level. Despite the relevant contributions that domestic workers provide to the care economy, societies continue to place a low social and economic value on domestic work. It is often considered unskilled and an extension of women's unpaid care work. Compared to those other wage workers, domestic workers tend to have lower wages, fewer benefits and fewer legal and social protections. Very, very few domestic workers enjoy employment contracts. They usually have no maternity leave, healthcare or pension provisions. Temporary migration policies lead to a structural suppression of domestic workers' labour rights. The undervaluation and under recognition of domestic workers must change to reflect their invaluable role in supporting household economies, societies and enable them to enjoy their human rights. ILO Convention 189 sets the minimum standards for decent work for domestic workers. Only 36 countries have ratified this Convention, which reflects how challenging it is to reform the sector. C189 should be recognized as a central pillar of any national care policy. Domestic work is care work and should be fully, explicitly recognized as workers as part of the care workforce and as care providers covered by national labour codes and protected in equal conditions. Pathways to domestic workers' formalization should be prioritized, and their skills acquired through either training or experience should be recognized, valued and fairly remunerated. Care must be seen as a human right. The right to self-care, the right to receive and provide care must be done in conditions that uphold decent working conditions. Care should be recognized as a public good, operating on principles of solidarity, equity and universality and the leadership of the state. Rights-based migration pathways should empower and protect domestic workers through open work

permits covered by labour and social protection regulations while offering permanent residency status in the country of destination and family reunification avenues. Bilateral agreements should be based upon C189, decent work on domestic workers standards. Migrant domestic workers should have access to core labour standards such as freedom of association, non-discrimination, occupational health and safety, fair wages, access to justice mechanisms and protection from gender-based violence. Finally, the domestic workers thank the leadership of the ILO on the work that it has done on care, but there is still much work ahead for the Office and the Office should continue leading the development of standards on the care economy. We often say in our movement that care work, domestic worker, is the work that makes all other work possible. I ask you to always think 'Care for those who care for you'. Thank you.

Mr Emad Hemdan

Arab Federation of Petroleum, Mines and Chemical Workers

In the name of God, the most gracious, the most merciful. Ladies and gentlemen, the Arab union of petrol, mine and chemical workers believes that the ILO has an important role to play in the world of work. In fact, its programmes and recommendations constitute a basis for protection for us and we hope to see further policies put in place. We also want to strengthen this culture of work and strengthen the principles of solidarity and cooperation between governments, employers and workers. We should also like to congratulate and welcome the report of the DG in which the DG outlines a very important issue in the world of work. This report is entitled 'Towards a renewed social contract'. This report calls upon workers, governments and enterprises to work jointly to strengthen dialogue in all areas of work, to confront the challenges of unemployment and the lack of social coverage and protection for millions of workers throughout the entire world. The DG also presented figures in the report and he called for more solidarity. He presented programmes for social coverage and social protection whilst strengthening social dialogue between the constituents. Here, this is one of the main goals of the Committee of Freedom of Association of the Arab Labour Organization, which is part of the League of Arab States which I have the honour of chairing. We also call for this dialogue to be strengthened and to address the employment gap. We believe that people who are unemployed today in the world have reached about 402 million people in 2024. Now, despite the adoption of the 2030 Agenda for Sustainable Development in 2015, we are seeing a lack of progress when it comes to tackling poverty and unemployment. There are many workers who are still in the informal sector, and we have seen an increase of 1.7 billion workers in 2005 to 2 billion workers in 2024. It is important, ladies and gentlemen, to speak about what is happening in Palestine today. As we are meeting today, making these fanciful speeches, hundreds of thousands of people are falling into the hands of Zionist entities. Thousands of people are dying and are simply left behind. This is a brutal war against the people of Palestine. And as we speak about the future of work and decent work and freedoms and liberties, today we are seeing an atrocious war between the Palestinian people who are seeing their basic humanity trampled upon. This means that we have to assume our humanitarian and even professional responsibilities. We need to take measures against the Israeli entity. We need to insist on the following points. First of all, we need to suspend Israel from the ILO, impose sanctions against the occupying entity, give Palestine a full membership status in the ILO. We also need to provide aid to the Palestinian people who have a right to live in their territory. Ladies and gentlemen, we call upon the ILO to formulate development programmes for workers in Syria and South

Sudan who are also feeling the consequences of this Israeli war. We also are thinking about other countries who are affected by war, such as Sudan and Libya. Over half of the population of those countries have left their countries due to the wars that are taking place in those countries. In this regard, we would like to express our appreciation to the role of the President of Egypt and to the Egyptian people as well who support the Palestinian cause. In fact, the leadership of President El-Sisi constitutes a good basis for work when it comes to dealing with all of the issues that are affecting the Arab region, bringing it into a state of war. And this is why we would like to highlight the role of the international community when it comes to stopping all of these wars and also in providing assistance when it comes to economic integration to end the destruction we are seeing and the terrorism as well. We would like to highlight the measures that have been taken in Egypt, namely, to increase the minimum wage and also to expand social coverage to all of the workers and retired persons. Thank you very much.

Ms Clémence Otekpo

International Coordination of Young Christian Workers

Madam President, thank you for giving us the floor. Allow me to thank you for giving me the opportunity to comment on the Report of the DG on behalf of ICYCW, the International Coordination of Young Christian Workers. We represent over 40 countries in the world. We thank the DG for his report in which he looks at the need to update the social contract. As a people's education movement which has been operating for almost 100 years in the field of decent work, we share the view that social justice globally cannot be achieved without decent work. We note, however, that many workers in the world today are sharing experiences of work that do not respect them, which do not respect their quality as workers, their ability to meet their basic needs, their desire to build a life. Jean-Luc from Madagascar, 24 years old, he is a young man who was recruited by a Mauritian recruiter to work on the island of Mauritius. But the recruiter did not keep his promises. When he arrived in Mauritius, Jean-Luc did not get the job he was promised and he ended up transporting bags of food in a warehouse. In addition to all of this, he did not receive the minimum wage, which is established at 16,000 Mauritian rupees. The recruiter also took his papers which prevents him from going out because he is scared of being arrested by the police. His telephone is also given to him in a sporadic fashion, according to the whims of the employer. This situation reminds us that Jean-Luc has come to Mauritius to work, to have a better life and to receive better human treatment, but he has ended up in a foreign country and his dignity as a worker and migrant has been trampled upon. Alejandro from Spain, 27 years old. He has two degrees. He has got one in sport and one in social integration. He has been working since the age of 17, even though he has not been able to sign a contract only at the age of 21. Since then he has had contracts for ten hours a week maximum. Currently he is employed in the same enterprise with three different working centres. His working hours are four days a week, two hours Monday and Wednesday, four hours Tuesday and Thursday, in two different centres. He explains that the working conditions are very precarious indeed. Every class is different from the previous one. It is difficult to strike a work-life balance due to the fact that he is always on the go and due to the fact that he does not get much work. He does not want to blame his enterprise in particular because the conditions are the best possible given the situation. For the time being, he does not see any future for himself because his current working conditions and those that he has experienced thus far do not allow him to think about any potential emancipation. In September all of his working hours will change once again, and he will have to completely change his pace of life

depending on what is offered to him. How can we accept the fact that there is a whole generation of young people who are actually worse off than their parents? In our movement, since our international council in 2021, the national movements have taken the initiative to reflect and work jointly on the migration of young people. The report explains that our work experience is an important part of our identity, and we do very much share this view. But what kind of identity is constructed for those people who have no access to education, to work, those who are dehumanized by daily tasks and by fluctuations, those people for whom work is tantamount to survival and have no plans for the future? We also see that there are many injustices which undermine self-confidence and fuel apathy. The social gains that have been achieved thus far are being called into question for the sake of economic gain, and the revenue of the world is concentrated in the hands of a handful of rich individuals. There are many laws and regulations that exist, but the supervisory mechanisms do not allow us to ensure their observance, to the detriment of many workers who do not see their situation becoming any more secure. Labour, a transformative activity which should contribute to care and the dignity of human beings is not fulfilling its role. Workers must have effective guarantees with regard to the right to organize and freedom of association. They must have guaranteed the right to social protection, to not end up in a difficult situation when life goes wrong. They need to have a decent salary to survive, to get an education and to grow. We very much encourage the ILO to work towards the creation of a virtuous circle which places once again human beings at the centre and leaves no one behind. We believe in converging interests and collective intelligence and the capacity to do things jointly. We once again underscore the importance of today laying down the groundwork for a social contract that will allow us to have a societal system that is indeed viable. Thank you very much.

Ms Suntaree Saeng-Ging

HomeNet International

Thank you for this opportunity for me to speak at this plenary. I am Suntaree [vgr INAUDIBLE 211:06] Saeng-Ging. Today I stand here with a strong and urgent message, representing approximately 1.2 million home-based workers represented by HomeNet International which is a network of membership-based organizations with 75 affiliates spread across 33 countries. This year at the ILC we stand in solidarity with care workers and call for affordable, accessible and quality care services for all workers, especially the 147 million women home-based workers. Women home-based workers are often compelled to work from home, frequently juggling tasks such as working, cooking and taking care of children, elderly and sick persons, all in the same insecure environment due to the unfair burden of care work, a setup that is neither safe nor ideal. And that compromises their productivity and well-being. During the COVID-19 pandemic many women home-based workers were pushed out of work due to care responsibilities. Care work provided by women home-based workers is neither recognized nor compensated. We demand decent work and care as a fundamental right as a worker. At the 112th International Labour Conference we have three key demands. First, recognition of home-based workers as workers; ratification and implementation of ILO Convention 177, the Home Work Convention, and ILO Recommendation 204 concerning the transition from the informal to the formal economy by our Member State of the ILO. Second, access to affordable, accessible and quality childcare and elderly care to be a part of social protection for all workers, including our informal economy workers, home-based and domestic workers, waste pickers and street vendors. Third, support and

promote the cooperative and social and solidarity economy of home-based workers and all workers in informal employment to provide quality childcare, elderly care and long-term care. If we are serious about decent work and participation of women in the workforce, we need care for our women workers, including women home-based workers. It is time for change, time for recognition and time for action. Thank you.

Ms Diana Carolina Galindo Poblador

Government (Colombia)

The Government states that we have focused on tripartism in order to reach a balance for generation of employment and social justice. This has been done below the concept of decent work. Over one million new jobs have been created in Colombia. These have been implemented alongside reforms for better work, and this is fundamental in order to move forward towards a transformation of the setup to defend human rights, and we have taken a clear position. The representatives and the trade unions and employers have taken part in dialogue in order to discuss the text, and this has been done at the Congress of the Republic. We are moving forward towards a tripartite compromise, and the role of the Government is to focus on its effort to reduce injustice. Thus, the public policies in place will allow us to defend labour and human rights. Any worker, independently of their formal or informal role in the economy, has effective and true rights, especially in terms of protection and social protection and social rights. Of course, human rights can only be exercised from a legal and labour point of view if the right of association is respected. We can move forward with creating new collective bargaining spaces, including the trade unions in a country with over 15,000 violations and where many people in the population do not have jobs. Trade unionism can be strengthened, as well as the employers, and this will be in favour of the development of sustainable jobs. The organizations are invited in order to move forward in a united fashion, and that will transform Colombia in a force that can be counted with on the global stage for the benefit of all. Thank you.

Ms Béatrice Lestic

Worker Vice-President (France)

Thank you very much. This, therefore, wraps up the meeting today. We have exhausted our list of speakers. Before concluding our work, I would like to remind you that tomorrow we will be starting in the morning with a brief plenary session which will be dedicated to the discussion and adoption of the first report of the General Affairs Committee. The President will announce the vote on the abrogation of the four Conventions, as scheduled in agenda item 7 of the Conference. The vote will be open tomorrow at midday and will be closed at 6 pm. The vote results will be announced on Friday morning. Therefore, the meeting will be adjourned to have a session on the situation in the occupied Palestinian territories. I would like to remind you that the registration for the special session was closed yesterday at 6 pm. I would like to thank you all for your contributions to our work today. I would therefore like to adjourn this session. Thank you very much.

► Thursday, 6 June 2024

Mr Alexei Buzu

President (Republic of Moldova)

I shall now close the plenary sitting and open our special sitting on the appendix of the Director-General's report on the situation of workers of the occupied Arab territories. Thank you. The sitting is closed. Distinguished delegates, dear colleagues, I call to order this special sitting of the Conference to examine the appendix to the Director-General's report on the situation of workers of the occupied Arab territories. To begin with I would like to make a few remarks. The sitting is held following the decision taken by the Governing Body at the 350th Session in March 2024 to recommend to the International Labour Conference that at its 112th Session the appendix to the Report of the Director-General on the situation of workers of the occupied Arab territories to be discussed in the framework of a special sitting. As agreed at the March Governing Body session and reaffirmed at the opening sitting of this conference through adoption of the document ILC.112/D.1, this sitting shall be held in accordance with the same modalities and conditions as those applied in similar special sittings on the same subject in the past. The purpose of such discussion is to provide specific guidance to the office of the Director-General on appropriate follow-up actions to the findings of the report. As we have just been reminded during our commemoration of the 80th anniversary of the adoption of the Declaration of Philadelphia, lasting peace can be established only if it is based on social justice. In this respect, I do believe that we can contribute greatly to the elimination of suffering of the population in the occupied Arab territories and its impact in the region and that our discussion might facilitate the efforts of the international community to provide concrete assistance to the people concerned. I am fully aware of the sensitivity of today's debate in light of the tragic events in Gaza. In order to exchange our views openly and constructively, I invite all speakers to abide by parliamentary language and avoid comments or attacks of a personal nature. Our aim must be to identify measures that may assist the workers and businesses concerned. Thank you for your understanding. I strongly believe you can have strong opinions but still follow the rules. I would like also to inform the Conference of certain arrangements concerning the sitting which are part of the prerogative of the President and of the officers of the Conference. The officers of the Conference decided to make these arrangements in the interest of consistency, objectivity and respecting the legitimate interests of all concerned. They are entirely in accordance of the decisions taken at previous special sittings and should contribute again to the success of this important undertaking. Firstly as regards to speaking times, the interventions will be limited to three minutes, three minutes, according to procedural formalities set out in the document ILC.112/D.1 approved at our opening sitting. A reminder of this time limit will be published in the daily programme. This is particularly important due to the large number of speakers who wish to be accommodated. I would therefore ask you to respect it strictly. Three minutes, no more. Secondly, concerning possible requests for a right of reply during this sitting, delegates may only avail themselves of this right of reply on a specific point in a speech in which the Government has been implicated. This right of reply may not exceed two minutes and will be granted once only at the end of the sitting. It is understood that the President may, if time permits, allow the limit of two minutes to be exceeded if the reply relates to a large number of statements but will not be multiplied by the number of statements to which the speaker interest [? 5:03] to reply. There will be no right of

reply to the right of reply. Thirdly, I would like to add that there is no necessity to stop the debate in order to request a right of reply. If a delegate feels that there is a need to respond to a particular comment, then they must inform the President of the Conference by coming to the podium or advising the clerk on the situation. The right of reply will be granted at the discretion of the President who, assisted by the clerk, will agree with the delegation concerned on the time with which the reply may be made. Fourthly, if a delegate feels that a point or order should be called with a view to ensuring respect of the standing orders or on the question on the general order, they should do so from the floor. Lastly, I wish to address the matter of non-governmental organizations which have registered for this debate but which may only speak with authorization of the officers of the Conference. My colleagues and I have agreed that, in principle, these organizations will speak at the end of the sitting in the order in which they registered and only if their speeches do not result in the special sitting lasting beyond 6.30 pm today. Before I declare the discussion open, I would like to give the floor to the Director-General of the ILO, Mr Gilbert Fossoun Hounbo, so that he may present the appendix to his report on the subject of the situation of workers in the occupied Arab territories. But before that, I once again want to urge everybody, in a world where everyone breaks the rule, let us make this effort to respect the rule and still be passionate, still disagree with each other but respect the rule. Director-General, whenever you are ready, you have the floor. Thank you.

Mr Gilbert Hounbo

Director-General of the ILO

Thank you so much, Mr President. Excellency President of the Conference, Vice-Presidents, ministers, ambassadors, ladies and gentlemen, this session stems from the Governing Body's March decision recommending that the appendix to the Director-General's report on the situation of workers of the occupied Arab territories be discussed at this 112th Session of the ILC. So today we gather to confront the pressing issues faced by these workers, seeking actionable solutions to enhance their conditions and uphold the principles of justice, the principles of equity and justice for all. Your insights and contributions are essential as we work toward these goals. In the wake of the horrific Hamas-led atrocities against Israel and the ensuing relentless war waged by Israel, the labour market in Gaza has literally collapsed. Today Gaza is in ruins, livelihoods are shattered and work is scarce. Labour rights have been decimated. There is a growing hardship for workers and employers. Businesses are closing and hundreds of thousands of jobs have been lost. My report to this conference paints a quite distressing picture. I must confess that this has been the hardest year for Palestinian workers since 1967. Never before has the situation been this bleak. Let me recall, in the context of the ILC resolution underlying my annual report, that resolution was adopted in 1980 by the 66th International Labour Conference. The resolution expressed deep concern about the intensification of Israeli settlement policy. It emphasized the economic and social consequences of the settlements and the detrimental effect on labour rights and employment of workers of the occupied Arab territories. At the time, 44 years ago, there were about 100,000 Israeli settlers scattered around the occupied territories. Today the West Bank is host to an estimated 700,000 settlers. As my report underlines, the situation in Gaza is particularly catastrophic. The loss of Palestinian civilian life is on a scale never seen before in the Occupied Palestinian Territory. Entire families have been wiped out. Children have been traumatized and injured for life. People have been denied access to the basics of human survival. Most workers and

employers have been displaced, often multiple times. Most are now homeless. Most workplaces are destroyed. The labour market, already stifled by 17 years of blockade, has largely been replaced by survival activities. The ILO estimates that more than 200,000 jobs have been lost in Gaza since October last year, representing more than two-thirds of total employment prior to October 7, 2023. Labour income losses in Gaza amount to more than USD\$3 million a day. The misery in Gaza has cast a long shadow over the West Bank, which has experienced significant knock-on effects. Access to the Israeli labour market is closed to most Palestinians, while increased settler violence and movement restrictions suffocate economic activity. The West Bank economy, including East Jerusalem, is now in deep crisis. GDP is declining rapidly. Many enterprises have reduced working hours and dismissed workers. The unemployment rate has more than doubled, from 12.9% in the third quarter of 2023 to 27% by the end of 2023. Labour force participation declined considerably as many job seekers became discouraged and left the labour market altogether. Work in Israel used to be a lifeline for many Palestinians, yet daily access to Israel via the checkpoints and crossings was fraught with long and arduous commutes. Since October last year only a very limited few have access to Israel. As described in previous reports to the Conference, the number of Palestinian workers employed in Israel and the settlements has steadily increased over the years. However, working conditions for Palestinian workers in Israel remain of concern. The work permit regime and the associated brokers' practice need to be reformed. Meanwhile, in the occupied Syrian Golan, also in sight and hearing of hostilities in the last month, there is a continuing sense of unequal treatment as the traditional ways of life and work are threatened by increasing numbers of Israeli settlers. The labour market of the Syrian citizens of the occupied Golan is in rapid transition towards non-agricultural activities. Excellencies, in these dark times there have been strong calls on the ILO to step up to the many challenges on the ground. It is clear that there is an important and highly valued role for the ILO, for the ILO's expertise and the rights-based approach. This year my report includes recommendations in its final chapter. Among other things, I emphasize the need to plan for a job-rich and rights-driven early recovery while the humanitarian response is still unfolding. Job creation and decent work need to be put at the centre of the rebuilding of infrastructure and services. In parallel, social protection initiatives will need to quickly be expanded. Social dialogue will be vital in planning and implementing measures for recovery and resilience. Labour rights must be upheld. Of course, none of this will be possible, quite frankly, without an end to the current war and the release of all hostages. Excellencies, as you know, the ILO has already worked with workers' and employers' organizations to provide emergency relief and continues to review and report on the labour market situation. I wish to reiterate that we stand ready to work with all parties in a tripartite manner to pave the way in contributing towards a solid recovery. Our Emergency Recovery Programme for the Occupied Palestinian Territory provides a phased and multi-layered framework based on Recommendation 205. It requires more external financial support. Finally, I strongly believe that even in the short-term there is a way for Palestinian daily workers in Israel to resume their work. The conclusion of a prompt agreement authorizing such action could be, in my humble opinion, a major step forward. Social justice is the way out of the interlinked crises affecting the occupied Arab territories. It is a call for action to all of us, individually and collectively. Thank you, Chair.

Mr Alexei Buzu

President (Republic of Moldova)

Thank you, Director-General. I now declare open the discussion of the appendix to the Report of the Director-General on the situation of workers of the occupied Arab territories. I begin by giving the floor to the distinguished representative from Palestine, Mrs Dahadha, Minister of Labour. Please, madam, take the floor.

Ms Enas Dahadha

Government (Palestine)

Your Excellency President of the Conference, Excellencies Vice-Presidents, ladies and gentlemen, I address myself to each of you and I bring you our greetings. At the outset, on behalf of the three constituents of the production process in Palestine, we would like to extend our thanks and appreciation to the Director-General of the ILO, Mr Gilbert Houngbo, for his continued commitment to send the fact-finding mission to Palestine and the occupied Arab territories and as well as the preparation of the appendix to the annual report on the situation of Arab workers in Palestine. We would also like to thank the Governing Body of the ILO for allocating this special sitting to discuss the annex to the Report of the Director-General. Ladies and gentlemen, for around 40 years the Director-General of the Organization has sent a fact-finding mission to find out what the situation is for the Palestinian workers and the workers in the other occupied Arab territories. And the report, over a number of years, has become a historic document that records the facts unfolding on the ground. But that report has not been transformed into work plans or mechanisms that could be implemented. And therefore the Palestinian economy remained hostage to the policies of occupation, and the indicators of the labour market shows us how deep the crisis is for our workers. Over a number of years the workers of Palestine, those who work inside the Israeli labour market, have been the victims of great violations of their rights and the violations of international labour standards, even Israeli labour standards, until this very day. The Palestinian worker loses three or four hours of his work day just to be able to go through the various checkpoints and the gates and the humiliating checkpoints and inspection points to reach his place of work. Our workers in Palestine continue to work under circumstances and under work conditions that are indecent. These lack the conditions for occupational safety and health. The places of work in Israel have become like a death trap for our workers, and our workers continue paying one-third of the national income to the brokers of permits who work under the supervision of the occupation State. Not only that, the workers in Palestine do not receive wages equal to those of the Israelis, nor do they receive the compensation for extra hours. And still the occupation authorities continue to withhold the rights of thousands of workers since 1970. Ladies and gentlemen, the report by the Director-General this year comes after long months of the war of genocide that is launched by the occupation army against our Palestinian people. The report has shown the reality through an oblique and tragic picture of the devastated Palestinian economy. It reflects indicators of the labour market that have no parallel in the whole world. The DG in his introduction to the report indicated "social justice will never take place under occupation, and the occupation must come to an end". Yes, the occupation has got to end, and our people and the whole of the free world say yes, the occupation has to come to an end. Ladies and gentlemen, the Director-General did well when he appended to the report his recommendations and his final conclusions,

and that which we call for to be translated into practical steps in reality through programmes and through urgent interventions that are necessary to put an end to the haemorrhage and in order to extend relief and to start economic recovery. Especially that the war of genocide that is launched by the occupation army for more than eight months now has left an economy which has nearly collapsed. Ladies and gentlemen, I am not going to enter into the details of the economic situation in Palestine and how that has been reflected on the indicators of the labour market. The Report of the Director-General accurately describes all of that. We in Palestine, as the three constituents of the production process, look forward. First of all, on behalf of the Ministry of Labour of Palestine, we call for the continued discussion of the DG's report annually in the ILC and also to underline the follow-up of the recommendations by the Director-General and also to coordinate for ensuring the review of these through a specialized technical committee. Second, we call for underlying the presentation of a paper that shows the progress made in the implementation of the recommendations, and that through the Governing Body's meetings. Third, we call for the ILO to form a committee to put an end to Israeli practices against our workers, and that to be addressed to the Israeli employers. In particular freedom of movement and safe arrival at their places of work and also to stop the phenomenon of the brokers of permits in order to enable our workers to work in decent conditions. Fourth, to work to compel Israel to recognize the rights of the Palestinian workers that have accrued and accumulated since 1970 and to transfer the funds to the beneficiaries according to the agreements concluded between the two sides. Five, Israel has violated all international conventions by adopting collective punitive measures against our workers, those who are expelled from their places of work and whose benefits have been confiscated as well as their wages. And here once again we would like to underline the right of our workers to their wages and to compensation for the unemployment resulting from measures adopted by Israel. Sixth, to work for compelling Israel to transfer the netting funds to the Palestinian Authority because the continued utilization of those funds for political reasons affects the wages of the state officials as well as the benefits accruing to the private sector in Palestine. The state officials have not received their wages for more than two years or have received reduced wages, so 150,000 of those workers have not received their wages. Seventh, we call for supporting the fund for workers and employers of Palestine, those who have been affected because of the war against Palestine, and which was established on the basis of the Arab Labour Organization decision. This support is necessary, urgently so, in order to ensure funds and income for thousands of Palestinians, and this through a number of sustained projects and programmes in the service of our workers and our employers, in particular for small businesses and SMEs. Ladies and gentlemen, let us work together to give the workers of Palestine hope. It is time for us to act. It is time for us to act so that the ILO would speak to put an end to all the violations against their workers. It is time to act to find the mechanism that gives urgent support to our workers and that contributes to sustained income for them. Now is the time to act to revive our devastated economy through the recommendations of the ILO that is capable of doing so. I bring you my greetings once again. Thank you for your attention.

Mr Hassan Mohamed Hassan Shehata

Government (Egypt on behalf of the Arab group)

In the name of God, the Merciful, the Compassionate, Mr President, I am speaking on behalf of the Arab group and making this statement in that capacity. I would like to

begin by extending thanks to the Director-General for his report. Mr President, this special sitting is being held at a time when an unprecedented and ignoble humanitarian catastrophe is unfolding before our eyes in the Gaza Strip because the illegal occupation and brutal aggression against the people of Gaza is being continued by the occupying forces, the Israeli forces. We have seen bombing, killing. We have seen the use of weapons that are prohibited internationally against the Palestinian people, against Palestinian workers. We have seen destruction of infrastructure. We have seen the forced displacement of a million Palestinians who are today IDPs. The occupying power has also hindered access for humanitarian aid to the Gaza Strip. That is the backdrop against which we look at this report, and this report gives us a very clear picture of the tragic situation today for workers in the occupied Arab territories and in Palestinian territory. This is the most difficult time for Palestinian workers since the beginning of the occupation. We see that the violation of workers' rights is continuing. The violation of the rights of workers in the occupied Arab territories. The employment market has collapsed. The labour market has collapsed. We have seen unprecedented levels of unemployment. We have seen that infrastructures have been devastated and it would cost around \$20 million to rebuild them. We have seen the impact of all of this on the life of people in the Gaza Strip. We have also seen that 300,000 jobs have simply been lost. We have seen that workers cannot move around. We have seen the problems they have, for instance on construction sites in Israel. We have seen also that there have been huge numbers of deaths and the number of fatalities has increased by 33%. As well as that, in the West Bank we have seen that settlements have been extended and this illegal occupation there is continuing. We denounce this barbaric war against people in the Gaza Strip. We denounce all of these crimes against international law. We call upon the Israeli powers to accept a mission from the ILO, and we call upon the ILO to encourage Israel, indeed, to oblige Israel to respect its obligations in accordance with the ILO's mandate. We would call for the supervisory mechanisms and the ILO to oblige Israel to respect its obligations vis-à-vis Palestinian workers and workers in the occupied Arab territories. We call for respect for fundamental labour Conventions, in particular Convention 111 on discrimination and also 155 and 157. Further, we call for compensation to be paid to all Palestinian workers whose work permits were simply cancelled overnight in an arbitrary fashion. They have to be compensated for all of the damage that they have suffered as a result of this and as a result of the ill treatment to which they have been subjected. Assistance is also needed in the West Bank for 5,000 people whose homes have been destroyed, and we need to help all of those whose lives have been destroyed, whose families are suffering as a result of the war in the occupied Arab territories. We need to help all of our constituents in these territories. The aggression needs to come to an end. We need to focus on cooperation with international donors and backers in order to rebuild what has been destroyed. Further, Israel needs to release the tax revenue that is still being withheld and that is preventing the authorities in the Gaza Strip and in the occupied territories from fulfilling their obligations, from paying salaries and wages, because they are simply not being given the money that they deserve, the money that is being withheld from them. We would encourage the ILO to do everything that it can in ensuring that recommendations are indeed put into effect. We also think we have to look at the status of Palestine in accordance with resolutions adopted by the UNGA here within the ILO. And we call upon the ILO to respect international law and to put into practice decisions from the ICJ, from the UN Security Council and others. We need to guarantee the rights of Arab workers without any hindrance and in order to ensure that they can enjoy their rights to the full. Thank you.

Mr Marc Pecsteen de Buytswerve

Government (Belgium on behalf of the EU and its Member States)

Mr President, I have the honour to speak on behalf of the European Union and its Member States. The candidate countries North Macedonia, Montenegro, Serbia, Albania and Ukraine, as well as the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement. We thank the Director-General for the report on the situation of workers of the occupied Arab territories. The EU and its Member States are deeply concerned about the catastrophic humanitarian situation in Gaza and its disproportionate effect on civilians, particularly children, as well as the imminent risk of famine caused by the insufficient entry of aid into Gaza. We are appalled by the unprecedented loss of civilian lives. We commit to work with partners to end the crisis in Gaza without delay and implement Security Council resolution 2728, including through reaching an immediate ceasefire and unconditional and immediate release of all hostages as well as providing full, rapid, safe, unhindered access to humanitarian aid at scale for Palestinians in need. We recall our previous conclusions condemning Hamas in the strongest possible terms for its brutal and indiscriminate terrorist attack across Israel on 7 October last year, recognizing Israel's right to defend itself in line with international law and international humanitarian law and calling for the immediate release of all hostage without any precondition. All parties must respect international law, including international humanitarian law and international human rights law. We also stress the importance of respecting and implementing the orders of the International Court of Justice which are legally binding. We recall that the EU urged the Israeli Government not to undertake a ground operation in Rafah which would worsen the already catastrophic humanitarian situation and prevent the urgently needed provision of basic services and humanitarian assistance. The EU remains firmly committed to a lasting and sustainable peace based on the two-state solution. Palestinians and Israelis have an equal right to live in safety, dignity and peace. With regard to the ILO three-phase emergency response programme, which was developed to alleviate the impact of the ongoing conflict on Palestinian workers and employers, we support its continued implementation in cooperation with the other UN entities and other international organizations. Aid needs to reach those in need in a safe manner and through all necessary means. The EU has already quadrupled its humanitarian assistance to Gaza and continues to provide support to the Palestinian Authority, including through the EU's PEGASE programme with a view to contributing to the fulfilment of social rights. I thank you.

Mr Chaudhry Salik Hussain

Government (Pakistan on behalf of the Organization of Islamic Cooperation)

Bismillah ir-rahman ir-rahim. Mr President, Director-General, Excellencies, honourable delegates, ladies and gentlemen, assalamu alaikum. I am honoured to deliver this statement on behalf of the Organization of Islamic Cooperation. Despite our commitment to social justice, we must acknowledge our collective failure to uphold the ideals of the Declaration of Philadelphia on the 80th anniversary. The situation in the occupied Arab territories, particularly in Palestine, represents a failure of the multilateral system at large. Our initial mission was to improve the working conditions in the Occupied Palestinian Territory, but our focus has shifted to saving lives, especially those of women and children. Moving from providing humanitarian aid to fostering economic

recovery has proven to be a difficult process. The recent attack on Rafah underscores the dire situation highlighted in the Director-General's report. Gaza lies in ruins, and the effects of the occupation in the West Bank are deepening, leading to mobility restrictions, business closures and widespread unemployment. These issues are intensified by the loss of Palestinian employment opportunities in Israel. Those who are employed often receive partial payment, particularly in the public sector, and the public fiscal space is exhausted, with opportunities for decent work diminishing. More than 35,000 Palestinians have been killed in Gaza, including women and children, with over 7,000 missing or trapped under rubble and more than 77,000 injured. Nearly 14,000 children have lost their lives and many others are suffering from injuries and trauma. Approximately 1.7 million people, comprising three-quarters of Gaza's population, have been internally displaced. Gaza's unemployment rate has reached 45%, which is more than three times that of the West Bank. This rate is particularly high among women and youth, indicating dire livelihood struggles and economic collapse. The UN's food security agency has projected famine in northern Gaza with the entire population surpassing acute food insecurity thresholds and 1.1 million facing catastrophic hunger. The recent violence in Gaza has caused an almost 80% plunge in GDP during the fourth quarter of 2023 with widespread destruction, crippling business and agriculture, leaving the population dependent on aid. Daily economic losses across the Occupied Palestinian Territory reached nearly \$19 million. The total daily labour income loss in Gaza is estimated at \$4.1 million due to job losses, partial payment of public sector salaries and reduced private sector incomes, resulting in the collapse of the labour market. Despite the new Palestinian Government's focus on economic recovery, ongoing conflict and infrastructure damage present significant hurdles to effective labour governance. The condition of workers in the occupied Syrian Golan is also very worrying. They encounter comparable challenges arising from the occupation and conflict, experiencing restricted access to jobs and vital services. The economic and social circumstances in the Golan are severe, prompting an immediate call for international attention and intervention. The OIC calls for an immediate ceasefire and the unobstructed delivery of humanitarian aid to Gaza. It is imperative to develop a comprehensive recovery and reconstruction plan that addresses the root causes of the conflict and promotes long-term peace and stability in the region. This plan must include sustainable international support and a commitment to rebuilding the Palestinian economy and labour market. We take this opportunity to convey our deep appreciation for the continued efforts and important initiatives taken by the ILO to support workers and mitigate the adverse effects of the crisis being faced in Gaza and the West Bank. Mr President, the OIC group calls upon the international community to urgently address the crisis faced by workers in the occupied Arab territories. Immediate action is needed to alleviate suffering, support recovery and rebuild. By working together with sustained efforts we can bring dignity, stability and prosperity to those affected by this prolonged conflict. The OIC stands in solidarity with the workers and reaffirms its commitment to advocating for their rights and well-being, aiming for lasting peace and development in the region. Thank you.

Ms Sheikha Najwa Al Thani

Government (Qatar)

In the name of God, the Merciful and Compassionate. President, Your Excellencies, delegates, may God's peace be upon you. Qatar supports the declaration from the Arab group. We would like to thank the administration for the decision that was made during the 350th Session and for creating a special session in order to discuss the situation with

regard to workers in the occupied Arab territories rather than discussing this along the sidelines of the rest of the Conference, and we hope that this continues into the future. We would like to thank the Director-General and the members of the mission for the information that they have provided and that they have included in this report, which is a reflection of the catastrophic humanitarian system with regard to Palestinian workers and all Palestinian people on the Gaza Strip because of the ignoble war that has been launched by the Israeli forces against the brothers and sisters in Gaza since October, the humanitarian losses that have been sustained among citizens and the people who have been killed, wounded or have disappeared. And this includes children and women. We know very well that more than one million Palestinians have been forcibly displaced. We have also seen widespread destruction on an unprecedented scale that has not been seen since the Second World War. We know that human and material losses as well have been exacerbated as the war has gone on. The humanitarian situation is becoming worse and worse. This has caused the involuntary destruction of essential infrastructure as well, whilst targeting healthcare structures and humanitarian personnel. We know very well that those living in Gaza and Rafah, including workers and their families, are dealing with food insecurity at the moment. They lack essential services such as electricity, and humanitarian aid cannot get to them. The report shows that the economic and social situation is disastrous as well as the unemployment levels which are reaching the highest levels ever seen in Gaza. The report also shows that Israel is violating the rights of Palestinian workers by placing restrictions on worker mobility which also then conditions health and safety in the workplace. President, we call upon you to include the recommendations that the Arab group has issued. And we condemn forcefully this barbaric action from Israel which continues against citizens and using arms against families which have been internationally prohibited against the people of Palestine. We ask for measures to be taken to assist the over 5,000 workers in Gaza who have been left homeless and without work. Humanitarian aid must be provided on an urgent basis for the tripartite mandate in the Gaza Strip. We also call upon the social partners and the Member States to use all mechanisms required to exert pressure on Israel to ensure that Israel honours its international obligations with regard to Palestinians on behalf of international law and international humanitarian law and also whilst respecting the fundamental labour Conventions. We call upon you to implement the supervisory mechanism as well in order to supervise and ensure that fundamental Conventions are respected with regard to Palestinians and for Israel to honour its obligations on Convention 111, inter alia. Thank you very much, President.

Mr Ahmed Al-Asadi

Government (Iraq)

In the name of God, the Merciful, the Compassionate. Mr President, Vice-Presidents, ladies and gentlemen, peace be upon you. Iraq would like to extend its thanks to the DG for the updated report on the situation of workers in the occupied Arab territories and which exposes the criminal acts of the occupying power and how these affect the lives of people and their livelihood, and that through the acts of killing and destruction, brutal and unknown in history before. All of this has led to the loss of work opportunities, mass migration, mass killings, hunger and the transformation of the places of work into rubble, as well as the deterioration of the economic and social situation and rising unemployment in the Gaza Strip and other Palestinian cities. More than 200,000 jobs have been lost in the West Bank in only a few months because of the stifling measures. And this occupation is now into its 75th year. The ILO has continued

asking for access to be given to the mission to report, but all of that is ignored. In this respect, Iraq would like to condemn in the strongest of terms the brutal attack on the Gaza Strip, and we denounce all the crimes that are perpetrated by the occupation authorities. Crimes of genocide, crimes against humanity, the strikes, the ethnic cleansing, the utilization of internationally prohibited weapons against the people and the workers of Palestine, all of that has left 125,000 victims. Some have died and some are gravely wounded, in flagrant violation of international humanitarian law. The inhabitants of Gaza continue to be displaced and the infrastructure continues to be destroyed, including schools, medical facilities, water networks, banks and installations. All of that has deprived also the workers inside the Green Line of their rights. According to the system of compensation, we call upon the Director-General to bring pressure to bear in order to release the funds held. We welcome the ICJ decisions to halt the attack and to put an end to the operation in Rafah, invoking the Convention against genocide. We underline the importance of the protection of civilians and we support the DG in his report who calls for putting an end to occupation because it threatens social justice. And we call upon the three constituents to bring pressure to bear upon the occupation authority to cease fire immediately and to stop the carnage against the Palestinians and to open the way before humanitarian aid to allow the basic services to be extended. Diseases are rampant as well as poverty and hunger because of the continued operation by the occupation authorities and the military incursions. We call for the release of the netting funds to the Palestinian Authority and the implementation of the ILO standards to the workers of Palestine like other workers inside the occupied territories. Also, we call for supporting the Palestinian employment fund and call upon the ILO to take the necessary measures to extend urgent assistance to improve the situation of workers and the three constituents in the Occupied Palestinian Territory. We commend all the efforts made by the ILO to support the labour market and to strengthen social protection through the Decent Work Programme. We also underline the importance of the ILO cooperation programme for development in the occupied territories. And we thank all those States that have participated in supporting the Palestinian territories and we call upon others to do the same. We also call upon the ILO to formulate a strategy to address the continued crisis faced by the social partners in Gaza and the West Bank and the other occupied Palestinian territories and to also present a detailed follow-up report to the Governing Body and to the next ILC on the response of the Organization to the consequences of the attacks on the world of work. Iraq also calls for a report on how to respond to the violations cited in the Report of the Director-General. I thank you, sir.

Mr Vedat İşıkhan

Government (Türkiye)

Assalamu alaikum warahmatullahi wabarakatuh. Esteemed Chair, distinguished ministers and heads of delegations, I commend the Director-General of the ILO for convening this crucial special sitting on the situation of workers of the occupied Arab territories. Since October 7, Israel's relentless occupation and aggression has resulted in the loss of innocent lives. Over 15,000 children have perished, 35,000 Palestinians have been killed, 80,000 wounded and two million displaced. The most brutal massacre in human history continues in Gaza. Gaza's economy and labour market have collapsed with widespread unemployment and destruction of infrastructure. The targeting of journalists, UN personnel and humanitarian aid workers also showcases the brutality unleashed upon Gaza. The international community's silence and inaction are a clear indication of the failure of the international system. Distinguished participants, Türkiye

has consistently stood in solidarity with the Palestinian people, working tirelessly to stop the bloodshed in Gaza and counter Israeli aggression. Under the strong and visionary leadership of our esteemed President Recep Tayyip Erdoğan, Türkiye is a leading provider of humanitarian aid to Gaza, delivering 54,000 tonnes of humanitarian aid to Gaza. The international community can only repay its debt to the Palestinian people by establishing an independent sovereign and [vgr INAUDIBLE 58:36] integral state of Palestine with its capital in East Jerusalem based on the 1967 borders. We commend nations that show solidarity with the Palestinian people and take decisive actions. The recent UN General Assembly resolution and global student reactions indicate growing support for Palestinian rights. Hospitals rendering healthcare services, universities, schools, public service buildings have been bombed in Gaza. What else is a way to speak up and react against? Due to the massacre it commits, Israel has become a burden impossible to be shouldered by the world. It will be impossible to speak of human rights, rights of labour and humanity unless Israel is stopped. Taking this opportunity, we urge labour and employer organizations, international unions, to make another forceful call for immediate ceasefire, humanitarian aid boycott and strike. Let me quote [vgr INAUDIBLE 60:01], "History is shaped by Allah. What we do is only to decide where to stand." I call upon the ILO and all nations to take immediate and [vgr INAUDIBLE 60:17] actions to end this human tragedy. I call on all conscious people across the globe, and labour and employer organizations, to stand with the people of Palestine. Thank you very much. Assalamu alaikum warahmatullahi wabarakatuh.

Ms Catelene Passchier

Chairperson, Workers' group

Excellencies and delegates, I stand before you today with a profound sense of urgency and responsibility. We thank the Director-General and his team for providing us with an excellent report highlighting the devastating impact of the ongoing conflict and occupation on Palestinian workers, underscoring the critical need for international solidarity and intervention. We urge the international community, with the ILO's guidance and support, to provide immediate and substantial assistance to Palestinian workers, women and men and their families. We echo several critical calls to action to provide for, one, humanitarian corridors allowing immediate and sufficient aid without any obstruction. Two, an immediate and permanent ceasefire and full respect for international humanitarian law. Three, the release of all hostages and others held without due judicial process. Four, all workers, including migrant workers, currently trapped due to the conflict to be free to return to their homes. And five, continued funding of the UN Relief and Works Agency without any restraint. Furthermore, we have joined the call on the UN to recognize a Palestinian State in line with our longstanding support for a two-state solution. This is crucial for the long-term peace and stability of the region. As a matter of urgency, the Governing Body of the ILO must discuss and adopt measures to align the status and participation of Palestine in the ILO to recent developments in the UN and WHO, granting Palestine a status equal to that of a full member. Ladies and gentlemen, the Director-General and his team have provided us with this excellent report and we strongly support its conclusions and recommendations. We emphasize the following points. Indeed, the occupation must end and initiatives fostered towards a fully independent, viable and sovereign Palestinian state. But this must also mean an immediate end to and dismantling of the illegal settlements which are eating increasingly big chunks out of the Palestinian territories and are an obstacle to any autonomous, politically and economically viable

development. Also, a sovereign Palestinian State must be a democratic State. Trade unions are an essential element of any democracy, rooted in communities and workplaces and well equipped to provide concrete support during crises as well as reconstruction. Strong and democratic independent unions participating actively in social dialogue are a key building block towards a more sustainable future in Palestine. We must continue to invest in a constructive dialogue with trade unions in both Palestine and Israel, recognizing their critical role in their respective societies. The DG's report calls for a strengthening of the productive base of the Palestinian economy. We propose to invest first and foremost in rebuilding critical infrastructure in Gaza and the West Bank with a focus on sustainable job opportunities to restore basic services and support economic recovery. Comprehensive non-contributory social protection programmes must be developed, including cash transfer programmes, unemployment benefits and social security systems to ensure a safety net for all workers and provide immediate relief and long-term stability for Palestinian families. We call once again for the protection of labour rights, ensuring fair wages, safe working conditions and elimination of exploitative practices. Palestinian workers must be treated with dignity and respect with their rights upheld and the international labour standards, wherever they perform their work: in the occupied territories, the settlements or Israel. This starts with providing compensation for lost wages to the almost 200,000 Palestinian workers that were dismissed from their jobs in Israel following the 7th of October disaster. If and when Israel will open again its labour market for Palestinian workers, some strong concerns expressed in previous DG reports must be urgently and proactively addressed and resolved. The abusive practices of labour brokers, the economic and social costs of time spent at border crossings, the high risks of work-related accidents, and last but not least, the millions of shekels contributed over decades by Palestinian workers to the Israeli social security and pension system must now finally be transferred to them in line with the Paris Protocol of 1994 which is 30 years ago. To conclude, we stand in unwavering solidarity with Palestinian workers and their families. The ILO's role is crucial in paving the way for a future of justice, peace and prosperity, and we urge the international community to join us in providing the necessary resources and political will to make this vision a reality. We expect this to be addressed again as a matter of urgency in the next meeting of the Governing Body on the 15th of June with a view to agree on further action. Because this must be our promise to the children of Gaza, desperately hiding from violence and destruction in their makeshift tents with no safe place to go, no food in their stomachs, sometimes even without parents or relatives to protect them. They are human beings like all of us and they deserve a better future. And it is our joint duty and responsibility to make this come true. Thank you.

Ms Renate Hornung-Draus

Chairperson, Employers' group

Thank you, Chair. Excellencies, ladies and gentlemen, on behalf of the Employers' group I thank the Director-General for this important report on the situation of workers in the occupied Arab territories. We would like to reiterate from the very onset that we stand in unwavering solidarity with all the victims of this devastating crisis. The ongoing conflict has led to terrible and unacceptable violations of human rights faced by the region's inhabitants. We are profoundly saddened and concerned by the scenes of devastation, with families torn apart, communities in ruins and lives shattered by relentless violence. As highlighted in the report, the recent escalation of violence has had catastrophic consequences. Among them, employers and workers in the West Bank,

Gaza and the occupied Syrian Golan face severe tribulations, with entire communities pushed to the brink. Families are plunged into poverty and despair, especially the youth who are left without jobs, education or training. The expansion of settlements and demolition of homes have displaced thousands, creating a humanitarian crisis. In Gaza workplace destruction has forced many into informal labour, and this is severely impacting in particular women with over 90% of the female-employing businesses shut down. These problems are exacerbated by restrictions on movement, lack of access to resources and economic opportunities, which are all well documented and require urgent and effective resolution. In light of this, the Employers' group strongly supports the Director-General's recommendations emphasizing the need for immediate humanitarian aid, an enabling environment and support for small and medium-sized enterprises to enable a job-rich recovery, expanded social protection programmes and, last not least, initiatives on education and skills development to address the immediate humanitarian crisis and also the long-term effects in Gaza and the West Bank. The Director-General's report proposes strong and concrete recommendations for addressing the challenges arising from the conflict and fostering economic recovery in the region. However, it is crucial to underscore that the effectiveness of the ILO during this crisis will hinge on its ability to fully implement the emergency response plan which was initiated during the Governing Body session, which decided in November 2023, and which aims to mitigate the impact of the war on Palestinian workers and employers. Thus far the emergency plan has been sustained using the ILO's reallocated internal resources. As we look ahead to the full transition into the recovery phase, the timing of which remains of course uncertain given the persisting violence and destruction, another significant challenge emerges: the ambiguity surrounding the mobilization of resources to fund the required USD\$20 million budget. This concern was explicitly raised by the Employers' group during the Governing Body meeting of March 2024, emphasizing the lack of new funding since the ILO's call for funds in November 2023. We believe that more proactive measures are necessary to secure the funds needed for the full and effective implementation of this programme as soon as the situation allows. We have noted that a special meeting on resource mobilization with development partners will take place next Monday, on 10th of June. It is imperative that this should be an opportunity that is not missed to clarify where the ILO stands in terms of mobilization and strategy and to develop more concrete solutions to secure the necessary funds. To conclude, the Employers' group reaffirms its unwavering support and urgently calls for strengthened international cooperation to put an end to this catastrophic situation. It is crucial that we unite our efforts to build resilience among the inhabitants of the region, creating pathways to peace, sustainable development and better livelihoods for all. We once again express our profound solidarity with the people of the region. We stand with them in their struggle and their hope for a better future. Thank you, Chair.

Mr Abdulghani Bakur Alsayegh

Employer (Saudi Arabia)

In the name of God, the Merciful, the Compassionate. President, Director-General, ladies and gentlemen, heads of delegations, members of delegations, may the peace of God be upon you all. The Director-General of the ILO, in the preface to his report on the situation of workers of the occupied Arab territories, states that even before the war it was difficult for the people of Palestine to find employment, and jobs in the occupied territories were extremely scarce. Now the job market has totally collapsed. We see colossal devastation, huge displacement of people, and the rights of workers have been

simply ignored. They just do not exist. And we know that suffering is continuing. It goes on day by day. As we are reading this report to the ILC, calls for a lasting peace still remain a dead letter. And I thank you for those clear comments in your introduction, Director-General. It is true that things were not wonderful in the past, but what is happening now is dreadful. It is worse than any of us could ever have imagined. What is happening now violates all standards, all norms, all principles, all values. We are today at a crucial moment for this organization, indeed for the world as a whole. We have to preserve our values in the light of this situation. It is essential that the ILO plays its rightful role by granting to Palestine status of full membership of this organization. Further, it is important that the Director-General's report be even more explicit as to where we go from here, as to what the next steps are, as to how we put all of the recommendations into practice. Unless we do that, we will not make progress. And we stand in solidarity with the people of Palestine. We know that the Committee of Experts and the CAS need to look at the situation of the labour market in Palestine in greater depth. The Committee of Experts needs to look at all of the violations that have been committed against all of those who have been involved in the labour market. It needs to look at what has happened. Look at the fact that women and children have been killed. And people in Palestine are no longer talking about justice. They are just talking about survival. And we have to understand what is really happening there and the difference between people looking for a job or simply looking to survive. And today that is the choice people have. They can either work or they can survive, and that is the reality for many people in the occupied Arab territories today. In conclusion, I want to thank you for having held this special sitting on the situation of workers in the occupied Arab territories, and it is our hope that this sitting will allow us to preserve life, the most precious thing that we have. Thank you.

Ms Ida Fauziyah

Government (Indonesia)

Bismillah ir-rahman ir-rahim. Assalamu alaikum warahmatullahi wabarakatuh. Chair, Indonesia thanks the Director-General for his report on this agenda item. The report has aptly captured the scale of destruction in Gaza and the misery of Palestinian people. At this opportunity I would like to express my deep sorrow upon learning about the tragic events that have recently affected Rafah, Gaza. On behalf of the Government of Indonesia, I extend heartfelt condolences to the victims and their families during this incredibly difficult time. Our thoughts and prayers are with those who have lost loved ones and [vgr INAUDIBLE 78:52] individual and recognition of Palestine. We must also continue the push for a meaningful peace process under the UN. There is no other alternative to create peace other than realizing Palestinian statehood. At the same time we all must uphold international law, including humanitarian and human rights laws to ensure the protection of civilians of the occupied territories. The International Labour Organization should leverage the recent global acknowledgement of the Palestinians involved and alignment with the United Nations and the World Health Organization. It is crucial to utilize this momentum to join the international community in supporting Palestine. Third, ensuring the success of the ILO's recovery and reconstruction piece [? 79:55], we acknowledge the importance of the Palestinian National Employment Strategy for 2021-2025, created in collaboration with the ILO. This strategy aligns with decent work opportunities, social protection and enhanced labour market governance. We urge the expansion of social protection measures and support for jobless workers and war victims in the occupied territories. We encourage the ILO to team up with other

UN bodies, including the United Nations Relief and Works Agency, to ensure targeted deliverance of aid and development programmes. To conclude, we must work persistently together to Israel atrocities and give the Palestinian workers and people, they deserve justice. I thank you. Assalamu alaikum warahmatullahi wabarakatuh.

Mr Steinar Krogstad

Worker (Norway)

First I would like to thank the Director-General for organizing this session and presenting a well-researched report, despite Israel's refusal to grant access to document the situation. For over 44 years the ILO has detailed the impact of the Israeli occupation on labour rights. Never has the situation been worse. We are witnessing a catastrophe. Nearly 40,000 people have been killed and over 80,000 injured. More than half a million jobs have been lost. The psychological and physical traumas will leave lasting scars. In the West Bank there are almost daily incursions by the Israeli army into refugees camps and frequent raids in urban centres like Ramallah, Hebron and Jericho. Since October Israel has demolished or confiscated over 900 Palestinian structures, displacing over 2,000 people. Illegal settlements are expanding and violence from settlers and the Israeli army is increasing. We need a ceasefire now. Gaza is in ruins with no functional labour market. The private sector in the West Bank is reeling. Before the war in Gaza around 180,000 Palestinians worked in Israel. Now only a fraction still have jobs. Social security coverage in Palestine is limited, covering less than 40% of the population. UN Member States have now disbursed only 31% of the amount requested to meet the most critical needs in Palestine. More aid is urgently needed. Clearance revenues constitute two-thirds of the Palestinian Authority's revenues. Since October Israel has been deducting almost three-quarters of these revenues, forcing the Palestinian Authority to reduce payment to civil servants to 50 to 65% of their salaries and delay disbursements. We must address Israel's illegal withholding of Palestinian tax revenues, a critical issue highlighted in Point 62 of the report. While I acknowledge the Director-General's recommendation, it is evident that Israel shows no willingness to voluntarily comply with the ILO's demands. Therefore, I call upon the ILO and its members to hold Israel accountable according to international standards by implementing concrete measures. Israel cannot have veto rights over Palestinian self-determination. We are proud that Norway has recognized Palestine as a State. Palestinians must have the opportunity to develop their own economy without restriction, including free access to resources, trade and investment. Let us implement the necessary actions to ensure compliance with international standards and safeguard the rights and dignity of these workers. Thank you.

Mr Mohammed Shaher Saed

Worker (Palestine)

In the name of God, the Merciful, the Compassionate, Excellency President of the Conference, members of the bureau, Excellency DG. At the outset, we would like to address to you our greetings and appreciation. We address these to his Excellency the DG and his team and to your offices in Beirut and in Al-Quds Jerusalem. Today I stand here before you, and from this podium I bring you the greetings of the children of Palestine and Gaza, the women and the workers of Palestine and of Gaza. I stand here before you as we discuss the report submitted to the 112th ILC, and we hope that from

this session we will reach recommendations and measures that would assist the DG in formulating measures capable of putting an end to the occupation, the occupation that continues to perpetrate those crimes. Our brothers and sisters, for eight months now the people of Palestine and the workers of Palestine have been the victims of a vicious genocide, and that under the very eyes of the world, genocide perpetrated by the occupation army and the war government of Israel. The haemorrhage has not stopped for the past eight months in Gaza. Women, elderly people, children and doctors have been killed, and this haemorrhage continues to leave its imprint on the minds of humanity for the past eight months. I do not want to delve into the details on the background of this war of genocide that has led to the killing and the destruction and the displacement of people. Mosques, churches, houses, schools, hospitals have been demolished, have been destroyed, and the list continues. And our people in Gaza are suffering starvation and health catastrophes. Hospitals and schools and shelters remain without water and without electricity. And in the West Bank there are hundreds of military checkpoints that continue to humiliate the people of Palestine and punish the Palestinians, and also there are the attacks by the settlers under the protection of the Israeli army. Those who live in our occupied land being protected by the Israeli army. And this is what you see in the report submitted by the DG. And the office of the ILO in Jerusalem knows of all of the details. Brothers and sisters, the workers in Palestine cannot go to their places of work because of the acts of the Israeli army. 225,000 used to work inside Israel, and now 120,000 of those workers are without jobs. Long distances and checkpoints are the characteristics of this occupation, obstructing the workers from reaching their places of work. Brothers and sisters, this fascist occupation is lawless. Your laws, your Constitution, the Declaration of Philadelphia, the principles of decent work, the Fourth Geneva Convention are all trampled as well as the Forced Labour Convention. All of these are trampled as the children of Palestine are being trampled and as the innocent people are trampled under the acts of the Israeli army. Our situation is catastrophic. This war has left 500,000 people without jobs for eight months now, and the war government in Israel is the one that bears the legal responsibility on the obstruction of access by workers to their places of work. The war has many facets. Apart from the destruction of the Palestinian people and the displacement, this is our land. In it our grandparents and our grandchildren were born. It is our land and we shall remain steadfast, regardless of the acts with all the world sometimes overlooking those crimes. I would also like to add that thousands have been arrested and have been detained, and until now many of them are still in Israeli prisons. Brothers and sisters, since the occupation of the Palestinian territory in 1967 successive governments of Israel have been controlling the economy of Palestine and forcing us to employ 20 to 25% of our workers inside what is called the Israeli entity. This is not because we want it. This is because we are obliged. And therefore we call upon you to ensure a complete ceasefire and to ensure access for humanitarian and medical aid and to work for building diverse and productive economies to strengthen the policy of employment in Palestine and to continue planning for absorbing our labour force inside the Palestinian labour market as well as to combat the systematic racist policies of Israel. Four, we call upon you to ensure the operationalization of the social security foundation for Palestinians and compel the Government of Israel to pay the allocations for the workers and to stop combatting the Government of Palestine in withholding the netting revenues that would go to pay the wages of the state officials. Most important is to put an end to this war. Finally, I would like to say, as the DG said in his report, there can be no social justice under occupation. And therefore no to occupation, down with the occupation, and yes to the State of Palestine with its capital in Holy Jerusalem. I thank you.

Mr Ali Bahreini

Government (Iran (Islamic Republic of))

Mr Chairman, Mr Director-General, Excellencies, colleagues, at the outset let me thank the Director-General and the Office for preparing the report under this urgent item which presents a picture of the deteriorating Palestinian economy and its impact on employment, social welfare and sustainable livelihoods resulting from occupation. Distinguished delegates, as the Director-General highlighted in his report, social justice and occupation are incompatible. Recent gross violations of international human rights law and humanitarian law, particularly war crimes against humanity, genocide and enforced displacement committed by the regime of Israel have devastating effects on the situation of the Palestinian workers. Since 7 October 2023 the Israeli regime started a genocide in Gaza which has brought about unprecedented death and devastation in Gaza. As is stipulated in the report, prior to the war Gaza did not have many jobs to offer. Already then deprivation was dominant. Now there is little employment left to speak of. The labour market has collapsed amidst widespread destruction, displacement, killing and hunger. Labour rights have been violated. While we are attending this conference the suffering is continuing. The destruction of human and physical capital will have long-lasting effects on workers and employers in Palestine. While Gaza is in ruins, the West Bank has not been spared either. The ever deepening occupation and mobility restrictions have caused business closures and widespread unemployment. Mr Chairman, the deteriorated situation of defenceless and innocent workers and employers in Gaza requires urgent attention and action by the ILO. It is expected that the ILO, which is mandated by its constitution to protect the rights of workers and employers worldwide, takes a strong stance against this human tragedy. As has been stipulated in the report, the current crisis has exacerbated pre-existing issues and created new hurdles for the labour force in the Occupied Palestinian Territory. From widespread job losses to dangerous working conditions, Palestinian workers are facing unprecedented challenges that demand urgent attention and action. The ILO is expected to raise its voice loudly and amplify the plight of the people in Gaza, especially workers and employers. The ILO should play its role in enforcing the ICJ ruling to stop the genocide in Gaza. The ILO must also take tangible supportive actions to address the basic and essential needs of affected workers and employers in Gaza. I thank you, Mr Chairman.

Mr Moustafa Bayram

Government (Lebanon)

In the name of God, the Merciful and Compassionate. Ladies and gentlemen, Your Excellencies, delegates, may God's peace and blessings fall upon you. I have a number of questions for you, questions of human conscience. We are all here and we are all human beings. I have questions not slogans. I would like to speak about humanity and appeal to that part of each one of you. What do we mean by the destruction of houses and infrastructure? What do we mean by the destruction of hospitals in Gaza? What do we mean when we talk about emergencies and removing masks from the sick, the sick who are suffering and need assistance? Where is our conscience among the silence? I hope to awaken that conscience in each one of you. The occupying army must stare in the face. These soldiers from the Israeli army, they are taking photos with pride. They are taking photos of whole neighbourhoods that they have razed to the ground. That is

what is happening in Gaza today. What do we mean when we talk about the destruction of schools, factories? What do we mean when we talk about targeting, the targeting of sacks of flour and trucks carrying them when they are just trying to obtain a few humble crumbs for their survival? We see this directly. We see children, the children looking at us, staring at us from the screen. Children, all they are looking for is their mother's hand, just to find a small amount of security, this security that has been lost while the world sleeps. What does all of this mean? What does it mean that we have thousands of workers losing their jobs, whereas their infrastructure is crumbling, is razed to the ground? What does all of this mean? Are we talking about a jungle? Are we human beings? Are we in the 21st century or not? That is a question that I put to you, to each and every one of you. What do we mean when we know full well that there are two million people in Gaza, two million people living around wars. They cannot go and visit their mother living alongside. They have to undertake journeys of 20 kilometres just to hold their mothers' hands. These are human beings. This is what is happening in Palestine and Gaza. And then in Lebanon white phosphorous is being used for bombing. They have destroyed our olive orchards, our orange orchards. Whole fields have been destroyed. These bombs are raining down upon us. We are being bombarded. And it is almost used as child's play. This is what is happening before the eyes of the world. This is a plague that we are dealing with, a serious plague. The ILO as well as all other international organizations are dealing with a test. This is a test for humanity, for humanitarian victory. We have to put an end to this occupation. We have to say that an immediate end must be put to this genocide, this war of genocide and crimes against humanity. An end must be put to what is happening there. This is a real test for humanity, humanity as a whole. Are we worthy of this humanity or not? As we see today, there are no more geographical borders. We no longer have differences between us. Why? Because of human conscience. That is what unites us. It is this feeling of being human beings, what we have in common. That is the truth. The gospels say that truth sets people free. This is why it is so important for us to be on the side of justice and human beings. All of us. We have seen many, many different pictures. I saw a documentary where an animal was attacked. The animal was playing with its prey and it stopped attacking it because it saw that it was pregnant. This is the law of the jungle. In some of our societies, in Palestine and to the south of Lebanon, we see monsters, monsters attacking foetuses before attacking the mother. But light is there, the light of freedom, the light of liberation and liberty. That light is there. That light should be shone upon our children, our workers and our shared humanity. Thank you very much.

Mr Tovar da Silva Nunes

Government (Brazil)

Mr Chairperson, Mr Director-General, Excellencies, distinguished delegates, allow me first to extend a warm greeting from Brazil to all of you. We would like to thank the International Labour Conference and the Director-General for the updated report on the situation of workers of the occupied Arab territories. The successive reports of the Director-General have described the impact on labour rights of a vicious cycle of occupation and conflict. After more than six months of war, Gaza is largely in ruins with little semblance of any economy or labour market remaining. The death toll is shocking. Nearly 35,000 people have already been killed, and the number of children and women killed is unprecedented. In addition to the personal and material losses, this situation is creating an enormous amount of emotional trauma and mental suffering that will last for generations. It will have an unimaginable impact on the working environment.

Equally disastrous is the effect on the economy and the labour market. Brazil deeply regrets the loss of more than 200,000 jobs in just a few months. On an annual basis the shock of the war has reduced the level of economic activity in Gaza to 75% of its pre-war level in 2019. GDP per capita in Gaza in 2023 was 40% of the level of 30 years earlier. Private sector output in Gaza fell by 85% in the first four months of the war, a loss of USD\$6.7 million per day. If reconstruction does not begin in 2024, Gaza's economy is projected to decline by more than 50% this year compared to the previous year. In the West Bank income losses are estimated at \$18 million per day. But we should not lose hope. The people in the Gaza Strip and the West Bank must count on the support of the international community. As stated by President Lula, we refuse to stay indifferent to human suffering. This kind of tragedy should never be seen as normal or acceptable. Brazil supports the revised and enhanced ILO Decent Work Programme for Palestine for the period 2023-2025. We commend the work that has been done by the UN agencies, in particular by the ILO through its regional office for the Arab States, the technical assistance teams and their staff in Geneva. Brazil resonates the call of the large majority of the UN members for an immediate cessation of all hostilities and the unconditional release of all hostages. We will continue to fully engage with all ILO and UN Member States and other partners to fully support the people in the occupied Arab territories. I thank you.

Ms Yeela Cytrin

Government (Israel)

Good afternoon. It is odd that my country is the topic of discussion, yet we are not considered a concerned country for the purpose of this debate. This perhaps exemplifies the blind narrative that is prevalent here today, as if the Gaza Strip was not controlled by a savage terrorist organization that seeks to maximize the suffering of civilians in Gaza. How does this forum presume to address labour conditions in Gaza when terrorists embed their operations in hospitals, schools, UN facilities, in baby cribs? Indeed, when half the forum leaves during the discussion. When Hamas steals humanitarian aid, when it deliberately puts civilians in the line of fire, what exactly will be accomplished here today other than demonizing Israel? The discussion on labour in Gaza, in fact any discussion on Gaza without addressing Hamas terrorism is futile and quite frankly absurd. For 17 years the terrorist organization Hamas has controlled Gaza, redirecting resources meant for the Palestinian people to fuel their machinery of destruction. This terrorist organization has constructed vast networks of tunnels beneath hospitals and schools, turning civilian infrastructure into bunkers for terrorism. In doing so, they doomed any economic prospects for Gaza. There is more. The Palestinian Authority continues to blatantly misappropriate social benefits collected by Israel and transferred to them for Palestinian workers. These funds, rather than improving lives, are diverted by the Palestinian Authority to finance terrorists and their families. Their pay-for-slay policy not only depletes resources vital for economic development but actively incentivizes further violence and terror. Allegations that Israel has violated international conventions are unfounded and untrue. Israel has addressed the Director-General of the ILO directly on this matter. Prior to the massacre of October 7th, thousands of Gazans were employed in Israel, received Israeli wages. Sadly, the very crossings that facilitated the entrance of thousands of Gazans into Israel were targeted on and since October 7th, a calculated move by Hamas to obliterate this economic and humanitarian lifeline for many Palestinians. It is imperative that the International Labour Organization addresses this reality. If this organization and others continue to

remain silent on Hamas atrocities, they simply allow Hamas to perpetuate a cycle of violence that inhibits any opportunity for growth for the Palestinian people: economic, social and otherwise. Do not be mistaken, the session here today will do nothing to advance the labour conditions for the Palestinian population. The path to improving labour conditions does not lie in the delegitimization of Israel. Advancement of labour rights necessitates an honest recognition of all factors at play. Most of all the recognition that a people cannot thrive under the brutal grip of a savage terrorist organization. It also begins with the Palestinian leadership assuming responsibility for the welfare of their people. We are still waiting for the Palestinian delegation to stop representing Hamas and to begin to represent the Palestinian people, to reject terrorism and violence and offer the Palestinian people an alternative, to call for the unconditional and immediate release of our 124 hostages.

Mr Jesús Gallego García

Worker (Spain)

Ladies and gentlemen, it is not easy to take the floor at this moment in time, but I would like to start by congratulating the Director-General, Mr Hounbo, for his bold report on the occupied Arab territories. Whilst last year the situation in the world of work was described as pure horror, the words of the Director-General this year sketch a scenario that more closely resembles hell when he states that “the labour market has collapsed against a context of widespread destruction, displacement, killing and hunger”. The report that should have been carried out on the ground by the experts from the ILO has collided against the wall of the ultra-conservative Israeli government, which has tried to prevent the ILO delegation from travelling and from collecting accounts and figures, which have now been described as gloomy today. More than two-thirds of jobs have been lost. Over 500,000 people who are unemployed need aid on an urgent basis. It is essential that they receive food and healthcare, whether this is the ILO or UNRWA. All evidence that the ultra Israeli Executive has a serious interest in vetoing any international institution from providing urgent humanitarian aid and from providing assistance to workers so that they can go back to their jobs on any one of the occupied Arab territories. Whilst the ILO Director-General said last year that there were very few reasons for optimism, today we can affirm, to our shame, that we are facing one of the greatest tragedies that the working classes have ever suffered from in the world. Ladies and gentlemen, considering that universal and lasting peace can only be established if it is based on social justice, this is how this house’s constitution begins. It is all of our house. Read in another way, eradicating any possibility of achieving social justice is making it impossible to achieve lasting peace. The two-state solution has been recognized as being fundamental when it comes to achieving lasting peace. One of the States has been recognized internationally. The other one is missing. This is why we are particularly pleased that the governments of Spain, Ireland, Norway and Slovenia have recognized Palestine as a State despite the intolerable threats and the sanctions that have been introduced by the Government of Israel which prevent workers from using our Spanish consulate in Jerusalem looking for the help that they need. I encourage other governments to do the same, to recognize Palestine as the 194th Member State and being able to take part in 2025 at this conference of the ILO as an equal, without further reports from the Director-General and also being subject to the supervisory system of the ILO. I am also happy to see that the Spanish Government has supported South Africa’s case that has been brought before the International Court of Justice. I encourage other governments to do the same. This will all depend on the Israeli

Government and international pressure being kept up so that the occupied Arab territories can speak of equality, growth and reconstruction and peace rather than destruction, collapse, violence and death. Thank you very much.

Mr Younes Firachine

Worker (Morocco)

Ladies and gentlemen, speaking on behalf of the workers of Morocco, I wish to greet you. This sitting is being held at a time when the Palestinian people are living through the indescribable suffering of genocide, a crime against humanity, something that is recognized as such by contemporary history. It is being perpetrated by the Zionist entity against the Palestinian people, and the international community is silent, which makes them complicit in the crimes being committed. Everything that is part of life, everything that the Palestinians can live by is being destroyed. They are being driven into refugee camps. All of this has been going on for eight months, but the occupation has been going on for a lot longer than that, and the occupation has continued during these dreadful eight months. We see that every red line has been crossed. Every value has been trampled upon. And we see that political, financial and military support is being given to the occupying power by its allies, and that is what is allowing it to do this. This is an unprecedented atrocity in modern history. We call here today on the occupying power to put an end to all acts of genocide against the Palestinian people. And all those supporting Israel in what it is doing today are complicit in the crimes being perpetrated. This is a truly tragic situation. The workers of Palestine are living in impossible conditions today. They have lost their jobs. They have lost their income. They have lost the minimum that they would need to survive. Many of them have lost their lives. This is not a question of workers' rights as such. It goes beyond that. It is about the right to life, the right to freedom. How can you talk about labour rights unless you talk about the most fundamental of all rights, the right to life? And the people of Palestine are being deprived of that today. We are appalled by what is happening. And if you read the report, then you get a very clear picture of what is really going on. What on earth is the point of the international community and its institutions today if the international community and its institutions are not able to put an end to this dreadful attack on the defenceless Palestinian people? What on earth is the point of the UN? What is the point of our being here if we cannot do anything, if our decisions just remain a dead letter and the crimes go on? History will judge us for what we are doing, or rather for what we are not doing, for the fact that we are standing by the wayside as men and women and children die. And the history of these days will be written in their blood because we have not been able to put an end to the genocide that is being committed against a defenceless people by the Israeli occupying forces. It is our duty to exert as much pressure as possible on all institutions within the international community to change that, to decide on tough sanctions against the Zionist entity. It is also up to us to give Palestine the status of full membership in all international organizations, including this one. Once again, we stand in total solidarity with the people of Palestine and we want to see a free and independent Palestinian State with East Jerusalem as its capital. That is what we call for loud and clear today.

Ms Maira Mariela Macdonal Alvarez

Government (Bolivia (Plurinational State of))

Thank you very much, President. Director-General, the State of Bolivia thanks you for having drafted this report covering the situation for workers in the occupied Arab territories. We express our deep concern regarding the catastrophic situation that is currently unfolding there for Palestinian workers. This is something that we must be absolutely clear about. This situation has dramatically worsened in recent months. But this didn't start last year. It started over six decades ago with the illegal occupation of the Palestinian territories, with restrictions placed on people's movement, on trade and the multiple serious violations of the rights of Palestinians by the occupying forces of Israel. And we clearly see this from the report. These are scenes that we see day by day in various media. We see the numbers of dead, wounded. Almost 70% of the fatal victims are women and children. Over 7,000 people have disappeared. And more than 1.7 million people have been displaced. This is slaughter on a scale that has never been seen before. The Palestinian people are fighting for their survival in addition to the indiscriminate bombing. The people of Gaza are facing a catastrophic situation. If we look at the situation with regard to workers, businesses are closing and it is very sad to see the negative impacts of this destruction going on over time. Who are the most affected people? Women. In addition to the humanitarian tragedy, infrastructure, commerce, workshops, et cetera, they have all been destroyed as well. Now we see that this is causing so many victims. Employers and workers have fallen into poverty. The interruption of education will have particularly devastating effects for young people, boys and girls, without mentioning the psychological trauma that will mark them for the rest of their lives. Bolivia firmly condemns any attack against the civil population and we call for an immediate ceasefire and respect for international and international humanitarian law. The international community calls for stronger efforts for coming up with a solution, to have an independent and sovereign Palestinian State which is a full member of the United Nations. Bolivia thanks the ILO for the support that has been provided and reiterates its solidarity. Today, now more than ever before, we support the people of Palestine. Thank you very much.

Mr Louai Almonajed

Government (Syrian Arab Republic)

Director-General, I greet you, and indeed good afternoon, ladies and gentlemen. Greetings to you all. I wish to begin by commending you, Director-General, for all of the work you are doing in seeking to defend the rights of those living in the occupied Golan and other occupied Arab territories, in accordance with international law. We are now talking about very serious crimes that have been committed. This goes beyond violations of rights. We see that crimes have been committed against workers in the occupied Golan. And we wish to express our deep regret about what has happened there and what is happening today also in the Gaza Strip. We stand in full solidarity with all of the workers there and we know what they are suffering at the hands of the occupying powers. The Israeli occupying entity is indeed involved in systematic terrorism in occupied Golan and other occupied territories. We see arbitrary practices that are being used in dealing with Syrian workers. And despite all of that, we in Syria have our workers who are fighting to struggle against that and to live in decent conditions despite the extremely indecent conditions that are being imposed upon them.

on the labour market. We know about the devastating attacks on people there recently, and despite all of that, they are still trying to live in decency and to earn a living. Syria resolutely condemns all of the violations by Israel of all international conventions and treaties in recent times, and we particularly note that the rights of workers in occupied Golan have been totally ignored. They are not able to enjoy the fruits of their own labour, to enjoy their own harvests, and they are not able to work in the way that they should be able to work in accordance with international labour Conventions. We note the contents of the Director-General's report on the situation of workers in the occupied Arab territories, and we commend the Director-General for having published this report. But it must not just remain a report, words on a page. It has to translate into action. What is happening today is in fact something that brings to mind what we saw back in 1967 when Israel invaded the occupied Arab territories, as they then became, and also invaded part of Syrian territory, which has then become occupied Syrian Golan. We need once and for all to put an end to all of these illegal practices and to these illegal occupations. We need to mobilize resources in order to help workers in the occupied Arab territories today to live in decency, as I have said. And we would call upon the Governing Body to look at this issue very carefully indeed. Further, we call for a lifting of all restrictions that are indeed preventing us from making the progress that we need to make in this area, and we call on the Zionist entity to respect all of the rulings handed down by different bodies within the international community, including the Security Council. We call for implementation of all of the rulings handed down, including recommendations by the ILO. We believe that there should be no discussion whatsoever as to the need to lift the occupation in the occupied Syrian Golan and in the occupied Arab territories. We know that certainly we stand in full solidarity with people living in those territories. And what we need to do today is to put an end to the systemic policy that we have seen for many years, a policy that has simply trampled on the rights of people living there. It is in effect an apartheid policy that is being pursued by the occupying Zionist entity. Thank you.

Mr Wills Rangel

Worker (Venezuela (Bolivarian Republic of))

Good afternoon. On behalf of the workers of the Bolivarian Republic of Venezuela we would like to say thank you very much for this report and for the messages that have been conveyed to the workers of Palestine. Citizens of the world, international solidarity. We want to build hope. Today we know the situation is very difficult. It is the most difficult on the planet. We want to see reconciliation but we have seen expressions of neofascism which have harmed humanity. In 80 years of history we have never seen anything like it. And the people standing up for the just causes, the legitimate defence of people and human life, Frei Betto, who was a Brazilian revolutionary, had something to say on this subject. This is a commitment that is made to our key values and our common good. We are not spared the pain of the other. It must be a course of indignation. We must stand up and fight against it, against these massacres against the people. And we are facing the most flagrant violations of international public law. For 75 years this has been inflicted upon the people of Palestine with the complicit silence of the large powers. The people's power is with me, the Bolivarian people who have a deep feeling of freedom. It is a volcano erupting in the form of men and women who are calling for humanity, a truly human form of humanity as well. I convey this in my voice as a worker. There must be an immediate stop to the genocide in Palestine. Global rumours are denouncing in the face of the impotence of international organizations. But

this is compensated by the love of millions of people all across the planet who want to see an end to the [vgr INAUDIBLE 129:24], and people standing up with bravery. We express our deep solidarity to the youth who have been sacrificed in an extraordinary way when coming out to defend their people, to defend against the suffering incurred by the Palestinian people. We wish to express our solidarity with them, to the workers and the people of Palestine. The time has come to break through these comfortable spaces and speak up in a multitude of voices which have never stopped from speaking out nor will they do so in the future. We believe in a different possible world: socialism. To quote our eternal commandant, Hugo Chávez, and Fidel, the commandant of America, "This is a fight for the defence of humanity." And as Che said, "This humanity has said enough is enough." Thank you very much.

Ms Lamia Fathi Abusedra

Government (Libya)

Mr President, members of delegations, the State of Libya associates itself with the statements made by the groups to which we belong. And we thank the DG for his report on the situation of workers in the occupied Arab territories and which gives us an idea about the horrific reality lived by the Palestinian workers and the members of their families in the Occupied Palestinian Territory. And this shows how violence has increased and how it has affected work opportunities and livelihoods in Gaza and the West Bank. This continued onslaught has now come to constitute a humanitarian crisis and an economic and social crisis. We denounce the fact that the Israeli regime has not accepted the mission by the ILO to continue its investigation for the preparation of the DG's report. We call upon the ILO and the DG to bring pressure to bear, as in similar situations, including the supervision mechanisms. We condemn the continued violations of human rights and the violation of the provisions of international humanitarian law and the continuing of the occupation to an unspecified period of time which deprives the people of Palestine of their right to return and the right to enjoy economic and social stability. The people of Palestine in the Gaza Strip, despite the long suffering for many, many years, still during the past eight months they have been living hell on earth. And the world has not succeeded in ensuring a lasting ceasefire despite the killing of 34,000 Palestinians, most of them women and children, where 15,000 children were killed during those acts of genocide while 7,000 people are missing or are under the rubble. More than 77,000 were injured and many more are experiencing trauma. Over 1,700,000 people have been displaced. That is three-quarters of the inhabitants of Gaza. And yet we continue saying that social justice cannot take place under occupation and occupation has got to come to an end. But the situation has now resulted in focusing on saving lives, especially women and children, and not sufficient attention has been devoted to the workers, let alone what is happening in Rafah. Unemployment levels are unprecedented in Gaza, especially amongst women and youth. The labour market has collapsed and the economy has come to a ground halt and the infrastructure has been devastated to a value of more than \$20 billion. About 300,000 jobs were lost and the occupation has imposed more and more restrictions on the movement of Palestinian workers. Israel continues its illegal settlement activities in the occupied Arab territories, and the GDP has fallen by about 80% during the last quarter of 2023. And this widespread destruction has caused paralysis of activities in agriculture and industry, making people relying more and more on aid. We call upon the ILO to take all the necessary measures in order to pay the compensation to 170,000 Palestinian workers who should be covered by labour laws of Israel and to compensate them for the moral

and financial prejudice and the ill-treatment that they have been subjected to. We also call for adopting all necessary measures in order to ensure rapid intervention to extend assistance to more than 5,000 workers from Gaza and the West Bank. We also call upon the ILO and supervision organs of the Organization to assess Israel's commitment to international Conventions, including 111 on discrimination in employment and Conventions 155 and 187 on safety and health. And also to assess the implementation of the decisions that have been taken by the ICJ and the Security Council as well as taking all the necessary measures to prevent the obstruction of the implementation of the mandate of the ILO. The State of Libya calls for the inclusion of those comments in our conclusions and to give more clarification on the methods available in order to implement the recommendations contained in the report. In particular as we see that the occupation authorities are not responding favourably to any of the observations or the recommendations by the United Nations family. We welcome the recommendations in the report, in particular Paragraph 172, to make sure that there will be a cessation of war, because this is the only way where reconstruction can take place and where the implementation of the recommendations would become possible according to a specified timeframe under the mandate of the ILO. I thank you, sir.

Ms Somayeh Golpour Chamarkoohi

Worker (Iran (Islamic Republic of))

In the name of God, His Excellency Mr Director-General, ladies and gentlemen, distinguished delegates, with a great sorrow for the unfortunate death of Mr Ebrahim Raisi, the President of the Islamic Republic of Iran and the appreciation of the kind message of the DG, Mr Gilbert Hounbo, to the Iran annual labour summit. As a representative of the Workers' delegates of the Islamic Republic of Iran, I am very pleased to have the opportunity to speak in your presence. Humanity today is witnessing one of the biggest cases of ethnic genocide and holocaust in Gaza and usurping [? 137:30] regime which has made the regime the basic of the identify and occupation (sic). And apartheid, as the basis of its policy, has killed more than 40,000 Palestinians in less than a year under the pretext of confronting terrorism. Unfortunately, some major world powers not only do not condemn Israel's behaviour but support it in various ways and back up its action with weapons. As stated in the DG's report, these actions [vgr INAUDIBLE 138:11] to the destruction of work infrastructure in Gaza which results in long-term damage to the employment of the people of this region. Also, imposing various sanctions and restrictions seriously harms Palestinians' work in the West Bank and other occupied areas and violated their rights. Hereby, we declare the solidarity of the Iranian workers along with the other section of the people with the oppressed people of Palestine. We voice our readiness for any kind of support, help and backup, and we hope that in this way we can take the burden off the shoulders of the oppressed Palestinian workers, alleviating their great suffering. Thank you very much.

Mr Juan Antonio Quintanilla Román

Government (Cuba)

President, Director-General, nothing can justify the barbaric acts committed by Israel in Gaza, which have caused the death of over 35,000 Gazans, who have been displaced by force. Over 75% of the population are now displaced. The international community cannot remain inactive given the genocide being committed. Cuba

condemns in the firmest terms possible the massacre of children, of workers, and we call upon the United Nations system to put a stop to the indiscriminate bombing of people in Gaza as well as the destruction of homes, hospitals and civil infrastructure, provision of water, electricity and fuel to the population in Gaza, actions that constitute serious violations of international humanitarian law. We ask for an immediate and permanent ceasefire as well as for the entry of humanitarian aid into Gaza with no restrictions. We reiterate that the current situation in the territories is a consequence of decades of Israeli illegal practices of colonization, in flagrant violation of the inalienable rights of the Palestinian people on their own land as well as the extension of the principles on the UN Charter and international law. Cuba supports the cause of Palestine. This is clear. Progress must be made towards a broad-ranging solution on a lasting basis to this conflict. It must guarantee the rights of the Palestinian people to self-determination. President, the serious repercussions of the current situation and support for Palestinian people have been very damaging for the employment market. However, what we see in Gaza today has reawakened a whole series of concerns about the world of work. This has now gone beyond that. It is a humanitarian catastrophe now. We are seeing war crimes, crimes against humanity with the complicity of the United States Government. Cuba will not cease to stand up against this massacre of the Palestinian people. President, in accordance with the ILO's mandate, we support the tripartite constituents. We call upon the International Labour Organization to guarantee the supply of humanitarian assistance on an urgent basis and in sufficient quantity to the people of Palestine who have been a victim of this situation. We all have to speak up against genocide, and robust measures must be adopted to put a stop to the death of innocents peoples. Any moment of impunity, passivity, et cetera, or silence will come at a cost, a cost of more innocent lives. Thank you very much.

Mr Ishai Pollack

Employer (Israel)

President, members of the ILO Conference, in contrast to the alleged information in the Director-General's situation of workers of the occupied Arab territories report, Israel stands in the forefront of guarding the rights of workers and is committed to including foreign employees, in particular Palestinians, in the labour market. Israel has proven to legislate protective laws, providing a broad cover of protection to all workers, including protection mentioned in article 190, and we have been acting within those laws for many years. If we detach from the issues that originated by the brutal massacre that took place on October 7th by Hamas terrorist, all of the employment challenges that followed, women and children exploitation, safety, low wages, et cetera, all are as a direct result from the Palestinian Authority's lack of action. It is not clear how the Director-General can claim correlation between working relationship and justified war against Hamas' brutal attack until all of our soldiers and hostages have returned home to Israel, especially knowing some of the murderous terrorists were employed in Israel. In the State of Israel, tripartism is regulated within working relations where state labour law audits are one of the strictest audits in the world. Yet employees' and employers' organizations establish a [vgr INAUDIBLE 144:35] for a fast and dignified solution of conflicts. For example, in 2023 in finding a solution for transferring wages as well as pension funds directly to the Palestinian worker's bank account. The Director-General's declaration that sustainable peace is required for a good enabling [? 144:54] working relationship with Palestinian employees is not dependent on the Israeli employers who are craving professional and steady working hands, many of which are of Palestinians

who worked in Israel for many years prior to October 7th. Unfortunately, I did not hear condemnation from members of this conference concerning the monstrous massacre on October 7th by Hamas nor any call to release the hostages held in Gaza. The Palestinian Authority and their shameful conduct in supporting terrorism and the catastrophe that Hamas has placed on the Palestinian population harmed the fundamental trust between two human beings working together to the point of no return, making it impossible to maintain a reasonable working relationship. The Middle East is not the EU. It will take years and courageous Palestinian leadership for us to rebuild any trust that is required to move forward from the massacre of October 7th and restore the habitats, the work area and the way of life around Israel's borders. As a representative of Israeli employers, I truly hope that one day we will be able to resume commerce in general and a working relationship in particular by acknowledging our aspirations for life and not death. Thank you very much, sir.

Mr Walid Obeidat

Government (Jordan)

President, I would like to begin my comments by echoing everything that has already been said by the Arab group and by the OIC. I would also like to extend my thanks to the Director-General for his report on workers in the occupied Arab territories. His report makes it very clear just to what extent Arab workers are having their rights violated in the Gaza Strip and the West Bank today. We commend the recommendations that are made in the report and we call for their implementation. It is our hope that all of this will indeed be taken forward further and put into practice at the next session of the Governing Body, that appropriate decisions will be taken. Sadly, it has not been possible for the group that was supposed to visit the occupied territories to go there. They were prevented from entering the territory. There have been problems in recent months, as you know, with humanitarian aid, with reprisals taken against certain persons. And we know that in the Gaza Strip today we see killings, forced displacement, thousands of women and children being killed, destruction of fundamental essential infrastructure, including schools and hospitals. We see all of this described very clearly in the report. But, in fact, what is going on just reflects the true essence of the Israeli occupation that we have lived with for decades. It is a violation not just of fundamental rights but of all values of humanity, of all values of any civilized society. We therefore call on the international community in general and this organization in particular to exert pressure on Israel to put an end to this atrocious and appalling war. We also believe that they have to put an end to this policy of trying to expel the people of Palestine out of their homeland. And we call upon all those working in the international community to show solidarity and to support us in those goals. The problem is one that did not begin on the 7th of October last year. In fact this has been a problem that has been going on for decades because of this uninterrupted occupation that has resulted in stifling of the labour market, in stifling and suffocation of the people themselves. And there has been an ongoing war on the people of Gaza which has made their life intolerable year after year. We know about Palestinians languishing in Israeli jails. We know about the effect on their health. We know about the total destruction of the infrastructure of Gaza. We have seen this year after year. We know that people have been living in poverty and in hunger, and we know that their most fundamental social and economic rights are not being respected. We all know what has been going on. You can read many international declarations, and you can see just to what extent what is happening runs counter to any fundamental value: the values of the Philadelphia

Declaration, the values of the Universal Declaration of Human Rights. You can see that all of these values have been trampled on over decades by this occupation. We know that we now need, given the appalling nature of this situation, to try to build life again for the people in Gaza. We need to rebuild the infrastructure and to rebuild their lives, calling on all international expertise to allow us to do so. We therefore call upon those who are experts on interventions and emergency situations to do more in seeking to rebuild the lives of the Palestinian workers today. We do not want to end up caught in this ongoing spiral of violence and destruction forever. This illegal, unlawful occupation of Arab territories has to be brought to an end, this occupation by Israel. We have to give Palestinians their fundamental right to self-determination, to a viable Palestinian State that is independent with East Jerusalem as its capital, going back to the 1967 borders and in accordance with the Arab Peace Initiative. That is the way forward. That is the way we can achieve peace. Thank you.

Mr Naser Alhayen

Government (Kuwait)

President, Director-General, Excellencies, delegates, my delegation wishes to echo the statement made here by the Arab group, and we support the recommendations that have been made. We also support the statement delivered here by the OIC. Further, we thank the Director-General for his report, the report that we are discussing right now. And if you look at Paragraph 177 it calls for an end to war, an end to occupation, and we fully endorse that. This special sitting is being held because of the intolerable suffering that we witness today in the Gaza Strip. And yet the occupying power is continuing to commit atrocious crimes against civilians. Blood is still flowing there. We know about the huge numbers of peoples that have been forced to leave their homes, to move, and we know that the occupying powers are continuing to put pressure on them and to attack unarmed civilians, using every weapon at their disposal. We know what is happening. We have seen the destruction of infrastructure. It is going on, and the occupying power is continuing to organize, for instance, the Al Quds [? 152:30] march which is something that we fundamentally condemn to organize a march like that on a day like this when all of this is happening. We know that the situation is only getting worse in Gaza. The suffering of Palestinian workers is only getting worse. We know what is happening. We know that the labour market has collapsed. Economic activity has come to an end. Unemployment levels have skyrocketed and reached unprecedented levels. More than 200,000 Palestinians simply lost their jobs overnight. And yet violations are continuing, and this is something that flouts all relevant international instruments and agreements, all international rules, including the Constitution of this organization, the ILO. The occupying power is preventing a mission from this organization going to visit the occupied Arab territories. That is yet another proof of the way in which they are violating fundamental values and principles. We see criminal systematic activity being carried out by this occupying power that is trying to deny the reality of the situation. We therefore call upon the international community to do its utmost to exert pressure on the occupying power and to ensure that the visit from the ILO can actually take place. We congratulate countries that have recognized the statehood of Palestine. Over the past month we have seen at least some glimmers of justice there. International Labour Day was celebrated recently, and in fact this coincided with the anniversary of the Philadelphia Declaration, this year the 80th anniversary of that. And we know that it makes it very clear that social justice and equality has to be the bedrock of any kind of progress. And it is sad to see that we are marking anniversaries like that of the

Philadelphia Declaration when an unprecedented tragedy is unfolding before our eyes, the tragedy of the Palestinian people today. These people have lost hope. They have no stability they can count on. Nothing. They have no security. And when all that is happening at the time when we are celebrating anniversaries like the Philadelphia Declaration, the whole credibility of the UN system is called into question. We support the rightful cause of the Palestinian people and we support all programmes to assist the Palestinian people within the framework of this organization and in other frameworks also. Thank you.

Mr Luc Triangle

International Trade Union Confederation

Today I stand before you on behalf of the ITUC and our 200 million workers to address the grave and urgent situation faced by our Palestinian brothers and sisters. The situation of Palestinian workers is a pressing humanitarian and economic issue that demands our immediate attention and collective action. I could witness that myself as I was in the West Bank just one week ago. 235,000 Palestinian workers, who once relied on their jobs in Israel, have been left without salaries and compensation. These workers who support extended families now face financial ruin due to the recent conflicts and closures. The economic collapse of the Palestinian territories not only affects individual households but also the broader economic stability of the region. Many workers have been forced to sell their houses or personal belongings to have money for simply buying food. The ongoing violence and military actions have exacerbated this situation. The blockade on Gaza, now in its 17th year, and the recent attacks on Rafah have created a humanitarian crisis of unprecedented proportions, leaving thousands of families homeless and without basic necessities. The psychological impact of this ongoing conflict is profound, affecting not only the current generation but also the future of Palestinian children who grow up amidst constant fear, insecurity and violence. I have met workers last week from Gaza, now surviving in the West Bank in temporary locations. They lost their jobs. They lost their homes. They lost everything. And as I could experience myself, Palestinian workers endure long journeys through crowded checkpoints, and despite contributing significantly to Israel's economy, they face systemic exploitation and rights violations. They are often denied social rights, fair wages and safe working conditions. And the lack of enforcement of Israel's progressive labour laws further worsening their situation, with many experiencing unlawful dismissals and being left without any compensation during periods of conflict. Moreover, the Palestinian economy is on the brink of collapse due to the inability of these workers to earn a living. And this not only affects individual households but also the broader economic stability of the region. We must also recognize the troubling trend of replacing Palestinian workers with migrant labour, a practice that began already in the 1990s. And this not only undermines the livelihoods of Palestinian workers but also exacerbates their vulnerability and marginalization. The ITUC, we call for an end of the occupation and the recognition of Palestine as a sovereign State with East Jerusalem as its capital. We emphasize the importance of promoting decent work opportunities for Palestinian workers and urge States and businesses to cease activities related to the illegal settlements. And in collaboration with our trade union, the Palestinian General Federation of Trade Unions, we have witnessed the severe consequences of the recent escalation. Since October 7th, thousands of Palestinian workers have been stranded, their work permits revoked and many deported. The PGFTU has been working tirelessly to provide immediate relief, including temporary housing, food and essential

healthcare. However, the continuous influx of displaced workers has created significant financial pressure on the PGFTU and other stakeholders. But our commitment to solidarity with Palestinian workers is unwavering. And to further add to our efforts, I call upon all partners to support fundraising initiatives. Engaging with the ILO's Decent Work Programme for the occupied territories, which has already collected significant international support, is crucial. Contributions from governments and organizations are vital to ensuring the continuation and expansion of these essential programmes. Let us rally together to secure additional funding to accelerate investments in jobs and social protection, paving the way for a sustainable future for Palestinian workers and their families. Shukran.

Mr Alexi Buzu

President (Republic of Moldova)

Thank you. Now I would like to give the floor to the Clerk of the Conference to provide additional clarifications on the voting procedure.

Mr L Bormioli

Clerk of the Conference

Thank you, Mr President. Just to remind distinguished delegates that, as mentioned this morning, the vote on the abrogation of the four Conventions started at 12 o'clock and will be closed at 6 pm today. The email with all the necessary explanations was sent to all the persons entitled to vote. Please convey this information to your delegations and we look forward to seeing the votes coming in this afternoon. Thank you.

Mr Alexei Buzu

President (Republic of Moldova)

Now, with this, we conclude the speaker list for this morning. We will resume the special sitting this afternoon at 2.30 sharp in the same room. I thank you for your participation, and the sitting is declared closed.

Mr Alexei Buzu

President (Republic of Moldova)

Good afternoon. Dear colleagues, welcome back. Please take your seats. I call to order this special sitting of the Conference to examine the appendix to the Director-General's report on the situation of workers in the occupied Arab territories. We will resume the continuation of our list of speakers, and I want to remind everyone, all distinguished speakers, to limit their interventions to three minutes maximum. Thank you. With that being said, I now want to give the floor to Mr Maddouri, Minister of Social Affairs of Tunisia, who will address us through a video link.

Mr Kamel Maddouri

Government (Tunisia)

In the name of God, the most merciful and compassionate, Your Excellency the President of the Conference, Your Excellency DG of the ILO, ladies and gentlemen, we are delighted to join today the special plenary sitting with regard to discussing the DG's report on the situation of workers in the occupied Arab territories, which is held exceptionally this year within the current violent aggression against the Gaza Strip and the growing violations in the West Bank by the occupation forces, which has led to a devastating humanitarian catastrophe, amounting to crimes against humanity and in a blatant violation of all international legal texts and international humanitarian law. The genocidal war has devastated many aspects of life and left behind a grave social, economic and humanitarian crisis which destroyed the Palestinian economy and the whole economic cycle, which requires the international community to adopt a relief and response programme to mitigate the effects of the crisis on the Palestinian workers and employers. Ladies and gentlemen, the ILO DG shows through this report the results that were met by the ILO's mission to assess the situation of workers in Palestine and highlights the catastrophic situation being lived by the Palestinians and which led to the loss of jobs and the rising unemployment due to the restrictions on the freedom of movement and trade, in addition to the situation suffered by the Palestinians in terms of famine and the lack of food security and the halting economic cycle. In this regard, we would like to commend the recommendations in the report, which is one of the first initiatives showing how preoccupied the ILO is with regard to the Palestinian cause. And I would like here to reiterate Tunisia's position of principle. The people in Tunisia and the leadership of Tunisia call for the immediate cessation of aggression and to allow the Palestinian people to enjoy self-determination, guarantee the access of relief and humanitarian aid, and uphold the rights of the Palestinian people, which is inalienable and does not fall within a statute of limitation, to establish their own State, fully sovereign on its land with East Jerusalem as its capital. The international community is in front of an ethical cause that has to be upheld. We salute the steadfast workers in Palestine for the great price they are paying. Long live Palestine and greetings be upon you.

Mr Simon Masanga

Government (Zimbabwe)

Zimbabwe acknowledges the Director-General's report on the situation of workers of the occupied Arab territories. Regrettably, this year's report comes at a time of great suffering for the Palestinian people because of the war in Gaza. We condemn all violence and hostilities, including the indiscriminate and intensive bombing, ground operations and heavy fighting in Gaza which has destroyed lives, workplaces and livelihoods. In this context, we support the DG's call for urgent and massive reconstruction and recovery work. It is anticipated that the cost of sustainable recovery will be steep and will require stronger international support and cooperation. We see the work of the ILO being prominent, now more than before, in job creation, promoting decent work opportunities and enhancing social protection for workers. We therefore urge development partners to increase their funding for development cooperation projects in the occupied Arab territories. Mr President, as the ILC this year discusses the need to renew the social contract within the framework of the DG's main report, we recall the Philadelphia Declaration that universal and lasting peace can only be achieved if it is based on social justice. Zimbabwe therefore underscores that, in the quest to rebuild a resilient economy within the occupied Arab territories, including East Jerusalem and the occupied Syrian Golan, life and livelihoods require and indeed deserve peace, security and massive international investment and support. We urgently call for a ceasefire and the protection of all civilians, particularly women and children as well as the medical and humanitarian personnel in the occupied Arab territories. For Palestinian workers to regain their full dignity, it is of utmost importance that the legal and brutal occupation be addressed by the international community. This is a critical component of any solution to the complex situation within the occupied Arab territories. The Zimbabwe delegation deplores the continued oppression of the Palestinian people and the construction of illegal settlements in the occupied territories, in violation of United Nations Security Council resolution 2334 of December 2016 which clearly condemned the settlement activity, incitement and all acts of violence and terror in the Palestinian territory, including East Jerusalem. We would look to reaffirm our conviction that lasting peace will only be possible through the recognition of the State of Palestine's right to statehood, sovereignty and self-determination in line with several UN resolutions. The new momentum for the two-state solution should therefore be supported. I thank you.

Ms Bathsheba Crocker

Government (United States)

The United States joined Governing Body consensus to recommend this sitting due to the severe economic and labour market impacts of the ongoing conflict. However, we reiterate our position that holding plenary special sittings on this report is inappropriate. We thank the ILO mission and the Director-General for this report, including its observations and recommendations, but do not support many of the report's legal assertions. The conflict sparked by Hamas' brutal terrorist attack on October 7th has decimated the already limited labour market opportunities in Gaza. The conflict with Hamas has also seriously affected livelihoods in the West Bank, in part due to new security measures inhibiting workers from accessing workplaces. As President Biden said, we are focused on a durable end to this war, one that brings all the hostages home, ensures Israel's security, creates a better day after in Gaza without Hamas in

power and sets the stage for a political settlement that provides a better future for Israelis and Palestinians alike. A surge in humanitarian support and planning for recovery and reconstruction go hand in hand. While the ILO is not a humanitarian organization, its expertise will be critical as we plan for a better day after. The ILO should be guided by Recommendation No. 205 which provides a road map for jobs-rich and rights-driven recovery approaches. The ILO should advocate for these approaches and for a clear gender perspective wherever recovery is discussed in the UN. The Palestinian Authority has a responsibility to continue to reform and improve its governance to support the Palestinian people's aspirations. This includes strengthening labour market governance institutions to support Palestinian workers and businesses in both the West Bank and Gaza. Action is needed to pass pending social security legislation, establish the Palestinian social security corporation and review the Palestinian national employment strategy. At the same time, Israel must be a partner to Palestinian leaders. Extremist settler violence carried out with impunity, settlement expansion, demolitions and evictions, the withholding of clearance revenue payments, these actions do not advance peace. Ensuring decent work and labour rights also necessitates reform of the permit regime, including the elimination of recruitment fees and related costs in line with the ILO's general principles for fair recruitment. In closing, I remind that this organization was founded on the belief that improving conditions of work is necessary for lasting peace. Israelis and Palestinians equally deserve to live and to work in safety, dignity and peace. Thank you.

Mr Ergün Atalay

Worker (Türkiye)

President, distinguished delegates, it is an honour to appear to you on behalf of the workers of Türkiye and the Confederation of Turkish Trade Unions. This special sitting is covering an issue which is of great importance for us. The Palestinian territories have been under occupation now for more than 75 years. The occupation has been transformed into a more aggressive form as of October 7 last year. Dear delegates, all of the trade unions of Türkiye stand against this relentless genocide and the occupation. The workers of Türkiye have a shared attitude and take shared action against the regional policies of warfare and the operations of the war. We cannot speak about labour rights, decent living conditions and human rights under a situation of ongoing warfare. There can be no excuse for such bloodshed. The PGFTU has regularly been releasing informative bulletins on the situation of the workers under occupation over the past few months. These bulletins show that there has been incomprehensible oppression and carnage in the Occupied Palestinian Territory over the past few months. According to the most recent figures, at least 15,000 children, 10,000 women, 152 UN employees, 142 members of the press and 492 medical professionals and 200 doctors were killed. Seven churches have been damaged, and 371 out of the damaged 564 mosques have been completely destroyed. The massacres committed consequently in Rafah refugee camp are crimes against humanity. Everyone has to hear the cries of the Palestinian people. The people of Palestine have been trying to survive under these heavy attacks and under siege by the occupation forces since last October, in particular the people of Gaza. Dear delegates, the occupation has to be stopped immediately. The occupied regions of Gaza must be returned to their owners. The necessary aid must be immediately delivered to the region. Palestine must be rebuilt, and the Palestinian people must be returned to their homes. The international community has to be just and fair in its dealings with the Palestinian issue. Imperialist and expansionist targets

have to be abandoned. The two-state solution promoted by the UN must be implemented without wasting any more time. As a concluding remark, history is the best teacher there is. It teaches us not to make the same mistake twice. A people that suffered so grievously must have learned much from their own experiences. Thank you very much for your concern.

Mr Abdellah Boutadghart

Government (Morocco)

Your Excellency Director-General, Your Excellencies, ladies and gentlemen, this special sitting takes place in the midst of a difficult hardship and unprecedented suffering being visited upon the brethren Palestinian people due to the Israeli aggression on the Gaza Strip and the unprecedented devastation. And there are victims in the tens of thousands as well as displacement and a full blockade. And here we call to allow the access of humanitarian relief to the Strip with the promotion of the protection of civilians in preparation for a just and lasting peace based on the two-state solution. We look at the ramifications on the occupied Arab territories with regard to the labour market and which is going against the basic tenets of this organization. And in this regard the Kingdom of Morocco highly values the efforts by the ILO in the midst of this crisis, calling for their intensifying. And we thank the DG for the appendix shedding light on the humanitarian situation of our Palestinian brothers and sisters. In this regard, the Kingdom of Morocco calls upon the Member States to uphold their commitments with regard to the freedom of movement in these territories. Mr President, considering the difficult situation of the Palestinian workers, we all have to immediately intervene to achieve the following priorities. First, intensifying efforts to support the tripartite constituents in Palestine in order to create better jobs and employment in conjunction with decent work. Second, to provide technical support for MSMEs in order to lead to a job-rich early recovery and providing commodities and local services with affordable prices. Third, to have a comprehensive strategy with regard to upskilling and professional training. Fourth, to enable the Palestinian workers working in Israel to regain all their earnings and taking into account the necessity to reform the permit system and avoiding middlemen and providing a smooth transition to promote OSH. Sixth, remittances and clearance revenues to be released by the Israeli authorities without blackmail or extortion. Seventh, to reactivate the social security cooperation to be self-sufficient. Eighth, to mobilize the donors to submit and provide necessary funding for all reconstruction efforts after the aggression. In conclusion, we look forward to outputs after this sitting to lead to an important resolution by the Governing Body that gives the Director-General and his office all the necessary means to intervene and help mitigate the devastating effects in the Occupied Palestinian Territory. Thank you very much.

Ms Amanda Gorely

Government (Australia)

Australia is gravely concerned about the catastrophic humanitarian situation in Gaza. A humanitarian ceasefire is urgently needed. We call on partners to agree to the ceasefire deal on the table. There must be an increase in rapid, safe and unimpeded humanitarian access. Hostages must be released immediately and unconditionally. This devastating crisis underscores the need for a negotiated political solution to the long-

running Israeli-Palestinian conflict. The humanitarian crisis in Gaza is affecting all areas of life, including an almost complete regression to informal and unpaid work. The severe economic and labour market impacts are felt by workers, employers and the civilian population as a whole. Unemployment is at an all-time high and economic activity in Gaza has ground to a halt. There will clearly be lasting repercussions for Palestinian workers and employers. We are gravely concerned by physical and mental health risks to workers and employers, the increase in children engaging in informal work and the increased vulnerability of all workers to labour law abuses, including to forced labour. Australia commends the ILO for its ongoing work in the Occupied Palestinian Territory. We acknowledge the hard work of ILO staff and reiterate the importance of ensuring their access, safety and security so they can deliver the ILO's mandate and implement the emergency response programme. We welcome the ILO's forward planning for recovery and reconstruction of the Occupied Palestinian Territory, acknowledging the importance of social dialogue and decent work. Any recovery policy planning should include specific consideration around empowering women's economic participation and eradicating child labour. Thank you.

Mr Fayçal Bentaleb

Government (Algeria)

Allow me at the outset to thank the DG for having prepared this report, which included facts reflecting the catastrophic situation that was reached in the socio-economic and humanitarian conditions in the Gaza Strip and the occupied territory due to the continuing practices of the Israeli occupation and their brutal practices against the Palestinian people. Algeria is cognizant of the difficulties that were faced by the ILO's team in preparing this report due to the restrictions imposed by the occupation forces against international organizations working in the occupied territory. Mr President, the ongoing aggression by the Israeli occupation against the Gaza Strip and the crimes committed against civilians being witnessed in killings, displacement and famine as well as destruction of the infrastructure, the latest manifestations of which is the ground invasion of the Rafah camps. And therefore we would like to condemn with the strongest words these practices against the Palestinian people which were not deterred by the ICJ and ICC recent decisions as well as the United Nations Security Council and General Assembly, which are pointed out in the report. Mr President, the Palestinian workers and their families are living in catastrophic situations in the Gaza Strip because of the loss of jobs and the complete cessation of the economic cycle as well as the job market. And this is leading to an increase in the hardship of the rights of the Palestinians. And the situation is no different in the West Bank where Palestinians are suffering from a dire socio-economic situation due to unemployment and the cancellation of permits as well as restrictions on the mobility of workers. And this has led to the increase in casualties and violence. And in the midst of this humanitarian crisis, Algeria calls for the immediate intervention of the ILO to implement emergency plans and support to the tripartite constituents in order to provide the basic needs, especially to the workers from the Gaza Strip who are stuck in the West Bank and the families who have become homeless, in order to mitigate their suffering. Mr President, to witness the current humanitarian crisis being suffered by the Palestinian people, the Algerian delegation calls upon the DG to visit the occupied territory and engage in dialogue with the tripartite constituents in order to set up a plan for support of the Palestinians and compensating their damages. It is important to find the necessary means to implement the recommendations of this report and call upon the DG to present a briefing to the

next GB session with regard to their implementation. In conclusion, Algeria calls upon the constituent parties of this organization to enable the State of Palestine to fully participate at the ILO according to United Nations resolutions. Thank you.

Ms Shanchita Haque

Government (Bangladesh)

Mr President, Excellencies, distinguished delegates, ladies and gentlemen, good afternoon. I would like to register my heartfelt thanks and deep appreciation for the Director-General and his mission to the Occupied Palestinian Territory for the report presented to the Conference. Despite having no permission to visit Palestine, the report captures the catastrophic impact of this genocidal war by Israel on the people, children, women and men of Palestine, impact on the economy, enterprises, employers and the workers. Mr President, Bangladesh would like to express its profound concerns over the massive job losses and soaring unemployment in the Gaza Strip as well as in the West Bank. The illegal war against the civilian and non-combatant population of Palestine has caused shrinking of the Palestinian economy by 81% in Gaza and by 19% in the West Bank. Blockade to food, necessary life-saving medicine and humanitarian assistance goes against Israel's obligation to international law dictums. Labour market governance institutions, labour administration, social protection, social dialogue got irreparably affected. Israeli occupation of more than half a century has been escalated to a level of total destruction and total elimination of Palestine. Mr President, facing such a genocide and crimes against humanity, the people of Palestine need global attention and recognition first. Allow me to unequivocally reiterate that Bangladesh recognizes Palestine as a State in the fullest meaning of the term and considers Israel as an aggressor, illegal occupant of the State of Palestine. Bangladesh condemns Israel for the crimes and atrocities they have been inflicting upon the people of Palestine, and we urge Israel to stop the genocide and allow humanitarian assistance. We agree with the report that the end of the occupation is the only solution to the deep distress of the Palestinian people, and for that we urge the Security Council to recognize Palestine's statehood immediately. Israel has to comply, as the occupying force referred to in the 2004 advisory opinion, to the orders issued by the International Court of Justice on 26th January 2024, as binding orders, and the 28th March 2024 additional provisional measures. Mr President, Bangladesh supports the ILO initiatives for a human-centric recovery and reconstruction of the Palestinian labour market. In the spirit of the Philadelphia Declaration, Bangladesh believes it is high time we ensure the conditions of freedom and dignity of the Palestinian people. And the ILO, being the key enabler of social justice, may take lead as it is mandated. Bangladesh aligns itself with the OIC's statement delivered on this agenda. I thank you, Mr President.

Mr Fermin Mesa García

Employer (Cuba)

Chair, we would like to express the support of the Cuban employers to the Palestinian workers. I would like to take this advantage to do that. We have unrestricted support on the part of Cuban employers for the employers and the workers of Palestine as this year we recall the 80th anniversary of the Declaration of Philadelphia, according to which permanent peace can only be based on social justice. It is an unpardonable error to think that the conflict began on the 7th of October. Let us not talk about 1880

when the first Zionist colonists arrived or what happened in 1948 when the Israeli leadership put into operation the Dalet Plan to destroy villages and to realize operations of Palestinian extermination. Today we can say that Israel, with the assistance of the United States and its allies, is carrying out a genocidal war against the Palestinian people, provoking ethnic massacres and crimes against humanity. That is what the witnesses that have been heard by the mission of the ILO have heard from workers, employers and representatives of the government in Palestine. In conditions of complete impunity, the Zionist military forces continue to work against a civilian population, leaving the occupied country in ruins, with restrictions on mobility, more than 200,000 jobs destroyed, companies closed and general unemployment. A complete crisis with lack of opportunities of decent work. Total destruction. It does not seem to be possible to negotiate a ceasefire or humanitarian aid in the middle of the war. In the Philadelphia Declaration it was recalled that all human beings have a right to pursue their own material well-being and spiritual development in conditions of liberty and dignity. And in 2024 we call on Israel to make the way free for an end to hostilities, the indispensable humanitarian aid, assistance for development and the consolidation of peace. In the ILO we call for Palestinian workers to be able to have decent jobs, better social protection, and humanitarian and financial support from the international community so that they can survive the holocaust. We call for the implementation of the ILO emergency response plan for the occupied territories so that early recouperation, resilience and reconstruction of infrastructure can happen. As employers, we call urgently on the international private sector to support Palestine in the production of food, to create jobs and livelihoods in sectors such as agriculture, fisheries and the value-added chain of the food industry. We also see a need for financial transfers to the most vulnerable groups, capacity-building and the formulation of policies and projects which will promote business initiative and investment in strategic sectors. Chair, President, it is quite clear that with an occupation there can be no social justice. Thank you.

Ms Mabel Gross

Worker (Italy)

Distinguished guests, Director-General, I take the floor on behalf of the Italian trade union confederations, CGIL, CISL and UIL. The ILO DG's report on the situation of workers in the Occupied Palestinian Territory portrays an appalling reality that demands the strongest condemnation, especially after October the 7th. Italian trade unions reiterate their condemnation of the Hamas terrorist attack but also the disproportionate military response promoted by the Israeli Ultranationalist Government that has killed more than 35,000 Palestinians, including more than 14,000 children, since that day. More than 77,000 civilians have been wounded and over 2.3 million have been forcibly displaced and the provision of essential aid to civilians severely disrupted. The International Court of Justice has held that it is plausible that Israel is committing acts of genocide in Gaza and requested immediate and decisive action. The severe livelihoods and human loss, the estimated generational traumas and social costs of the 75-year-long occupation and violation of human rights are having devastating effects on workers, trade unions and communities. Italian trade unions believe that it is only through effective enforcement of international law that the world can restore peace and put a definitive end to these and many more massacres that thrive on the deliberate disregard of international law. As reiterated in the conclusions of the DG's report, peace is feasible but cannot be achieved without an end to the occupation and without

international engagement. It is urgent now to foster initiatives which allow progress towards a fully independent, viable and sovereign Palestinian State. Italian trade unions support the recognition of the Palestinian State, following the path taken recently by Spain, Norway, Ireland, Slovenia joining the group of 143 UN Member States that recognize Palestine as a sovereign State based on UN resolutions. Italian trade unions also call for an immediate and permanent ceasefire and welcome the Italian Government's and the EU decisions to re-fund UNRWA. We call on all governments to join and support the ILO fund to promote a swift recovery and rebuilding of the socio-economic infrastructure in the Occupied Palestinian Territory. Italian trade unions, finally, also urge the ILO to engage all tripartite constituents into promoting world disarmament for the full achievement of ILO Recommendation 205. The war industry must be defunded and reconverted, and the ILO should play an active role in promoting reconversion efforts. Thank you.

Mr Nasr Al Hosni

Government (Oman)

In the name of God, the most merciful. Mr President of the ILC, Excellencies, Vice-Presidents, Mr Director-General of the ILO, Excellencies, heads and members of delegations, distinguished participants. At the outset, I wish to congratulate the President of the Conference and the vice-presidents for their election to chair this ILC. Wishing you all the best and success in your work. I also wish to express my sincere thanks and gratitude to the Director-General of the Organization and all the staff of the ILO for preparing this valuable report on the situation of workers in the occupied Arab territories. And we wish to extend our sincere condolences to our brothers in Palestine and to the families of the victims who died as a result of the criminal and violent attacks perpetrated against them, and we wish a speedy recovery to the wounded and injured. Mr President, Oman aligns itself with the statement delivered by Egypt on behalf of the Arab group. We express our appreciation to the work of the ILO and its efforts to strengthen the labour markets and social protection in Palestine. We would like to express our concern regarding the damage to the Palestinian workers and infrastructure in Palestine as a result of the violence and as a result of the deteriorating economic and social situation. We also express our concern with regards to the high levels of unemployment which undermines the livelihood of Palestinian workers, particularly women and the youth. Mr President, the world has followed the tragic events in Gaza, which have undermined the efforts aimed at improving the situation of the Palestinians, including the efforts by this organization through the development programmes and other programmes and initiatives aimed at alleviating the suffering of workers and their families as a result of discriminatory policies. In this regard, we condemn in the strongest possible terms the Israeli aggression against Gaza. And we condemn all the blatant violations perpetrated by the Israeli occupying powers, such as the bombing and killing of unarmed civilians, the use of weapons that are internationally banned and prohibited, which has caused the displacement of 1.7 million individuals, which is equal to three-quarters of the citizens of Gaza, who had to leave their homes due to the Israeli bombing and had to seek refuge in places of worship, hospitals, schools, such as schools belonging to the UNRWA which have also been targeted by the bombing and shelling of the Israeli occupying forces in clear violation of international humanitarian law and international conventions and instruments, starting with the resolutions and decisions of the ICJ. These ongoing violations undermine international principles of the international humanitarian law and undermine their credibility and

have serious repercussions on the Palestinian labour market where Palestinians have lost more than half a million jobs since the start of the Israeli aggression. The Israeli occupying forces have completely undermined what humanity has learned throughout history in terms of respect for human rights and values. And they have completely undermined and violated the principles of justice and equality. We do not know how the universities and academic institutions all over the world, how they can teach students about international law and its principles in light of these violations. The world's trust and confidence in justice and equality have been completely undermined. We no longer have faith in law. It is as if we live in a world that has failed to learn from past experiences and where the law of the jungle prevails. We call on the ILO to take the necessary measures to protect the rights of Palestinian workers and we call for granting Palestine full membership in the Organization. We call on the ILO to take the necessary measures to put an end to the practices by the Israeli Government and to put an end to the policy of collective punishment that is being perpetrated against Palestinian workers and against the Palestinian population in general. Thank you very much for your attention, and may the greetings and peace of God be upon you.

Mr Pieris Pieri

Worker (Cyprus)

Honourable members of the presidium, dear colleagues, dear delegates, in recent months humanity has witnessed the genocide of the Palestinian people by the State of Israel which, despite the global outcry, with the tolerance and support of its allies, continues to violate every principle of humanitarian law, to flout the rulings of the International Court of Justice. Thousands of innocent Palestinians have been killed, including many children, while many others were buried under the rubble. Tens of thousands are injured without access to medical treatment after the Israeli army destroyed all hospitals. As identified in the report we are debating today, the situation of Palestinians in the Gaza Strip is extremely critical. The Israeli [vgr INAUDIBLE 41:17] preventing the access to humanitarian supplies have resulted in an extreme humanitarian crisis. The economy and labour market have collapsed. Workplaces are in ruins, and nearly one and a half million Palestinians are forcibly displaced into Rafah into inhumane conditions. The situation is also tragic in the West Bank where the economy is also in deep crisis, where thousands of jobs have been lost and the Palestinian workers need humanitarian aid. Humanity cannot remain indifferent to genocide, to war crimes and the violation of every human value by the State of Israel. The ILO must play a leading role in the current situation for the immediate termination of brutal crimes and the genocide against the Palestinians by the Government of Israel. Humanitarian aid must be channelled immediately to the people of Palestine in accordance with the Geneva Convention. On behalf of the workers of Cyprus, we express our unwavering support and solidarity with the Palestinian people and their right to an independent State on the 1967 borders with East Jerusalem as its capital. Thank you very much for your attention.

Mr Hfaeidh Hfaeidh

Worker (Tunisia)

Mr President, Mr Director-General, ladies and gentlemen, the Israeli occupying power has been waging a war for the past 243 days. It is a genocide war and a war that has been ongoing for 77 years, an aggression where all weapons have been used,

including weapons that are internationally prohibited and banned. This has led to more than 50,000 martyrs, most of whom women and children. This has also caused more than 100,000 injured and wounded and the complete destruction of the infrastructure, schools, hospitals, bakeries, and completely destroyed Gaza. Hundreds of thousands of Gazans who are already refugees since 1948 have had to seek refuge in new areas. And all this is taking place in light of a complete media blackout, during which more than 148 journalists have been targeted, in order to continue this killing without the world watching under the slogan 'Silence, murder is ongoing'. The destruction and killing of a complete population is ongoing in order to put an end to this just Palestinian cause and in order to realize the prophecy that says, "A land without a people for a people without a land". But the Palestinian struggle continues and represents all the free movements around the world. It continues to recover its rights, its land, its sovereignty to install peace and stability. The struggle of the Palestinian people is similar to the struggles that took place in Vietnam, Africa, Latin America and in other parts of the world. We must recognize the right of the Palestinian people to fight and to resist like all the other peoples of the world. We commend South Africa for its initiative and for the case that it brought before the International Court of Justice. We thank Spain, Ireland, Norway and other countries who recognize the State of Palestine. And we express our gratitude to the democratic forces around the world, particularly the students who have showed momentum and expressed their full support of the Palestinian people in the face of this Israeli Nazi aggression. They have tried to exert pressure on the world. We are now faced with a new generation that aims to put an end to this new colonialism. In the end, from this forum and from the International Labour Organization that is based on the values of peace and social justice, we call for an immediate cessation of this aggression, for opening the border crossings and allowing the unimpeded access to aid. We call for allowing the refugees to return to their homes, for the release of thousands of detainees in Israeli prisons. We call for recognizing the State of Palestine and giving it full membership in international organizations, including the ILO. We call for prosecuting the war crimes from the Israeli army on charges of genocide against the Palestinian people. There can be no peace as long as the Palestinian people do not recover their legitimate right and create an independent State with East Jerusalem as a capital. Victory to our martyrs. Victory to Palestine. Long live the Palestinian people.

Mr Ahmad Alenezi

Worker (Kuwait)

Mr President, dear representatives of governments, workers and employers, brothers and sisters, dear participants, may the peace and blessings of God be upon you. The world has painfully been following the escalating situation and the military operations perpetrated by the Zionist occupying forces against the workers and employers of Palestine in general and against Gaza in particular. We have all witnessed the genocide that led to the killing of tens of thousands of civilians, most of whom children, women and the elderly. We have witnessed the complete failure of basic necessities such as food, electricity, water and the complete destruction of hospitals, mosques, churches, houses, and the forced displacement and excessive use of internationally prohibited weapons. The Zionist occupying forces have targeted healthcare workers, journalists, and all of this was preceded by an unfair blockade that led to starvation and complete destruction. You are all aware that these aggressions and these practices completely violate international humanitarian law and international resolutions. Dear participants, in support of the Palestinian people and the workers of

Palestine, the general federation of workers in Kuwait has been in touch with international organizations and federations to call on them to uphold their responsibilities and exert pressure in all means possible to put an end to these brutal aggressions. We called for a statement that condemns these criminal operations that are targeting the people and workers of Palestine. We called for the expulsion of Zionists from the membership of international organizations and international federations, and called for the immediate access to humanitarian aid. In conclusion, the workers and workers' federations of Kuwait commend the position of principle of the Government and people and workers of Kuwait in full support of the Palestinian people to allow them to recover their legitimate rights and the creation of an independent State along the 1967 borders with East Jerusalem as a capital. We are present here today to reiterate our previous demands during this important sitting dedicated to the discussion of the Report of the Director-General on the situation of workers of the occupied Arab territories. We stress the importance of holding this sitting in future Conferences. May the souls of the martyrs of Palestine rest in peace. May the peace and blessing of God be upon you.

Mr Khaled Fanatsah

Worker (Jordan)

In the name of God, the most merciful. Mr President of the ILC, Mr Director-General, ladies and gentlemen, first of all we wish to thank the Director-General for his report. We are meeting here today to express our full solidarity with the Arab peoples in the occupied Arab territories, particularly in Palestine. The Palestinian cause is not simply a political cause. It is a humanitarian one that requires our full support and solidarity. Palestine is a state for a number of people who are under occupation. Palestinian people live in difficult and catastrophic conditions and are subjected to daily violence and persecution. They require our full support and solidarity to recover their freedom and justice. Jordan fully supports our brothers in Palestine in their struggle in their country, and their homeland and in their defence of Jerusalem and the Muslim and Christian holy sites. His Majesty King Abdullah has reiterated Jordan's refusal for any displacement of Palestinians. We have repeatedly denounced Israeli violations in the West Bank, particularly in Jerusalem and in Gaza as well. Settler violence and the escalation of violence will lead the region to the brink of despair. As representatives of workers in Jordan, we call for an immediate and permanent ceasefire in Gaza. This should be a priority in light of the catastrophic situation in the Strip. Israel must allow the immediate access to humanitarian aid all over Gaza. And here I would like to reiterate that Jordan is sparing no effort to support the Gazans and is working to put an end to this war, an unjust war and a war of destruction. It is clear that there is a change in international positions against the practices by Israel. In this regard, we stress the importance of a permanent political solution to achieve peace and the two-state solution. Under the aegis of His Majesty, we call on the international community and international organizations to put an end to the occupation. We call for an immediate ceasefire in the genocide against Gaza. We call for the opening of border crossings and allowing the humanitarian aid without any hurdles. We call for not dissociating Gaza and the West Bank. A just solution for the Palestinian people should allow the Palestinian people to establish an independent State along the 1967 borders with East Jerusalem as a capital. In conclusion, we call on the international community and international organizations to exert efforts to put an end to the occupation and the violations against the Palestinian people. We should work together for the creation of an independent

State. Let us speak in one voice, in full solidarity and support of the Palestinian people. Let us work hand in hand for a better world where we can enjoy peace and equality for all. May the peace and blessing of God be upon you.

Mr Utoni Nujoma

Government (Namibia)

Distinguished members of the presidium, Chairperson, since this is my first time to take the floor, I congratulate you on your appointment as President of the Conference. We thank the Director-General for the report and express our deep concern about the chronic socio-economic and humanitarian crisis in the Occupied Palestinian Territory. Chairperson, in December 1978 the UN General Assembly reaffirmed that the Geneva Convention relative to the protection of civilian persons in times of war of 12 August of 1949 applies to all Arab territories occupied by Israel since 1967, including East Jerusalem. Nevertheless, in 2024 the world continues to witness Israel's non-adherence to the principle of respect for the human person and for the basic rights of individuals. The past eight months have been the hardest for Palestinian workers since the occupation began in 1967. The devastating war in Gaza has wrought enormous death and destruction on the Occupied Palestinian Territory and caused loss of livelihoods. Over two million people live under intense Israeli bombardment. Over 34,000 deaths and 77,000 injuries have been recorded in the Occupied Palestinian Territory. The statistics paint an alarming reality where innocent and defenceless women and children account for most of the fatalities. The Palestinian people have been experiencing the deliberate prevention of the provision of electricity and limited access to humanitarian supplies, including basics such as water and food. Hospitals and other crucial healthcare infrastructure have been deliberately targeted and rendered non-functional. These actions have resulted in an extreme humanitarian crisis. This is unconscionable. The hostilities must cease immediately. It is a painful reality that the war and humanitarian crisis have resulted in a shattered labour market: virtual destruction of the private sector, job losses of more than half a million jobs, lack of social protection and increasing violation of labour laws, of forced labour, of unpaid work, of informality, of use of barter system and mental health risks both for employers and workers. All the aforementioned are indicators that decent work has been completely disseminated and almost eliminated. The current situation requires the fostering of massive initiatives to rebuild, to create jobs and greatly expand cash transfers. Therefore, Namibia calls for the immediate ceasefire to allow for the reconstruction of activities to commence and for economic activities to resume as the current state of affairs is unacceptable under the watch of the international community. Chairperson, with the robustness and responsiveness of the body of international labour instruments in constantly changing patterns in the world of work, Namibia is confident that the ILO Recommendation No. 205 will provide overall guidance on how employment creation and decent work should be replaced at the forefront of recovery efforts and how to strengthen peace and resilience. Namibia supports the recommendations contained in the DG's report. In conclusion, our call for the two-state solution all along has not been in vain. This is evident in the new momentum within the international communities supporting full Palestinian statehood. A luta continua; a vitória é certa. Thank you.

Mr Alexander Yanez Deleuze

Government (Venezuela (Bolivarian Republic of))

We appreciate and would like to express our thanks for the very valuable report presented by the Director-General on the situation of workers in the occupied Arab territories which sets out the context in an impartial and objective fashion covering the complicated situation of Palestinian and other Arab workers. As the report states, the conflict, violence and tension continue to permeate the world of work in Palestine and have become an integral part of the life of workers. The report also warns us that the situation is most critical in Gaza. Workers in the blockaded enclave are trapped in poverty with few prospects of employment and even fewer opportunities for decent work. Of course we understand that the report was drawn up before the genocide that the occupying power is perpetrating against the Palestinian people. But the tragic circumstances of today oblige us to ask the question is it morally acceptable for the international community to come today to talk about the right of Palestinians to work when they cannot even be guaranteed the right to life? Is it possible to talk about the labour rights of people who are already condemned to death just because they are Palestinians? Mr Chairman, we think that the very significant discussion that we have been called on to enter in today has unfortunately been overtaken by the irrationality of the occupying power. And we could even say that this discussion ceases to make any sense given that negation of the right to exist of the subject that we are talking about is being maintained as policy and as action. We are talking about labour rights in the occupied Arab territories. But in the case of Gaza, the territory essentially does not exist. It has been submitted to the law of scorched earth. And as a result of that, in our view, in the light of the situation on the ground, it seems necessary not just to limit ourselves to talking about labour rights, because these rights at the moment are subordinate to the right to life. Today, where do the Palestinian people work? In what factory? In which market? In which hospital? In which office? Are we talking about labour rights among the ruins, the ashes and the bodies of children, women and men? I repeat we should first be talking about the right to life of Palestinian men, women and children. We should be talking about the right to life of the humanitarian workers who are being indiscriminately bombarded in the course of doing their duty. As our president Nicolás Maduro Moros has constantly stated, we in the Bolivarian Republic of Venezuela continue to stand by the Palestinian people in its struggle and we join our voice to the continuous denunciations of the impunity of the crimes which are being committed there every day by the Western powers. To conclude, we join our voice to the words of the Director-General in the preface to his report: there is indeed no way that there can be social justice under the occupation. And we would add that today the occupation has turned into an exercise of extermination aiming to the elimination of any subject for whom rights could be demanded. Action has to be taken immediately. We are all responsible. We all have to call for and work for peace. Thank you.

Mr Igor Feketija

Government (Slovenia)

Esteemed Chair, Excellencies, colleagues, Slovenia thanks the International Labour Office for the report and adds the following to the statement by the EU, with which it in principle aligns. The plight of Palestinian workers has been a longstanding issue. The events of the past months, particularly following the Hamas attack on October 7 which

Slovenia has condemned, have aggravated an already dire situation and the predicament of the Palestinian workers. Even before the war, as noted in the Director-General's report, Palestinian workers were deprived of their basic rights that should be inalienable. They were denied free access to work. They were denied social security. They were obstructed when seeking justice before the courts of law. They were discriminated against in terms of wages and otherwise, and they were exposed to huge physical and mental health risks. These issues will remain pressing and urgent even once peace is restored. But at a time when countless workers, employers and their families have been displaced, rendered homeless or even killed, it is difficult to talk about labour relations or labour market at all. The devastation brought by the war in Gaza extends far beyond the world of work. The humanitarian situation is beyond words. Famine is spreading from north to south, and the healthcare system is on the brink of complete collapse with a disproportionate impact on civilians and the most vulnerable. Immediate and unhindered assistance is crucial. And with the world's attention focused on Rafah, we must not ignore the conditions elsewhere in Jabalia, Nuseirat, other parts of Gaza as well as the West Bank. Slovenia has been advocating for an immediate ceasefire since the beginning of the war. In the latest course of events, we also condemned the initiation of deadly operations in Rafah and we continue to insist that these actions must cease immediately. All parties must uphold the UN Charter and fully respect international law, including international humanitarian human rights law. There needs to be accountability for all violations and abuses of international humanitarian human rights law. I am pleased to report that on Tuesday this week, two days ago, Slovenia officially recognized the independent and sovereign State of Palestine, becoming the 11th EU country to do so. And we hope that this step, along with the actions of other countries that have recently recognized Palestine, sends another clear message of urgency of ceasefire, peace and political solutions and encourage further international support in that regards. Thank you.

Mr Francisco Carvajal

Government (Chile)

Chile would like to thank the Director-General for his report on the situation of workers in the occupied Arab territories which tells us about a grave and persistent crisis characterized by violence, the displacement of a population and the deterioration of the economic situation and the working situation of Palestinian workers and their families. Faced with the aggravation of this crisis, the Chilean Government makes an urgent call for international action to restore social justice, decent work and the labour rights of the Palestinian people. Chile maintains its historical position on a peaceful solution to controversies and conflicts, promoting the two-state solution and the right of Israel and Palestine to live in peace, in safe frontiers recognized internationally, with full respect for human rights. Chile has unequivocally condemned the terrorist actions of Hamas, calling for immediate and unconditional release of the people that have been taken hostage. We equally categorically reject the violent actions perpetrated against the civilian Palestinian population, particularly women and children, and we express our profound concern about the military operation in Gaza. My government reiterates that the exercise of force in the framework of the legitimate defence of a State has to be guided by the principles of proportionality, discrimination and caution, established by international humanitarian law. In this context, Chile calls on the international community to work in the multilateral system to face up to this crisis, calling for an immediate cease of hostilities in Gaza, and we call on the parties to respect international

humanitarian law. In particular, Israel should comply with the provisional measures required by the International Court of Justice. Chile values the actions that have been engaged in by the ILO and various United Nations agencies as part of the emergency response plan. We also entirely agree with the Director-General's report that social justice is an essential condition to achieve lasting and universal peace. From the multilateral system, we would promote collective actions to find responses together which will provide for prosperity for workers and their families. Given that, it is essential to continue implementing coordinated measures with other agencies from the United Nations systems to respond to this humanitarian crisis in its various dimensions. We express our thanks for the efforts carried out to find a lasting solution to this crisis. In the framework of the upcoming Second World Summit for Social Development in 2025, we would call for a renovation of the social contract which will make possible the advance of social justice in our societies. Thank you.

Mr Ortelio Palacio Cuesta

Worker (Brazil)

Director-General of the ILO, Gilbert Houngbo, on behalf of our delegate Miguel Torres, the President of Força Sindical, and on behalf of the other union organizations of Brazil, we congratulate you on your significant report on the situation of workers in the occupied Arab territories. We are of the view that hate, the persecution of a people, the humanitarian disaster in Gaza and the genocide against the Palestinian people are incompatible with the development of humanity. We agree with you, Director-General, that these developments are incompatible with the fundamental standards and principles of the International Labour Organization. We, the Brazilian workers, absolutely reject the genocide, violence, persecution and the inhumane actions perpetrated against the Palestinian people. We also call for and demand the immediate and unconditional liberation of the hostages who have been taken to Gaza where they are being held, we presume also in inhumane conditions. We make an urgent call to the United Nations and to the international community to make every effort necessary to stop this massacre so that the massacre comes to an end, the massacre of the Palestinian people. Mr Director-General, we absolutely have to have a diplomatic solution and immediate recognition of the Palestinian State with its inalienable right to sustainable development and to live in peace with all other States and countries of the world. We, the majority of people of good judgement, have to struggle and work indefatigably for peace, for decent work, for sustainable development, for social justice and for peaceful and harmonious coexistence between peoples. Ladies and gentlemen, Director, President, it is not possible to let this small number of destructive people prevail. The peaceful people are the majority. Let us recall history. The ILO was founded after the disaster of the First World War, and the UN was created after the disaster of the Second World War. And in the course of the 21st century, now humanity is still threatened by the same destructive minds. That is what we cannot allow to happen, Mr Director-General. This conference should be turned into a cry for peace in the world. Thank you very much.

Mr Per Olav Skurdal Hopsø

Government (Norway)

President, Director-General, ministers, representatives of workers and employers, representatives from Palestine and Israel. The international community is faced with tremendous challenges in addressing the developments in the Middle East and the war between Israel and Hamas. Norway has condemned Hamas' heinous terrorist attacks in the strongest possible terms and called for the immediate and unconditional release of all the hostages. We have repeatedly called for a ceasefire in Gaza, demanded unhindered humanitarian access and have issued a strong warning to Israel to refrain from a military operation in Rafah. We are appalled that yet another school in Gaza has been bombed and that many civilians have once again been killed. We welcome the efforts for a comprehensive and lasting ceasefire in Gaza presented by President Biden. We encourage all parties to negotiate and implement in good faith. The ILO assessment is that the Palestinian unemployment rate has ascended to 57% during the first quarter of 2024. A loss of more than 500,000 jobs in Gaza and the West Bank sheds light on the socio-economic impacts on the State of Palestine. Unemployment in Palestine is high and the daily income loss is so grave that we see an economic and social crisis. The lack of food, electricity, water, medicines and healthcare is a disaster for the people of Gaza. Businesses have been destroyed, the population is starving. The Norwegian Government announced on 22nd May that Norway will recognize Palestine as a State, in effect from 28th May. This highlights the long-held Norwegian position that a lasting solution to the conflict in the Middle East can only be achieved through a two-state solution. Mr President, we would like to thank the ILO for their important work on the very challenging circumstances in Palestine. We believe that it is crucial that the ILO continues its efforts in order to respond to immediate needs and calls for urgent assistance from workers and employers in Palestine. To conclude, Mr President, the dire situation for Palestine tells us that the suffering will not end when the war finally does. The long-term contributor to the ILO's unearmarked, voluntary funding modality, the RBSA, we value how the RBSA allows the ILO to respond quickly to rapidly changing contexts such as the ones we see in Gaza today. Thank you, Mr President.

Mr Noel White

Government (Ireland)

President and distinguished guests, Ireland aligns with the statement by the EU earlier today. I want to thank the Director-General, Mr President, for his report. We are, of course, disappointed that Israel would not accommodate the annual ILO mission, and I want to acknowledge the efforts that the Office has made to gather the data presented. Ireland calls on Israel to facilitate future ILO missions so that the Organization can properly carry out its mandate. As is noted in the Director-General's report, prior to the Israeli military operations in the Gaza Strip, the labour situation was already challenging. But since then, of course, the labour market has collapsed and labour rights have been decimated. The negative consequences have devastated workers' rights, including those set out in the international labour standards. At a time when we are discussing the fundamental principles and rights at work and social justice, labour standards in the Gaza Strip have fallen to the lowest point and social justice is but a distant hope as workers and employers struggle for very survival. The ILO and its constituents will be vital to restoring decent work and social justice, in rebuilding labour standards in the

Occupied Palestinian Territory. Ireland supports the Director-General in his recommendations that Israel should consider reopening its labour market to Palestinian workers. As stated, it is essential that trust is rebuilt to the benefit of both sides. Ireland calls also, Chairman, for an immediate and sustainable ceasefire, a massive scale-up of humanitarian aid entering the Gaza Strip, reaching those who need it most, and for the unconditional release of all hostages. Ireland reiterates that the protection of civilians must be paramount. It is an obligation under international humanitarian law, and it is essential that there is accountability for civilian deaths. Ireland urges Israel to comply with the provisional measures made by the International Court of Justice. President, in conclusion, the Declaration of Philadelphia asserts that lasting peace can be established only if it is based on social justice. We must now work with renewed vigour to achieve it. Thank you.

Mr Jérôme Bonnafont

Government (France)

Mr President, France aligns itself with the statement made by the EU, by the Belgian presidency, and thanks the Office for its report which draws attention to the dramatic situation which Palestinian workers in Gaza, the West Bank and East Jerusalem are living in. And in doing so, it places our organization before its responsibilities. The current tragedy must be placed into context. France reiterates its condemnation in the strongest terms of the terrorist attacks of Hamas and other terrorist groups against Israel on the 7th October and calls for the immediate release, without exception or condition, of all hostages, a point which should require no discussion. The legitimate right of Israel to defend itself to ensure its security is one that Israel should exercise while respecting international humanitarian law, as should all parties. France is very concerned by the ongoing humanitarian crisis in the Gaza Strip. Given the scope of this tragedy, France calls, and has done for a number of weeks already, for an immediate and sustainable ceasefire which would allow for the protection which the civilian population needs. Given the urgency of the humanitarian situation, it is essential to ensure safe transit and unhindered distribution of humanitarian aid. International humanitarian law must be respected. Given the indescribable suffering of Palestinians in Gaza, France is fully mobilized with international organizations and its partners in the region to provide the necessary humanitarian aid to them. When speaking of workers, France is aware of the devastating impact of the conflict, of the destruction, deprivations, the violence, the deaths and the end of all economic activity and the forcible unemployment of workers in Gaza as well as those in the West Bank who are working in Israel. France welcomes the commitment of the ILO, and in particular that of its agents who have been working tirelessly to provide immediate aid to workers and their families, to follow as closely as possible the impact of the crisis on the labour market, employment and businesses. Furthermore, we support the efforts of looking to the future and preparing for the day after, looking to the conditions for reconstruction based on international labour standards and decent work within the framework of the emergency response programme. The situation of workers in the Occupied Palestinian Territory cannot be considered without bearing in mind the urgent need for peace and for a political solution with regional and international partners, including the United Nations Security Council. France is mobilized on the diplomatic level to achieve a sustainable political solution to the Israeli-Palestinian conflict which gives each of these peoples, Israeli and Palestinian, the benefit of all their legitimate rights on the basis of the two-state solution. Thank you.

Ms Aïssatou Abdoulaye Tondi

Government (Niger)

Niger would like to thank the Director-General for organizing this special session and for his report on the situation of workers of the occupied Arab territories. My delegation is appalled by the content of this report. It is an affront to our humanity and it calls upon a collective conscience. Our organization, the mandate of which is to promote social justice both in peacetime as well as during war, is therefore acting within its mandate by taking up this matter. And as the Director-General has said, social justice is incompatible with the occupation, an occupation that is taking place through an air and land blockade, transforming Palestine into an open-air prison with restrictions on the freedom to come and go, humiliation, suffering, physical violence and daily killings, the enslavement of women, men and the children of Palestine, as well as the destruction of vital infrastructure such as schools, hospitals, businesses and homes. For today and for tomorrow, this occupation and its dehumanizing consequences, including the violation of international law, international humanitarian law, international human rights law, the violations of ILO Conventions and destruction, devastation and massacres that are still ongoing in Gaza, we must say that it is only the occupying power that is responsible for this. Such a situation must end immediately and give rise to a permanent ceasefire in order to give hope to rebuilding the labour market and implementing the Decent Work Agenda and providing a lasting and definitive solution to the conflict. To that end, Niger calls on all ILO constituents to implement or to contribute to implementing the recommendations contained in the Report of the Director-General. Niger also calls on the Israeli authorities to provide unhindered access to the ILO team so that they can provide adequate assistance to the Palestinian people. Finally, Niger expresses its profound solidarity with the State and people of Palestine. Thank you.

Mr Simon Manley

Government (United Kingdom)

The UK, like so many others in this hall today, wants to bring the conflict in Gaza to a sustainable end as quickly as possible. We are shocked by the sheer scale of the loss of lives and livelihoods of both Israelis and Palestinians. Back on the 7th of October last year Israel suffered the deadliest terrorist attack in its history, and almost 250 days later and Hamas continues to hold countless hostages. In Gaza, as we all know, the situation is desperate. Palestinian civilians face a devastating and growing humanitarian crisis. We again urge Israel to let humanitarian aid enter Gaza through all available crossings, including Rafah. Mr Chair, the UK is grateful to the Director-General and all the staff of the ILO for their vital engagement. In particular, we commend the ILO staff who have been working tirelessly to implement the emergency response programme under the most extraordinarily challenging circumstances. And we of course regret, like others, that the annual mission could not take place in its usual format. Both Palestinian and Israeli labour markets have been affected by this crisis. The absence of a functioning labour market in Gaza, rising rates of unemployment and the effects on vulnerable workers, not least women and those with disabilities, is of course particularly concerning. This has only been compounded by the destruction of businesses. Chair, colleagues, if we are to stop the loss of life and allow the rebuilding of the labour market in both the West Bank and Gaza, the fighting needs to stop now. The fastest way to end

the conflict is to secure a deal which gets the hostages out and allows for a pause in the fighting in Gaza. We must then all work together to turn that pause into a sustainable, permanent ceasefire. Chair, the UK supports an irreversible two-state solution that guarantees security and prosperity and stability for both the Israeli and Palestinian peoples. The UK has offered support to the Palestinian Authority to implement much needed reforms, and we encourage labour and social policy reforms to be resumed at the appropriate time. An effective Palestinian Authority is vital for lasting peace and progress towards a two-state solution. But just as the Palestinian Authority must act, so must Israel. That means releasing frozen funds, halting settlement expansion and holding to account those responsible for extremist settler violence. The UK has already moved to ban those responsible for violence in the West Bank from entering our country and announced new sanction designations against four extremist Israeli settlers. So, Chair, in closing, let us join together today in this hall at this conference to renew our collective commitment to end the suffering, end the violence and reach a long-term solution to this crisis. It is well beyond time for it to end. Thank you.

Ms Milexsy Guizado Faez

Worker (Cuba)

Director-General, delegates, Chair, on behalf of the Workers Central Union of Cuba, its national trade unions and Cuban workers, we wish to thank the organizers of the 112th International Labour Conference for the opportunity to express solidarity and full support to our Palestinian brothers and sisters. The world of work is facing an increasing number of challenges in the Arab region. They can only be addressed and resolved by means of joint efforts and alliances that are multilateral. The Global Coalition for Social Justice is an initiative that recognizes the importance of pooling efforts in order to achieve a more socially just world. Chair, the ILO has the constitutional duty to step up action to put an end to the illegal Israeli occupation of the Palestinian territories and to free all hostages. We demand peace and justice for the Palestinian people and urge all those here present to express their firm opposition to the brutal, excessive and disproportionate Israeli aggression. Indeed, it has caused the death and suffering of thousands of innocent people, mainly women, children, healthcare and humanitarian personnel. Cuban workers condemn extreme violence against the Palestinian people and demand that the Israeli Government listens to the international community's call for a ceasefire. We reiterate our belief in the urgency of a far-reaching, just and long-lasting solution to this conflict so as to guarantee self-determination for the Palestinian people. It is time to act and join the fight, to mobilize international public opinion and join people of good faith from across the globe to put an end to 75 years of exile, occupation and conflict which has caused the loss of means of subsistence and jobs in Gaza and the West Bank, which has damaged both workers and their families. We demand that there be unity, that we unite to reflect and mainly take strong action. There is nothing to justify the fact that Israel may continue violating all the resolutions in place and the demands of most nations. It is unacceptable to remain passive in the face of such barbarity in the middle of the 21st century. If we remain silent, then we are complicit with genocide and crimes against humanity. Thank you.

Ms Nadzirah Osman
Government (Malaysia)

Malaysia takes note of the Director-General's report on the dire situation of workers of the occupied Arab territories. It is deeply regrettable that the ILO report yet again illustrates the solemn truth of the precarious situation of the Palestinian people. The Israeli regime's relentless, merciless and deliberate genocidal actions against the Palestinians violates the ruling by the International Court of Justice and has brought unimaginable destruction that led the already fragile Palestinian labour market to further collapse. The international community must hold Israel accountable for its actions and ensure that the rights of Palestinian workers are respected. Palestinian workers deserve to enjoy the same rights as everyone else, as provided by the international labour standards and ILO fundamental principles. Mr Chair, given the severe depletion of resource due to the war, the international community's support in this regard is utmost crucial to rebuild and enhance the Palestinian economy's human capital. Without this support, the long-term recovery and sustainable development of a self-sufficient Palestinian labour market will remain unattainable. To this end, Malaysia calls for the National Employment Strategy 2021-2025 to be reviewed to accommodate new needs in the Palestinian labour market following the devastation in Gaza and its impact on the West Bank. Malaysia earnestly hopes that the ILO will continue to support reinforcing the Decent Work Agenda and social justice for all Palestinians during this critical time, albeit facing unprecedented challenges and constraints due to the unrelenting attacks and severely deteriorating situation. Malaysia also call on new and renewed funding from donors to sustain the ILO's activities in the Occupied Palestinian Territory to yield positive outcomes towards the enhancement of employment and livelihood opportunities for Palestinian workers and their families. Mr Chair, Malaysia supports Palestine's commitment to have close cooperation with the ILO in various initiatives and believes that this will pave the way forward in strengthening Palestine's national capacities. Malaysia firmly believes that development cooperation, technical assistance and capacity-building provided by the ILO and international partners remain crucial and should continue to be strengthened to mitigate and assist the Palestinian labour sector. However, these efforts can only succeed with an immediate cessation of hostilities and a permanent ceasefire. Chair, Malaysia reiterates its unwavering support for the establishment of an independent and sovereign State of Palestine based on pre-1967 borders with East Jerusalem as its capital as well as the admission of Palestine as a full member of the United Nations. To conclude, Chair, Malaysia supports the concluding observations and recommendations stated in Paragraphs 172 to 189 of the Director-General's report. I thank you, Chair.

Mr Nasser Abdulaziz Aljaryad

Worker (Saudi Arabia)

In the name of God, the Merciful, the Compassionate. His Excellency the President of the Conference, Your Excellency Director-General, ladies and gentlemen. On behalf of the coordinating council of labour unions and committees in the Gulf Cooperation Council, I am pleased to praise the report of the Director-General of the International Labour Organization on the situation of workers in the occupied Arab territories which highlighted the suffering of Palestinian workers under the Israeli occupation. We also appreciate the Organization's efforts to support Palestinian workers and call for making every possible effort to improve their situation. We strongly condemn the Israeli

occupation forces' continued crimes against Palestinian workers and people, which constitute a flagrant violation of international humanitarian law. We call on the international community to assume its responsibilities to stop these violations against the Palestinian civilians and workers. Ladies and gentlemen, the coordinating council of labour unions and committees in the Gulf Cooperation expresses its rejection and condemnation of the heinous crimes committed and being committed by the Israeli occupation forces against our fellow workers and the people of Palestine in Gaza, including the horrific massacres targeting civilians, which is a crime against humanity. These horrific crimes have led to the martyrdom of thousands of civilians, including children, the elderly, women and many others wounded and injured. While the council rejects attacks on peaceful civilians in any form, it affirms the condemnation of these brutal attacks on hospitals and health facilities which are a flagrant violation of all international laws and norms including international humanitarian law. It also expresses its condemnation of the Israeli occupation's failure to stop its continued attack against civilians, despite many international appeals. The council calls for lifting the siege on our brothers in Gaza, protecting its workers and evacuating the injured in response to the distress calls launched by countries and organizations to deliver food and medicine to civilians besieged in Gaza and to adhere to international laws and norms, international humanitarian law, the Arab Peace Initiative and the relevant resolutions of the Security Council and the United Nations General Assembly. The council affirms its solidarity and full support with the people and workers of dear Palestine in their great hour of need in the face of the heinous crimes against the people of Gaza. At the same time it extends its sincere condolences and sympathy to the families of the victims and the injured, asking the Almighty's mercy for the martyrs, and may they rest in peace, and solace to their families. Finally, the ILO, which has its long history and firm commitment to workers' rights, is able to play the pivotal role in addressing this challenge by strengthening, monitoring an inspection mechanism, providing technical assistance and training to workers and trade unions, and cooperating with international partners. The Organization can contribute significantly to improving the situation of workers in the occupied Arab territories. We call on the international community to assume its moral and legal responsibilities towards workers in the occupied Arab territories. We must all work together to ensure that the rights of these workers are respected and they are protected from exploitation and discrimination. In conclusion, I would like to emphasize that achieving just and comprehensive and lasting peace in the region will not be achieved without guaranteeing the rights of the workers in the occupied Arab territories. It is a basic human right and it is a basic condition for achieving development and sustainable peace. Thank you.

Mr Jorge Bermúdez

Worker (Uruguay)

Chair, we have taken note of the report that was presented by the Director-General of this conference and we express our great concern because it contains information about the fact that the State of Israel has refused to receive the annual mission of the ILO. This has prevented this mission to enter in direct contact with the situation in the West Bank, in Gaza, Israel and the Syrian Golan Heights. The situation is generating a situation in which this long-term conflict has been relaunched due to a terrorist attack and the hostage taking by Hamas last October. Then there was the indiscriminate military response by the State of Israel which means that the civil population of Palestine is suffering greatly. The workers of Uruguay demand the following. An immediate stop

to the massacre committed by the State of Israel by means of its armed forces, because it is attacking the Palestinian people, mainly women and children. Two, the immediate release by Hamas of the Israeli hostages. Three, a stop to the support by the United States who aim to protect their military and economic interests in the region and for whom the State of Israel is its main ally. Four, the United Nations must take the lead to demand the ceasefire in the region in order to reopen the route to dialogue and to find a final solution to this conflict. And five, the full respect of the right to self-determination of all peoples. In this case it means that we need to defend the right of the Palestinian people to construct a free and sovereign State. The PIT-CNT shares the thoughts of the Director-General in his report when he says that social justice and occupation are not compatible. Occupation must end. Moreover, the solution to this long-lasting conflict must be based on the constitution of a two-state solution, Israel and Palestine, who may coexist in peace and in security. There is no other alternative possible. Chair, to uphold the ILO's precepts of social justice and decent work, it is necessary to urgently put an end to the violent conflicts in the world today as well as those who are in the making and to prevent the environmental disaster that is currently threatening human life on the planet. Thank you very much.

Mr João Barreiros

Worker (Portugal)

Thank you, Chair. The CGTP-IN in Portugal has always held solidarity with the Palestinian cause. This is not a debate about what has happened over the past eight months. It is a debate about the important report about what is going on year after year and the consequences of decades of brutal Israeli occupation. The report talks of the consequences of the occupation and the non-opening to access to the occupied territories. The consequence of the aggression of Israel against Gaza has caused over 35,000 deaths, as the Secretary-General of the United Nations has said, and there is no comparison to this. We denounce the genocide that is ongoing. We cannot ignore decades of oppression and violence that the Palestinian population is undergoing. The report of last year spoke about high unemployment levels, but today we are talking about Israeli bombs that are destroying lives, their futures and also practically all employment in Gaza. Moreover, there is a policy of apartheid which is imposing high levels of unemployment to the Palestinian workers in Israel and that stops them from going home. They are humiliating and discriminating against the Palestinian people, and this is also written in the report. In the West Bank too there is an increase of aggressive military action, violence and persecution, humiliation and the destruction of jobs, which is increasing. We cannot ignore the military support, financial support and political support of the United States and its allies. Portugal, 50 years ago, freed itself from a fascist dictatorship and from colonial wars. It created its constitution and gave the people the right to self-determination and independence. We believe in the abolition of imperialism, colonialism and all forms of aggression and the exploitation of the different peoples. Unfortunately, different governments in my country have not put enough effort into stopping the brutal aggression against Palestine. We now demand a ceasefire and long-lasting peace and the recognition by Portugal of the State of Palestine. We believe that, thanks to solidarity and the support of the ILO, we will be able to achieve peace in Palestine and there will be a free Palestine which is independent and sovereign and it will be a full-right member of this house. Thank you.

Ms Deirdre O'Connor

Worker (Ireland)

Mr President, it is an honour to speak to this 44th Report of the Director-General on the situation of workers of the occupied Arab territories on behalf of the workers of Ireland. It is crucial that this house, so committed to social justice, retains a focus on what is happening in the occupied territories, especially at a time which the report correctly calls a catastrophic situation. Since the horrific attacks by Hamas on October the 7th, the Israeli response had killed more than 36,000 Palestinians in Gaza, including women and children, injured and maimed thousands more and traumatized the whole population. The education and health sectors are destroyed and livelihoods are shattered. Unemployment is at an all-time high. All of this is imposed on a population that has been subjected to a 17-year blockade by land, air and sea. Over the years, reports of the DG have noted how laws applied in the West Bank and East Jerusalem systematically discriminate against Palestinians. This is clearly a system of apartheid, as human rights groups, including in Israel itself, have concluded. The report draws attention to the international law context of the situation, including unprecedented rulings by the ICJ that Israel has a prima facie case to answer under the Genocide Convention. Further rulings have since been issued calling on Israel to halt the attacks on Rafah, and applications for arrest warrants have been filed at the ICC. All have been ignored by the Government of Israel. Mr President, in a very welcome move, our government recently recognized the State of Palestine, an important affirmation of the Palestinian people's right to self-determination and sovereignty. We also welcome our government's request, with the Government of Spain, for a review of the EU-Israel Association Agreement and the decision of the EU to convene a meeting of the EU-Israel Association Council to assess compliance with its human rights obligations. Trade with Israeli settlements, which we have now formally declared to be part of the Palestinian State, must now stop and our government must reconsider its position on the Occupied Territories Bill. Failure by the international community to impose sanctions has created Israeli ability to act with impunity and led to this catastrophic situation. We now urge the Irish Government to take leadership on sanctions. Failure to do so will see the continuation of Israel's impunity. Thank you.

Mr Mohammed Alobaidli

Gulf Cooperation Council

In the name of God, the Merciful and Compassionate. Distinguished Director-General of the ILO, Excellencies, ladies and gentlemen, participants, may God's peace be upon you. On behalf of the countries of the Gulf Cooperation Council, the UAE, Bahrain, Saudi Arabia, the Sultanate of Oman, the State of Qatar and Kuwait, on behalf of all of these countries I would like to express my gratitude to the ILO for preparing this excellent document, particularly after having received the confirmation that the occupying authorities prohibited the ILO mission from carrying out its duty. Ladies and gentlemen, we need more than just a few words to express our disappointment regarding the deteriorating humanitarian situation, in particular the situation of workers and the destruction of livelihoods and entire lives in the Gaza Strip. This is obviously something that can make us lose all faith in international institutions. Social justice, which was emphasized in the Report of the Director-General, is incompatible with the occupation which destroys livelihoods and which has been carried out by the

destructive machinery of the Israeli army and which prevents all development from taking place. These actions are not sustainable. That is what the Director-General said in his report. He said that the period covered by the report is the most difficult period experienced by the occupied Arab territories since 1967. This is why we need more consultation and cooperation between different regions of the world to bring an end to this situation and to consolidate stability and peace and to move progressively towards development and growth. This has been going on for decades now, and we must call upon the international community so that we are mobilized and we stand together with the Occupied Palestinian Territory. This is how we can deal with the situation, otherwise the situation will not improve. We have seen the successive wars that Gaza has experienced over past decades, and we are waking up too late, unfortunately. We can see that there are a number of threats occurring at the moment, and we must save human life and bring an end to this war and mitigate the humanitarian crisis which has been worsened by the war so that international organizations can first assess the humanitarian situation and then work to establish a situation of lasting and fair peace. It is vital to demand that the occupying authorities respect all labour standards in the occupied Arab territories, particularly those linked to the fundamental principles and rights at work and to ensure a dignified life. Thirdly, we call upon the ILO and its relevant mechanisms to demand that the occupying authorities respect its Conventions. And we would like the Governing Body, during its next session, to inform us of the implementation of the recommendations in the report. And we demand that the occupying authorities comply with different international decisions and recommendations, including those taken by the General Assembly and the Security Council, and this will help us to implement ILO decisions. And compensation must be paid to Palestinian workers who have been dismissed from their work, including those people who have been displaced in Gaza. Thank you. And I would also like to commend the work of the relevant mission. Thank you.

Mr Stephen Russell

Worker (United Kingdom)

We welcome the ILO's report and the clear recognition that the past months have been disastrous for Palestinian workers. Last week the Trades Union Congress' General Council issued a new statement which I have been asked to share. It called again, *inter alia*, for an immediate, permanent ceasefire and the release of all hostages unharmed. We unequivocally condemned the attacks by Hamas on 7th of October and called for the respect of international law. Thousands of Palestinians have been killed or injured through Israeli military operations. Public infrastructure, including hospitals and schools, has been targeted. Workers, including journalists, health and aid workers, have been killed while doing their jobs. Famine is rife in northern Gaza and is spreading. Children are dying. The ICC has accused leaders in the Israeli Government and Hamas of alleged war crimes and the Israeli Government of using starvation as a weapon of war, prohibited under the Rome Statute. The Israeli Government must allow UNRWA to continue providing humanitarian aid across Gaza. The ICJ has issued binding provisional measures which include that Israel takes all measures within its power to prevent acts prohibited by the Genocide Convention and that it takes immediate and effective measures to enable humanitarian relief for Gaza and to immediately halt its military offensive in Rafah. States have obligations to prevent and punish the crime of genocide and crimes against humanity. We condemn also the increase in settler violence and expansion of settlements in the occupied West Bank. We have asked our government

to, and I list, call for an immediate, permanent ceasefire; enable prompt, effective access to humanitarian aid with funding to UNRWA resumed; work to secure the safe release of all hostages unharmed; work with the international community to ensure that international law is upheld and applied consistently, including ending the occupation of Palestinian territory; insist that Israel complies in full with the measures issued by the ICJ; take action to ensure that it is not complicit in any war crimes; stop direct arms sales to Israel, along with all collaboration between our armed forces, and encourage partner governments to do the same while working with unions in our defence sector to protect our wider defence alliances and partnerships in order to support jobs in communities that will be impacted by any action; recognize the State of Palestine; ensure that decent work and quality public services are prioritized in the rebuilding of Gaza; halt trade talks with Israel and ban the UK's trade in settlement goods; and protect the right to peaceful protest in solidarity with the Palestinian people. There must be a just, lasting and comprehensive peace that is consistent with international law and is based on a two-state solution and which promotes equality, democracy and respect for human and labour rights. We stand with the millions peacefully protesting, including in Israel, for a ceasefire and for democracy and human rights everywhere. Thank you.

Ms Francisca Elizabeth Méndez Escobar

Government (Mexico)

Mexico is sorry about the occurrences in Gaza. Over 36,000 people have died and many have been injured, including women and children, and millions have been displaced. The hostilities in the Occupied Palestinian Territory and the indiscriminate attacks against the civil population must be stopped immediately because they are a violation of international law. This has also been dictated by the International Court of Justice. Restrictions must also be lifted for the movement of goods and of people to protect the population of Gaza and allow them means of subsistence. Moreover, the permanent opening of the borders through which humanitarian aid can pass must be guaranteed. There is a serious crisis that is ongoing at the moment that is having a severe impact on the labour market in Palestine, and this is impacting the workers and their families. There is also a loss of practically all jobs in Palestine, including in the Gaza Strip. The ILO was unable to send its mission. And we demand that the workers' rights be defended as well as the employers' rights as fast as possible, indeed immediately. The three different stages in the report have been described, and we demand that a solution be found so that jobs be found again. The coordination of the humanitarian action and other players must be guaranteed in order to preserve the security of workers as well as that of the ILO workers who are in the territory. There is terrorism and violent extremism in all forms that must be prevented, and we demand the immediate release of all hostages. Israel must also act in full respect of international law. The basic principles of international law must be respected and the causes of the conflict must be analysed. We will continue witnessing such cycles of violence and destruction unless the root causes are addressed. A full solution to the conflict must be found that will put an end to the occupation and ensure the security of the populations in both Israel and Palestine, ensure that economic subsistence is ensured, and this must be done in respect of the resolutions of the UN. Thank you very much.

Mr Tuur Elzinga

Worker (Netherlands)

Social justice and occupation are incompatible. The occupation of the Arab territories must end, and a solution of two States, Israel and Palestine, living side by side in peace and security must be pursued with renewed vigour. There is no alternative. One can only agree with these words of the Director-General as we have no words for the catastrophic humanitarian situation in Gaza and its disproportionate effect on civilians, in particular children, with already tens of thousands of victims. We call for an immediate and permanent ceasefire and full compliance with international law, with the aim of a lasting peace. Resolution 2728 of the UN Security Council calling for a ceasefire must be respected. All hostages held by Hamas following the terror attack of October 7th must be released unconditionally. Due judicial process that conforms with international law must be established for detained Palestinians. All workers, including Palestinian and migrant workers, who are currently trapped due to the conflict must be free to return home. We call for compensation for the more than 10,000 Palestinian workers who lost their jobs overnight in Israel after October 7th. We strongly condemn Israel's intention to declare UNRWA a terrorist organization. On the contrary, it is an internationally respected UN relief organization for over one million Palestinians. Already more than 170 staff members of the organization have lost their lives due to military violence. Therefore, we call upon governments to maintain and increase their support as UNRWA fulfils a crucial role in the aid and support given to the Palestinian people. As stated in the DG's report on the occupied territories, prior to the war Gaza already did not have many jobs to offer. Deprivation was already dominant. What was left lays in rubble. Jobs and labour rights seem like a luxury between destruction, displacement, killing and hunger. The only words I have left are cease fire now.

Ms Cathy Feingold

Worker (United States)

Mr President, I want to thank the Director-General for creating this important space for dialogue. The AFL-CIO, the American union federation representing 12.5 million workers, joins the global community in expressing our deep concern regarding the crisis in Gaza, including the indiscriminate targeting of innocent workers and their families, the majority of whom are children. While we have repeatedly condemned the October 7th attacks by Hamas, we continue to mourn the senseless and tragic loss of tens of thousands of Palestinian lives during this crisis. We join the global labour movement in demanding an immediate ceasefire and the release of all hostages. The humanitarian crisis in Gaza is cruel, unjustified and must end now. We also support the global labour movement's call for the release of all the hostages as well as others held without judicial process, the creation of a humanitarian corridor, support for the continued work of the ILO, and we call on Israel to open the crossing to allow for the safe passage of desperately needed shelter, food, medicine and other humanitarian assistance to defenceless workers in Gaza. I echo the words of ITUC General-Secretary, Luc Triangle, during the recent global union delegation to Palestine, "Trade unions are part of the global peace movement. We stand for peace alongside such important values as democracy and humanity." Our stance is deeply rooted in the core principles of the American labour movement and the global labour movement. We fight for social and economic justice for all workers. We stand for peace and we stand up for the rights of

the oppressed and all working people around the world. However, as the Director-General's report notes, this is impossible under war and occupation. We dedicate ourselves to overcome oppression and cruelty in all their forms. We resolve to fulfil the yearning of the human spirit for liberty, justice and community. We stand by the International Trade Union Confederation's long-standing positions against illegal occupation in favour of a just and durable peace through the full implementation of UN Security Council resolutions. We reaffirm and strongly express our support for a two-state solution for long-term peace and security. The global community must act with urgency to ensure a hopeful and just future for all working people and their families. Ceasefire now.

Mr Hassan Fakhri

Worker (Lebanon)

Distinguished President of the Conference, Director-General, distinguished ladies and gentlemen, no social justice can be achieved under occupation. And I begin with what was said by His Excellency the Director-General in his report. If occupation is the worst form of oppression, what about an occupation that has lasted more than 70 years, which is the occupation of Palestine by Israel? As I come from Lebanon, a country that has suffered and continues to suffer from the Israeli aggression and occupation, unwarranted, illegal and heinous, we wanted to take the Director-General to see in his own eyes the affected areas. However, we welcome the resistance and all the free forces that stand by the freedom of people against occupation. The ILO, on the basis of its constitution and its principles, is required to provide more than one emergency programme to redress the effect of the aggression. It is also required to deal with the roots of the problem, which is the occupation. It is required to reflect this in all its activities, resolutions and texts until the occupation is withdrawn and democracy and legality is restored. The south of Lebanon, which suffers the destruction of its infrastructure, its fields, its crops, its fruits, when they have used cluster bombs, all sorts of burning bombs and the demolition of their homes and their fields and their livelihoods, today they have nothing. Today we ask everybody to stand in solidarity with the martyrs of Palestine, Lebanon and Syria in order to push back this aggression and this brutal occupation. We hope that our voice today will be heard. Ceasefire now and restoration of rights.

Mr Abdou Idrees

Employer (Palestine)

Greetings from Palestine. Distinguished ladies and gentlemen, President of the Conference, Director-General, heads of delegations and members of delegations, warm greetings from Palestine, and we wish this conference every success. We seize this opportunity to extend our deep thanks to all the free thinkers in the world, to all the trade unions, to all the civil society, to the governments who have refused to accept this aggression on the Palestinian people, to the ILO and its sectors. And we hope that the Report of the Director-General will be translated into concrete actions on the ground to improve the situation of the workers in Palestine and to put an end to the inhumane practices of the Israeli army. We hope that, on the basis of the international legality. As Palestinian people, we have the right to enjoy freedom and independence, to have the right of movement, the liberty of expression. 70% of the land of Palestine is separated

by the heinous wall which disrupts trade and work and progress as well as what is called Area C. And this Area C contains the majority of the natural resources of Palestine as well as the possibility of having an industrial area to create job opportunities for the youth and for the future. Today the genocide against the Palestinian people has entered its ninth month. 120,000, the majority of them children and women, have died. Moreover, no need to mention the demolition of hospitals, schools, homes, infrastructure, factories. I believe 70%, according to the latest statistics, have been completely destroyed in the private sector in Gaza by the Israeli army. And moreover, we must not forget what is taking place in the West Bank. Since before the war, and since the 7th of the October, and before that, there have always been incursions and deprivation of the Palestinian people of enjoying secure employment. And we in Palestine suffer daily aggressions everywhere in the West Bank against our people in Palestine by the Israeli occupation forces. Confiscation of land, confiscation of finances, confiscation of resources, withholding of the taxes that are accrued for the Palestinians which Israel is withholding and depriving the Palestinians from it, which is causing dire need. Israel, being the occupation force, does not allow the workers' and employers' organizations to work in peace, does not allow them to progress, and there are millions of dollars. More than 500,000 employee is not workers (sic). Unemployment has reached 45%, plus the destruction of all the enterprises. Today we are sure that we are facing an economic catastrophe. Today we call for immediate ceasefire. We call for the cessation of this war and aggression against the Palestinian people. We call for the non-use of starvation against a peaceful civilian population. And we call for you to call for the due process to take place as far as supporting and being in solidarity with Palestine. How many more people need to die before we can all say our word to stop the war? Every day we are losing women, children, workers. The Palestinian people are one of the most peace-loving people and sustainable development is their desire. However, we need this war to stop. We need this aggression to stop. We need to sign a peace treaty. I believe that I can speak on behalf of the Palestinian workers and say we need peace today. We need this aggression to stop today. The United Nations, the ILO, the OHCHR, they all need to work in earnest to realize the social justice that they speak of and to allow the Palestinian people to enjoy their human rights, their economic rights, their right to life, the children's right for a good childhood. Thank you.

Mr Tawfik El Abbar

Employer (Libya)

Chair, as a representative of the Chamber of Commerce and Industry of Libya, I would like to thank the Director-General for his report on the situation of workers in the occupied Arab territories. This report reflects the bitter reality of workers in Palestine and in the occupied Arab territories. This report highlights the continued escalation of violence and the collapse of the labour market and of livelihoods in Gaza and in the West Bank. This continued offensive has caused an economic, social and humanitarian crisis that has paralysed all aspects of economic life in the country. We condemn the gross human rights violations and violations of international humanitarian law and the continued and endless occupation. All of this deprives the Palestinian people of its right to self-determination, its right to return and to economic, social and cultural development. Despite the suffering of the Palestinian people for a number of years, today they are living in hell on earth and have been doing so for almost eight months now. The world has not been able to ensure a permanent ceasefire, although more than 40,000 Palestinians have been killed, the majority of which are women and children.

More than 15,000 children have been killed during this genocide, and this has caused the displacement of around 1.7 million people who have become IDPs, and that is more than three-quarters of the entire population of Gaza. We often hear that everyone pays great importance to social justice, and we call for compensation to be paid to Palestinian workers as a result of the Israeli occupation. And we also call on rapid intervention, and we call for immediate support to more than 5,000 workers in Palestine who do not have a home or employment. And we have also seen that labour accidents have significantly increased in the area and the GDP has reduced by almost 80% in the last quarter of 2023, and thus, residents are really dependent on assistance. We call upon the Director-General to contain these comments in the conclusions of this meeting and to clarify how we can implement the recommendations contained in his report because the occupying powers are not responding to any decisions or recommendations issued by the UN. And we urge the Director-General to visit the occupied Arab territories so that he can see first-hand the situation of workers in those areas and so that he can determine the obstacles that prevent the implementation of these recommendations and so we can support constituents in the occupied Arab territories. We particularly commend his report for asking for an end to the war, and we think that this is the only way to rebuild the country. And we insist on the need to implement mechanisms to guarantee the execution of these recommendations within a clear timeframe and in line with the mandate of this organization. Thank you.

Mr Hassan Hamid Hassan Hamid

Government (Sudan)

In the name of God, the Merciful, the Compassionate. Sudan presents this declaration as a nation. We join our voice to that of Egypt. We wish to thank the Director-General for his report. Chair, in view of the catastrophic situation in Gaza, this year can be considered the most difficult year ever for the Palestinian people and for the Palestinian workers. These workers have lost their means of subsistence. Work is becoming a very rare commodity. Everything is completely paralyzed in Gaza. Unemployment rates have reached record levels, and this is due to the illegal war of Israel against the Gaza Strip. Gaza and the West Bank have lost well over a million jobs, and this impacts the life of both the workers and employers. International laws prohibit the Israeli practices. Indeed, the Israelis are using weapons that have been banned on the international stage. Palestinian workers should have the right to work. And there is a policy of destruction and confiscation of land. There are strict measures that impede the access of workers to their places of work, and this is a violation of labour law. It severely impacts the lives of workers and their families. In this manner it is impossible to resolve the problem. These practices are making the economic situation of Palestinian workers worse than ever. Sudan calls the international community to take on its responsibilities by exercising pressure on the Government of Israel to stop the attacks and to ensure the influx of aid in an unconditional fashion into Gaza. Support must be given to the Palestinian workers, and we support the workers and demand that they be able to enjoy all their rights, including the right to have opportunities in terms of work. They should have the right to work in a healthy atmosphere and the right to freedom of association and collective bargaining. Sudan calls the members of this organization and the social partners to uphold their responsibilities and respond to the demands that were made by Egypt on behalf of our countries and to provide Palestine with its own status in line with the resolutions of the United Nations. Thank you.

Mr Ghazi Al-Janabi

Employer (Iraq)

Ladies and gentlemen, on behalf of my country, Iraq, I will greet you all. We condemn the genocide against the Palestinian people. The Chamber of Commerce of Iraq was created a number of years ago and this looks at the economic activities of the private sector. This activity contributes to economic development and also complies with laws that are currently in force in Iraq. We have a number of offices in different provinces of Iraq. Our union is delighted to be able to participate in this dialogue on the risks faced by workers and employers. In particular, we are thinking about the lack of adequate protection which can lead to accidents or even fatalities of some employees. This is particularly true in some sectors as a result of unsafe behaviour. And we note that there is a lot of danger and risks in the workplace, and we call for the implementation of international Conventions to that end. We are talking about essential principles at work to guarantee every individual the right to carry out their profession. Employers must also organize training programmes for workers, and it is necessary to comply with fundamental workers' rights and to facilitate the creation of jobs while guaranteeing the rights of all workers. And thus we are insisting on the responsibility of governments that are responsible for creating these jobs. Our union has played an important role in drafting the new social security law, the scope of which has been broadened. Employers have a role to play in taking decisions that have a positive impact on the lives of workers and employers. Mr Atol Hussein [? 154:24], the President of the Union of the Chamber of Commerce would like to also send to you his greetings. Thank you.

Mr Atle Høie

IndustriALL

Distinguished President, I am speaking on behalf of IndustriALL Global Union, which has 550 affiliates in 130 countries, including Palestine and Israel, representing over 50 million workers in the mining, energy and manufacturing sector, to call for a just and lasting solution to the Israeli-Palestinian conflict through peaceful means. Our executive committee adopted a resolution on the 29th of November in 2023 and again on 24th of May in 2024 calling for an immediate and lasting ceasefire together with an unconditional release of all hostages, ensuring their safety, and the delivery of relief at a level corresponding to the humanitarian needs of the people in Gaza. Furthermore, IndustriALL calls for an end to the occupation of Palestinian territories by Israel, the realization of the right of the Palestinian people to self-determination and the lifting of the blockade imposed on Gaza. We demand that both parties respect international law and that all war crimes are thoroughly investigated and prosecuted. In this sense we welcome the provisional measures issued by the International Court of Justice under the application of the UN Genocide Convention on 26th January 2024. We fully support the call from the global labour movement to consider and pursue all possible options to target and pressure companies, employers and investors that are involved in or that facilitate the expansion or continuation of illegal Israeli settlements in the occupied territories. We reiterate our call for an immediate cessation of hostilities and for the resumption of negotiations to achieve a just and lasting solution to the conflict, which can only be attained through peaceful means based on United Nations Security Council resolutions 242 and 338 and in full accordance with international law on the basis of a two-state solution. Ladies and gentlemen, we are seeing possibly the most grotesque

war and occupation in my lifetime, and we all know what we have to do. It is time to do it.

Mr Petros Petrou

World Federation of Trade Unions

Dear delegates and colleagues, the WFTU considers the Governing Body's accommodation to discuss this report in the framework of a special sitting to be the least we could do amidst the current developments. The Palestinian cause has always been a priority for us, and we remain firm and proud of our principle positions and action. During the last months, our federation launched and implemented four international campaigns and several solidarity calls in which millions of workers were mobilized under the WFTU flags, while a WFTU solidarity visit to Palestine of a high-level delegation will take place in the last week of June. The WFTU strongly condemns the genocide, ethnic cleansing and daily crimes conducted by Israel in Palestine with the provocative tolerance and support of the USA, EU and their allies. We regret to note that not everyone can feel proud within the international trade union movement. Some, unfortunately, have lost their voice and remain silent or insist on an equal distance stance equating the perpetrators with the victims. This report confirms and records the conducted crimes and unacceptable conditions in the Palestinian land. With tens of thousands killed, nearly half a million Palestinians need humanitarian aid and thousands are jobless in the West Bank. And it goes without saying that the situation in the Gaza Strip is indescribable and constitutes a shame for whatever remains of human civilization. We welcome the report's references to the international legal obligations of Israel in occupied Palestinian land, and we agree and we underline the imperative need to stop attacks and violence. We demand the immediate address of the life-threatening conditions faced by the Palestinians. However, we note the absence of any effective measure against Israel while in other cases there are excessive relevant reports and decisions, something that once again underlines the political criteria and selective sensibilities within the ILO. Nevertheless, it is clear that there can be no justice, no dignified life and no work for the Palestinians as long as the Israeli occupation continues. We reiterate that the crucial precondition to secure and consolidate peace in the Middle East is the immediate end of the Israeli occupation and settlements in the occupied Arab territories, the guarantee of the right to return for all refugees and the establishment of an independent Palestinian State on the 1967 borders with East Jerusalem as its capital. Thank you very much.

Mr Jamal Kadri

International Confederation of Arab Trade Unions

I wish to thank the Director-General for the invitation. Director-General, ladies and gentlemen, delegates, we wish to express our thanks for the Report of the Director-General. However, it is high time for the world to act against the genocide of Israel against civilians who are dying at the hands of the Israeli war machine. It is high time to act to defend the rights of workers in the occupied territories, and this organization must apply sanctions against Israel. This attack by Israel would not have happened if sanctions had been implemented against the country, as has been done in other States. The ILO must freeze the accession of Israel to the ILO and apply rule 33 of the Constitution, i.e. stop all investments in Israel and urge all the bodies of the ILO to force

Israel to respect international law. The report highlights the clear violations of Israel, or breaches of law against the Palestinian people. Famine is used as a weapon of war. This violates the decent work principles of the ILO. Such practices go against human life. Palestinian families are pulling the bodies of their dead children from under rubble. A few comments regarding the workers in the Syrian Golan Heights. There have been altercations between Hezbollah and Israel. Violations of international law are committed against the Syrian territory. Residential areas are being bombed and civil infrastructures are being destroyed. Recently there was an offensive against a region close to Damask, and this led to the destruction of the Iranian embassy and killed several people. The violence is escalating, and this will just push the region towards greater violence. It must be noted that many young people in the Syrian Golan have Israeli nationality and it is one of the practices of the Israeli state to coerce people into adopting their nationality. This is in violation of the Geneva Convention which prohibits the practice according to which an occupied territories' people is forced to adopt the occupier's passport. The participation rate in the northern region of Israel and the occupied territory in Golan is approximately 58% in terms of unemployment. It is much lower in the other regions. This is problematic. The figures are problematic. Resolution 467 must be respected, and we must defend the Palestinian territories and the Golan Heights so that they may be free forever. Thank you.

Mr Albert Emilio Yuson

Building and Wood Workers' International

Thank you, Chair. Peace in Palestine is our collective demand. The 12 million members of the construction, building, wood and forestry workers, represented by the Building and Wood Workers' International, will continue to mobilize for the struggle of the Palestinian workers. To achieve lasting peace, we must first silence the thunder of weapons. This crucial step paves the way for a sustainable solution that acknowledges the State of Palestine and affirms the right of its people for their homeland. Only through such recognition can we hope to build a future of stability, decent work and harmony for all. Justice will not be served until Palestinian workers are safe, free from fear and able to make a livelihood and provide for their families. Israel's construction sector has relied on Palestinian construction workers for decades. More than 80,000 construction workers have been denied their outstanding wages and benefits following the October 7 attack. We pledge to do everything in our power to recover the unpaid wages that tens of thousands of Palestinian workers rightfully earned. All measures aimed at creating unemployment or restricting the opportunities offered to the Palestinian workers need to be addressed. This includes the replacement of the barred Palestinian workers with migrant workers. This will have a long-term negative impact on the possibility for building a stable peace in the region. War cannot be a justification for denying labour justice, pitting workers against each other and using them as commodities. Next to this we want to integrate the demands made by many at this special sitting. We call on the immediate and permanent ceasefire in Gaza. We support the UN resolutions calling for a safe, secure and sustainable State of Palestine. We call on the ILO to afford Palestine a status equal to that of a full member. We call on the ILO to continue and intensify its support for the Palestinian workers, for the Palestinian trade unions, their immediate needs, their right for jobs and their social benefits. We stand for peace. We stand for justice for the Palestinian workers. Free Palestine. Thank you.

Ms Eman Karakotly

Government (Saudi Arabia)

President, I am making this statement on behalf of Saudi Arabia. We also support the statement of the Gulf Cooperation Council and the Arab group and the IOC and most of the members of the Asia Pacific group. At the outset, I would like to thank the Director-General for his report on the situation of workers in the occupied Arab territories. This report shows the serious repercussions of the practices of the Israeli occupying power on the lives of Palestinians. This also has consequences on the socio-economic situation and an increase in unemployment rates. Saudi Arabia condemns the continuing practices of Israel against Palestinian workers. This has caused a paralysis in economic activities and an increase in unemployment, in particular in Gaza. Infrastructure in the Gaza Strip has also been destroyed, and the labour market in the West Bank has also been affected. The number of jobs has reduced by 300,000, and restrictions are imposed on the movement of workers. We have also noted that accidents in the construction sector have increased by 33%. We condemn the violations of Israel against the Palestinian people, in particular the attacks that have taken place in Rafah. The Israeli forces are violating all conventions and international laws, and this is taking place with a deafening silence by the international community. This is aggravating an unprecedented crisis, and this threatens international credibility. Saudi Arabia reaffirms its position that security in the Middle East requires a global solution to the Palestinian issue in line with the Arab Peace Initiative, thereby guaranteeing Palestinians an independent State in line with the pre-1967 borders with East Jerusalem as its capital. Thank you.

Mr Gilbert Hougbo

Director-General of the ILO

Thank you so much, Mr President. Excellencies, ladies and gentlemen, our special session is coming to an end, and I would like to thank you for what, I hope you will agree with me, has been a very rich discussion on a topic of utmost importance and urgency. Today you have provided critical insight and guidance on how to address the manifold challenges facing workers of the occupied Arab territories. You have also reaffirmed the ILO's central role and mandate. We have noted a very large support of the report's analysis and recommendations. We will continue to monitor the evolving situation, including through our presence on the ground and in accordance with the 1980 ILC resolution. I hear from you a very strong call for collective action to alleviate the suffering of Palestinian workers and employers. There is a role for the ILO. In fact, there is a role for each one of us. I can commit the ILO to do its very best to implement the recommendations that you have supported in strong collaboration with other UN agencies. We will continue to advocate for the need to plan and achieve the plan for a job-rich and rights-based early recovery while the humanitarian response is still a priority. Given the scale of devastation and destruction witnessed to date, reviving the economy and the labour market will be an immense task. But it is our duty and one from which we cannot and we will not shy away. This will require creating jobs, upholding workers' rights, reinvigorating the private sector, help building employment labour rights and social protection institutions and governance and promoting social dialogue. As a first step, we are convening next Monday, 10 June, a meeting of development partners which is expected to involve a broad alliance of more than 30 donors. Allow me

to call upon all of you to support us in this endeavour, both in spirit and in substance. As part of our normal practice, the Office will present to the Governing Body at its November 2024 session the report on our development cooperation with the occupied Arab territories. I believe this will be a good time for all of us to follow up on the progress that hopefully we will be making in implementing the proposed three steps recovery programme that will be discussed next Monday, June the 10th. With this I would like to thank all of you, and I remain confident of your unwavering support for ILO work in the Occupied Palestinian Territory. Thank you, Chair.

Mr Alexei Buzu

President (Republic of Moldova)

Thank you, Director-General. Ladies and gentlemen, this brings us to the end of our business for today. In accordance with the decision taken by the Conference in its opening sitting regarding the modalities of the special sitting, it would be inappropriate to adopt any formal decisions, any formal conclusions at the end of this special sitting. However, much of importance has been said, and I have no doubt that the action to be taken by the ILO will be inspired by many ideas put forward today. I declare this special sitting closed and I thank you all for your contributions. Thank you.

► Friday, 7 June 2024

Mr Rajeev Dubey

Employer Vice-President (India)

Good morning, distinguished delegates. It is my honour to declare open the eighth sitting of the 112th Session of the International Labour Conference. This morning I shall begin by announcing the results of the record vote on the proposed abrogation of four international labour Conventions which was held yesterday from noon until 6 pm. We shall then resume our general discussion on the reports of the Chairperson of the Governing Body and of the Director-General. We begin with the results of yesterday's vote. Ladies and gentlemen, I am pleased to announce the results of the record vote as follows. Number one, on the proposed abrogation of the Underground Work (Women) Convention, 1935, No. 45, the results are as follows: votes in favour 410, votes against 7, abstentions 7. The quorum of 286 is reached, as is the two-thirds majority of 279. Accordingly, the Convention is abrogated. Thank you. Number two, the results of the vote on the proposed abrogation of the Safety Provisions (Building) Convention, 1937, No. 62, are as follows: votes in favour 407, votes against 8, abstentions 9. The quorum of 286 is reached, as is the two-thirds majority of 277. The Convention is hence abrogated. Thank you. The results of the vote on the proposed abrogation of the Convention concerning Statistics of Wages and Hours of Work, 1938, No. 63, are as follows: votes in favour 406, votes against 10, abstentions 8. The quorum of 286 is reached, as is the two-thirds majority of 278. The Convention is, accordingly, abrogated. And finally, the results of the vote on the proposed abrogation of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947, No. 85, are as follows: votes in favour 402, votes against 11, abstentions 11. The quorum of 286 is reached, as is the two-thirds majority of 276. The Convention is, accordingly, abrogated. Thank you. Ladies and gentlemen, with that announcement we now turn our attention back to our discussion on the reports of the Director-General and of the Chairperson of the Governing Body. Before we go any further, most humbly and respectfully, I would like to remind you that, according to the arrangements approved at our opening sitting with regards to the modalities for the special sitting on the situation of the workers of the occupied Arab territories, the appendix to the Director-General's report on this topic was discussed at the special sitting yesterday. I therefore encourage you to please focus your interventions today on reports I(A), I(B) and I(C) only. Thank you. Likewise, I would like to encourage you to please adhere to the principles guiding our discussion in terms of parliamentary language, starting our plenary sittings on time and adhering to the five minutes time limit for speeches. With your permission, we will try and stick to those time limits. Lastly, I would like to address points of order and rights of reply. Delegates who wish to raise a point of order or to exercise the right of reply in the plenary do not need to interrupt the proceedings. Instead, they should simply raise their nameplate. A member of staff will then approach them in the room and attend to their request. In the case of a right to reply, I ask that you clearly inform that member of staff the intervention in respect of which the right of reply is sought. Please be reminded that a right of reply should refer only to the matter in question. It should not exceed two minutes, and it should be delivered in respectful parliamentary language. It is not the practice in our organization to allow a right to reply to a reply. Without further ado, let us begin with our list of speakers for this sitting. It is my privilege to give the floor to Mr Alawar, Minister of Human Resources and Emiratization, United Arab Emirates. Sir.

Mr Abdulrahman Alawar

Government (United Arab Emirates)

Chair, Director-General of the ILO, Excellencies, ladies and gentlemen, may God's blessings be upon you. We are meeting today in a moment of optimism given investment in renewable energy and green energies as well as all the efforts to achieve sustainable development globally. All of this has also been made concrete through the alliance for social justice. And this affects our vision for sustainable development in my country which is seeking to invest in humans because that is the most important investment for sustainability and this will enable humans to be at the centre of all our initiatives. And people are also at the centre of our goals to achieve success. The United Arab Emirates are continuing the path towards transition on the basis of knowledge and innovation for a diverse economy. These are our goals and our vision for 2060. We have been able to achieve sustainable development through legislation of the labour market which is competitive and flexible, and we have created millions of decent jobs and the UAE is now a destination to live and work and invest. We have quite a lot of prospects for broad economic growth, and jobs have increased by 10% and green jobs have also increased by 11%, according to the observatory that we have recently established. The UAE was the first country in the Middle East that wanted to achieve climate neutrality in its investments, and this amounts to 600 billion dirhams in the green economy. And we have reduced unemployment and it stands at 2.9% at the moment. And we have adopted a strategy for social protection to protect the unemployed, and eight million workers have been able to benefit from this. We have also adopted a programme to provide assistance to workers and voluntary saving schemes in which it is possible to invest the bonuses of workers, particularly for those who are approaching retirement. We also have adopted a system for health insurance for all those who live in the United Arab Emirates. And we have launched projects and assistance schemes, and this has played a key role in achieving social justice. We have also contributed to providing food assistance through our contributions to the World Food Programme, and we have launched initiatives to ensure good health and education in the same context. We are working within the Abu Dhabi Dialogue to talk about the governance of transition and to undertake efforts through bilateral and regional cooperation and to lay the foundations for partnership so that workers can benefit from prosperity and so that there are benefits for Member States as well as a result of this dialogue. To conclude, I would like to wish you every success in your work. Thank you.

Ms Doris Zapata Acevedo

Government (Panama)

Chair of this ILC, Director-General of the ILO, delegates, I would like to present to you the salutations of the Government of the Republic of Panama who salutes you on the occasion of the 112th ILC. We do recognize the progress that has been achieved within the framework of the Philadelphia Declaration that has established the objectives of the ILO and the principles that should underlie the policies of its Member States. On the occasion of the 80th anniversary, we must reassess the relevance of the principles of the ILO in Latin America and the Caribbean. We welcome the Report of the Director-General which calls us to discuss the priorities for a renewed social contract. We agree with this objective. Indeed, social justice requires our most urgent attention. We count on tripartism and social dialogue which are efficient tools to face the challenges and

transformations that are ongoing in the world. We agree with the new social contract and the fact that it should be based on national social agreements and that it should adapt to the circumstances and priorities that are specific to every country while at the same time, of course, being in line with the joint global framework. The aim is to achieve an inclusive, just, resilient and sustainable world of work for all. Our Minister of Labour and Development pays great attention to the cross-cutting principle of equality of Convention No. 100. It is pushing forward the law on employability and integration of young people and women in socio-economic situations of vulnerability. The aim is to create a social pact. We also have approved the wage equality plan for 2022-2025, with 28 measures that are pushing forward wage equality in all the country's sectors which reflects our representation in the Equal Pay International Coalition. We have also established the national council for gender equality which aims to economically empower women. We recognize the multiple discriminations that domestic workers face and so we have passed Law No. 431 of the 25th of April of 2024 which establishes a national care system. In line with the mandate of the ILO, we commit to promoting a decent work agenda and we have signed a tripartite MOU which has pushed forward the collective development of the Decent Work Programme for Panama 2024-2027. By means of the executive decree No. 3 of 22nd of April 2024, the public employment service aims to make the job intermediary system more efficient, and this is in line with ILO Convention No. 88. These are only some examples that Panama has implemented, and they will most surely pave the way to building a new social contract in our country. Director, ladies and gentlemen, on behalf of the President of Panama, Laurentino Cortizo Cohen, and on my own behalf, I would like to thank the ILO for its professionalism, for its advisory services and for the work that has been done for the benefit of my country. We also would like to thank our allies, employers and workers because we have joined hands to attain our objectives based on tripartism. I would also like to most especially thank the Director for having entrusted our administration, the Ministry of Labour and Development, with this task. We are committed to promoting, guaranteeing and complying with the principles and objectives of the ILO. And our founding mission is that social justice is an essential basis for universal and permanent peace. I believe that a better world of work in the future is possible, and our new authorities in the country, as from the 1st of July in Panama, will most surely continue working with the same endeavour, the same responsibility and the same enthusiasm in collaboration with the ILO. We wish to join hands in order to create a more just and inclusive Panama. Thank you.

Mr Gerardo Martínez

Worker (Argentina)

... of financial, and this would promote the defence of human dignity and equality with social protection in mind. The Americas have many challenges that are structural, such as informality, poverty and inequality that exclude many people from human development. We denounce the attacks against the leaders of trade unions. There are also problems in terms of governance. In Argentina policies have been problematic for the country. There has always been blame on others and it has not been possible to achieve a policy of development. Today the message remains the same: confrontation. The current government has demands in terms of economic and social terms, but it does not promote policies for employment, for financing the health system, education is ignored, and so on. The private sector has been given the role of the public sector and that goes against the values of social justice. There is no doubt there is no state without

a nation. And the electoral process has really taught us something important that we must respect. The message of the people forces us to find different ways so that we can resolve the problems that have been true in the world of work over the past times. Our country has great productive potential but there is practically 60% of our population that live in poverty. We are committed to reducing high levels of inflation, and for that we work very hard as trade unions. Inflation is an imposition on poverty. Our trade union movement has a very long history, and in our country we are facing the destruction of labour rights, social rights and trade union rights. At the moment there has been a great problem in terms of trade unions and they have been silenced. This action has also been followed closely by civil society. Public policy requires the help of all political and social actors, and we must defend the needs of those who most require it. Society must focus on reducing inflation, and that should be a shared effort and shared objective and not the simple sacrifice of the workers and the sectors that have been the most affected. We demand from the Government to stabilize the economy without ignoring the terrible situation of poverty and inequality that the country is suffering from. It is undergoing a profound recession that is already having a severe impact on the real economy and on employment. Unfortunately, the poor are the ones who suffer the most as well as workers. Workers demand that we continue remaining committed to defending our rights to participate in the design of more social justice and a hopeful future. Nobody should be speculating regarding our reality and our future. We will continue to focus on achieving an agenda of dialogue for an Argentina that focuses on development, production and work that is solidarity based, inclusive and based on equal opportunities. Thank you.

Mr Per Olav Skurdal Hopsø

Government (Norway)

Ministers, representatives of workers and employers, let me start by saying that it is a privilege for me to attend this plenary today and to be able to discuss the Director-General's report on the new social contract. The report addresses a number of important issues that represent grave challenges in a pressed and changing world of work: rising inequalities, several conflicts with devastating effects on working life, new technology shaping forms of work, climate change and an evolving lack of trust in several societies. The present situation is dire for too many people around the world. For more than a hundred years, the ILO has been a driving force behind the creation of binding international regulations aimed at ensuring workers' rights, social justice, active tripartite cooperation and equal conditions of competition. The ILO's mandate and work are needed more than ever. We need to enhance social dialogue and secure decent work for all around the globe. This occasion gives me the opportunity to emphasize Norway's strong support for the ILO's work, its agenda and the goals the ILO strives to achieve. President, the report presented by the Director-General is an important contribution to the agenda for the ILO in the future. Norway especially appreciates the focus on social dialogue as an important part of the renewed social contract outlined in the report. The four thematic points for discussion are important. Number one, the universal importance of the new social contract is apparent. We all live on the same planet and we are interconnected in different ways. It is our shared responsibility to develop international standards and norms that are responsive to a changing world of work and that will secure decent work, for instance by establishing a certain number of guarantees and protection levels for all workers, for example on working time, so that we can enhance decent work for all. And number two, the social contract is under

pressure. We are all aware that we are lagging behind the 2030 Agenda for Sustainable Development. To promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all is an important national, as global, goal for our government. Norway is in the lucky situation that we have high participation in working life and a low unemployment rate. But we also have our national challenges. For instance, we have experienced that too many young men are falling behind, dropping out of school and work, and we are taking action and developing policies to combat this sad development right now. So for the third, should we adapt or reinvent a new social contract? Well, the social contract is in some ways like a marriage. It must be cared for and be reinvested in on a continuous basis, exactly as the social dialogue between workers, employers and governments needs to be a systematic arena where the tripartite participants are listening actively to one another to find common ground. And that leads me to the last point, how should we renew the social contract? We could, for instance, invest even more in decent and sustainable work and develop new jobs both in the green economy and the care economy. At the same time, we must respect work-life balance, give special attention to vulnerable groups, fight against all forms of discrimination and have a continued focus on good governance in the labour administrations. These are only a few of many important topics we must address in the working life of the future. President, to conclude, history tells us that our Nordic models have served us well. Our dialogue between government and the social partners has given us important reforms to secure a sustainable society and has made us able to continuously renew our social contract. I would like to thank our social partners for our good collaboration, even though at times our preferences are also diverse. Thank you, Mr President.

Mr Hideyuki Shimizu

Worker (Japan)

Distinguished delegates and all participants, thank you very much. I am Hideyuki Shimizu of JTUC-RENGO. It is a great honour for me to be given this opportunity to speak to you as a representative of Japanese workers. Chair, we feel a strong empathy with the report of the esteemed Director-General, Mr Hounbo. The report points to the fundamental philosophy of the ILO, namely social justice will be realized through a renewed social contract based on contemporary issues. We sense that the ILO is strongly determined to lead the way in efforts to promote the renewed social contract and we are aligned with the ILO in this endeavour. The report also states that the social contract must be realized through social dialogue. I recognize that the Global Coalition for Social Justice, an initiative of the Director-General, embodies this idea. We at JTUC-RENGO support the spirit of the Global Coalition and intend to participate in its activities. It goes without saying that the right to organize is the foundation for realizing social dialogue. In Japan, however, the right to organize has not been granted to firefighters. This is an extremely unusual situation when one considers that the right to organize is granted to firefighters in almost all of the member countries of the ILO. It is our long-felt wish to realize the granting of the firefighter's right to organize and to welcome them into the circle of social dialogue. The ILO Dryer Commission played a major role in Japan's ratification of ILO Convention No. 87 in 1965. The commission's report states that any responsibility for failure will clearly rest with anyone who now fails to rise to the challenge of this great opportunity. We call on the Japanese Government to work together with us now towards granting firefighters the right to organize. Peace is the cornerstone of the realization of social justice through social dialogue. However, when

we turn our eyes to the conflict and strife in Ukraine, the Middle East and other parts of the world, we cannot help but recognize that we are living in a world that is far from peaceful. In addition to that, looking at Asia, the military authorities in Myanmar continue to repress democratization and the labour movement. The attitude of the military authorities continues to be called into question by the International Labour Conference and the Governing Body. Despite recommendations issued by the Commission of Inquiry, established under article 26 of the ILO Constitution, the military authorities have totally failed to respond to ILO approaches and have shown not the slightest hint of sincerity. We at JTUC-RENGO strongly condemn this behaviour and will continue to support the CTUM and other pro-democracy forces in cooperation with the ITUC and ITUC-AP. Finally, I would like to conclude my speech by pledging that we, the Japanese trade unions, will continue to be actively involved in the activities of the ILO and we will work to solve issues and strive for the realization of peace through social dialogue. Thank you very much for your kind attention.

Ms Olta Manjani

Government (Albania)

Dear President, dear esteemed participants of the ILC, the European integration is the most important political and strategic goal of the Republic of Albania and its legal, economic and political systems. The EU integration process represents a path for the democratization of Albania, the consolidation of institutions and the rule of law and the ongoing processes of fundamental reforms towards the European Union and towards full membership. Our government is continuously committed to carry out the process of aligning the Albanian labour legislation with the *acquis* of the EU and the ILO Conventions in the field of legal labour relations. The labour legislation includes the established principles of the ILO Conventions on equality in remuneration, the obligation of the employer to pay the employee equally for the same work or work of equal value without discriminating directly or indirectly not only on the basis of gender but also because of race, age, religion, health, social status or sexual orientation. The Albanian Government has recently approved the National Strategy for Employment and Skills 2030 whose vision is quality employment and lifelong training for all. The main objective of this strategy and its action plan is to identify and outline appropriate employment promotion policies in the country through skills development and better matching of demand and supply in the labour market for more employment while enabling decent employment both for women and men. The action plan of the strategy focuses on increasing opportunities for decent work through efficient labour market policies, through reducing the skills mismatches for all the occupations, increasing the skill level of women and men of working age, and also ensuring better functioning of the labour market for all while at the same time addressing the fast technological developments and the twin transitions: the green and the digital transitions. Another focus of the employment policies of the Albanian Government is targeting youth unemployment, and we have a specific dedicated programme for that, which is the Youth Guarantee scheme that is another reaffirmation of the commitment of the Albanian Government to support youth employment. The Youth Guarantee scheme is the most innovative, significant and challenging policy in the field of youth employment that has ever been implemented in Albania. Inspired by similar schemes in the European Union, the Youth Guarantee is a commitment to support every young person in Albania under the age of 30 who is not in work, education or training. And this commitment gives young people the opportunity to receive a good quality offer for employment, for

training, for internships or continuing their education within four months of leaving school or losing their job. Another important milestone for Albania is the ratification of the ILO Convention on violence and harassment, 2019. And Albania is one of the first countries that has actually ratified this Convention and the ILO will continue to support the harmonization of the national legal framework with C190. Major efforts are needed to disseminate the existing laws and build the capacity of law enforcement and inspection bodies to achieve higher enforcement. For this purpose, we will launch an awareness raising campaign and information in coordination with employers' and employees' organizations. These actions will be coordinated through the National Labour Council and will be implemented jointly with the Ministry of Economy, Culture and Innovation, the Ministry of Health and Social Protection, the Anti-discrimination Commissioner, the Ombudsman, and employers' and employees' organizations. Another important milestone is also the signing of the Decent Work Country Programme 2023-2026 between the Albanian Government, the employers' and employees' organizations and representatives of the International Labour Organization in January 2023 with the aim of promoting and developing cooperation for decent work in Albania. This programme is the sixth for Albania and it shows the sustainability of policies for ensuring decent work. This document is in line with the other previous documents and the National Employment and Skills Strategy 2030 in Albania where three of its objectives are closely related to decent work: improving the efficiency of inspection at work, promotion of social dialogue in the labour market and improving decent employment policies. As for improving the efficiency of inspection at work, during the last year there has been an increase in the number and the quality of inspections thanks to the support and the collaboration of the ILO throughout this process. However, there is always more to do as the quality of the working environment is also the main guarantee of decent work. The state labour inspectorate will further strengthen its capacity to fulfil its mandate to improve safety at work and to combat undeclared work. This will be supported by raising awareness of employers and employees regarding the importance of risk assessments in the prevention of accidents at work and diseases due to work. Currently, with the support of the ILO, we are drafting the National Strategy for Safety and Health at Work 2024-2030. The efforts of the Albanian Government during the last years have evolved its perspective of economic, political and social development towards the European integration and in the vision of [vgr INTERRUPTION 37:20] is closely linked to the development of social dialogue, social justice and social cohesion. Also, the country decent work programme is fully harmonized with the cooperation framework for sustainable development of the United Nations organizations through its strategic priorities which are the foundation of the UN cooperation in Albania. In conclusion I wish, on behalf of the Albanian Government, to once again express my best greetings and wish a productive 112th Conference session for the International Labour Conference. Thank you.

Mr Luca Cirigliano

Worker (Switzerland)

Chair, Director-General, ladies and gentlemen, we welcome the Director-General's report about the renewed social contract that has been presented to this Conference. Thank you very much. Here at the ILO there is practically nothing that is more important than the so-called 'Contrat Social' of Rousseau. But what is this renewed social contract? It is the understanding of our collective responsibility for one another. And this is reflected in the standards that take form in institutions and policies and that integrate

the promises of the Philadelphia Declaration, i.e. that every human person independently of their race, religion and sex has the right to material wealth, to development in freedom and dignity as well as economic security and that they must enjoy the same conditions. Indeed, this is no commodity. This social contract is more than just a theory. It is the foundation of our joint efforts for a fairer and more solidarity-based society. It requires from us all to remain committed to the cause, and we must always verify that we are meeting our promises. Ladies and gentlemen, Chair, Excellencies, let us keep this social contract as a guideline and let us work towards meeting the ideals of the Philadelphia Declaration so that they may be transformed into reality. This is the only way that we can ensure that humankind will enjoy its rights and opportunities in a free and fair society. It is fundamental in this context that trade unions take over a central role so that the collective voice of workers may be heard in the formulations of this social contract. It is also important in this report to note that we must strengthen and renew a global social contract. Now let us speak about the Second UN World Summit for Social Development in 2025. The Swiss workers welcome this endeavour and also defend it. Our social contracts are under great pressure at the moment, including in Switzerland. In Switzerland, for instance, the provisions against dismissal are excessively weak for those who engage in collective bargaining in defence of social partners and tripartism. This is the fact for workers' committees when they are negotiating collective agreements in their own branches but also on other levels. However, collective agreements should be the foundations of social contracts, as per the ILO's objectives. Goal 8 of the SDGs in the agenda for 2030 demands effective protection against unfair dismissals. And this is where we must act together. There cannot be any old or new social contract that does not respect the rights of trade unionists to fight for their rights, and they must be protected against unfair dismissal and unfair reprisals. The central elements of a renewed social contract are also crucial. There are elements that must be respected such as protection against accidents, illness, invalidity, and means of subsistence when unemployed must be guaranteed. These rights must all be ensured also for people who work in new forms of work, such as platform workers where some employers try to declare their workers as being self-employed. This is unacceptable. Employees are employees, whether they work for platforms or not. In this country the trade unions have taken some of these companies to court. Ladies and gentlemen, thank you very much for your attention.

Mr Alexis José Corredor Pérez

Government (Venezuela (Bolivarian Republic of))

Salutations to all. Thank you very much, Chair, for giving us the floor. On behalf of the President of the Bolivarian Republic of Venezuela and the Venezuelan people, we wish to address this conference, the 112th ILC, and we are announcing now a brotherly and solidarity-based salute. The ILO is now speaking of a renewed social contract focused on social justice. There is also the appendix that concerns the situation of the workers in the occupied Arab territories. We wish to express our solidarity to those workers. Venezuela is at this conference here in order to promote its diplomacy for peace. The presidency of Nicolás Maduro is working towards structural improvements in the country and the establishment of a state of justice which is the objective of the Government which includes socio-economic equality that is solidarity based. We also wish to denounce the sanctions against our country. There are hundreds of such sanctions that are illegal, that are criminal and that are not legitimate. And they are having a negative impact on the entire Venezuelan population, and this is affecting the

right to work in the public and the private sectors, and it is severely impacting Venezuelan families. The unilateral impositions on our country are a violation of the right to sovereignty of the nations. No sovereign State or democratic institution should be the object of such sanctions. At this conference we now demand that these sanctions be lifted because they are severely affecting the country. The impact on our people and the coercive and unilateral measures are affecting the world of work in our country. Nicolás Maduro Moros, president of our country, is committed to dialogue, and he has stated that in the second semester and in the upcoming years this will be the object of even greater focus. Social dialogue will be consolidated, our commitment towards peace, our commitment towards the well-being and fair labour in our country. We have organized a social dialogue forum, and the ILO coordinated it with us and also participated in it. We have also organized meetings that have allowed us to discuss with various social partners, i.e. employers and workers. We have respected the legislation, the institutions and our common objectives in order to establish long-term objectives hand in hand with employers and workers so that the entire nation may benefit, and the Government is focusing on this. There are commissions that have been established in order, for example, to focus on hazardous risks, focus on the impact of the pandemic, and we have offered our knowledge to this conference. Our legislation is very well-advanced, and it will doubtlessly help the discussions here. Moreover, the care economy in Venezuela is the object of legislation which will guarantee social well-being. Our objective is peace in the world, and we wish justice for all peoples. We recognize our position in multilateralism and we believe in the future of humanity. The Bolivarian Republic of Venezuela will continue making progress despite adversity. We will win our fight. Now, on behalf of the Group of Friends in the Defense of the Charter of the United Nations, which has been signed by 19 nations, we wish to ratify the move to lift the sanctions against our country, and we will continue working on constructive measures in order to allow the workers in our country and elsewhere to work properly and ensure world peace. Thank you.

Ms Enas Dahadha

Government (Palestine)

Excellency President of the Conference, Excellency President of the Governing Body, Director-General, ladies and gentlemen heads of delegations, ladies and gentlemen attending the meeting, I bring you greetings. Our Palestinian poet Mahmoud Darwish said, "On this land and on this earth there are things that are worthy of life." There is a people that is fighting death to create life. I speak to you and I bring to you the greetings of Palestine and the people and the Government and the leadership of Palestine. In particular, I bring you greetings from the workers of Palestine. I address myself to you where the war of genocide has transformed part of my country into rubble. It has spread death and destruction. Their aeroplanes do not make the distinction between a woman, a child or an elderly person, a student or a physician. Everybody is a target of death. Ladies and gentlemen, the workers of Palestine look to the ILC to attain the objective of social justice. They look forward to receiving protection against death. They seek freedom, peace and security. They are looking for any form of livelihood, any food that would allow them to bear the pressures that have been put upon them. After 50 years of occupation, settlements, siege, blockades and destruction, the last episode of that is the war of genocide against the people in Gaza. Today in my country my people are standing fighting for the right to freedom and the independence of the State of Palestine with Eastern Jerusalem al-Quds ash-Sharqiya as its capital. We

are looking for just peace that would allow us to construct our economic and social development so that we could contribute with the whole world to the protection of peace and to face the great challenges and the problems of the environment as well as strengthening the world construct that would be beneficial to the whole world. Palestine has participated and contributed over history in this construction of civilization and human renaissance. We still have the ability. We still have the skills. And we still have the scientific knowledge that would enable us to participate with other peoples of the world in order to face the various challenges of the future. But our vocational and professional skills are persecuted by death with the policy of systematic destruction of our infrastructure and the deprivation of water and electricity and the prohibition of access to humanitarian assistance as well as medical supplies and with the continued killing of our skills and our capabilities. Ladies and gentlemen, no doubt you know and you follow what is happening in Palestine, a war that has left all the aftermath of destruction that has affected every aspect of life: economic, social and environmental. You have seen and the world at large has seen children being pulled out of the rubble and women that are having their babies on the curb sides, patients who are not getting medical treatment and workers who have no work or income. As a result of this continued occupation of our land, unemployment reached more than 50% over Palestine and 70% in the Gaza Strip. In particular after our workers have lost half a million jobs and the levels of poverty now are affecting more than half of our population. Thousands are threatened with famine. War has destroyed all installations in Gaza, in particular industrial parks, and many businesses have been closed in the West Bank. And decent work has regressed in the labour market, and this is threatening the economic viability of Palestine to collapse from 3% to a negative level of 30% after external support has receded and the occupation has confiscated the clearance revenue of our people, after it has stolen their revenue. The occupation forces have killed and arrested hundreds of our people, hundreds of our workers. Ladies and gentlemen here present, despite the economic situation in Palestine and that which the occupation is controlling to make it subservient to its own interests, we have worked as the parties to the production process and the social partners in Palestine. And over the years we have worked in order to enhance the economy and open the possibilities for development. We strengthened our interventions in the labour market, and along with the ILO we have strengthened laws of social security and labour and unionization. We have held a conference for social discussions during the COVID-19 vices, and we strengthened income. We held meetings, especially an international meeting in support of all of those efforts. But all of that has gone to utter waste after the war that has been launched against our people and which resulted in the destruction of our economy and all its production factors. And this is what is making us today, working according to an emergency response plan where our main priority is to continue ensuring income and job opportunities for thousands of workers. In particular those who have been expelled by Israel from the Israeli labour market and those who have lost their jobs in Gaza and the West Bank as a result of the destruction of their economic businesses and installations and enterprises. Ladies and gentlemen, we look to the ILO to stand side by side with the people and the workers of Palestine and to support the people of Palestine and the workers. We look to the free world and we commend those countries that have taken the initiative to recognize the State of Palestine. We underline that more recognition of the State of Palestine and the rights of our people is the shortest way to reach peace and security and sustainable development in our region. In conclusion, I wish the Conference success, and I hope that all the decisions and resolutions and recommendations will be taken to enable us to live decently and that would strengthen the workers in Palestine and that would also support the economic efforts. Once again, let us convert what we said yesterday in the

special sitting. Let us convert this in realities on the ground. Long may you live and long may Palestine live. Thank you.

Mr Hongren Zhu

Employer (China)

Mr President, first of all, on behalf of the China Enterprise Confederation, CEC, I congratulate you on your election as the President of the 112th ILC. The Director-General's reports 'Towards a renewed social contract', calls on the tripartite constituents to play a greater role in renewing the social contract. The ILO is also expected to play a more active role in this regard. We resonate with the report, especially on the importance on the renewal of the social contract, its challenges and our response strategies. We believe that is the only answer to the profound changes, unseen in a century, and to the quest for global social justice. All societies share our common foundation: a timeless and universal yearning for social justice, freedom, dignity, economic security and an equal opportunity. A renewed social contract is a critical means to all these ends amid changing demographics, technological transformation, climate change and geopolitical tensions. We see a wide gap in the achievement of the SDG agenda though we have passed the midway point towards 2030. We must redouble efforts to introduce inclusive and effective governance, revitalize policies and strategies for full and productive employment based on free choice, internalize the environmental dimension in just transition and fairly distribute the results of progress. The Chinese Government upholds our high-quality development philosophy that stresses innovation, coordination, green development, openness and shared benefits by putting development and people first. It highlights inclusiveness, innovation, harmonious coexistence between humans and nature, concrete actions and genuine multilateralism. This philosophy and its practice echo the SDGs for 2030. For more than a decade, the joint building of the Belt and Road Initiative has opened up a chapter of China's development and provided new opportunities for other countries around the world, benefiting BRI countries with win-win results and facilitating the common and sustainable development of the whole world. As the representative of employers and businesses in China, CEC has actively participated in a tripartite mechanism, comprehensively promoted harmonious labour relations and advocated the rights and interests of entrepreneurs. We have enhanced our research to inform law makers, regulators and policymakers so that the labour market becomes more fair and inclusive. We have promoted a collective consultation and a coordination mechanism, urged enterprises to engage in collective bargaining and led major platform operators to collective consultation and coordination with trade unions and workers' representatives. We advocate international labour standards through training, seminars, field research and other activities. Enterprises are guided to respect, promote and realize the fundamental principles and rights at work, actively fulfil their corporate social responsibility and follow a green and low-carbon path to sustainable development. We will actively participate in a discussion of the ILO's new social contract document, promote its practice at Chinese enterprises, advocate the belief in a community with a shared future for mankind on occasions such as National Entrepreneurs Day and the China Business Summit, lend wisdom to the Second World Summit for Social Development, seek balanced development with equal opportunities to ensure that development is for all and of all and contribute to social fairness and justice. Finally, I wish the 112th ILC a complete success. Thank you for your attention.

Mr Vénuste Muyabaga

Government (Burundi)

President of the Conference, Director-General of the ILO, tripartite constituents, august assembly. On behalf of the tripartite Burundian delegate, on behalf of the Government of the Republic of Burundi whom I am representing at this august assembly of the 112th Session of the International Labour Conference, I now have the opportunity to firstly express our thanks for the warm welcome of the organizers of this assembly but also to speak with regard to the Report of the Director-General of the ILO while highlighting, above all, the achievements of our country with a view to securing social justice for all in our labour market on one hand and decent work for all on the other, all while capitalizing on the technical and financial support of the International Labour Office. President, august assembly, the Government of Burundi, through its tripartite constituents whom I represent here today as head of delegation, would like to use this opportunity to thank the ILO for its climate of cooperation with our country in areas such as employment, social protection, social dialogue and national and international labour standards. We would also like to avail ourselves of this opportunity to commend Mr Gilbert Hونغbo, Director-General of the ILO, in his noble mission that he is fulfilling with diligence and equity and the benefits of which are clear through initiatives underway in our country and which will undoubtedly contribute to implementing the great vision of Burundi as an emerging country by 2040 and a developed country by 2060 and a country that generates decent jobs and dignified social protection for all citizens of Burundi. President, distinguished guests, the Government of Burundi has taken note of the content of the Report of the Director-General to the extent that all major areas constituting social justice and decent work for all have undergone significant improvements during this past year in our country as a result of the good and honest cooperation between Burundi and the International Labour Office. Our country is among those countries deserving of particular attention at this 112th Session of the ILC following the periodic crises that it has undergone which have undermined certain principles of equity and social justice, thereby causing a large part of the population to fall into extreme poverty which therefore limits their access to a minimum income that would enable them to put their children through school and have health coverage. The tripartite constituents of Burundi have welcomed the establishment of a representative of the ILO national office in our country with its flagship programme to establish social protection floors for all and which is designed to develop a social protection scheme that meets the needs and priorities of workers in the informal economy. As with other countries across the world today, Burundi is threatened by the adverse effects of climate change which have caused terrible flooding in certain parts of our country, thereby destroying a lot of public and social infrastructure such as schools and health establishments on a large scale. Burundi was in the process of seeing how to establish a national occupational safety and health policy for our country, but we must note that it is more urgent than ever that this policy be established and that we develop strategies and mechanisms to deal with natural disasters and environmental disasters that are caused by climate change across the world. As our country has already requested the support of all its partners, our delegation would like to use this opportunity to inform different partners that are present here today that thousands of children in our country must return to school because the Government has taken the measure to move them out of dangerous areas that are threatened by floods in order to avoid the loss of human life as a result of the repeated flooding that our country has suffered. And to do so, the ILO could help us through its customary proven expertise in

strategies to respond to these different crises that have recently affected the world of work. And they could help us to develop adequate measures to assist Member States in setting up projects and programmes that both protect the environment but also generate green jobs in our respective countries. And this in turn could help us to ensure the systematic recovery and reintegration of our suffering population whose goods and properties have been swept away in their entirety by the floods. Promotion activities to ratify Conventions 155 and 187 on occupational safety and health are currently being organized across the country with the involvement of key stakeholders such as Members of Parliament and senators and other social partners and other stakeholders involved in prevention such as judges, the police and civil society. As we all know, children are the primary victims of natural disasters, and protection measures must be taken by governments to protect them. Our country is delighted that on the eve of the World Day Against Child Labour, which is celebrated on the 12th of June, the tripartite constituents of Burundi and other key stakeholders have just established a National Action Plan to combat child labour and its worst forms for the period 2024-2027 with specific action capable of keeping children in school and reintegrating child victims into socio-economic life. In order to ensure social justice for all, the Government of Burundi has ensured the continuity of beneficial measures of free schooling for all children in primary school up to the age of six, but also by ensuring free healthcare for all children under the age of five and all mothers giving birth. The Government of Burundi and its partners have just approved a national policy for social protection which highlights a coupling of health insurance and a unified economy which is an effective means of combatting poverty and consolidating social protection floors. Moreover, inclusive measures have been taken to enable older persons to access healthcare. In terms of training, and in order to ensure that all children have universal access to education and a balance between training and employment, the Government is in the process of reforming its education system so that, following basic training, young people can have access to technical and vocational training in order to easily find job openings on the labour market. In terms of youth employability, the Government has established a youth investment bank to support projects for young entrepreneurs as well as an incentive and guaranties fund and an investment bank and development bank for women, not to mention a pilot project initiated by the President of the Republic which is a project for economic empowerment and youth employability. All of these achievements in terms of youth employability and social protection have meant that our president of the Republic of Burundi, His Excellency Mr Ndayishimiye, has been awarded by the African Union the title of a president who is a champion for the peace and security agenda of the African Union in 2023. And this is why we call him in our country a friend to young people. Burundi is experiencing a more tranquil labour market thanks to the good collaboration of the tripartite constituents of Burundi who have together adopted a national charter for social dialogue and a joint national committee for social dialogue which is today led by the wise former President of the Republic, and he is part of the delegation present here today. Given the new priorities of the Government of Burundi, the Government, with the support of the ILO and its partners, will update its new national employment strategy. I could not conclude my statement without reiterating once again my thanks to the ILO and more particularly its Director-General for his achievements. Thank you.

Ms Natalia Efremova**Government (Bulgaria)**

Dear Mr President, Your Excellencies and distinguished delegates, it is an honour for me to take part in this session of the International Labour Conference. For more than a century governments, employers and workers have been joining efforts to overcome inequalities and ensure decent work driven by the understanding that lasting peace is unthinkable without social justice. I would like to emphasize the indispensable role of the international labour standards and tripartite dialogue in this regard. Bulgaria is among the countries that have ratified the most ILO Conventions. I am pleased to announce that this year Bulgaria has ratified another two ILO Conventions on occupational safety and health. Bulgaria also appreciates that there is a standard-setting item on the agenda of the current session of the Conference on the protection against biological hazards in the working environment. In the Report of the Director-General, it is correctly noted that the interrelated dimensions of social justice are linked to universal human rights and capabilities, equal access to opportunities, fair distribution and just transitions. Renewing the social contract is fundamentally about investing in people, in their rights and capabilities, in their opportunities to participate in employment and life in dignity, and their right to social protection. It is also about overcoming the challenges and seizing the opportunities arising from the changing world of work by using social dialogue as a powerful tool for fostering social cohesion. My country joined the Global Coalition for Social Justice, and we are impressed by the rising number of partners, including international organizations. I would like to express my strong belief that under the leadership of Director-General Hounghbo the Global Coalition will make a great contribution to accelerating the progress towards the Sustainable Development Goals and advancing social justice on a global scale. Bulgaria has set employment policy priorities for 2024 which correspond to the priority areas of the Global Coalition. We aim at promoting employment and reducing the unemployment rate, including among disadvantaged and vulnerable groups on the labour market. An important emphasis is placed on increasing the quality of the workforce in the context of digitalization of the economy and just transition to climate neutrality. Also, significant financial resources have been provided for training and qualification of the population of Bulgaria. On a regional level, we join efforts for ensuring equal opportunities and non-discrimination, including through the recently adopted council conclusions on economic empowerment and financial independence of women. We implement a strategy for the development of corporate social responsibility. Bulgaria is fully committed to guaranteeing respect of workers' rights and ensuring a world of work that is just, fair and inclusive. We see an added value of the initiative promoted by several Latin American and European countries of moving towards a global charter of labour rights as in the ILO's contribution to the upcoming Social Summit in 2025. Allow me to conclude by quoting the slogan of the Global Coalition, that together we are building a future with social justice for all because decent work cannot be taken for granted but it requires the joint efforts of governments, social partners and the international community as a whole. Thank you for your attention.

Mr Jiadong Yu

Government (China)

The Chinese Government welcomes the Director-General's report 'Towards a renewed social contract', and we appreciate the ILO's commitment to integrating decent work and social justice with sustainable development, improving the policy framework for employment, establishing a universal social protection system, promoting equitable sharing of economic and social development results, and building a more inclusive and democratic international labour system. We look forward to the exploration of a renewed social contract through the Global Coalition for Social Justice and a bigger role played by the ILO in the Second World Summit for Social Development in 2025. Adhering to a people-centred approach, the Chinese Government has been ensuring and enhancing people's well-being in the course of development to resolve the most practical problems that are of the greatest concern to the people. China has prioritised high-quality and full employment in our development, improving the quality and the quantity of jobs. In response to the new demographic trends, we have moved faster towards modernizing human resources. We have deepened the reform of the social security system, expanding coverage of social security and improving the quality of relevant services. Efforts have been made to improve labour laws and the regulations, strengthen the negotiation mechanism for labour relations and protect workers' rights. In recent years an average of 13 million new urban jobs were created annually, ensuring stable employment. China has established the world's largest social security system. The basic old-age insurance, unemployment insurance and worker injury insurance have covered 1.07 billion, 240 million and 290 million people. We have enhanced the skills of the workers, fostering a workforce of over 200 million skilled workers and over 60 million highly skilled workers. Labour relations in China remain harmonious and stable, and a sense of fulfilment, happiness and security among workers are enhanced. Distinguished delegates, changes unseen in a century are unfolding and the world is undergoing turbulence with increasing instabilities and uncertainties, multiple challenges standing in the way of promoting a renewed social contract, and cooperation of the tripartite constituents is imperative. I would like to make three proposals. First, we should adhere to a people-centred approach. We should give priority to people's [vgr INAUDIBLE 83:31] to the development, advancing full employment, strengthen social security system and improving the income level. We should implement the human-centred approach advocated in the ILO Centenary Declaration. Second, innovate labour administration models. We should seize the opportunities brought by the technological advancement and develop new quality productive forces, stimulate the growth of new business forms, explore the new occupations and a faster [vgr INAUDIBLE 84:00] for job creation. So we should step up efforts to better protect the rights and interests of our workers. Third, we should promote open and inclusive cooperation. It is essential to embrace a global [vgr INAUDIBLE 84:14] vision and practise true multilateralism and implement the global development initiative. We support the ILO in fulfilling its role to improve global labour governance, and constituents should be encouraged to explore labour administration approaches in line with their national conditions, thereby facilitating modernization of their own. Distinguished delegates, the Chinese Government stands ready to work together with the ILO's tripartite constituents to realize a vision of social justice and to create a better world of work that is fair, prosperous and progressive. Thank you.

Mr Arto Satonen

Government (Finland)

Director-General, dear colleagues, ladies and gentlemen, the ILO was created 100 years ago to promote peace through social justice. This mandate is extremely relevant today. Social justice and decent work form the foundation for the legitimacy of democratic societies. International labour standards have affected our laws and labour market policy profoundly. Respecting and promoting international labour standards contributes to achieving our common goals for Agenda 2030. The theme 'Towards a renewed social contract' is topical. How do you tackle inequalities and insecurities which our societies are facing? The ILO's mandate to promote social justice and the Decent Work Agenda can be improved by policy coherence at all levels. We face challenges to achieve the SDGs. We share the view that we have now the opportunity to change our societies to become more sustainable and inclusive. Work is the best form of social security. Decent work opportunities and access to the labour market for all are the best ways to tackle poverty and non-discrimination and to ensure funding of social security schemes. Adequate and affordable social protection systems are crucial when promoting social justice. Governments are responsible to offer an enabling environment for companies and avoid unnecessary administrative burden. In order to achieve the vision of the Director-General we need to pay attention to equality. Globally, women are often discriminated at work and in unequal access to vocational training and work. Improving women's labour market and social situation, including equal pay, is the key for the development of societies. How care is provided is an even more pertinent question. Sustainable policy solutions for care work and economy need to be resolved, including the division of unpaid care work. Accessible childcare and possibilities to reconcile work and family life and development of equal parental leave policies promote women's participation in the labour market and work-life balance. When it comes to global supply chains, social clauses in trade agreements and corporate social responsibility are useful tools to promote global social governance and decent work. They help us prevent forced and child labour and those workers who do not have the right to organize or working in dangerous work conditions. Social dialogue is the tool to find common solutions. Turning to my home country, Finland. Finland, like many other countries, needs the international workforce to meet the need for skilled labour. The promotion of the workplace immigration requires that exploitation of foreign labour is effectively combatted. Our cross-government strategy and actions against the labour exploitation tackle labour exploitation in a holistic way. We increase cooperation and exchange of information between authorities. Cooperation, especially between the labour inspectors, the police and tax authorities will be enhanced to prevent and combat abuse in the labour market. We are committed to continue to develop close operation with the European Labour Authority and other EU Member States. Like in other parts of the world, the green transition is a very topical issue for us. We need to ensure the right skills for the green transition and to continue to educate more high-level experts who are able to steer us towards a more sustainable future. The green transition requires that also companies invest in development skills of their employees. On-the-job learning is crucial as well as promoting opportunities for continuous learning. We are significantly increasing research and development investment and assessing what kind of expertise is needed in the short and long-term. Esteemed colleagues, we also need innovations. In order to make all I mentioned a reality, we highlight the need for policy coherence within the United Nations and multilateral system and the need to work together globally, regionally and nationally. This way we can integrate employment

innovation and environmental policies and access to promote human and labour rights, sustainable growth and decent and productive employment for all. Policy coherence can be promoted effectively by cross-governmental strategies. Now it is time to adapt our social contract to the current context and challenges we are facing together. I wish all the success for your work during the ILC. Thank you, Mr President. Thank you, audience.

Mr Rajeev Dubey

Employer Vice-President (India)

Thank you very much, sir. With that, we have no more speakers. I apologize that, despite every effort diplomatically possible, we are finishing this session five minutes behind time. Please accept my humble and respectful apologies. With that, this session comes to an end.

► Monday, 10 June 2024

Mr Alexei Buzu

President (Republic of Moldova)

Good morning, ladies and gentlemen. Let us start. I hope that at least some of you managed to have some restful weekend. It is my great pleasure to declare open the 10th sitting of the 112th Session of the International Labour Conference. Our morning sitting will continue with the general discussion on the reports of the Chairperson of the Governing Body and of the Director-General. At the start of the afternoon, our plenary proceedings will begin with the presentation, discussion and noting of the Report of the Finance Committee as well as the adoption of the two resolutions stemming from the work of the committee. The report was published on the Conference website on Saturday as record of proceedings 4A. Before we begin, I would like to remind you that, according to arrangements approved at our opening sitting with regards to the modality of the special sitting on the situation of the workers of the occupied Arab territories, the appendix of the Director-General's report on this topic was discussed at the special sitting on 6th of June. I therefore encourage you to please focus your interventions on reports I(A), I(B) and I(C). Thank you. Likewise, I would like to recall the principles governing this discussion which the Conference presidents refer to you in the afternoon. Firstly, on the use of the parliamentary language, I wish to call on all those who will speak in the plenary to do so with both the openness and the dignity that are appropriate at this highest international body in the realm of social and labour related matters. Freedom of expression is a vital feature of the International Labour Organization. To exercise this freedom in a spirit of mutual respect, it is essential that all delegates respect the accepted procedure, use parliamentary language, refer only to the items under discussion and avoid raising any questions foreign to these matters. The respect of this principle is necessary if we want our work to be effective and successful. I would also once again call on all delegates to please take their seats as we already began our sitting. Next, on the plenary starting time, there is a firm agreement on the part of the officers to begin our sittings strictly on time. Only in this manner will we manage to complete the debates within the time schedule. I am counting on you all to make this possible. Thirdly, I must refer to the length of the plenary speeches. As you may already know, the duration of speeches is limited by the standing orders of the Conference to five minutes only. The time limit will be strictly applied. It is therefore strongly recommended that delegates reduce courtesies to a minimum. Timekeeping is a collective responsibility. For the sake of transparency, a countdown will be on display on the screen for all interventions. Lastly, I would like to address the points of order and rights of reply. Delegates who wish to raise a point of order or to exercise the right to reply in the plenary do not need to interrupt the proceedings. Instead, they should simply raise their flag. A member of the staff will then approach them in the room and attend to their request. In the case of a right of reply, I ask that you clearly inform that member of the staff the intervention in respect to which the right of reply is sought. Please be reminded that a right of reply should refer only to the matter in question. It should not exceed two minutes and it should be delivered in respectful parliamentary language. It is not the practice of our organization to allow a right to reply to a reply. All this being said, now we will begin with our speakers list. I just once again would ask all kind members present here to keep the noise to the minimum, show respect to all other speakers and take their seats. Please. Now the floor is being given to Mr Nujoma,

Minister of Labour, Industrial Relations and Employment Creation of Namibia. Please take the floor.

Mr Utoni Nujoma

Government (Namibia)

Good morning, distinguished members of the presidium. Thank you, Mr President, for giving me the floor to speak on behalf of Namibia on the reports of the Director-General. I also thank the Director-General, Gilbert F. Hounbo, for his report on the social contract and how it can be renewed and adapted. The world today is in a deep state of crisis, confronted with violent conflicts, a cost-of-living crisis, economic insecurity, inequality and uncertainty, and a climate crisis while still grappling with the devastating consequences of the COVID-19 pandemic. Namibia is not spared. Two weeks ago, His Excellency Nangolo Mbumba, the President of the Republic of Namibia, declared a state of emergency on account of the national disaster of drought in all regions of our country. The renewal of the social contract requires that we consider what is expected of each of us. The three steps proposed by the DG to assist with the renewal of the social contract are welcome as well as the call for stakeholders to play their parts. For the renewal of the social contract to be effective, it must be tailored to specific national circumstances and priorities while at the same time fitting into a shared global framework and international agreed standards. Mr President, I am pleased to inform the Conference of some of the important actions being taken by the Namibian Government to renew its social contract. Namibia is about to introduce the national minimum wage. The Cabinet of the Republic of Namibia has endorsed the introduction of the national minimum wage, which will benefit the lower-paid workers of Namibia and begin to reduce the extreme income inequality that is a vestige of the pre-independence apartheid system. This is an important first step toward achieving Namibia's constitutional principle of ensuring a decent standard of living for all in Namibia. The national minimum wage rate of \$18 per hour was reached after reviewing the report of the tripartite Wages Commission and extensive consultations with social partners and other key stakeholders countrywide and with the tripartite Labour Advisory Council. Namibia is making great strides to expand universal access to social protection. As part of the Global Accelerator process, Namibia will finalize the two far-reaching initiatives to expand universal social protection, in line with the Namibian constitutional principles. One, the establishment of an all-inclusive national pension fund, and secondly, the introduction of the national unemployment fund. Also as part of the Global Accelerator process, Namibia will explore measures to ensure that maternity protection is available to all women. Furthermore, to strengthen Namibia's legal framework on social protection, the Social Security Act will be amended to ensure social security coverage of the informal economy and to enhance maternity benefits. Namibia thanks the ILO for the all-round support it has been rendering to our country, particularly as regards the minimum wage and the national pension fund. Mr President, while appreciating the DG's proposals on how to go about renewing the social contract, my delegation submits that for the renewal to be effective there is a need for our organization to provide leadership in condemning the use of economic sanctions, unilateral coercive measures by some Member States to inflict suffering on the population of targeted countries to achieve political objectives. Such measures are contrary to social justice. Mr President, the Government of Namibia commits itself to deepen social dialogue and to continue to provide the enabling environment for employers' and workers' organizations as well as the tripartite institutions to participate

effectively in shaping and renewing the social contract at the national level. Merci beaucoup.

Mr Dongmyeong Kim

Worker (Republic of Korea)

Distinguished guests, colleagues and friends, I am Kim Dongmyeong, Chairman of the Federation of Korean Trade Unions, the FKTU. First and foremost I extend a heartfelt message of solidarity to our comrades enduring the agony of war and poverty worldwide and to those tirelessly working to support them. The Philadelphia Declaration, which asserts that all human beings are entitled to pursue material well-being and spiritual development with equal opportunities in freedom, dignity and economic security regardless of race, creed or sex, remains a beacon of hope and justice. I wholeheartedly support the report of ILO Director-General Gilbert Hounbo, which underscores our collective social responsibility to uphold the Philadelphia Declaration. The importance of social dialogue, tripartism and the creation of a new social contract to address pressing challenges such as the climate crisis, inequality and the realities of labour and education cannot be overstated. For this new social contract to thrive, the foundation of democracy must be solidified. Democracy is built on respect for all members of society. Unfortunately, the current Yoon Suk Yeol administration in Korea has adopted a consistently pro-business and anti-labour stance. The violent oppression of protesting workers, enforced disclosure of union finances, reduction of union support, attempts to impose long working hours under the guise of flexibility, and the exclusion of major trade unions from government committees are glaring examples of this anti-labour agenda. Democracy is fundamentally about elections. 2024 will witness an unprecedented number of elections worldwide. In Korea the recent general election in April resulted in a historic defeat for the ruling party. This outcome reflects the public's rejection of the Government's destructive labour policies over the past two years. The Government and the ruling party must abandon their outdated view of labour issues as class conflicts. The Labour Standards Act, which protects the rights of economically and socially disadvantaged workers, must be extended to workplaces with fewer than five employees. Attempts to apply differential minimum wages by industry must cease immediately. We must expand the scope of industrial action to hold the real employers accountable and amend articles 2 and 3 of the Trade Union and Labour Relations Adjustment Act to prevent their misuse in obstructing legitimate union activities and destroying unions through damage claims. The right of teachers and public servants to voice their political opinions and engage in political activities must be upheld. These amendments align with the spirit of ILO Conventions Nos. 87, 98 and 111, which Korea has ratified. The FKTU's decision to rejoin the Economic Social and Labour Council table last November, after temporarily suspending social dialogue in response to the Government's anti-labour stance, was driven by our unwavering belief in the importance of tripartism, as emphasized by Director-General Hounbo. The FKTU remains steadfast in its commitment to maintaining open channels for social dialogue under any circumstances. President Yoon Suk Yeol must abandon his biased attitude of disregarding labour's value behind slogans of labour reform and rule of law in labour relations. He must engage in genuine communication with the labour community, including FKTU, to achieve outcomes beneficial to both labour and management. 2024 will be a pivotal year for establishing the direction of a new social contract for workers in Korea and globally. As I conclude, I urge all of us to deeply internalize the powerful

proclamation of the 1944 Philadelphia Declaration: labour is not a commodity. Thank you.

Mr Bob Azam

Employer (Indonesia)

Honourable Mr President, ministers, Director-General, fellow delegates, good morning. On behalf of the Indonesian Employers' Association, APINDO, and Chamber of Commerce, KADIN, I would like to express the highest appreciation to the ILO for organizing the 112th International Labour Conference. We hope the results of this conference could transform the future of work challenge into opportunities to make a conducive working climate that supports the global economic growth. Currently, Indonesia is still in progress to recover from repercussions of the pandemic and the global crisis. Collaborating with the Government and workers, APINDO must systematically continue our knowledge, experience and network to foster a sustainable economic growth. In 2023, APINDO released the Economic Roadmap, a five-year proposal aimed to provide recommendations on national economic policy to the new government. The road map will help the Government to address current global and national economic issues through creation of healthy employment for upcoming labour force and existing workers in the labour market, especially to deal with the national demographic bonus predicted to happen in 2030. On this very honoured occasion, I would like to convey some of APINDO's views of the issues discussed in this year's ILC. Mr President, fellow delegates, ladies and gentlemen, concerning general discussion on decent work and the care economy, APINDO believes that enabling access to decent work is essential, especially concerning the care workforce. This sector will increasingly support the inclusion of female workers if we do the business correctly by ensuring a rights-based approach, equal pay, equal benefit and freedom of association. Enhancing skills of the care workers is vital, including upskilling, reskilling and promoting lifelong learning among care workers. Mr President, on fundamental principles and rights at work, FPRW, APINDO strongly believes that FPRW plays a critical role in creating a fair and equitable society. APINDO also believes that the strong collaboration among the ILO office and constituent members is critical to advance the implementation of FPRW despite the challenges faced by all of us. The advancement of FPRW should be continued. However, APINDO also suggests that the implementation of fundamental principles and rights at work also needs to consider the sustainability of the individual business, especially small/medium enterprises, to be able to continuously provide employment. Mr President, regarding protection against biological hazards, APINDO strongly agrees and supports the adoption of the standards concerning biological hazards in the working environment. Learning from the COVID-19 pandemic, tripartite should play a critical role in developing preventive and proactive measures that are their responsibility pursuant to the standards, including the preparation and arrangement for emergency response, identification of high risks sectors and occupations and categories of workers that requires protection. We must also emphasize the need of robust education to our employees to change their mindset from recovering to preventing. The ultimate objective is to protect workers while at the same time maintain business and employment sustainability. Mr President, in summary, our aim is to be partner to the Government to create healthy employment through improvement of the labour law and regulation. APINDO does believe that collaboration and effective social dialogue is the key to respond to uncertainty and ambiguity in the world of work and it must be supported by the strong labour administration. APINDO is committed to

continuing our participation, collaboration and proactive engagement with the social partners in crafting the best solutions for a better Indonesian economy and aligned with the global and Sustainable Development Goals. Thank you. Merci.

Ms Marta Elena Feitó Cabrera

Government (Cuba)

President, Director-General, representatives of workers and employers, honoured guests. At a time when the world economy is continually evolving and labour conditions are changing quickly, it is imperative that we renew the social contract. New technologies, globalization and demographic changes have radically transformed the world of work creating challenges that are unprecedented [vgr INAUDIBLE 23:35]. Artificial intelligence threatens to replace [vgr INAUDIBLE 23:42] while work is becoming more and more precarious and inequality affects millions of workers across the world. In its more than hundred years of existence, the ILO has addressed challenges such as slave labour, violence at work, child labour and violence against migrants, which affect millions of people still at a world level. In many areas, including in developed countries, freedom of association and collective bargaining are far from being a reality. More than half of the world's workforce works in countries that have still not ratified the fundamental Conventions that regulate and protect those rights. Injustice and inequality need to be addressed, while the Palestinian people are being barbarously attacked by Israel. Nothing can justify the deaths of more than 30,000 Palestinians and the forced displacement of more than 65% of the population. We have to promote social dialogue as a powerful tool to address the emergent challenges facing us and to find solutions together. Only in a situation of peace and protection for workers' and union rights will we be able to achieve fair and lasting development for all. We need to get rid of obstacles to fair access to labour and address the challenges in a world of work which is changing all the time. That is essential and we need to renew the social contract. Enterprises have to accept their social responsibilities and respect workers' rights. Entrepreneurs' businesses have to contribute to the good of society and contribute to the construction of just societies. Honoured delegates, despite the problems facing it because of the blockade and economic pressure from the United States, Cuba maintains its commitment to international standards and is continuing to perfect its development and social model to become a more just and sustainable society. We have been working on the amendment of the labour code and social security based on the needs of workers in accordance with the constitution of Cuba which is based on rights and principles, which address rights at work and social security. We also have a national plan for social and economic development up until 2030 addressing young people and adolescents, addressing the demographic change and the ageing population, promoting the rights of women and maternity rights of women and the needs of families. This reflects the commitment of the Cuban state to the rights and well-being of its workers. We emphasize once again our commitment to comply with international labour standards, in particular the 19 Conventions that Cuba has ratified. And we think that this is a good time to strengthen the annual [vgr INAUDIBLE 27:13] of the ILO on the fundamental principles and rights at work and to strengthen our work to move towards universal ratification of the fundamental Conventions which will strengthen the new social contract. Together we can create a fairer and more equitable social situation and work for a fairer world. Thank you.

Mr See Leng Tan

Government (Singapore)

ILO Director-General Gilbert Houngbo, Minister Alexei Buzu, President of the International Labour Conference, Excellencies, distinguished delegates. My team and I would like to congratulate the ILO for convening this year's International Labour Conference. The ILO and its constituents have showed great solidarity in overcoming COVID, which has had a massive impact on the world of work. We are now responding to the challenges of a post-pandemic world by reassessing how we can better ensure fair opportunities and protections for every worker and empower our workforces to benefit from technological change. We therefore welcome the Director-General's report 'Towards a renewed social contract'. Singapore recently went through such a renewal. In 2022 we launched Forward Singapore, which is a nationwide effort to engage all Singaporeans on renewing our social compact. Singaporeans highlighted the continued need to reskill and upskill workers, make workplaces more progressive and uplift lower-wage workers. We have rolled out the first wave of programmes in response to this feedback, and I would like to share about some of them with all of you. Firstly, we need to create productive employment in the face of rapid technological disruptions to jobs and skills. To help our workers access good career opportunities, we have enhanced our Career Conversion Programmes by providing more salary support and a monthly training allowance. Secondly, we continue to shape norms towards fairer and more progressive workplaces. A level playing field is crucial for ensuring that every worker can achieve his or her fullest potential. We are working with our tripartite partners to develop workplace fairness legislation. We have also recently announced tripartite guidelines on flexible work arrangement requests to guide workers and employers towards win-win outcomes. Thirdly, the social contract must ensure that no one is left behind. We continue to uplift lower-wage workers through expanding our progressive wage model, and this benefits up to 9 in 10 lower-wage workers. Distinguished delegates, the platform economy has brought about more opportunities for workers. However, platform workers' protections require strengthening. We shall introduce legislation to require platform operators to provide financial support for platform workers injured at work. We will also improve their retirement adequacy and enable them to access the benefits of collective representation. We have also introduced an outpatient healthcare plan for migrant workers. Employers pay an annual fee for their workers who can then access a range of healthcare services. We are also continuing our partnership with the ILO. I am pleased to announce that Singapore has joined the Global Coalition for Social Justice. We look forward to contributing to its mission to build a sustainable, equitable and socially just future. I am also pleased to share that we will be extending the ILO-Singapore Partnership Agreement. Singapore will continue to organize joint technical activities to support governments, employers and workers in ASEAN. Our distinguished delegates, a truly successful society is one where everyone succeeds together. Renewing the social contract is an important step towards ensuring that no one is left behind. We will continue to work on this renewal together with tripartite partners and the wider ILO community. Thank you very much.

Mr Hassan Fakh

Worker (Lebanon)

Dear colleagues, fellow trade unionists, ladies and gentlemen, greetings. We welcome the Director-General's report on the occupied Arab territories and the detailed report on a new social contract which we believe is an exceptional road map for our efforts. With regard to the situation in the Occupied Palestinian Territory and the occupied Syrian Golan, we also need to mention Lebanon, and that gives you the full picture and we get an excellent analysis of the problems resulting from the violent occupation that continues there. The report on a renewed social contract was a theme wisely chosen because the world faces major challenges and major crises, putting a strain on human relations and labour markets. We also have artificial intelligence and a telecommunications revolution which are also posing threats to human rights, the rights of women, collective bargaining and the social contract which assures social stability. And so we believe that this report should be a guide for governments, employers, workers and liberal professions, and economic and social partners. We agree with all of the findings of the report and we thank the Director-General and his team for all of their research. We are meeting at a time when the Palestinian people is facing genocide in Gaza, in the West Bank, in Rafah and throughout the occupied territories. It is beyond belief to see what is happening, the number of casualties, the number of wounded, the number of people who have been taken prisoner and the destruction in Gaza. Gaza has been completely destroyed by Israel, and all of the Western countries supporting them are flouting human rights and are looking the other way as this continues to happen, this the largest massacre of our time. We thank the young students of universities in the United States and in other countries in the West who have said no to war and occupation. Bearing in mind moral and human principles, we need to condemn these massacres which continue to target the Palestinian people and we read about it in the Director-General's report. We demand an independent Palestinian State and an end to this destruction and to follow the example of Spain, Belgium, Ireland, South Africa and Slovenia in recognizing the Palestinian State. Lebanon has always shown solidarity with Palestinians, in spite of the Israeli aggressions that they have continued to suffer from. We have 13 refugee camps since 1948 in Lebanon, which are of course a burden for our society. And we continue to condemn Israeli occupation in Kafr Shuba Hills and the Shebaa Farms. This occupation has led to the burning of our farming land with phosphorous weapons, and that means that we can no longer use that land for many decades. The occupation has also led to the displacement of tens of thousands of people and destroyed factories. Israel also threatens to destroy Beirut and the whole of our country and send us back to the stone age. We wish to thank the Western countries who provided weapons in that respect. And as workers and farmers we continue to resist. Thanks to all of those free-thinking people who have shown their solidarity with us and defend the right of peoples to self-determination, to peace and security. And we demand that a recommendation is adopted to put an immediate end to this occupation in Gaza and in Lebanon according to the ICJ and the ICC decisions in this regard and the implementation of United Nations resolutions on Palestine and the occupied Arab territories as well. And we demand that a programme is launched with producers in Lebanon in order to put an end to the damaging measures against Syria. We have now more than two million Syrian refugees, and this has a negative impact on our economy and on labour markets in our country and on labour relations. So, an end to the economic and military war against the Palestinian people, against the people of Syria,

Lebanon, Iraq, Sudan, Yemen, and we want to see peace, human rights, justice and the right to self-determination. Freedom for Palestine. Thank you.

Ms Margarida Adamugy Talapa

Government (Mozambique)

Your Excellency President of the session of this International Labour Conference, Director-General of the ILO, Your Excellencies, all protocol observed. It is a great honour for me to speak on behalf of the Government of the Republic of Mozambique, the Government along with me, and on my own behalf to express my great gratitude for the privilege that has been given to us to be allowed to address this august assembly. We would very much like to send warm greetings to Mr Gilbert Houngbo, the Director-General of the ILO, and his team who have been putting great effort into developing the work of this organization and guiding it. Director-General, we are very pleased to see the way that you address the subject chosen for your report entitled 'Towards a renewed social contract' which, as you explain, can be broken down into four dimensions: the universal importance of the social contract, social contracts under pressure, social contract adaptation or change, and renewing the social contract. We think that your approach is relevant and necessary because we are going through a period in which technological innovation, rather than being at the service of human beings in the world of work, tends to promote a situation in which working conditions become more precarious, which has a significant impact on workers' lives and the lives of their dependents. Apart from that, it is right to address the subject given. As we see things in the world of work, the social contract should be seen as focused on human beings. We also see the need to promote decent work and sustainable work because labour is not a merchandise, it is not a commodity. The worker is a human being with rights, needs and aspirations. It can only be possible to realize what is implied by that if in our countries we consolidate the mechanisms of social dialogue on a tripartite nature and go for the creation of specific conditions which will make sure that we have institutions created and consolidated which will protect workers from the risk to which they are exposed as a result of technological advance. The Government of Mozambique has been redoubling its efforts with a view to strengthening tripartite social dialogue. And one of the fruits of its work has been that in the month of February of this year a new labour code entered into force which was approved by consensus in the Assembly of the Republic after being subjected to intense discussions on the part of the social partners and other stakeholders from civil society. Director-General, ladies and gentlemen, Mozambique was elected an alternate member of the Governing Body of the ILO for the period 2024-2027. Given that, on behalf of the Government and people of Mozambique, we would like to express our gratitude for the trust placed in us, and we underline that we will spare no efforts to make a contribution as well as we can to realizing the objectives and goals of this organization. To wind up, we would like to recognize and express our thanks for the support and technical assistance that we have received from the ILO, particularly in the areas of promoting employment, working against child labour, the actuarial studies of compulsory social security and upskilling of our officials in various areas of the administration related to work and employment. Mozambique reiterates its commitment to continue working on the fight against child labour, implementing strategies which will promote decent labour and employment and consolidating tripartite social dialogue with all social partners. Thank you very much to everyone.

Ms K Thanaletchimi**Worker (Singapore)**

Conference Chair, distinguished delegates, the Singapore National Trades Union Congress, SNTUC, commends the DG's comprehensive report 'Towards a renewed social contract'. It underscores the importance of advancing social justice, freedom, dignity, economic security, equal opportunity and provision of decent work globally. The SNTUC has been taking actions that are in line with the ILO's vision. We renewed our workers' compact through a massive engagement exercise in 2023. We are committed to reducing inequality through expanding our progressive wage model and lobbying for enhanced social protection for workers. Our initiatives aim to enhance wages, welfare and work prospects for workers, mirroring the DG's call for a renewed social contract that prioritizes equity and inclusiveness. SNTUC's emphasis on inclusive roles resonates with the ILO's focus on social dialogue. Our collaborative tripartite approach involving the Government, employers and unions has been instrumental in ensuring all stakeholders, including all workers, benefit from economic progress. In 2023 the SNTUC completed the 'Every Worker Matters Conversation' exercise which engaged 42,000 workers across all segments of our whole workforce. From the workers' feedback we formulated ten key policy recommendations, several of which have been adopted by the Singapore Government. This includes assuring mid-career workers of a just transition to more resilient career pathways, comprehensive support for the youth to discover and grow in their career journey, fair employment opportunities and training support for workers, support for caregivers through improved leave schemes and flexible work arrangements, ensuring retirement adequacy for workers, and enhancing respect and recognition for essential service workers. SNTUC has placed strong efforts in structured training and placement and enhancing social protection for informal workers. In 2023 SNTUC implemented a 'C U Back at Work' programme to provide flexible training and work arrangements such that informal workers, especially caregivers, can transit back into the workforce more smoothly. For platform workers, SNTUC secured the Government's commitment to implement workplace injury compensation and social security contributions for platform workers that are on par with employees. In addition, the Government agreed with our push for the legal right to form a collective representation body for platform workers' associations so that they will be able to officially negotiate for better outcomes, resolve disputes and sign binding agreements with the platform companies. SNTUC strongly prioritizes upskilling and reskilling initiatives as a key priority, aligning with the ILO's recommendation for future workforce resilience. Since 2019 SNTUC has initiated the forming of Company Training Committees between companies and unions to spur individual company's transformation and upskilling for their workers to benefit from better wages and work prospects. Since 2022 the Government has set aside S\$100 million for SNTUC to skill up the CTCs. To date we have formed more than 2,100 CTCs across different sectors of Singapore's economy and trained more than 200,000 workers through the CTCs. We intend to step up CTC efforts to do much more in the coming years because we have seen good outcomes. SNTUC is also dedicated to promoting gender equality and enhancing women's participation in the workforce. We support women in balancing work and family commitments, fostering a more inclusive and equitable labour market. Earlier this year, SNTUC was instrumental in the social dialogue process to establish the tripartite guidelines on flexible work arrangement requests. This ensures that our workers have a formal process to request flexible work arrangements and have them properly considered by employers. In conclusion, the SNTUC is committed to the ILO's vision. We are committed

to leave no one behind in our efforts to improve their wages, welfare and work prospects, because every worker matters. Thank you.

Mr Liwiusz Laska

Government (Poland)

Mr Chairperson, ladies and gentlemen, more than a hundred years ago, tripartite representatives of eight countries, including Poland, drafted the Constitution of the International Labour Organization, the first global social contract to respond to the needs of workers after the First World War. Today climate change, digital revolution, including artificial intelligence, military conflicts, including the unprovoked aggression of Russia against Ukraine, globalization and demographic change have put our social contract under great strain. So much so that our citizens may lose confidence in it. As the Director-General very rightly notes in his report, rather than having a sense of not being left behind, many feel that the system is rigged against them. That needs to be addressed. Our conference, a tripartite body, is the obvious venue for the future of the social contract to be discussed and, if needed, reinvented. For us in the European Union, the quest to modernize our social contract has been going on since the turn of the 21st century. Today, as we are facing digital and green transitions, the European Pillar of Social Rights and the associated headline targets set the core of Social Europe. They represent a political commitment of all European Member States that those transitions must be fair and just. Poland is doing fairly well when it comes to the implementation of Social Europe's goals. Currently we are pursuing policies supporting parents in reconciling work with family life. We wish to go further in that direction, experimenting with the organization of working time throughout the week. Ladies and gentlemen, work, especially decent work, is a space for self-fulfilment and emancipation. It is the primary source of income for most workers. Therefore, we are constantly aiming to improve the quality of work, which is reflected in the introduction in the labour code of provisions of remote work and in the implementation into Polish legislation of the provisions of the directive on transparent and predictable working conditions in the European Union. In the face of technological and economic changes and labour market challenges, Poland's goal is to build competitiveness based on increasing productivity and innovation rather than on the factor of low labour costs. This is why Poland is gradually raising social standards to ensure decent wages and stable work. The instrument for realizing the right to fair remuneration includes the institution of minimum wage and minimum hourly rate for specific civil law contracts. The next step will be for Poland to implement the directive on adequate minimum wages in the European Union. The second objective of the directive is to promote collective bargaining. We are working on changes to the law that will encourage the social partners to use the agreement method to determine working conditions and pay. In response to increasing digitalization of work and the growing impact of new technologies on the labour supply process, the Polish authorities have also undertaken preparatory work aimed at implementation into Polish law of the directive on the improvement of working conditions via online platforms. Next year's Conference will initiate work on the ILO standard on decent work in the platform economy. We are looking forward to this discussion, especially as Poland will hold the presidency of the Council of the European Union and thus represent the European Union countries in this debate. Safe and healthy working conditions are integral to decent work. Poland has consistently supported all steps aimed at improving the safety and health of workers in the workplace, both at national and EU levels. We strive to ratify at least one of the

fundamental ILO Conventions on OSH as soon as possible. Mr Chairperson, ladies and gentlemen, in today's world, the work and discussion on the social contract is not a task for one Conference and must be continued. One of the tools for this discussion is the Global Coalition for Social Justice. I congratulate the Director-General on this initiative which shows vision and bold thinking and which Poland intends to join. Thank you.

Ms Lesly Sarahí Cerna

Government (Honduras)

President, Excellencies, distinguished delegates, ladies and gentlemen, and allow me to congratulate you upon your appointment, Chair. As the Director-General warned us at the beginning of this conference we are now at a critical juncture. The convergence of global challenges such as unemployment, inflation, war corruption and inequality have been accentuated by geopolitical tensions and violent conflict, exacerbating poverty, discrimination and forced displacement. Our generation is suffering from the devastating effects of climate change, and if we do not act now, perhaps the next generation will be the last to live in harmony with its environment. Global consensus reached in the past is no longer sufficient to deal with the challenges of today, so establishing a renewed social contract today must be our main task. And that means a commitment to dialogue and a broad global agreement in which all parties agree to ensure an equitable sharing of the benefits of progress. At the global level, the new social contract also means recognizing the shared responsibilities, solidarity, cooperation and a firm conviction that systemic changes require systemic responses to current challenges. We will not manage to improve the living conditions of some 700 million people who live in extreme poverty or guarantee a quality education to the 160 million boys and girls in child labour without dealing with the imbalances of international trade, if we continue to be in the stranglehold of foreign debt, if we continue to see wars, genocides, unilateral sanctions. And we will continue to see the alarming rise in unemployment, underemployment and forced migration. In Honduras, over the past few years we have seen an erosion of the legitimacy and collective trust in the state, and we have seen profit and self-interest taking precedence over the collective good. And these forces have taken advantage of the current crises to build agreements that damage the majority of the Honduran society. And under the cover of corruption and the takeover of the state apparatus this has led to increased poverty, inequality and insecurity with the resulting lack of opportunities. For the past 12 years we have been dreaming of the real building of a new social contract in Honduras in which we see real collective interest to guarantee social justice and to overcome these imbalances, repair the social tissue, increase the trust in the state and allow an improvement to living conditions for all workers, a growth in productivity and facilitation of investment in the context of the 2030 Agenda and the SDGs. The Government, led by our president, Iris Xiomara Castro Sarmiento, we call this contract the re-founding. No change in the history of humanity has been addressed without challenges. But moving forward together we have improved our institutions and set the basis for this deep re-founding of the state. On the labour front we continue to maintain tripartite dialogue. We agree on a minimum salary twice a year, and we are trying to overcome child labour and offer opportunities for safe, regular migration through our temporary work abroad programme. And we are trying to continue to work to strengthen the coverage and investment in our Honduran Social Security Institute. We have adopted new laws on labour reservations, on the ceilings for contributions and other contributions. The national institute for professional training continues to work to modernize the system

of apprenticeships and extend possibilities in strategic and cutting-edge areas. International solidarity and cooperation play a vital role in achieving these objectives. In March this year, together with the ILO we launched a new programme on decent work where we have an approach focusing on investment and sustainable development around the principles of human dignity and decent work. Employers and workers have come together in a common strategy with our government, and I would like to thank them for that. President, our government is determined to ensure a renewal of the social contract, more than 100 years since the creation of the ILO and on the 80th anniversary of the Declaration of Philadelphia. As an international community, we need to honour this historic debt to human development and overcome the inequality which is preventing us from taking a quantum leap forward, particularly in developing countries. Thank you very much indeed.

Mr Sameer Nass

Employer (Bahrain)

In the name of God, the Magnificent, the Merciful. Your Excellency Mr President, Your Excellencies ministers, Your Excellencies ambassadors, ladies and gentlemen, dear congress participants. It is a pleasure for me to be involved in this important event, the 112th Session of the International Labour Conference. I would very much like to thank and express my esteem for the Director-General of the ILO and all of the members of the Organization's Governing Body for their untiring work to protect and promote the rights of workers, apart from the positive part they have to play in facing up to current and future challenges. As Employer representative and President of the Bahrain Chamber of Commerce, I look forward to seeing the fruits of our meeting reinforcing social justice and rights at work. This all the more because, given the changes happening at a world level and their impact on humans and resources, this has become all the more urgent. This conference is happening at a time when we are seeing a genocide happening in the view of the world and the legitimate rights of the Palestinian people are being ignored: the right to peace, freedom, construction and self-determination. There are huge challenges for the Palestinian working class. All of us, employers, workers, governments, the whole region, the whole of the world is called on to act. We have to follow the principles of the ILO. We need to install dialogue in international organizations which have been applying double standards and passing in silence over the violations of rights. That has nothing to do with justice. We have a legitimate right to call that into question. We have a great interest in cooperating with international organizations such as the ILO in the framework of our own approach to things. We aim to represent all economic sectors in the national Arab world and international world, across the world, and we have a unique approach to various political and economic questions. One of our priorities in the near future will be to support and protect the creation of enterprises and startups in accordance with the conclusions of the 33rd Arab Summit held recently in the Kingdom of Bahrain that very much paid attention to working conditions, economic diversification and productivity. Ladies and gentlemen, while we consider the development of the concept of decent work in a tripartite dialogue, I cannot pass over in silence the significant part played by the Kingdom of Bahrain in improving the working environment to be healthy and safe, in the creation of new enterprises that promote employment and health and safety at work, helping the fight against unemployment. The unemployment rate is under control. And all this is being done in accordance with the instructions of King Hamad bin Isa Al Khalifa the King of the Kingdom of Bahrain, promoting fundamental principles and rights at work

and making it possible for social legislation to be in harmony with ILO standards that we have ratified. We firmly believe in the importance of renewing the social contract based on human rights, a culture of dialogue and cooperation, a culture of peace, of prosperity and equality of opportunities as we continue to construct a developing and developed country facing up to all of the challenges that arise, aiming for balance and justice and democracy in the world of work. Ladies and gentlemen, finally, we hope that the principles we have set out today will be pursued. We see this as a call for peace, for humanity and for promotion of human rights, of which the social rights of workers across the world are an important part. That is the ideal path to promote tripartite interests, those of the workers, the employers and of governments. Our ambition is to create new ways of working that will promote our objectives and reflect the aspirations of our society. We hope that our work in this conference will be blessed by the Almighty and that the work of this conference will be an additional contribution to the cause of workers and of work. Thank you.

Mr Bakhtiyor Makhmadaliev

Worker (Uzbekistan)

Thank you, President, and greetings of the federation of Uzbekistan workers. And we sincerely hope that all of the decisions taken at this conference will help to strengthen social peace and democracy in the field of labour. The Director-General's report on a renewed social contract shows very clearly that decent work and social justice must become the foundations of a new social contract. This renewed social contract must consider the following issues: a respect for human rights, in particular the fundamental principles and rights at work; an effective governance; full employment; productive and freely chosen employment and a fair transition towards a green economy; the equitable sharing of the benefits of progress; good social protection; democracy in the world of work labour; universal access to social welfare; and new strategies to deal with current challenges. The Government of Uzbekistan has carried out important reforms in this area which has strengthened the prosperity of our population, transformed economic sectors and led to the creation of a dynamic civil society. The reform of taxation and the liberalization of exchange markets and monetary policy have also led to progress in the economy. We have also seen the defence of private property and the free movement of labour and capital. The new constitution which dates back to 2023 establishes clearly the principle of a social welfare state. That is a constitutional principle which is enabling us to continue to strengthen human dignity, guaranteeing the prosperity of our people. Thanks to this successful transformation we have seen an extension in life expectancy and an improvement in the quality of life. The average life expectancy has moved to 74 years, and the share of people over the age of 60 has also increased. We have also made great efforts to pursue social justice, creating a single mechanism for registration for the poorest sectors of the population. We have now this single register for social protection. Major reforms have also been undertaken in the area of work more generally. Yes, we have had difficult relations in the past with the ILO, but thanks to the political determination of the current government and good efforts from the workers' movement, we have managed to implement recommendations. And I believe that Uzbekistan can now serve as an example, as a successful reform of labour and full respect for international labour standards. But there are still a number of challenges that we continue to face, and as Gilbert Hounbo the Director-General has said, currently we are not in a position to rise to all of the challenges we face, connected with the transformation from the informal to

the formal economy, for instance. And we do not have a one-size-fits-all solution for dealing with the issue of irregular employment and the self-employed. On labour protection and work-life balance, we still have a long way to go in the work that workers do, where some workers work more than 48 hours a week, which is a major concern for us. And universal access to social protection must also be the cornerstone of this new social contract. If we are to guarantee this contract, we suggest that under ACTRAV we should be organizing a regional workers' conference in Uzbekistan, and we propose to host that. Trade unions are engaged in many activities but their priority must be a fair wage for workers, and so I believe that workers should be fighting for the right to a fair wage as a fundamental right at work. Thank you for your attention.

Ms Betty Amongi Ongom

Government (Uganda and Non-Aligned Movement)

I deliver two statements. One on behalf of the Non-Aligned Movement and one on behalf of Uganda. Mr President, first I have the honour to deliver this statement on behalf of the Non-Aligned Movement. The full text is posted online. NAM thanks the President and Chairperson of the Governing Body and the Director-General for their respective reports and notes the crucial need to renew the social contract. As we mark the 80th anniversary of the Philadelphia Declaration, which reshaped global social justice, NAM remains committed to its principles. NAM members strongly condemn the illegal Israeli military aggression on the Gaza Strip, the indiscriminate attacks against Palestinian civilians, civilian objects, the forced displacement of the Palestinian population, and further calls for an immediate and durable humanitarian ceasefire. We look forward to the establishment of the Global Coalition for Social Justice, a timely initiative to enhance cooperation and solidarity in promoting decent work and social justice. This initiative can continue strengthening South-South, North-South and Triangular Cooperation and promoting, preserving and reforming multilateralism and to fully respect the principle of international law and internationally agreed principles with a view to enhancing cooperation in addressing threats and challenges facing developing countries in advancing economic development and social projects. We remain committed about the significant job challenges and the widespread lack of decent work which particularly affects women, children and the youth. In order to achieve social justice, it is necessary to continue calling for the complete, immediate and unconditional lifting of all unilateral coercive measures. Finally, NAM affirms its commitment to social justice and calls on ILO constituents to update social contracts with solidarity and inclusivity. I thank you on behalf of NAM. I now turn to the statement for Uganda. Mr President, Vice-Presidents, Director-General, distinguished delegates, Uganda aligns with the NAM statement. I congratulate the President and Vice-Presidents of this session upon their election. I thank the Chairperson of the Governing Body and the Director-General for their reports to the Conference. This conference is being held against the backdrop of global political polarization, geopolitical instability and extreme environmental impacts, challenges that place the greatest burden and risks on women and workers. Uganda is committed in advancing the social contract because we believe that it is our duty and responsibility to ensure that our citizens access basic services, employment and social protection. To this end, my government has put in place socio-economic programmes to address these issues. Let me share some of the programmes. Number one, free universal primary and secondary education in all government schools. Wealth creation programmes aimed at providing affordable capital for businesses owned by women, youth and farmers, under which approximately

USD\$2 billion is allocated annually to support agricultural production services. For example, the Parish Development Model provides grants at household level for economic empowerment. Our programme called GROW supports women entrepreneurs with a grant of USD\$217 million targeting business development services and access to affordable capital at 10% interest rate per annum to expand their businesses. We have special grants of USD\$50 million annually established for persons with disabilities and older persons. The National Social Security Fund, which provides efficient social security coverage. A Social Assistance Grant for older persons of 80 years and above which provides monthly cash to them. We have invested in higher education scheme loans for students from poor backgrounds. Our technical skills development programmes are revitalizing structured apprenticeship programmes in which learners, primarily women and the youth, acquire technical skills and workplace experience and are provided with the tools and equipment to start their own businesses. In implementing these programmes, my government prioritizes partnership with our social partners, with our constitution protecting fundamental human rights including equal opportunities, economic and social rights and affirmative action for all vulnerable groups. This includes workers electing Members of Parliament to represent their interests as a special interest group in Parliament. It is essential that we enhance the North-South, South-South and Triangular Cooperation to support national endeavours aimed at eradicating poverty and hunger as well as fulfilling the pledges contained in the Philadelphia Declaration. Furthermore, there is a need for global solidarity and responsibility sharing with the developing countries being supported through fairer trade terms, a reformed financial architecture and investment that can accelerate the social and economic transformation of these countries. Finally, I reaffirm my government's commitment for a renewed social contract and reassure the Director-General of my government's cooperation and support. I thank you.

Mr Ali Bin Samikh Al Marri

Government (Qatar and Gulf Cooperation Council)

Mr Chairperson, ladies and gentlemen, the Director-General of the ILO, ladies and gentlemen, heads of the delegations, may God's greetings be upon all of you. I would like to speak to you on behalf of the GCC, and that GCC represents the UAE, the Kingdom of Bahrain, Saudi Arabia, the Sultanate of Oman, Qatar and Kuwait. Allow me to congratulate the President of the Conference and his vice-chairmen for having been elected to steer this 112th Session of the ILC, and we wish them all the best in their work. Ladies and gentlemen, we have taken note of the Report of the Director-General and we have felt that he is keen to talk about social justice for the second year. And this is an excellent idea. It is the idea that has been the cornerstone of the ILO. And this report has mentioned the importance of a renewed social contract and the reasons for such a renewed social contract. And the tripartite representation is going to underline social dialogue and would allow those countries or those three parties to fulfil their responsibilities. Social justice is very important and we believe that an unhealthy and unsafe working environment means that our social justice is not fully rendered or that it is absent. Ladies and gentlemen, this organization has been set up 100 years ago or more and we need to review the social justice on the ground to see how it was implemented in terms of legislative and standard-setting activities. We know that the ILO, with its tripartite representation, has made headway in this respect and that we have been able to convey various interests of the various parties in an excellent manner, these parties that represent the ILO and make the ILO different than other

organizations. In this report, we have seen that there is a clear explanation of the daunting challenges that we need to work on effectively and together, and we need to make joint efforts amongst all countries and international organizations in a more comprehensive manner in order to have an impact, in order for the change to become stronger and to be able to face up to reality and its complex activities. We know that climate change, technological advance, the informal sector as well as the debt crisis are only some of the problems that impede the renewal of our social contract. We in the GCC, we convert all our efforts in order to achieve a healthy environment for the workers on the basis of decent work and just transition. We have adopted the best programmes in order to ensure social protection. We would like to take note of the programme that we have adopted in the GCC for fair wages, and we work with you and with the ILO in order to improve the implementation of such a programme. Last week in Doha we had the first round of Doha Dialogue which is a regional dialogue between the GCC, Jordan, Lebanon and African countries that have a lot of migrant workers. And we set up a voluntary mechanism to deal with the status of such migrant workers in both receiving and sending countries. And we have set up a new dialogue mechanism that has been in implementation in the GCC since 2008 but we have adapted it at the regional level. We would like to thank the ILO for all their efforts in launching the social justice global alliance, and we think that this enables all tripartite parties to benefit from the experiences of each and every country. And we wish that the future would truly be a better future on the basis of our work and that this conference would achieve its objectives. Greetings be upon all of you.

Mr Masahisa Miyazaki

Government (Japan)

Thank you, Chair. Thank you, Director-General and distinguished delegates. Thank you very much. I am Miyazaki Masahisa, State Minister of Health, Labour and Welfare of Japan. It is my great honour and privilege to deliver this statement today on behalf of the Government of Japan. First I would like to thank the Director-General for putting together a comprehensive and ambitious report. Japan has already announced its intention to participate in the Global Coalition for Social Justice, invited by the Director-General, and has the pleasure of taking a role in the coordinating group. To achieve significant results, Japan will continue to support the initiative. As noted in the report, the ILO has been working on protecting workers' rights for more than 100 years. Japan has been a Member State of the ILO since the Organization's establishment and has taken on a great responsibility for the administration of the ILO for a long time as a member of the Governing Body. We have also been proactively involved in ILO activities as the third largest financial contributor while we share the values with the ILO. The Asia Pacific region is a critical area that has the largest number of workers in the world, and I am honoured that Japan plays a significant part to making decent work a reality in the region. As stated in the report, different approaches need to be taken according to the changes in the times, such as technological advances and demographic shifts. Japan will continue to make its utmost efforts by closely working together with the ILO. As many of you are aware, Japan is facing a rapidly ageing population and a declining birth rate. About 30% of the population is 65 years old or older and our society is significantly influenced by the demographic shifts. In such a situation, the Government of Japan believes that it is important to make sure that people with different characteristics can contribute their share as members of the labour market according to their wishes and capabilities, regardless of gender, age and other factors. And to maintain an adequate

workforce as the country's population declines, our government is making various policy efforts. For instance, companies are required to ensure their employees employment opportunities until age 65. Also, businesses must make efforts to secure opportunities for their employees to work until they reach 70. These are provisions aimed to create and maintain an environment for older adults to be able to work regardless of their age. Furthermore, Japan is stepping up policies supporting children and child rearing to address the population decrease. In terms of labour and employment policies, the Government is promoting various initiatives so that both men and women can balance work and parenting. Such initiatives include reducing long hours, encouraging male workers to take childcare leave and promoting flexible work arrangements for workers with young children. Meanwhile, we are also implementing policies to boost the income of young people by strengthening support for workers participating in education and training programmes. Being able to work is a blessing. We are creating a society in which the older adults can have a job according to their hope, just like the younger generation. At the same time, the Government is implementing policies to deal with population decline in the labour and employment area. As one of the fastest ageing nations in the world, Japan is willing to continue to share its policy efforts with other members. I would like you to utilize Japan's experience of success and failures when making policies in your own countries. Within the country, the Japanese Government attaches importance to dialogues with workers, workers' organizations and employers' organizations. Outside the country we make every effort to deepen mutual understanding with each country by discussions and colloquies. On behalf of the Government of Japan, I commit that Japan will, with leadership, cope with any challenges in the world of work which the ILO has identified. Thank you very much for your kind attention.

Dr Arshad Mahmood

Government (Pakistan)

Distinguished delegates, ladies and gentlemen, assalamu alaikum and a very good morning. Allow me to extend warm greetings from the people of Pakistan. We deeply appreciate the insights presented by the Director-General of the ILO in his report at the Conference. These visionary insights resonate with Pakistan's socio-economic landscape, emphasizing the need for a revitalized social contract to combat contemporary challenges of inequality, insecurity and injustice. Pakistan stands at the forefront of a journey towards comprehensive socio-economic development. With a dedicated focus on inclusive growth and sustainability, we navigate the challenges of climate change, remain unwavering in our commitment to fortify social safety nets, protect vulnerable segments of society and strengthen economic resilience. Mr President, at the heart of our endeavours lies the expansion of social protection schemes, ensuring a robust social safety net for the most vulnerable among us. By prioritizing health, education and financial support, particularly for marginalized communities, we strive to mitigate the adverse impacts of crises and foster resilience. The largest national social safety net programme, Benazir Income Support Programme, has been evaluated as an effective and very successful model. Mr President, the Employees' Old-Age Benefits Institution and the Workers Welfare Fund support private sector workers' welfare. EOBI offers pensions and lump-sum grants funded by the employees' and the employers' contributions, while WWF provides housing, education, health facilities and supports building hospitals and schools through industrial establishment contributions. Both institutions ensure better social security and living conditions for the workers and their families. Our recent endeavours of consolidating

and simplifying labour laws, Mr President, enhancing their scope to cover excluded groups, has ensured coverage to domestic workers and others who until now have been denied of these fundamental rights. Mr President, investments in skill development programmes are pivotal, equipping our workforce with the requisite skills for international labour markets. Through collaborations with international organizations and host countries we ensure that our workers are well-prepared and supported, facilitating fair recruitment and safe migration. Through significant legislative and policy measures, we are aligning our national legislation with international labour standards, underscoring our commitment for upholding workers' rights and fostering harmonious industrial relations. Our recent convening of the Federal Tripartite Consultative Committee exemplifies our commitment for social dialogue. Endorsing six new ratifications for 2024-25, including crucial Conventions on forced labour and maritime labour, Pakistan reaffirms its dedication for ensuring workers' rights with international labour standards. Mr President, we intend to convene the National Tripartite Labour Conference very soon. With a focus on occupational safety and health, OSH, we envision meaningful stakeholder participation, culminating in actionable outcomes that ensure OSH conditions across various sectors. Pakistan's leadership has been well demonstrated through our active participation in the Global Coalition for Social Justice. As the first ILO Member State where all three constituents, government, employers and workers, joined the Global Coalition, we underscore our commitment for advancing social justice. The launch of a national coalition for social justice further solidifies our dedication, and we eagerly anticipate contributing to and benefiting from the Global Coalition's inaugural forum scheduled for June 13th. Mr President, Pakistan remains steadfast in its pursuit for just transitions, emphasizing job creation, social protection, human capital developments and the upholding of fundamental labour standards. Aligned in our objectives, we look forward to collective efforts with the Director-General of the ILO to further the goals of social justice for all. I thank you all.

Ms Elly Rosita Silaban

Worker (Indonesia)

Chair, I have the honour of speaking on behalf of the Indonesian workers. I would like to start by warmly thanking the ILO Director-General on this report, so called 'Towards a renewed social contract'. It is time for a new social contract between workers, government and business, based on respect for human rights, including the fundamental principles and rights at work. We Indonesian workers fully support the Report of the Director-General. In the context of accelerating economic integration and reshaping the labour market, the formulation of labour policies becomes crucial, and participation of the social partners in the formulation is critically important. We need to reframe our social contract using social dialogue. I am in line with the report about the challenges we are facing in social dialogue, taking into account the declining trend of collective bargaining agreement coverage in many places. Meanwhile, the effectiveness of social dialogue depends on the existence of strong representative trade unions, thus the knowledge capacity to participate in social dialogue. One of the roots of this problem is the perception that still believes cheap labour policy and export-led growth will lead a country developed and sustainable (sic). Using precarious work as a comparative advantage in attracting foreign direct investments has proven to fail to prosper the people. The case on Indonesia's Omnibus Law, which Indonesia labour unions are currently complaining about in the ILO standards application committee, is one example of these circumstances. In developing the job creation law, the Government lacks to

have proper consultation with trade unions. To date, trade unions continue to voice their opposition against the job creation law. In its conclusion, the Committee requests the Government to avail itself without delay of ILO technical assistance with a particular focus on legislative labour law reform, including the job creation law, with the full involvement of social partners to ensure full compliance with its obligations under the Convention in law and practice. I thank the Director-General for his unwavering support to the tripartite constituents in Indonesia. I was honoured to officially meet the Director-General last Saturday in his office and convey the aspiration and expectation of Indonesian workers in relation to CAS conclusions in 2023. In this connection, I am also thankful to the International Trade Union Confederation, ITUC-Asia Pacific and ILO ACTRAV to make this possible. In addition to that, it is timely to re-visit the role of labour regulation today. The labour market situation has developed substantially in the last decades. However, the legislative frameworks failed to follow this development. For example, labour laws are not effective to protect the types of non-standard forms of employment. Therefore, adequate and sustainable social protection for workers in the gig and platform economy is essential. Chair, peace is the cornerstone of the realization of social justice. The Indonesian workers will continue to support the restoration of democracy in Myanmar. Indonesian workers stand firmly in solidarity with the Confederation of Trade Unions Myanmar, CTUM, Myanmar's workers and the people of Myanmar in their struggle to reclaim peace, justice, and democracy in their country. We express our strong support for efforts for peace, freedom and self-determination of the Palestinian people. Furthermore, we exhort trade union leaders around the world to stand in solidarity with Palestinian trade unions and workers in these difficult times. We urge the world leaders to stop this brutality and inhumane occupation. Finally, I would like to conclude my speech by pledging that we, the Indonesian trade unions, will continue to be actively involved in the activities of the ILO. Thank you very much for your kind attention.

Mr Ahmed Ali Abdelrahman Mohamed Elnour

Government (Sudan)

Mr President of the Conference, Chair of the Governing Body, ladies and gentlemen, members of the delegations. Mr President, it is a pleasure and an honour to be involved in the work of the 112th Session of the International Labour Conference. And I am addressing you on behalf of the Government and would like to congratulate you on your election to the presidency of the Conference and I wish you every success in your work. Ladies and gentlemen, Mr President, as this session is being held we can see a series of challenges and crises across the world. It is important that we face up to the new challenges. We are discussing technical issues in this session which is taking place more than a year after the revolt that affected my country, affecting the Government, workers and employers. Against that background, we welcome the report from the President of the Governing Body and would like to thank the Governing Body for the work that it has been doing and that it did between March 2023 and 2024. We would also like to express our thanks for the report from the Director-General, 'Towards a renewed social contract'. We also welcome the annex to the report on the situation of workers in the occupied Arab territories, and we also welcome the holding of a special session to discuss the situation of workers in Palestine and the aggression against Gaza which has had such negative effects on workers and their families. Respect for workers' rights is significant for the creation of social justice. A new social contract and standards at work will be important to establish peace at a regional, national and world level. We

have to have lasting peace. And that will only be possible if it based on social justice, so we need policies to reduce poverty within the framework of the ILO's strategy which is based on labour standards. Addressing employment and salaries, they have to be the basis. We quite agree about the significance of collective bargaining in accordance with Convention 87, which my country has ratified. The social contract requires good governance with the consent of all stakeholders. And in our view, it is important that we create jobs responding to new technology. In particular in my country which is being subjected to a rebellion and an aggression against our people, many of whom have been displaced, more than nine million of them, which is more than a third of the workers in the private sector. Small and medium enterprises are suffering from a lack of resources. It is important that they have the resources they need so that peace can be lasting and so that we can profit from digital technology and reduce the negative effect of the use of artificial intelligence. It is also important that we reduce the obstacles to the use of technology for workers, particularly in developing countries. Despite the progress that we have achieved since the Organization started addressing biological hazards, they continue to threaten the health of workers and remain a threat to investment and trade at a world level. An example of that was the COVID pandemic. In my country there are a number of biological hazards arising from the war which have caused epidemics. And we hope that at this conference we will recall the great significance of these biological hazards and risks and that we will be able to adopt a standard to address and reduce them. Mr President, the fundamental rights and principles at work are a significant issue. We need a robust plan to implement the decisions that are adopted, in particular faced with war, instability and climate change. We also must strengthen social dialogue to face up to the challenges of the digital economy, personal services and care, and to improve the working conditions. We hope that the Sudan will receive technical support from the Organization to address these various needs, particularly given that it is faced with a grave conflict. Finally, on behalf of the Government of Sudan, we thank the ILO for organizing this conference which is a great opportunity for us to enter into exchanges, and we hope that lasting peace will be installed in the world.

Ms Gerelmaa Davaasuren

Government (Mongolia)

Mr President, Mr Director-General, honourable delegates, ladies and gentlemen, at the outset, on behalf of the Government and representatives of Mongolia, I would like to extend my sincere greetings to you Mr President and Vice-President, with warmest congratulations on your election to steer the work of this very session. At the 112th Session of the ILC, we all gather to discuss a wide range of pertinent issues for the better of the world of work and a sustainable and inclusive economy. It is crucial to address the issue of transitioning to government, determine priorities and clarify the roles and participation of social partners. Mr President, in 2020, the Parliament of Mongolia adopted the Vision 2050 long-term development policy aimed at supporting employment, reducing poverty and ensuring sustainable social and economic growth with a favourable living environment. This policy document outlines goals for creating productive and decent jobs, encouraging entrepreneurship and fostering creativity to support employment. Our country's state policy on occupational safety and health is fundamentally aimed at protecting the life and health of working citizens and employees in all aspects. The National Occupational Safety and Health Programme has been implemented five times since 1997, with a significant update in 2008 to ensure safe working conditions and promote a healthy work environment. An independent law on

occupational safety and health was enacted in 2008 as well. Currently, a draft revision of this law is being developed, which includes regulations for improving the management system and creating a healthy and safe working environment. Although multi-faceted occupational safety and health prevention activities are organized for the mining, energy, road and construction sectors, which have high levels of workplace risk, the number of industrial accidents, acute poisoning cases and occupational diseases is not decreasing. In the mining sector those incidents account for 21.5%, in the construction sector 10%, in the road transport sector 10% of the total number of industrial accidents and acute poisoning cases. Mr President, as of today Mongolia has joined 21 ILO Conventions, including eight fundamental Conventions related to fundamental labour principles and rights. The standards, requirements and norms established by those Conventions have been successfully implemented within the framework of our national legislation. Furthermore, we are actively working with a view to joining the Labour Inspection Conventions 81 and 129 in the future. In recent years, the Government of Mongolia, in cooperation with social partners, drafted and had approved major labour and social protection laws such as the Labor Law and the Social Insurance Package Law by the parliament, thereby carrying out significant legal reforms. Additionally, to achieve these goals set forth by the laws, the Government, the employees and employer representative organizations signed the State Agreement for 2023-2025, which includes new content, responsibilities and relationships. It remains crucial to protect low-income citizens, enhance the value of work, increase the minimum wage and transition to a unified wage system based on work results and performance. I would like to express our gratitude for the continuous financial and technical assistance provided by the ILO at the policy level in all those activities. Mr President, in 2021 the Parliament of Mongolia approved the New Revival Policy, which the Government is committed to effectively implement over the next ten years. This policy aims to address six main areas: port, energy, industrialization, urban and rural revival, the revival of green development, and revival of state productivity. The topics and issues being discussed at this ILC session are fully aligned with this policy's theme. By implementing those reforms, we will accelerate post-pandemic economic growth and increase the number of decent jobs. I thank you, Mr President.

Mr Ishai Pollack

Employer (Israel)

Mr President, members of the Conference, unfortunately the organizers of this conference and many members of the ILO have forgotten that the strength and essence of this conference lie in the professional aspects concerning labour relations and not politics. We as employers found ourselves on October 7 deprived of life around the fabric of labour relationship, a large portion of the population lost its residence along the borders, and alongside this the entire economic system of workplaces, businesses and services was lost. Unlike the State of Israel as a nation and us as employers, many of the countries that have chosen to attack the State of Israel under the auspices of this conference do not respect human relations, human dignity, severely violating human rights regularly, including discriminating against women, exploiting women and children, allowing honour killing and more. The majority of these countries experience frequent coups characterized by significant loss of life among their own population. And instead of promoting their countries economically and socially, they sanctify dictatorship and destroy their democracy. One only needs to look at what happens around Israel in Libya, Egypt, Turkey, Lebanon, Iraq, Iran, Syria, Lebanon, et cetera. A

comprehensive examination worldwide shows that we, the employers in Israel, have been paying and continue to pay workers much better than anywhere else in the world, with comprehensive defensive labour law and pension rights directly to the worker's account, just as is given to an Israeli worker, including issues of hazardous and rights to work under the work care economy, as the reports (sic). Much better. These actions of wide protective legislation and cooperation with banks in Ramallah were carried out to prevent Palestinian third-party intermediaries from collecting between 30-45% of the Palestinian workers' wages. We, the employers, have been involuntarily caught in an absurd situation where at an international labour conference, whose professional purpose is to ensure balanced employment including the rights of foreign workers, we as employers are falsely perceived as harming Palestinians workers. Meanwhile, these very Palestinian workers are the ones that were found amongst the murderers in the massacre on October 7, killing and kidnapping other foreign workers simply because they worked for us, Israeli employers. Side of high-tech we need low-tech expert (sic). Many countries are happy to send workers to Israel due to the superior and protected labour rights, and we will welcome them with love and respect, G2G or B2B. We will continue to protect all rights of all of the workers wherever they came from and continue to provide a safe and economic platform for their welfare, but we will do so with mutual willingness to work together. The ILO organization is crucial for maintaining a balance of tripartism among the Member States of the Organization, and I would expect a professional organization like the ILO to avoid entering into ridiculous political attacks and solely stick to the professional platform, allowing us all to do business. 48 hours ago we rescued four more of our hostages back to Israel, but there are yet 120 more to bring home. And as for our so-called Arab colleagues, even in many cases of terminating an employee's employment due to personal or professional unsuitability to the workplace, and certainly due to the employee's extreme breach of trust, I can say only this to you. [foreign 120:28] which means "Don't ever cry like a baby over actions you took as a man". Thank you.

Ms Teresa Rodrigues Dias

Government (Angola)

A very good morning. President of the 112th Session of the International Labour Conference, Chair of the Governing Body, distinguished ministers, ambassadors, delegates, ladies and gentlemen, all protocol observed. I am honoured to take the floor once again before this august assembly, and I wish to take this opportunity to congratulate His Excellency Mr Alexei Buzu, Minister of Labour and Social Protection of the Republic of Moldova, president of this session. And I wish to extend those congratulations to the three vice-presidents. On behalf of the Angolan Government, the delegation of Angola and in my own capacity, allow me to convey my warm greetings and my sincere hope that we are successful in our efforts at this conference. Mr President, the strategic objectives that inspired the creation of the ILO are vital, and they are focusing on the social justice that is achieved through dignified, decent work. And we are fully aware that the importance of social justice, designed to achieve peace and universal security for all, is why we have come and continue to show our commitment to the collaboration between our States and this UN specialized agency. Today's world faces great challenges for social justice, caused by a multiplicity of crises and wars and the acceleration of economic and structural transformations. An increase in the rates of extreme poverty, in the number of poor workers, poor children, youth unemployment and informal employment underscore the importance of fighting inequality and trying

to ensure decent work at the global level. In this respect, we welcome the inaugural forum of the Global Coalition for Social Justice at this International Labour Conference, which is clearly an opportunity for the ILO to bring fresh momentum to our work and come up with new responses based on the principles of solidarity and economic democracy. Angola reiterates its international commitments to the 2030 Agenda for Sustainable Development, to the Decent Work Programme of the ILO and the 2063 African Union Agenda and our National Development Plan 2023-2027 which is designed to implement these commitments. And reforming our long-term national planning system, which is called Angola 2050, this sets out the guidelines for ensuring the sustainable development of our country focused on social justice, sustainable economic development and the promotion of peace and decent work. Mr President, with regard to compulsory social protection for employees, a number of legal instruments have been adopted and issued with a view to promoting the extension of compulsory social protection for employees and for low-income generating activities which have a lower rate of contribution because of the amounts being generated by these activities in sectors like agriculture, fishing, small-scale commercial activity and services. With regard to vocational training, we have built and equipped 162 centres of vocational training under the auspices of the national employment and training institute. And I would like to underscore that these vocational training centres number 1,474 at the national level, and in 2023, 808,000 young people and adults were trained, and over 30% of those were women. And we have new centres for supporting training and a new programme which is designed to modernize our public administration. And in the labour force 112,107 workers have been brought onto the market as a result of this training, and we are strengthening collaboration between companies and people and these job centres. There is no doubt that we will continue to do everything we can in terms of awareness-raising in companies and our training centres to try to ensure that all job offers and the provision of training use these government services so that we can have a system that is adapted to the needs of the market and we can focus on real training needs in relation to that market so we only need to train the people who can actually find jobs on the market. And this will help us to combat unemployment as well. Youth employment is one of our key focuses under the guidance of our president of the republic and we have this agenda and a national employment fund to try to ensure that we implement these policies effectively. On behalf of my delegation, and as Minister of Public Administration, Labour and Social Security, I would like to reiterate once again our firm commitment to pursue the objectives of this organization and which are reflected in our constitution and the legislation that we have in force in our country. Thank you.

Mr Akihiro Ichimura

Employer (Japan)

Thank you very much for this opportunity to speak here as a representative of Japanese employers. The world is facing crises of unprecedented complexity. Urgent challenges include overcoming the problems of climate change, ecosystem collapse, expansion and entrenchment of inequalities and reproduction of disparities where the poverty of parents is passed on to their children. The crises we face are now further complicated by disruptive technological innovations such as generative AI and biogenomics. In this situation, Keidanren, Japan's leading business organization, has advocated the realization of a virtuous cycle of growth and distribution and proposed various policy measures. First, with regard to growth, solutions to social challenges must

be engines of growth. A prime example is the green transformation aimed at solving the problems of climate change. In addition, through public-private collaboration, we are working to generate innovation, increase productivity and strengthen industrial competitiveness with a focus on digital transformation and the promotion of start-ups. Distribution is as important as growth. Therefore, Keidanren has insisted that, in order to create an ample middle class, it is essential for the Japanese Government, labour and employer organizations to work together in an integrated and holistic manner in three policy areas: macroeconomic policy, social security and taxation, and labour policy. We have thus called on companies to respond with wage increases, emphasizing that this is a corporate social responsibility. In this context, it is particularly important to raise wages at small and medium-sized enterprises and to improve the environment in which they operate. To change negative attitudes towards price shifting and price increases in society, Keidanren is strongly encouraging companies to participate in the Government's Declaration of Partnership Building initiative which aims to achieve co-existence and co-prosperity throughout the supply chain. Keidanren also attaches great importance to promoting the goals of the Declaration as social norms. Keidanren's Chairman, Mr Tokura, has been emphasizing the concept of thinking and acting from the social point of view since taking up his post. This means bringing a social perspective to the market economy. It means that we, as companies, are public institutions of society and that we must contribute to society in addition to pursuing profit. We believe that this concept will lead to the realization of a social contract, as highlighted by Director-General Gilbert Houngbo in this year's DG report. There has never been a time when tripartite cooperation has been more necessary than now. Keidanren will continue to work for the realization of a virtuous cycle of growth and distribution through in-depth discussions and concerted efforts by governments, workers and employers. Thank you.

Mr Bassolma Bazie

Government (Burkina Faso)

President, distinguished guests, please receive the greetings of His Excellency Captain Ibrahim Traoré, President of Burkina Faso and Head of State. The preamble of the Constitution of the International Labour Organization of 1919 makes it clear that "lasting peace can only be established if it is based on social justice". This was recalled in the commemoration of the centenary of the ILO in 2019: "If you want peace, cultivate justice." And because it believed in these principles and the values of solidarity, social justice and peace, Burkina Faso adhered in a sovereign fashion to the ILO on the 21st of November 1960, and since that date it has ratified 44 Conventions. Since 2015 a predatory war, could be called terrorist, has been imposed in a cowardly fashion to better pillage its riches. Now having understood that survival, stability, social development and progress can only happen not on the basis of the weight of Conventions that have been ratified unless given artificial presence in a wide range of organizations, the Burkinabé people has decided that it is resolutely going to be involved in the study and consent to sacrifices at the level of the historic challenge that it is faced with to conquer its entire sovereignty. That is the only way that we will be able to live in freedom and dignity. I would like to thank the Director-General for his report 'Towards a renewed social contract'. It is not just calling on us to action but also confirms the analysis of things that we have in Burkina Faso. It is necessary that this be understood by many leaders, and in particular some of those in Africa, like us, because there are among us still some African leaders who have not understood the lessons of history, on the slave trade, colonization, neocolonialism, and continue to have the suicidal illusion

that they can depend on the good will of a master who will claim to free them. In fact, the shores of the oceans are covered with the bodies of our young people. In our countries medicines are diverted to kill people and not to kill germs. Tonnes of food are diverted to make people ill or infertile. Conventions are signed to alienate people. There is blackmail to impose [vgr INAUDIBLE 135:57] and leaders are recruited and maintain to become true [vgr INAUDIBLE 136:04]. This is happening at the same time as we have seen [vgr INAUDIBLE 136:07] representation of African people in international organizations, violating simple rules of decency. If the [vgr INAUDIBLE 136:13] wants to survive as an organization of [vgr INAUDIBLE 136:15] tripartite mandates have courageously to take on in the full sense the values that [vgr INAUDIBLE 136:22] humanity, in particular dignity, integrity and honour. While we are waiting for that, the Burkinabé people has devised its own priority social contract, implementing an action plan for stabilization, trying to make the whole of the international territory secure and responding urgently, effectively and efficiently to the humanitarian crisis, promoting good governance in the fight against corruption, engaging in political, administrative and institutional reforms with a view to reinforcing the culture of democracy and consolidating the state of law, working for international consolidation, social cohesion and providing for the organization of free, transparent and inclusive elections. So it is only in the sense of this [vgr INAUDIBLE 137:09] that we will be ratifying Conventions and implementing, not to please anyone else, whoever it may be. We would like to [vgr INAUDIBLE 137:19] the brother peoples of Mali and of Niger with whom we have formed an alliance of the States of the Sahel. And on the other hand, we are partners in the whole world who have understood us and share our fight for sovereignty. We would like to express our profound compassion, solidarity and sincere condolences to the people of Iran, Russia and Palestine for the painful moments that they are going through. Long live the Alliance of Sahel States. Long live people fighting for their sovereignty. Long live Burkina Faso. Long live the ILO. Our country or death. We will prevail. Thank you very much.

Ms Sandra Major

Worker (Bahamas)

Director-General, all presidents, vice-presidents and colleagues, I am from the Commonwealth of the Bahamas Trade Union Congress and representing the workers of the Bahamas. I want to congratulate the Director-General on a comprehensive, eye-opening and informative report. This report has caused reflection, empathy, appreciation and gratitude. Mr Director, in 2021 the Bahamas sign its second-generation Decent Work Country Programme, which speaks to our social contract between the Government, the workers and the employer. The Government of the Bahamas has increased the minimum wage and has expressed an interest in introducing a more sustainable liveable wage. This was welcome news to all workers, and it is our hope that the Bahamas Government continues to move the goal post toward a decent standard of living in the Bahamas. Social justice in education will be greatly enhanced with the National Apprenticeship Bill, which was passed in the House of Assembly, April 2024. The programme supports opportunities for people of all ages to continuously skill, reskill, upskill and focuses the workforce to respond to constantly evolving labour market needs as technology and AI have changed education forever. Thank you to the ILO for providing technical support to the Bahamas. In recent years we have seen an increase in the improvement of job security to benefit many workers with the signing of industrial agreements in the last two and half years of our government's

five-year term in office. To ensure that social justice is applied, government and the private employers must operate within the law, which are industrial agreements, all of which must be signed, contracts, and the Employment Act. Serious consideration must be given to Section 29 of the Employment Act. A fully operating labour inspectorate is priority as we are committed to improving our health and safety in the workplace. The Government of the Bahamas must address the issue with the industrial tribunal not having the capacity to enforce its own ruling. We await the necessary legislation and amendments to resolve these concerns so that the workers in the country will not be denied justice. I also note throughout the report the focus on climate change and its potential impact on countries. The Bahamas has recently been on the global stage during COP28 with our prime minister making the international community aware of our vulnerability and our need to be protected beyond our limited resources, taking into consideration the employment impact of the climate environment. The Bahamas has a vested interest in the sustainability of our country and the necessary mitigation against the impact of climate change. Director, we are grateful that the Bahamas is a country where the severity of these issues can be addressed by our government. We, the Workers' representative, remain committed to working with other social partners to ensure that every Bahamian lives in a society where social justice is not only the goal but the reality. March on Bahama land. Director-General, congratulations once again. Colleagues, good afternoon.

Mr Agni Deo Singh

Government (Fiji)

Mr President, Excellencies, bula vinaka and greetings. I am honoured to address this assembly today on the pivotal theme of a renewed social contract, a subject that resonates with the core of our shared aspirations for labour relations and social justice across the global workforce. We gather here cognizant of the indelible mark that equitable and just employment practices leave on individuals, societies and economies the world over. In an era marked by rapid technological innovation, economic shifts and evolving societal values, it is crucial that we adhere to the tenets of social justice and foster employment relations rooted in trust, respect and open dialogue among employers, workers and governments. The foundation of a reinvigorated social contract in our working world must be laid on the bedrock of fairness, equality and solidarity. It demands a concerted effort from all parties involved, governments, employers, workers, and civil society, to safeguard the inherent rights and dignity of every member of the workforce. Furthermore, this renewed contract must navigate the changing tides of work in the digital era. As we witness the transformative impact of technology on industries and job markets, our mission is to forge an inclusive and sustainable future of work that ensures that no one is left behind. This mission necessitates investments in skills development, lifelong learning and a robust social dialogue to empower workers and equip them for the digital economy's diverse challenges and opportunities. Mr President, the Fiji Coalition Government has taken a decisive step in revising its labour laws to align it with the International Labour Organization's requirements. This is a testament of our commitment to international labour standards and the pursuit of social justice and the safeguarding of workers' rights in our nation. I extend my gratitude to the ILO for assisting with the review of the labour laws, in harmony with the ILO committee's recommendations and the Joint tripartite agreement of Fiji from 2016. The decision to embark on this comprehensive review reflects the shared priority that unites us as members of this organization. By collaborating closely with the ILO, we are

fortifying our laws, ensuring adherence to international norms and championing the values of social justice at the workplace. The collaboration signifies a renewed commitment to equitable labour practices, the protection of workers' rights and the nurturing of harmonious industrial relations. The contributions of the consultants funded by the ILO will undoubtedly shape the refinement of Fiji's labour laws, ensuring it reflects the contemporary best practices and aligns with the requirements and recommendations of both the ILO committees and our joint tripartite agreement. Through this joint effort, we are establishing a foundation for a labour environment that is more inclusive, transparent and rights-oriented, benefiting all stakeholders. Mr President, the 29th of April 2024 marked a significant milestone in Fiji's history as we welcomed the return of the Direct Contacts Mission of the ILO after several years. The constructive dialogues with tripartite members and other key stakeholders underscore our resolve to nurture a harmonious workplace environment. By embracing the Direct Contacts Mission, we not only affirm our commitment to upholding international labour standards but also demonstrate our readiness to engage in meaningful dialogue with the concerned parties. The united endeavours of government, employers and workers set the stage for exchanges that promise to yield beneficial results for Fiji's workforce. In closing, I reaffirm Fiji's commitment to building on these efforts to make social justice the foundation of sustainable peace, shared prosperity and equality of opportunity to all. Vinaka vakalevu and thank you.

Mr Deogratius Bona Ndejmbi

Government (United Republic of Tanzania)

President, Vice-Presidents, distinguished delegates, ladies and gentlemen. Honourable President of this conference, it is with great honour I take this momentous occasion to address this 112th Conference of the year 2024. On behalf of the United Republic of Tanzania, allow me to congratulate you Mr President and Vice-Presidents for the trust and honour placed in you to preside over and steer the work of this conference. Chairperson, let me also use this opportunity to convey warm and fraternal greetings from Her Excellency Dr Samia Suluhu Hassan, President of the United Republic of Tanzania, whose leadership is leading towards rapid socio-economic transformation with achievements that benefit the whole country of Tanzania. My delegation commends the Director-General and the entire ILO secretariat for a sterling job. We also appreciate his in-depth report that calls us to renew social contracts by reaffirming the fundamental principles that labour is not a commodity and that poverty anywhere constitutes a danger to prosperity everywhere. As a country, we are therefore ready for taking decisive actions and identify countless opportunities in improving the quality of work in the world of work. The United Republic of Tanzania has taken measures to enhance administration of labour standards, including reviewing its labour laws and employment policies and strategies, increasing access to skills development for all, and including persons with disability, and strengthening the tripartism and social dialogue in various consultative forums and decision-making bodies. Chairperson, towards promoting a renewed social contract, Tanzania is on the verge of ratifying six ILO Conventions, which include C102, 121, 122, 189 and two fundamental Conventions on occupational safety and health, C155 and C187. Along with ratification of two OSH fundamental Conventions, Tanzania mainland and Zanzibar in 2023 has developed OSH regulations on occupational health, personal protective equipment at work, and occupational safety and health, working environment, that protect workers against occupational hazards, including biological hazards. Chairperson, in strengthening social

security for the private sector, Tanzania, through the National Social Security Fund and Zanzibar Social Security Fund will launch a revised National Informal Sector Scheme and Zanzibar Informal Sector Security Scheme respectively in 2024. These schemes are designed to extend social security coverage to the informal sector workers and the self-employed so as to promote a renewed social contract that enables them to participate and contribute to the fund through voluntary arrangements. Chairperson, making social contract a reality, Tanzania, through the Workers Compensation Fund and ZSSF through a special scheme known as ZSSF [vgr INAUDIBLE 152:19] Scheme provides adequate and equitable compensation to employees and dependents in instances of occupational accidents, diseases, including diseases resulting from biological hazards and deaths. The scheme pays compensation benefits at a replacement ratio of 70% above that of the ILO recommendation replacement ratio of 60%. Chairperson, to ensure the right of work, Tanzania has established and continues to strengthen the Commission for Mediation and Arbitration, CMA, for mainland Tanzania and the Disputes Handling Unit, DHU for Zanzibar, a specialized and independent institution with executive mandate to resolve labour disputes timely and fairly. I would like to express my gratitude to ILO Member States for the overwhelming support and votes that enabled Tanzania to be elected as deputy Governing Body member. In this, let me assure ILO Member States full cooperation and commitment in our tenure as deputy Governing Body members. In closing, Chairperson, I wish to reiterate the commitment of the Government of the United Republic of Tanzania to continue working with the ILO in addressing decent work deficits in the country. We value the support provided by the ILO over the years and call upon your continued support in the efforts to provide a better standard of living and decent employment for our people. Thank you all for your kind attention. Asante sana.

Mr Akmadi Sarbassov

Government (Kazakhstan)

President, ladies and gentlemen, participants of the Conference, I would like to give you greetings from the Government of Kazakhstan and congratulate Madame Passchier as President of the Conference. Kazakhstan entirely supports the ILO's calls for concrete action to guarantee decent work and social peace and also its work against biological hazards. We welcome the report from the Director-General, Mr Hounghbo, 'Towards a renewed social contract'. This document particularly highlights the importance of social justice for sustainable development. Kazakhstan entirely supports the call for a renewed social contract. We are convinced that only shared efforts will be able to respond to the challenges of creating a more sustainable and inclusive future for everyone. We want to work along with the ILO and the community of employers and workers to achieve that. For Kazakhstan the question of occupational safety and health is a priority. We fulfil the standards of the 25 ILO standards that Kazakhstan has ratified. We welcome the opportunity to ratify other Conventions such as 176 involving mine safety. In 2023 we adopted a legislative text on social agreement which regulates industrial relations in our country. It is a very important document. It also covers social security, protection of the rights of workers and social services. This legislation guarantees the rights of the people of Kazakhstan. And at the moment Parliament is considering draft legislation to improve safety at work and the rights of workers. We are also involved in active efforts in labour inspection in line with Convention 80 on labour inspection and 29 on labour inspection in agriculture. We have adopted strategic documents to create safe and quality work with a strategy to develop the labour market in the next few years and a strategy of work without danger for a similar period. We have created an electronic tool making it

possible to look for a job or for employers to look for workers. A new general agreement was signed between the Government, workers and employers for 2024-2026, the main objective being to create favourable conditions for employment and work and to provide guarantees. With technical assistance from the ILO we have created a road map for support of decent work. In the framework of this road map we have carried out a cooperative analysis of the Kazak legislation on the respect for Convention 102 in particular. We think that stable and fair labour conditions are the basis for sustainable economic growth and for social prosperity, and that is why Kazakhstan has joined the Global Coalition for Social Justice with a view to establishing lasting peace in accordance with the fundamental values of this organization. It is these basic values of human dignity and equality and equality of opportunities for everyone. To wind up, I can assure you that the Government of Kazakhstan is working to improve labour and social policy, improving legislation, fairness and decent work in accordance with ILO standards.

Mr Wills Rangel

Worker (Venezuela (Bolivarian Republic of))

Gilbert Hounbo, ILO Director-General, Mr Alexei Buzu, President of the 112th Session of the ILC, I congratulate you upon your election. Distinguished citizens of the world of the international working class, the Bolivarian Republic of Venezuela takes note of the content of the Director-General's report calling for a renewed social contract. Venezuelan workers have a programme to re-found our republic to establish a democratic, participatory, dynamic, multiethnic and pluricultural society with a state of federal and decentralized justice consolidating the values of freedom, independence, peace, solidarity and the public good, territorial integrity, coexistence and the rule of law for this and future generations, ensuring the right to life, labour, culture, education, social justice and equality without any form of discrimination or subordination, promoting the peaceful cooperation among nations and facilitating and consolidating Latin American integration according to the principle of non-intervention and the self-determination of peoples. We agree with the Director-General's call for people's aspirations for a new era free of the exploitation of workers to see the day. And we need urgently to see a new global society with the respect for nations and their peoples, a fair distribution of wealth, environmental sustainability of production where we see a real effort to address climate change and consolidate a multipolar world with the development of different economic centres and different partnerships for the benefit of peoples. And Venezuela has been discussing seven transformations under the programme of our government 2025-2031 under the legacy of Commander Chávez. Our Bolivarian socialist nation has tried to take on as a priority the well-being of our people. Transnational companies and the visible faces of the governments of the US and the European Union have applied even more crude, unliteral coercive measures with more than 900 such measures, so-called sanctions, where the centres of power are trying to impose a model as an alternative to our economic and social model. And we are aware that the empires of the West will continue to impose these sanctions, and therefore the workers of the nation, and under the Government of President Nicolás Maduro Moros, we know that we are the forefront of efforts to protect the well-being of our peoples. And we have productive councils of workers to try to do this, along with our trade unions. We have recovered the Indexed Comprehensive Income for workers and we are moving towards fully recovering our good wages. Alongside this, the Government has managed to control inflation to record levels over the past 20 years, and we are trying to ensure better protection of the living wage for our workers. We agree with the

Director-General on the importance of social dialogue. Venezuela has been an example of open dialogue with all social partners under the guidance of our leading partner, President Nicolás Maduro Moros. We urge the ILO to call for the withdrawal of all unilateral coercive measures against our nation. Our nation has been a model of democratic participation with 31 national elections over the past 25 years of our revolution. And we are shortly to have new elections on the 28th of July when once again millions of Venezuelans will vote to continue with our Bolivarian revolution. Transnational policies and forces are threatening to ignore our democratic process and spread media generated rumours of electoral fraud, and we urge people around the world to bear in mind this new threat to our nation. We also call for an immediate end to the genocide against the Palestinian people, renewing a social contract for the workers of occupied Arab territories. Our Bolivarian revolution is no enemy of the Jewish people, but we will always fight Nazi Zionism. We extend solidarity to people's all over the world and we renew our efforts to promote Latin American and the Caribbean integration as encouraged by the liberators of our continent and Commander Hugo Chávez. Thank you very much. Long live the nation.

Mr Ahmad Soueidan

Government (Lebanon)

Thank you, President, and allow us to reply to the statements of the representative of Employers of the Israeli occupation who I remind you is murdering children and spreading lies in order to try to divert attention from its crimes in Gaza. We need to see justice, and in the meantime we condemn these words that undermine the ILC because we have simply been highlighting the crimes against the Palestinians and against Lebanon. And this is terrible for the conscience of humanity. We are surprised to hear the representative of Israeli employers issuing these accusations and lies against us for as long as Israel continues to commit crimes against the Palestinian and Lebanese people. The meeting on Thursday that discussed Palestine was an opportunity for the whole world to learn about the atrocities being committed there, the massacres and the human rights abuses. And this simply proves that the employers of the occupying power are complicit with their political and military leadership in an attempt to crush the Palestinian people and deny their right to work, life and self-determination. Thank you.

Mr Alexei Buzu

President (Republic of Moldova)

Dear delegates, ladies and gentlemen, that brings us to the end of our speakers list for this morning's plenary. As I announced at the start of the sitting, our plenary will resume this afternoon at 2.30 sharp with the presentation, discussion and noting of the report of the Finance Committee as well as the adoption of the two resolutions stemming from the work of the committee. The report was published on the Conference website on Saturday as Record of Proceedings 4A. I thank you all for your contributions and for the fact that you abide by the rules of our plenary, and I will declare now the sitting closed. Thank you.

Mr July Moyo

Government Vice-President (Zimbabwe)

Please be reminded that a right of reply should refer only to the matter in question. It should not exceed two minutes. It should be delivered in respectful parliamentary language. It is not the practice of our organization to allow a right to reply to a reply. I thank you very much. Without further ado, let us begin our list of speakers as displayed in the room and published in the daily programme. My first speaker this afternoon is Mr Ngouelondele, Minister in charge of Qualifying, Training and Employment of Congo. You have the floor.

Mr Hugues Ngouelondele

Government (Congo)

Mr President, Your Excellencies, ministers, distinguished delegates, I am honoured to take the floor at this 112th International Labour Conference organized under the leadership of Director-General Gilbert Houngbo. And I wish to convey to Mr Houngbo the congratulations and respect of our president of the Republic of Congo, His Excellency Denis Sassou Nguesso. My country welcomes this organization's efforts to continue to promote social justice and the rights of workers throughout the world with a view to rising to global challenges that have arisen from social inequalities. Mr President, this, the 112th Conference is taking place at a time of great challenges, including the post-pandemic recovery, the impact of geopolitical conflicts, a transition towards green economies and digital transformation. All of the Organizations' members need to provide a coordinated response to these challenges with a view to promoting decent work and social protection for all. The Republic of Congo, like many countries, is still recovering from the devastating effects of the COVID-19 pandemic. Clearly, supply and distribution chains have been severely disrupted and we have seen an increase in unemployment, particularly affecting the youth. Nevertheless, this situation has given us an opportunity to review our strategies and strengthen our commitment to improving working conditions and to promoting sustainable economic development. In that context, my country has declared the year 2024 a year for youth, and we have undertaken major reforms. For instance, we have conducted a study into the transition to active employment, and in that context we have taken a number of initiatives to improve the situation of our young people. And we hope to create about 60,000 jobs and draw up a national employment policy with the support of the ILO in this context. Thanks to cooperation with the ILO, Congo has adopted two key instruments to promote decent work: the programme for the promotion of decent work 2023-2026 and the Roadmap 2023-2025 with Congo joining Alliance 8.7. Implementing the universal social health insurance scheme has also made tremendous progress with the opening session of the Governing Body in 2024, May this year. Mr President, my country has just been elected as deputy member of the ILO Governing Body, and we have indicated our interest in joining the Global Coalition for Social Justice and we are expecting great things of the high-level forum on the 13th of June. That is why Congo remains committed to building a fairer, more inclusive and more sustainable future of work, continuing to engage with the ILO and the international community in order to try to improve conditions for all and promote fundamental rights at work. To conclude, my country believes very strongly that international cooperation is essential if we are to rise to the global challenges of the world of work. And in preparation for the global Social Summit

in 2025 Congo calls for greater solidarity among States in sharing good practices and providing support to the most vulnerable countries. Thank you for your kind attention.

Ms Aïssatou Abdoulaye Tondi

Government (Niger)

President, Director-General of the International Labour Office, ladies and gentlemen, ministers and heads of delegations, ladies and gentlemen. It is a great honour for me and a true pleasure to take the floor before this august annual labour conference. Allow me to give our president and other members of the bureau our congratulations on their election to their post in guiding our work at this 112th Session. We are sure that they will live up to their noble mission. I would like to thank Gilbert Hounbo, Director-General of the ILO, for his report. We would also like to thank all of his team at a central, regional and national level for the remarkable work that they have been doing to improve the world of work at world level. Mr President, my delegation notes in particular the significance indicated in the report of the need for a renewed social contract for more social justice, a key part of the Director-General's vision. We read with great interest about the developments in employment and improvements for the world of work involved after the official end of the pandemic. However, despite this positive tendency in unemployment, we can see that there are problems arising in the future and there is persistent inequality on the labour market, in particular in low-income countries such as ours. And that is a matter of major concern for us. We are seeing more and more young people leaving school and arriving on the labour market. This situation leads us to recognize and underline the relevance of the subject we are talking about and the questions set out on the agenda of this 112th session, protection of workers from the effects of climate change and biological hazards, and also the question of care workers and fundamental rights and principles at work. We are sure that the discussions on these issues will enable us to find the guidelines for inclusive and fair policies and the means to implement them that will make it possible for enterprises and the workers that they work to participate in a lasting and just relaunch. Niger is currently involved in a reform and transformation of its industrial fabric to revive production and has been addressing the needs of employment, in particular for young people and for women. The Government has put into place a resilience plan, adopted on the 1st of May, and in June of 2023 it installed a wide-ranging social protection programme aiming for employment for all and to fight against inequality in all its forms. This is the [vgr INAUDIBLE 10:41] programme and His Excellency Brigadier General Abdourahamane Tchiani, President of the State, is the chair of the committee responsible for this programme and is working tirelessly to recover the full sovereignty and independence of Niger and provide for profitable growth to the benefit of all Nigeriens. We are working actively along with all stakeholders at national level to have an in-depth understanding of the issues and to work towards the global summit for social justice with a view to implementing its objectives more efficiently. Given that, we are particularly attached to the importance of the strengthening of technical cooperation with the ILO and with other parties involved in this vision so that we do not leave anyone behind. Mr President, to conclude, we would like to thank all of those who have contributed to the election of Niger to the Governing Body of the ILO and we call on all of the tripartite constituents of the ILO to fully support the ideas of the Director-General contained in his report. Thank you.

Mr Jung Sik Lee

Government (Republic of Korea)

Honourable chair, honourable Director-General, distinguished delegates, greetings. As articulated in the Director-General's report 'Towards a renewed social contract', the existing social contracts that have supported individual well-being and realized co-prosperity and solidarity are currently under pressure. Amid the tumultuous waves of socio-economic changes, including global demographic shifts and technological advancements, there is a growing need to shield workers in vulnerable positions from unfairness and inequality. I strongly align with the vision of a renewed social contract where tripartite constituents engage in dialogue and solidarity to support workers in vulnerable positions and realize the value of co-prosperity. In response to these evolving socio-economic challenges, the Korean Government is striving to build a labour market grounded in mutual growth and co-prosperity, ensuring the well-being of all working individuals through comprehensive labour reforms aimed at transforming awareness practices and systems. First, the Government is advancing policies designed to guarantee universal human and labour rights. Korea has made significant progress in expanding labour rights, as evidenced by the ratification of fundamental ILO Conventions Nos 87 and 98 in 2021. Yet, given the large number of non-unionized workers and diversification of employment types, there is a need for various institutional protections and supports that align with these realities. The Korean Government intends to identify policy agendas across multiple sectors to effectively address various challenges in the field, ensuring that workers in vulnerable positions experience tangible improvements while enhancing the Government's role in providing protection and support throughout the process. The Government also plans to establish an institutional basis to provide continuous and systematic support such as building a communication system to gather opinions from workers who have difficulty voicing their concerns collectively and expanding legal counselling and education services. Additionally, we are reinforcing labour inspections to eradicate illegal activities such as delayed wage payments which directly affect workers' livelihoods. We are also promoting discussions on establishing a labour court for a swifter and effective resolution of rights violations in addition to the Labour Relations Commission which serves as the existing labour dispute resolution system. Furthermore, to prioritize the protection of workers' rights and foster safe and healthy workplaces, we are providing support for the establishment of industry specific prevention systems, particularly for SMEs. Second, the Government is increasing investments in active labour market policies to ensure equal access to employment opportunities for all. As emphasized in the Director-General's report, the success of a renewed social contract hinges on its capacity to deliver social justice through decent work. For parents whose work life is challenged by child bearing and childcare responsibilities, decent work means having jobs that guarantee the choice of working hours and location. For the youth who have just entered the labour market, decent work means having jobs that offer opportunities for meaningful professional growth and experience. To expand work opportunities for parents, the Korean Government is working towards establishing a system that guarantees work-life balance through expanded paternity leave and a phased increase in parental leave benefits. To help more youth obtain better and more job opportunities, the Government is expanding training programmes in emerging industries and new technology sectors and strengthening tailored vocational training that can be immediately applied in the field. Third, the Government is continuously expanding social safety nets for workers in vulnerable positions to ensure fair distribution of the fruits of

progress. Since it took office, the current government has improved and tailored employment insurance and industrial accident insurance to better serve workers in new employment types such as dependent, self-employed and platform workers who often receive remuneration from multiple work places and change jobs frequently. In response to the diversification of employment types and occupations, the Government is committed to periodically assessing actual conditions and expanding the coverage of employment industrial accident insurance accordingly. Lastly, the Government is actively promoting social dialogue among tripartite constituents to improve awareness, practices and systems that support better work-life balance and establish a sustainable labour market capable of adapting to industry transitions and demographic changes. For instance, the tripartite constituents in Korea launched a special committee for sustainable jobs and future generations. As highlighted in the DG's report, tripartite-based social dialogue is essential for expanding decent work and addressing the dual structure of the labour market. Recognizing the critical importance of meaningful dialogue with workers and employers, the Korean Government aims to establish a sustainable labour market for future generations through active engagement and discussion. However, we firmly reject problem-solving methods that resort to illegal means such as logic of power, violence and threats instead of fostering dialogue and compromise. Such approaches are contrary to the values of solidarity and co-prosperity that the tripartite should uphold. The spirit of the ILO, as embodied in Convention Nos 87 and 98, upholds the principles of freedom of association and the respect for domestic laws of each country. So the tripartite should comply with domestic laws, denounce illegal acts and realize the principles of freedom of association through social dialogue. The direction of the Korean Government's labour reform is straightforward and clear. It aims to create workplaces for all where all working individuals are respected, healthy, receive fair compensation and where the values of co-prosperity and solidarity are protected. Now looking ahead, as a responsible member of the ILO the Korean Government will continue to be at the forefront of establishing a system that will create sustainable jobs for future generations and foster a society where the value of labour is respected properly. Thank you.

Mr Oudet Souvannavong

Employer (Lao People's Democratic Republic)

Distinguished members of the presidium, Excellencies, distinguished delegates, ladies and gentlemen. It is a great honour for me to address the 112th International Labour Conference. Allow me extend my congratulations to the work done by the International Labour Organization, and let me express my support for the Director-General's report with the theme 'Towards a renewed social contract'. It is indeed addressing the cause of our concern related to the growing inequality and growing labour market imbalance that impacts growth and social justice. It sets a new vision for advancing social justice through the promotion of decent work as a means to address the persistent injustice, inequalities and insecurity due to the rising inflation, increased cost of living following stagnant economic growth, climate change and increased geopolitical tension and armed conflict. The global challenges have profoundly impacted the economy and business landscape of our country, Lao PDR. Our [vgr INAUDIBLE 19:52] business sector, which experienced the harm of reduced operations during the COVID pandemic followed by the worldwide economic recession and encountering difficulties in their recovery due to the change in [vgr INAUDIBLE 20:06], low productivity, labour shortage, high inflation, significant devolution of the local

currency, elevated cost of living and the more attractive wage and benefit in other countries. In our region, illegal labour migration is increasing, exposing vulnerable individuals to injustice and insecurity. As the official employer organization and as an active member of the ASEAN Confederation of Employers, the Lao National Chamber of Commerce and Industry has diligently worked towards the implementation of Lao National Labour and Social Development Plan 2025. This five-year plan encompassed the development of national [vgr INAUDIBLE 20:54] employment strategy, aimed at promotion of decent work and sustainable employment through the enactment of appropriate labour and social welfare legislation. The Lao National Chamber of Commerce is also providing recommendations and undertaking action to support the recovery of the industrial service sector by facilitating market supply chain and transportation and by enhancing production and services to steer the country out of the economic downturn. Consequently, issues relating to labour and employment have become our high priority. Furthermore, the Lao Chamber is instructed with the mandate of promoting micro and small-sized enterprises. With the support of the Government and development partners, the Chamber provides information and training to SME and MSMEs mostly operating in the non-formal area to ensure compliance with enterprise regulations and be able to run profitable businesses. First, promoting formal employment and social justice. The Lao Chamber actively engaged in social dialogue and activities with the tripartite constituents aimed at improving the livelihood of employers and workers. This involved addressing issues such as wages, social protection and welfare, skill development, job matching and workforce planning for industry needs, occupational safety and health, labour market needs and possible business practices. A Dual Cooperative Training, DCT, information and promotion centre has been established since 2020 to support vocational training in our country. To these constituent activities, Lao Chamber is collaborating with related government institutions involved in improving the livelihood of the employee with the focus on defining minimum wage, skill development, work matching and planning for various [vgr INAUDIBLE 22:56] industry needs. Finally, in our commitment to address growing injustice and work insecurity, I would like to reaffirm the commitment to combat human trafficking and modern slavery. To end my statement, I would like to reiterate our determination to support the demand for the further improvement of and development of a human-centred policy as outlined by the ILO Centenary Declaration for the Future of Work in response to the actual global challenge we are all facing. I also want to take this opportunity to express my gratitude to the ILO for its substantial and continuous support extended to our organization. Thank you very much.

Ms Rivka Werbner

Government (Israel)

Good afternoon to you all. Mr Chairman, distinguished delegates, I would like to start by thanking Mr Gilbert Hounbo, Director-General of the ILO and to you, Mr Chairman, for leading us in this conference. I wish you a great success. Mr Chairman, since the October 7th attack on Israel by Hamas, major changes occurred in the labour market. The enormous scope of evacuation of communities away from their workplaces in the south and north of Israel created challenges characterizing IDP communities around the world. The suspension of the education system for long months had a grave impact on working parents. Also workers placed on unpaid leave are mainly ones with a low income. Mr Chairman, around 20% of the labour force has been absent in sectors such as construction, agriculture, tourism, which rely heavily on foreign labour. As a

result, the Government led adjustments in national insurance benefits in order to support vulnerable populations and those most effected by the tragic events. Due to the absence of employees and the extreme increase in expenses, the economy relies more and more on technological progress. We are aware of the need to protect the labour market from social injustice, especially due to layoff of unskilled workers. This is why we invest in computerized training with the aim of integrating specific communities such as Orthodox Jews and Arab women in the labour market. Also, in 2023 the Minister of Labour, Mr Ben-Tzur signed an extension order which stipulates a fundamental reform for social workers, including continued increase of wages up to 20% based on development of professional experience, training and management promotion. Despite the challenges, the labour market remains relatively strong. Unemployment rates have fluctuated but generally stayed low, reflecting the economy's resilience. Mr Chairman, we welcome the work of the Standard Setting Committee on Biological Hazards and we are looking forward to its conclusions. The Government of Israel has enacted laws and regulations in the field of dangerous and harmful substances at work, in addition to the operation of a registry of occupational diseases. In addition, a national database of employees' exposure to harmful factors contains all tests since 1960 and is updated on a daily basis. Mr Chairman, the economy is a bridge between people and countries. I am convinced that joint efforts can make us move forward when coping with global crises. Emphasizing decent work and maximizing the potential of all parties involved will lead us to a fair economy and a better society. We are looking forward to the return of all our hostages back home and to a peaceful day in our region. This will allow us to establish better economic and labour relations with our neighbours for the benefit of all of us. Thank you, Mr Chairman. Thank you all. Toda. Shukran.

Ms Florence Bore

Government (Kenya)

Mr Alexei Buzu, the President of the 112th Session of the International Labour Conference, Honourable Moyo the Vice-President, Mr Gilbert Houngbo the Director-General of the ILO, colleague ministers, representatives of workers and employers, distinguished delegates. Kenya welcomes the Director-General's report titled 'Towards a renewed social contract'. This report highlights predominant pressures on the social contract and the emerging deficits in fulfilling societal and communal obligations to individuals and families. It questions our respective responsibilities and duties to each other, the understanding of our respective needs, access to services, opportunities and social protection. The report also interrogates our rules governing relations between ourselves and institutions of governance. Mr Vice-President, as part of the global economy, Kenya does not have any unique experience from what we have heard so far expressed from this podium, and we wish to state that our experience only differs in space and time but the trajectory remains the same. Climate change, technology, artificial intelligence and geopolitics of the times have had profound impact on the social contract, which has have left many vulnerable. This has raised mistrust of our governance institutions in the eyes of workers and employers and put to test the relevance of tripartism in governance. Mr Vice-President, during the recent floods, Kenya witnessed severe loss of life, human and livestock, and property, destruction of infrastructure and displacement of people. As at the end of May 2024 nearly half a million learners were unable to resume classes as they remained at home or in temporary shelters following heavy rains and flooding across the country. Joint assessment by the Government of Kenya and development partners, including UNICEF,

indicates that 3,781 classrooms are unsuitable for learners. 242 adults and 73 children are reported to have lost their lives as a result of the floods and landslides. Consequently, waterborne diseases and associated illness are on the rise. Mr Vice-President, these children and their families require equal protection of the law, and on this point I do agree that there is an urgent need for renewal of the social contract. Mr Vice-President, digitalization is one of the key drivers of change of the world of work. The adoption of digital technology in Kenya has heralded the access to education, healthcare, banking, commerce and many more services, all of which are helping our people improve their lives and their livelihoods. The poor rural population, the elderly persons, however, remain disadvantaged due to limited access to digital platforms. Mr Vice-President, further, despite growth in the labour pool with an increase in skills demand at entry level and task-based work to specialized work, there is a need to devise new strategies in governance and policy framework to ensure fair distribution of the gains and opportunities of the digital transformation. Workers in the digital economy have no job security. They also have limited access to social protection and career progression and lack benefits and rights to organize collectively. Clearly, Mr Vice-President, we need a new social contract to ensure protection of workers in this sector. Mr Vice-President, unemployment of the youth in Kenya remains very high due to mismatch in skills and labour market demands, growing population, an education system which does not emphasize technical skills or job creation, poverty levels, among others. This has given rise to pressure between the young and the old generations and an increase of mental illness among the youth and a feeling of lack of social inclusion. To revise the existing policies and put in place new strategies to promote employment of the youth, we require to renew the social contract. Mr Vice-President, geo-global conflicts in parts of the world such as the ones between Ukraine and Russia, Israel and the Gaza Strip, instability within East and Horn of Africa and the Great Lakes Region have impacted negatively on many economies across the world, and Kenya is no exception. There is a rise in emigrant community in Kenya and also movement of persons within the Member States which have both gains and challenges and require address. Clearly again there is a need to revisit the social contract to balance the national and foreign interests to work. Mr Vice-President, without belabouring the decent work deficits, I wish to state that as a global community we have all made great strides since the Philadelphia Declaration of 1944 and there are documented milestones to this effect. Nevertheless, there is still room for improvement to close the income disparities, inequalities within our populations and reduce social exclusion, which all threaten our societal fabric and stability. The existing policies and institutions are ill-prepared to respond appropriately to the transformations in the world of work. As a community of nations, the ILO must be intentional in our collective action and must build bridges for cohesive, peaceful and sustainable communities. Mr Vice-President, as I conclude, let me concur that we cannot continue to talk about decent work and social justice without renewing the social contract. We must assess our collective responsibility as constituent parties. We must revitalize and reconfigure existing labour and employment policies and programmes for just transition and sustainable development. To this end, I call upon the office of the ILO Director-General to help the Member States and the coalition of the willing to renew the social contract and to go beyond ratification of international labour standards. I thank you for your attention. Merci beaucoup.

Mr Donat Bagula Mugangu

Government (Democratic Republic of the Congo)

President of the Conference, Vice-Presidents, Director-General of the ILO, ladies and gentlemen, it is an honour for me to transmit to you the voice of the Democratic Republic of the Congo which, through its president, President of the Republic His Excellency Mr Félix Antoine Tshisekedi Tshilombo, and the people of Congo in general, send their very warm greetings to all delegates here present. Mr President, it is also an opportunity for me to congratulate you and the members of the bureau on your election. My delegation is pleased to thank the President of the Governing Body and the Director-General of the ILO for their reports on which our hopes of moving towards a renewed social contract are based. Through these reports and their annexes we see how the impact of war on the labour market and the deterioration of the humanitarian situation is clearly underlined. It is important to point out that, apart from what is happening in Palestine or in Ukraine, the worst hidden events are currently happening in the east of the Democratic Republic of the Congo where the dignity of more than 20 million people is being trampled upon. Fundamental rights at work are being divested of any significance and all efforts towards social dialogue are being annihilated by the enemies of peace, and there I would mention in particular Rwanda and its allies, in a shameless enterprise to pillage the natural resources of the Democratic Republic of the Congo. The Democratic Republic of the Congo, my country, today has the world record of around seven million displaced people within it, thanks to this war of aggression, and more than five million displaced people are living in host families and displaced people's camps. The occupied areas are characterized by significant decent work deficits where these workers do not have any access to their rights at work nor to social protection and even less access to a right to or services of care for themselves or their families. Despite that very difficult situation in the occupied regions, many efforts have nonetheless borne fruit in the world of work as a result of the efforts of my government to better comply with the social contract. There we are talking about the implementation of to facilitate universal health coverage; the reform of social security, including in the public sector; the strengthening of social dialogue through the organization of union elections in all enterprises of whatever kind; the current reform which is underway in public employment systems and in vocational training to guarantee the employability of young people; and a boost for the labour inspectorate through the recruitment of more than 2,000 young inspectors; and finally, the updating of the road map that we have as one of the pioneer countries in Alliance 8.7. Mr President, I cannot finish speaking without sending out an urgent appeal to all of you individually and collectively to work together with the Democratic Republic of the Congo for peace. This is an essential factor for a fair transition in a world of work in continuous change. Thank you for your kind attention.

Mr Mody Guiro

Worker (Senegal)

Mr President, Director-General, distinguished delegates, I am delighted to address you at this 112th Session of the International Labour Conference to bring you the contribution of Senegalese workers to the discussions of the important agenda items at this conference. At the outset, allow me to convey our congratulations to the President and Vice-Presidents of the Conference and to the ILO Director-General for his frank diagnosis of the global situation. But also thank you for the very comprehensive reports

and important documents that have been submitted for our consideration. Mr President, we have read with great interest the Director-General's report on a renewed social contract, and we share his vision and proposals for a fairer and more just world. Globalization has not fulfilled its promise of economic prosperity and social justice for the vast majority of workers and people around the world. In fact, it has led to historic levels of inequality. Together with digitization and climate change, it is throwing up fresh problems for all of us. We are seeing the weakening of labour laws and fundamental labour rights, unfair trade practices and the unbridled financialization of the economy, and blind trust in technology to resolve problems relating to social organization and ethical values that underscore our societies. The arrival of automation, artificial intelligence, greater fragmentation of society, inequality, precarious labour, mass unemployment, poverty and phenomena such as exclusion and rejection of people, they threaten our life together and coexistence and throw up challenges for all institutional social partners, particularly in the world of work. You are right to remember that the World Summit for Social Development in 1995 in Copenhagen set us on a path to try to find inclusive social contracts to promote real social justice for peace in a sustainable way. Other summits have taken place in 2000 with the Millennium Development Goals 2015, with the 2030 Agenda and the 17 goals which are very important for trying to improve living conditions around the world. But just a few years now separate us from 2030, and we must recognize that the commitments have not been met, and many of these goals will not be reached unless we accelerate progress. The Director-General's report clearly describes the situation for people in developing countries, in particular in Africa and Asia who are most affected by unemployment, poverty, inequality, the lack of social protection, insecurity, famine, the violation of human and trade union rights and instability. In spite of all of the sacrifices made by African populations for many years, the continent's progress has been held back by debt and debt servicing which has become an impossible burden, and the poor distribution of the benefits drawn from natural resources which are exploited by multinationals and only leave the crumbs to the people in the local communities. It is quite clear that we cannot stop regular emigration of young Africans without a better distribution of the wealth that is drawn from natural resources in Africa and withdrawing the burden of public debt. Other issues are on the agenda at this conference, including protection from biological hazards, fundamental principles and rights at work, and the care economy and decent work. The COVID-19 pandemic shook a world which was ill-prepared to deal with it, and we need to draw the lessons from this crisis and prepare for the future with more affordable and accessible health services for all. The extension and consolidation of social protection systems and the adoption of decent work public policies by governments in developing countries remains the best strategy to address inequality and poverty, which are the scourge of our societies. We need more investment in social services. That is why we need to see the establishment of a global fund for social protection and its financing, and we need to give an important place in that discussion to workers in the informal economy which tend to be excluded from formal social protection systems. President, Director-General, distinguished delegates, it is possible to build a better world of peace and social justice, but to do so we will need to pool our efforts and work together towards the same goals. Thank you for your kind attention.

Ms Patricia Francourt

Government (Seychelles)

Mr President, Excellencies, ladies and gentlemen, I am honoured to be part of the discussions of the 112th Session of the ILO Conference which is further advancing the importance of social justice and the promotion of decent work. I commend the ILO Director-General, Mr Gilbert Houngbo, for his leadership in carrying forward the well-deserved discussions from last year's Conference in his new report entitled 'Towards a renewed social contract'. Seychelles embraces this concept which safeguards fundamental human rights at work and advocates for individual and collective responsibilities in order to bring positive changes amidst our evolving context and challenges. It aligns with the Government's strategy of placing human development at the centre of public policy, and it reiterates that a country's prosperity largely depends on the quality and the life of its people. A renewed social contract reminds us of the rights and obligations of employers and workers and it is the basis of the employment relationship in the world of work. Indeed, achieving such a model takes time and perseverance, but the conversation has started and even certain actions are being implemented. We need to continue in this direction and keep sensitizing and educating our labour force, as communicating the right information always becomes crucial whenever we are addressing employment challenges. In this respect, I thank the ILO for the continued support extended to the Government of Seychelles in different areas of cooperation that are assisting the country to promote social justice. Namely, completion of a study on informal employment, drafting of an action plan on skills mobility framework, development of a proposal to extend pension contribution to migrant workers, a skills assessment in the circular economy, implementation of a labour market information system, amongst others. I am pleased to share some recent milestones made by Seychelles which are contributing towards this vision. In October last year the Government signed the United Nations Sustainable Development Cooperation Framework 2024-2028. Through national consultative sessions and use of empirical data, the framework identified economic prosperity, social inclusion, people development and environment conservation as priorities to achieve economic and social development. Furthermore, in May 2024 Seychelles organized its first World Social Work Day Symposium as the Government recognized the need to bring greater value and support to social workers as their role is becoming increasingly important to improve the well-being of people and communities. I was therefore delighted to note that the Conference agenda is also holding an opportune discussion on decent work and the care economy. Enhancing awareness and recognition on the role of social work, aligning working conditions with current challenges and training were amongst the main recommendations of the symposium to create effective economic and health outcomes. It is my hope that other Member States will join this effort in preparation for the World Social Development summit in 2025. I am also proud to announce that in January this year Seychelles ratified the ILO Domestic Workers Convention as we acknowledge that all workers should enjoy equal rights and social protection, no matter their place of work. Last but not least, Seychelles is undertaking final consultations for the review of the Employment Act 1995, and several recommendations stem from the ILO's technical assistance. The review process has been extensive, but in the spirit of social dialogue, we believe it is important to consult and listen to the needs of all parties. In conclusion, I take this opportunity to reaffirm Seychelles' commitment to the shared vision of the ILO of social justice and renewing a social contract that reflects the challenges and opportunities of our time, whilst ensuring prosperity to all. I thank you.

Mr Daniel Funes De Rioja

Employer (Argentina)

As an Employers delegate from my country and as President of the Argentine Industrial Union, I would like to greet the President of the Conference, Alexei Buzu, and the Director-General, Gilbert Hounbo. I would like to express our commitment to advancing in a social dialogue which is effective in searching consensus which can then be reflected in our individual countries, reconciling the universality of the ILO with the individuality of every country and every region. We are faced with a challenging global context which affects business work as well, both in investment, incorporating technology, employment and employability, productivity and competitiveness, and international trade. In Argentina, apart from that situation, there is a clear and urgent need to stabilize the economy, which has to take into account the sustainability of enterprises so that employment can be provided. In particular, small and medium-sized enterprises, they need a balanced macroeconomic framework which will promote investment and generation of quality employment. I am talking about that kind of employment. In the Director-General's report there is reference made to the need for a periodic updating of the social contract to respond to the way that circumstances change, both at political and institutional levels as also at an economic and social level. As a current example, we can see what is happening in the Fourth Industrial Revolution, the incorporation of Industry 4.0, digitalization, artificial intelligence and innovation, among others, and also the new realities of the world of work to adapt to the development of new tools and occupations which require, along with an updating of the regulations, a modernization of labour relationships. And these changes need to help to promote more and better high-quality and formal employment. AIU has presented a white paper addressing these issues to provide responses to the challenges of a new labour ecosystem and to formalize people who are not yet in formal employment. And faced with this double challenge, we need to make advances in issues that Argentina has not yet resolved: high levels of labour fines, court cases and non-payroll labour costs which affect productivity and competitiveness. And as a background to that panorama, our country does not just have a high level of labour informality but also a high level of tax informality: more than 35% after a long period of stagnation in our economy and in employment in our country. In parallel, while we are addressing all of these issues, we also have to work for the future. Education and vocational training, as we have already said, are absolutely fundamental given the significance of the new technologies. Workers, employers and governments have to work together to make the change which will highlight the value of employability. As the Director-General, Gilbert Hounbo, recently said in his appeal to give priority to social justice, this requires a modern and realist vision. As he said, we need to strengthen the institutions and organizations of work so social dialogue will be effective. And we have to revise legislation and standards which affect the labour market so that they are relevant and are up to date with a view to protecting workers and to promoting sustainable enterprises. And that is what the Director-General said, and I say that too. Another issue which is up for discussion at the moment is the limits to the right to strike, which quite clearly have to take into account the concept of harassment and violence in Convention 190, which Argentina has ratified, which works in two directions. Because blockades of workplaces or making it impossible for people to get into or get out of somewhere violate constitutional rights such as those of property and of exercising legal activity, freedom of transit and of work. As far as the Government is concerned, it is important that we have a tripartite commitment because

respect for standards is an absolutely indispensable precondition for social dialogue being effective and actually leading anywhere. Thank you.

Mr Louai Almonajed

Government (Syrian Arab Republic)

Mr President, Your Excellencies, ladies and gentlemen, I bid you good afternoon, and please allow me at the outset to express my gratitude for this conference, wishing it all the success. We are honoured to participate with the delegation of the Syrian Arab Republic, alongside representatives of workers and employers, at this important international gathering, ladies and gentlemen, despite the following effects that we are witnessing in our country. First the impact of the war of aggression and the armed terrorist acts which started in 2011 and led to vast devastation of our infrastructure and impacted the industrial relations and conditions due to the death of many workers and the sidelining of many enterprises as well as the labour migration of skilled labour migration. And the spread of child labour and the increasing numbers of the vulnerable, and coupled with the repeated aggression by the Israeli occupation against the Syrian territory and their discriminate practices against the Syrian citizens in the occupied Arab Golan. Third, the unilateral coercive measures imposed on us by the West and which go against international agreements and conventions and deprive citizens from their right to life and decent work and which hampered efforts to improve the socio-economic situation with regard to providing raw material, the means of production and the modern production techniques. And this is all in front of the world's silence and with the absence of any serious measures to hold such unjust measures. From this lectern I would like to call upon the international community to exert every pressure to lift these unjust measures which are hampering development. And here I would like to remind that a dear part of my country, which is the Syrian Arab Golan, is still under the Israeli occupation which is perpetrating many criminal practices against Syrian citizens and discriminating against them, hampering them from establishing productive enterprises on their lands as well as expropriating territories and denying Syrians access to their lands, to their water resources and choking their possibilities to market their produce and products. We would like to thank the ILO for listing this item as one of the main items this year, and we look forward to having it as a recurring item with regard to the situation of workers in the occupied Arab territories. We also would like to reaffirm our keenness for the implementation of all international labour standards in order to achieve a decent work environment where all the appropriate conditions are available to workers, employers and their families to have a decent living and would like to reaffirm the role of the ILO as international sponsor of providing the necessary conducive labour environment in our country, Syria, and our cooperation with it in the many fields and activities that the Syrian Government is implementing, especially with regard to the rights of workers in the occupied Golan. I am honoured to overview a number of priorities upon which we have worked in coordination with the representatives of workers and employers in our country, which are the following. Modernizing the legislation that regulates the operation of our ministry to keep up with the developments around the world, and this was done alongside the ILO team. Also, enshrining the principle of decentralization and issuing the necessary labour guidelines. And we have also launched a platform for the labour market in cooperation with the United Nations delegation. And also we fostered the support for migrant families and the IDPs through the financing of MSMEs and simplifying all the measures. In the field of social protection we have undertaken the following. We have undertaken the labour

inspection, whether the industrial or agricultural sites, and we adopted transparency in maintaining these visits through the involvement of representatives of workers and employers to guarantee the rights of all tripartite representatives. And we have also enshrined the principles of cooperation and coordination with the workers' and the employer organizations in cooperation with all the tripartite constituents. We also raised awareness among workers and employers through dialogue sessions with workers' and employers' organizations and civil society organizations. We also promoted labour training at the workplace. In the field of social protection, following the war we started an actuarial study with regard to the role of the social protection institution in coordination with the ILO in order to look at the financial position of the institution and its ability to provide all the necessary contributions to its beneficiaries on time. And we simplified the many measures and launched a number of electronic services to limit the costs. We developed databases in order to achieve the best investment in putting and drawing policies and strategies. We activated the role of the national committee for occupational safety and health and adopted a national strategy in this regard in cooperation with the tripartite constituents. Your Excellency, ladies and gentlemen, we renew our wishes for the best results of this conference and we would like to thank the President of the Conference as well as the ILO's management and all those who contributed to this success. Thank you.

Ms Jacqueline Mugo

Employer (Kenya)

The President and Vice-Presidents of the International Labour Conference, the Director-General, employers welcome the Director-General's report to this conference. The Director-General's report observes in the preface that trust in national and international governance is waning. This occurs when the governance priorities are out of sync with the people's priorities. For example, in Africa the people's priority is wealth creation and job creation. The people yearn for decent jobs to help them put food on the table, send their children to school and meet other basic needs. The report rightly observes that many nations and people feel that the system is rigged against them. It calls upon us to ensure that the priority of the ILO remains aligned with the people and their specific circumstances. Mr Vice-President, let me highlight a few points from the Director-General's report. One, the new social contract. The call for a new social contract is in our view impractical without addressing effective labour market governance, trust in government or focusing on implementation and measurable impacts. Also, introducing a new standard is not the solution to promoting social justice, addressing inequalities and fostering sustainable development. The limited application of already ratified standards demonstrates the challenges of the normative approach. We need practical solutions and implementation strategies. Employers call for a constructive and forward-looking approach addressing needed social and macroeconomic policies that would benefit the whole society rather than consuming resources on deep theoretical reflections on a new social contract. This is a concept with various definitions and is not applicable globally given the various levels of development and diverse cultural, social and economic realities. Mr Vice-President, creating a conducive environment for sustainable enterprises should be a priority for the ILO and for all of us. Enterprises are the backbone of any economy. Without sustainable enterprises, there can be no decent jobs. The report calls for a new economic framework but does not adequately emphasize the need for a business-friendly environment. Policies that support entrepreneurship, reduce excessive bureaucratic hurdles and encourage investment are essential for

sustainable economic growth. A conducive environment for businesses, especially small and medium-sized enterprises, will lead to job creation, innovation and economic resilience. The DG's report refers to a conducive environment for business but does not elaborate on it as it should have done. On productivity, the Employers' group has for a long time called on the ILO to recognize that productivity improvement is crucial to the realization of the aspirations in the DG's report. For example, we cannot talk about the implementation of living wages without first looking at productivity. Increasing productivity should be our collective concern. The report falls short in proposing concrete measures and policy reforms to enhance productivity across sectors. A well-articulated productivity agenda will not only boost economic growth but also create decent jobs and improve living standards for all. The report states that "we must reach an agreement that protects employment quality and seeks to improve the balance between productivity gains and leisure". A strong productivity agenda goes beyond sharing productivity gains. It is about reskilling, investing, improving regulations, reducing informality and strengthening institutions, among other measures. Mr Vice-President, the transition from informal to formal economies remains a significant challenge, particularly in developing economies. The report underscores this issue but lacks detailed strategies to address it effectively. Simplifying regulatory frameworks, ensuring financial inclusion and providing incentives for formalization are critical steps that need to be prioritized. These measures, in line with Recommendation 204 of the ILO, will help integrate informal workers into the formal economy, offering them greater security and access to social benefits. Reducing informality must be a priority to create productive employment and decent work in developing economies, which is the most effective path to reducing poverty and creating job opportunities. It is also essential to improve conditions for companies to drive economic growth and employment creation in the formal sector. Lastly, Vice-President, the Director-General called us to consider two questions: how we should go about renewing the social contract and how we can amplify the voices of the real economy. In my view, the answer to these two questions is the same: invest in strengthening membership-based organizations of employers and workers, and strengthen institutions and platforms of social dialogue at all levels. It is my hope that the Office will ringfence resources for revitalizing tripartism and the employers' and workers' organizations that underpin it, as envisioned in the Director-General's report. I thank you.

Mr Woldeyesus Elisa Gulay

Government (Eritrea)

Excellencies, ladies and gentlemen, it gives me great pleasure to express my gratitude to deliver a speech on behalf of my government in this august conference. And I would also like to avail myself of this opportunity to thank and appreciate the reports presented by the Chairperson of the Governing Body and the Director-General's second report which focuses on the social contract upon which we are striving to build decent work for all. As the Director-General has rightly written out in the report, since 1919 the ILO tripartite organs were founded to advance social justice, and our tripartite social dialogue enabled us to build commitments to promote decent work. However, the existing geopolitical instabilities, coupled with wars, climate change, technological advancement and demographic change have not allowed social justice to advance to the heights we all expect. Rather, it has put the world of work to badly face injustice, inequalities and insecurities. This situation, we believe, compelled the Director-General to develop this report and enquire the following two questions. How do we tackle the

injustices, inequalities and insecurities facing us today? How do we renew that social contract today and deliver social justice as the basis for lasting peace? Appreciative for raising these two questions as to renew and advance social justice through social dialogue, my delegation kindly encourages the Director-General to take into account how this body can contribute to restoring peace and stability worldwide. Mr President, Eritrea, based on its self-reliance and the steadfastness of its people, has persisted numerous complications, devastation and provoking wars, and celebrated its 33rd independence anniversary under the theme Peace Anchored on Resilience on 24th May 2024. Currently, Eritrea is heavily engaged in nation building and the development of its economy by revisiting its policies and development programmes, improving implementation plans, mobilizing the necessary resources, making essential adjustments and concessions and reinforcing institutional capabilities, with its main objective being to formulate and implement inclusive development policies. This is Eritrea's strategy towards renewing its social contracts and eventually delivering social justice through its agenda for decent work. Ladies and gentlemen, realizing that it is not easy to carry out the indicated nation building and development plans and deliver social justice in these fluid global and regional developments and trends, Honourable President Isaias Afwerki said, "Beyond safeguarding our independence and sovereignty, we will continue to work hard, without complacency, to consolidate the tie of friendship, cooperation and complementarity with our close neighbours and wider region as well as with like-minded and free people of the world." In this context, Mr President, Eritrea welcomes the building of ILO's partnership as it enhances its human and institutional capacity to promote and protect the employment promotion programmes. We profoundly share the idea of renewing the social contract and delivering social justice as a basis for lasting peace and request the ILO's contribution in tackling the national and global labour challenges. I thank you all.

Mr Noor Kutub Alam Mannan

Worker (Bangladesh)

Honourable Chair, good afternoon. On behalf of Bangladesh, I would like to extend my best wishes to the governments, employers' and workers' representatives, including the guests and media personnel from different countries participating in this conference. We are looking unitedly to secure food security for the working peoples of [vgr INAUDIBLE 80:13], ensure decent work, occupational safety and health, ensure children's education, end violence and harassment against the men and women, create smooth industrial relations and ensure socio-economic and cultural development. We want to [vgr INAUDIBLE 80:44] peaceful world and guarantee of global justice and sustainable, friendly relations. Sheikh Hasina, the Prime Minister of Bangladesh, the daughter of the Father of the Nation, consistently raised [vgr INAUDIBLE 81:11] by forming [vgr INAUDIBLE 81:17] 40 industrial sectors and 42 to the tripartite committee. Four sectors have been declared as new industrial sectors. [vgr INAUDIBLE 81:33] for agriculture sector and domestic workers are under process. Honourable State Minister and Employment Minister, [vgr INAUDIBLE 81:51], Mr Nazrul Islam Chowdhury MP is labour-friendly and honest. He has already started working on the Bangladesh labour information management system under the Minister of Labour and Employment through which the online database of the workers is being created. As a result, we will be able to solve any problems of the workers and take quick measures for their welfare. According to the labour force survey in 2024, total labour force is 73.75 million, male 48.45 million and female 25.30 million. Unemployment population total 2.59 million,

male 1.75 million and female 0.85 million. Informal labour forces employment total 84.9%. [vgr INAUDIBLE 83:20] employment population by sector: agriculture 33.83 million, industry 12.75 million and services sector 26.358 million. Honourable chair, an improvement [vgr INAUDIBLE 83:48] in biological health, exposure of biohazard [vgr INAUDIBLE 83:54] in variety of settings such as workplace, hospitals, lavatories, agriculture and food processing plants, biohazard including pathogenic tonics, allergenic biological [vgr INAUDIBLE 84:13] for food industries, waste management, et cetera, and dying from the various diseases, including HIV, Hepatitis B and C, [vgr INAUDIBLE 84:28] or E. coli. In the same cases, biohazards causes epidemic. Neither the owner nor the buy or the brands bears any responsibility. In this regard, we should take urgent action [vgr INAUDIBLE 84:46]. In the past three conferences, I reported on progress in improving the living standard, social and legal protections and benefits of the workers in Bangladesh. At the same time I call to end the trend of the third-party contractual of [vgr INAUDIBLE 85:13] in this name of global outsourcing, including Bangladesh and certain creation of a permanent disaster prevention fund of workers under the auspices of the ILO. Any progress in that regard would benefit my country. Thank you. Joy Bangla, Joy Bangabandhu, Joy.

Ms Toni Moore M.P.

Worker (Barbados)

Mr President, Vice-Presidents, distinguished delegates, underpinning the Report of the Director-General is the recognition that worldwide the trust gap between states and their citizens and between employers and workers is widening. The experience of COVID-19 exposed further social and economic inequalities within and between countries. When taken alongside the disruptive impacts of climate, demography and technology, the need for course correction is certain, to control the power imbalances and divergent interests that continue to promote an agenda for the few and not for the many. The need for a renewed social contract is therefore incontestable, but are we truly ready to move past this being merely a philosophical concept? Is there within and among ILO Member States the political will to undertake the drastic transformation required in our labour markets, tax systems, social security systems, but more so in our mindsets, to take advantage of what a new social contract can deliver on? But why these questions you may ask? For starters, we should not have to wait for an outcome from an international court to determine that, whether implicit or explicit, the right to strike has been a fundamental cornerstone of our democracy. To deny this would be to backwardly disregard the achievements of labour to our social and economic development. It would be to deny that the mere threat of strike in countries like mine has led to major economic reforms such as unemployment insurance, pensions, minimum wages, hours of work and overall employment policy. It would be to ignore that without the right to strike, or even the threat of strike, social development in many countries would not have taken place were it left solely to the captains of industry who resisted what is required to achieve the social and economic developments that we now take for granted. We must not fool ourselves that a social contract will be achieved where the right to strike is surrendered. As philosopher Isaiah Berlin puts it, "Freedom for wolves often means death to the sheep." Mr President, I do not intend to pre-empt the reports from those who have been leading the discussion in the Standard-Setting Committee on Biological Hazards. But as I witnessed the deliberate attempts to block consensus on language that could deliver far better protection to impacted workers, I could not help but think that this is exactly why workers are tired. This is exactly what

compromises the delivery of the social contract. Workers are wearied by employers who for the first two years of COVID were saying, “We are in this together. We need to build back stronger.” Today these very employers have seemingly thrown that expression of solidarity into the distant past, perhaps until, God forbid, another crisis comes. Workers on the frontline of COVID are feeling more isolated, forgotten and undervalued. In my country, we had to dust off the 1949 Labour Clauses Convention and Recommendation that were ratified for over 70 years. This was because workers who gave up their rights to severance payments during the pandemic to shield hotel establishments and the national insurance fund from astronomical decline, were put on the frontline of attack from employers who, as soon as tourism started to grow again, were pulling back on terms and conditions that had been established for 60 years of collective agreement. My union successfully lobbied and won a campaign to secure into law provisions to ensure that where private employers undermine labour clauses, they would not be granted subsidies or concessions. Under a renewed social contract we should not have to resort to legislation, because it requires that all actors hear each other, see each other and feel each other. This is not often the case. But the ILO can help in this regard. Through its unique structure and role, there is the opportunity for the ILO to engage constituents through Decent Work Country Programmes and to strengthen its voice in the multilateral system to assist constituents in setting priorities to tackle the multifaceted challenges. Among other things, the ILO must emphasize that establishing a renewed and modernized social contract will not be possible without a universal labour guarantee aimed at guaranteeing fundamental workers’ rights, living wages, limits on hours of work and safe and healthy workplaces. In his famous mountaintop speech, Martin Luther King observed that “the world is all messed up”, “confusion all around”, but “only when it is dark enough can you see the stars”. Distinguished delegates, I should not need to convince us that it is already dark enough. If we do not move past words to doing better, we are going to witness a lot more uprisings, many of which will not align to achieving democracy and meaningful progress. It is time for change. Let us stop moving simply towards a new social contract. It is time for us to deliver it. I thank you.

Mr James Hoth Mai

Government (South Sudan)

Mr President, Vice-President, honourable ministers, the Director-General of the ILO, distinguished delegates, ladies and gentlemen. First and foremost, on behalf of the delegation of the Republic of South Sudan and on my own behalf, let me seize this opportunity to congratulate you and your colleagues for being elected as the President and Vice-Presidents respectively for the current 112th Session of the International Labour Conference. Mr President, ladies and gentlemen, the theme of the Director-General’s reports ‘Towards a renewed social contract’, in the report, the Director-General posed two fundamental questions. One, how should we go about renewing the social contract? And two, how can we amplify the voices of the real economy? A social contract is the relationship between citizens and their governments in a collective manner where citizens expect their needs to be met in terms of access to basic services, to decent work, employment opportunities, social protection, and safety and health at workplaces. The social contract is a glue that glues people together and defines entities’ responsibilities toward achieving human development. This entails that decent work and social justice are fundamental prerequisites of the social contract. Mr President, ladies and gentlemen, as explicitly stated in the Philadelphia Declaration of 1944, “All human

beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.” Child labour, forced labour, human trafficking, violence and harassment against women, migrant workers, refugees, religious and minorities continue to dominate and threaten the existence of the human being. Therefore it poses a great challenge to the very principles for which the ILO was founded to fight. For us as a member of the ILO, we have to adopt and implement the Report of the Director-General that calls for a social contract to be the basis for decent work and social justice. Mr President, ladies and gentlemen, the Republic of South Sudan became an independent country on July 9th, 2011. After independence, the country embarked on establishing international and regional frameworks that protect the citizens and adopted the following: the 1951 Refugees Convention, African Union migration policy, the Kampala Convention, the IGAD Nairobi Declaration on migration policies, IGAD Free Movement of Persons and Transhumance Protocols, seven ratified ILO fundamental Conventions. Nationally we have the interim constitution of the Republic of South Sudan, Labour Act 2017, the Refugees Act 2012 which outlines the country’s duties and responsibilities, Child Act 2008 which protects the children, the penal code of 2008. We developed the occupational safety and health policy at workplaces 2021, developed vocational training policies 2021, developed the Decent Work Country Programme, developed the Social Insurance Fund Act 2023, initiated the process of ratification of Conventions 97, 143, 144, 181, 189 and Convention 190. Developing minimum wage policy, developing the South Sudan employment policy, developing ethical recruitment policy and guidelines, those are part of the answers to the questions posed by the Director-General. Mr President, ladies and gentlemen, as I conclude, let me reiterate the commitment of the Republic of South Sudan to work closely with the Director-General to realize the road map that can shape the way we behave and act, through a social contract as a means to achieve decent work and social justice. We will work hand in hand with the ILO and IOM and other development partners to make sure that the social contract is renewed. Again, congratulations to you and your colleagues for being elected as President of the 112th Session and Deputy Presidents respectively. God bless you. I thank you all for listening.

Mr Bekhzod Musaev

Government (Uzbekistan)

Mr President, dear heads of delegation, dear participants, I am delighted to speak to you today at this 112th Session of the International Labour Conference, and thank you for giving me this opportunity to speak. I am honoured to take part in the discussion of the Director-General’s report, Director-General of the ILO Mr Hounbo, on the issue of ‘Towards a renewed social contract’. Ladies and gentlemen, everybody’s life is a constant development and evolution, and someone’s self-fulfilment is the most important contribution to society and a state that anybody can make. At this time of globalization, we see emerging trends in the labour markets and new emerging challenges, and therefore social justice should be at the very forefront of all public policies. In that context, the universal importance of the social contract takes on new importance, in particular to ensure the sustainability of living conditions, guaranteed employment and income, overcoming gender inequality and promoting equal opportunities for all. So do we not need to rethink the social contract in the view of modern realities? Absolutely. And Uzbekistan welcomes the Director-General’s initiative designed to renew and update the social contract, covering a whole series of external and internal relationships

at the very heart of which you find the individual, his or her interests and views. Dear colleagues, in the Director-General's report we read that a good indicator of the effectiveness of a social contract is its capacity to ensure social justice through decent work. The ILO plays a key role in promoting coherent and global responses in the development of public policies designed to guarantee employment and protect labour law. Uzbekistan reaffirms its commitment to implementing the fundamental principles and strategies of the ILO, focusing on prevention of forced labour, prevention of discrimination, tripartism and collective bargaining. And I would like to take this opportunity to thank all countries who have supported the election of Uzbekistan to the Governing Body at the ILO. Ladies and gentlemen, responsibility, honesty, conscience and a determination to act for the good of society as a whole should be at the heart of our efforts. Should we not all be aware of our role in contributing to social justice? If so, I think we will be in a position to build a society in which we all play a dignified and useful role in contributing towards the collective good. Thank you.

Mr Kyungshik Sohn

Employer (Republic of Korea)

Honourable President and distinguished delegates, it is my great pleasure to speak at the International Labour Conference today representing Korean employers and business. Although the global economy and the labour market have recovered from the pandemic and returned to growth, geopolitical tensions, climate change and inflation are still presenting serious challenges to us. In that sense, I believe it is meaningful and timely to have a discussion about this year's DOING's report 'Towards a renewed social contract'. Technology development and industrial restructuring are diversifying the way we work. Furthermore, a number of jobs are being created in the new industries. Indeed, the global labour market is at a critical juncture of transformation. However, outdated institutions and regulations, which were made in the industrialization era decades ago, are now holding back growth potential and job creation. Confrontational and militant industrial relations also discourage us to effectively respond to the changes in the world of work. Distinguished delegates, enterprises are key actors of creating jobs, which are the foundation of economic stability and social cohesion. In order to enhance economic and business vitality, which can lead to job creation, it is essential to establish a more flexible labour market and more cooperative labour-management relations. For this, the Korean Government is now pursuing policies in labour-management relations and improved labour laws and regulations. In order to successfully respond to transformations in the world of work, workers and employers need to be allowed to manage working hours more flexibly and a performance-based wage system should be established. For more balanced labour-management relations in Korea, regulations need to be improved, such as prohibiting unions' illegal workplace occupation and allowing substitute workers during strikes. The Korea Enterprises Federation, as a responsible social partner, stays committed to engage in social dialogue to discuss labour reforms. It is my sincere hope that the social partners join efforts to improve the current outdated and rigid labour laws and regulations for the sake of future generations. I also want to take this opportunity to ask the ILO to take into consideration Member States' national circumstances and the diverse position of all stakeholders in a balanced manner, rather than a one-size-fits-all approach. Honourable President and distinguished delegates, I hope that this year's ILC will provide us a constructive and valuable opportunity to share our experience and wisdom. Thank you.

Ms Barbara Owsiak

Employer (Poland)

Honourable President of the Conference, distinguished delegates, advisors and observers, as a representative of the Polish delegation of the employers' organizations, I would like to express my sincere gratitude for the opportunity to speak before such a distinguished assembly. The changes occurring in the modern world are more dynamic than ever in history. One of the most pressing issues in developed countries is demography. Currently, no EU country has a fertility rate that ensures generational replacement. This rate stood at 1.46 births per woman in the EU, and in countries such as Poland it was below 1.3. As Europe's population declines, employers face serious problems with employee availability, which in turn affects the competitiveness of our economy. Demography is just one of the many challenges we face. Climate change and the energy crisis, as well as the necessity to transition toward a more environmentally friendly economy, require enormous financial investments and numerous sacrifices are needed to achieve sustainable development. Modern technologies increase economic productivity but simultaneously force unprecedented flexibility upon employees, requiring them to continuously develop their skills and often change professions. Some studies indicate that most of our children will work in professions that do not exist today. We have to address all these challenges in an environment of instability and, from a Polish and European perspective, also a regular war in Ukraine. These are just a few of the challenges we must confront. However, one question always arises in such discussions: how do we meet these challenges? Is there a universal mechanism that allows for achieving social justice or sustainable development? If I were to name one such mechanism, it would undoubtedly be social dialogue. Through it, not only is societal control over legal, economic and social solutions possible but also the exchange of thoughts and ideas, sharing of concepts and solutions that will help face the challenges of the modern world. We must, however, bear in mind that social dialogue can only develop under certain conditions. It can only exist in countries with a democratic system where human rights and freedoms, including the right to association, are respected. Additionally, there must be a free market system. Only then can social partners representing both employers and employees operate. Thus, it is essential for a country to comply with the obligations arising from article 2 of ILO Convention No. 87. For social organizations to have a sufficiently strong voice that will be heard by state authorities, they need to be autonomous and independent. According to article 3 of ILO Convention 87, employers' organizations and trade unions have the right to draw up their statutes and internal regulations. Paragraph 2, in turn, states that public authorities should refrain from any intervention that would restrict the right to self-organization. These are basic standards that the ILO international community developed 76 years ago, which are still not always and everywhere respected. We should strive to ensure universal adherence to existing obligations and equalize standards so that social dialogue can function without hindrance in every ILO member country. It is also crucial to ensure a balance of power among the parties involved in social dialogue. While solutions concerning appropriate working conditions and employee remuneration have been, are and will continue to be the focus of the international community, in many developed countries we are increasingly encountering the problem of overregulation. Numerous obligations imposed on entrepreneurs result in more and more time and resources being consumed by bureaucracy, making it increasingly difficult to focus on running and developing the business, especially for the smallest entities. By promoting dialogue on wage and working conditions standards, we must

reduce the bureaucracy and over-regulations that hinder the development of the economy and companies. Therefore, we should strive to ensure that all labour law solutions are adequate to achieve the goals and are carried out at the lowest possible cost to the other party. Ladies and Gentlemen, thank you for your time.

Mr Luis Alberto Villanueva Carbajal

Worker (Peru)

Mr President, distinguished participants at this Conference, greetings on behalf of the workers of Peru. I wish to refer to the ILO Director-General's report, 'Towards a renewed social contract'. In fact, this is a vital issue, social justice, the key role of social contracts in striking a balance between individual and collective responsibilities. The report points out that power imbalances and divergent interests can complicate efforts to strike a balance between the different elements that make up the social contract. And this gives specific importance to the notion enshrined in the Declaration of Philadelphia of 1944 that poverty anywhere constitutes a danger to prosperity everywhere. And we agree that we need to renew the social contract to reflect an understanding of how our needs will be met over the course of our lifetimes, from access to basic services to employment opportunities and social protection. The report indicates that in 2023 approximately 700 million people around the world were subsisting below the international extreme poverty line, while almost 7% of the world's workers lived in extreme poverty. In my country, Peru, poverty affects 9,780,000 people. That is 29% of the population. Whereas extreme poverty affects 5.7% of the population, or 1.922 million people. Access to the comprehensive package of basic services, including water, sanitation, electricity is impossible for 83.5% of the population of the departments of Puno, Ucayali, Loreto and Huancavelica. And that is a result of a neoliberal economic policy applied by a government without social support and that has seen the death of about 70 Peruvians. And this government does not allow for social dialogue among the social partners. Now turning to social contracts under pressure, we agree that when an economy fails to protect rights or simply fails to provide the prospect of a better life, it erodes confidence in civic engagement, instils apathy towards institutions and undermines trust that justice will be delivered. And in the worst cases, it provokes social instability and unravels into violent conflict, and that is what is happening with attacks on workers and on the population in general who live in poverty. They have been denied an increase in the minimum salary to a living wage, and indeed pensions, and we have seen a violation of trade union rights and collective bargaining. The report also points out that the renewal could be undertaken in three steps. First, an examination of the rigour with which we are discharging our respective responsibilities under the current social contract. Second, the identification of the unaddressed challenges and unmet expectations in the current social contract. And lastly, the expansion of the social contract to address technological, climate related and demographic transformations. First of all, it is vital to review compliance with ILO standards and on that basis seek the renewal of the social contract, because ILO standards constitute the framework of social justice. We need to revitalize tripartism and social dialogue based on the freedom of association and trade union rights, generating confidence as a key element to advance together as workers, employers and governments. We are aware that the ILO plays a vital role in the formulation and renewal of the social contract, and therefore we need to strengthen the supervisory mechanisms and technical assistance. Mr President, participants, Peruvian workers want to see constructive dialogue, and that is demonstrated in the bipartite negotiation that we have seen in the construction industry

in Peru. We reiterate our willingness to participate actively in the renewal of the social contract. We seek social justice in our country under the principles and objectives of the ILO with democratic values that underlie them. Thank you, Mr President.

Mr Jacobo Ramos Crispin

Worker (Dominican Republic)

Delegates at this 112th Conference of the ILO, I greet you from this world podium which calls us together every year to get to know about the reality of labour in our countries and make proposals that make it possible to improve the material conditions and living conditions of workers. From the union movement, we have to promote a new economic model which will be based on a new social contract which will lead us towards the creation of employment, which will contribute to reducing levels of pollution and guarantee health and continuous education for workers faced with the unstoppable advances of technology which threaten to do away with jobs. We need to insist on equality and inclusion. We need to join forces to be more and more decisive in our combat against discrimination, whether it is by race or gender, so that well-being is not just for a minority which appropriates the riches that are produced by the majority by their work. In this situation of social dialogue we are pleased that in this 112th Conference we are getting into discussions about biological hazards in the workplace, and we hope that its conclusions will serve as a support for the strengthening and establishment of public policies in the Member States. And we are also pleased to see that the care economy is being discussed. I think, without fear of being mistaken, that the greatest demonstration of the relevance of dialogue and the new social dialogue achieved by the Dominican union movement in its whole history happened last May, the 1st of May, International Labour Day, when there was a pact signed between the Government and the workers. The Government, represented by the President, Luis Abinader, has been very close to the workers and listened to them. And in that pact we achieved a situation in which the Government has committed to indexing salaries on a periodic basis and exempting from taxes the first 50,000 pesos and paying a proportional amount to people who earn less than that. There will be legislation produced in the Congress to reform social security and strengthen the achievements we have had so far. There will also be a new labour code to extend our achievements of the past and comply with international labour standards. This demonstrates that we should continue promoting social dialogue as a policy of the union movement, which will lead us to establish a new social contract, to establish an economic model which is fair and inclusive, to dismantle the economic and social structures that have kept us in poverty and held us back.

Ms Rina Yessenia Lozano Gallegos

Government (El Salvador)

Distinguished delegations, like the priorities of this Conference, my government wishes to underscore that promoting genuine social justice is the very basis for public policies adopted by El Salvador since 2019. For many decades our country was affected by the scourge of crime and gang-related crime. Successive generations suffered or fled from this situation and from the lack of opportunities. According to official figures, in 2015 the rate of homicide was 106 for every 100,000 inhabitants, and unfortunately we were the most violent country in the world according to that ranking. And that had a

damaging effect on our social fabric. Families broke up. It led to migration. It exacerbated poverty and informal employment. And it also had an impact on our culture and on education. Thousands of young people could not continue with their studies because of the insecurity or were recruited by these terrorist groups. So it was a very damaging situation for decent work. In fact we were so struck by that that violence became the norm and we had a permanent fear of being killed or losing a family member or suffering from extortion. In fact, in the collective imagination we all wondered how many more generations would have to go through this problem before we resolved the issue. So it was a terrible situation. But thanks to the vision and determination of our President, Nayib Bukele, El Salvador has managed to enact an unprecedented transformation, implementing a successful security plan which has enabled us to cut crime and reduce the murder rate to historically low levels. And today I am proud to say that we are the safest country in the western hemisphere. Today our population has a free country and aspires to prosperity. And we have a good environment for trade unions and freedom of association, and indeed investment, having social and legal certainty, promoting tourism and investment and reducing security expenditure on the part of companies. The population of our country has given unprecedented support for our government to continue to lead this transformation, and it is doing the same with the economy. This effort has required the involvement of all stakeholders and sectors, employers, workers, civil society organizations, and of course the population as a whole. We have very much welcomed the support of trade unions and employer organizations who have publicly announced that they are fully ready to continue to build a better country together. And I am delighted to underscore the following programmes that El Salvador has adopted in the labour context: 'My First Job' opportunities, single mothers, labour rehabilitation for persons with disabilities, a permanent employment service. All of these programmes designed to encourage an environment conducive to decent work and to support workers, and of course employers as well. Furthermore, we have adopted special programmes for labour inspection so that we can check the working conditions in the construction sector, and these have seen a 100% rate of fulfilment of the standards. Also we have been checking on delivery platforms, ensuring that there is labour security for workers in that sector. We have guaranteed good conditions for professional footballers and for municipal workers. And at the same time we have created the SOS workers platform so that they can submit complaints about harassment in the workplace and we can have a specialized inspection team to follow up such complaints as well as general inspectorate services if there are complaints from any source. So none of this would have been possible without good tripartite cooperation and pooling the efforts of workers', employers' and government sectors. Ladies and gentlemen, El Salvador is advancing towards a more prosperous future, and in that process tripartite social dialogue has played a key role, and we count on the ILO's continued support to promote social justice and decent work. We are delighted to announce our joining the Global Coalition for Social Justice. Thank you, President.

Mr Alok Bansidhar Shriram

Employer (India)

Mr President, Vice-Presidents, delegates, ladies and gentlemen, greetings from India. Namaste. It is indeed an honour to represent the Employers' group from India and address the distinguished assembly. I extend my gratitude to the Director-General of the ILO for setting the stage for this conference by highlighting the subject of

'Towards a renewed social contract'. The report sheds light on the current state of global inequality, which has been intensified by the COVID pandemic and rapid technological advancements, and calls for a new social contract. Employers globally acknowledge the significance of technological developments, innovation and focus on skill enhancement and productivity. I would like to provide an Indian perspective on this subject. This tripartite format of dialogue is a cornerstone of our vibrant democracy. India, with its vast diverse workforce, has made significant strides in economic growth over the past years. However, the journey towards inclusive growth remains incomplete without addressing the challenges faced by the labour force. Recognising this, the government of India's initiatives to consolidate and reform labour laws through the introduction of four new labour codes mark a significant milestone in the country's landscape. These labour codes aim to simplify and rationalize existing labour codes, providing greater flexibility to employers, enhance transparency and protection of the rights of the workers. The beauty is that they have come about after years of tripartite discussions between all of us who are affected. We already have an estimated eight million workers in the gig and platform economy, which is expected to go up to about 24 million in the next five or six years. In recognition of this, the Social Security Code 2020 also extends the coverage to a wider segment of the workforce, including these gig and platform workers, thereby addressing the growing precarity of employment in the modern economy. Additionally, it aims to streamline the administration of social security schemes and ensure the portability of benefits for workers moving across different jobs and different locations. The code includes provision for the recognition of workers, establishment of welfare funds and the provision of social security benefits such as health insurance, maternity benefit and old-age pension. The aim is to formalize gig workers, enhancing job security and promoting social protection. India has also launched the eShram portal which represents a significant step towards addressing the issues faced by informal workers in the country. Informal workers, who often lack formal employment contracts and social security coverage, constitute a significant portion of India's workforce. This portal aims to provide these workers with formal recognition, social security benefits and access to welfare schemes, thereby enhancing their economic and social well-being. Currently 300 million informal workers have registered themselves under this portal. By leveraging technology and the digital platforms, the portal seeks to bridge the gap between informal workers and government welfare schemes, ensuring inclusive development and social justice for all segments of society. The Government also started an employment portal called the National Career Service Portal which provides a nationwide data bank for jobs and skills. The portal is a one-stop-shop for career related services including counselling, job fairs, skill and training programmes, et cetera, all free of cost. India's renewed social contract encompasses a holistic approach to address the evolving needs and aspirations of its diverse and young population. Economic inclusivity, social protection, empowerment and inclusion, education and skill development, health and well-being, economic and environmental sustainability of enterprises, and democratic governance and rule of law are the foundations on which this is being built. We anticipate that there will be hurdles in this project, but the project is a work in progress and will keep improving as we go along. One area of major concern to us is the vulnerability of our MSMEs in this new environment. In this new digitally driven world of work there is a huge compression of time between cause and effect. It is therefore all the more important to continue this tripartite dialogue in a rational and flexible manner to create win-win solutions rather than any win-lose solution. In India all of us, the employers, the workers and the Government, are fully committed to working together to create sustainable and equitable development opportunities for all and at the same time ensure sustainable

enterprises. With these words, I thank the Chair for giving me this opportunity to address this gathering. Thank you and Jai Hind.

Mr Mahad Baawain

Government (Oman)

Mr President, ladies and gentlemen, distinguished participants, at the outset I wish to congratulate the members for electing Oman as a titular member in the Governing Body of the ILO for the period 2024-2027. We assure you that Oman stands willing and ready to cooperate in order to achieve the Sustainable Development Goals and achieve a fair and equitable working environment. We also wish to congratulate all the countries that were elected as members of the Governing Body and wish them all the best in their responsibilities. Ladies and gentlemen, we have reviewed with a great deal of interest the Report of the Director-General entitled 'Towards a renewed social contract' that sheds light on the issue of social justice and its importance in society, especially societies based on social contracts, decent work and efficient institutions. We are faced with a number of amazing developments in some fields but we are also facing challenges in other fields, such as climate change, technologies, artificial intelligence, financial and health crises that have led to the vulnerability of the most vulnerable categories of our society. We in Oman are committed to decent work in all sectors without exception. We are trying to improve skills to meet the requirements of new forms of work through a number of programmes and initiatives, especially in vocational and technical training and lifelong learning, taking into account the important role of the social partners in developing decisions and plans, because just decisions are rooted in a just society. Oman has tried to create a safe working environment. And in this regard, we took a number of initiatives, such as adopting a new labour law and a new social protection law in collaboration with the tripartite constituents. We have tried to take into account the rights of employers and workers by adopting legislation that achieves balance in the labour market and constitutes a strong foundation for the labour market. We have also taken a number of preventive measures to improve the working environment, such as a wage protection programme and reinstating the social dialogue committee. Oman, in its attempt to provide support to workers, employers and society as a whole, has started at the beginning of this year to put in place a comprehensive social protection system that provides benefits to all categories of society, including the elderly and children, in addition to benefits and entitlements to disabled individuals and to households. We have also put in place social protection programmes against a series of hazards. We are trying to have a unique experience with the support of a number of partners and stakeholders such as the ILO and other partners. And I would like to seize this opportunity to thank our partners for their support and their willingness to help us in coming up with a new social protection system. Mr President, the ILO plays a central role in the world of work, and we strongly believe in the need to strengthen this role in a framework of partnership and cooperation. In conclusion, Mr President, we would like to reiterate our thanks to the Director-General for his report on the situation of workers in the occupied Arab territories and call on the Organization to help alleviate the suffering of workers in the occupied territories and implement resolutions that would put an end to the occupation. Thank you for your attention.

Mr Getahun Hussien Shekur

Employer (Ethiopia)

Mr President, Director-General of the ILO, honourable ministers, Excellencies, distinguished delegates, ladies and gentlemen. Let me begin by congratulating you, Mr President and your vice-chair, on your election to preside over the 112th Session of the International Labour Conference. I am confident that your able and wise leadership will meet our expectations for the outcome of this important event. Mr President, allow me to seize this opportunity to commend the Director-General for his succinct report entitled 'Towards a renewed social contract' that outlines various issues, particularly underlining our collective responsibility towards each other that finds its expression in the norms, collective institutions and policies towards fulfilling the promise of the Declaration of Philadelphia that all human beings, irrespective of race, creed or sex, have the right to pursue both their material wellbeing and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity to advance social justice. We fully agree with the DG's view that economic and productivity growth, business dynamism, investment in technology and innovation and competitiveness of companies can all deliver on the social objective of employment policy when supplemented by social dialogue and policies that ensure decent work and a just transition. In this regard, we associate with the International Organisation of Employers, IOE, policy priorities set out for a just transition. Mr President, as I indicated in my statement during the 111th Session of the ILC, multifaceted and profound reforms are going on in our country to advance social justice and decent work. However, as employers' organization, although we are exerting all our possible efforts to support business, our technical and institutional capacity is limited to fully engage in inclusive and effective social dialogue and collective bargaining towards promoting decent work and social justice. That said, we request the ILO Director-General to visit Africa, clearly observe the multifaceted problems that we as employers are facing, caused by climate change, migration, skill gaps, job loss due to the impact of COVID-19, and war and conflicts and the like, for the ILO's necessary intervention and supports in this regard. Mr President, let me also take this opportunity to affirm our full support of the technical items placed on the agenda of the Conference by the Governing Body for discussions which, in our view, are topical and relevant to address social justice and decent work. Mr President, I cannot end my statement without congratulating the Chairperson of the Governing Body of the ILO for his detail report for the period 2022-2023 that, in our view, fully captured matters arising out of the 111th Session of the ILC and other pertinent issues incorporated in different sections. Mr President, with these few words, let me conclude my statement by affirming the commitment of the Confederation of Ethiopian Employers' Federation in our endeavours to advance social justice and promote decent work for all in Ethiopia in light of the DG's report and the IOE's Policy Priorities for a Just Transition, and we look forward for the ILO's technical support in this regard. Thank you, Mr President. Thank you all.

Ms Laura Peña Izquierdo

Employer (Dominican Republic)

Ladies and gentlemen, the Employers' delegation of the Dominican Republic greets the representatives present at this International Labour Conference. We looked at the reports from the Director-General and we emphasize the value of social dialogue which

governs the ILO along with contributions to fairness, inclusion and promotion of decent work. We think that the contributions made by the International Organisation of Employers are opportune and appropriate in referring to sustainable enterprises and to a favourable environment so that these can contribute to the generation of value in society in accordance with their role and their commitments. We express our support for the Global Coalition for Social Justice promoted by the ILO with a view to improve our approach to breaches of social justice and make progress on the 2030 Agenda for Sustainable Development through knowledge sharing, the promotion of international labour standards and social dialogue. From the private sector employers, every day we are working to create more inclusion and more prosperity through the promotion of decent work. At the same time, we hope that the conclusions of this meeting will be balanced, will strengthen tripartite representativeness and respect free enterprise and the free market. As constituents of this house, let us protect the fundamental principles and rights at work. In accordance with that, we reiterate our total conviction that fundamental rights at work are for everyone. They should be applied in a balanced and equal way to workers and to employers. Let us promote and contribute to the compliance with the goals set out in the Sustainable Development Goals, and particularly Sustainable Development Goal, 1 end of poverty; number 3, health and well-being; 5, equality of gender; 8, decent work and economic growth; and 17, alliances to achieve the objectives joining forces for sustainability and for work based on compliance with international standards. As far as the latter are concerned, we identify them as part of the rules governing what we do and as conditions that are appropriate to comply with them and to create appropriate ambits for investment and economic growth. We can see tendencies at a macropolitical level and their impact on the world of work. We hope that the international organization will be agile in its work and will carry out effective and opportune work in what it is doing and what it is suggesting. In other words, as we overcome the state of exception that COVID-19 put us in, we think that it is opportune to centre the aspirations of the ILO in making more flexible the standards which will promote more and better jobs and that should be a balance as far as the sustainability of companies and the conversion of informal activities. We reiterate our commitment to promoting agreements through dialogue, as consolidated by tripartite relationships, by complying with public policy and strengthening institutions, transparency in the creation of decent jobs in sustainable enterprises which will have a positive impact socially, economically and environmentally. Setting out our vision of what the ILO can do, we would like to pick out two proposals which, as we see things, demonstrate a trend in the Dominican Republic. For many years our country has enjoyed harmonious and flexible relationships between employers, workers and the government, and we are confident that this strength will make it possible in the next few weeks to construct, for the second time, an agreed labour code negotiated in a tripartite way which will make it possible for the country to have appropriate standards adjusted to reality, creating conditions to face up to present and future challenges. Finally, along with the ILO we think that it is a good idea to reach an agreement on employment and productivity where we will create more and better sustainable enterprises, more decent work, the universalization of social protection and levels of competitiveness which will promote investment and equality of opportunity for all. We reiterate our commitment to reaching these agreements through dialogue with a view to achieving objectives that everyone wants. Thank you.

Mr Blake Mulala

Worker (Zambia)

Chairperson of the International Labour Conference and all distinguished delegates, I take this opportunity to congratulate the Director-General and his team for the success of this conference. May I also thank the outgoing Chairperson of the Governing Body for their tremendous work to set the agenda for this year's Conference. As regards the Director-General's report, we are glad it brings renewed hope. It brings a new impetus to renew the social contract by emphasizing the centrality of social dialogue in bringing lasting peace and shared prosperity. The Director-General paints a gloomy picture of the world engrossed in civil strife and geopolitical wars. The wars affecting territories like Ukraine, Palestine, Yemen, Sudan, regardless of the cause, have taken away many lives and displaced populations. This has only perpetuated the poverty, inequality and suffering. The geopolitical conflicts are affecting progress made in achieving global social justice. As the Director-General correctly puts it, the broader effect of such geopolitical instability, coupled with increased public debt, has seen rising inflation, especially for essential commodities. Poor and developing countries have suffered the most. There is a need to bring the inflation pressure under control to protect workers' livelihoods. Despite having the non-discriminatory Convention and Recommendation in place, the global job gap index and the wage gap between men and women still exposes structural challenges and it continues to perpetuate the inequality. We call for a comprehensive change in the dynamics that cause gender-specific constraints and structural obstacles. This will call for wider implementation of Conventions 111, 156 and 183 to promote a transformative agenda for gender equality at work. We also support the cause to reform the governance system of the ILO, both at local and global level. We cannot continue with the same governance system that perpetuates exclusion, and thereby perpetuating inequality and helplessness, while expecting to attain social justice. As such, we support the call for ratification of the Instrument of Amendment to the ILO constitution, 1986, to enable us to move forward with democratizing the governance structure of the ILO. It is sad that two-thirds of ILO Member States have ratified the amendment and yet its implementation remains elusive and blocked by eight of the ten Member States of chief industrial importance. This situation is at odds with our values of democracy and social justice. Therefore, we call on countries that have not ratified to do so now for the good of all ILO Member States. To attain global peace and social justice, we continue to reflect on the ILO's founding principles: universal and lasting peace can be accomplished only if it is based on social justice. The global challenges we face today, in our view, cannot be addressed through military confrontations but through amicable social dialogue mechanisms. As such, the ILO has to reclaim its status as a leading institution promoting global lasting peace and prosperity. The ILO, as the last defender and hope for lasting peace in a world that is drowning in conflicts, must advance social dialogue as most desirable in the peace process. Please let us drop the weapons and give social dialogue a chance. As we revive our aspirations to renew the social contract, we reaffirm the Declaration of Philadelphia: "All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity." Indeed, social justice remains an imperative and essential condition for universal and lasting peace. Thank you for your attention.

Mr Elias Shikongo

Employer (Namibia)

Mr President, esteemed excellencies, colleagues and representatives of both employers and employees, government representatives as well as distinguished guests, it is a great honour to stand before you at the 112th Session of the International Labour Conference as a representative of the Namibia employers' organization, which is the oldest representative voice of Namibian employers and hence mandated to advocate the interest of all employers. Viewed from a global perspective, our nation is indeed a small jurisdiction but faced with a myriad of challenges ranging from economic, social, environmental, that are not only unique to our country but also resonate with our regional and global counterparts. For instance, and to put matters into perspective, our nation is currently grappling, as was alluded to by my minister, with a devastating drought which is also being experienced elsewhere in the region. This drought has had an adverse impact on our agricultural industry as well as local food production. Namibia is at the same time also on the cusp of entering the global oil and gas sector following recent discoveries of substantive oil and gas reserves which, as in the case of other countries who have had similar discoveries, promised not only major developments for our country but exposure and closer proximity and involvement in international energy forums. These developments, Mr President, taking into account also the recent implementation of what is referred to as a hydrogen-driven energy project, highlights the importance of Namibia's engagement with organizations such as the ILO as we navigate the complexities of our changing landscape. In today's complex and increasingly interconnected world, organizations such as ours, working towards a common goal, often face similar challenges. These range from advocating for environmental conservation, social justice, economic development. And thus the power of collective action cannot be overstated. Recognizing this, the NEF, which I represent, has embarked on various initiatives and is committed to fostering collaborations with like-minded organizations such as the International Organisation of Employers. It is in light of the above that the NEF, in line with its objectives as well as those of the Director-General as well as its workplan towards Vision 2030, has as an organization committed and set about several objectives towards an effective and efficient social dialogue and tripartite mechanism towards contribution to socio-economic developments of our social partners in labour and employment. In addition, and recognizing that social dialogue and the practice of tripartism between governments and representative organizations of workers as well as employers within and across borders is now more relevant towards achieving solutions and to building up social cohesion and the rule of law, the NEF identified several primary objectives which will include and will result in, amongst others, policy impact, enhanced collaboration as well as empowered organizations. In conclusion, Mr President, the NEF believes that by unifying our efforts as organizations we can amplify our impact and create a more favourable policy environment for our shared mission. The plea is, accordingly, for employers' organizations to come together, learn from each other, and advocate for positive change in our respective constituencies. I thank you, Mr President.

Mr Ravindra Dinkarlal Himte

Worker (India)

Respected Chair, distinguished participants, please accept warm greetings from Bharat, India. I, on behalf of my organization, Bharatiya Mazdoor Sangh, and other friends from the trade union movement of India extend hearty greetings to the Director-General of the ILO for presenting his excellent report. The report speaks about the role of the ILO in economic and social dimensions across the globe in detail. It has offered guidance on how to make decent work a global goal and has rightly recognized the concerns of workers. Today, the needs of the masses are eclipsed by the greed of others. There is a close interrelationship between economic and social elements, and therefore a broad multidisciplinary, multidimensional perspective is essential for monitoring development. They respond adequately to the problems of the modern world, and multilateral fora bring together all stakeholders. Last year India hosted successful G20 and L20 meetings attended by 60 international delegates from 29 countries. The two major points that emerged with full consensus during the proceedings were the universalization of social security, and women and the future of work. And we are glad that the incumbent Brazilian presidency is carrying the issues forward. The Government of India has collected data of informal workers through the eShram portal. To date 296.2 million informal workers are registered on the eShram portal. The eShram portal is aimed at building a comprehensive national database of unorganized workers in the country and to boost the last-mile delivery of welfare schemes. Encouraging organic farming in the agriculture sector is a valuable step towards reducing biological hazards and promoting sustainable and environmentally friendly practices. Bharat has the largest informal sector in the world with 93% of its working population. Hence any attempt to improve the informal sector in countries including India would mean transforming the whole national society. There is a gross mismatch between wages and share of profits. Multinational corporations are operating without respect for labour standards in various countries. The right to a living wage has to be recognized as a human right, as according to ILO guidelines. In the changing global economic and industrial scenario, protecting workers' rights and privileges has become a major challenge. So, we appeal to all governments and also employers' organizations to implement freedom of association in both public and private sectors to protect the workers' interests. This time mobilization of resources with regard to further assisting Member States in their efforts to promote and realize fundamental principles and rights at work through universal ratification and those efforts must be increased. Today there is an urgent need to work in three dimensions, economic, social and environmental, for sustainable development to be evident in the form of sustainable enterprises, universal social protection, skill development, health and indeed strong social institutions. A large number of countries, including India, are making their best attempts to integrate SDGs into their national policies. It is high time for all trade unions to identify, plan and implement their roles under each SDG. And with these observations in my speech, with optimism of the peaceful growth, employment generation so we can make our world happier, more peaceful and more prosperous with the motto of 'One earth, one family, one future'. Let us be reasonable in conveying thanks to the continuous efforts of the tripartite functions of the ILO. I am sure that we will definitely explore more effective developmental pathways for the world of work in order to achieve the 2030 Agenda. Let us pool our collective efforts towards those objectives. Thank you all. Thank you for your attention.

Mr Aymar Kissengori Adzougui

Worker (Gabon)

President of the Conference, DG of the ILO, distinguished delegates, ladies and gentlemen. I first of all would like to congratulate you, Mr President, for your brilliant election to chair our work. I would also like to extend my congratulations to the other members of the bureau. On behalf of the workers of Gabon, we would like to convey our greetings to the ILC and its participants. This conference is taking place at a time when Gabon, our country, is living in the hope of a new era where the rights of each citizen are respected and governance is just and fair. This era is stimulated by the new authorities that have issued from the liberation coup of the 30th of August 2023. DG, as representative of the workers of Gabon, I would like to express my sincere gratitude for the very far-sighted and stimulating report that you have presented at this ILC, which is entitled 'Towards a renewed social contract'. Your detailed analysis of the challenges and opportunities does accord particularly with the realities that we are living in in Gabon and other countries. For over six decades the ILO is collaborating with the Government of Gabon, the organizations of both employers and workers as well as other stakeholders in order to promote decent work and social justice. Gabon has also benefited from various support from the ILO, capacity-building, advice and in the development of sectoral policies in order to promote the creation of employment, social protection and social dialogue. We have seen some intense activity this year with the ILO. In fact, in May 2024 the signing of the Decent Work Country Programme for 2024-2027 represents an important stage in our joint work. It takes into account the economy, the green economy, the access to quality social service, tripartite mandates in order to ensure social dialogue and the application of international standards without which the world of work would be without effect. This takes into account the permanent respect of the commitments that the tripartite stakeholders are taking part during the sessions (sic), and this in particular in a light of worldwide transformations. In Gabon, we recognize that climate change and the technical development represent major challenges for the labour market. DG, in the light of permanent insecurity, it forces us to act with more determination. On behalf of the workers of Gabon, I would encourage you to continue your efforts in order to set up a global framework which will meet these challenges. Your leadership is crucial in order to ensure that decent work and social justice remain at the heart of our global priorities. These priorities are in coherence with the national objectives as identified in the development of the transition, the National Plan 2023-25 as well as for the UN Sustainable Development Cooperation Framework. We are committed to continue close collaboration with the ILO to transform these challenges into opportunities and to ensure that we have a fairer and more sustainable future before us. I wish every success for the work of this session and thank you for your very kind attention.

Ms Fanny Sequeira Mata

Worker (Costa Rica)

Chair, ladies and gentlemen, we are grateful for this important and very brave report from the Director-General. It makes us realize that everything that is in that report points towards the renewal of the social contract. Indeed, it is a political and sociopolitical contract which has to become a constitutional framework, and its ideals are being destroyed by the problems that are in the world. There are many

contradictions in the model of development that the state has implemented in terms of human development and the welfare state. It is only possible to renew a social contract if, as a society, we can undergo a profound development model change. This means that the gaps and deficiencies of rights, inequalities, economic precarity and justice and social inclusion must be dealt with. The social contract is being destroyed in Costa Rica. It is revealing structural weaknesses of our democracies which are continually the object of fights for political power. Indeed, it is getting much worse. We need real political goodwill, and that has to be connected to the political responsibility of the entire society. But there is an emphasis on the main role of the governments as the administrators of the social contract. In Costa Rica there is a move towards autocracy and it is undermining the possibilities of social dialogue and tripartism. These are causing obstacles that are the result of the lack of political good will. The problems in terms of social and labour justice on all levels that Costa Rica is suffering from, as well as many other countries, is the fruit of the deterioration of a framework of rights and one of the main obstacles for the adoption of a new social contract to strengthen democracy. In 1998 the Declaration of the ILO stated that the annual review of the Declaration should be performed. This was once again repeated in 2022 for the universal ratification of fundamental Conventions which would contribute to consolidating the new social contract. In Costa Rica there are attacks against freedom of association, including collective bargaining and the right to strike. And without those rights there is no sustainable social contract that is possible. The latest governments in Costa Rica have not paid attention to the reiterated observations concerning the violations of Conventions 87, 98 and 135. It is practically impossible to be in a trade union in the private sector. Indeed, wages have been frozen for five years now and problems in terms of collective bargaining and the right strike remain. This is a true trend backwards in terms of democracy and standards in the country. Indeed, Costa Rica this year was once again on the list of 40 countries for CAS to analyse the problems in terms of trade unionism in the American continent. And in the American continent it was on the list of 24 countries. According to the prestigious report of the State of the Nation from 2022 and 2023, politics have normalized problems in terms of human development and the country has undergone huge problems and gone backwards in terms of its historical achievements for sustainable human development. This is proof that its democracy cannot promote it. It is a progressive abandonment of the Costa Rican social contract. Finally, we would like to repeat the need to count on a strengthened ILO with more commitments in order to revitalize tripartism and the international labour standards thanks to a social contract. This means that the Global Coalition for Social Justice is one of our aims, and that will allow the renewal and reinvention of social contracts across the globe. Thank you.

Mr Albert Emilio Yuson

Building and Wood Worker's International

It is an honour and pleasure to speak in this house: the house of labour. This is the house where the voiceless can speak and the unprotected workers can seek justice. The ILO is tripartite but it is not neutral. It is a bastion of workers' rights. My focus today will be on two countries: Saudi Arabia and Myanmar. One is rich and powerful. The other is poor but has powerful protectors. Neither protects fundamental human rights. Myanmar, on February 1, 2021, the military staged a coup. Trade union leaders were imprisoned and tortured, demonstrators were slaughtered and massive strikes were repressed. Many thousands of young people are conscripted into the military to fight

their own people and their own family. The military had seized power but could not capture legitimacy. The National Unity Government was formed by legitimately elected leaders and ethnic groups with trade union support. The NUG is the legitimate government of Myanmar people. Two ILO Commissions of Inquiry, two military junta. Never again. It is time to protect the Myanmar workers and the Myanmar people. BWI is joining the appeal to the 112th International Labour Conference to invoke article 33, implement the recommendations of the Commission of Inquiry and impose further sanctions to the military junta. There is no place for the Myanmar military junta in the house of labour. In Saudi Arabia there are no free trade unions. Labour reforms may have been adopted but little has changed. Working conditions are worst for migrant workers. 21,000 migrant construction workers are owed wages, waiting for justice for nearly a decade. The family of a deceased construction worker reported that, due to termination of food provision by the company, the withholding of his passport, he and his co-workers were forced to subsist on discarded food waste. Suffering from severe health problems, he eventually returned home in a coffin. Two migrant domestic workers from Kenya reported sexual violence. One was the victim of multiple rapes. Both returned to Kenya. They hope someday to be able to put their lives back together. BWI has filed article 24 to the ILO on representation against Saudi Arabia's violation of the Forced Labour Convention and the freedom of association. We urge the ILO Governing Body to urgently act on that submission and intervene to give justice to these migrant workers. FIFA will be considering a bid by Saudi Arabia to host the 2034 FIFA World Cup. There is a danger that they will accept the unacceptable. The ILO has drawn its power and credibility by fuelling the hope for justice and dignity through workers' rights. The world has found no better way to peacefully resolve conflict than freedom of association and collective bargaining. The rights are too often not protected and respected. However, they must remain our goal and aspiration. Thank you very much.

Ms Esther Lynch

European Trade Union Confederation

President, distinguished delegates, the ETUC is proud to have joined the Global Coalition for Social Justice. We are committed to play our part to renew the social contract because we can only build a just world together. The Declaration of Philadelphia states that poverty anywhere constitutes a danger to prosperity everywhere. And the Director-General in his report, 'Towards a renewed social contract', notes that the social contract is fraying. In Europe we are experiencing a social justice emergency. Even the fundamentals of a social contract are now put in question. Ideas of solidarity, the principle of a fair day's pay for a fair day's work, of taxation of the wealthiest, of non-discrimination or protection of the most vulnerable, the right to asylum, even the right to unionize, these are all put into question. Workers are faced with increased job insecurity combined with a cost-of-living crisis that has lowered quality of life and has made the basics such as a home and food unaffordable for many. This contrasts sharply with the privileged few who have outsized power and influence, who refuse to pay their fair share of the taxes. And exploitation is all too present. The recent ILO report laid bare the scandal of obscene profits from forced labour in Europe that amount to more than €84 billion annually. And far-right forces are once again gaining ground. The European Parliament will now comprise a concerning minority who have a political project that is fully hostile to the social contract. These far-right forces exploit Europe's social justice emergency but offer no solutions for working people. And solutions are needed. There can be no doubt, no complacency. We need a renewed social contract to build hope and

cultivate justice everywhere, including in Europe. The ETUC vision for a renewed social contract is one that protects and promotes the inherent dignity of every worker, respect for the worker, respect for the work that they do, no matter what their job, no matter who they are, where they are from or who they love, a social contract that delivers a fair share of the profits to all those who contribute to its creation. It is a project of hope built on genuine social dialogue that recognizes the value of trade unions. Because let us be very clear, a renewed social contract cannot be built on union busting or attempts to criminalize trade unionism. The ITUC in their global report identified the deteriorating situation of trade union rights in Europe. The worst is Belarus where trade union leaders are in prison for many years in inhumane conditions. We call for their release, the dropping of all charges and full implementation of the Conference resolution on Belarus under article 33 of the Constitution. Because for the social contract to be stitched back together, we must stand together to ensure that the fundamental rights to freedom of association, the right to organize, collective bargaining, the right to strike established by the ILO are always respected, protected and promoted. This is the path to defending and reinforcing democracy in Europe and the world. President, the Director-General's report on the occupied Arab territories highlights the catastrophic humanitarian situation in Gaza. The ETUC restates our call to the EU to use all tools at their disposal to secure an immediate ceasefire, the release of all hostages, adherence to the international courts' rulings, an increase in aid to UNRWA and for that aid to be delivered safely and urgently. The ongoing developments for the recognition of Palestine highlight a new momentum for the two-state solution and peace and security for Israel and Palestine. We condemn the Russian Federation's aggression against Ukraine that continues to cause loss of life, incomes, employment and livelihoods. For over two years trade unions in Ukraine have shown their resilience, relevance and bravery in representing working people in Ukraine. President, distinguished delegates, social partners, brothers and sisters, the ETUC stands ready to work in a tripartite manner to believe in peace, to foster peace, to build social justice and to work together for a renewed social contract.

Ms Haldis Holst

Education International

Chair, distinguished delegates. My name is Haldis Holst, Deputy General Secretary of Education International, the global union federation of more than 32 million teachers, academics and education support personnel. The ILO Conference this year takes place in the context of multiple wars, widespread human rights violations and a worsening climate crisis. Education is a key tool to promote peace, equality, prosperity and sustainability. Education transforms lives. But without teachers, education cannot live up to its promise. The Director-General highlights in his report the importance of inclusive, equitable and quality education and the need for strategic investments in the sector, including in teachers. It states that priority must be given to ensuring that all teachers possess the minimum qualifications required for their profession and that they benefit from decent working conditions. Qualified teachers are central to ensuring quality education, yet we are faced with a global teacher shortage. The world needs 44 million more teachers in primary and secondary education, and more still at other levels. Overworked and underpaid teachers are leaving the profession in droves, and young people are attracted to other professions with better salaries and working conditions. In 2023 the United Nations Secretary-General rang the bell and convened a high-level panel to provide policy recommendations for countries to transform the profession. EI

applauds the ILO for its commitment and hard work leading the secretariat that supported the panel. The panel adopted 59 recommendations to attract and retain teachers, recognizing that the shortages are “exacerbated by the continued attrition of teachers, the use of contract and unqualified personnel to fill teacher gaps, the lack of professional development and support, inadequate working conditions and salaries, and the enormous hardships faced by teachers working in crisis contexts”. The panel calls on governments to invest in the profession. It stresses the need to invest in competitive salaries, secure employment, decent working conditions, inclusive and safe working environments, quality professional development opportunities and teacher support. Importantly, the panel also insists that governments engage in social and policy dialogue with education unions, including through collective bargaining. It highlights the necessity of coordinated and institutionalized social dialogue and stresses the need to respect existing international standards. The ILO Convention on the right to organize and bargain collectively celebrates its 75 years, but unfortunately it is still far from globally respected. Many teacher unions are under attack and many government teachers do not enjoy the right to form a union or to bargain. Furthermore, the panel invites governments to establish national commissions, including teacher organizations, to tackle the teacher shortage through policy dialogue. The ILO now has a responsibility to ensure that the high-level panel’s recommendations are implemented globally. This means, first, raising awareness of the recommendations, ensuring that every government knows about them and understands the recommendations. Second, advocating for adherence to the recommendations and supporting governments with technical guidance to take concrete action. And third, holding governments to account to implement the full set of recommendations. Accountability is key. We call on the ILO to play a role in developing a new, up-to-date international instrument to monitor and push for implementation. EI believes that an international Convention would be most effective to uphold the status of the profession as it is a legally binding mechanism. The high-level panel’s recommendations provide an important road map to tackle the persistent and increasing teacher shortages around the world. We urge the ILO to hold countries to account to implement them. It is the only way to uphold a student’s right to a qualified teacher.

Ms Margarita Usova

General Confederation of Trade Unions

Distinguished President, distinguished participants at the ILC, I am speaking on behalf of the General Confederation of Trade Unions. Our organization brings together eight States of the Eurasian region and 22 international sector trade union associations. This represents about 30 million workers. The confederation was established in order to consolidate the actions of affiliated organizations to protect social, labour, professional, economic and other legitimate rights and interests of workers, the rights and guarantees of trade unions to help strengthen international trade union solidarity. The General Confederation of Trade Unions welcomes the initiative of the Director-General of the ILO, Gilbert Houngbo, to create a Global Coalition for Social Justice. We recognize the need for collective efforts to speed up the implementation of the 2030 Agenda for Sustainable Development and the Decent Work Agenda. The confederation considers very important the proposal made by the Director-General in his report ‘Towards a renewed social contract’. In our view, decent work and social justice are inalienable elements of sustainable development. Social justice remains an imperative and necessary condition for the establishment of a universal lasting peace. During the 112th

ILC, we attended the Committee on the Application of Standards which examined the cases in our region and throughout the world. Of particular importance to us was the special meeting of the standards committee on Belarus because the federation of unions of Belarus is part and parcel of our trade union. As a result of the review, we would like to note the following. The ILC was created to harmonize social and labour relations throughout the world. In our view, it is still very relevant to pursue this target. We feel that the examination of any issue, together with the conventions of prevailing and various countries, the most important thing is to set up a good political and social dialogue. Given the political relations between countries, they change all the time, and it is particularly important that these changes do not become a reason to stop the dialogue on social and labour issues. It is important to continue them both within the State and at the international level. We believe that only mutual respect, the aspiration to listen to other parties of the tripartite dialogue and a movement towards each other will lead us to the renewal of social justice and ensure decent work. Thank you very much for your attention.

Mr Andres Blas Roman

Organization of Mutual Entities of the Americas

Delegates from the governments, employers and workers, as the President of ODEMA I am grateful for having the opportunity to address once again this honourable ILC as a representative of American mutualism. This means that we are confirming our adhesion to the objectives of this organization. We would like to express our support for the Director-General's initiative to include international organizations such as ODEMA in the Global Coalition for Social Justice. This means that joining our strengths will reduce inequalities in the world of work and promote global social justice. In line with the report, we believe in social justice and we are fully convinced that the mutual system will achieve this. It will be effective. The innumerable and wide-ranging services from which families benefit are a transcendental factor to reach a life in conditions of freedom, dignity and equal opportunities. These services cover basic needs, but even more than that they also promote well-being and the well-being of our communities, allowing all individuals to enjoy full development. Mutualism is a pillar of the solidarity economy. It is one of the ways that can lead to associations that allow us to seek fairer conditions of life for all. The mutual system does not only represent an alternative economic model. It is also a philosophy that promotes cooperation, solidarity and equity. The world is increasingly interconnected and it is essential that these values be reflected in our policies and labour practices. From its very birth our organization has shared the idea that actions must be directed towards the rules of an international framework of integration with great focus on strengthening social justice thanks to public and private policies which allow access to essential services for all. Particular attention must be paid to vulnerable groups, protecting and empowering these people throughout their lives. Our organization also fully agrees with what the Director-General has stated concerning the renewed social contract by means of an in-depth and efficient social dialogue. This idea is the very foundation of a human-centred system, and it responds to the changes in the world of work that are caused by technological innovations, demographic changes and climate change. This viewpoint integrates literally at the philosophy and the practices of mutualism. It points to the fact that there is no situation that affects the human being that mutualism does not pay attention to. This is something which is also an inspiration for the ILO. It is fundamental to recognize that social justice is not an abstract concept. It is a tangible reality that must be constructed on a daily basis by

means of our actions and decisions. By belonging to the Global Coalition, ODEMA will have the opportunity to collaborate on actions and initiatives that aim to efficiently promote social justice, joining hands with others in order to achieve the objectives of this conference, such as the care economy and the fundamental principles and rights at work. The active participation of ODEMA in this coalition will take place in this 112th ILC, but it will also strengthen us in our commitments and it will increase our impact in order to fight against the lack of opportunities and generate more inclusion and more equity. To conclude, I would like, on behalf of American mutualism, to express our commitment to continue integrating and following the objectives of the ILO, and we call the world to action and solidarity for a human-centred development. Thank you.

Mr Matías Cremonte

Asociación Latinoamericana de Abogados Laboralistas

On behalf of the Latin American association of lawyers, I would like to welcome the Director-General's report. We share the hope for a return to a social contract that is based on a society with full employment and decent wages with social rights and freedom of association. Since 80 years we have been following the Declaration of Philadelphia's objectives, but now we are seeing many attacks against these philosophies in Latin America. The region has the most inequalities in the world, with extreme wealth living side by side with extreme poverty. It is not the consequence of a natural disaster. It is the neoliberal policies that have caused this. Regressive reforms are constant. Once implemented, it is difficult to turn back, such as has been seen in Colombia, Chile and Brazil. Governments and companies are justifying them. They present them as the only way to create formal work. But it is not true. It is a huge failure. At the ILO in 2015 there was a study that was launched to analyse the social impact of the crisis of 2008. 63 countries were analysed, and in no cases was a regressive labour reform successful in terms of employment or social or economic progress. Indeed, every time the situation became worse. And now these labour reforms are not creating employment and they are not formalizing the economy and they are not increasing wages. It is the exact opposite. The aim should be to create jobs and improve protection, not weaken it. Argentina at the moment is considered a laboratory in liberalism in terms of a self-regulated market. At the moment at the National Congress a new labour reform is being discussed to modernize legislation, but in truth it is a return to the 19th century. How can you explain that the elimination of sanctions for companies who do not formalize labour relations is not a failure? There is great informality now in Chile. In Chile it is now 50%, in Paraguay over 60% and in Peru 70%. The Ministry of Labour has lost power and it is now a simple secretariat that benefits companies. At the moment we are seeing great changes in the workforce, more precarity, and the social contract is now simply becoming a labour contract that is not respected. If employers fire workers on the basis of ethnic groups, race, religion and so on, this only means that they have to pay a minimal amount. This is a serious problem. Today nobody can return to their job after this. The employer is not being made accountable and it is generating greater precarity. Moreover, the possibility of justified sacking of workers for participating in strikes is a true violation of Convention 87 on the freedom of association. Collective bargaining is being weakened when it is most needed. There is very high inflation, and the state is guaranteeing that companies are gaining ground at the expense of real salaries. The labour movements in Argentina are not only simply watching what is happening. The trade unions are calling for general strikes, for massive mobilizations to express social discontent. This week there will be another one so that the draft law is

not approved and to demonstrate that the working classes can face neoliberalism and neofascism. The Argentinian labour reform goes against the international labour law, and that is why we are denouncing it here, and we call on the ILO to take this into account. Thank you.

Mr Julio Durval Fuentes

Confederation of Latin American and Caribbean Public Workers

I am honoured to be able to address you as the President of CLATE today. I welcome the Report of the Director-General to renew to the social contract. It is a great challenge, taking into consideration that there is a daily increase in poverty and there are huge problems in terms of inequalities. The wealth of five people on the planet has doubled while over 500 million people have become poorer. Extreme wealth is directly correlated with extreme poverty. Now if we focus on social dialogue as a tool and as a practice to renew the social contract, then we must identify the concrete obstacles that we are facing, whether they be in the public sector or not. We also welcome the decision of the President of Colombia to push forward a labour reform that is a positive move. Also, all the Conventions that have been agreed upon are fundamental. In Guatemala, for example, the Government is persecuting trade union leaders and trade unions. In Uruguay, on the other hand, reforms have been undertaken and they are not moving forward in order to improve labour protection in cases of illness. Indeed, instead of this, people have their wages removed from them for the days that they have not worked. This is an antidemocratic movement, and this has taken place in Ecuador as well. What is happening in Argentina is worthy also of mention because the collective agreements are not being respected and the Government is moving towards a regression in terms of labour rights, which also forces women to work until ten days before they give birth. It is also trying to eliminate all progress made in terms of equality, in terms of gender, and it is extending the probation periods for work. It is not allowing its workers to participate in trade union work, and even worse, it is moving back towards the 19th century in which it is creating labour legislation that will force people to be independent. We firmly believe that there will not be any possibility for a social contract that is not based on social rights. There will not be a social contract without a state that is based on solidarity, that is democratic, that focuses on participation and that focuses also on sharing and distributing wealth. That is why it is fundamental that we focus on public debt and eliminate austerity programmes. Programmes such as artificial intelligence and technology must focus on improving society. For decades now Cuba and Venezuela and Nicaragua have suffered from sanctions and from blockades, and there are also problems in terms of wars and genocides, such as the one from which the people in Palestine are suffering. We want a planet that can be good for future generations. This is not a utopia. It is an urgent call for action to move forward and give an opportunity for this future. There cannot be a social contract that does not guarantee social peace, and we will remain witnesses to the failure of governments against our rights. Thank you.

Mr Alexei Buzu

President (Republic of Moldova)

Thank you. That brings us to the end of our list of speakers for this plenary sitting. Before closing this meeting, I want to inform you that the results of the votes for the

election of the Governing Body for the period of 2024-2027 have now been published on the Conference website and the ILO events app. My sincere congratulations to this new Governing Body. I thank you all for your contributions and your patience and your solidarity. Our plenary sitting now is declared to be closed. Thank you once again. Get some well-deserved rest.

► Tuesday, 11 June 2024

Mr Boris Zürcher

Government (Switzerland)

Chair, Excellencies, ladies and gentlemen, Switzerland welcomes the Report of the Director-General in this economic and social environment that is constantly changing, because all players are affected. Both nationally and internationally, these players must adapt to new priorities and focus on social dialogue in order to be able to collaborate on the choice of social and economic policies that are consistent. Switzerland is committed to supporting a strong and credible ILO which is respected for its expertise in terms of social justice. The implementation of fundamental rights contributes to the creation of decent work and to the promotion of sustainable companies. The fundamental values of the ILO's mandate must never be neglected and are more important than ever. These values act as the guiding light for the ILO's action, even when the economies in our societies are in profound movements of change and the world of work is impacted. However, without renewed political goodwill to collaborate and reach these goals, without renewed trust in tripartism, it will not be possible to attain the objectives of the Declarations of the ILO of 2008 and 2019. Now we need a renewed pact with the social partners and with society in general, and this is even more important than a simple renewed social contract in the strictest sense of the term. We need better social cohesion. Technological progress, an economy which creates decent and sustainable employment, demographic evolution, the fight against poverty and inequalities, the convergence of policies and so on, all pose challenges which require our common efforts and joint efforts in order to attain social justice. This means that collaboration between the ministries of labour, the economy and finance must be strengthened. This is something which must be reflected in the various international institutions. Here the ILO can play a crucial role as a driving force. Switzerland believes that the promotion and the strengthening of the fundamental principles and rights at work are a priority. This is also discussed at this conference. The renewal of the social contract must also contain governance standards. The two most important Conventions in this respect are Conventions No. 122, unemployment policy, which is now 60 years old, and Convention 144 on tripartism. Switzerland also believes that actions must be undertaken to create sustainable companies that create decent jobs. Counselling and guidance must be given in order to create active policies on the labour market and on the training market so that the young can get work. Both nationally and internationally these will only be implemented and possible if we intensively practise social dialogue. And this is why we must think about how we can strengthen social dialogue so that this may be universally recognized as the most efficient way to establish rules and policies that are consensual. Social justice, tripartism are all fundamental for governance in order to promote social justice. Switzerland believes that the labour market must respect economic, ecological and social aspects. If this is not done, it will lead to problems. The idea of a new standard mentioned in the Report of the Director-General must be thought through. It must not be established only by the ILO alone. It must be established in association with other international organizations who have an economic, social or environmental mandate. Switzerland also advocates for the consistency and coherence of policies within the ILO and multilateral institutions, and we need a social pact that focuses on all this. Thank you very much.

Mr Samir Majoul

Employer (Tunisia)

Ladies and gentlemen, I am honoured to be here today, and I congratulate all the members for their new positions and their successful elections. I would also like to thank the Director-General for the report for a renewed social contract. This is fundamental nowadays. Moreover, the establishment of a system that is focused on accountability is necessary. It must not be a system in which it is all about power relations. So the renewed social contract is crucial because we are witnessing ethical problems nowadays in society. This occurred during the pandemic, but there is also the issue of digital technologies, climate change and AI. We believe that the global renewed social contract must be based on shared values. Social pacts must be constructed in line with production and work ethics that respond to vital needs for employers and workers. They must be able to enjoy a decent position in society. Moreover, the self-employed must be integrated into the formal economy because this will have a positive impact on the economy and on revenue. A social pact is indeed a crossroads between various stakeholders. As a result, we must be aware of the role played by the private sector in terms of added value, in terms of services, employment and so on. It plays a role in terms of social protection. The private sector's role is not always recognized, and we need to recognize the private sector's role because it creates wealth and ensures productive and sustainable and decent work. We believe that progress will be based on a favourable environment to investment. There must not be barriers to projects. Funding must be available in order to allow the institutions to do their work. The lack of social justice creates chaos, on the state levels too. This can be seen in the movement of illegal migration in the Mediterranean, for example. It has indeed become a terrible problem. Every day there are victims of illegal migration, and if international relations were more balanced, then this could be avoided. There should be more justice in terms of international cooperation and organization. The problem at the moment is that we can see that illegal migration in African countries towards the north of the Mediterranean is a problem. Ladies and gentlemen, every single session at this conference deals with the situation of the occupied Arab territories. The international community must focus on stopping the occupation because such an occupation will not allow decent work, peace or social justice. Today, we are witnessing a collective war that is affecting our brothers in Palestine. It is also causing an exodus. Traditions and international humanitarian law are being violated. Women and children are being affected, places are being bombed where the population is taking refuge, and humanitarian aid cannot reach the people, and now it is fundamental that the State of Palestine be recognized.

Mr Michail Shmakov

Worker (Russian Federation)

Distinguished President, ladies and gentlemen, colleagues, the Federation of Independent Trade Unions of Russia fully shares the key message of the conference documents that the emphasis on equitable multilateralism as the basis of sustainable development opens up perspectives for the realization of fundamental principles and rights at work as the driving force behind all social and economic progress. The new multi-polar world with its various centres in all regions is taking on an ever clearer shape. At the same time, the progress of globalization in its old, outdated forms is coming to

its logical conclusion. In fact, we are talking about the gradual collapse of the entire global paradigm. The main challenge today, therefore, is to align the work of the ILO in the emerging multi-polar world in such a way that the ILO values are shared and supported in each of the newly emerging centres. This is not just another challenge for the ILO itself. It is a question of its further development and relevance. Indeed, we are talking about the prospects for the very existence of the ILO. As it was correctly said by Mr Gilbert Houngbo, the Director-General of the ILO, the global integration of human rights and international labour standards is particularly important. This is the basis for reducing inequality and creating conditions for economic growth. We fully support the report's call for integration. In order to ensure this approach, we have categorically to exclude any politicization of the ILO's work or its fragmentation for the benefit of certain economic blocs. Moreover, the UN in its present form could cease to exist altogether, as it happened in the case of the League of Nations. The ILO is much older than the UN. It survived the League of Nations which ceased to exist with the outbreak of the Second World War. The ILO has weathered all the storms of history because of the imperatives of labour peace in any corner of the world, however significant they may appear to be. The ILO should be depoliticized in terms of raising its immediate bloc interests. Our organization is called to work on any of the poles of the new multilateral system. Then its work experience and capabilities will be in demand everywhere, as they are in demand in my country. Recently, at the initiative of trade unions, the principle of social partnership was introduced in Article 75 of the Russian Constitution. This includes political, economic and social solidarity. We see Russia as a social state whose policy is aimed at providing everyone with a decent way of life regardless of gender, nationality, religious or political beliefs. The Programme for a Fair Economy is adopted at the congress this year. This includes a form of fair economy for all workers. Workers should not be impoverished. Our programme is aimed at the basis of protection of workers and it is very important and part and parcel of a fair economy. The protection of the life and health of workers is an integral part of a fair economy and it represents an inalterable role in raising the wages. Strong trade unions, responsible employers, a government that respects social work and sovereign interaction are the guarantee of decent labour. We have to ensure that we have only responsible employers. Strengthening the international solidarity among workers remains an essential tool in its struggle for justice, and this in the face of a new multilateral world. We are ready to make a worthy contribution to this fight. Thank you very much.

Ms Nkeiruka Onyejeocha

Government (Nigeria)

Good morning, everybody. Mr President, I bring you warm greetings from the good people of Nigeria and congratulate you on the occasion of the 112th Session of the International Labour Conference. Director-General, I also would like to appreciate you. I applaud the Office for the excellent work and choice of the theme of the 112th Session of the report. The theme emphasizes the interdependence between individuals and societies of our respective responsibilities for social cohesion, economic resilience and political stability. This theme is in tandem with the Renewed Hope Agenda of President Bola Ahmed Tinubu's led administration which is a transformative policy thrust aimed at repositioning Nigeria as a prime global investment destination. The agenda is hinged on the core pillars 4-D Diplomacy Strategy centred on promoting democracy, driving economic development, harnessing Nigeria's demographic potential and engaging with the diaspora community. The eight priority areas of the agenda aim to pursue economic

prosperity for the country through food security, poverty eradication, economic growth, job creation, access to capital, inclusiveness, improving the security of life and property, rule of law and the fight against corruption, which will help build a more just and equitable society reminding both Nigerians and the global community that Nigeria stands ready to embrace the future and conduct business in line with international best practice. Distinguished delegates, the Nigerian Government has provided an enabling environment for social dialogue with the tripartite constituents to advance social justice and has solicited tripartite-plus cooperation to align with the Government's agenda in the labour sector to promote workers' welfare and boost national productivity. The Federal Government has made giant strides in the following areas: implementation of the Decent Work Country Programme III; ratification of the ten ILO fundamental Conventions, and most recently ratified four additional Conventions, including Convention 190 on violence and harassment; revival of the National Labour Advisory Council, Nigeria's highest tripartite consultative structure; tremendous progress in the review of our labour laws; establishment of job centres across the country; upgrading skill acquisition centres across the six geopolitical zones of our country; establishment of migration resource centres as part of the Government's commitment to providing good governance for labour migration; reducing child labour to the barest minimum by promoting universal basic education and encouraging school enrolment of minors, especially for the girl child; granting direct loans to farmers in the agricultural sector geared towards food security; and provision of portable water, energy and massive road infrastructure, just to mention but a few. Furthermore, the Federal Government is currently negotiating, through its tripartite committee, to review the national minimum wage as part of its efforts to promote decent work for workers in both the public and private sectors. The Government also recognizes skill acquisition as a viable strategy for youth empowerment and job creation and has identified the informal sector as the driving force of economic growth in most developing countries of the world. As an intentional strategy towards achieving the goals of the Renewed Hope Agenda, the Federal Government launched the Labour Employment and Empowerment Programme, LEEP, on Thursday, 25th April 2024, with the fundamental vision to create jobs by training and equipping 2.5 million persons every year within the next four years with requisite entrepreneurship skills. The efforts of government towards promoting entrepreneurship will revamp Nigeria's economy and reposition it on the path of steady growth, enhance job creation and reduce unemployment and insecurity. Finally, Mr President, Director-General and distinguished delegates, we must continue to work together to mitigate the challenges of technology and its related threat to the world of work, while charting a more productive, resilient, equitable and more inclusive society for future generations. Thank you, and God bless you.

Mr Dato Awang Haji Ahmaddin Haji Abd Rahman

Government (Brunei Darussalam)

Assalamu alaikum warahmatullahi wabarakatuh and good morning. My sincere congratulations to Mr Alexei Buzu, Minister of Labour and Social Protection of the Republic of Moldova, for being elected as the President of the 112th Session of the ILC. Our appreciation and gratitude also go to His Excellency Gilbert F. Houngbo, Director-General of the International Labour Organization, for his comprehensive report concerning the social contract and for organizing this year's inaugural forum of the Global Coalition for Social Justice. It is indeed important to renew the social contract in the world of work, aligning with the ILO's fundamental principles and rights at work.

This renewal underscores the rights and responsibilities of workers and employers, highlighting the need to adapt to a dynamic economic and sociopolitical environment. A new social contract is crucial for fostering social progress and must be anchored in promoting decent work, social protection and equal opportunities. Brunei Darussalam remains dedicated to safeguarding workers' rights and well-being while fostering a resilient and adaptable workforce. To date, Brunei Darussalam has ratified three fundamental Conventions. Today, we are pleased to announce the ratification of ILO Convention No. 187. This ratification reflects our determination to create safe and healthy working environments, therefore fostering the well-being and productivity of our workforce. It underscores our dedication to promoting decent work, ensuring fair labour practices and safeguarding the rights of workers in our nation. Our Employment Order 2009 exemplifies our commitment to the principles of decent work, social justice and economic progress, reflecting the balanced approach promoted by the ILO. The Employment Order mandates a written employment contract, fostering clarity and mutual understanding between both workers and employers. Our phased implementation of the minimum wage since July 2023 ensures a smooth transition and adaptability for businesses and workers alike, guaranteeing fair compensation for all workers. The Employment Order also regulates working hours, ensuring fair and balanced working conditions for all. We also provide comprehensive maternity leave benefits, granting working mothers up to 15 weeks of leave, equivalent to 105 days, underscoring our dedication to supporting family welfare and gender equality in the workplace. Mr President, ladies and gentlemen, Brunei Darussalam has consistently prioritized ensuring justice and fairness for all workers in addressing workplace disputes. We provide a structured approach to handle grievances, ensuring that workers have a voice and achieving equitable resolution between workers and employers, in accordance with the ILO's emphasis on social dialogue and justice. This underscores our dedication to respecting and protecting the rights and interests of all stakeholders at all times. Before I conclude, I would like to extend our gratitude to all for electing Brunei Darussalam as a titular member of the Governing Body from 2024 to 2027 representing ASEAN under the Asia Pacific group. This marks another milestone since we joined the ILO in January 2007. We look forward to engaging in and fostering strong partnerships to address the challenges and opportunities that lie ahead. In conclusion, we recognize that the social contract is an ongoing commitment that necessitates continual nurturing and strengthening. It requires a holistic governmental approach, and Brunei Darussalam is committed to furthering our efforts in shaping an inclusive and enduring social contract. By fostering collaboration across sectors, we aim to cultivate an environment conducive to equity and prosperity for all members of society. Thank you.

Mr Alexander Shokhin

Employer (Russian Federation)

Distinguished President, distinguished ladies and gentlemen, on behalf of the Russian employers I greet all the participants at this 112th Session of the ILC. The topic covered in the report of the DG of the ILO, Mr Gilbert Hounbo, on 'Towards a renewed social contract' is particularly relevant. This report builds on the ILO's platform to build on the approaches proposed in 2021 by António Guterres in his report 'Our Common Agenda'. We fully agree with the ILO DG that social partnership is the main manifestation of the social contract at work. This is true for both its global and national levels. The main mechanism for the implementation of this approach is the system of agreements to regulate social and labour relations as well as the international and

country labour standards developed in this spirit of tripartism. More than 30 years ago the social partners in the Russian Federation first developed and concluded a general agreement between the representatives of workers, employers and the Government. In April of this year the procedure for signing the next, already the 16th, general agreement was finalized. This document was created taking into account the specificities of the current socio-economic development of the country. First of all, there is a shortage of staff due to various reasons, new technological challenges including digitalization, robotization, which requires an increase in labour productivity and for new requirements for professions and qualifications. In order to address the whole range of tasks in the labour sphere in our country, the Government, with the participation of social partners, is developing the national project 'Personnel'. It is aimed at solving several mutually linked tasks such as the continuing training of workers, cutting back on labour costs, the widespread introduction of the principles of a lean workforce, the utilization of labour reserves, including the removal of legal restrictions on employment of certain categories of the population, and effective regulation of migration. Social partnership, which incidentally became a constitutional norm in our country since 2020, has been noted with satisfaction. We note that this idea is echoed in the ILO DG's report which notes that strong employers' and workers' organizations are the foundation of democratic decision-making. The effectiveness and legitimacy of social dialogue depends on whose voices and interests are reflected at the negotiation table. To address this issue, we have developed proposals to strengthen the system of employers' associations in Russia, encouraging socially and economically significant organizations to join these associations. This, we believe, will enhance the contribution of business to social and economic development. The activities of companies are recognized and supported at the state level. The National Responsible Business Leaders award was set up by large Russian companies that comply with the principles of responsible business and comprehensively disclose information. In April of this year the first award ceremony was held. We suggest that the DG considers the possibility of recommending to the ILO member countries to organize similar events based on the principles of ESG and sustainable development principles. We are ready to share this method of work. On behalf of Russian employers, I would like to wish all participants at the 112th Session of the ILC very fruitful work and success in their individual countries. Thank you.

Mr Henrik Munthe

Employer (Norway)

President, Excellencies, dear friends and colleagues, I would like to thank the Director-General for his report. It is a truly comprehensive report, covering a wide area of topics. Many of the analyses presented in the report are of high quality but, seen from an employer's perspective, one could have wished that the essential role of the private sector had been highlighted to a larger extent. Not only the workers but also the companies faced tough times during the pandemic. The efforts from the companies' side deserve to be recognized. To improve the situation in the labour market, it is necessary to create a conducive environment for sustainable enterprises. A diversity of thriving companies is important for a fruitful climate with mutual trust. In this respect, social dialogue, both bipartite and tripartite, is of utmost importance. Social dialogue comes in many forms, based on different political, historic and economic circumstances. Coming from Norway, my background is from a country where we have had intensive social dialogue between strong social partners for more than 100 years. Collective bargaining and collective agreements on all levels are widespread. But this cannot be

taken for granted. “How can we keep our system also for the future?” is of great concern for everyone involved in social dialogue. For sure there are dilemmas facing us. How should we tackle them to advance? The employers in Norway strongly hold the view that the agreements must contribute to creating stability and secure the competitiveness of the private sector. The model we often refer to as the pacesetter model, i.e. that the sector most exposed to foreign competition negotiates first and sets the level for the rest of the agreement, is a cornerstone in our system and should remain so. Furthermore, the system should be flexible in the way that it takes into account the situation for the single company, not only for the sector level. We are in favour of a model that combines bargaining at sector and local level. Collective agreements must be balanced and not be of benefit only for the workers and their unions. In our system, like other countries, we have a peace obligation, meaning that as long as there is a collective agreement in force there can be no strike or other forms of industrial action. This is, of course, an incentive for the companies to enter into negotiations and agreements. Often, collective agreements are conservative and static. It has proven very difficult to delete provisions that have become part of the agreement. The result is that parts of several agreements are outdated. It is not an easy task to convince companies to sign on to an agreement they think belongs entirely to the past. We have a challenge in modernizing the agreements in cooperation with the trade unions. The companies’ need for employees with new skills makes it paramount to find new ways of drafting collective agreements. We cannot simply copy what has been common in the past. New sectors and new skill requirements must result in new and more modern agreements. We need a system that secures an acceptable distribution of the income among the employees, that honours also skills not only age and seniority. As you will have understood, we have challenges keeping our system alive and kicking in Norway, even if we have had widespread and trust-based social dialogue since the late 1800s. However, if all three parties (the workers, the employers and the government) can adjust to new needs, I think the social partners will be in a good position to tackle the difficulties that will hit us in the future. By doing so we can contribute to renewing the social contract as described in the report from the Director-General. Thank you for your attention.

Mr Pearnel Charles Jr.

Government (Jamaica)

President of the Conference, Director-General, members of the ILO Governing Body, ministers, Excellencies, distinguished delegates, a pleasant good morning and greetings to you from the Government and people of Jamaica. Nearly fifty years ago Jamaica’s musical legend Bob Marley immortalized in song the words of the Ethiopian Emperor Haile Selassie I who declared in his speech to the United Nations in 1963 that “until the philosophy that holds one race superior and another inferior is finally and permanently discredited and abandoned, everywhere is war. And until the basic human rights are equally guaranteed to all without regard to race, there is a war.” In this powerful statement, they warned the world and urged us to take action then, as our Director-General is urging us to take collective action now, to create societies where people are treated fairly and have equal opportunities to shared prosperity, free from discrimination. Jamaica, in our unwavering commitment to these fundamental principles, continues to champion a people-centred approach to implementing the renewed social contract through regional cooperation with CARICOM and international collaboration with the ILO and other partners. Like other developing countries, Jamaica

needs support to truly achieve sustainable development. As we strive to achieve our goals, we have prioritized our people and taken action to protect the most vulnerable among them. We have increased the national minimum wage twice since 2023 by an amount of 66.7%. We have recorded our lowest unemployment rate of 4.2%, lower than the 5% global average in 2023. We have ramped up skills training and removed all tuition fees in our national training agency, increased pension support up to 76% and instituted a new social pension programme for elderly persons not receiving any government benefit as well as recording one of the highest post-pandemic labour participation rates of 62.6% in the year 2023. These achievements are in keeping with the Prime Minister's, the Most Honourable Andrew Holness, emphasis on the urgent need to increase productivity to further drive growth. As such, we in Jamaica are advancing the development of a national productivity policy and bringing stakeholders together this month for the first national summit on the Future of Work and Productivity. We are piloting a new electronic work permit system, and we have developed an innovative transformation project to streamline technological efficiencies in our ministry and improve service delivery. For the first time, we have also included persons with disabilities in our migrant work programme and we have launched the new 'I Am Able' campaign to increase awareness, improve access and integrate our persons with disabilities across all sectors in our country. Today we achieve another first for Jamaica with the launch of the largest and most robust social security programme called the Social Protection for Increased Resilience and Opportunity, the SPIRO project. This project, with the support of the World Bank, aims to accelerate the transformation of our systems for greater efficiency and it will also introduce the first ever unemployment insurance scheme, among other benefits, for our people. Tomorrow we will all recognize World Day Against Child Labour, and for Jamaica we are proud to be the first country in the Caribbean to implement the International Labour Organization's child labour risk model, reaffirming our commitment to the work of Alliance 8.7 and the Regional Initiative Latin America and the Caribbean to eliminate child labour in all of its forms. Now, fundamental to our social contract is our commitment to advancing decent work, and in particular the recognition of freedom of association and collective bargaining. Our strong tripartite partnership facilitates constructive social dialogue and it is the bedrock of harmonious industrial relations in our country. This collaborative approach is what accounts for Jamaica's rapid recovery from the impact of the pandemic and also now being far advanced in the bold overhaul of our public sector compensation system. Colleagues, in closing, Jamaica reaffirms its commitment to the goals and objectives of the Philadelphia Declaration and we call on all Member States to actively participate in the efforts to build a world where labour rights are respected, social security guaranteed and the dignity of every worker upheld. One love. Thank you.

Mr Adriano Rafael Moreira

Government (Portugal)

Chair, Director-General of the ILO, delegates, ladies and gentlemen, it is with great honour that today I am able to address you at this ILC. The ILO continues to play a crucial role in the promotion of a safe working environment that is centred on human dignity. Now its mission is more relevant than ever more, especially taking into consideration the challenges that we are confronted with in this period of insecurity involving digital technologies, climate change, economic problems and conflict. In this context, I would like to congratulate the Director-General for the report 'Towards a renewed social contract', which offers us an analysis that is in-depth of the challenges and opportunities

in the working world. Portugal believes that his report is an essential guide so that we may address issues such as social inequality, climate change and technological transformation, namely the changes that we are predicting in view of artificial intelligence. Portugal has also adhered to the Global Coalition for Social Justice because we believe that this initiative will promote international labour standards and will strengthen social dialogue. It will focus on the creation of jobs, on universal social protection and social justice. The world is undergoing great changes. The changes in the labour market and the new forms of labour relations mean that we need to renew the social contract, ensuring that social justice is a basis for long-lasting peace and shared prosperity. Let me now give you a few examples of the Government of Portugal's programme. It is focused on tripartism and has established the following policies. Our aims are, for instance, to relaunch true social dialogue with our social partners; promote a process of dialogue in terms of occupational safety and health that focuses on agreement that is discussed with the social partners and that follows a multiannual period; to focus on collective bargaining without specific conditions, namely on matters such as legislation and types of work, mechanisms for mobility, probation periods, working times and the like; to promote work and employment in all forms and increase productivity, especially increased opportunities for young people on the labour market. Moreover, the Government aims to actively promote equality between men and women at the workplace. The Government is also focussing a great deal on vocational training, namely in strategic areas such as the digital economy. And there is also a focus on fair wages, working alongside our social partners so that we can increase the minimum wage and the average wage in terms of gains of productivity. Now I wish to focus also on the importance of Portuguese speaking countries in the world. Portugal has collaborated with the ILO to give support to the CPLP countries, i.e. the Portuguese speaking countries in the world, namely in terms of projects to fight poverty, capacity-building and in terms of vocational training. Let me now give you the example, for example, of the adhesion of the Government of Cabo Verde's access to the Global Accelerator on Jobs and Social Protection for Just Transitions and Timor-Leste's adhesion to other projects on social protection. The session this year includes crucial discussions such as discussions on the care economy and the fundamental principles and rights at work. These are discussions that we consider to be fundamentally important. In Portugal we have made a great deal of progress in terms of regulation and a framework for the care economy, starting by identifying it as being the third sector of the economy in the country. This is crucial for a social economy. But there are also other aspects that need to be identified in this care economy. Currently, Portugal is undergoing great changes and we are holding a debate on such areas of work. We have a long way ahead of us in order to reach a consensus to guarantee the universal rules for decent work and justice in terms of wages. Portugal has taken on its responsibilities and is honoured to be able to participate in a standard-setting commission to adopt the new international standard on the protection of workers in terms of biological hazards. We also consider that the regulatory mission of the ILO is crucial, and Portugal has also focused a great deal on decent work conditions and fair wages in the country. Now Portugal has made a significant step in this context because it has ratified Convention No. 190 on the elimination of violence and harassment at work. These instruments are essential because they are crucial for the future of the world of work and it means that we will also be focusing on a post-COVID-19 inclusive, sustainable and human-centred world of work in the country. Portugal will continue to respect international law and international humanitarian law. To conclude, it is with great satisfaction that Portugal reiterates its commitment to the fundamental pillars of the ILO's agenda. We share the common

objectives for sustainable development and for social justice and dialogue, and we want to permanently promote work and guarantee the rights of workers. Thank you.

Mr Phan Dung Mai

Government (Viet Nam)

Mr Director-General of the ILO, distinguished ministers, heads of delegation, Excellencies, ladies and gentlemen, on behalf of the Government delegation of the Socialist Republic of Viet Nam, I would like to extend my warmest greetings to Mr Director-General of the ILO, honourable ministers, Excellencies and distinguished delegates. Distinguished delegates, advancing social progress and justice is the aspiration of all people and countries, including Viet Nam. The Government of Viet Nam identifies that it is our objective and mission to promote social progress and justice. By allowing all people to benefit from growth outcomes and be rewarded equivalently for their effort and have equitable access to developmental opportunities and resources, social progress and justice are recognized by our government as a fundamental factor of sustainable development. In order to advance social progress and justice, Viet Nam's Government is consistent with the strategy which puts our people at the centre and harmonizes economic growth with socio-culture development and environmental protection. From such a perspective, Viet Nam highly appreciates and welcomes the ILO Director-General's report on social contracts as well as initiatives to address injustice, inequalities and instability still existing in the world. Distinguished delegates, Viet Nam's Government has always put a high priority on promoting social progress and justice. That orientation is incorporated in all our socio-economic development plans and policies as measures to ensure prosperous and stable lives for people, especially for disadvantaged and vulnerable groups, to realize the goal of 'no one is left behind'. Consequently, Viet Nam determines improving social protection and the social welfare system as the crucial task in its socio-economic development. Specifically, the Government has set out that by 2030 Viet Nam will have, one, developed a sustainable, progressive and equitable social policy system. Two, further improved the material and spiritual lives for people. Three, developed modern, comprehensive, inclusive and sustainable social protection policies. Four, ensured access to basic social services, including healthcare, education, accommodation and information services for people, particularly ones with poverty or adverse circumstances. Five, developed a flexible, efficient and internationally integrated labour market to promote sustainable employment. And six, improved the management of social development to promote the protection of human and citizen rights. Distinguished delegates, on this occasion it is my honour to announce that in November 2023 the Central Committee of the Communist Party of Viet Nam promulgated the resolution on continuing to innovate and improve the quality of social policies in the new context and the following action programme to implement the resolution. Currently, Viet Nam is amending the Social Insurance Law to expand the insurance coverage. The amendment is planned to be adopted by the National Assembly in 2024. The drafted employment law is also under revision to further promote decent and quality work, develop human resources and strengthen the labour market. Suitable provisions of international employment laws and treaties are also considered to be incorporated in the drafted law. Thanks to all these efforts, Viet Nam has gained several socio-economic achievements. Notably, by the first quarter of 2024 Viet Nam's labour force has reached 52.4 million people, the average income of workers was almost USD\$350 per month and the unemployment rate was 2.24%. Distinguished delegates, on this occasion, I would also like to reaffirm our

commitment to the universal values of the ILO. We are committed to further improve the labour code and other relevant laws and policies to better address future employment and socio-economic challenges, including challenges that threatens the progress of social justice. Particularly, it is our consistent policy that we will not sacrifice social progress and justice and environmental protection for pure economic growth. In conclusion, I wish Mr Chair, Mr Director-General, ministers and all distinguished delegates good health and success. I thank you.

Ms Fathimath Zimna

Worker (Maldives)

Bismillah ir-rahman ir-rahim. Mr President, distinguished delegates, I stand before you today as the Worker delegate from the Maldives, representing the voices of those who toil tirelessly to build up our society. Our shared commitment to a fair and just world at work binds us together, transcending borders and oceans. The Philadelphia Declaration, which we commemorate the 80th anniversary of, remains just as relevant today as it did 80 years ago. The fundamental rights encapsulated in the Declaration, such as the freedom of association and expression, social justice and equality, are the cornerstone of a fair, just and equitable society. The freedom of association and collective bargaining are not mere privileges. They are the lifeblood of democracy within workplaces and communities. When the working class can organize, negotiate and collectively voice their concern, we build resilient societies that thrive on fairness, equity, accountability and shared prosperity. Yet, the attacks on the right to freedom of association and collective bargaining persist, and this is profoundly troubling. Nevertheless, as trade unions we remain steadfast, united and resolute in defence of these essential rights to face and overcome all challenges and opposition. Our commitment to foster a fairer, more equitable world for everyone is a commitment to uphold democracy. The labour movement stands firm in defending the core principles enshrined within the governing principles of the ILO. Mr President, despite positive global trends in average wages, millions of workers worldwide continue to earn wages lower than the cost of living, perpetuating poverty. Even so, I commend the ILO Governing Body's agreement on institutionalizing and operationalizing living wages. This is a significant stride forward to uplift human dignity. It increases the possibility of the working class to afford basic human necessities such as healthcare, education, housing and adequate nutrition. It is a step towards building resilient and productive societies. Mr President, migrant workers contribute significantly to the social and economic development of the Maldives and many other countries worldwide, yet it is extremely distressing that migrants are often working in precarious and vulnerable conditions. Numerous reports highlight issues such as fraudulent employment practices, non-payment of wages, deception, violence and various other human rights violations. These are and will remain deeply alarming matters. Addressing these requires transparency in the labour governance and urgent legislative and policy reforms. In essence, this requires genuine honouring of the international labour standards, integrated in the establishment of a fundamental tripartite labour governance negotiated by tripartite mechanisms. The impact of climate change on the people of Maldives goes far beyond sea level rise. We are more immediately affected by prolonged crises and increased flooding, coastal erosion and extreme weather events such as heatwaves. The working population and their families are the hardest hit, suffering from extreme heat, spikes in vector-borne diseases, compounded by weather induced disruptions of essential services such as healthcare, clean water, transport and

education. These challenges collectively reduce the productivity of our communities. Thus, I reiterate our call for the integration of climate resilience into labour policies which need to be negotiated within the tripartite frameworks at global and national levels. Additionally, the global climate financing framework must prioritize mitigating the impacts of climate change on livelihoods by promoting green jobs, skill development, sustainable practices and adaptation measures to protect both our planet and our workforce. In order to ensure that the decisions and commitments which are made within the policy frameworks of the ILO and the UN processes are [vgr INAUDIBLE 62:54] and transcended to working people and their families, we need to increase political commitment and strengthen the enforcement mechanisms so that labour and human rights are not compromised with impunity. We need governments to be responsible and accountable to lead and champion the cause of social justice. I call upon all social partners to engage in meaningful social dialogue and consultation for the advancement of social justice. I thank you.

Mr Yiannis Panayiotou

Government (Cyprus)

Mr President, Mr Director-General, ladies and gentlemen, on behalf of the Government of the Republic of Cyprus, it is an honour for me to address the 112th Session of the International Labour Conference. The report and the initiatives of the Director-General discuss and promote a dual concept which is fundamental to the fabric of our societies, underpinning our collective existence and our shared aspirations: renewing our social contract based on social justice. We strongly embrace these efforts, and our active participation in launching the Global Coalition for Social Justice is indicative of our dedication towards this direction. For decades and centuries and thousands of years, people around the world are organizing societies, developing communities and establishing institutions to escape the hazards of extermination and the risks of enslavement. People are seeking protection and safety, justice and honesty, peace and prosperity within their states and through their constitutions. But, unfortunately, today every next election process highlights the growing distance between the demands of the citizens and the offerings of the political institutions. This deepening gap is forming a rough and harsh landscape where hope for conventional change and organic improvement is gradually limited and abolished as pointless and vain. Disruption and destruction become ends in themselves, and although aiming towards the punishment of the political establishment and the political elites, they end up to the self-harm of those in need of social protection and social support. A new social contract is an existential ultimatum for the revitalization of the welfare state and the guarantee of the wellbeing of our citizens in a globalized economic context of intense business competition. Acknowledging the value of our human capital, we are placing people in the centre of every political initiative, and through a new social contract we must aim to regain their trust for the years to come. Our government is part of a tripartite alliance between the state, the employers and the employees, and together with our social partners we practise social dialogue, we reach collective agreements and we serve the public interest. The positive outcomes of our mutual efforts can be game-changing for rebuilding the missing trust to political institutions if we promptly address everyday challenges and practically improve the everyday lives of our citizens. And I am very optimistic because I am aware of our commitment towards this direction to provide a comprehensive framework for fair and sufficient wages and pensions, within conditions of full employment and improved demographic characteristics, as our

flagship political initiatives. The way forward in contemporary policymaking is renewing the social contract and embedding social justice. And we will walk forward together, despite the difficulties and the challenges, because we are sharing a common vision for the future where social justice is an imperative and essential condition for universal and lasting peace between nations and within nations. Thank you, Mr President.

Mr Adama Kamara

Government (Côte d'Ivoire)

President, first of all the delegation of Côte d'Ivoire would like to address to you our heartiest congratulations for the excellent conduct of our work and would like to take this opportunity to congratulate also the ILO for the perfect organization of the 112th Session of the ILC. Côte d'Ivoire would also like to thank the Director-General of the ILO for presenting his report 'Towards a renewed social contract', through which it underlines the need to renew and to take on further the fundamentals of our social contract for greater equity and inclusivity in our responses to the present and future challenges. This report also emphasizes the growing inequalities due to globalization, rapid technological changes and environmental crises. It particularly invites us to have a greater cooperation between the governments, the enterprises and civil society in order to develop inclusive and durable policies putting the human being at the heart of its development. This approach is in step with the vision of the President of the Republic of Côte d'Ivoire, His Excellency Mr Alassane Ouattara, which promotes a fairer and more united society which leaves no one behind. Internationally speaking, we have ratified ten fundamental Conventions of the ILO. So Côte d'Ivoire has indeed ratified ten fundamental Conventions of the ILO and is continuing its succession process to the other international instruments, confirming therefore the ambitions of the Government of Côte d'Ivoire to ensure the dignity of workers. The commitment of our country is reflected in its accession to Alliance 8.7, to which it is vice-chair, as well as the Global Coalition for Social Justice aimed at further action, dialogue and advocacy. Nationally speaking, I am pleased to recall that the Government has continued its development fields through national plans for development and sectoral programmes aimed at social and youth questions. So the implementation of the two cycles of the social programme has enabled us to make tremendous progress. In particular greater access to electricity, drinking water, education, high-quality care at the least possible cost and to decent work. Moreover, through the reinforcement of a social contract aimed at greater solidarity, important reforms aimed at greater social protection have been initiated. In particular the regime of additional pensions for civil servants, social system for independent workers and those working in the informal sector and extending, of course, the universal health coverage, which at the present time includes 13 million people. At the end of the 2024 the objective is to achieve 20 million people of a population of 30 million. This progress has been made possible thanks to inclusive and constructive social dialogue which Côte d'Ivoire has been able to obtain tripartitely. The second Truce for the public sector, the increase in the minimum salaries in the private sector in less than ten years are further examples of this. We have also continued very laudable initiatives in developing a third cycle for the country programme for the promotion of decent work up to 2027. This major governance tool makes it possible to address priorities such as building people's capacities to take advantage of the opportunities offered by a changing world of work, promoting more effective and participative governance and accelerating the structural transformation of the economy through decent work. President, Côte d'Ivoire reaffirms its commitment to building a

more promising social contract to advance social justice for all. In this respect, my country calls on all stakeholders to show greater solidarity. We are talking about active solidarity, and this is where the Global Coalition for Social Justice comes into its own. Thank you very much for your kind attention.

Mr Piotr Ostrowski

Worker (Poland)

Mr President, distinguished delegates, I have an honour and a privilege to speak on behalf of the delegation of workers from Poland, which consists of representatives of three trade unions: the All-Poland Alliance of Trade Unions, the Independent and Self-Governing Trade Union "Solidarność" and the Trade Unions Forum. The Report of the Director-General concentrates on the social contract as an institutional instrument to provide social justice through decent work for all. The document does not refer to the social contract as such but goes further, proposes the idea of its renewal to be successfully delivered by the ILO considering present and future challenges. We do agree that we cannot renew the social contract without institutional means which are at the disposal of the tripartite partners. However, the mere existence of the social dialogue bodies is not enough. The question is whether the tripartite partners recognize social dialogue as an important institution of co-shaping the socio-economic policy and whether they have every confidence in themselves and their role in the dialogue. In our opinion, the quality of the practice of tripartism is one of the key challenges for Poland. Lack of trust contributes to polarization, making compromise, consensus and creative problem-solving seem impossible. The ILO's principle that work is not a commodity remains as relevant as ever as well as understanding that tripartism and social dialogue are the most effective and legitimate tools for shaping universal minimum standards. Emphasis must be placed on the need for cohesion and cooperation, which is crucial to building confidence. To succeed in this process, all partners, trade unions in particular, need to be included and respected. In this context, we do welcome the statements of the current Polish Government, and the Minister of Family, Labour and Social Policy in particular, that social dialogue with social partners will be a fundamental element of all policies. We do believe that opinions of trade unions are going to be considered as important by the current government. We also welcome the Polish Government's announcement to join the Global Coalition for Social Justice. Ladies and gentlemen, collective agreements and procedures of collective bargaining at all levels remain the crucial element of social dialogue, also promoted and protected by the ILO. Unfortunately, Poland belongs to the European countries with the lowest level of collective agreement coverage and the lowest number of collective agreements at the sectoral level in particular. Moreover, we received alarming and unacceptable information that existing collective agreements are going to be terminated. This, for instance, is the case of Polish Post, the company which employs over 60,000 workers. Instead of weakening, we need strengthening of the collective agreements and social dialogue. Instead of terminating the existing agreements, we need their further adoption, in the public sector in particular. Thus, we urge the Polish Government to strengthen tools for effective collective agreements, in line with recommendations of trade unions, by using not only the EU directives but also the ILO legal framework. Social justice cannot be recognized without an access to labour justice. This is why we call on the Polish state to ensure an effective enforcement of and compliance with national laws and respect for the fundamental principles and rights at work. The state has a role to play in providing adequate and well-functioning dispute resolution mechanisms and

grievance procedures. On one hand by accessible and efficient labour courts, on another hand through well-financed and effective labour inspection, equipped with proper tools of sanctions and executions. Inclusion and ability to build bridges makes the social contract possible to happen. Inclusive governance based on social dialogue at all levels is critical for achieving our contemporary social and economic objectives. Thank you for your attention.

Ms Thea Lee

Government (United States of America)

Colleagues, I am delighted to be here today to reiterate the strong support of the United States for the International Labour Organization and its mandate to promote decent work and social justice. The Director-General's report notes all societies share a common foundation: a timeless and universal yearning for social justice, freedom, dignity, economic security and equal opportunity. This is as true today as it was at the founding of this organization. We have seen extraordinary progress and technological innovation over the course of the last century. At the same time, the last few decades have revealed cracks in the foundations of our global economy: a financial crisis shook the middle class, a pandemic exposed the fragility of our supply chains, a changing climate threatens lives and livelihoods, and democracy is under attack in many countries. President Biden often notes we are at an inflection point in history where the decisions we make today will affect the course of our world for the next several decades. This moment demands a new consensus, one that will build a fairer, more durable global economic order for the benefit of people everywhere, especially the precarious, the under-served, the unseen. Director-General Hounbo in his report asks, "How do we tackle the injustices, inequalities and insecurities facing us today?" The answer is clear. By grounding ourselves in the key values noted in the Declaration of Philadelphia that labour is not a commodity, freedom of expression and of association are essential to sustained progress, poverty anywhere constitutes a danger to prosperity everywhere, and partnership between governments, workers and employers is essential. This is a particularly special year for reflecting on these values as this conference adopted the Declaration of Philadelphia 80 years ago, noting the war against want must be carried out with unrelenting vigour within each nation and by continuous international effort in partnership with representatives of workers and employers. We need this same unrelenting vigour which we collectively highlighted 80 years ago as we look towards the Second World Social Summit in 2025 and beyond. In the United States, a guiding principle of our domestic and international engagement is a commitment to worker rights, including the right to a free and fair choice to join a union and to dignity in the workplace. Because we know when workers are harassed, discriminated against or attacked anywhere in the world or compelled to work against their will, it is impossible to separate that harm from the products they make that are shipped and sold all over the world. When workers are shut out of economic opportunity based on gender, race, religion or sexual orientation or gender identity, it diminishes opportunity for us all. When workers cannot unionize, democracy suffers. Strengthening the enabling rights of freedom of association and collective bargaining is essential to making progress on eliminating child labour, forced labour and discrimination and ensuring safe and healthy working environments. In November, President Biden signed the Presidential Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally. It lays out five lines of effort to proactively integrate and elevate workers' rights around the world. First, we will engage governments, workers, unions, civil society and

the private sector to protect and promote respect for internationally recognized labour rights. Second, we will hold accountable those who threaten, intimidate or attack union leaders, labour rights defenders and labour organizations. Third, we will strengthen our own federal government's capacity to advance workers' rights abroad. Fourth, we will step up our due diligence and enforcement to ensure that our own trade agreements and supply chains protect workers and that we are not importing goods made with forced labour. And, finally, we will work with multilateral institutions to promote labour rights and standards. The ILO, with its unique tripartite structure, has been and will be a key partner in achieving decent work for all. The United States commits to continuing to work closely with the ILO, with governments, with workers and employers across the globe at all levels to realize this vision. Thank you, Chair.

Mr Mohamed Rahman Swaray

Government (Sierra Leone)

Mr President, Director-General of the ILO, Excellencies, ministers, distinguished ladies and gentlemen, I bring fraternal greetings from President Julius Maada Bio and the Government and people of Sierra Leone. I thank the organizers for the warm welcome and hospitality extended to me and my delegation since our arrival here a few days ago. We congratulate the ILO for organizing the 112th International Labour Conference event amidst the global economic and geopolitical security challenges. We note the Director-General's report on the theme 'Towards a renewed social contract', which foregrounds the nature and impact of trust deficits among governments, citizens, and global and state institutions. In Sierra Leone, my government has been re-elected to a second five-year mandate with a sharper focus on delivering human capital development which assures social justice, empowerment and a better quality of life for citizens. In simpler terms, the focus is on feeding the mind, feeding the body and taking care of the whole of the citizen through free, quality education, achieving food sovereignty and delivering affordable and accessible healthcare services for the population. This sits well with progressive governance reforms including a Gender Equality and Women's Empowerment Act that mandates 30% legal minimum in representation, participation and employment for women, and tackling vulnerabilities worsened by lingering socio-economic impacts of the global pandemic and other geopolitical downturns. Sierra Leone is establishing a social protection agency to coordinate social protection responses and extend social protection to the informal sector in accordance with ILO Convention 102. We thank the ILO for its technical support. Furthermore, we are far advanced in implementing a national health insurance scheme that includes persons with disabilities and other vulnerable demographic groups. Distinguished colleagues, President Bio has acknowledged our youth bulge as a potential bomb, boon and bane. However, our focus is on leveraging the dividends of a youthful population. With educational reforms that have increased enrolment, retention and completion alongside intensified vocational training, our government has committed to creating 500,000 jobs in the next five years. Working with the ILO, we are currently sourcing funding to implement Phase 2 of the country's Decent Work Programme, targeting the creation of 100,000 jobs in the next three years for women, youth and persons living with disabilities. I call on this august gathering to support our drive as it helps forestall the global threats of irregular migration. Excellencies, our government has enhanced tripartism by institutionalizing the social dialogue forum to promote inclusive and effective governance, to foster a shared understanding of the challenges faced by employers, workers and the governments, and to provide a forum

for the implementation of the ILO Declaration on Fundamental Principles and Rights at Work and other relevant Conventions and Recommendations. Sierra Leone has recently ratified nine Conventions and one Protocol and also reviewed our obsolete labour laws in a bid to strengthen the legal framework and protect the rights of workers and employers. Excellencies, Sierra Leone has migrant workers in many GCC countries and the Middle East. Sierra Leone wishes to add its voice to the global call for fair treatment of migrant workers, wherever they are, because the rights of migrant workers are also human rights. Let me close by thanking Mr Gilbert Houngbo for his effective leadership and guidance as we look forward to working more closely with the ILO to collectively address the current and emerging challenges facing the world of work. On that note, I thank you all for your attention. God bless.

Mr Michalakis Antoniou

Employer (Cyprus)

Dear Chairperson, on behalf of the Cyprus Employers and Industrialists Federation, I would like to extend congratulations to the Director-General and his office for this year's report titled 'Towards a renewed social contract'. Although noble in its intentions, we have some concerns whether a new social contract is the most effective way to address the challenges outlined in the report. We are also sceptical whether a global approach is suitable, considering the limited application of existing standards. Uneven economic development, uneven institutional efficiency as well as the diverse cultural and social considerations between countries and within societies suggest that the best way forward is through a more targeted approach with measurable outcomes. Establishing sustainable enterprises, incentivizing work through social protection system reform and investing in skills development and productivity improvements may be more suited to help meet the social aspirations outlined in the report. Despite our reservations, Cypriot employers are ready to join a constructive discussion for a new social contract that preserves continuity and stays faithful to the ILO's mandate and mission while retaining the existing social contract's focus on governance, prosperity creation and solidarity. To achieve tangible and positive outcomes, the new social contract must address the challenges facing the world of work today, such as the employment impact of green policies or the new forms of work that are manifesting due to increasingly accessible digital technologies. Failing to adapt and adjust the new social contract to accommodate contemporary challenges will result in a less relevant and less effective outcome. Considering how it can help facilitate social and structural reform, it is equally important remaining dedicated to social dialogue. Although it may not be the most expedient means of deliberating an issue, in the context of securing a renewed social contract with the broad scope and outreach envisioned by the Director-General in his report, social and tripartite dialogue is the most appropriate mechanism to reach a consensus. Social dialogue is appropriate for discussing complex topics both at international and national levels. At national level, my federation, the Cyprus Employers and Industrialists Federation, was an active participant to the tripartite negotiations that led last April to a Memorandum of Understanding between social partners regarding the way forward for the revision of the national strategy for the employment of third-country nationals. The existing strategy was approved by the previous government in early 2023 but helped meet the needs of our fast-growing economy only partially. Dear Chairperson, ladies and gentlemen of the plenary, dear colleagues, in the past ten years the Cypriot economy went to hell and back. First, we faced a financial crisis where private deposits were used to rescue our banking system from collapse. Then we had to

implement a harsh but necessary reform programme agreed with international lenders. The moment we thought the worst was behind us, we faced head on a global pandemic, and we all know how that went. At no point did we cower or lose hope, keeping faith in our partners and in our institutions. Social partners, as needed, made painful concessions, and within ten years' time we went from debating layoffs to debating how to bring foreign workers to cover the needs of our economy. As far as Cypriot employers are concerned, our commitment to social dialogue remains unwavering. Thank you for your attention.

Ms Cyrene Waern

Worker (Sweden)

Mr President, esteemed delegates, as the delegate of the Swedish trade union movement and representative for the Swedish Trade Union Confederation, I note with sadness that we live in dark times where democracy is receding rather than advancing. Union representatives are accused of being extremists when representing workers' legitimate interests. In countries like Bangladesh, Myanmar, Belarus, Ecuador, Guatemala, the Philippines, Eswatini, Tunisia, China, Iran, and many more, union representatives are imprisoned, tortured or even murdered, and on both Belarus and Myanmar we have resolutions under article 33. Trade unionism is not a crime. It is not extremism. It is a fundamental human right. Too many governments and companies in the world facilitate union busting, violation of civil liberties and denial of the right to organize and to collective bargaining. However, in today's world, as democracy is decreasing, every organization needs to step up to contribute to the democratization of the world. Armed conflicts are ongoing in Ukraine, in Gaza and in many other States, and civilians, many of them children, women and workers, are severely affected. In my own country trade unions are facing cuts in development cooperation funds, and our possibility to support the creation of strong democratic trade unions in different parts of the world is affected. When democracy is attacked, it affects us all. The trade union movement has an important role in contributing to democracy building. Women's rights are deteriorated in several countries. One recent example being Argentina where the Government erodes the rights of women and sexual diversity by closing the Ministry of Women, Genders and Diversity, seemingly reducing policies against gender-based violence to a mere bureaucratic decoration. Crises, whether economic or armed conflict or other, should not be paid for by workers. Governments and big companies need to use economic gains from good times to get through tough times and keep skilled workers so as to be prepared for growth after the crisis. Remember, as it has been mentioned many times today, labour is not a commodity. We must protect and promote fundamental rights everywhere. Only by doing so can we achieve peace and prosperity. And in a world where autocracies increase and democracies decrease, we need to join efforts more than ever to defend fundamental rights. Again, trade unionism is not a crime. Trade unionism is not extremism. Trade unionism is peace, democracy and engagement for a better future for all. So focus needs to be on a just transition to meet the challenges of, above all, climate change. The foundation of the ILO, social dialogue, must guide us towards a greener world, respecting all fundamental principles and rights for workers. A just and fair democratic country will not engage in armed conflict, so by promoting decent work, the recommendation of the ILO contributes to social justice and equity. Last year I delivered the Swedish trade union movement's message to this forum, and I repeat it this year: every worker deserves to be treated with dignity and respect, regardless of their origin, gender, sexual orientation, religion or socio-economic

background, independently of where you live in the world. On behalf of the Swedish Trade Union Confederation and the Swedish Confederation of Professional Employees, I express our profound solidarity with the workers of Palestine. The illegal occupation must end. An immediate cease-fire in Gaza must be achieved. Supplies of food and medicine must be delivered to secure the lives of Palestinian refugees in Gaza. A plan for reconstruction of infrastructure, homes and vital institutions must be put in place. We reaffirm our support to international forces that tirelessly continue to work for a lasting and peaceful solution: a two-state solution. We call on Member States of the ILO to follow the example of Sweden, Ireland, Norway, Spain and recently Slovenia by recognizing the state of Palestine. Thank you.

Mr Steven Humphrey Mac Andrew

Government (Suriname)

Mr President, colleague ministers, representatives of the social partners, a good morning to you all. We have taken good note of the Report of the Director-General and thank him for his reintroduction of the concept of the social contract. This concept is introduced with the objective to achieve the goals of the ILO, which have become more relevant over the years. In particular, the need to have social justice in our society is currently a crucial one. We agree that social contracts are of utmost importance. Therefore, in Suriname we are negotiating another tripartite agreement after the historic first one which was signed in November 2021. The structure of the tripartite dialogue process has been modified in order to ensure a more efficient execution of the agreement. I wish to point out, Mr President, that Suriname is also currently in the middle of the implementation of its third Decent Work Country Programme, and I immediately wish to thank the ILO, in particular the decent work team and Office for the Caribbean for their unwavering support and valuable technical assistance. Mr President, we agree with the Director-General that climate change is indeed having a profound impact on our labour markets and putting social contracts under pressure. The transition to a more sustainable future will need the creation of new green job opportunities, but it can indeed cause social and economic turmoil by the loss of certain jobs and the decline of some businesses. Suriname is now preparing the establishment of a National Just Transition Commission in order to have a comprehensive policy to cater to the needs and implementation possibilities of Suriname. A positive point in this regard, Mr President, is that our institutions within the system of labour market administration have recently proved that they are able to execute active labour market policy interventions through skills programmes at the national level. We also believe, Mr President, that adequate labour protection is an integral and crucial part of the social contract. Suriname recently approved the ratification of four ILO Conventions. These are related to the Minimum Wage Fixing Convention, No. 131; social security, No. 102; maternity protection, No. 183; and labour inspection in agriculture No. 129. The President has already given the order for the publication of these approved ratifications and soon, after the publication, the ratifications will be registered with the ILO. In this regard, but also in the context of the implementation of the Decent Work Country Programme, Suriname again thanks the ILO for its intensive technical assistance to conduct a social protection expenditure review with broad participation and ownership of a wide range of state and non-state stakeholders. A crucial next step was the development of a national social protection strategy, which will ensure an upgrade of the social protection system in Suriname. The DG also mentioned the advancement of democracy at work as part of the social contract, and I am pleased, Mr President, to

indicate that Suriname has already submitted a draft law before parliament which is focusing on social dialogue at the level of the enterprise. However, it is good to point out that even though Suriname subscribes to social dialogue and tripartism, we do believe that elected governments who are trying to bring about development in their respective territories should not be put in a position that they cannot rely on promised support of the ILO, due to contrasting views of some social partners, because this might jeopardize democratic processes in Member States and the ILO should not entertain this. Suriname has also witnessed a surge of informality, and the Government of Suriname is currently seeking the establishment of a National Commission on Informality as part of the implementation of its third Decent Work Country Programme. Mr President, I wish to conclude by wishing the newly elected Governing Body of the ILO much success with its work during its tenure. I thank you.

Ms Anousheh Karvar

Government (France)

At a time when crises are shaking the world, France feels closer than ever to the International Labour Organization and to the standards on which it was built, to the standards it continues to build and its essential supervisory mechanism. Our country is working in favour of this valuable standard-setting edifice. We are the second State to have ratified most ILO Conventions. Convention No. 190, whose fifth anniversary we are celebrating this year, recently came into force, and the process of ratifying Convention 155 is well underway. As a result, France is on the way to regaining its place among the countries that have ratified all the ILO's fundamental Conventions. We welcome the involvement of the DG of the ILO in the preparation for the 2025 World Social Summit. Because of its mandate and its tripartite nature, the ILO is the reference agency for the protection of social justice, the protection of social rights and the creation of productive employment. The ILO must play a leading role in the DG's decision to devote his report to the new social contract, which is called for by the Secretary-General of the United Nations in 'Our Common Report'. I would like to thank the DG for having organized, in the context of the Conference, a world summit and its exchange with the summit's two co-facilitators, Philippe Kridelka and Omar Hilale. We would like to reiterate France's unwavering commitment to these values. These values are the major conditions for peace and justice. This commitment to multilateralism is shared by the French Government, of course, but also by our constituents, which is why we have decided to draft a tripartite contribution to the ILO's work in order to promote food for thought ahead of the Social Summit. I am therefore proud to present to you today the result of the work, a symbol of fruitful social dialogue. For the French constituents, this new social contract must enable us to respond to the three major challenges of our time: democratic, digital and ecological transitions, whose implications for existing challenges, inequality and poverty, are enormous. We feel that this new social contract should enable us to reaffirm joint and universal values for the human being to ensure a balance between the social and economic and environmental dimensions of globalization, to propose a common horizon for the coming few years and to mobilize all the stakeholders, governments, social partners, enterprises and actors of civil society. In order to respond to these challenges, our French constituents have identified several cross-cutting priorities to put an end to persistent informality, to improve conditions of work in the supply chains, to ensure gender equality, to ensure high-quality social protection for all the workers, to ensure full productive employment and to guarantee access for all to high-quality public services. Our actions should be guided by four

cardinal principles: to build through tripartism and social dialogue; to strengthen the coherence of actions, and here we welcome the Global Coalition for Social Justice, a few days away from its inauguration; to rely on the law as represented by ILO standards, principles and Declarations; and to evaluate the results of the summit. The summit is a major opportunity to overhaul our social contract, an opportunity that we must seize together. Thank you very much, Chair.

Ms Corina Ajder

Government (Republic of Moldova)

Dear Chairs, esteemed delegates, I am proud to be here representing my country, Moldova, in this conference again. This past year we made important strides, tackling informality, strengthening institutions, boosting worker protection. Yet, as I stand before you, it is impossible not to recognize that for over two years our neighbour, Ukraine, continues to be under attack. Moldova stands firmly with Ukraine and with all Ukrainian workers. Many of them found a home in Moldova. Allow me to share some of their stories. Tatiana, a refugee from Odesa, is now a librarian in the Anenii Noi District Library. Marina from Nikolaev has found a job in the same library, helping with maintenance. Viktoria has joined the Department of Social Assistance, Youth and Family Protection as a physiotherapist in the mobile team providing essential support to people with disabilities in the district. These examples are moving and encouraging, but many other workers are still trapped. War devastates economies, displacing millions from their homes and livelihoods. It strips away the dignity of workers, forcing them into unsafe conditions and pushing them into the informal economy. It undermines self-worth as individuals struggle to find stability and purpose amid chaos. We should not forget their struggle. Let us strive to make their worries our own, working side by side to achieve social justice. This is the way to uphold the spirit of the Philadelphia Declaration. Dear delegates, over the past year Moldova persevered on the path of reforms. We set out to break through stagnation and determine to initiate a fresh start in every area. One year ago, the employment agency placed around 8,000 workers per year on the job market. Today the number grew by over a third, helping both citizens and refugees find stable and rewarding employment. One year ago the labour inspectorate found just 80 cases of undeclared work per year. Since last June our labour inspectors found 800 cases and legalized half of them, more than in the last seven years combined, a great step towards formalizing our economy. I want to acknowledge our inspectors' great efforts. Since we met last year we worked with social partners, successfully increasing the minimum wage by a quarter, and ratified ILO Convention 190. Important steps to promote decent work for everyone. Just a few years back European integration seemed a distant and, frankly, unrealistic dream. Today Moldova and Ukraine are both EU candidate States. Provided that we work hard, we are confident that EU accession is within reach for this generation. When I first joined the ILC, three years ago, holding the ILC presidency seemed beyond our grasp. Yet, a week ago I proudly witnessed my colleague, Minister Buzu of Moldova, appointed president of this prestigious event. Dear delegates, the Conference is an opportunity to return to the fundamentals and reconnect with our shared mission. It reminds us that, beyond the pressures and concerns that fill our daily lives, our work is about something far more essential. It is about human dignity, self-worth and the economic freedom that employment provides. In these difficult times, the Conference also reminds us that all of these values are at risk. Our conviction remains undiminished. We believe there is a bright future for our democracies and our workers. We believe our country belongs to

the European family and we are not afraid of hard work. Let me use this stage to recommit to give our absolute best to make this vision a reality. Thank you, Chair.

Mr Ignatius Baffour Awuah

Government (Ghana)

Your Excellency the President of the session, permit me to stand on the earlier protocols. I wish to join previous speakers to commend the Chairperson of the Governing Body and the Director-General of the ILO for their reports. The Government of Ghana associates with the contents of the reports as we join hands to navigate the complexities of today's world of work. Social contracts between governments, workers and employers have always been an anchor of sustainable development. However, the unprecedented challenges posed by technological advancements, demographic shifts, climate change and geopolitical tensions have put in jeopardy the benefits governments derive from social contracts with their people. Today, we must renew our social contracts to advance sustainable development that leaves no one behind. Our renewed social contracts must embrace diversity, ensure inclusivity and promote social cohesion. We must create avenues that promote access to fair employment opportunities and adequate social protection systems. Ghana has taken substantial strides in promoting inclusive employment opportunities for all its citizens. Through interventions such as the National Employment Policy, Social Protection Policy and the National Youth Policy, the Government of Ghana is transforming the lives of its people with focus on the youth who are the future. Ghana's Labour Act, which is being reviewed, will also provide additional protection for all actors in the world of work. The ILO has been instrumental in the review of Ghana's Labour Act by offering both technical and financial support throughout the process. On this august occasion, the Government of Ghana reiterates its profound gratitude to the ILO as this gesture reinforces our commitment to the promotion of tripartism and social dialogue. We are confident that the bill, when passed into law, will deal comprehensively with the varying decent work deficits that characterize this sector. Whilst issues of child labour, forced labour, irregular labour migration and unfair labour practices will be addressed more comprehensively, provisions will also be introduced to cater for the digital economy. This is necessary considering that artificial intelligence is causing a shift in how we work and the types of jobs organizations are engaging in. We must recognize that AI will not displace labour but complement it to enhance productivity in competitive ecosystems. The Government will leverage AI and institute the appropriate regulatory frameworks to maximize its benefits and improve decent work in the world of work. The Government is also investing heavily in education and skills development in response to the changing world of work. Digital technologies are at the forefront of this transformation to enable the workforce to keep pace with the changing work landscape. These investments will seek to foster a culture of continuous learning and adaptability to an increasingly digital and dynamic economy. Furthermore, the Government is implementing various policies and programmes to facilitate a just transition to an environmentally sustainable economy and society. We are partnering with the private sector and multinational enterprises to maximize the benefits of a plethora of opportunities in Ghana's green economy towards decent work creation and sustained economic growth. In conclusion, Mr President, permit me to reaffirm Ghana's commitment towards a renewed social contract where effective partnerships and cooperation will be central. Collectively, we will overcome the challenges facing labour markets, promote inclusive growth and create a better future for all. Thank you, and God bless all of us.

Mr Daniel Ysaú Maurate Romero

Government (Peru)

Director-General of the ILO, Alexei Buzu, President of the 112th Session of the ILC, delegates, I would like to wish you a good day to begin with. Now the Government of Peru welcomes the tripartite delegations that have come to this 112th ILC. Let us begin by reflecting on some of the indicators or events that are occurring in the world. There are 700 million people living in poverty. 181 million of these people are in Latin America. In my country we have 9.9 million people living in poverty, approximately. This is very difficult. They have difficulty in accessing basic services such as education, healthcare and others. This is an abhorration against human rights in the world. On the other hand, we have over two million workers in the world. 13 million people work in the informal labour market in my country. They do not have a guaranteed minimum wage and they do not enjoy social benefits. Informality and unemployment are highly problematic for all societies. Moreover, child labour, forced labour, lack of opportunities, juvenile delinquency and political manipulations are all scourges in this world. I fully adhere to Gilbert Hounbo's reflections. Since 1919 and since the foundation of the ILO, many events have occurred in the world. As we say in my country, a lot of water has run under the bridge. The current setup in the world is very different to when the ILO was founded. It is a good opportunity right now to think about a renewed social contract, and I would now like to repeat what the Director-General has said. Social cohesion is under pressure. Political polarization is becoming more and more problematic. Many people believe that the system is turning against them, and that should not be the case because nobody should be left behind. This is a true reflection of what many people believe. The current systems are not resolving the population's problems. Many people are living in situations of vulnerability, poverty, informality and unemployment. Such situations can generate anti-system feelings. Large proportions of the world's population may wish to express their discontent in ways that will affect peace. If the systems are not able to resolve the problems, then there will be an increasing anti-system sentiment. We must think of all this when we establish a renewed social contract that involves workers, employers and governments, where these three parties can found a new system based on social dialogue. All of us are part of the construction of a better way of life. Employers must be able to develop their businesses, and the development of these businesses will be possible thanks to the actions of workers. Workers, on the other hand, must understand that there is no way of improving working conditions without the existence of companies and regulatory systems. Workers, employers and governments must understand that it will not be possible to reach a social balance unless we create solid mechanisms to fight informality and unemployment. Decent work is a fundamental tool to achieve this. Indeed, it may be the only tool to eliminate poverty. Thank you very much for your attention.

Mr Dichun Wei

Worker (China)

Dear Chair, colleagues, dear friends, good morning. First of all, I want to say that the All-China Federation of Trade Unions supports the Director-General's report 'Towards a renewed social contract'. The report emphasizes that social justice is a necessary condition for achieving universal and lasting peace, and I fully agree with this. China has always been committed to safeguarding social fairness and justice, insisting

on improving people's livelihood and well-being during development, striving to promote common prosperity for all people and achieve all-around human development. It is the basic responsibility of China's trade unions to safeguard the legitimate rights and interests of workers and serve the workers wholeheartedly. There are currently over 80 million workers working in the digital and platform economic sector in China, including truck drivers, online ride-hailing drivers, delivery men and so on. Due to uncertain labour relations and employment instability, this group has always faced social security problems and issues. In order to solve this problem, China's trade unions have formulated and implemented a three-year action plan to strengthen workers' rights protection services in new employment forms. Up until now we have established unions at all the headquarters of 12 leading platform companies, unionized a total of 14.18 million workers in new forms of employment and invested 50 million yuan to provide mobile health check-ups for workers there. To provide drinking water, battery charging services and toilet facilities for outdoor workers, we have set up 184,200 union stations and 1,800 homes for drivers, serving more than one billion people annually. We have developed a hotline to answer calls from workers 24/7 to respond to their needs. We have proactively utilized the digital and intelligent tools, promoting the digitalization of unions and developing applications for our work. We have also carried out a special programme to promote adequate and high-quality employment. Chair, dear friends, The world today is in turmoil. Humanity is facing unprecedented challenges, and the world of work has reached a critical crossroad. Facing the current situation, the ILO and its tripartite constituents should take up their mandate, meet the challenges, support each other and form synergies to lead the development of global labour governance. To this end, I would like to propose the following. First, we must always adhere to peaceful development. Peace is the prerequisite and development is the key. It is necessary to accelerate the delivery of the 2030 Agenda for Sustainable Development, narrow the gap between rich and poor, bridge the north-south divide, and safeguard workers' rights to development. Second, we must always uphold fairness and justice. Following the principle of extensive consultation, joint contribution and shared benefits, we should make the cake of mutually beneficial cooperation bigger so that workers from all countries can benefit from development more equitably. Third, we must always support win-win cooperation. We need to abandon zero-sum games, advocate mutual respect, inclusiveness, openness, exchanges and mutual learning, and safeguard the common interests of workers in all countries. Ladies and gentlemen, dear friends, China's trade unions are willing to strengthen dialogue and exchanges and deepen pragmatic cooperation with unions from all over the world so as to promote the development of the international labour movement and jointly build a better future for the world of work. I thank you all.

Mr Nalin Manusha Maligaspe Koralege Nanayakkara

Government (Sri Lanka)

Mr President, trade union and employer representatives, Excellencies, delegates, ladies and gentlemen. It is a great pleasure and a privilege to address this August assembly on behalf of the Government of Sri Lanka. I want to thank the ILO Director-General for the timely report on the social contract, which addresses the injustices, inequalities and insecurities we face today while reaffirming our commitment to social justice. Mr President, the Sri Lankan economy began its recovery in 2023 following the deep crisis of 2022, which was already aggravated by the COVID-19 pandemic. Decisive policy adjustments and structural reforms implemented by the Government, with the

support of development partners, helped restore macroeconomic conditions significantly. The economic adjustments programme yielded promising outcomes in 2023. By the end of the year, inflation was contained at single-digit levels and the economy expanded in the second half of 2023, ending two years of economic contraction. Foreign reserves have also been steadily increasing, bringing hope to our people. This progress is partly due to government interventions promoting safe, orderly and regular migration for employment. Mr President, every successive government has struggled to improve the living conditions of Ceylon tea plantation workers. Last month we increased their salary by 70%, the highest increment they have received in the last 200 years. Mr President, I am pleased to inform the DG of the ILO that we are enacting a new labour law, the Employment Act, to reform existing labour legislation, streamline the legal framework, eliminate discrimination and address contemporary challenges in the world of work. Once enacted, this law will cover domestic workers and we will ratify ILO Convention 189. Additionally, we plan to ratify ILO Convention 155 and 190 with the enactment of this act. As a government, we believe in the importance of the comprehensive social security system, as outlined in ILO Convention 102. We are developing a comprehensive social security policy with the ILO's support. Furthermore, my ministry has embarked on a journey to bring social justice to informal sector workers. The Dignity of Labour programme aims to enhance the recognition, safety and dignity of informal sector workers nationwide. Under this programme, informal sector workers will be organized and national-level councils will be established based on their occupations to determine employment terms and conditions. Mr President, we are also digitalizing the entire labour market by developing the National Labour Market Information System and the process of migration for employment. Mr President, lastly, to increase female workforce participation and ensure decent work for women, we have initiated a programme to train 10,000 care workers in collaboration with the ILO and the IOM Colombo Office. I urge representatives present here to support this initiative in any way possible. I thank you.

Ms Mónica Recalde de Giacomi

Government (Paraguay)

President, ministers of labour, delegates from the Member States, ladies and gentlemen. It is an honour for me to address this International Labour Conference representing the Government of Paraguay. I would like to begin by congratulating the President for his nomination to chair the plenaries of this conference. I would also like to congratulate the Director-General of the ILO, Gilbert Hounbo, for his report, 'Towards a renewed social contract', which promises a productive debate on social justice and defining it as the basis for long-lasting peace, shared prosperity, equal opportunities and a just transition. The first nine months in office of Don Santiago Peña Palacios, President of Paraguay, has reflected these values by consolidating the basis of social justice in the country and addressing the challenges that the world of work is facing. Indeed, these are gender equality, informality, low levels of social protection, which affect mainly the most vulnerable, and all these matters require effective policies to achieve sustainable social development. Our government has defined four main axes, including one that focuses on the creation of jobs. 500,000 jobs have been created, and the Government is also fighting against informal jobs. The social security of our population is a central pillar of our work. We are convinced that by strengthening the world of work and providing our population with better tools to work, such as training and the like, we will be taking advantage of our macroeconomic stability, and we will be

able to achieve a just transition towards a more prosperous society. We agree with the Director-General's statement that governance should be based on social dialogue, and this is crucial in order to achieve the social and economic objectives in place. Here I would like to highlight the adoption of Law No. 7235 of 2023 which regulates the supervisory role of the state for pensions to comply with article 95 of the national constitution of Paraguay. This is a tripartite achievement. It was the product of our tripartite consultative council, which represents progress towards strengthening the governance of our social security system. Tripartism is a key tool for us. We have therefore renewed our Tripartite Commission for Equal Opportunities after six years of inactivity. The aim is to analyse the participation of women on the labour market to promote the development of policies that promote equality between male and female workers that is based on consensus and democratic participation. Moreover, we aim to undertake an initial study for Convention 190. We wish to comply with the fundamental Conventions, especially by means of our national commission for the prevention and eradication of child labour and the protection of teenagers as well as by means of the national commission for fundamental rights at work and the prevention of forced labour. Both these commissions are reassessing their progress and the challenges that they are facing and their work is mainly focusing on work that is characterized by horizontality and tripartism. We have high expectations of a project that is currently in place that is implemented by the ILO in the livestock breeding areas of Brazil and Paraguay and that enjoys the USA Department of Labour's support. I would like to focus as well on the fact that our government is establishing a national system for vocational qualifications to improve technical education and training for the young people in Paraguay in collaboration with the Ministry of Education and Science. We have an inter-ministerial technical unit for national education and labour that is working together in order to reach its objectives. Finally, I would like to thank the ILO for the support that it has given us, especially in terms of our tripartite initiatives. We are looking forward to future collaboration because the ILO's support is crucial to us in these times of profound social change. Thank you.

Mr Igor Zubcu

Worker (Republic of Moldova)

Distinguished Director-General, ladies and gentlemen, honourable delegates. It is a great honour and privilege to address you at the 112th ILC as President of the National Trade Union Confederation of Moldova. I strongly believe that ensuring decent work is the number one priority for the trade union movement across the world. Decent minimum wages that cover the needs of workers and their families are thus imperative and their increase remains on the agenda of social partners in the Republic of Moldova. Through social dialogue we have achieved an unprecedented 25% increase in the minimum wage of this country in 2024. In the coming future we intend not only to transpose but also to implement the EU directive 2020-2024 on adequate minimum wages in the EU so the minimum wage would represent 50% of the average wage in the economy. Furthermore, we are going to develop, together with the social partners, an action plan to ensure that 80% of employees are covered by collective bargaining. I would like to point out that this rate is around 40% at the moment. A major achievement of the year 2023, obtained at the insistence of trade unions, was the ratification of ILO Convention 190 on violence and harassment in the world of work. With the support of the ILO, trade unions have launched capacity-building action for trade union members on combating violence and harassment at work, including training at a local level.

Moreover, I think it is worth highlighting that recently, at the Youth Forum organized by the National Trade Union Confederation of Moldova, the participants addressed the challenges young people face, their desire to be heard and to be promoted, to get decent wages and secure jobs that promote innovation and personal development, as well as the assurance of a work-life balance, fair rights and working conditions. Considering the above-mentioned reasons, it is essential to promote gender equality and equal opportunities in the process of labour market integration and career development that will also contribute to reducing the wage gap on the labour market, which amounted to 15.5% in 2022 in the Republic of Moldova. Dear delegates, it is fundamental that states focus not only on creating the conditions for reconciling work and family life but also on ensuring decent work for people in the care economy who make a significant contribution to economic development but are often disadvantaged in the labour market. We, the trade unions, also insist on the ratification of ILO Convention No. 156 on the pivotal issue of equal treatment and equal opportunities for working men and women, involving workers with family responsibilities and greater investment for the creation of care services and their support. In the context of the topics addressed at this year's Conference, we strongly believe that safe working conditions without any exposure to biological hazards and other factors affecting health must be guaranteed for all workers. Hence, occupational safety and health is an investment not only for the workers of the present but for future generations, too. Labour inspection has an important role to play here. The fact that the Minister of Labour and Social Protection, Mr Alexei Buzu, was elected the President of the ILC, and let me take this opportunity to congratulate him, is an important achievement and illustrates the firm commitment of the Government of the Republic of Moldova to a genuine social dialogue and the promotion of decent work principles. Moreover, we are firmly convinced that the Republic of Moldova will bring its national framework in the field of labour inspection in line with international standards. Also, I would like to express my gratitude to the ILO for the constant support provided to the Republic of Moldova for the development and improvement of social dialogue and the labour market. We constantly put considerable efforts to strengthen social dialogue, and we utterly condemn any attempt to interfere in the work of trade union organizations, especially on the part of employers and public authorities, which is unacceptable for a country on its path to European integration and that has committed to bringing its legislation and practices into line with international and European labour standards. Finally, I would like to underline that a skilled and protected workforce is the key pillar for progress and prosperity, and the strength of our economies and societies is based on the hard work and dedication of workers. Dear delegates, I want to urge you to work together to ensure a brighter future for the world of work, where the rights and aspirations of every worker are honoured and upheld. Thank you very much for your attention.

Ms Pia Rolle

Government (Bahamas)

Chair, Honourable delegates, ladies and gentlemen, it is my pleasure to greet you today on behalf of the Government of The Bahamas and our people as we gather to discuss the roles our nations must play in the renewal and reimagination of the social contract. The world of work is undergoing rapid changes that require us to work cooperatively in pursuit of the Sustainable Development Goals. The development of a renewed social contract, the pursuit of social justice and the rollout of strategies to

successfully navigate the triple transition of climate, digital and social change are inherently interconnected. The Bahamas understands that our national development strategies must be fully integrated in these concepts at the core of our approach to ensure that we continue to thrive over the next few decades. Near the top of our agenda, the achievement of decent work for all looms large in the push toward social equality. The Government of The Bahamas is grateful to the ILO Caribbean Office for its technical support as we roll out the first second-generation Decent Work Country Programme in our region. Through this programme we will strengthen our approach to social dialogue and governance. We have seen historic success in collective bargaining through a proactive and welcoming approach to social dialogue, maintaining an open-door policy with all stakeholders as we work together for the benefit of Bahamian workers. Tripartism is as strong as ever in The Bahamas. Our government respects workers' rights to associate and we have strong representation from our workers' unions. As we turn our lenses, along with the world, toward the triple transition, we are committed to sustainability through legislative reforms. On that note, in July, we will host a symposium where we will invite all major labour stakeholders to work together on the development of a white paper for comprehensive legislative, regulatory and policy reform. We will continue to work together, advocating for social change now to develop a sustainable and productive workforce for the future. As part of our Decent Work Country Programme we are also moving ahead with our nation's first ever National Apprenticeship Programme which was passed in our parliament in April. We remain cognizant of the need to adapt to the triple transition. Our Prime Minister, the Honourable Philip Davis, continues to advocate on the world stage for climate justice, emphasizing the fact that we cannot have a just transition until every country is equipped for climate resilience. We have explored our own climate solutions through our ventures into blue carbon credits and the launch of our \$500 million Sustainable Investment Programme. When it comes to digital transformation, we have fully embraced the power of technology. AI is being used to detect leaks at our Water and Sewerage Corporation and our Ministry of Tourism is using AI to target potential visitors. Within the public service we are well on our way, with the implementation of a digital document management system and the rollout of a new HRMIS system, to digitalize all government HR and payroll systems. At the Department of Labour we are preparing for a significant expansion of our labour skills bank to accurately reflect the composition and availability of talent within our workforce. The Government of The Bahamas remains fully committed to a social-justice-driven labour agenda as we strive to create a fairer, more prosperous and more just society for all. Today I am pleased to announce that The Bahamas will join the Global Coalition for Social Justice as we collaborate with the ILO and global partners to advance the cause of social justice for everyone. We listened carefully to the Director-General's opening statement at this session, and I would like to thank him for the attention given to the situation in Haiti. It is important for Haiti and for the region that the world does not turn its back on that country, and we ask for the ILO's continued support and advocacy regarding the situation in Haiti. In Director-General Houngbó's 2024 report, we have a roadmap for how we can achieve greater social justice. As ILO delegates, we must continue to work together to redevelop the social contract to be more transformative, responsive and inclusive. The principles of the ILO continue to provide a strong foundation from which we can create positive momentum toward our collective goals. Thank you.

Ms Elbia Pereira**Worker (Uruguay)**

Good morning, President, ladies and gentlemen. It is an honour for me to address this assembly on behalf of the workers of Uruguay. The Director-General, in his report, stated that a clear indicator of the efficiency of a social contract is its ability to achieve social justice by means of decent work. We fully agree with that statement. Today we find ourselves confronted with the false belief and discourse that the freedom to work cannot go hand in hand with decent work. This is based on a wrong idea of modernity where no regulation of work is required, and this is due to technological advances, according to this false belief. The right to decent work is dear to humanity and so is freedom, but this is used as a tool in order to call into question the regulation of work and social protection. Such policies increase inequality and widen the gap between the ultra-rich and the poor, and it is having a very severe impact, especially on women. Instead of being a tool that allows workers to improve their lives, work is now a simple means of survival. Many workers have no prospects for the future, which creates discontent and mistrust in the institutions. Platform work is an example of what has been defined as the adaptation of local legislation to the demands of multinationals because the argument is that even if jobs are of low quality, jobs are being created. And this is also presented as being a model of entrepreneurship. This business model is based on the exploitation of their workers' working times. The workers bear the costs through bogus self-employment, and they are burdened with the expense of healthcare and social security. Many people also suffer from occupational accidents. Workers and society have to cover the costs, and the multinationals profit. This is increasing inequalities. Fundamental rights such as the ones defined in standard-setting instruments of the ILO are considered the privilege of a small proportion of workers. The policies in place do not improve the conditions of work for the majority nor their protection. Let me give you an example. Our government is implementing actions that violate freedom of association, and this in the broadest sense. Indeed, sanctions are being imposed on trade unionists that are in the public education sector when they exercise their right to freedom of expression. The Government is unilaterally changing the medical certificate regime, causing the lowering of salaries in many sectors for the workers, and this is an open violation of Convention No. 151. Peaceful demonstrations are quashed and our trade unions president is spied upon. Society should take urgent measures to fight against such actions so that people may make a living thanks to work, and work should be accessed by all. Moreover, decent work should be ensured and people should be protected in the event of a job loss. Moreover, people's timetables must be compatible with life and society. Most of the jobs in the world are created by SMEs. However, countries are giving privileges to multinationals and they are leaving those behind who are creating jobs and who feed the local economies. Today, in the world we are spiralling downwards by taxing the rich less, and that goes against tax justice which is an essential instrument to fight the unbearable inequalities that we see in the world. Yes, we do need a new social contract, and we must follow a path that is in the exact opposite direction of the one we are currently going down because this one has only served to cause misery and conflict. Thank you.

Mr Rajeev Dubey

Employer Vice-President (India)

Thank you very much, madam. This concludes our list of speakers for this sitting. I thank all of you for your contribution to this morning's proceedings. The sitting is now closed.

Ms Béatrice Lestic

Worker Vice-President (France)

Delegates, please take your seats. The meeting will now begin. Ladies and gentlemen, delegates, you are welcome here at this the 13th plenary session of the 112th International Labour Conference. Would you please take your seats? Can we have silence in the room? This afternoon we are going to be continuing our general discussion of the Governing Body Chair's report as well as the report of the DG. Before we begin, I would like to remind you that, in accordance with the provisions approved at the opening session regarding the methods of work for the special session dedicated to the situation of workers in the occupied Arab territories, the annex of the DG's report on this issue was considered at the special session which was held on Thursday. So I therefore encourage you to prioritize the reports 1(A), 1(B), 1(C) in your statements. Thank you very much. Along the same lines, I invite you to respect the principles of our work and use parliamentary language, respect the opening times of our meetings and the duration of the statements, which should not go over five minutes. Finally, I would also like to note that rights of reply and points of order are not supposed to interrupt the discussion. If a delegate should like to request a right of reply or a point of order in the plenary session, it will be enough to raise your flag. A member of the personnel will approach you in order to respond to your request. In the framework of rights of reply, I would like to ask you to clearly inform the members of our personnel of the statement that you will be responding to. I would like to remind you that rights of reply should only be related to the topic at hand. The duration of the right of reply should not go over two minutes and should be made using respectful parliamentary language. Our organization does not make a habit of authorizing rights of replies to replies. Therefore, now we will hear our speakers, and I call on Mr Guilarte de Nacimiento, the Workers' delegate from Cuba. You have the floor.

Mr Ulises Guilarte de Nacimiento

Worker (Cuba)

President, distinguished delegates, distinguished guests, five years have now passed since the centenary of the ILO, and today we are here to celebrate our commitment to the mandates, and these have been approved but we are facing challenges in the world. This 112th ILC was called by the Director-General and it is taking place in a situation of global complexity. There is an increasing number of threats against peace. The impact of digital technologies is growing. Climate change is a problem. There is more and more precarity in terms of contracts, and poverty is getting worse. Moreover, there are problems for women and young people on the labour market. Trade unions defend the rights of workers. They fight injustice, job insecurity and inequality. All these elements are signs of a failure of the social contract. There is a lack of good will in terms of maintaining a dialogue concerning fundamental rights at work and healthy working environments. We cannot accept that these scientific and technological developments have a severe impact against people when millions of dollars are spent on weapons and wars. Indeed, underdevelopment and poverty are a reality in many economies, and globally there are huge inequalities. Now, as a sovereign nation, Cuba continues to be weakened in terms of its socio-economic model. We have been able to resist the attacks against our nation, and workers have been affected by unilaterally imposed sanctions by the United States. We have continued undertaking

action to try to access investment and other means of funding. We have also achieved great levels of education and healthcare in our country, the fair distribution of wealth, the fair treatment and equal treatment of workers based on solidarity and cooperation. Delegates, the Cuban federation of trade unions will continue working in order to perfect its commitment to the ILO's mandates by rendering its institutions more and more democratic and focusing on social dialogue and tripartism. The organizations that we represent here demand that the ILO find solutions and responses to the problems that we are discussing here. We require a renewed platform for a future of work that is based on justice and social justice for all. Thank you.

Mr Tseliso Mokhosi

Government (Lesotho)

President of the Conference, deputy presidents, Director-General of the ILO, ladies and gentlemen, my delegation wishes to express our gratitude for the opportunity to join those who are participating in this debate on the report submitted to the Conference by the Director-General. We bring with us warm greetings from the Mountain Kingdom of Lesotho. I wish to congratulate the Director-General for a well-crafted report which is not voluminous and yet rich and relevant to issues that epitomize the core of human dignity. The social contract initiative encapsulates a web of fundamental principles and rights at work as well as other labour standards which contribute to the decent work which we should all aspire for. I understand that this year the Committee on the Application of Standards, CAS, which is the bedrock of this conference, discussed a General Survey on labour administration which forms the core of governance and service delivery in Ministries of Labour. Regrettably, these ministries are traditionally underfunded, yet if we are to realize our quest for lasting peace and social protection for all, these ministries as well as the labour market institutions which they host must be well resourced, lest we pay lip service to the Decent Work Agenda. Equally, labour inspection services, dispute resolution systems, public employment services and labour market information systems are essential to realizing the social contract. Mr President, I wish to further embrace this report and therefore wish to highlight how much it resonates with a number of initiatives that my country has taken to enhance decent work. Namely, labour protection, by enacting two legislations that improve on rights at work and seek to enforce workers' rights to health and safety in a very distinctive way. We are also determined to finalize the social security legislation which will usher in a new form of social security structure that addresses the deficits that are currently obtained as a result of fragmented safety nets. Additionally, there are efforts that have commenced to strengthen the inspectorate by increasing the number of inspectors, without which workers' rights, including migrant workers, cannot be protected. With regard to workers' rights, the Government of Lesotho has introduced a paradigm shift by extending the full rights of workers to workers in the public sector, which was not the case before. The new Labour Act 2024 takes precedence over all labour legislation, and for the first time fundamental principles and rights will be extended to workers in the public sector. To conclude, the Director-General's report rightly mentions the importance of evidence-based policy making. Whilst I agree with his submission wholeheartedly, periodic production of labour market information requires a dedicated budget. I would therefore wish to appeal to the Director-General to use his position to support the resolution of the SADC Ministers of Labour and Employment to produce labour market information biannually. Mr President, it would be remiss of me to conclude without acknowledging the support of the ILO and the

Government of the United States of America in assisting Lesotho in her endeavour to protect workers' rights and contribute to economic development. I thank you.

Mr Branislav Rugani

Worker (France)

Madam President, ladies and gentlemen, delegates, I am the Confederal Secretary of the international/Europe sector of Force Ouvrière and I am speaking on behalf of the French workers' trade unions. First of all, I would like to confirm my solidarity with all trade unions that continue to be repressed, imprisoned, killed in various parts of the world. Over the last few years we have seen an acceleration and an increase of the impact of crises, climate change, technological evolution, the return of war on different continents, the rise of authoritarian regimes or, as we have just seen in the results of the European elections, the rise of extremists, which will never be in the interest of workers. It is quite the opposite. All of these crises show the need, and I share this conviction with the Director-General, for a new social contract. Modernizing the social contract should not lead to us backtracking on our social gains. If I am insisting on this, it is because unfortunately, even in France, we are seeing a violent social regression. Social justice means being able to benefit from decent work with a salary that enables a person to live and not just survive when faced with inflation. Social justice means being able to live better and longer in a better world. It does not mean working for longer while the healthy life expectancy keeps dropping. We will continue to fight for a return to retirement at 60 years of age. Social justice means developing systems of social protection by respecting social dialogue. It is not, as we see in France, contributing to the difficult situation of the most vulnerable workers with a new reform of unemployment benefits, which is unhelpful and dangerous to the social contract. Social justice is believing in the strength of social dialogue and collective bargaining and strengthening the right to strike. The attacks in France and the threat of restriction of the right to strike are unacceptable. Social justice means maintaining the occupational safety and health of workers, which is a fundamental right. It does not mean dissolving the committees that handle OSH issues. This leads to the bad results in France. Two workers die every day at work. Social justice means providing true employment contracts which protect people socially, for all platform workers, and we hail the work to come in this area. Social justice means continuing to fight against discrimination and to guarantee equality between all workers. The Philadelphia Declaration will soon be 80 years old, and at the same time in France we are adopting yet another law on immigration which uses foreign workers as a variable for adjustment of the labour market. Emerging from the COVID-19 pandemic we thought that we would have been able to learn the lessons of the malfunctions we saw worldwide in order to move towards a new model. However, several years later we have to admit that we failed. Far from learning from our errors from the past, our governments continue and are stuck in the same deadlock and are returning to austerity measures. Union rights are being attacked virulently in a number of regions of the world and the respect for the fundamental principles and rights at work have been stuck since 2017. Child labour has even risen since 2017. The new social contract must initiate true change which will lead to better rights, more rights for workers as well as a better distribution of productivity gains. Nevertheless, I would like to emphasize the relevance of the work of this ILC, which has to do with biological hazards in order to follow up on the pandemic and also has to do with the care economy where workers were at the front lines during the COVID-19 pandemic. Finally, proposing a new social contract means recognizing the

complexity and interdependency of global economies. It means developing a regulation of globalization which would finally be fair for workers. We have significant expectations when it comes to the discussions to come on supply chains in order to ensure that trade unions have a role to play in the due diligence process. And finally, to conclude, I would like to recall the commitment of French workers to the International Labour Organization and I would like to commend and to hail, as I have just mentioned, the 80th anniversary of the Philadelphia Declaration which reminds us of the need to strengthen the role played by the ILO in the multilateral system in order to accord to the world of work its full importance and ensure that work is never ever considered a commodity.

Mr Rajathurai Perumal

Worker (Sri Lanka)

Mr President, Director-General of the ILO, honourable ministers, Excellencies, delegates, ladies and gentlemen, good afternoon everybody. It is indeed a great pleasure and privilege to deliver this statement as the Workers' delegate from Sri Lanka. I would like to express my sincere thanks and appreciation to the ILO for organizing this ILC during a challenging period of time prevailing globally nowadays. The main objectives of the ILO are to promote rights at work, encourage decent work opportunities, decent income, enhance social protection and strengthen dialogue on work-related issues. Sri Lanka joined the ILO in 1948 and has a rich history of 75 years. There are more than 20 active trade unions functioning in Sri Lanka to protect workers' rights. The ILO, by its tripartite approach, involves to make consensus between the Government, employer and trade unions on worker-related issues and to make efforts to find a lasting solution to the issues. There are several sectors like tea, rubber, coconut and palm oil plantations, government industries, tourism and other industries in Sri Lanka where huge numbers of workers are involved. The main piece of legislation which governs the prevention, investigation and settlement of industrial disputes is the Industrial Disputes Act of Sri Lanka, Act No. 43 of 1950. In the context of the Sri Lankan national economy, the tea industry is playing a very, very vital role in bringing foreign exchange income to Sri Lanka. This industry had been managed and governed by the Government after independence. In 1992 the Government of Sri Lanka decided to privatize the management in the governing of the tea, rubber, coconut plantations and handed over those industries to 23 regional plantations private companies while keeping certain JEDP and SLSPC estates under government control. After the privatization, since 1997 the collective bargain process has come into operation where the collective agreement has been entered between the employers and trade unions with regard to the wages and other welfare facilities of the workers as a matter of practice and the said collective agreement had been renewed once in two years after discussion by the relevant parties. In 2021, the collective agreement regarding the wages of the workers expired. Since the employers are not willing to increase the basic salary, the parties to the said collective agreement have to abrogate the said collective agreement process due to unavoidable circumstances. In terms of industrial disputes, the Minister of Labour has summoned the Wages Board for tea and rubber industries and fixed the daily wage as 1,000 rupees, it is a little below \$3.30, by publishing the Gazette Notification. But the employers have filed a writ petition at the Court of Appeal Sri Lanka to revoke the said Gazette. Later, the Court of Appeal, after due inquiry, the writ petition has been dismissed which has been filed by the employers. Again in 2023, a remarkable year in Sri Lankan workers' context, the trade unions requested the Minister of Labour to convene the meeting with the employers to resume the discussion

of the collective bargaining process. But even though more than three meetings were summoned by the Minister of Labour, the employers kept away from attending the meeting without even assigning the proper reasons. Thereafter again, in terms of the Industrial Disputes Act, the Minister of Labour has summoned the Wages Board for rubber and tea industries and fixed the daily wage as 1,700 rupees, that is nearly USD\$5.60, by publishing the Gazette Notification No. 2382 dated 20th April 2024. Again the employers have filed the writ petition at the Court of Appeal by seeking an interim injunction and a stay order at the inception to stay the operation of the said Gazette Notification. But after due inquiry, the Court of Appeal has refused to grant an interim relief which is sought by the employers and fixed a further inquiry, coming this 26th June 2024. We as trade unions take this opportunity to thank the Government of Sri Lanka and the Ministry of Labour and the Minister of Labour of Sri Lanka. I wish to place on record that there are certain critical issues faced by the workers in Sri Lanka, especially the plantation area. Due to low wages they are compelled to live in poverty, living in over-crowded and inadequate housing conditions. Workers are compelled to work without proper health facilities and encounter challenging safety issues. Workers' children have limited access to quality education and opportunities. Women workers are often faced with gender-based violence and discrimination. Labour rights violations, such as denial of the right to unionize, lack of social security benefits and arbitrary dismissals. Migrant worker issues are prevailing in Sri Lanka, compelled to live low economically, dependent on the plantation system and limited opportunities to seek alternative employment. Child labour issues where children are being employed in hazardous conditions, often to supplement family income due to their parents' low income. Social exclusion: the plantation workers are often socially excluded from mainstream society, leading to a lack of political representation and access to public services and welfare programmes. Environmental degradation: the environmental impact of tea plantations, including deforestation and soil degradation, could have adverse effects on the local communities. Economic pressures such as global market pressures and fluctuating tea prices can lead to cost-cutting measures by plantation owners, often at the expense of workers' wages, benefits and working conditions. Challenges to labour unions such as inadequate bargaining power, fragmentation and occasional co-option by political interests. We as the trade unions urge the ILO to intervene to solve the above-mentioned issues which are prevailing in the member countries and make necessary recommendations to settle the said disputes by using the ILO's tripartite role by bringing the Government, employers and trade unions, who are the key stakeholders, to a common table to find out lasting solutions as per the ILO mandate. Thank you.

Ms Mabel Grossi

Worker (Italy)

Director-General, Chair, distinguished delegates and guests, I bring this contribution on behalf of the three Italian trade union confederations: CGIL, CISL and UIL. We are gathering at this year's International Labour Conference faced with a more fragmented and polarized world, a world that seems to have returned to considering war as a normal tool for resolving international disputes. Too many other issues are contributing to the increase of global inequality, insecurity and injustice: the deregulated system of hyper-globalization, financialization and neoliberalism, new forms of precarious and insecure work, industrial production relocations, the defunding

of public social infrastructure and a general, not even so concealed, attack against trade unions and freedom of association. Authoritarianisms, in all their various forms, always assert themselves on weakened, fragmented, divided societies, and democracy can thrive only if social justice can be fully established. Italian trade unions insist that an inclusive, cooperative and equitable multilateralism is more necessary than ever. The ILO DG's initiative for a Global Coalition for Social Justice is a renewed opportunity that gives greater recognition to a global common than to global power blocks and that places human rights and environmental conservation before capital and war. Peace is a core value of trade unionism, the precondition for realizing any form of justice and equality. Italian unions believe the ILO should take a more active role in engaging its tripartite constituents in promoting global disarmament and industrial reconversion, giving full effect to ILO Recommendation 205. CGIL, CISL and UIL strongly believe in ILO tripartism. The ILO should promote a much stronger supervisory mechanism with a sanction approach when violating fundamental Conventions. We are concerned with the ongoing violations of human and trade union rights in Myanmar, Saudi Arabia, Belarus, Argentina and Tunisia, and call for further ILO attention and support to trade unions in these countries. At the same time, we are also worried by the persistence of violence and harassment against women and the ongoing incidents of forced labour in the world. Women and migrant workers are the first to pay the price of segregation, and we strongly call for this year's general discussion to recognize care as a human right. Following last year's discussion at the ILO Committee on the Application of Standards, we welcome the Italian Government's commitment to engage in tripartite discussions to improve the labour inspectorate in our country, and we look forward to continuing our cooperation in this regard. Also, Italian trade unions strongly welcome the ILO Vision Zero Fund to promote effective implementation of occupational health and safety in workplaces and welcome the commitment of the Italian Government to join and support this fund. More still needs to be done in Italy to give real effect to the ratification of ILO Conventions 155 and 187, and we can no longer accept the increasingly persistent work-related deaths, occupational injuries and illnesses in Italy and in the world. We call on the Italian Government to start to move in the direction of concrete and adequate minimum living wages. As the ILO DG points out, it is the key to deliver decent living standards for workers and their families. Let me conclude saying a few but important words on the ILO Training Centre in Turin. Welcoming its new director, Italian trade unions strongly believe in the value of publicly-funded training and education for workers around the world, and we call on the ILO to continue to invest adequately in the structure. In our societies today there are different forms of injustice. But there is only one form of social justice: the one that guarantees safe and decent work, the same rights and same opportunities for everyone everywhere. Thank you.

Mr Phongsaysack Inthalath

Government (Lao People's Democratic Republic)

Excellency Chairperson, distinguished delegates, ladies and gentlemen, it is my great honour to represent the Government of the Lao PDR in the 112th Session of the International Labour Conference and I would like to begin by supporting the adoption of the Report of the Director-General of the ILO and extending my sincere congratulations to the Chair for being elected as the chair of this ILC Session. I also have the strong belief that, under your chairmanship, this conference will bring about a fruitful achievement. Excellency Chairperson, distinguished delegates, to ensure the social justice advancement and decent work promotion, the Government of Lao PDR has

been accelerating the implementation of the National Social Protection Strategy. The strategy aims at promoting and improving the implementation of social protection policies, contributing to human capital development, contributing to the goals and objectives of other relevant sectoral and socio-economic development plans. To achieve these, the strategy sets its vision until 2030 of achieving for Lao people access to basic social protection services consisting of health insurance, social security and social welfare. The three main goals are the health insurance system, the social security system and the social welfare system. All are further developed and strengthened. In addition, late last year the new project called 'Accelerating Universal Social Protection for Achieving the SDGs and Ending Poverty through Strengthened Governance and Digital Transformation' was officially introduced. The project aims to support the Government of Lao PDR to accelerate progress towards universal social protection through strengthening policy design, enhancing governance systems and broadening coverage to encompass a larger population. The focus includes collaborating with national stakeholders to boost institutional capacity in planning, coordination, financing, implementation and monitoring of the National Social Protection Strategy and ensures that by 2030 Lao people will have access to basic social protection services consisting of health insurance, social security and social welfare in an equitable, adequate, effective and sustainable way. Besides this, the continuation of the Decent Work Country Programme for the period of 2022-2026 is another good work that brings sustainable benefits to workers, employers and national citizens as it builds on the progress, partnerships and lessons of two earlier Decent Work Country Programmes. It is also designed to support the implementation of the decent work elements in the 9th National Socio-Economic Development Plan as well as contribute to the long-term realization of the Lao PDR's Vision 2030, the national Sustainable Development Goal road map, and to relevant national laws, policies, strategies and plans. This further aligns with the ILO Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient. On this auspicious occasion, the Lao PDR would like to express its gratitude and thanks to the ILO, particularly ILO in the country and regional office as well as other international development partners for their long-standing support extended to the Government of Lao PDR and its national stakeholders. Thank you very much for your attention.

Ms Anna M. Mokgethi

Government (Botswana)

Mr President, I would like to commence by congratulating you and your Vice-Presidents on your election and the exceptional manner in which you are overseeing the activities of this conference. Please be assured of Botswana's delegation's full commitment to support and collaborate with you to achieve the objectives of this conference. I would like to extend my congratulations to Mr Gilbert Houngbo, the Director-General of the International Labour Organization, for the report he presented to this plenary, which calls for movement towards a renewed social contract. This report is particularly pertinent as the Second World Summit for Social Development, scheduled to be held by the United Nations in 2025, is rapidly approaching. It provides ILO Member States and social partners with the opportunity to contribute to the summit's agenda. The primary objective of the 1995 inaugural World Summit for Social Development was to raise awareness on social responsibility, promote social inclusion, create job opportunities and address poverty. Since then, collective efforts to advance social development have been greatly impeded by the disruptive effects of climate change,

structural inequality, demographic changes and technological transformations. Despite these challenges, moving towards the upcoming World Summit for Social Development, renewing the social contract to ensure that it is fit for purpose remains the only way to attain social development. In the ILO, the core of any social contract is the application of social justice principles which are complemented by the four dimensions of decent work: the promotion of full and productive employment, social protection, social dialogue and tripartism, and fundamental principles and rights at work. For the renewal of the social contract at national level, we as governments have the responsibility to provide an enabling environment for institutions of social dialogue and tripartism to thrive, while the ILO provides technical assistance. Traditionally, social development activities in Botswana have been primarily related to the equitable public provision of social services, particularly on education, health, housing and social welfare. However, since the mid-1980s there has been a new approach toward social development in the country which addresses a range of issues such as social inclusion, human dignity, tolerance, cultural identity, social awareness, empowerment and the participation of civil society in the development process. Mr President, Botswana's aspirations in social development are effectively encapsulated in Vision 2036, a long-term national development plan that aims to transform the country into a high-income nation by 2036. The plan's Pillar No. 2, human social development, specifies that Botswana aims to be a moral, tolerant and inclusive society that provides opportunities for all by 2036. In the National Development Plan 11, under the thematic area of social upliftment, social development is defined as the process of enhancing well-being as well as implementing and maintaining strategies designed to enhance the nation's social responsibility. The nation's primary goal within this thematic area is to ensure that all citizens have a dignified existence by instituting programmes and projects that assist the economically marginalized and socially vulnerable. We welcome the DG's appeal for the renewal of the social contract as it is consistent with the country's aspirations outlined in the national development plans and Vision 2036. Social contracts are necessary because they define how our needs will be addressed throughout our lives, including access to basic services, work opportunities and social protection. These establish standards for interactions between individuals and institutions, including women's rights and other societal issues. Mr President, allow me to conclude my statement by assuring you of Botswana's unwavering commitment and support of the ILO's work. I thank you for your attention.

Mr Adán Celis Michelena

Employer (Venezuela (Bolivarian Republic of))

Good afternoon, Director-General, ladies and gentlemen. I would like to begin my institutional message on behalf of the Federation of Chambers of Commerce and Production of Venezuela, Fedecámaras, the organization that is most representative of employers in Venezuela and which I preside, to celebrate this 112th ILC. Events such as this one allow a healthy discussion and exchange of ideas and the optimization of relations between governments, workers and employers. Events such as these allow the design and execution of joint public policies which, from the level of the state, allow better conditions of employability. We welcome the report that was presented by the Director-General: 'Towards a renewed social contract'. This report focuses on the need to promote the structural transformation of the social contract in order to continue developing and updating labour relations in a more realistic fashion and in response to the many issues that occur when designing employment policies. We must work in a

more collaborative and coordinated fashion in order to integrate policies that reduce inequalities. And we must not, however, have a negative impact on companies that invest a large proportion of their profits in improving the conditions of life of their workers and the environment. Venezuelan employers also defend the reality that tripartism and social dialogue are the essential tools that will allow the exchange of information for policies and universal standards in order to reach more humane and fair working conditions. We must also ensure that trust is generated amongst all the different interested parties. We must contribute to the renewal of the social contract and by focussing on the fundamental principles and rights at work. We would like to thank the ILO for the support that it has provided us with over all the phases of the social dialogue process that we are undergoing. Indeed, we have also been implementing the recommendations of the Commission of Inquiry. Its support has been truly helpful in order to relaunch the tripartite dialogues in our country. Venezuelan employers continue to believe in a sincere and respectful dialogue with the representatives from the Government and workers. There have been many productive discussions that have taken place and also agreements that have been reached. We recognize the efforts made by the Government in terms of creating forums for social dialogue. There are, however, still some fundamental problems that have been identified by the tripartite commission. One of the most important ones is on how to create a new labour law that will regulate labour relations in a more beneficial way for all tripartite players. The Governing Body of the ILO held a meeting in March 2023 at which it nominated a social dialogue expert, Christian Ramos. The role of Mr Ramos was to continue focusing on the Venezuelan case, and his presence was of great help within the framework of our meetings. We insist that the ILO requests that the Venezuelan Government immediately continue facilitating access to the country to this expert so that he may continue working on areas in the country that are problematic, such as, for example, compliance with Convention 87 on freedom of association. We believe that the support of the ILO with the good will and availability of the different parties will help us achieve good results in terms of social dialogue. We believe in a future of work that generates well-being for all the Venezuelan population. On the 28th of July there will be very important elections in our country, and we do hope that all Venezuelans will come together. Moreover, we hope that we will have the support of the international community so that entrepreneurs and workers may reach an agreement. Thank you very much.

Ms Adidjatou Alayi Mathys

Government (Benin)

Madam President, Chair of the Governing Body of the ILO, Director-General of the ILO, ladies and gentlemen, ministers, heads of delegations here in the room today, distinguished delegates, ladies and gentlemen. The work of the 112th Session of the International Labour Conference begins in a difficult global context which is marked by complex challenges that negatively impact the world of work. First of all, climate change today is a Damocles sword which is hanging over the heads of workers around the world, rural and informal economy workers especially, forcing them to abandon their natural environment of production in order to invest in areas and sectors of activity that they have neither mastery nor the requisite skills of often. Extreme climate phenomena also expose many workers to health-related risks in environments of high heat or humidity. The dizzying rise of social inequality related to different levels of income in regions and parts of the world and linked to actions of exclusion complicate the efforts of stabilization initiated by the authorities. The pronounced nature of these inequalities

lays bare the limits of social dialogue, which is failing to realize compromise and consensus, which are timeless. Strong disparities characterize global unemployment levels depending on the country or age groups. It is higher in lower-income countries and lower in countries with medium or high income levels. Moreover, the global unemployment level for youth remains thrice the amount of adults. Almost 22% of youth have neither employment and are not studying either. In my country, in Benin, there are a number of projects to involve youth in employment, and this has been implemented for a number of years now and has been providing results. Approximately 60% of the global workforce is in the informal sector. 85% of informal workers are located in developing countries. Madam President, ladies and gentlemen, regarding what I have just said, it is reasonable, even imperative, to ask questions about the relevance of the choices that we have made to this point regarding the implementation of the mandate of our organization. When faced with such mixed results, should we not review the social contract? As you can probably guess, my response would be affirmative. It is beyond the shadow of a doubt that there is a need to readjust our strategies in these difficult circumstances if our organization will continue in its second centenary to deserve the trust of its constituents and its partners. Along these lines, the report by the DG for this 112th Session which introduces the discussion of the need to move towards a new social contract should be commended. Showing enlightened leadership, the Director-General in his report has showed us the path and is inviting us to think about how to build a strong organization that is dynamic and useful for its members. In this analysis we see that, following the diagnostics, the report reminds us of the importance of the social contract and asks questions about the world of work as well as laying the path for solutions to address these issues. Social justice and decent work, proposed as measures to review the social contract, is in line with our perception of the new social contract which we should prepare in order to achieve a sustainable world of work that is satisfactory for the tripartite constituents. It is in this perspective that Benin, through me, joined the Global Coalition for Social Justice in April 2024. This is an initiative that brings together various interested parties to combat social injustice and to accelerate the achievement of the 2030 Sustainable Development Agenda. By joining the coalition, Benin plans on accompanying the Director-General in his fight against economic and social inequality. From this platform, my country plans to play a significant role in reducing inequalities for the SDG period ending in 2030. Proof of our strong commitment can be seen through the formulation and validation in November 2023 of the integration road map for Alliance 8.7 to eliminate child labour in all its forms by 2025 and eliminate forced labour, modern slavery and human trafficking by 2030. In April 2024 Benin became a pioneering country of the alliance, recognizing its efforts throughout the last few years in combatting child labour, the last ten years, of course. In order to achieve SDG 8, which aims to promote sustained, inclusive, sustainable economic growth, full and productive employment and decent work for all, the Government of Benin has engaged in reforms that are to facilitate the creation of enterprises and recruitment of the workforce. Now it is possible to create an enterprise in 24 hours. It is in this framework that we have created the industrial zone of Glo-Djigbé, called GDIZ, which is a developed industrial zone based on a business city model that is integrated and provided with cutting-edge infrastructure. By 2030, based on our prognosis, we will have approximately 300,000 direct employment here. This is important for our youth. Today approximately 10,000 young Beninese are working there now. This project brings together the environmental aspects and the goals of a just transition. Regarding what I have mentioned, I would like to wish that these efforts enjoy the consistent support of the ILO, enable us to maintain and strengthen mutual trust in order to base our future world of work on people. Finally I would like to reiterate the

gratitude of the Government of Benin to the DG and his team for their excellent work. It is on these words, ladies and gentlemen, that I would like to conclude my statement and wish you every luck in your work. Long live the ILO, in the interest of social justice and peace throughout the world. Long live Benin. Thank you very much for your attention.

Mr Flemming Grønsund

Worker (Denmark)

Chair, Director-General, Excellencies, delegates, friends. 'Towards a renewed social contract', this is the headline of the report submitted by the Director-General, and a renewed social contract is needed more than ever. The insecurity of the world today, with armed conflicts that affect ordinary people and workers, makes it essential to reinstall a sense of security. We hear and worry about the wars in Ukraine and Gaza, but we must not forget the many other crises in the world. We must not forget the consequence of growing inequality, of high unemployment rates that make people worry about tomorrow. We welcome the report and how it outlines the way forward for a new social contract. We need a new social contract if we are to live up to the commitment that no-one should be left behind. The ILO estimates that \$133 billion would be enough to provide basic child, maternity and disability benefits and essential healthcare to the population in all the poorest countries. It should be possible to deliver on that. We have to deliver on that. The report stresses that social dialogue is a core element in delivering decent working conditions and decent lives. I could not agree more. However, as a representative of the Danish trade unions, I would like to mention that the Committee of Experts has again asked the Danish Government to respect Danish trade union rights in the collective bargaining process. Namely, that Danish trade unions can freely represent all their members working on ships sailing under the Danish flag regardless of whether they are within or outside Danish territorial waters. This is a serious issue that has yet to be resolved. Any progress on this issue will have to be reported to the ILO in 2025. I do hope that a solution will be found and real progress made by then. I will end by expressing my sincere thanks to the Director-General for the report on a renewed social contract. We have a huge task ahead of us, and we will do our part to move forward in the creation of a social contract that is relevant for the world today and tomorrow. Thank you very much.

Mr Julio Gabriel Cordero

Government (Argentina)

Director-General, President of the Conference, congratulations for your nomination. Ladies and gentlemen, colleagues and fellow Argentinians. So, the Report of the Director-General reminds us of the need to reflect on a new social contract, a review of the institutions that shaped the ideology of greater welfare for our citizens, and in particular for our workers. The statements made by the Director-General confront us in Argentina with the realities of our truths and certainties of a narrative which has gone through the political arena very quietly with an aspirational model of social justice, the results of which are in plain sight. Indeed, most Argentinians live in poverty. The people have often moved from labour informality to becoming poor formal workers. So constructing a new social contract in Argentina is problematic. We need to rebuild the capacity to hire and be hired. We must create wealth, get out of the corporative state, develop conditions for investment, prioritize economic stability as a value for the whole

of society, modernize our labour force, always looking for quality employment, train our workers and, finally, give due protection to the most vulnerable sectors, trying to incorporate them into the productive sector. The path that we are following is not an easy one. We are fully aware of the sacrifice of our citizens and the cost of the transition towards this projected society which most Argentines want. Our policies will be focused on the worker and based on dialogue between the Government, workers and employers. Change will be possible if everybody works on it. Transformation is waiting for us. We are expecting a transition, and it will only be possible if this is done within the framework of a social dialogue that is based on participation and that is institutionalized. This is what we are aiming for. We want an Argentina that will focus on concrete and tangible realizations, one that focuses on the full freedom for all. This will be an instrument for social insertion and it will be good for production. We need to promote excellence in education and create jobs that are based on social justice. We need to return to the culture of work and give rights within the world of work, and these will be based on international values. We are fully aware of the challenge of creating a society that allows its workers to have a dignified life in a freely chosen job with high-quality education to enter the new world of work in the world. Another form of social contract is possible and we believe in it. We are heading to it, to improve the quality of work, decent work, and so that all may benefit from freedom for us, for the future and for all the people in the world who will live in Argentina. Thank you very much.

Mr Rodolfo Antonio Parra Rojas

Employer (Cuba)

President, delegates, we welcome the choice of subject matter in the Director-General's report, i.e. reflections on the pertinence of a new social contract for the world in recognition of the fact that the current social contract is no longer working. We agree with the fact that the existing social contract has not reached its objectives. Global progress against child labour has stagnated. The number of victims of forced labour has increased. Violence and harassment against women, migrant workers, refugees, and religious and ethnic minorities persist. Practically three million workers die every year due to occupational illnesses or accidents. In many cases freedom of association and collective bargaining are not a reality. Over half the workforce in the world works in countries that have still not ratified the fundamental standards that are related with these principles. The conditions to obtain loans from international financial institutions have mainly focused on the reduction of public spending, which has in turn impacted basic social services such as healthcare, education and social protection. The fact that sustainable companies play a fundamental role in strengthening social contracts is true. These companies offer stable employment and high-quality jobs. They respect the environment by means of innovation and they promote trust and cooperation with local communities. President, we agree with the need to reformulate the current social contract by means of social dialogue. It must be human-centred and it must reflect the profound transformations of the world of work, driven by technological innovations, demographic change and environmental and climate change. We believe that the new social contract should be focused on social justice. It should be based on national social contracts and adjusted to agreed-upon standards on an international level and be the object of consensus. We must guarantee appropriate protection for the workers in terms of their health, and they must be protected against the loss of income and ageing. We must invest in developing their capacities, promoting the fair distribution of wealth, gender equality and the eradication of any form of discrimination. Indeed, here the ILO's

Declaration on the fundamental principles and rights at work is an essential guide. Social dialogue must promote the existence of a favourable environment for sustainable companies who are drivers of economic growth and the creation of decent jobs, recognizing that productivity is the product of entrepreneurial dynamics and competition, and investments in technology and innovation are key to achieve the social objectives. We call for strengthened international cooperation and a reform of the international financial system so as to allow countries to invest in policies and social institutions that are necessary to promote social justice and finance a just transition on a national level so that all countries and companies may have equal opportunities. One example of the reformulation of the current social contract would be to stop the inhumane blockade that is imposed by the Government of the United States against our country. And this has been the case for 60 years. It was condemned by the General Assembly of the United Nations for 31 years consecutively, and it has been made worse over the later governments. The measures violate international law, affect trade and violate the human rights of the Cuban people, and they constitute an obstacle for the development of Cuban companies, including 11,000 SMEs. The stop of this blockade would be a positive example of a changed social contract. Thank you very much.

Ms Yolanda Díaz Pérez

Government (Spain)

Our country shares the objectives of the Global Coalition for Social Justice. We have adhered to it in January, and we have also brought our contribution to the Global Accelerator for Social Justice. Our progressive government has also promoted the establishment of banks of development. Now we have also seen that the best economic policy is a labour policy that protects workers and that it is possible to develop policies that favour economic growth at the same time as creating high-quality jobs. This is the principle that has guided the in-depth structural reform of the labour market, and this has been done hand in hand with social dialogue. The figures are demonstrative. Today, over 21.2 million people are in work, and that is a historic figure. Temporary work has reduced in the private sector, too. It has been halved. Since 2018 the minimum wage in Spain has grown by 54% and the gender wage gap has reduced by 5.3 points, which is a drop of 25% in only five years. We remain committed to eradicating any form of discrimination. As a result, Spain has adhered to the international coalition for wage equality. Our country has also improved conditions for families. Now parental leave is of equal length for both parents. Equal opportunity plans are more common in companies and more attention is being paid to both care workers and domestic workers. This is reflected in our ratification of Conventions 189 on domestic work and 190 on violence and harassment at work. As a result, we have also a record number of women in work: over ten million female workers are working in our country. Social dialogue must serve to address the main challenges of our days. It is clear collective bargaining and occupational health must take into account the ecological transition so that justice may truly be achieved. This must be done with workers and others. Moreover, new rights for the digital world must be created. As you know, our current government is also focusing on other aspects. We want to reduce the working week from 40 hours to 37 hours and a half, without any pay cut. We know that it is necessary to work less in order to live better. Another great objective for the upcoming years is to render the job centres more democratic and increase worker participation in decision-making processes. As you can see, there are many challenges that we are facing. It is necessary to construct a global social contract to extend labour rights that incorporate the fight against climate

change, inequalities and promote equality between men, women and LGBTQI+ people. Precisely for this, our country has been drafting a charter for labour rights. This would be a new reference which will serve us at the global Social Summit in 2025. We continue to defend an ILO that is adapted to today, and today Spain has also proposed that everybody, all members, have the same rights of vote. Spain continues to defend labour rights and we also believe in the fact that work is not a commodity. We believe in the Declaration of Philadelphia. You can count on us. Thank you very much.

Mr Temistocles Rosas Rodríguez

Employer (Panama)

President of the Conference, Director-General, delegates, on behalf of the National Council of Private Enterprise, we have welcomed the Report of the Director-General on a renewed social contract. It focuses on the objectives of social justice and on a new social contract. The report focuses on social justice as a fundamental condition to reach universal and long-lasting peace by means of decent work. It states that work is a central element in the life of people and communities. We agree with this and consider it important to highlight the role that the private sector plays in this matter and the need for a favourable environment for the development of sustainable companies and the creation of decent work and high-quality work. Currently, there is a lot of inequality in the world, and this has been made worse by COVID-19 as well as technological changes, as presented in the report. We want to recognize the fact that tripartite dialogue is fundamental and that social dialogue is crucial in order to implement concrete actions so that we may face up to the complex challenges that we are currently facing. CoNEP works with all the key sectors in the country and we push for high-quality education which promotes the development of competencies that focus on new opportunities on the labour market and as well as paying attention to the new trends and needs and opportunities that these present. The Report of the Director-General focuses on the respect for social protection. This is a priority for Panama who wants to reform and modernize its social security system. To achieve this, we have presented a proposal that is based on three strategic pillars that allow the situation to be dealt with and so that the pension system may be sustainable. Reducing informality must also be a priority, and we must strengthen the creation of productive employment that is long-lasting, as well as decent work. It is necessary to create a favourable environment for companies so that they may be sustainable in the long-term. Recently, a memorandum of understanding was signed to launch the Decent Work Programme in the country for 2024-2027, which will consolidate the other sectors and will reflect the efforts that have been made in terms of entrepreneurial conduct and responsibility. Matters of interest here are occupational health and safety, the eradication of child labour, gender equality at the workplace, only to mention a few. CoNEP has also recently updated its Vision 2050 document that is based on democratic governance and political sustainability with the following strategies: inclusion, productivity with sustainability, competence and economic opening. All these efforts are being strengthened by the decision to create an office in Panama for the ILO which will allow greater synergy and greater collaboration with the ILO. CoNEP would like to reiterate its commitment to respecting tripartism by means of social dialogue and to seeking consensus for all matters that are relevant in the country. We wish to say that we will not succumb to any form of pressure that affects social peace and the fundamental rights of humankind. We would like to urge the ILO to continue using the existing mechanisms for dialogue. Now, thanks to other aspects,

such as the agenda for 2024-2029 and tripartite social dialogue, we believe that we can attain the Panama that we want. Thank you.

Mr Anthony Yaw Baah

Worker (Ghana)

Mr President, distinguished delegates, I would like to thank the Director-General and the ILO for bringing back social justice and decent work into the limelight once again through the creation of the Global Coalition for Social Justice. Ghana Trades Union Congress is a proud member of the coalition. We urge all unions that have not yet joined the coalition to join without further delay. This noble vision of the Director-General does not only enhance the ILO's image in the multilateral system but, more importantly, it is also a clarion call on all of us, that is governments, trade unions, employers, civil society organizations, NGOs, multilateral institutions, and especially the international financial institutions, to review and re-examine our goals, our policies, our laws, practices, activities, traditions, cultures and norms within the framework of social justice. The creation of the coalition is very timely given the fast-changing world of work and the acrimonious geopolitics we are witnessing today. Last year, the Prime Minister of Barbados reminded us that social justice is simply about fairness. She said, "If we are fair to one another, we will achieve social justice." And I agree with her. Social Justice is a universal principle that must be embraced by all, regardless of our nationality, race, sex, ethnicity, socio-economic status and our location on the globe. If we, the social partners in the ILO, are promoting social justice, then we should demonstrate that we are ahead of those we are inviting to join the coalition. Governments must be fair to their people, especially the most vulnerable citizens. Employers must be fair to their employees and their trade unions. And unions must be fair in their dealings with employers and governments. And together, as social partners operating in the labour market, we must be fair to women, we must be fair to young people, we must be fair to the informal economy workers, we must be fair to migrant workers, and we must be fair to workers from minority groups as well as people with disability. One of the things we can do together as social partners is to continue to adopt appropriate Recommendations and Conventions here at the International Labour Conference to protect the most vulnerable in the world of work. Governments, businesses, policymakers and international institutions should not focus exclusively on economic growth, on power and money. We should pay attention to social justice in all that we do because that is the foundation for universal peace and harmony. As one great son of Africa said, and this was Archbishop Desmond Tutu, he said "Do your little bit of good wherever you are. It is those little bits of good that together overwhelm the world". I thank you for your attention.

Mr Nuno Biscaya

Employer (Portugal)

President, on behalf of the Portuguese Employers' delegation, I would like to congratulate you on your nomination, and I do wish you the best of successes. The centre of our debate is the report of the Director-General, 'Towards a renewed social contract'. This debate takes place against a complex and unpredictable backdrop. It is one in which there are armed conflicts, both in Eastern Europe and in the Middle East, in which energy costs are increasing. Dependency on raw materials, inflation, interest

rates are all increasing and there is a shortage of human resources. These are all having a profound impact on a human, social and economic level. This is something that we have to manage, such as the digital and energy transitions that have to be seen so that we may reach a more sustainable form of development. The Director-General recognizes this when he says that we are facing many challenges and there are many transformations ongoing and it is urgent to renew the current social contract and our mutual commitments. So, in order to do this, we are convinced that social dialogue has to play a central role. It is necessary to implement the measures that are in an agenda for international and national commitments that involve governments, companies and workers in the definition of strategies and policies that focus on economic and social development. Portuguese employers believe that the challenge that is defined and identified by the Director-General will have a real impact on the world of work. The private sector plays an essential role here and there is a need to create an environment that is favourable to economic growth and to the development of companies and the creation of jobs. On this basis, government's role is also fundamental in order to create a solid basis that provides trust. This has to take place by strengthening credibility in the institutions, respecting the autonomy of the social partners and the execution of public policies that aim to fight corruption and the informal economy. Indeed, corruption and the informal economy have impacts that are negatively affecting entrepreneurship. And this renders more fragile the world of work and these are aspects that we need to focus on immediately. The report also focuses on environmental, technological and demographic issues. However, it is fundamental that we focus on the practical challenges that lay ahead, such as a high level of informality, corruption and the absence of compliance with the system. An international standard-setting system will always be impossible to put into practice without robust national policies. Indeed, we want to create a world that focuses on the fundamental rights and principles of work that are fair and that are beneficial for companies, workers and society. This will create stability, cohesion, safety. Thank you.

Mr Leboucher Freire De Andrade Fernando Elísio

Government (Cabo Verde)

Good afternoon, President. Today it is an undeniable fact that the care economy is essential for humanity and for its survival. All citizens at some point in their lives will need care due to their physical vulnerability or psychological vulnerability, lack of autonomy and dependence. Namely, when they are children or when they are old. This means that care workers, when they are in the informal economy, have to carry too heavy a burden, and many times they are forced to abandon their work and social lives that have great repercussions on their physical, mental and emotional health. This is a social and economic problem that has been recognized by the Government of Cabo Verde. We have implemented public social policies in order to improve the systems of care and policies that also focus on strategies that focus on people who receive the care and also the carers in order to provide them with more dignified and decent working conditions and a better quality of life. The Government has implemented the National Care Plan. It is an instrument that is fundamental to ensure that there are cross-cutting policies in terms of social protection, with the objective to ensure that the person receiving the care and the person giving the care all enjoy high quality and safety. This is something that the Government has implemented with the support of its partners that have helped finance several types of vocational training for carers, for people in situations of need. There is also a diploma that has been established that allows young

people to become professionals in terms of caring for children. The Government has also developed capacity-building actions and continual training for people who manage creches, nurseries and other types of pre-school institutions. Moreover, we are lengthening the parental leave for women from 60 to 90 days, and there is now a parental leave period for men too so that both parents may help care for their children. Moreover, there is healthcare benefit for people when their children have to go to hospital, until they are 12 years old. Many people also in old age require care. The Government has therefore contracted over a hundred carers to provide care at home for these old people. The aim also in 2023 was to approve the status of the elderly person, the objective being to protect their rights and protect their care system in order to guarantee their integration and effective participation in society. Moreover, we also ensure that children may be registered in public and private schools for free and there are special rules that apply to people with health problems. There are new qualification systems and so on that are implemented in care centres for young people and children that are disabled. We recognize the complexity and the high demands that are placed on carers, particularly in the informal sector. Cabo Verde is focusing therefore on creating a statute for the informal carer so that they may also enjoy rights, guarantees and the necessary support so that they may perform their activities. There will also be psychological support that will be provided so that their emotional and psychological health be taken care of. Moreover, this statute will focus on the situation of people who have to stay at home and ensure their mental and physical well-being. We also aim to create the conditions so that people may perform care activities for pay, that things will become more flexible in terms of timetables. And this will be the case for informal carers who care for somebody at home as well. As you can see, the Government of Cabo Verde has worked tirelessly in order to implement many reforms in order to improve its social security system to strengthen the care system, to improve the well-being of people in situations of dependence and also provide legal protection for carers. This is fundamental for all citizens, institutions and the social partners. Thank you very much for your attention.

Mr Stephen Mc Clashie

Government (Trinidad and Tobago)

Mr President, I am pleased to bring warm greetings from the Government of Trinidad and Tobago and reiterate the commitment of my country to the promotion of social justice. I wish to firstly commend the Director-General for his report on a renewed social contract. Not only was the report comprehensive and thorough, it will undoubtedly help to spark a conversation and initiate action around reshaping the social contract. In the words of Aristotle, "For man, when perfected, is the best of animals, but when separated from law and justice, he is the worst of all." Mr President, while the social contract is necessary for a harmonious society, we must appreciate the impact of changing patterns in the world of work on the social contract. These patterns give rise to new expectations and they call for responsive and meaningful action. We, as constituents, must therefore assume responsibility and embrace avenues which promote adaptation and innovation and harness hidden opportunities as we seek to renew the contract. The report emphasizes that it is not possible to achieve sustainable development without decent work. Decent work represents the most effective instrument for improving the living conditions of workers and for reaping the benefits of material and social progress. While the ILO and its constituents will continue to work together to create solutions, which will in turn facilitate the upholding of our unyielding

vow to social justice and decent work, this surely cannot be pursued in silos. Collaboration among multilateral partners will help us to address the more complex challenges mentioned in the report, including climate change, income insecurities, inequalities, underemployment and unemployment, and the slow progress of the Sustainable Development Agenda. In promoting effective governance and in fulfilling our obligations to the people of Trinidad and Tobago, the Ministry of Labour continues to work towards a human-centred approach to labour rights. Allow me to share a few ongoing initiatives of my ministry in this regard. With a view towards the prevention and elimination of child labour, this Government continues to engage with private and public stakeholders in the development of light and hazardous work lists. The ministry has also launched its first Child Labour Ambassador Programme, which aims to empower children to become key drivers in the fight against child labour. The ministry has also launched a campaign across all media channels geared towards sensitizing workers and employers of the new national minimum wage increase, which became effective in January of 2024. Under the auspices of the Occupational Safety and Health Agency, public stakeholder consultations were held in March 2024 on the creation of a draft policy for protective personal equipment regulations. Additionally, the Conciliation, Advisory and Advocacy division of the ministry regularly conducts conciliation proceedings between employers and unions in rights disputes and provides information and advice to union workers and employers on the principles and practice of good industrial relations. Finally, work is also underway to amend labour legislation. Importantly, proposals for amendment of legislation regarding our Industrial Relations Act, Occupational Health and Safety Act, retrenchment and severance benefits and the recruiting of workers are before the Cabinet for consideration. In closing, I also wish to reaffirm the commitment of Trinidad and Tobago to the principles of the ILO and to a renewed social contract. I thank you.

Mr Tiago Oliveira

Worker (Portugal)

On behalf of the CGTP, we are proud to be here on the 50th anniversary of the revolution of the 25th of April 1974 in Portugal. This revolution is a reference in the fight of workers and of the Portuguese people to overcome fascism and follow a path towards progress and social justice. 50 years have passed since this revolution. Indeed, we achieved peace and freedom. The African countries gained their independence. There was a fairer distribution of wealth. Salaries had improved. There was a reduction in working hours, the right to paid holidays, labour stability, the prohibition of unfair dismissals, the creation of free public services and the ratification of many Conventions of the ILO. However, despite these advances, the policies of successive governments, by having to follow conditions imposed by the European Union, have suffered. The country has suffered reversals with the introduction of worse standards for workers. There has been an attack against wages, timetables, an increase of precarious work, an attack against collective agreements and public services. In 2019 we had to admit to the fact that there was no progress that could continue if there was no better improvement to the conditions of life and an increase of wages for workers. It is fundamental to increase wages in Portugal. Between 2001 and 2022, profits grew by 31.1% and wages only increased by 7.1%. Purchasing power at the end of the 2023 in our country was lower than in 2021. Two in three workers have a wage that is lower than €1,000 a month, and thousands now belong to the group of the working poor. One in every ten people, i.e. workers, lives in poverty in Portugal. There are 1.9 million workers that live in conditions

of completely insecure work. 45% of workers have to work shifts, Saturdays, Sundays and on bank holidays. It is necessary to move forward with collective bargaining and respect the workers' rights as well as the right to strike. We will not accept the violation of this right. We are speaking here about values that are linked to progress, and the country is constantly focusing more on capital and the advance of neoliberal policies. This is called exploitation, and we know that it is used as a war against workers and democratic rights. The Report of the Director-General identifies the need for better social justice, and this is clear in the face of this screaming inequality. Today, like in the past, we need to look and have more ambitious objectives that put an end to exploitation and promote greater social justice. This is why we want to construct a world that is more fair, more just. There are many people, for example, also that make a profit thanks to wars at the expense of thousands of deaths in the world. As the Director-General has stated, there is a clear violation of international law when it comes the actions of Israel against the Palestinian people. We cannot live without putting an end to this genocide. We want a future of peace and values for the worker. Thank you.

Ms Taabeta Amuera Teakai

Government (Kiribati)

Mr President, ministers, ladies and gentlemen, in the name of Our Lord Jesus Christ, I greet you all. Kam na bane ni Mauri. I congratulate you, Mr President, on your election to steer this year's 112th ILC, for your able leadership. I also recognize and acknowledge with heartfelt gratitude, the hard work of the ILO under the strong leadership of the Director-General. I congratulate you, Director-General, and your hardworking team on the successful launch of the Global Coalition for Social Justice, and I look forward to the inaugural forum later this week. Mr President, over the last year the ILO has masterfully negotiated multiple crises in the world of work caused by war, natural disasters and climate change. I take this moment to remember those who have been affected by wars and riots and I also pray for a speedy restoration of peace and stability and a release of the hostages, particularly the Palestinian Gaza crisis. Kiribati, like other small countries, also faces unique challenges due to our geographic isolation, limited natural resources and the existential threat of climate change which impact our labour market and the well-being of our people. Access to international climate financing to mitigate and adapt climate change risks remains elusive to Kiribati. The role of labour mobility cannot be summed up just as adaptation. To achieve the promise of adaptation in the Kiribati context, we need investment in capacity-building, with constant reflection of lessons learned in the future work of the ILO. Secondly, and most importantly, are the forgotten impacts of climate change on our migrant workers who have increasingly faced hazards they are not prepared for, whether it be tropical cyclones and storm surges in New Zealand, bushfires in Australia and other parts of the world. In the just transition, it is our migrant workers who are vulnerable, so we must implement safeguards to ensure the same access to assistance to migrant workers globally. Mr President, Kiribati is making progress in providing decent work for its people. Employment opportunities have increased in the domestic, public and private sectors, which have been complemented by overseas worker schemes. This growth has not been enough to lower the unemployment rate, which remains high in Kiribati. To achieve our national goals and development aspirations in our Kiribati Vision KV20 we depend on labour mobility. Kiribati is heavily engaged with New Zealand and Australia through seasonal work. Currently, 464 women and 1,588 men from Kiribati are employed in these countries, sending back vital remittances for their families. Our seafaring and fishery industries

are our source of pride and are gaining recognition. We have also deployed two ladies to work as lounge attendants at the Narita International Airport, in Japan. They provided vital remittances for their households to invest in SMEs, education for children and to adapt to the growing impacts of climate change while at the same time contributing to the billions of dollars and addressing labour shortages in these labour-receiving countries' economies. Kiribati is committed to securing fair employment and improving living and working conditions for our seafarers and fishers by seeking new partnerships and adhering to international labour standards and striving to fulfil Convention 185 and the principles of Convention 188. Mr Chairman, I am delighted to share that we have successfully initiated the deployment of our world-class trained seafarers with Industrial Holding Bulgaria Shipping, and six seafarers have now been mobilized, and we eagerly anticipate further deployments in the coming weeks. The revival of our seafaring industry is not just a matter of economic recovery but a testament to the resilience and determination of the I-Kiribati people. I am also proud to announce that last year, through a cooperation between the Ministry of Employment and Human Resources and the Ministry of Education, our President, His Excellency Taneti Maamau, signed the grant agreement in Washington DC to begin the implementation of a USD\$29.1 million project with the US Millenium Challenge Corporation that will see funding injected in our efforts to expand decent work in international labour mobility, including through the establishment of our Overseas Worker Resource Centre and exchange opportunities through summer camps in Fiji and the US for our senior secondary school students. Under my portfolio, Kiribati youth are being trained at the Kiribati Institute of Technology and the Marine Training Centre to provide not only the skills necessary for employment overseas but also to fill domestic needs and spawn development for Kiribati. Mr President, I thank you for your support to give Big Ocean States like Kiribati, that spreads across nearly three million square kilometres of the Pacific Ocean, a platform to share both our achievements and challenges in providing decent work where, I want to stress, the inclusion of Small Island Developing States and least developed countries needs to be valued. Kiribati continues to advocate the protection and improved working conditions of migrant workers, such as in this year's ILC committee on decent work in the care economy. I also hope to build and strengthen relationships with other labour-sending countries, such as the Philippines and our Pacific family or Small Island Developing States and to learn from each other's experiences. I urge the ILO to take precise actions at the regional and sub-regional office, and I also call for collaborative engagements within the ILO family and to strengthen social dialogue at all levels, while upholding the ILO's core mandate and principles for advancing human-centred economies and decent work for all. Mr Chairman, I thank you, and I wish to conclude by sharing the Kiribati blessings of 'Te Mauri, Te Raoi ao Te Tabomoa' meaning good health, peace and prosperity to us all. Kam bati n rabwa.

Ms Rosa Isabel Santos Fernández

Employer (Spain)

President, Vice-Presidents, Director-General, delegates, it is an honour for me to address you at this conference, representing the Spanish Confederation of Employers' Organizations. First of all, I would like to thank the Director for the report that has been presented to us on a renewal of the social contract so that progress and social justice may become a reality. In our understanding, we share the feeling that we need a new configuration for the social contract. But this will only be possible if sustainability for

companies and social progress go hand in hand. It must be taken into account that things are changing very fast and that the world is changing. The environmental and the digital trends are also in constant change, and this is also taking place against a highly complex geopolitical context. Of course we wish to improve living standards for everybody across the globe, and in this context companies continue being a transformative element in society. Sustainable companies will push forward societies in which people will benefit from more sustainable lifestyles. In fact, companies continue being the driver for the economy, and they create 90% of jobs. They are the major contributor of social protection systems. It is necessary to benefit from the expertise gained in companies and take into account the real economy. Social dialogue with democratic institutions will provide legitimacy to systems in place. The social contract must be renewed, but this will require the collaboration of public and private entities as well as public policies that remove the informal economy that focus on continual training as tools to guarantee the principle of equality and equal opportunities. Moreover, active and passive policies must be strengthened so that we can create jobs. In Spain, the labour reform that was adopted in December 2021 and that was the product of tripartite dialogue has led to some changes, as has been stated by a former speaker. Today there are over 21 million people affiliated with social security, and one out of two people in Spain have an open-ended contract. Moreover, women and young people are on the labour market more than ever before and there are internal flexibility mechanisms that allow collective bargaining to take place and the creation of a more resilient, more stable, more inclusive, safer and more diverse labour market. We still have a long way to go, and this will be reflected in a new social contract. As has been stated by the Director-General, this social contract has to be based on negotiations with the social partners. We believe that collective bargaining must act as a leading light. It is adaptable and can adapt to each sector. This will be the main tool for the Government to establish good labour relations. For example, in Spain we have the bipartite agreement for employment and collective bargaining that was signed in 2023. And now we can see that this agreement is pushing forward modernization and the increase of wages in a highly complex economy with a lot of inflation. It is necessary to not allow governments to be tempted to satisfy only political interests that are short-sighted and that could cause trouble in terms of the development of productive corporations. Moreover, excessive regulation means that there will be a lack of predictability, and the increase in expenses can also cause problems for SMEs in Spain. Please allow me also to state that in 2025, at the global summit organized by the United Nations, Spain will focus on defending the position of companies as a value-creating element in society and that should participate in social dialogue. Thank you very much.

Ms Hanitra Fitiavana Razakaboana

Government (Madagascar)

President of the 112th International Labour Conference, Director-General of the ILO, ladies and gentlemen, delegates of governments, employers and workers, first of all I am addressing you in the name of His Excellency the President of the Republic of Madagascar, Andry Rajoelina, and the Government. I am very honoured and ecstatic to be here today and to take the floor before this august assembly. This conference reflects the institution of dialogue, and I would like to commend the initiative on moving towards the social contract which represents guidelines and imperatives for a world of work that is constantly evolving and will help us move towards sustainable social peace as well as achieving social justice at all costs, and this requires concrete actions. Madagascar

encourages the entire process of renewing the social contract between all partners in the interest of progress and combatting inequality. For this new social contract, our country has priorities that are the pillars of development through its general policy, which includes the valuation of human capital, industrial development, good governance and the rule of law. We consider decent work to very important in its cross-sectionality in order to help us eliminate any vulnerability and consolidate our economic and social progress and ensure inclusive development for all. The figures in the Malagasy world of work continue to refer to the Decent Work Country Programme, including two priorities, the following: promotion of employment and the extension of comprehensive protection. Ladies and gentlemen, since 2019 Madagascar has ratified ten Conventions and one Protocol, which have been fully integrated into our positive national law, and related actions have been undertaken. Moreover, operations in over 100 formal units have been undertaken, and in the informal economy as well, throughout a year by the labour inspection services in the framework of strategic planning. Madagascar is one of the first African countries to implement this planning and a process which aims to raise awareness and train employers as well as workers in the culture of prevention and OSH. In Madagascar over 90% of jobs are informal. This has led to the implementation since December 2023 of a road map to expand social security to non-salaried workers and workers who are in the informal and rural economies. This will lead to an adapted legislation and the implementation of social welfare systems as well as healthcare for this group of the population. The new labour code, which is currently at the adoption stage in parliament is the aspiration for a tripartite consensus-based approach with all interested parties. And this would take into account the fundamental principles and rights and the constant evolution in the world of work. Considering labour migration, the importance of Madagascar opening to the world and having a strong and involved diaspora means that the Ministry for Labour continues to promote work abroad while ensuring better protection for Malagasy émigré workers before, during and after their migration cycle. We are continuing to monitor the respect of ethical and fair recruitment, and we are combatting abusive practices and all forms of exploitation when it comes to recruitment of migrant workers. Proof of the importance of social dialogue and to show the respect of the sacrosanct principle of tripartism, all questions related to work and employment are negotiated and consulted between the interested parties. Through effective social dialogue, the National Labour Council has approved a rise in the minimum wage for 2024 in the non-agricultural sector and the agricultural sector as well. In order to ensure the respect of workers' rights in the private sector and in order to ensure social peace, field visits are carried out by inspectors throughout the island. The respective social dialogue is of paramount importance and consultation structures and functional decision structures engage in this work in a tripartite manner between interested parties and partners. And this is provided for in legislation on the structure of trade unions and representation criteria. In the framework of the Alliance 8.7, in which Madagascar is a pioneering country, awareness-raising and related activities are being undertaken in order to combat child labour, forced labour and human trafficking and modern slavery. In employment, the Minister for Labour has also implemented a national campaign to support the creation of decent work and provide guidance, integration and reintegration services for the youth and those without employment, including women and persons with disabilities. Ladies and gentlemen, in order to move towards stronger political commitments, Madagascar commends the initiative of the Global Coalition for Social Justice. Our country is committed to bring together our priorities, economic and environmental, in order to achieve our common goal, which is the Global Coalition. To conclude, I would like to express our gratitude to the International Labour Organization

for their unwavering support to the Malagasy Government throughout the entire process of the implementation of our national labour programmes. Thank you very much for your attention.

Mr Yogendra Kumar Kunwar

Worker (Nepal)

Respected Chair, distinguished delegates, sisters and brothers, it is my privilege to address this magnificent 112th Session of the ILC as the President of the Joint Trade Union Coordination Centre and Nepal Trade Union Congress, NTUC. Mr Chair, we are representing here the voices of the millions of workers who tirelessly contribute to our nation's prosperity. Our presence here underscores the significance of international solidarity in advancing workers' rights and shaping a fairer and more equitable world. Nepal faces a myriad of challenges in ensuring decent work and social justice for all. However, the spirit of our workers remains unwavering, fuelled by the belief in a future where dignity in labour is a reality. We appreciate the ILO Director-General's comprehensive report on a renewed social contract to create a just society with the principles of universal human rights and capabilities, equal access to opportunities, fair distribution and just transitions. We call for the full implementation of international labour standards, including those outlined by the ILO to build a just society where every worker is afforded fair treatment and a safe working environment. We continue to strive to ensure that labour laws are upheld, that workers are not subjected to discrimination and that their fundamental rights are protected. We recognize that the fight for workers' rights is a global endeavour that requires solidarity and collaboration across borders. Despite promulgation of progressive constitution and labour legislations that mandate citizens' right to decent work and social security, many challenges persist in their implementation. Nepal's labour market is vulnerable with a large percentage of unorganized sector. Workers' participation in social security programmes might be the most effective strategy in formalizing the economy. However, we are concerned about the slow progress in it. Mr Chair, we strongly believe that capital and labour should go hand in hand. However, the labour issue is overshadowed and our empathy is eroding. In light of the world's tremendous technological advancement, we must consider the benefits that we stand to gain from this. When we aim for the welfare state with social justice, we are worried with the gaps and environmental degradation created by the current economic growth. The democratic and trade union spaces are being narrowed by neoliberal and populist deviations. In contrary to the ILO principle of strengthening the social dialogue, our representation in various tripartite mechanisms has been weakened by the Government. We are disheartened that the Nepal Government has cut the participation rights of advisors from trade unions and employer organizations in this conference, which is against ILO provisions. I request the ILO to support amplifying the voices of Nepalese workers. The unreliable CBA procedure is another concern for us which has impeded the institutionalization process of the labour movement in Nepal. Nepal has joined the ILO's call to participate in the Global Coalition for Social Justice. Through this coalition, we hope to collaborate in addressing structural inequality and tackling the underlying causes of social injustice. Nepal recently joined the Global Accelerator on Jobs and Social Protection for Just Transitions, which supports decent jobs and social protection. As Nepal moves towards graduation from least developed country status in 2026 we have taken it as a good opportunity to push for the ratification of key ILO Conventions, including Convention 87. We admire the ILO report emphasizing decent work and the care economy. However, the community health workers in Nepal

are still treated as voluntary and denied decent work, so we call on this conference to recognize and regularize their contributions. We are pleased to announce our dedication to working together to implement the Decent Work Country Programme. Let us stand united in our commitment towards renewing the social contract, upholding the rights and dignity of workers and creating a just society. Thank you so much.

Mr Vilay Vongkhaseum

Worker (Lao People's Democratic Republic)

Excellency President of the International Labour Conference, Excellency Director-General of the International Labour Organization, ladies and gentlemen. Today I have the honour of speaking on behalf of Lao workers. My name is Vilay, Vice-President of Lao Federation of Trade Unions. First of all, I would like to express my congratulations to the speech of the Director-General at the opening, and Lao workers fully support the Report of the Director-General. Distinguished delegates, the Lao trade unions represent workers across the country and would like to express our greetings to all trade union members and workers around the world. Today we live in times of hardship, with geopolitical instability, with wars continuing in some parts of the world. Social cohesion is under pressure. Inflation and cost of living increased drastically, having a significant impact to the workers. Lao trade unions play a very important role in the country to defend and protect the interest of workers. There are nine core action plans and 51 projects with various key priorities in place. The Lao trade unions promote social justice, social protection, safety and health as fundamental workers' rights, decent work for all and fair wages. Ladies and gentlemen, Lao trade unions, as the voice of workers in the country, work closely with government and employer organizations and other sectors to promote health and safety as fundamental principles and rights at work. We are also working in close collaboration with social partners in ensuring better working conditions and welfare of workers in the country. We promote gender equality through legislation and national policies. Furthermore, Lao trade unions also educate and enhance the knowledge of their members on various laws and regulations such as the Lao labour law and social security law, et cetera. Labour protection is at the core of social justice and decent work and it is critical in order to prevent the crisis. Lao trade unions promote a right-based approach and set their awareness programme into three key pillars such as one, social protection, two, industrial relations, three, trade union development. Mr Chair, Lao trade unions thank the ILO office for its support to Lao workers. The Decent Work Country Programme for Lao People's Democratic Republic from 2022 to 2026 supports the country to make several achievements and contribute to long-term impacts in advancing decent work in the country. Mr President, on this occasion, on behalf of Lao workers, I would like to once again express my sincere thanks and appreciation to the ILO office for its continued support and cooperation to Lao trade unions for many years. And also I would like to take this opportunity to thank all friends and the international partners for their assistance, technical expertise and solidarity to Lao workers. Finally, I would like to conclude my speech by pledging that Lao workers will continue to be actively active in any of the ILO activities. Mr Chair, wishing you all the success, and thank you.

Mr Zechariah Luhanga

Government (Zambia)

President of the Conference and distinguished delegates. Allow me, President, before I deliver my statement to convey Zambia's deepest condolences on the passing on of Malawi's Vice-President and other officials. May their souls rest in eternal peace. It is my singular honour and privilege to address the Conference on the seminal themes ably articulated in the reports of the Director-General of the ILO and the Chairperson of the Governing Body. From the onset, I wish to join the previous speakers in congratulating you and your vice-presidents on your election to spearhead the deliberations of the Conference. The two reports have outlined key elements that relate to alleviation of most of the challenges faced by the majority of our people. Social contracts, as rightly put by your office, determine what is to be provided within societies on a collective basis without leaving anyone behind. The Zambian Government has placed the over 19.6 million citizens at the heart of our planning to ensure an equitable way of distributing resources to benefit all. Poverty and inequalities have continued to rise in many parts of the world. In Zambia, this has been exacerbated by the consequences of COVID-19, natural disasters due to climate change and a debt burden that my country has made progress in resolving. It is clear that there are many needs that require our attention in order to attain social justice, such as access to healthcare, education, food, housing, water and sanitation. This requires strong and coherent policies, fiscal discipline in all areas. The pervading challenges of labour markets can potentially overwhelm our collective resolve and commitment towards the universal goal of social justice, but we are determined as a country to remain resilient. Mr President, as part of our home-grown solutions, Zambia has embarked on a number of radical changes that include a massive increase in the Constituency Development Fund, CDF, for each of our 156 constituencies intended at, among others, catalysing development at the local levels to increase opportunities for the youth and women to engage in various economic activities. The allocation for each constituency was raised 16-fold, resulting in approximately USD\$1.3 million available for each constituency to invest in local development projects. The fund also supports skills training in order to ensure the employability of the youth. Further, we have introduced a free education policy to allow the vulnerable citizens of our country to access education for the benefit of the country. As a result of this policy, Mr President, over two million children have since returned to school. Mr President, Zambia has created a ministry in charge of small and medium enterprises to encourage and support investments for them to grow and thrive as well as to address the dichotomy in the sizes of enterprises, ultimately aiding the transition of small economic units from informality to formality. The Government has taken special interest in the informal economy that accounts for 73.2% of the labour force and has put in place mechanisms to facilitate enhanced productivity and sustainability of micro, small and medium enterprises so that they can create decent employment. The Citizens Economic Empowerment Fund has also been reengineered as a vehicle to promote entrepreneurship activities for job and wealth creation. Debt management or sustainability is a key focus area for Zambia as she seeks to create the much needed fiscal space to undertake even more robust economic recovery, stabilization and steady growth in an environmentally sustainable way. Mr President, to strengthen social dialogue, and in recognition of the critical role of the private sector in our development agenda, Zambia launched the Public Private Dialogue Forum which aims at strengthening private sector engagement and facilitating collaboration among relevant stakeholders to address critical sector-specific constraints. In conclusion, in this

last decade of action towards realization of the Sustainable Development Goals, it is incumbent upon us all to ensure that no one is left behind. We must all resound the ILO's enduring principle that universal and lasting peace can be established only if it is based upon social justice. I thank you.

Mr Alexey Vovchenko

Government (Russian Federation)

Distinguished President, distinguished colleagues, we would like to express our gratitude for the organization of this session of the International Labour Conference. As the Director-General of the ILO noted quite correctly in his report, social justice remains an imperative and a prerequisite for ensuring universal and sustainable peace. The Russian Federation fully agrees with the idea of the need to achieve social justice through ensuring decent work and providing social protection to citizens. Over the last year we were able to implement a number of changes that we have been preparing for a number of years. This would have been impossible without teamwork. We discussed difficult decisions together with our social partners in the framework of the Russian tripartite commission as well as at meetings of the public council. One of the main priorities in the Russian Federation in order to achieve social justice is supporting families with children. As of last year, we have introduced unified benefits. Now, through one application, a family can receive assistance from pregnancy to the child's 17th birthday. Comprehensive support for families with children has enabled us to minimize the risks of poverty, including when a family welcomes another child. In general, targeted measures to support citizens in the context of a favourable situation on the labour market have enabled us to reduce poverty to 8.5% as of last year. The implementation of streamlined targeted aid would have been impossible without improving our information systems. Today the social fund receives the vast majority of information on the level of need of citizens without requiring millions of requests or applications from citizens. Currently, 42 measures of social benefits have been converted to this simple format. As of the end of the year federal benefits will be converted to the social treasury format. As of next year there will be unified requirements for the provision of benefits. Regardless of the payment, whether it is federal or regional, it must be accessible through one electronic application or proactively. What is important is that it should be easy and convenient for citizens to receive aid. In addition to streamlining our procedures, digital systems will also help evaluate the effectiveness of decisions that have already been taken. Today we are establishing a unified register of persons in need which will combine data from state information systems and enable us to form a picture, a portrait of a family. For families whose income is below two minimum wages per person, we have a fuller picture. That includes the number of children, whether they receive subsidies, their employment status and whether they receive benefits from support measures. At the same time, parents will be able to keep receiving benefits for childcare until the child is a year and a half, even if they go back to work early. The next issue that I would like to mention is the labour market and labour relations. The level of unemployment as of last year hit a record low, and that was 3.2%. Today unemployment is at 2.6%. That is even lower. Total employment has risen to 73.6 million people. On the 'Work in Russia' portal, job seekers have access to over two million vacancies and vacant job positions. In order to achieve the national goal related to economic growth while maintaining a low level of unemployment and reducing structural disparities on the labour market, of course we need a comprehensive approach. We are also paying particular attention to working

with graduates. We are establishing a routing mechanism that would aim graduates towards specific employers and direct them towards specific employers. This is particularly relevant when it comes to students who are preparing for professions that are in demand on the labour market. We are working together with educational institutions in this cooperation. In order to address the challenges of the contemporary labour market, we are continuing to develop state employment services. The largest scale mechanism is the mechanism that provides for free retraining for job seekers. People who are already working today can receive training and prepare for other professions. Today we are continuing to work to further expand the safeguards for citizens that are employed. The rise of the minimum wage will be even faster than the rise of the subsistence minimum. What is important is not just remuneration of work but safety of work as well. Last year we began to digitize the special evaluation of labour conditions. As of the 1st of March last year we have had a register of persons who have been trained in OSH. Over 12 million people have completed such training sessions. In conclusion, we would like to note that achieving social justice is impossible without international cooperation, which of course will help our countries to find the best possible solutions to overcome challenges in the social and labour world. Thank you very much for your attention.

Ms Mirtha Arias Nogueira

Worker (Paraguay)

Good afternoon to all. We wish to salute the President and the other members of the ILO as well as the distinguished representatives of this august assembly on behalf of the delegation of workers of Paraguay. As was mentioned by the Director-General, on the one hand there is macroeconomic growth, but on the other hand, as was stated in the Declaration of Philadelphia, poverty in any place always represents a danger for the prosperity of all and work is not a commodity. Indeed, in this situation, the subject matters addressed at this conference are crucially important for the trade union movement in the world. We would now like to present you with a brief analysis of the reality in Paraguay. Our country is divided into two distinct realities. On the one hand, there are people who only look at macroeconomic figures. There is low inflation, monetary stability, tax balance. Paraguay has now become a regional example for growth, attracting capital due to low labour costs, the absence of trade unions and low taxes. Despite being one of the countries in the region with the greatest growth levels, over the past years those impressive macroeconomic figures do not reflect the real situation of most of the population. People are living in a different reality. Poverty is growing. If we look at other indicators such as quality of life, access to education or to public healthcare and wealth distribution, we can see that the figures are very negative. The model for growth in Paraguay benefits only a privileged few and excludes most people. It excludes especially young people, women and indigenous peoples. The good figures in Paraguay are based on cheap labour and low taxes, which means that the state does not have the necessary resources to provide high-quality healthcare or education. These indicators should benefit the people too, but that is not what is happening. The situation of workers is of high concern. The model for growth works without trade unions or with weak trade unions, and that is because the labour laws are not respected because the institutions are weak and cannot effectively implement them. Most workers live with precarious wages and they face a loss of purchasing power in which the minimum wage is now considered a ceiling and not a floor. Informality continues being a reality, especially in some sectors such as trade and domestic work,

and the minimum wage is usually also given to women. Politically speaking, we can see that there is a deterioration in terms of democracy. The Parliament is a good reflection of this situation. Political debates are devoid of content and political parties are totally disoriented and only serve the real powers. The judicial powers are silent and remain blind before the progress made by delinquent groups that have infiltrated into the state, while labour judges are finding it increasingly difficult to deal with workers' situations. Despite the fact that progress has been made for the popular and workers' populations, we still hope that social policies will benefit more people. Democracy is also affected by the quality of information that the citizens receive. The press nowadays limits itself to defending the interests of their friends instead of providing objective information. As far as freedom of association is concerned, the private sector is finding it increasingly difficult to see their rights respected, and the creation of new trade unions is practically impossible. Another important aspect to note is that collective negotiation with the companies or institutions is not successful and we are very far from having decent work. The tripartite commission on equal opportunities, as well as the one on social security, face huge challenges. The objective of the Government now is to reform the law on social security as well as on civil servants. This, indeed, would be important for all workers. We still hope, however, that we will become a country where there is greater social justice. We would like to thank the authorities of the ILO for the important role that they play in this context. We would like to thank the President and also the ILO for everything that it does in terms of technical support for all our activities. Thank you also to all representatives here present for your attention.

Mr Cooper W. Kruah

Government (Liberia)

Your Excellency Mr Gilbert Houngbo, Director-General of the ILO, Minister Alexei Buzu, President of the 112th Session of the International Labour Conference of the ILO, distinguished Vice-Presidents, fellow Ministers of Labour from around the world, global employers' and workers' representatives, diplomats and esteemed delegates. On behalf of the tripartite delegation from the Republic of Liberia, comprising government, employers' and workers' representatives, I express our gratitude to the ILO and the people of Geneva, Switzerland, for their warm hospitality since our arrival. We congratulate you, President Buzu, on your election to preside over the 112th Session of the ILC. Your Excellency, less than five months ago, President Joseph Nyumah Boakai was inaugurated in Liberia following democratic elections held in the last quarter of 2023. Despite being a new administration, our government is committed to revitalizing all aspects of national development, a challenging task given our past struggles with war, misrule, limited accountability and slow growth, especially in foreign direct investment, which has significantly impacted our labour sector. Under the National Development Agenda, acronym ARREST which means Agriculture, Roads, Rule of Law, Education, Sanitation and Tourism, we are focused on leveraging opportunities to improve these sectors and more. We are particularly committed to revitalizing the Liberian labour sector. As Minister of Labour, I am dedicated to enforcing our labour laws, exemplified by the Decent Work Act of 2015 for private sector workers and the Civil Service Standing Order for public service workers, though the latter is not directly regulated by us. Our administration ensures the application of labour standards across companies, concessions and business entities in Liberia. This includes guaranteeing decent and equal work for equal pay, continually improving wage levels, ensuring workplace health and safety, and securing appropriate employment benefits and social

welfare for all employees. We will also strive to foster peaceful and agreeable bargaining agreements between employers and workers, facilitate timely social dialogue to resolve labour issues and maintain peaceful coexistence through cooperation, collaboration and mutual benefits. Mr President, we pledge our unwavering support to the ILO in its mission to advance social and economic justice by setting labour standards, promoting human and labour rights, providing more opportunities for decent work for men and women, expanding social protection, and enhancing tripartism and social dialogue. Liberia fully supports the ILO's founding mission that social justice is essential for universal and lasting peace and prosperity. Our government will continue to enforce proper labour standards and develop policies that promote decent work, the care economy and social justice for all our citizens and residents. On behalf of the Liberian tripartite delegation, we earnestly request the ILO for technical assistance in capacity-building, expert services, support technicians and other forms to enhance our labour administration and tripartite capacity. We also aim to ensure our workforce is equipped to embrace the digital transformation era, including AI. In conclusion, it is essential that these international organizations take potent actions to end global suffering and ensure security and prosperity for all. May I conclude by echoing the ILO motto: if you desire peace, cultivate justice. Thank you for permitting us to be a part of this programme.

Ms Paula ILVESKIVI

Worker (Finland)

Mr President, Mr Director-General, delegates, the Finnish trade unions thank you for the opportunity to present our position on the themes outlined in Director-General Gilbert Houngbo's report 'Towards a renewed social contract'. The Director-General emphasizes the importance of the social contract, and it is easy to agree with this view as a genuine social contract should play a crucial role in promoting stability and justice. We fully agree with and support the aim of the report: to combat the injustice, inequalities and insecurities we face today by focusing on the very foundation of societies with justice, upon which we can build the opportunities and institutions for decent work. Unfortunately, the development of workers' rights around the world has continued in taking a wrong turn. Rights have declined, and this trend increasingly affects long-established industrialized democracies. Today, a dramatic example of this development is my country, Finland. For decades, the Finnish welfare society has been built up through tripartite cooperation, by negotiations and agreements between employers, employees and the Government. Over the past year we have witnessed how the functioning Nordic model of consensus, agreements and negotiations, with the trust inherent in it, can be destroyed in a matter of months. In Finland, Prime Minister Petteri Orpo's right-wing government, which includes the most extreme right, has completely disregarded international human rights, including the fundamental principles guaranteed by the fundamental Conventions of the ILO, in implementing and preparing so-called reforms to Finnish labour law and workers' social security and protection. When quite recently pushing through legislation restricting the right to industrial action, the Government dismissed an intervention by the ILO. The Government also outrightly rejected the trade unions' request to further negotiations, which would have been warranted under Convention No. 144. In fact, the Finnish Government's actions fulfil the long-term goals of employers and represent significant reductions in the workers' job security and social protection. Furthermore, the Government has already implemented restrictions on the workers' right to strike in a manner that undermines the trade unions' ability to defend workers' rights. And furthermore, fundamental restrictions to the

collective bargaining and agreement systems are also being prepared at the moment. Workers' rights are not merely abstract concepts. They are essential for ensuring fair treatment, decent working conditions and the overall well-being of individuals and their families. Without strong protection, workers are left vulnerable to exploitation and injustice. It is crucial that we uphold the principles that have been established through years of struggle and negotiation. The ILO is needed more than ever, and the commitment of governments and social partners to its commonly agreed principles must be strengthened. It is crucial that all stakeholders have a shared ambition and capacity to defend and promote workers' rights and well-being. We must stand firm against any attempts to dismantle these rights and we must remember the values that underpin our societies: fairness, solidarity and respect for all individuals. These values should guide our actions and policies, ensuring that the progress we have made is not undone. To conclude, the Finnish trade unions point out the importance of tripartite cooperation and call on all stakeholders to reaffirm their commitment to these principles and work together to build a better future for all workers. We need to be more ambitious in building trust and functioning tripartite cooperation at the national level and at the global level to be able to reach the goal of decent work for all. Furthermore, we emphasize that fundamental principles and rights at work, guaranteed by ILO Conventions, Recommendations and the other instruments as universal human rights, are to be respected and enforced without any undue limitations. By promoting and protecting together human rights in the world of work, we also promote equality and justice and a new genuine social contract. Thank you.

Mr Percy Oyola Paloma

Worker (Colombia)

On behalf of the workers of Colombia, I wish to thank the Director-General for the report which calls us to renew a social contract in order to respond to the interesting thoughts in relation with the convoluted period of history that we are undergoing, and this now is also a threat to global governance. There are some problems that remain, such as fascism and neoliberalism that threaten the very existence of humanity and that seem to be drowning us in the frenzy of individualism. Solidarity seems to be losing ground and the problems that affect most of humanity, especially the poorest countries, are being forgotten. War, social polarization are not only threats, they are a sad reality which takes us away from our dreams to construct a different world. The protests and social fights are the only instrument that populations can use in order to demand change, social reforms and a new social contract that will allow us to be included in decision-making for decisions that affect us. That is the current debate that Colombia has been participating in since 2019. In this context, it is vital to respond to the invitation of the Director-General to think about the need for a new social contract. We understand that this is an urgent need which will allow us to strengthen democratic values, the respect for social justice and the improvement thereof. This will be able to lead us towards peace. A renewed social contract cannot only be words about how to exercise power. No, it needs to be accompanied by action that promotes the inclusion of all in society and it needs to be based on the fundamental aspects that the members of society live every day. The way of constructing an inclusive society that is based on solidarity is one that will require the eradication of poverty and the creation of decent work. These must be the two elements that guide us along our way. The persistence to achieve peace and the democratic principles are fundamental now in order to prevent social confrontations which will be unavoidable unless consensus is reached amongst

all. Children should not have to suffer from hunger, and they should have access to rights such as education and health. They must be sure that they can benefit from a fair society that is inclusive, and that is what the President of the Governing Body has also said. Men and women who work and produce wealth should have access to the benefits that allow them to have a decent life in which decent work is crucial. Now we must respond to this call. We must become aware of our responsibilities everywhere. History has placed us here, and we must pave the way towards social dialogue and ensure that it happens and that we may live in harmony. We must leave behind our individual considerations and stop greed. We must follow the paths that will lead us towards better democracy, inclusiveness, equity and more solidarity. And we must also focus on the fundamental values that have been defended by the ILO for over 100 years now. Thank you very much.

Mr Andy Ellul

Government (Malta)

Distinguished guests, it is an honour to be addressing the International Labour Conference once again. As a government, we are also proud to have informed the International Labour Organization that we will be participating in the ILO's Global Coalition for Social Justice. Most of the problems that we face today are of a global nature, and therefore the way forward is to tackle these issues on a global level rather than individually. When it comes to the International Labour Conference, I cannot but point out that this year's agenda contains various important topics, many of which we have been actively addressing in Malta over the past months. Chief among these is the discussion on the strategic objective of fundamental principles and rights at work. The world of work is constantly evolving, and workers' rights must evolve with it. Legislation must be updated continuously to ensure that these rights are both safeguarded and strengthened. Recently, the Maltese Government launched new legislation concerning the right of equal pay for work of equal value. This concept is not new. However, with the rise of outsourcing agencies, temping agencies and contractors, we encountered a scenario where employees performing the same job were paid differently since on paper they were employed by different employers. We already had legislation that employed equal pay in this regard, but this legislation was only to be applied in limited circumstances, making it the exception rather than the norm. To address this, the Government of Malta employed the tripartite model, consulting employers and trade unions to remedy the situation once and for all. I am pleased to report that both employer and workers' representatives have agreed with the Government's proposed legislation, and as a result, starting from January 2025, employees of outsourcing and temping agencies in Malta will be entitled to the same basic working and employment conditions as their counterparts employed directly by user undertakings. In other words, if a temporary agency worker's contract or collective agreement offers less favourable conditions than those enjoyed by comparable direct employees, the more favourable conditions will apply, resulting in a salary increase for the agency's workers. This reform follows another significant change: the licensing of employment agencies, which was introduced in November 2023. This reform requires temping and outsourcing agencies to obtain a new licence, have a competent person with specific qualifications or experience and also the issuance of a bank guarantee. Agencies without this licence will not be able to bring foreigners into Malta, and those who violate employment laws risk having their licence revoked. Should an agency be disbanded due to such issues, the bank guarantee will be forfeited and distributed among the agency's workers,

ensuring that employees do not bear the consequences of their employer's legal infractions. These are just two of the major reforms we have introduced in recent months, with more on the way. Decent work and strong rights for all employees are at the heart of the ILO's agenda, a priority shared by the Government of Malta, our trade unions and employers, as evidenced by our recent actions. In this ever-changing world, we cannot afford to be complacent. We must continue striving to address the emerging issues. Given that many of these challenges are global, what better instrument to tackle them head-on than the ILO? Together, collectively, we have the power to create a future where every worker, regardless of their circumstances, enjoys fair treatment and equal opportunities. Let us continue to uphold the values of the ILO and work collaboratively to build a world where dignity, respect and justice in the workplace are not just aspirations but realities for all. Thank you and wish you all a pleasant day ahead.

Ms Ewa Staworzynska

Employer (United States of America)

Excellencies and distinguished delegates, more than 100 years after the establishment of the ILO our joint commitment to social justice is as important as ever before. While countries around the world still face socio-economic challenges such as inequalities, lack of access of jobs and insufficient economic growth and development, it is important to recognize that progress has been made, including on global poverty rates, on forced labour and on child labour, and we have many reasons to be optimistic about the future. In order to ensure further progress and reach our joint commitment to a world of work free of decent work deficits and achieve SDG 8, allow us to share three reflections. First, new technologies, including artificial intelligence, have a potential to increase efficiencies, decrease tedious tasks, reduce OSH incidents and allow workers and businesses to spend more time on tasks where humans have a competitive advantage. Innovations driven by the private sector can generate job opportunities. New technologies have the potential to leapfrog development, including in the labour market, and we are encouraged by the opportunities ahead of us, if leveraged correctly and effectively. We call on governments to embrace technology and work with the private sector to optimize the positive impact on the world of work. Second, the DG's report states that "the global social contract increasingly requires that all businesses follow sustainable, environmental, social and governance practices". It is indeed true that there has been a recent increase in sustainability and due diligence legislation focused on companies. Allow me to underscore that American companies are well versed in conducting due diligence. These processes often include third parties and selected stakeholders, but it may not always be appropriate or relevant to engage trade unions in this regard. This depends on national requirements, national contacts as well as respect for privacy laws and competition laws. Further, we are not convinced on the need for a new standard pertaining to ESG and numerous other topics, as presented in the DG's report. In addition, while businesses certainly play a key role in global sustainability, it is important to underscore the foundational responsibility of governments. US employers believe that the ILO can have a transformational impact on decent work and on human rights if increased focus is put on capacity-development activities for Member States and the effective implementation of existing labour standards. As noted in the report, Member States need to be held accountable to the commitments that they have made. The ILO can help Member States put this accountability into practice through strengthening national institutions to implement and effectively apply ratified standards. Third, a top priority for US employers is to

ensure a conducive business environment at the country level. This starts by implementing policies that genuinely tackle root causes of today's most pressing challenges, namely informality, lack of good governance and a lack of rule of law. In addition to addressing these structural issues and fostering healthy democracies, Member States should promote entrepreneurship, reduce excessive bureaucracy and encourage investment. A conducive environment for businesses not only leads to job creation and innovation but it also fosters economic resilience. The COVID-19 pandemic was an excellent example of the importance of such resilience. The strength of our economies depends on the strength of our business environments. It may be a good opportunity for the Global Coalition for Social Justice to uplift best practices in this regard and share success stories from Member States. Before I conclude, allow me also to call on the ILO to ensure a strong role of social partners in the preparations of the Second World Summit for Social Development and during the negotiations of the political declaration as well. As mentioned at the outset, the ILO has over a century of experience of bringing together the voice of employers and of workers, and we hope the summit will be an opportunity to amplify this approach to social policies. US employers stand ready to do our part to ensure a successful outcome. I thank you.

Mr Teresa Rodrigues Dias

Government (Angola / on behalf of the Community of Portuguese-Speaking Countries)

Your Excellency President, members of the bureau, delegates, ladies and gentlemen, we have a declaration from the CPLP from Ministers of Labour. On the occasion of the International Labour Conference, the Ministers of Labour and of Social Affairs of the Community of Portuguese-Speaking Countries, the CPLP, meeting on the 11th of June of 2024 [vgr INAUDIBLE 183:29] the current declaration. Reaffirming the principles and the objectives of the CPLP set out in its constitutional declaration in June 1996. Setting out the commitment to strengthen the ties of solidarity and cooperation that join them and aiming for a wider dissemination of the Portuguese language and the benefit of their peoples. Welcoming the 2024-2030 strategic plan which will be a strategic orientation for the efforts of the cooperation carried out in labour and social affairs areas by the community by the end of the decade. Underlying the strategic objectives of the Constitution of the ILO of 1919 as amended by the amendments in 1944 and 2010 and in line with the principles of the Philadelphia Declaration and the Centenary Declaration on the Future of Work and recognizing the need to promote the forces of the social contract based on tripartite social dialogue, bearing in mind the strengthening of the Declaration on fundamental principles and rights at work of the ILO, as amended, which added a fifth objective of safe [vgr INAUDIBLE 185:04] at work and aiming to support the objectives of sustainable development. And eighth for a sustainable, inclusive development and decent jobs for all. Calls for recognition of the climate summit, which established a work programme calling for the first time for a just transition and a move to decent work and quality jobs in accordance with the priorities defined at a national level, in particular through dialogue [? 185:44], social protection and recognition of fundamental rights at work. Welcoming the convoking [? 185:50] by the Secretary-General of the United Nations of the Second World Summit for Social Development to be held in 2025. Also reaffirming the significance of supervision of the standards of the ILO being based on the best standards of transparency, objectivity, transparency and respect for the tripartite nature of the Organization. Reiterating also the principles and commitments expressed in the final declaration of the 15th meeting

of the community's Ministers of Labour and Social Affairs held in [vgr INAUDIBLE 186:27] in 2023 and the declaration of the first extraordinary meeting of Ministers for Social Affairs in April of 2024. Also welcoming the dialogue entered into between Angola and the ILO with a view to opening an office of the Office in the country. They decided, firstly, to declare their support for the [vgr INAUDIBLE 186:56] carried out by Angola and to promote the opening of an office in Angola for African countries of Portuguese language in Luanda. Reaffirm the strategic plan of the CPLP to cooperate on social affairs and work. Reiterate their commitment to the plan to fight against child labour 2021-2025 and also on [vgr INAUDIBLE 187:27]. Continuing to work to put into place the multilateral Convention on cooperation on social insurance. Continue our work for social justice and initiative aiming to promote social justice and decent work with a view to achieving our objectives as set out and confirming our commitment to cooperation between Portuguese-speaking countries to support the use of Portuguese in the work of the ILO, including in the most significant meetings. Thank you very much for listening.

Mr Dol Prasad Aryal

Government (Nepal)

Mr President, Excellencies, respected delegates, ladies and gentlemen. It is my profound honour to address the 112th Session of the International Labour Conference today. I bring with me the greetings and best wishes of Nepali people for the success of the Conference. At this conference, we are discussing a range of issues including the protection of workers against the effects of climate change and biological hazards at the workplace. Representing a nation that is at the forefront of the climate change impacts, I call on the global leaders to realize the urgency of reducing climate change impacts on people and the planet. I sincerely hope and believe that together we will recognize the gravity of this issue and reach a consensus on effective mitigating measures. As Nepal approaches six decades of affiliation with the ILO, I take this opportunity to reaffirm our unwavering commitment to promoting social justice. I thank the Member States of the ILO for recognizing Nepal's efforts and electing us to the Governing Body. As a nation, we resonate deeply with the call for a renewed social contract as a pathway to social justice. We understand the imperative of better integrating socio-economic policies that recognize the essence of diverse work relationships. Mr President, to complement this, the Ministry of Labour, Employment and Social Security has launched the flagship Shramadhan Project which encapsulates the essence of providing solutions to every labour-related problem. This project aspires to provide a comprehensive one-stop solution for the labour journey of every Nepali citizen. Another cornerstone of our efforts is the formalization of informal economic units and workers. Likewise, a tripartite consensus has been reached on the plan to ratify nine ILO Conventions in Nepal. We are currently focusing on ratifying Convention No. 87 on freedom of association, Convention No. 81 on labour inspection, and the 2014 Protocol to the Forced Labour Convention. Mr President, Nepal recognizes the importance of translating ratifications into the progressive implementation of international labour standards. We acknowledge the recommendation to seek technical assistance from the International Labour Office, as expressed in the Committee of Experts' report on the application of Conventions and Recommendations. Additionally, we are collaborating closely with the ILO, other UN agencies and the European Union on Convention No. 111 through the 'Empowered Women, Prosperous Nepal' programme. Mr President, Nepal has decided to join the Global Coalition for Social Justice. The Right Honourable President of Nepal, Mr Ram Chandra Paudel, is scheduled to address the inaugural forum of the Global Coalition for

Social Justice here in Geneva on 13 June 2024. Before I conclude, I warmly invite all concerned stakeholders to the Shramadhan Ministerial Conclave which Nepal plans to host by the end of 2024. I eagerly anticipate welcoming many of you to our beautiful country to discuss our progress and collaboratively create a road map toward achieving lasting peace through social justice. I believe that we can have very significant discussions on various labour issues including the impact of climate change when we meet in Nepal. Thank you for your kind attention. Namaste.

Mr Elsadiq Kodi Gabreldar Ali

Worker (Sudan)

In the name of God, the Merciful. Chair, ladies and gentlemen, I would like to express my welcome and bless all of you. First of all I would like to thank the ILO for its role, really primordial, when it comes to dealing with the questions of work and issues which impact workers. And I would like to thank the ILO for this extremely important conference which is, of course, dealing with questions which impact workers in every member country. And we welcome the Director-General's and the President of the Governing Body's report titled 'Towards a renewed social contract', and we insist upon the importance of achieving social justice in line with the Declaration of Philadelphia. It is important to guarantee fundamental rights at work as well as occupational safety and health. It is also important to ensure that tripartite dialogue continues between the tripartite constituents: the workers, the governments and the employers. And I am here today before you to speak to you about the suffering of the Sudanese people. They are famed for their generosity, for their happiness and their love for peace. These are a people who have suffered injustices and cruelty by rebel militia and armed groups. These militia have massacred civilians. They have raped women and they have used citizens as human shields. They have transformed hospitals and houses in battlefields and trenches. They have terrorized children, humiliated and threatened men. The Sudanese people have suffered unknown cruelty at the hands of these armed groups. The office of the Sudanese workers' union was destroyed. This was systematic, in fact. Systematic destruction by the rebel forces. In the same vein, they have destroyed the practical aspects of working and daily life. More than 850 factories have been destroyed and the workers have been displaced, notably into the private sector. More than 22,000 shop owners lost their capital. Now, these statistics simply are from the province of Khartoum, in fact. For the other provinces in the country these are also under the heel of those militia. We have seen price rises, resource scarcity after the war, so it is important in our view to ensure that an ILO committee can go to Sudan and understand the situation being experienced by workers in the country. Ladies and gentlemen, we are not here today to defend the Sudanese state. We are here before you as observers and as a representative of one of the constituents. The Sudanese Government, prior to and during the war, committed to fully respecting international Conventions and workers' rights in line with Convention 95. Now the item on the agenda, ladies and gentlemen, for protection against biological hazards. These dangers are increasing on a daily basis thanks to wars and climate change. This is why we must raise awareness amongst the population and teach them about biological hazards, encourage them to remain vigilant. When it comes to the spread of epidemics and other public health problems, we would also underscore the role here of some academic institutions such as universities carrying out biological research. Ladies and gentlemen, I hope that the recommendations and conclusions stemming from this conference will bear in mind the humanitarian situation, a real disaster currently in Sudan. We hope that you will be able

to bring significant support to Sudanese workers, and we also hope that you will stand with the Sudanese state so that it can enjoy its sovereignty once again and protect the Sudanese people against the attempts to impose demographic change and forced displacement. Thank you very much, President.

Mr Apostolos Xyrafis

International Association of Economic and Social Councils and Similar Institutions

Your Excellency, Mr July Moyo, Excellencies, ladies and gentlemen, these days we reflected on the shared achievements and contemplated the challenges that lie ahead in our quest for social justice, economic stability and growth. On behalf of AICESIS, the International Association of Economic and Social Councils and Similar Institutions, I extend my sincere appreciation to the ILO for its commitment to promoting decent work and social justice globally. I am proud to acknowledge that since November 2023 AICESIS has been under the esteemed presidency of Mr John Jacobs, President of the Economic and Social Council of Curaçao. I am also pleased to recognize the presence of a delegation from the ESC of Curaçao here today. Founded in 1999, AICESIS, the International Association of Economic and Social Councils and Similar Institutions, is a unique network of economic and social councils from over 70 countries. Our organization serves as a platform for dialogue, consultation and cooperation among social partners, governments and civil societies. Our mission is to foster an inclusive and sustainable development by enhancing the role of the economic and social councils as social dialogue consultative bodies at the national and international level when it is about policymaking processes. The purpose of AICESIS aligns with the objectives of the ILO. Both organizations share a deep-rooted commitment to advancing labour rights, promoting social dialogue and ensuring shared economic growth. AICESIS with the ILO are linked with a cooperation agreement since 2012. This agreement has facilitated a number of joint initiatives around the globe from capacity-building programmes to policy advocacy campaigns aiming at enhancing the capacity of national economic and social councils in shaping recommendations on labour, social and development policies. I am pleased to announce that this vital partnership that reinforces soft [? 203:47] policy multilateralism is up to be renewed later this year, reaffirming our mutual commitment to working together towards common goals. AICESIS immediately reacted to the call of the ILO initiative for social justice and became a proud member of the Global Coalition for Social Justice. It is a testament to our insistence to the principles of equity, fairness and inclusive development. Ladies and gentlemen, allow me insist on the following: the importance of institutionalized social dialogue as a cornerstone for democratic participation, facilitating good governance, social cohesion and economic resilience. In times of rapid technological advancements, demographic shifts and environmental challenges, the need for a robust social dialogue mechanism is more present than ever. I argue that economic and social councils, these social dialogue bodies play a critical role in mediating interest, fostering consensus and ensuring that the voices of all stakeholders are heard in the policymaking process. In this continuous endeavour and exercise of building common ground, empirical evidence has shown this positive impact of social dialogue on economic and social performances. However, social dialogue is a difficult sport. The journey towards inclusive and sustainable development is fraught with challenges: persistent inequalities, labour market informalities, gender disparities and the changing nature of work, demographic imbalances, demand innovative solutions. And our strong will to move together, in this sense you may count on us with our humble forces. We are dedicated to contribute in addressing these challenges

through advocacy, knowledge sharing and technical assistance with our members from around the world. All in all, honourable President, esteemed minister, July Moyo, allow me to say that only together we have the power build a more just, more equitable and prosperous world. I thank you very much.

Mr Charalambos Kyritsis

World Federation of Trade Unions

Ladies and gentlemen, dear colleagues, as we are giving our speeches, the genocide of the Palestinians in Gaza by the murderous Israeli state continues unabated, with the support or tolerance of the United States, European Union and their allies. We, on behalf of 110 million members all over the world, we demand immediate ceasefire, justice and freedom for Palestine through the creation of an independent Palestinian State on the 1967 borders, with East Jerusalem as its capital. The struggle for peace for us has specific content. It opposes imperialistic wars and supports the right of every people to choose their own path without interventions, sanctions, blockades and economic wars. We are living in a period where the crisis of capitalism is generalized and deepening. Social inequalities, exploitation and poverty are dramatically widening. The high cost of living is brutally undermining the living standards of workers and pensioners. Individual contracts, privatizations, outsourcing, teleworking and service leasing are just some of the methods being used to deregulate labour and intensify exploitation. The right to organize and engage in collective bargaining, as well as the sacred right to strike, is under attack. Workers and pensioners do not passively accept this reality. They resist neoliberal capitalist and anti-worker attacks. They demand the satisfaction of their contemporary needs. They realize that only through struggles can their lives change. Unfortunately, the harsh daily reality of workers is far from the pleasant slogans that abound in ILO Declarations. This year, a new grandiose terminology has been introduced in the Director-General's report, another slogan in luxurious packaging: the new social contract. What the workers need are measures, rights, not slogans, protection of trade union freedoms and ensuring permanent and stable employment regulated by collective agreements to meet their contemporary needs. Colleagues, ladies and gentlemen, this year, as we all know, is an election year for the ILO. But are these elections truly democratic? Do they ensure even minimal representativeness and pluralism? No. Absolutely no. It is clear that the representation of workers is systematically monopolized, and the opinions of hundreds of millions of workers represented by the WFTU and other international organizations are marginalized and ignored. Of course, this monopolization of the workers' representation is not maintained by chance. It suits the ruling circles. It is convenient for them to have workers represented by unions that have long abandoned class struggle and do not challenge their omnipotence. It suits them also to maintain the practice of double standards, targeting countries like Cuba, Belarus, Syria and many others for not aligning with their geopolitical plans, while they coddle Israel and obscure their own anti-worker practices. The WFTU will not stop fighting and demanding a genuinely representative and pluralistic ILO with democratic and participatory functioning, as dictated by its role and the reasons for its creation. Ladies and gentlemen, dear colleagues, representatives of workers, the weapon of the workers all over the world is solidarity and internationalism. The World Federation of Trade Unions will continue to fight for a world without wars and imperialistic interventions, without exploitation and discrimination, where work will be permanent and stable, regulated and safe. Thank you very much.

Mr Kirill Buketov

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations

The IUF is a global union federation representing millions of workers in the food, agriculture and hospitality sectors. We welcome the Director-General's report, 'Towards a renewed social contract'. It opens with the statement that social justice remains an imperative and an essential condition for universal and lasting peace, and we believe that Myanmar should be one of the countries of ILO focus in this regard. It is where people are striving and fighting for justice and peace under a military dictatorship. Since the coup in February 2021, the IUF, along with the global trade union federations and the ITUC, have supported the workers in Myanmar by campaigning for the restoration of democracy and recognition of the National Unity Government, NUG, including its participation in the ILC. Unfortunately, the NUG is still not recognized within the UN system and the delegation is not accredited at this conference. The IUF is therefore proud to deliver this speech on behalf of the NUG. The National Unity Government was born from the will of the people, through elected Members of Parliament and representatives of diverse ethnic groups. It embodies this very aspiration. It is the authentic voice of Myanmar's workers, employers and civil society which yearn for democracy that enshrines their fundamental rights, including the right to speak freely, assemble peacefully and work with dignity. The military junta remains a tyrant, clinging to power through fear. Daily atrocities include violations of fundamental labour and human rights, torture and the destruction of homes, villages, hospitals and religious buildings through bombings. Union leaders face arrest warrants, unjust imprisonment on fabricated charges and restrictions on foreign travel. Recent actions, such as the forced conscription law and ban on male citizens working abroad, clearly demonstrate the suppression of basic labour rights and freedom of work. The military junta is collecting data on young people, harassing them about their movements and conducting forced recruitment raids in homes and villages. The junta's crackdown is not limited to young people and employers. Financial services entrepreneurs, bankers and even the President of the Oil Industry Association have been arrested on accusations of manipulating the foreign exchange rate and inflating prices. Four foreign palm oil entrepreneurs also faced arrest. This climate of fear extends to workplaces, where the true number of labour rights violations is likely much higher than the 212 local and 357 foreign cases documented by the National Unity Government's Ministry of Labour since the 2021 coup. These figures highlight the junta's disregard for the ILO's Independent Investigative Mechanism for Myanmar which called to end all violations by October 1, 2023. Despite the immense challenges, the NUG and its Ministry of Labour remains unwavering in its commitment to upholding labour rights. But only by dismantling this oppressive regime can the NUG truly protect the rights of its citizens and build a future the people of Myanmar deserve. The findings of the ILO's Commission of Inquiry and its recommendations need urgent action. The people of Myanmar cannot wait. The violence against them continues to escalate. The recent UN resolution extending the Special Rapporteur's mandate and the international call to action highlight the urgency of a unified response. The IUF calls on all ILO members, governments, employers, trade unions, to recognize the gravity of the situation and support immediate action at this very conference. Just like in the year 2000, invoking article 33 will send a powerful message of support to the people of Myanmar. The time for decisive action is now and we would like to urge the ILO and its Member States to deepen collaboration with the NUG; support the democratic movement and the people of Myanmar in their fight for

freedom; recognize the National Unity Government without further delay and ensure the NUG is accredited for the 113th Session of the ILC; hold the junta accountable; demand an end to forced conscription, the human rights abuses and the suppression of democracy; use all ILO mechanisms, particularly article 33 of the ILO Constitution, to ensure compliance with international labour standards. The NUG stands ready to collaborate with the ILO and its Member States in building a federal, democratic Myanmar that respects and upholds the dignity of all its citizens. The IUF and global unions support this call. Thank you.

Mr Bachir Hakem

Trade Union International of Pensioners and Retired Persons

President, Director, ladies and gentlemen, dear brothers and sisters. I will introduce myself to you. As the secretary of the Trade Union International of Pensioners and Retired Persons of the World Federation of Trade Unions, the only international union organization of pensioners and retired people in the world, I will start my brief remarks by strongly condemning the genocide and the crimes of war and against humanity perpetrated by the Zionist entity. And I would point out that in the opening speech of this 112th International Labour Conference this genocide was unacceptably referred to as a conflict. The members of the Trade Union International of Pensioners and Retired Persons, who fight for peace in the world, express their solidarity towards all the peoples of the world with a view to ending this genocide and condemning the authors of these barbarous acts and terrorist acts, as also those, especially the United States and the European Union and the United Kingdom, who continue to arm the Zionist entity. At the moment more than 30% of voters at a world level are pensioners and retired people. Despite that reality, our words are often ignored and our preoccupations neglected. Our organization continues to develop, as is demonstrated by our recent third congress which took place in Athens in Greece from the 14th to the 18th of April of this year. This growth has happened despite the attacks against our union by certain consulates which denied visas to more than 35% of the participants in that congress. At the moment we can see a reduction in union rights as a result of new reforms placed by pro-capitalist governments in contravention of the Conventions that they have signed with the ILO, reforms against which the unions of the ITUC are not fighting. We are here at this International Labour Conference with the objective of reminding all the Member States of their obligations and of denouncing these violations by them and by employers. We call on the Government of Peru, in particular its Minister for Labour and Promotion of Employment, to respect Convention 102 of the ILO and to oblige the employers and the Government to make their contribution to the national pensions office and to provide for a generous increase in pensions. At the moment, pensioners and retired people are faced with serious difficulties as a result of a loss of purchasing power and an increase in prices of all products, in particular the price of medicines which vary from one country to another. Thus, our union carried out a survey in all of the countries of the world. Our confederation carried out this survey in all the countries of the world to look at which medicines were most used and to compare their prices across the world and to denounce the practice of the pharmaceutical multinationals. The same medicine can cost ten times more in one country than another. Unfortunately, the right to organize and the right to strike is often not respected, and the pensioners see their rights also denied because they have different needs from those of employers. The right to organize in particular is often denied in many countries. Our presence is crucial to assure the freedom of retired people to organize unions, as

also unemployed people and students to organize around the world, and we call on the ILO to help us to defend that law. The Trade Union International of Pensioners of the WFTU associates itself to the call for a life in dignity for all retired people in the world, in particular union rights and freedoms, the right of pensioners and of retired people, as all workers, to create their own unions to defend themselves; the regrouping, consolidation of public pension funds rather than their privatization; the reinstatement of 60 years as the pensionable age; retirement pensions equal to the best salary earned; an end to discrimination against women; totally free health treatment and medicines; the denunciation of the multinational pharmaceutical companies. These demands across the whole of the world demonstrate the significance of the international recognition of unions of retired people. These demands are going to be at the centre of the ninth World Day for the struggle for the rights of retired people which our organization has convoked for the 1st of October, as each year. Long live the fight of retired people for a life in dignity. Long live the World Federation of Trade Unions. Long live the Palestinian people. And in my country we say [foreign 225:26]. Oppressed or oppressor, we are with the Palestinian people.

Mr Michel Celi Vegas

Exchange and Cooperation Centre for Latin America

Ladies and gentlemen, representatives, on behalf of the Exchange and Cooperation Centre for Latin America, an international organization with a consultative status at ECOSOC, UNCTAD and WIPO, I greet you and I congratulate the President of this assembly. Now, the Director-General's report, 'Towards a renewed social contract', considers the circumstances, with the assistance of the ILO, of how we can move towards more just societies and better opportunities for decent work. And this conference is the best opportunity for us to propose alternatives in 2025, which will be the year for social development under the auspices of the UN. That social contract involves enormous collective responsibility, both at institutional level and in government policy, as stated in the Philadelphia Declaration which states that all human beings, regardless of their race, creed or origin have the right to develop their material wealth as well as their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. Ladies and gentlemen, what does that mean? Well, it means adopting policies, it means adopting institutions, it means ensuring that labour is not a commodity, and it means maintaining tripartism and social dialogue. But what would that social contract involve? Firstly, respect for human rights, ensuring that there is no child labour, forced labour, and that we end the illegal income from groups in power. This needs to disappear for us to reduce poverty. Secondly, governance must be efficient and inclusive, as stated in the ILO's declaration on fundamental principles and rights at work from 1998 and its revised version in 2022. That was the beginning of the renewed social contract built upon tripartite social dialogue in the ILO. Thirdly, that social contract should incorporate an environmental element and the fair transition, as agreed at the Paris conference on climate change in 2023. We should adopt ways to transition work and to ensure that we can create decent jobs. Fourthly, that social contract should ensure that we better share the fruits of progress. Indeed, the benefits of productivity should be objectives and we should build upon that equal redistribution between the production factors. Fifthly, that social contract should guarantee adequate social protection for workers, preserving dignity which all people enjoy, as stated in the ILO Centenary Declaration. Sixth, that social contract must promote democracy both in workers' and employers' organizations to bolster the adoption of democratic measures

to protect workers, promoting decent work and establishing a safe working environment. Let us remember that every year nearly three million workers die from diseases and workplace accidents, which represents a more than 5% increase compared with 2015. Seventh, that social contract needs to ensure that there is access to social services with a social security system which can overcome any challenges through a worker's life. And then, finally, it should bear in mind rules for a transforming world and transforming worlds of work. Representatives, that new social contract should overcome the challenges of technology, forced migration and conflicts, climate change, artificial intelligence, inter alia, and the regulations established in international conventions, national laws, social contracts. And these principles which were forged over many years through tripartism and through the ILO must continue. What is lacking now is the political will to overcome the problems linked to globalization. In an interdependent society with fragile institutions and fragmented political classes, the intervention of NGOs can be a catalyst to ensure that those acquired rights that workers enjoy can be preserved and can be driven forward within that new construction of the social contract. Thank you very much.

Mr Arezki Mezhoud

Organization of African Trade Union Unity

Mr President, members of the bureau, ladies and gentlemen, on this honourable occasion I have the pleasure of greeting all the distinguished participants and those who are following the work of this session at a distance. I must also congratulate the members who have been elected to lead the work of this session, the President of the Conference and his vice-presidents. I would also like to congratulate on the election to the Governing Body for the following mandate, and I wish them every success. This session is being held in a difficult, sensitive and complicated situation. The world has come out of a health crisis which had a great effect on the world economy and had a lot of painful effects, and the world is now faced with other challenges which have to be addressed. I can find many relevant points in your report, Mr Director-General, and they are a reason for me to congratulate you on the work that you have done, the laudable efforts that you have done to strengthen the role of this organization which you are leading with effectiveness and far-sightedness. You pointed to the factor which is the origin of all of the troubles of the human community. That is the question of social justice, which remains a moral aspiration of all of those who are faced with the consequence of a lack of it on a day-by-day basis, and it is a requirement for a world of peace and prosperity for everyone. Against that background, the Organization of African Trade Union Unity has joined the Global Coalition for Social Justice. This is because it is a platform which will no doubt contribute to the realization of the 2030 Sustainable Development Goals and the aspirations of the 2063 development agenda of the African Union. Our continent at the moment is faced with huge challenges which are getting in the way of the development and the transformation of Africa. Conflicts, insecurity, climate change, governance deficits, the transformation of the nature of employment, political instability and geopolitical tensions are factors which get in the way of the voices of inclusive and just development. The persistence of this situation will only create more poverty, more social inequality, more of a deficit of decent work and more despair, which will lead young Africans to go into the unknown at the peril of their lives with the hope of getting a better life somewhere else. In an unequal, unbalanced world based on hegemony and domination of the strongest, the situation becomes even more complicated for developing countries and shows their vulnerability. That is why we need

a multi-polar world which is based on mutual respect where cooperation will be a win-win situation only based on peace and respect. Nothing is inevitable. Change is possible. With a global vision defined by the principle players in society and in an environment of democracy and respect for rights, with non-interference, the respect for the sovereignty of peoples and of their states, the path towards Africa, the Africa of which we dream, is going to be possible. At the heart of the problem is economic development based on human beings, and the guarantee of rights remains the only way of assuring social emancipation for African workers and the eradication of all the phenomena that condemn them to poverty and social disadvantage. With its tripartite nature, the ILO can have an important part to play in the realization of a world as set out in its constitution and the Declaration of Philadelphia. The rise of extremisms, transformation of employment, the liberal offensive against acquired fundamental rights, the proliferation of areas of tension in Africa and in the Middle East is a serious concern for the future given their impact on peace and the situation of workers who often pay the very highest price. Finally, I cannot conclude without renewing our statement of the solidarity of African workers with the people of Gaza, the workers and the Palestinian people attacked by a genocide plan. We call for the immediate ceasefire and the stop of the massacres. They join their voices to all of those across the world who support the Palestinian people in their fight for an independent, sovereign State. Our support also goes to our brothers and sisters in Sudan, in Libya and all those affected by conflicts and insecurity in the African continent. I wish every success to our conference. Thank you to everyone.

Mr Fabian Jose Caballero Vergara

Latin American Union of Municipal Workers

The Latin American Union of Municipal Workers, ULATMun, celebrates 30 years now, promoting regional cooperation of municipal workers, working together for common goals and considering how we can help the union movement at the municipal level in each of our countries. For years we have said that labour rights and municipal services are completely compatible issues and that together they can guarantee universal access for all citizens to all state services and ensure that those services meet the needs of municipalities and local authorities. It is our view that our union movement can contribute to fairer societies that are more democratic and integrated and avoiding privatization or the tendering out of local services. Now, we see when we look across Latin America and the Caribbean it is the case for everyone that the union movements do not enjoy the place that they deserve when it comes to overcoming social problems. It is certain that the municipal structures in our societies do not have the strategic importance when it comes to the direct services which they give to our peoples. They should be first-level institutions for local development. They have a direct link to the population and they are always left to one side in state structures without effective financing or a proper strategy. More generally, they lack economic resources, infrastructure and the ability to absorb and resolve population demands. They are under pressure from the inability of the neoliberal economic system to resolve poverty and marginalization as well as underdevelopment in our societies, and this is made worse by immigration and population concentration in large cities. Faced with this situation, municipals and municipal workers do not enjoy decent work or decent conditions. This problem also impacts union organizations from the point of view of them trying to find improvements and solutions. Often there is no legal body to promote, guarantee or even establish the right to collective bargaining or strikes at the municipal level, as in

Chile, which only makes it more difficult for municipal workers to acquire labour rights when they are faced with inflation, political crises or economic ones, in Argentina, for example. And those political situations push the costs onto workers. The corruption of those that lead municipalities, wealth concentration, poverty, the lack of services and rights, the lack of organizational legal political certainty, these are realities which are striking municipal authorities and creating enormous social inequality in our countries. When we come to social security, in Chile for example, the municipalities currently owe \$500 million in social contributions. They have not paid social credits from compensation offices to the tune of \$3 million. Both cases are questions of embezzlement by our municipalities. And this is made worse only by provisional reform from the current Chilean Government which does not consider legislative changes to solve those practices. Now it is clear that any economic and social struggle, and any struggle of the workers more generally and at the municipal level more specifically, would benefit all of our population. But there are important asymmetries in municipal structures, models and financing, economic and labour rights and democratic and political guarantees. We need to deal with this with solidarity and in a singular manner with our own plans. We need to widen the unions' struggle to localize national budgets to ensure that the municipality is the first-level structure and they are financed in a strategic manner to overcome the political leaks that there are at our local level. And in the same line, we need to spread the idea that municipals can indeed govern democracy and our workers can build new municipalities and new structures. We need independent financing from central governments and we need to give power to communities. What we need is a new model of labour relations which guarantees, promotes and protects municipal workers' rights using the ILO Conventions as a foundation. And this is how we will present our vision and proposal to maintain and protect all of the rights that we should enjoy and thank them for the contribution that those workers give to our peoples. Latin America and the Caribbean, of course it is different in every country on the continent, but there are similarities for workers at the municipal level. We have a continental common project. We need entrepreneurs, governments and parties to be involved. But right now they do not bear in mind the interests of workers. They simply push us to one side. We have a continental integration project which stems from our own hopes and aspirations and it fights privatization and wealth concentration. Ladies and gentlemen, there will be no better society without a better state, and there can be no better state, ladies and gentlemen, without better municipalities. Thank you very much.

Mr July Moyo

Government Vice-President (Zimbabwe)

Thank you very much. That concludes our list of speakers for this sitting. I thank you all for your contributions to this afternoon's proceedings. The sitting is now closed.

► Wednesday, 12 June 2024

Mr Alexei Buzu

President (Republic of Moldova)

Distinguished delegates, good morning. It is my great pleasure to declare open the 14th sitting of the 112th Session of the International Labour Conference. Both our morning and afternoon sittings today will be devoted to the general discussion on the reports of the Chairperson of the Governing Body and of the Director-General. We will conduct our proceeding by following the list of speakers displayed in the room. At this stage I would like to remind you that today, over the lunchtime, the Conference will commemorate the World Day Against Child Labour. The event will take place from 1.30 to 2.45 pm in Room 20. This year's event will be held under the slogan 'Let's act on our commitments: End Child Labour!'. Today's celebration will mark 25 years since the adoption of the Worst Forms of Child Labour Convention from 1999, No. 182 as well as provide an opportunity for the tripartite constituents to discuss advances and challenges in relation to the elimination of child labour. I encourage you all to attend, please. Before we begin our proceedings, I would like to remind you that, according to the arrangements approved at our opening sittings with regards to modalities for the special sitting on the situation of the workers of the occupied Arab territories, the appendix to the Director-General's report on this topic was discussed at a special sitting on 6th of June. I therefore encourage you to please focus your interventions on Reports 1(A), 1(B) and 1(C). Thank you. Likewise, I would like to recall the principles governing this discussion which the Conference President referred to yesterday afternoon. Firstly, on the use of parliamentary language, I wish to call on all those who will speak in the plenary to do so with both the openness and dignity that are appropriate to this highest international body in the realm of social and labour-related matters. Freedom of expression is a vital feature of the International Labour Organization. To exercise this freedom in a spirit of mutual respect, it is essential that all delegates respect the accepted procedure, use parliamentary language, refer only to the items under discussion and avoid raising any questions foreign to these matters. The respect of this principle is necessary if we want our work to be effective and successful. Secondly, on the plenary starting times, there is a firm agreement on the part of the officers to begin sittings strictly on time. Only in this manner will we manage to complete the debates within the time scheduled. I am counting on you to make this possible. Thirdly, I must refer to the length of the plenary speeches. As you may already know, the duration of speeches is limited by the standing orders of the Conference to five minutes. Five minutes. This time limit will be strictly applied. It is therefore strongly recommended that delegates reduce courtesies to a minimum. Timekeeping is a collective responsibility. For the sake of transparency, a countdown clock will be on display on the screen for all interventions, so please follow it. I would like also to address points of order and rights of reply. Delegates who wish to raise a point of order or to exercise the right to reply in the plenary do not need to interrupt the proceedings. Instead, they should simply raise their flag. A member of the staff will then approach them in the room and attend to their request. In the case of a right of reply, I ask that you clearly inform that member of the staff the intervention in respect to which the right of reply is sought. Please be reminded that the right of reply should refer only to the matter in question. It should not exceed two minutes and it should be delivered in respectful parliamentary language. It is not the practice of our organization to allow the right to reply to a reply.

Lastly, I would ask you all to please keep the noise to a minimum. If you need to take a phone call, please take it outside. Let us show courtesy to all the speakers today. Without further ado, let us begin with our speakers list for this sitting, and the first speaker is Mr Laguesma, Secretary of Labour and Employment of the Philippines. Please.

Mr Bienvenido Laguesma

Government (Philippines)

[German audio only]

Mr Jesús Gallego García

Worker (Spain)

[German audio until 12:54] ... affecting democracy itself, whose institutions are distorted or emptied of content as they are captured by the interests of business of the minority in society. At the same time, the worst kind of retrograded and politics lacking in solidarity is advancing giant steps across the world. In Spain, for example, in the region of Castile and León, the regional government, a coalition of the right and the ultra-right is continually attacking the mechanism of social dialogue that cost decades to develop, not respecting agreements on social dialogue, and is getting rid of mechanisms for extrajudicial arbitration and is worsening its participation in institutions, setting out obstacles to fundamental constitutional rights, a situation that is defined by the ILO as a grave violation of social dialogue and by the Director-General as worrying and serious. Faced with this model at an international level, we have many examples of how social dialogue is improving the situation, creating riches and enforcing democracy. But even in this house, in the ILO, powerful business sectors and government sectors align with them and try to impose their interests at the cost of common good, social dialogue and true negotiation and real democracy. For more than a decade now we have seen an increase in the difficulty in making progress in standards and in the monitoring of standards. Unfortunately, there are business sectors and governments that make it more and more difficult for the soul of the ILO to function year on year. We can see that even with the objection to fundamental rights, including the right to strike which has been established for decades as part of the inalienable rights of workers. The ILO, however, continues to demonstrate the importance of its work. Fundamental parts of its agenda, such as the fight against violence and harassment, the transition, the recognition of labour, care or work in platforms, are part of the discussions on a new social contract. We will not allow this agenda to be emptied of content for those who want to protect the privileges of a minority. Given that, given the main threat that we see in the world is the advance of antidemocratic and antisocial forces, it is fundamentally important to defend the ILO as a bulwark of the social contract, structured on the base of dialogue and tripartism. Ladies and gentlemen, the guarantee of a world without war is an essential precondition for any social dialogue, and social justice is a guarantee for a world in peace. War, any war, is paid for essentially by the working class. I would like particularly to mention the genocide which is being perpetrated in Palestine, whose people are a victim of a brutal, indiscriminate and illegal repression on the part of the ultra-conservative government of Israel. This response is a planned and systematic violation of human rights and has to be investigated and judged in the appropriate forum. The workers of Spain call for an immediate ceasefire and permanent ceasefire in this and in all other conflicts in the world. Strengthening the

true tripartite dialogue in the ILO and other multilateral ambits is a fundamental task to construct a new social contract based on the pillars of peace, democracy, social justice, non-discrimination and environmental sustainability, which have to become a reality. Thank you.

Ms Simona Bucura-Oprescu

Government (Romania)

It is an honour to take the floor before this 112th Session of the ILO Conference. Mr President, I congratulate you on this very important post and wish you all the best for your mandate. I would like to express my best wishes to the Director-General and his whole team of the ILO and congratulate them for having prepared a very full report and organizing this conference. The social contract introduces a democracy. It is a recognition of the mutual responsibilities within that. I hope that, on the basis of our common values regarding human rights, the fundamental rights of state of law, we will find a common path towards a solid social contract. In an era of globalization and rapid technological transformation, the requirement to ensure social justice and decent work for all workers in all countries means that they extend beyond national frontiers, and the International Labour Organization and its standards stand as the basis of a global social contract. The ILO and its decision-making process underlines the need for global governance which is able to defend and promote international respect and agreement for regulations which are extremely important, including the international labour standards. To face the challenges we currently face, including war and other violence which is a challenge to the protection of human rights, also the protection of biodiversity and the challenges that we face due to climate change, these accentuate the pressures on governments which are already enormous and make it difficult for governments to find the right balance between social inclusion, economic prosperity and sustainability at an environmental level. In order to help take up these challenges, a new social contract needs to be based on the principle of sustainable development, and the Government of Romania commits to ensuring equality of opportunity and access to services for all citizens to ensure ecological and digital transition through our policies, ensuring a sustainable economy and creating new jobs ensuring economic prosperity, raising the standard of living and also raising social inclusion. We also need to create a working environment which is secure, inclusive, which excludes harassment and discrimination, which ensures inclusion and diversity, giving equality of opportunity and clear policies and practices to avoid discrimination and harassment. This is not an easy commitment, but the social partners play a key role here, especially the local competent authorities. I would also like to take this opportunity to express my support to the initiative of Spain proposing that the objectives of the 2025 Summit should include the adoption of an international charter on the rights of labour, including the basis established on the protection of the rights of workers already and taking into account the changing challenges of the digital and environmental transition. And not only to continue international cooperation and respecting existing international labour standards but also to share good practices and public policies which have proven to be effective in facing these unprecedented changes, particularly the digital changes in the world of work. And thank you very much to all colleagues and to you, Mr President.

Mr Sour Heng

Government (Cambodia)

Excellency President, Excellency Director-General of the ILO and Secretary-General of the Conference, distinguished delegates, ladies and gentlemen. First and foremost, on behalf of the Cambodian delegation, I would like to offer my heartfelt congratulations to Your Excellency President on your appointment. I also would like to take this opportunity to convey our profound gratitude to the ILO for its significant contribution to the socio-economic development of all Member States, including Cambodia's. The innovative programmes and initiatives of the ILO aimed at achieving the Decent Work Agenda have been instrumental in our progress. Your Excellency President, as highlighted in the report of the ILO Director-General, 'Towards a renewed social contract', we are currently facing significant pressures due to various transformative factors such as climate change, technological advancements and socio-economic inequality. Addressing these challenges requires our concerted efforts to establish a renewed social contract. Therefore, my delegation highly commends this insightful report, which advocates for a comprehensive approach to social justice, encompassing the fight against poverty, reduction of social exclusion and assurance of productive employment while promoting a heightened awareness of social responsibilities. Cambodia has strongly promoted the social contract. We are proud to be one of the 15 pathfinder countries in the Global Accelerator on Jobs and Social Protection for Just Transitions. Cambodia has successfully implemented the Rectangular Strategy over five phases, achieving peace, prosperity and social stability. Building on this success, the new government is now implementing the Pentagonal Strategy-Phase 1, focusing on resilient economic growth, job creation, poverty reduction, governance enhancement, public institution, quality and sustainable socio-economic development and climate resilience. In line with this strategy, the Ministry of Labour and Vocational Training has developed the Strategic Development Plan for Labour, Social Security and Vocational Training for 2024-2028, aiming to boost skills and enhance the productivity of the workforce through a flexible training pathway; increase coverage of social security to the self-employed and their dependents, aiming to achieve universal health coverage; ensure the compliance of labour standards, working conditions, freedom of association and workers' rights; enhance the labour dispute conciliation mechanism and efficiency; improve the well-being of workers; protect the rights of migrant workers and provide active labour market policies. On gender and human capital development, the Government offers a cash allowance programme to support pregnant workers and will soon establish community baby care centres and kindergartens close to the factories and worker residential areas. The Government also launched the 1.5 million TVET training programme for youth from the poor and at-risk households and the workers who want to upskill and reskill themselves so they can remain relevant to the labour market and maintain their employability. To promote the culture of compliance and corporate social responsibility, the One Enterprise, One Harmonious Community award has also been launched and the winner will be awarded on International Labour Day, starting from next year. Your Excellency President, Cambodia's key achievements highlight its strong commitment to social justice and decent work, crucial for establishing a sustainable social contract. This dedication is evident through tripartite mechanisms, social dialogue and continuous efforts to address challenges, ensuring equal access to education, employment and healthcare. Collaboration with international communities and stakeholders, especially the ILO, has been vital in implementing programmes like the Decent Work Country Programme, Better Factories Cambodia and

Decent Employment for Youth which are significantly promoting decent work for all. In conclusion, Cambodia reaffirms our commitment to collaborate with social partners and the ILO in reinforcing the principles of tripartism, social dialogue and a human-centred approach to achieve our shared goal and vision of renewing the social contract, as articulated in the Director-General's report. Thank you for your attention.

Mr David Joyce

Worker (Ireland)

Mr President, distinguished delegates, on behalf of the workers of Ireland, I very much welcome this year's DG report on renewing the social contract. As the report notes, in the face of rising geopolitical instability, waning trust in governance and deepening social inequalities, the concept of the social contract has never been more critical and needs to be renewed to ensure social justice and solidarity. A social contract represents the collective responsibilities and agreements between individuals, institutions and ensuring mutual benefits and societal stability, aligning with the principles of freedom, dignity, economic security and equality. Following the recent European elections, the European Trade Union Confederation has stated that social contracts are under immense pressure and it is clear that business as usual cannot continue. Europe needs to urgently resolve the economic and social insecurity that lies behind growing anger and fear in our society. The EU must urgently press forward on a European project of hope that delivers security and safety to workers and double down on an EU that fights poverty and creates quality jobs. We strongly support the ILO tools for such renewal, reaffirming tripartism, social dialogue and collective bargaining as key drivers for negotiating the terms of social and environmental just transition towards lasting peace and a sustainable planet, and economic and social policies that promote decent work and social justice. The upcoming Second World Summit for Social Development next year also presents a significant opportunity to discuss and implement a renewed social contract on a global scale. In Ireland we have many challenges in terms of renewing our social contract. Recent modest labour market reforms have led to Government approving a business support package that seeks to undo multi-year commitments to improve wage floors and income protection. This cannot be justified in a booming economy, and if pursued, will leave the lowest-paid, sick, migrant and retired workers paying the price for government bowing to business lobbyists. Hundreds of thousands of workers continue to have their right to collective bargaining denied. The EU's adequate minimum wage directive will require Ireland to promote collective bargaining and facilitate the right to exercise collective bargaining. We are one of only two EU countries that does not protect employee representatives from being discriminated against for their trade union activity, and there are multiple workplaces across our island where trade union representatives are banned from organizing. We want to see the directive effectively transposed as a priority to ensure all workers can enjoy full rights and legal protections and to remove any barriers that exist around joining a trade union. As the President of Ireland recently stated, history tells us that the best outcomes for workers, their defence and their prospects, continue to be best achieved by being a trade union member, and we agree that every worker is better in a trade union. Finally, to a place where any semblance of a social contract has been completely discarded. The Director-General's report to the upcoming Governing Body confirms that Myanmar has not made any demonstrable progress on the Commission of Inquiry's recommendations concerning ILO Conventions 87 on freedom of association and 29 on forced labour. He has introduced a range of ILO measures,

including article 33, to secure Myanmar's compliance within one year. It is time for article 33 to be applied in this case and we urge all sides of this house to support such a measure at the 2025 ILC. We reiterate our demand that the military authorities immediately release all imprisoned trade unionists and return the country to democracy and urge all Irish business to divest from any business links in Myanmar. Thank you.

Mr Kamel Maddouri

Government (Tunisia)

In the name of God, the Merciful, the Compassionate. President of the ILC, Director-General of the ILO, ladies and gentlemen, I would like at the outset to express to you the privilege I feel to participate in the ILC that represents a forum of dialogue and deliberation between the three parties around common concerns in the world of work. Ladies and gentlemen, the ILO Director-General has confirmed, through his report under the title 'Towards a renewed social contract', the importance of the challenges that are facing the field of work as well as the new technological innovations, the democratic transformations, the transitions and so on. In addition also to the digital transition as well as the future opportunities and in order also to gather all these issues to cover and put an end to poverty. Ladies and gentlemen, this requires a new social contract where all the efforts of the three parties are being consolidated, with the governments, the employers as well as the workers, in order to renew the social contract, to determine the new needs of decent work and in order to guarantee the equality of opportunities as well as the reinforcement of the culture of social dialogue. Ladies and gentlemen, the Director-General of the Organization has shown that social justice is an ongoing process and it is not an objective in itself. It is actually around the human being and it should be also around the main pillars in order to guarantee a new social contract. It is the main pillar for all the social and national policies in order to guarantee equal opportunities to put an end to the social disparities. Ladies and gentlemen, social justice is a global human value that helps mankind put an end to poverty, exploitation and discrimination. This was amongst the pillars of the Tunisian revolution in our country in order to have it as a priority, not only in terms of practice but also in terms of legislation. This is why His Excellency the President of the Republic called for a legislative revolution in order to achieve this lofty goal. And in this framework we would like to insist on social justice that is consecrating all the main pillars of social justice and in order to have this coalition prevail. Ladies and gentlemen, Tunisia wants to [vgr INAUDIBLE 37:08] this social justice and social protection system and in order to have a multidimensional process in that field whereby which we have an economic integration for all the categories as well as for labour and the professional relations and with the follow-up of His Excellency the President of the Republic, as was mentioned and stipulated in the Tunisian Constitution. We are working now in guaranteeing decent work for workers as well as decent labour and to put an end to informal work through putting legislations and in order to confront such ways of work in order to consecrate decent work for all. Ladies and gentlemen, I will not forget to seize this opportunity to remind you of our brothers in Palestine who are suffering from all types of persecution as well as violation of their dignity and their human rights, and it is very important to support the rights of the Palestinian people in self-determination and in order to have an independent State with the capital being Jerusalem. I would like also to call, during this occasion, to enable Palestine to become a full-fledged member of the ILO. I thank you and may the peace of God be upon you.

Mr Mohd Effendy Abdul Ghani

Worker (Malaysia)

Bismillah ir-rahman ir-rahim, assalamu alaikum, and very good morning, brothers and sisters. On behalf of the MTUC, CUEPACS and all workers in Malaysia, we would like to express our deepest gratitude to the Malaysian Government for its significant step in aligning with the international labour standards. Malaysia has recently deposited the ratification of Convention 155, occupational safety and health, on June 11, 2024. This ratification reflects the Government of Malaysia's commitment to upholding comprehensive occupational safety and health regulations in line with global best practices, thus enhancing the protection of workers' rights and well-being. This commitment ensures the safety of workers and ensures proper laws regarding safety at the workplace are maintained. The amendment to the Occupational Safety and Health Act, which took place on 1 June 2024, highlights the importance of workplace safety in Malaysia. The amendment was made to bring domestic law in line with the labour standards set by the ILO. It emphasizes the shared responsibilities of both employees and employers in upholding workplace safety and health standards, showing a proactive approach to protecting the well-being of workers. Brothers and sisters, the workers' main agenda is to strengthen the trade unions to ensure that our voices are heard by the Government. It is important to provide training and other resources to equip members and future leaders with the knowledge and skills necessary to negotiate with the Government and employers. The Ministry of Human Resources of Malaysia has implemented the trade union affairs programme to support and strengthen the labour union movement by providing financial assistance and educational platforms for continuous learning to enhance the leadership skills of the union members. We appreciate the Government for providing the grant to the trade unions every year. We are also looking to empower the workers and trade unions through the amendment of the Trade Union Act. This act had been approved in the Parliament of Malaysia and has recently undergone significant amendments. The revision emphasizes the fundamental labour rights, particularly the freedom of association and collective bargaining. This signals a commitment to fostering a more equitable and empowered labour environment in Malaysia. Brothers and sisters, the impact of the pandemic is still evident as we continue to struggle with reducing the unemployment rate, increasing salaries and equipping workers with digital knowledge. To address the issue of wages, the Malaysian Government initiated the pilot project of the Progressive Wages Policy in June 2024, providing financial aid assistance to employers to reduce the gap between the lower and higher income employees. This policy will complement the Minimum Wages Order and Productivity-Linked Wage System in Malaysia. Brothers and sisters, lessons learned from the COVID-19 pandemic in Malaysia have led to restructuring of the Employees Provident Fund. The aim is to enhance members' retirement income security while also addressing their current lifecycle needs. This initiative will restructure members' accounts from two to three, introducing a flexible account designed to meet members' short-term financial needs. We believe that investing in social protection is crucial for enhancing workers' employment capacity and ensuring a resilient and equitable workforce for the future generations. We recommend that the Government of Malaysia considers implementing a comprehensive 24/7 safety net for workers, including the introduction of a social protection for non-fault accidents programme to cover workers within 24 hours. This safety net would provide essential support to the workers during times of income shortfalls resulting from non-occupational accidents that occur outside of their working hours even if they are unrelated to their job. Many

low-income workers in Malaysia cannot afford life or medical insurance. Almost 46% of Malaysians lack private health insurance due to high premium costs which are often only accessible to those with a higher income. A social protection scheme can support the 47% of workers earning salaries below the national poverty line. Brothers and sisters, we are grateful to our colleagues from the public sector and extend our heartfelt thanks to the Government for finally revising their salaries after 13 years. We understand that the new salary structure for the public sector will be implemented by December 2024. Last but not least, MTUC, we would like also to take this opportunity to extend our sincere gratitude to the ILO, ACTRAV and ITUC for assistance to the workers, not only providing guidance but also in terms of training, reskilling and upskilling. The commitment and effort from the ILO are highly appreciated. Thank you very much.

Mr Chandra Prasad Dhakal

Employer (Nepal)

Respected Session Chair, Excellencies, representatives from government and non-government organizations, friends from the private sector, distinguished delegates, good morning. It is an honour to address you all at this significant gathering. The Federation of Nepalese Chambers of Commerce and Industry, the FNCCI, is the largest private sector umbrella organization in Nepal, representing around 600,000 businesses. We are also the only employers' organization in Nepal placing significant responsibility on us to lead by example. The Director-General's report emphasizes advancing social justice and decent work for employees. FNCCI has been a champion in both areas. The private sector of Nepal diligently follows all the ILO regulations and Conventions that our government has signed. Moreover, we have independently undertaken numerous initiatives to uphold employee dignity. Dignity, in our view, goes beyond the proper conduct. It involves enhancing our employees' capacity for personal and professional development, providing them with better opportunities. Nepali businesses enjoy a strong employer-employee relationship, and we have not faced significant labour issues in recent years. Social justice means equal economic, political and social opportunities and rights for everyone. We are committed to inclusivity and gender equality. This platform allows me to highlight the investment opportunities in Nepal and how they can enhance social justice through rapid economic growth. Nepal began its liberalization process in 1990 and is now implementing the new-generation economic reforms. FNCCI has been at the forefront of this push, including the formation of a commission announced in the budget for the next fiscal year. As the warm-up to the reform agenda, the Government has amended the eight laws related to investment to facilitate FDI. The Cabinet has approved the bilateral investment agreement framework, and we are ready to sign the agreement with interested countries. The budget also promises to sign Double Taxation Avoidance Agreements, DTAA, with potential countries. Nepal, situated between India and China, offers duty-free market access to India, which will continue even after our graduation from the least developed country category. This facility will be available in the EU market until 2029 and we are negotiating similar access with China and other markets. This positioning allows for production in Nepal, with export potential worldwide. Nepal holds immense potential in hydropower production, with huge markets in India and Bangladesh. We have an agreement with India to buy 10,000 megawatts of electricity and are in the process of signing an agreement with Bangladesh. Tourism is another vital sector. Our beautiful hill stations and Himalayas are popular destinations, and the multiplier effect in tourism is substantial, providing livelihood opportunities for the rural population. Additionally, our youth population is a

valuable asset for investors, especially in the booming ICT sector which offers decent work opportunities for the youth on a large scale. Therefore, I emphasize the need for investments. It will help fulfil the agenda of social justice by creating decent employment opportunities. Lastly, I thank the ILO for inviting me to this event. I assure everyone that the private sector of Nepal will continue to be a trusted partner of the ILO. Let us join hands to create a more sustainable world. Thank you so much. Thank you.

Ms Dariia MARCHAK

Government (Ukraine)

Mr President, at the outset, allow me to congratulate you, Your Excellency Minister Alexei Buzu of the Republic of Moldova, on your election as President of the International Labour Conference. We are confident that under your skilful leadership the Conference will be a success. Mr President, we are also discussing fundamental principles and rights at turbulent times, placing them at heightened risk but also renewing their importance. The ILO's priorities and future actions must match these challenges. In this regard, we recall the 2030 Agenda for Sustainable Development as our common beacon. We welcome our joint achievements since 2017, namely the universal ratification of Convention 182, the decision to include the rights to a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work and to designate Conventions 155 and 187 as fundamental Conventions. We also celebrate the launch of the Global Coalition for Social Justice. We welcome this year's discussions on biological hazards and the care economy and look forward to the discussions on platform work and informality in the coming years. Continued efforts are needed to strengthen social partners' capacities to play their part for workers in urban as well as rural areas. This in turn calls for the reinforcement of social dialogue among tripartite constituents at all levels and in all sectors. Mr President, like many other countries, Ukraine is currently facing changes in the labour market and in the quality of life of its people. We understand that we have critical demographic challenges, and there is already a significant labour market deficit despite a relatively high unemployment rate. This is primarily caused by the mismatch between the skills and competencies of workers and the needs of employers, and we are working intensively at improving the system for identifying vulnerable categories to ensure the provision of necessary social services, appropriate retraining, skills upgrading, and the reintegration of these people into the labour market. We also work at ensuring the inclusion of vulnerable individuals in society and activating them in the labour market to enable them to lead independent, active lives. Unfortunately, these problems are at a very critical stage due to the ongoing Russian aggression. This aggression has a very devastating impact on the quality of life of all Ukrainians, from the daily blackout of electricity for more than ten hours per day to the fact that a quarter of Ukrainians, according to World Bank estimates, are currently living below the poverty line as a result of Russia's war and almost five million Ukrainians are refugees in Ukraine and also five million refugees have fled abroad. Russia's war of aggression against Ukraine has also caused lower global growth and high inflation, with extremely negative impacts on the labour domain and business environment in many regions of the world. We would like to underline that it is Russia who is the main contributor and engine of cascading crises in the world, threatening the integrity of the rules-based international order. By launching a full-scale war of aggression against Ukraine and then by refusing to end it, Russia deprives Ukraine, as a developing country, as well as many other developing and least developed countries, of means to implement social and development strategies

and achieve each and every Sustainable Development Goal. In just two days, on 15/16 June, the global peace summit on Ukraine will take place here in Switzerland to provide the world leaders of peace-loving countries, both developed and developing ones, with the platform to discuss the path to peace in Ukraine based on the Peace Formula of President Zelenskyy. The summit will serve as a first step of a high-level political engagement towards achieving a comprehensive, just and lasting peace in Ukraine consistent with the UN Charter and international law. Mr President, it is critically important for us to have international pressure on the aggressor State to end its war. Any social contract is only possible under conditions where a person can live a safe life not in a situation where all attention is focused on daily survival. Since March 2022 Russia has not implemented any of six decisions of the ILO Governing Body with regard to its armed aggressions against Ukraine. This constant pattern of denial and non-compliance requires further consideration by the Governing Body and the International Labour Conference itself as a recurrent discussion agenda item. Thank you, Mr President.

Mr José Medina Mora Icaza

Employer (Mexico)

A world with economic development, with care for the environment and with social justice is possible. Greetings to the President of the 112th International Labour Conference, to the Director-General of the ILO. Having analysed the DG's report, on behalf of the employers of Mexico we would like to bring the thoughts that we have with regard to the need for a new model for countries, a new model for inclusive development, because economic development is necessary but it is not sufficient for social development. So social development means high-quality education, health for all, a healthy workplace and accommodation, but also dignity for all. So our minimum wage had been linked to certain prices rather than to inflation, and it meant that the minimum wage had fallen in real terms. And we were able to increase in real terms the minimum wage 100% from 2016 to today, achieving family well-being so that with two minimum wages in a family of four, it is possible to afford accommodation and food. But when we are talking about sustainable development, it means moving from a linear model of consumption and a hopeful trickle-down effect but actually to creating employment and creating well-being. This inclusive development model is absolutely key because it defends freedoms and human rights in a way that is ethical with integrity, with democracy. And this is a pillar that I am talking about, and we, as enterprises, as governments can use it to confront the great challenges that we are faced with in education. There has been poor education in Mexico because many people had to leave education over three generations past in order to join the job market. But if companies and organizations actually help our workers to finish their formal education, then we are also helping ourselves and the country. Through the health fund, health for all can also lead to a decrease in illnesses which have been draining the health service in Mexico, which are diabetes and heart disease. The hope is that the minimum wage can actually achieve a third level in supporting families to move forward and progress, and we want to work together on this. Social dialogue is absolutely vital for Mexicans. 66% of Mexicans are currently in informality, so we as employers, when we ensure that they are on our payrolls and paying taxes, we help them to move into formal work, the formal economy. Obviously informality is very vulnerable. These are people who have lost almost everything, but an inclusive health-for-all approach means that we are working for not only Mexico but for Latin America as a whole. This inclusive development model

is also linked to social dialogue, workers, employers and governments, all together, because when we work together we have justice for all.

Ms Lilian Tshan

Government (Germany)

President, Director-General, ministers, representatives of the employers and workers, Your Excellencies, ladies and gentlemen. The increasing inequality in the world is one of the greatest challenges of our time. It endangers sustainable development, creates social unrest, undermines social progress and threatens political and economic stability and undermines human rights. What the United Nations recognized in that quote cannot leave us indifferent, and that is why I would like to thank the Director-General for his report to year's International Labour Conference. It moves the discussion in the right direction, thinking also of the World Social Summit. It shows us the great job that we are faced with in the International Labour Organization as a part of the United Nations family. Every year millions of people have to leave their homelands because they have been expelled, because hunger, war, crushing poverty and discrimination force them to seek other places to survive or to find a better life. Forced labour and child labour have increased across the world. Serious violations of basic human rights, occupational accidents and diseases worldwide cost nearly three million people their lives, and there are millions of people who still have no access to social protection. Everywhere in the world there are people being faced with obstacles in the freedom to organize, and we in the ILO know best how important social dialogue is and how important it is to be able to organize to protect your interests. People are faced with discrimination in society and at work because of their sex, their nationality, their skin colour or their religion. And I would like at this point, personally but also as a representative of my country, to express our deep concern about the fact that the protection of people against discrimination because of their sexual orientation or gender identity is being called into question. We have to work clearly against that development. Discrimination is a very important driver of inequality and stands against decent work and social justice. Renewing the social contract, that is what you call for in your report, Director-General Hounbo, and you mention the basic pillars that have to underlie what we do together: universally recognized human rights, humanity, democracy, social progress, development and climate justice. There we are just talking essentially about the claim to apply of the Universal Declaration of Human Rights. We all once agreed on these human rights and they all apply across traditions and cultural differences, and these universal human rights are reflected in the fundamental principles and rights at work. Peace in the world can only be constructed on the basis of social justice. And that basic insight of the ILO Constitution makes it our job to deal with injustice in the world and get rid of it. The World Social Summit 2025 will give us a great opportunity to clearly express our shared values and to agree on shared work. We all have a responsibility. In Germany, despite crises and disruptions, we have been able, despite economic uncertainty, to achieve the highest employment rate that we have ever seen. We can see clearly that cooperation and social partnership is good for everyone. Where workers and employers negotiate as equals, companies are more productive, more innovative and more successful, and wages are clearly higher. Workers profit from them, their families and their children. That strengthens social protection and the common good. But we as a state also have a responsibility. We have to adapt our social protection systems to make sure that people, through upskilling, will move out of social dependency and into work. Globally, we are all living in times of

fundamental transformation. That is why the Federal Government is depending on good partnership in international cooperation. Director-General Hounbo, for the Federal Government of Germany it is a responsibility and an honour at the same time to be a partner in your initiative of a Global Coalition for Social Justice. We have great hopes for this initiative. Germany is making its contribution to this Global Accelerator. We want to join our forces and with strong leadership achieve greater consistency and effectiveness in what we are doing, and I am very much looking forward to what we do together in the future. Thank you very much for listening.

Mr Kassahun Follo Amenu

Worker (Ethiopia)

Mr President, distinguished delegates, Mr Chairperson, please allow me to join previous speakers to congratulate you for being elected as the chairperson of this year's International Labour Conference. It is a great honour to deliver a speech at this annual International Labour Conference on behalf of the Ethiopian trade union movement and myself. Mr President, permit me to congratulate Mr Gilbert Hounbo, the ILO Director-General, for his high-quality leadership and for steering the ILO amidst multiple challenges and the complicated dynamics taking place in the world of work. The Global Coalition for Social Justice, initiated under his leadership, is a benchmark testimony in this regard. We congratulate him for this far-reaching vision. In this connection, I want to commend that the agendas set forth for this conference are pertinent and properly reflect the existing crucial issues and daunting challenges the global labour market governance is facing. I am confident that social partners shall critically and thoughtfully discuss, reach consensus over effective ways of addressing the prevailing challenges and will come out with significant breakthrough resolutions. Mr President, the Ethiopian trade union movement are facing multiple challenges and uncertainties stemming from everchanging labour markets driven by globalization, technological advancement, imbalance of value chains, climate change, demographic shift, worsening geopolitical tensions and devastations of armed conflicts. Concerning internal conflicts, recently an enabling environment was created to find peaceful solutions to Ethiopia's problems through national dialogue. For this dialogue, representatives of key political partners and civil society organizations are invited to discuss and develop agendas for dialogue and reconciliation as the primary way to ensure lasting and comprehensive peace, stability and development in Ethiopia. In this regard, our voice for peace has been consistent and we are actively participating to positively contribute to the national dialogue. The other challenge we are facing is fixing the minimum wage and the ever-skyrocketing inflation and the crisis of the cost of living. The Confederation of Ethiopian Trade Unions is demanding the establishment of a minimum wage board that fixes a well-designed and balanced minimum wage level and asked for reduction of income taxes as a matter of urgency so that tax justice shall be rendered to Ethiopian workers and their families and are waiting for the response of our government. On this backdrop, the Ethiopian workers and their organizations, in cooperation with the Government and employers' associations, are coping with the challenges and are navigating uncertainties. To this end, we are fostering social dialogue in order to enhance tripartite and bipartite cooperation, consultation, negotiation and information exchange between social partners. Finally, once again, I would like to reaffirm my organization's commitment to the pursuit of the doctrine of social justice and the renewed social contract initiated in this conference. We will continue an advocacy campaign for the ratification and the application of ILO Conventions and the extension

of social protection coverage for all. Mr President, distinguished delegates, I thank you for your attention.

Mr Vasyl Andreyev

Worker (Ukraine)

Dear Mr President, of the Conference, dear delegates, first of all allow me to congratulate President Alexei Buzu from Moldova, together with the vice-presidents, on their elections on these positions, and thanks for the successful work of the Conference. The ILO is committed in promoting social justice, labour and human rights, which are critical for long-lasting peace. Ukraine is currently in fire from the aggression of the Russian occupation forces. General-Secretary of the ITUC, Dr Triangle, rightly stated that there is no justification either in long history or in modern times for the Russian invasion, violence and war crimes in Ukraine. Therefore, the first issue, we are united by, the entire world needs to focus on is the termination of aggression from Russia and the withdrawal of the Russian troops from the sovereign territory of Ukraine, supporting the peace plan of the President of Ukraine, Volodymyr Zelenskyy. Targeted destruction to the energy sector with long-range missiles deprives families not only from electricity and water supply but it also stops production. It also destroys jobs. It destroys social protection. Following the occupying armed forces, the so-called 'phanta-unions' are coming. In 2023 the International Labour Organization issued a brief on state corporation ROSATOM from Russia that, after the seizure of the Zaporizhzhya nuclear plant power station, forced workers to stay at the occupied areas, not allow them to exit and for them to work at the plant. And the FNPR creates its own organization there and forces workers to join those so-called unions under military coercion. We see the strong gesture for support in Ukraine in the opening, and operational activities start, in the ILO office in Ukraine. The Director-General in his report 'Towards a renewed social contract' noted the lack of proper trust in national and international government institutions creates a challenge to ensure general prosperity, sustainable peace, social justice and the environment. We fully agree. Therefore it is necessary to increase trust in the operational activities of the ILO and move the office from Moscow to anywhere else. The increase of trust in the ILO is visible during the ILO Governing Body election that showed Russian candidates have no support through the secret ballot, and only two votes separated them from defeat in the elections. In parallel with the International Labour Conference, the third Ukraine Recovery Conference, URC, is taking place in Berlin. We express our gratitude to the German Government as well as to the ILO who moved to the position of the Ukrainian trade unions right now involved in the discussion during the URC. For the successful implementation of the cyclopean-sized rebuilding programme after war, Ukraine needs to improve working conditions and comply with international labour standards, which is especially important in terms of an ambitious reform plan as a candidate EU Member State. Huge investments in reskilling and upskilling of the workers are needed to cover demand for workers in this process, training not only for the youth in the vocational training system but also for all workers, especially those who are fleeing from the war zones. Registered jobs and employment under decent conditions should be a focus of every donor, every financial institution who delivers resources to the reconstruction. There are the first signs of optimism regarding legislation amendments of law in labour. The new law on collective agreements gives us responsibility and opportunities to the negotiating parties. It is necessary to finish also development of a new consensus labour code, legislation on social dialogue and collective labour disputes in Ukraine. The restoration of social

insurance, after the social fund was dissolved in 2022, will help preserve and restore health and injured workers. Even under martial law, Ukraine right now ratified ILO Chemicals Convention 170. We need to do even more in the field of occupational health and safety to adopt the new OSH law with the inclusion of guarantees of workers, their trade unions, the introduction of a risk-oriented approach, incentives and sanctions against the employers. Dear Mr President, dear delegates, concluding my speech, I want to thank you once again for the joint work during the 112th ILC. I am confident that a new social contract will be concluded very soon after achieving sustainable peace in Ukraine and all over the world. Glory to Ukraine.

Mr Luiz Marinho

Government (Brazil)

Good morning. I would like to greet my friend, Director-General Gilbert HOUNGBO, President of the 112th International Labour Conference. I would like to greet the [vgr INAUDIBLE 78:50] of the Workers' and the Employers' groups, the leader of the Brazilian delegation, Ambassador [vgr INAUDIBLE 79:00], ladies and gentlemen. I would like to start by bringing greetings from President Lula to all the participants in this important conference. This year we are celebrating 80 years of the Philadelphia Declaration, and I would like to start by recalling its fundamental principle which states that work is not a commodity. The worker is a subject of rights and a basic pillar of society. I would like to thank my friend, Mr HOUNGBO, for the report 'Towards a renewed social contract' with guidelines for the actual world of work. In the report, the Director-General describes elements of a renewed social contract and mentions, among other factors, the environmental dimension. In Brazil, sustainability and a fair transition are priorities. They are also priorities for our president. So I have to mention the floods in Rio Grande do Sul in the south of our country which have destroyed entire cities and have left 650,000 people without homes. 75 people have died and there are still 38 people missing. We cannot escape from climate change. There is no way to escape from the consequences of years of destruction by global systems. The Lula Government is doing all it can to minimize the impact in economic terms and it has already released more than 60 billion reais of aid for Rio Grande do Sul. Last week the Minister for Labour released 1.2 billion reais to pay minimum wages to more than 430,000 workers in the areas affected, and there are guarantees of jobs as a result of that for four months. Apart from that, and in accordance with the report of Mr HOUNGBO, the new social contract has to be based on human rights and the fair distribution of welfare and the fruits of progress. This reminds me that in Brazil we have promoted the policy of maintaining the real value of the minimum wage, and indeed increasing it above inflation every year. And in the first four months of this year, we were able to create 950,000 new formalized jobs. In December of last year, President Lula signed legislation on the taxation of exclusive funds, and so for the first time this year we have had the best tax revenue since the 1980s. However, we have to do more. Globally, we have to address the great fortunes, otherwise we will not be able to do away with poverty and hunger in the world. There is no lack of riches in the world. What is missing is a fair distribution of wealth. Our president understands that wherever in the world there is poverty, there will be no justice. In parliament there is legislation coming up this year which will propose to protect fair pay with a fair working day for drivers based on the interplay of rights and of independence. It is essential, Director-General, that standards respond to a world of work in transformation. Apart from that, we have signed various agreements, including one to protect decent work in coffee and in wine growing. This is

a fundamental right to a healthy working environment that is addressed there. In this new social contract, that will be a significant part. We are also maintaining and strengthening programmes for people who have been rescued from slave labour and for those who have been rescued from precarious, poisonous or dangerous situations. The Government of President Lula continues to work alongside this house and has promoted equal wages legislation for men and women. But there will never be equality without a good policy for the care economy. Care is a universal need, a real public good with social and economic value. And without a proper care economy we will not be able to renew the social contract. We also need to address sexual discrimination and harassment in the workplace. Black, indigenous and immigrant workers' rights have to be guaranteed to guarantee their social and economic autonomy. We need to promote all professionals in care, including domestic workers, as also to accept the shared responsibility of the Government, society, enterprises and states in the provision of care work. The Report of the Director-General talks about the necessity of democracy in work. We need to strengthen the institutions of social dialogue, organizations of workers, employers and others in civil society. Collective bargaining is a powerful tool for the development of social justice. We are searching together for a world in which the economy will service society and not the other way round, as Professor [vgr INAUDIBLE 85:36] said in this plenary. So we join Mr Hounghbo in the presidency of the Global Coalition, seeking a renewed social contract. In this mission, we support the advance of a global charter for labour rights promoted by various South American countries with a contribution to the ILO for the next year, and we hope that everyone will join in with this. To wind up, a last statement. Brazil would like to see Palestine as a full member of the ILO. Thank you very much for listening and an embrace for everyone.

Mr Prapan Pussayapaiboon

Employer (Thailand)

Honourable Minister Gilbert F. Hounghbo, Director-General of the International Labour Organization, Mr President, distinguished delegates, ladies and gentlemen. On behalf of the Employers' Confederation of Thailand, I would like to congratulate you, Mr President, and the International Labour Organization, for your longstanding leadership and for organizing conferences like this to promote the quality of life for human labour. At the same time, it has also provided opportunities for employers and business owners, another integral component in production, services and quality of life improvement, to participate. The current global situation has seen tremendous changes, whether in technology, conflict and war. [vgr INAUDIBLE 88:13] of geopolitics, climate change, population growth and ageing all impact the life and well-being of all. It has also intensified the business cycle and adaptation to remain competitive, a key factor that directly affects the livelihood of the workforce. The ILO has done good work. It has been addressing, elevating and improving life and the quality of life for workers, especially in the diverse and complex Asia-Pacific region. The ILO has also rightly believed in and focused on an important operational strategy in the tripartite framework. The Employers' Confederation of Thailand has supported working together with workers and the government to strive for a better quality of life under the framework of various Conventions. This has achieved a certain degree of success for a better livelihood for workers [vgr INAUDIBLE 89:28] in business and sustainable development in the interest of all. This, however, is only possible if the tripartite framework is allowed to function without political interference. A populist [? 89:44] approach with the purpose of getting votes could disrupt the delicate balance of and jeopardize the tripartite system that has

served the balanced interests of all. Over the past year everyone has faced and experienced the severe global impact of COVID-19 on the livelihoods of humanity. This is a veritable [? 90:12] danger from biological hazards in the working environment, hazards that may not be visible to the naked human eye. Sometimes the danger may not manifest immediately, and in some cases it can spread rapidly. Therefore, at this conference, beyond exchanging ideas and good practice for the lives and quality of the labour force, I would like to urge all members to seriously recognize their shared responsibility for actions that may impact this humanity. Finally, Mr President, allow me to bring up the wisdom of His Majesty the late King Rama IX's Sufficiency Economy philosophy, bestowed over 30 years ago. In summary, it refers to development based on moderation, reason and prudence as well as using knowledge, circumspection and virtues in planning, decision-making and actions for the sustainable utmost benefit of the global community. Let our conference work benefit from this wisdom. Thank you very much. Khob khun khab.

Mr Mario Arizti

Government (Uruguay)

Greetings to the Director-General of the ILO, the President of this conference. Ladies and gentlemen, Uruguay has been a member of the ILO since its beginnings in 1919 and has ratified a great number of ILO Conventions. But even before the foundation of the ILO we were in the vanguard for approving important laws for the protection of workers. All of this was fruits of the actions of various different political parties with a shared will for social protection. It is clear that in joining the ILO this facilitated our move towards tripartism and social dialogue. Despite recent unfortunate occurrences, such as the COVID pandemic, our country has achieved great things with regard to employment. We have actually regained all of the jobs lost in the pandemic, and over the last five years prior to the pandemic. We now have an increase of 76,000 persons in work, nett, in 2023 over 2019. In the first quarter of this year the rate of unemployment was 8.7%. The rates of work and employment are at 2015/16 levels. The adversities we refer to do not mean that the Government has not been able to implement its employment programme focused on youth, people with disability, the over 45s. It also has not stopped us working on professional training of workers, putting an emphasis on finishing secondary education, digital literacy and IT. With the support of the ILO, we have constructed a labour market information system which brings together data from different bodies and is available for academia, social actors and for all citizens. We have reduced informality from about 25% in 2015-2019 to a current 21.3%. It is clear once again that the challenges that could be supposed for employment of the introduction of new technologies, particularly AI, require action not only by the state but also by workers' organizations and employers' associations to design educational processes of greater productivity. As happened around the world, real wage and purchasing power dropped because of the pandemic. But today, in real terms, we have regained pre-pandemic levels and improvements in certain sectors over 2019. Monetary policy enabled us to close 2023 with inflation at 5.1%, the lowest in 18 years. And data from this year, end of May, it is currently at 4.1%. From the first year of this government, we have been working together in dialogue with the ILO to approve new provisions and amend existing provisions regarding labour relations and occupational safety and health. As the Director-General told us in his report, demographic and technological changes can bring opportunities but only if we have the necessary human resources to take advantage of them. Uruguay is taking up this challenge despite our

demographic challenges: falling birth rates and increased life expectancy. For this reason, in the first year of this government, we started working on a pension system reform. And in order to do this, we had a long and fruitful work, starting with an institutionalized social dialogue and creation of a committee of experts on social security. This committee has members from academia and the various different political parties as well as workers and employers. The executive negotiated in various different bodies with political parties on a draft law which, following amendments in parliament, was approved. We can confirm with satisfaction that it was a result of broad social dialogue. The ILO and the special committee of the Senate, in December 2022, expressed this consolidated project is a mixed system, a multi-pillar system in which we have a public contribution, a collective fund and private savings. It is in line with the understanding of Recommendation 202 and Conventions 102 and 128. It is particularly strengthening the non-contributory pillar of public funds to those who need them most. It is absolutely definitive that this is a fair reform of a comprehensive joint pension system made up of various different subsystems, a reform which ensures sustainability of the system and a reform which creates rights such as compatibility between retirement and work, partial retirement and also the creation of a solidarity supplement for those with the lowest pensions. This pension reform enabled us to dedicate resources to necessary public policy to support children and youth. Finally, the governments need to continue designing public policy which enable us to increase productivity and competitiveness of our economies, generating greater development opportunities through improved levels of education of the population and the appropriate use of new technologies. Thank you.

Mr Gedeão Silveira Pereira

Employer (Brazil)

Good morning, everyone. On behalf of the President of the Brazilian Confederation of Agriculture and Livestock, I would like to offer my compliments to the Director-General of the ILO, Mr Gilbert Houngbo, who I congratulate for the work that he has been doing in this organization. I would also like to greet the President of this conference and the Minister of Labour of Brazil, Mr Marinho, the employers', workers', government representatives and other participants in this conference. Ladies and gentlemen, it is a great honour to be here representing all of the Brazilian employers at this 112th International Labour Conference. Brazil, like many nations, is faced with significant challenges in its labour market. At the moment we have an unemployment rate that reflects the complexities of our economy and transformations taking place worldwide. Over the last year we have seen a slight improvement. The unemployment rate reached 14.7% in 2020 because of the pandemic. Since then it has fallen to 7.8% in 2023. This drop is the result of a set of factors such as the resumption of economic activity, the creation of new jobs and the implementation of public policies in support of employment. However, there is still a lot that needs to be done to improve the quality of work in Brazil. Informality is still a serious problem with almost 40% of working people in that situation. Apart from that, productivity needs to be improved. Brazil is currently in 60th place in the world ranking of worker productivity, according to the World Competitiveness Yearbook. Labour supply is diverse and abundant, but the qualification of these workers and their entry into the work marketplace requires robust policies which are adapted to regional and sectoral needs because Brazil is a country the size of a continent. At the heart of our strategies for professional qualification is the 'S System'. That is a network of autonomous social services funded by contributions from the

sectors of production and which has a crucial part in professional education and support for workers. It is run by employers' confederations in every sector of the economy, and it is a significant player in the promotion of social and vocational development in Brazil, offering everything from basic education to specialized technical training. The National Rural Learning Service, SENAR, is an S System entity that supports the agricultural sector, offers technical training, health education, agricultural management and cutting-edge technology for our workers and farmers. And this training contributes to the qualification and upskilling of the workforce, the generation of income and the improvement of quality of life in rural areas. And the best thing of all, it is 100% free. Strengthening the S System and expanding access to professional training, with a focus on new technologies and market demands is a guarantee of employability. Finally, we need to recognize and increase the status of the rural population as an agent of transformation and development. Brazilian farmers are faced daily with countless obstacles and challenges, and their dedication and hard work deserve our deepest respect and gratitude. The farming sector is one of the biggest generators of employment in Brazil, employing 27% of all Brazilian workers. From farm to the table, 28 million Brazilians find work and livelihoods in the various links of the agricultural and livestock production value-added chains. Investment in agriculture is not just an investment in food security but also in the creation of decent jobs and the reduction of social inequality in our country. Brazil these days is a world agricultural power. As president of the agricultural federation of Rio Grande do Sul, a state that is currently going through such difficult times because of the floods that happened in May which left thousands of people homeless and jobless, I would like to emphasize the importance of joint action by the Government, private initiative and civil society in the reconstruction process. May this conference be an ambit for dialogue and tripartite cooperation where we can share our experience and find innovative solutions to promote the sustainable development of labour in Brazil and in the world. By investing in agribusinesses and the rural sector we are investing in food security and in the future of all the economic sectors that are present here at this conference, and that is what the Brazilian Confederation of Agriculture and Livestock, the CAN, works towards. Thank you very much.

Ms Miriam Catalina Roquel Chávez

Government (Guatemala)

Good afternoon to everyone. I have the pleasure of speaking to the plenary of the 112th International Labour Conference to refer to the Director-General's report 'Towards a renewed social contract'. We are talking about a social contract. It is the responsibility of all because it means a tacit agreement between individuals and the state, and this means that the human beings can live together with others within a framework of rights and responsibilities under the law in order to guarantee conditions of freedom and equality. Throughout the years, our country has been trying to develop our societies, establishing the necessary norms and standards for individuals to be able to achieve their own objectives. And despite this, there are changes in our environment which require a renewal of the social contract, and therefore the social contract cannot be static because of poverty, inequality, the pandemic. These are some of the issues which require a response that is a community response, and solidarity, working together with our own functions and the commitments, our obligations towards others and from all sectors necessary in order to achieve a better society. In order to achieve this objective, we cannot just rely on the authorities to find solutions. As citizens, we need to play an active role and also demand transparency, responsibility and justice from those

organizations or representatives from offices working for the state, social security, decent work, good education, proper nutrition. This is, of course, a great challenge, the challenge of renewing the social contract. I believe firmly that, in order to achieve this, we need to work through social dialogue which is open and honest in order to improve our institutions and adapt them to the realities of the new world. This is key for all governments and administrations, including the constitutional President of Guatemala. As Minister of Labour myself, I am ready to dialogue in social dialogue the construction of a fairer and more inclusive society. Through the implementation of this dialogue, we have been able to achieve commitments to overcome conflicts and to achieve a road map for collective bargaining, the promotion of decent work, sustainable development, among other keys. The international community has taken up with enthusiasm the Director-General's report 'Towards a renewed social contract' in our communities, and through the aid of the ILO's resources achieving this. The ILO Declaration on Fundamental Principles and Rights at Work is being implemented through collective bargaining, the elimination of all forms of forced labour, working for elimination of discrimination in employment and work, and a safe and secure working environment. National and local practices are now aimed at a level that is accepted at an international level. We would like to thank the Director-General of the ILO for his work towards more sustainable and fairer societies through the respect of all labour rights. Thank you very much.

Mr Enver Husejin

Government (North Macedonia)

Allow me to start by expressing my appreciation for the opportunity to attend this conference as a representative of the Government of the Republic of North Macedonia. It is a great honour to address you today at this conference where we stand not only as policymakers, employers and workers but also as people united by a common vision: to create a world where dignity, respect and fairness define working conditions. In times of digitalization and rapid technological changes, the labour market is facing transformations that bring new opportunities as well as new challenges. Digital technologies and automation not only change the nature of jobs but also impact the structure of the economy and the way we work and communicate. These changes cause changes in all aspects of labour, and especially social dialogue, a process that is essential for realizing the rights of workers and maintaining the stability of the labour market. Inevitably, automation and artificial intelligence enable increased productivity and new types of jobs. These changes, in return, result in the disappearance of certain traditional jobs and are a source of uncertainty for many workers. Jobs in manufacturing, administrative services and many other sectors are evolving or vanishing, while new jobs are emerging in the fields of information technology, e-commerce and other digital industries. In this new reality, social dialogue must become more inclusive and dynamic. Traditional forms of social dialogue may not suffice to address new challenges. Therefore, it is necessary to develop new forms of dialogue that include various stakeholders, including the new forms of work emerging from digitalization. Social dialogue should expand to include not only workers and employers but also technology companies, freelancers, platform workers and all those involved in the digital economy. One of the key components of this new social dialogue is inclusiveness. We must ensure that all workers, including those in non-standard forms of employment, have a voice in decision-making processes. This means involving freelancers, platform workers and all those working in the new digital economies. It is also essential to ensure that workers

have access to training and skills development needed to adapt to new technologies and jobs. Continuous education and professional development programmes should be a priority for all parties involved in social dialogue. Moreover, digital technologies should be utilized to improve social dialogue. Online platforms for communication and collaboration can facilitate the inclusion of workers from different locations and industries. These platforms can provide quick and efficient access to information and resources, which is crucial for successful dialogue. Digital technologies can be used to conduct surveys and research that reveal the needs and opinions of workers, allowing social partners to tailor their policies and activities. Social dialogue must also be proactive and forward-looking. This means that we need to anticipate and understand how technologies will impact the labour market and prepare for these changes. This includes continuous education and training for workers as well as developing policies that ensure social protection for all workers. Social partners must work together to develop strategies to address the potential negative effects of digitalization, such as job losses and increased insecurity. Social dialogue is not without its challenges. In a world of rapid change where globalization, technology and changing working models create new uncertainties, our commitment to dialogue must be stronger than ever. Governments play a key role in fostering good relations between social partners. It is our duty to create and maintain legal and institutional frameworks that promote and protect social dialogue. We must uphold the rights to freedom of association and collective bargaining, recognizing them as fundamental principles for a just and equal society. Finally, let us remember that social dialogue does not mean just negotiation for working conditions. It is the basis for building communities, fostering trust and creating a world where everyone has a stake in collective success. So let us listen with empathy, speak honestly and act with integrity. Let us ensure that social dialogue remains a vibrant and indispensable part of our societies, leading us to a future where every worker is respected, every voice is heard and every dream is possible. Thank you for your attention.

Mr Guido Doménico Ricci Muadi

Employer (Guatemala)

Mr President, I would like to thank the Director-General for the presentation of his report 'Towards a renewed social contract' because it makes it possible for us to contribute to the discussion of issues which are fundamental for the future of our organizations and societies. The first thing that needs to be renewed is our efforts to strengthen and deepen democratic values and respect for fundamental rights of human beings, life and liberty as a starting point, and which are currently threatened by new kinds of totalitarianism and dictatorships. I can see worrying developments in my region where we can see sad examples of old and new kinds of authoritarianism, some of which have been destroying democratic systems from within democracy itself. That is, they come to power through the ballot box and then concentrate all of the different powers, and as a corollary of that, violate the fundamental rights of citizens, in particular of the organizations that have the freedoms of unions. The excuse that democracy has not resolved many of the problems of our societies is just an excuse. In no way does it justify the destruction of its fundamental foundations. It was stated by a great statesman of the 20th century, democracy is the worst system of government except for all the others. That is the way things are and we have to fight to correct the problems at their origins, problems which are arbitrarily attributed to the democratic system. And we need to strengthen the only kind of government which recommends fundamental rights and the

principle of alternation in power. In this room I have heard employers and workers emphasizing the fact that our organizations have a fundamental part to play in the strengthening of democracies, and I absolutely agree with that. We have each of us to work in our sphere of influence to construct economic models which are efficient and inclusive. Doing that together through social dialogue and in harmony with the circumstances of each country in which decent work and entrepreneurship have a central part to play and which will lead to an improvement in the life of the majority of our populations. Given the experience of our organizations in supporting the ILO, we can make valuable contributions, and I would like to mention three aspects to which we have to give priority. Firstly, we have to go for the preparation of individual people for the world of work. That is through formal education from primary school right through to technical and vocational education. And we have to provide for further training during the whole life of the workers to keep them up to date with a changing world in which new technologies offer significant opportunities for those who are open to a changing world. Secondly, the kind of work that we aspire to, namely a kind of work where the fundamental rights of workers and proper wages are provided. That can only be provided by companies with the necessary levels of productivity to compete in the changing world that I mentioned. And they are important challenges for micro, small and medium-sized enterprises that are the greatest generators of employment. And they need, at the least, a favourable context in which they can prosper. They need that in labour affairs, tax affairs, and they need an administrative system that is free of pressure and of corruption, just to cite the most obvious factors. Finally, we, as employers and workers, need to contribute to robust, functional and sustainable systems of social protection which will guarantee health services to people throughout their working lives and also proper conditions for retirement. That, and wages coming from productive employment, are the best guarantee of social balance. And it is absolutely true, Mr President, commitment to and respect for fundamental rights and the democratic system, as a shared basis of the work of employers and workers and a commitment to the creation of more and better jobs in a changing and competitive world, have to be the basis of a renewed social contract without losing sight of the principles and values that we have agreed on in the past and which are at the centre of the work of the ILO and other organizations in the United Nations system. Thank you.

Mr Younes Sekkouri

Government (Morocco)

In the name of God, the Merciful, the Compassionate. Mr Chair, ladies and gentlemen, I would like first of all to congratulate Mr Chair for the election and extend my congratulations and thanks to Mr DG for the leadership in the International Labour Organization and the choice of this important theme that is the renewal of the social contract in all our countries. I think that before sharing the Moroccan experience regarding the social contract, because we have been doing a lot since two years, there is a paradigm shift in terms of social contracts and in terms of the social state in general where we need to solve a complex equation where we have to bridge the gap between the different forms of expression. Because the quality of representations that we have within the world of unions and representatives of governments and representatives of corporations does not, unfortunately, cover the whole spectrum of what a society wants to say in a timely manner. So social dialogue itself need to be renewed in order to fit strategically to the renewal of the social contract. As far as Morocco is concerned, we have been working very hard since 2022 to redesign social dialogue in Morocco, and I

can say that we were quite successful doing that. First of all we institutionalized social dialogue, but it was not enough because we needed to infuse concrete and short-term results for our population in order for the people to believe in social dialogue. This is how we achieved, a couple of weeks ago, a historic agreement where we raised the wages for 4.2 million people, be it in the private sector or the public sector, and we completely revamped the revenue tax model in order to help the middle class get more from social dialogue. It costs us \$3 billion, which is important for the Moroccan budget, but we assume this choice and we assume as a government this decision. Two, under the leadership of His Majesty Mohammed VI, we launched a historic programme for 12 million people where we provide direct aid for the vulnerable populations, those who do not necessarily have rights and correct revenue. And this programme started a couple of months ago and we made it possible because, prior to launching the programme, the Government designed a register, a unified social register, which is an IT-based tool that delivers targeted aid for a population in order to be efficient. Three, we launched, under His Majesty's leadership, two years ago a big programme to generalize social protection, and we moved from one or two million people to 22 million people in 18 months, with two regimes: one that is based on contributions and the other one based on solidarity. These three components that we added to the compensation policy where the Government tries to stabilize prices for the necessary goods and services cost the Government nearly \$10 billion. So the question for the social contract is not necessarily the mechanisms, the institutional path, but also how do you fund your social contract? This is why I pledge personally, and we pledge in the Government of Morocco, new ways to fund social contracts and the social state through partnerships, because there are strategic projects that need to be funded in parallel to the expenditures for social needs. I would like to end my words by saying that if we have a large delegation representing Morocco, with the three union representatives and the representatives of corporations in addition to government, there is a trust that we infused in the social dialogue. Because it was not just about discussing and sharing information and wishes but it was also about making hard decisions, budgetary decisions that benefit the population. And this is how we can made the experiment of a new social contract be a successful one. Ladies and gentlemen, thanks for your attention. May the peace of God be upon you. I thank you.

Mr Kris De Meester

Employer (Belgium)

Esteemed delegates, dear colleagues, the call for a new social contract must go hand in hand with addressing effective labour market governance and focusing on implementation and measurable impacts. Contracts are the foundational elements not just of every business but of human collaboration and society. Contracts enable people, businesses and society to come together and collaborate towards their specific desires and needs. So what is a contract really? A contract is created when there is an offer, consideration and acceptance between two or more parties. In our case, when the Report of the Director-General overlooks the essential role of the private sector and the necessity to create an environment conducive for business growth and job creation, when it misses the positive impact of technology, the importance of skills and productivity agenda, and when it misses sound macroeconomic policies, when the report falls short of properly addressing informality, when the report does not discuss the negative impacts of protectionism on social welfare, jobs and opportunities, in short when it does not respond to the needs of the business community, there is no real offer,

there is no consideration, no mutual acceptance and therefore no contract, not even a germ planted that could lead to a contract. Also, introducing a new standard is not the solution to promote social justice, to address inequalities and foster sustainable development. Limited application of already ratified standards clearly demonstrates that this is a dead-end street. Instead, practical solutions and implementation strategies are much more needed. We employers call for a constructive and future-oriented approach, addressing social and macroeconomic policies that would benefit the whole society rather than consuming a bunch of resources on deep theoretical reflections on a new social contract. Here is a short list of takeaways for free, so please take note. One, invest in skills development from early childhood to adulthood. Two, increase productivity. Three, step up efforts and tackle inefficiencies in transitioning to formal economies. Four, create a conducive environment for sustainable enterprises. Five, reform the social protection system to provide work incentives. In this year's Conference we engaged in a standard-setting discussion on biological hazards and we are working towards conclusions on important topics such as the care economy and fundamental principles and rights at work. Now let me tell you it will be of little avail to workers that the Conventions are made by a tripartite constituency of their own choice if those Conventions are so voluminous that they cannot be read or so incoherent that they cannot be understood. Incoherence is a common hazard for people that dwell in ivory towers or are driven by ideology alone. The Latin root is co-haerere. That means stick together. So once again, build on tripartism. This means that the governance, the policies and the actions respect the role of employers' organizations. It requires a genuine partnership. Coming together is a beginning. Staying together is progress. But working together is success. Tripartism is not just a pure [vgr INAUDIBLE 133:46] approach. It is not a mere ILO branding exercise. My whole professional life was and is focused on efforts to improve health and safety and well-being at work. My motivation is intrinsic. I have a deep and personal concern for the health and safety and well-being of workers, and so has our employer group. If the employers argue for simple and to-the-point provisions, if we ask for consistency and coherence, then we are not against workers' safety or better protection against biological hazards. On the contrary, we want to achieve results in the field. This should not be a window-dressing exercise, not paper-based safety, not a false sense of security. Yet, what is the committee doing? The exact opposite. We are about to create a standard, a Convention that is full of hurdles and barriers for the willing and that is full of good excuses and arguments for those Member States that do not want to adhere to ILO Conventions, a thousand reasons for not ratifying. May I remind this house that not that long ago, on the important right to social security we had to take a step back because the Convention was aiming too high and had low ratification rates. We had to lower the bar and construct social protection floors with minimum social security provisions to allow Member States to gradually improve and extend social protection. In the biohazard discussion we are adding layers to fundamental Conventions on health and safety that already have a high standard and are already difficult to achieve for many countries. So please let us take one step back. Less is more. You can always do more than you commit yourself to in writing but never less. Do not commit to something if you are not certain that most of us will be able to fulfil the requirement. Incoherence, inconsistency and overload are the notes of the symphony of destruction. Nothing is forever. In a world that is changing [vgr INAUDIBLE 135:58] rapid, an ILO not delivering on its core businesses, then this is it, this is a countdown to extinction. Make the turn now while you still can. Thank you.

Mr Tuur Elzinga

Worker (Netherlands)

Social justice remains an imperative and an essential condition for universal and lasting peace. Director-General Gilbert Houngbo rightly reminded us so in his report this year. This ILO message is just as relevant now as it was 100 years ago. One sees too many indicators of increasing polarization in the world and within societies. The differences between rich and poor have never been so visible. Inequality is reaching record levels, and in some countries has even returned to Victorian proportions. An increasing number of citizens lose faith in the achievements of democracy. They perceive that the system is only serving the interests of an elite. They feel forgotten and abandoned. Also in my own country, the Netherlands, I see the same developments. Beside the climate crisis, we experience large failures in public services, personnel shortages in care and education and increasing socio-economic disparities. At the same time, we face huge challenges, such as the energy transition, digital transformation and the need to shift to a more circular economy. In these developments, the Dutch Government's social policy played and plays a crucial role. Labour protection has been gradually dismantled through deregulation and flexibility of labour markets and the lack of enforcement of remaining rules, such as on bogus self-employment. Market forces intensify competition, reducing space for decent labour conditions. Abuse of migrant workers is standard practice. Social security and training opportunities were curtailed, leading to more poverty and making job loss a bigger problem, weakening workers' negotiation positions. And amidst this all, society is confronted with alarming polarization and inequality. Where citizens feel marginalized and sometimes even criminalized by the Government, they respond to this with distrust towards public institutions. For a social contract to work, the first crucial question is how do we rebuild this trust? Political parties thrive as they cater to this resentment and distrust. Unfortunately, a renewed social contract feels further away than ever with far-right and populist political parties winning support in the latest elections, as also occurred in my country, the Netherlands. To rebuild trust and for a new social contract to work, we must bridge and reduce differences, and we must invest in sustainable earning capacity, broad prosperity and people's well-being. As a leader of a free and independent union, I consider it my duty to speak here also on behalf of unrepresented workers' organizations. I refer to the banned independent trade unions from Belarus and Iran. For that matter, we are concerned that government-appointed workers' organizations from these countries participate here at the ILC. This lack of genuine representation is a sign of suppression of fundamental rights and freedom, depriving true worker representatives of the chance to voice their concerns directly at this conference. We strongly condemn their governments' continued brutal crackdown and repression of independent workers' union activists. And therefore, we support and call for the representation of free and independent workers' organizations from Iran and Belarus at this conference. Finally, I want to express our solidarity with the independent trade unions from Myanmar who suffer continuous violations of human and labour rights by the military regime. We support the call of our trade union colleagues from Myanmar to expedite the implementation of the recommendations of the ILO's Commission of Inquiry by adopting a resolution on the measures based on ILO article 33 since the military regime is showing no demonstration of meaningful understanding or follow-up of these recommendations. In solidarity, I thank you.

Mr Bogdan Iuliu Hossu

Worker (Romania)

Mr President, ladies and gentlemen, vice-presidents, Director-General, ladies and gentlemen. On behalf of the workers of Romania, allow me to congratulate you warmly on your election to President and Vice-President of this conference. Our current social contract is collapsing, and we all feel it, at the community level, the national level and even beyond the national level at the level of humanity in general. We need to find a way to retie those links which join us, to strengthen international solidarity and renew the social contract. We are talking about responsibility, adaptation, inclusion and greater harmony between social, economic and financial policies. Essentially, we need to invest in capacity-building and the support of people within economies because we are facing many transitions at the moment and we need to work towards what the future will be. We also need to create opportunities for people to be able to carry out productive lives and benefit equally from their contribution and the fruits of progress. Of course I am talking about protection from the risk of loss of earnings, protection from various different vulnerable situations and also in old age. The Romanian union movement supports and joins with the call on the International Labour Organization to construct a new social contract in order to guarantee social justice and decent work. Ladies and gentlemen, the Romanian Government, in collaboration with the social partners, ratified Convention 190 and modified part of our legislation. We need to adapt our legislation and the inspection powers in this area. In Romania the framework of social dialogue has been improved with changes made in December 2022, thanks to the report of a delegation of the ILO, summer 2022, supported by the European Commission and included in Romania's recovery and resilience plan. There is nonetheless a lot of lost ground to regain since a decade, when collective negotiations were completely blocked and where about half of the salaries, particularly in the private sector, were aligned with the legal minimum wage. Romania currently has a coverage of collective agreements below 30%. Social dialogue needs to be the compass for labour market policies. And the respect of constitutional rights, the rights of association and assembly, the right to negotiation, freedom of expression, these are the basis of democratic society. It is worrying that these rights are ignored by those very persons who are meant to guarantee them. The threats made by certain members of the Government to workers exercising their constitutional right to express their grievances demonstrates an attitude diametrically opposed to the support that a government of a European State ought to provide to social dialogue. It is important to note that Romania has made significant economic progress over the last decade. Nevertheless, this progress has not been shared out equitably between workers and capital. The social taxes have been entirely placed on the workers, which has meant very low net incomes. Public social services infrastructure is weak, which has led to high labour migration and a brain drain. It is clear that improved salaries are also necessary to maintain qualified and educated workers. We need to invest in the creation of high-quality jobs and in active policies for the labour market for recycling, improvement of skills, in social system protections which are adequate for the transition to a green digital economy. Social convergence of employment and skills, poverty reduction, is absolutely the minimum aim we must achieve. Quality job creation needs to be at the heart of our new social contract, a new social contract which reorganizes the role of the economy and finance as a contributor to the well-being of citizens to a sustainable way of life, way of work, production and sustainable consumption. It is not possible unless the Government and the employers engage genuinely in working with workers' representatives to achieve a common

objective, which is increased trust and greater harmony, than those that currently exist. Thank you.

Mr Ricardo Mewes

Employer (Chile)

Alexei Buzu, President of the 112th International Labour Conference, ladies and gentlemen, delegates. For the Confederation of Production and Commerce in Chile, it is an honour to be involved in this International Labour Conference once more, the highest level of global social dialogue and tripartism. We would like to take this opportunity to send a warm greeting to the representatives of our government, headed by the Minister for Labour, Ms Jeannette Jara, and also to the delegation of workers of Chile, led by the President of the single workers' federation, Mr David Acuña. In Chile, after several years of a difficult economic situation and low growth, we have managed to stabilize the economy, and in the last few months we have seen signs of recuperation which we hope we will consolidate over time. For this, it is essential to reactivate investment, which is still at a low level and which is what makes it possible to create more and better jobs, improving opportunities for prosperity of all Chileans. In employment and in labour formality, we have a great challenge facing us because we have still managed to reinstate all of the jobs that were lost during the COVID-19 pandemic and we still have a rate of informality which is above 28%, which affects disproportionately women, young people and migrants. At the same time, our labour productivity has been stagnant for many years, which means our companies and our country is not as competitive as it should be. In a world immersed in a digital transformation where more and more artificial intelligence is used, it is essential that we improve people's labour skills. And to be employable, they have to follow enterprises in renewing and reinventing themselves to face up to the new requirements of the times we live in. As far as the search for training for and mediation of work, we recognize the work that is being done in the Ministry for Labour to coordinate the different public bodies that address these matters and also the creation of public-private structures for tripartite dialogue. But it is absolutely essential that we move from analysis to action, implementing proposals which will address the labour emergency that many unemployed people are living through today. Faced with these complex challenges, we think that the labour agenda of the Ministry for Labour should be focused on them bringing together the interests of all of the tripartite players in order to advance towards solutions which will improve quality of life and opportunities for individual people. On the contrary, working on a labour agenda which could be an object of political utility, dividing different parties will only postpone the necessary solution of the pending issues which have to be addressed urgently and which are a key for the country to make a leap ahead in the creation of new formal, high-quality jobs. In the immediate future, we have to, in an effective and balanced way, implement the reduction of the working day, as set out in Karin's Law, and Convention 190 of the ILO on violence and harassment and the new national policy on health and safety at work. These are all important issues in our country. As far as the reduction of the working day is concerned, we think it is absolutely essential that the directorate for labour accepts the reconsideration that we are proposing from the different sectors of the productive economy. This is a legislation that was the product of an agreement in social dialogue and it has to be implemented in accordance with the spirit in which it was approved. As far as Karin's Law and Convention 190 are concerned, it is necessary that the authorities, along with the insurers and the Institute for Labour Security create a minimum framework which workers will be acquainted with to

promote prevention which will be possible to implement and monitor. These are standards which will promote a positive cultural change, but we have to advance in a gradual way through different stages. Finally, as far as the new policy for security and health at work is concerned, it is important that this helps to improve labour in our country. As we have done over time, we have had a gradual and persistent reduction in accidents at work and we need to address to a greater extent the new kinds of pathology that have come out of new kinds of modern forms of employment. But we also have to be very cautious and maintain a clear separation between what is caused by work and what comes from general health issues. As far as the International Labour Conference is concerned, we have been actively involved in the Committee on Biological Hazards whose discussion is moving towards the adoption of a new ILO Convention. Here we have been able to see that in a great majority of countries there is no system for the prevention of accidents at work and of vocational diseases, such as we have in Chile. We have a very successful system which has had spectacular success, and we have to make sure that we do not put it at risk by overburdening it with new obligations which depart from its central objective. As far as we are concerned, we are and always will be open to social dialogue. We are absolutely available to find new ways in consensus of creating advances which will improve quality of life for workers, improve productivity and competitiveness of our companies and will improve the prosperity of society. Thank you very much.

Ms Karien van Gennip

Government (Netherlands)

Dear all, we are here with social partners, ministers, ambassadors, ILO officers, NGOs and many other guests, and I am happy to be here as well because the ILO is an important organization. And the ILO and the Kingdom of the Netherlands, we share the same goals: decent work and social justice for all. And we share the strong conviction we can realize these goals through international standards on labour and social security, based on a worldwide social dialogue between governments, employers and workers. And this is what makes the ILO an important organization: it helps us create a fairer world. And I want to thank Director-General Hounbo, Gilbert, for your vision towards a new social contract. It raises important questions. How do we renew our social contract today? How do we deliver social justice as the basis for lasting peace? How do we bring about shared prosperity, equity and just transitions in digital and in climate? In short, what kind of society do we want to be? And let me provide you with three considerations. First, start with a human-centred approach. Labour rights are human rights. There will be no social contract without ensuring that all our citizens do well. We have to take the concerns of our citizens seriously, much more serious than we do today, regardless of age, level of training, religion, gender, sexual orientation or ethnic background. Every, single one of them. And any social contract should embody decent work, equity and social justice, the key values of the ILO. My second point translates the human-centred approach to our societies. Economic growth cannot be realized in a sustainable way without cohesive societies. So we must address the challenges of our time. Our labour markets should be inclusive and work for everyone, also for women, migrants, people with disabilities. Our labour market should also work for the outsiders, the less privileged, the new entrants. One tangible example, in the EU we agreed on a directive on platform work, together with all the European colleagues, and that directive improves the working conditions for platform workers. It protects vulnerable workers, and at the same time it allows for innovation in the platform economy. So it can be done.

We showed it in Europe, protecting vulnerable workers and allowing for innovation. And that is a social market economy. And my third point, we cannot do this alone. To create cohesive societies, we need international partnerships and cooperation, and this is why the ILO is an essential organization. Our tripartite structure can contribute to our fight for decent work and social justice. So, Chair, the importance of social dialogue cannot be underestimated. We need to live up to our shared task and strengthen the dialogue also in this house, together, and the Netherlands wants to play a proper role in building up and reinforcing that cooperation. The voluntary contributions from the Netherlands to the ILO serve to support the Organization in continuing its important work so that we can truly achieve the just societies we are all aiming for, everywhere. And of course the ILO cannot do this alone. I therefore applaud the cooperation between the international financial institutions, the ILO and other UN agencies and institutions on the labour and social dimension of development. An ILO-led Global Coalition for Social Justice is an excellent initiative to strengthen our cooperation, as is the Alliance 8.7 to eradicate child labour, forced labour and modern slavery. Friends of the ILO, being here together, we need cooperation and we need to make sure that people know and feel the importance of social justice and decent work. To leave no-one behind, that is our mission. Chair, you have the full support of the Kingdom of the Netherlands. Thank you very much.

Ms Domna-Maria Michailidou

Government (Greece)

Dear Chair and Vice-Chairs, Director-General, social partners, ladies and gentlemen, it is a great honour to participate and address this esteemed plenary session of the International Labour Conference. I would like to begin by expressing my deepest appreciation to the Director-General for a comprehensive report, a very comprehensive report. A report which places at its very core a key question, a question about the social contract in the workplace today, how it has changed, evolved and which are its elements to be prioritized, altered, enhanced or even rendered obsolete. Which are the key elements in today's social contract in the employment market? Diversity in the workplace, inclusion of the so-far outsiders, work-life balance, flexibility, flexicurity and remote work? The answer I gather is all of the above, and perhaps even more. To this end, the Global Coalition for Social Justice serves as a principal platform for political initiatives and pertinent reforms towards policy coherence, partnerships and multilateral cooperation. The Director-General's speech rightly captured the duality of our current global landscape. On the one hand, we are observing an encouraging economic recovery from the pandemic, with the IMF forecasting stable GDP growth and declining inflation rates. From the other side though, we face persistent geopolitical tensions, unresolved conflicts and the enduring challenge of ensuring social justice and equitable growth. At this point, allow me to underline that over the past years my country, Greece, has been in a unique position. Before the COVID-19 pandemic and the war in Ukraine, Greece weathered a turbulent decade of economic downturns. Despite the harsh chain of destructive events, Greece has shown unwavering resilience, and I will give you three quick examples. One, flexicurity. We have managed to reverse, to a very large extent in fact, the pool of the unemployed. From subsidizing largely unemployment benefits, we have swiftly refocused on active labour market policies, enlarging their scope, enlarging their funding so that more people can enter or re-enter the labour force, bolster incomes and experience upward mobility, predominantly by acquiring digital and green skills. Second example, work-life balance improvements. Conditions when not at work that induce, if not ensure, the return to work. Work-life

balance, and within it the application of the child guarantee in order to protect the most vulnerable kids and non-vulnerable kids. We engaged into a sum of reforms supporting vulnerable and non-vulnerable kids, such as the increase in the availability and financing of nurseries, the improvement of services provided within them, the quality of school meals and free after-school classes. Third and last example, regulatory improvements of conditions at work. A small but not insignificant example that my colleague from the Netherlands just mentioned, that we all managed collectively to achieve at an EU level, has to do with the legislation on collective bargaining rights pertaining to platform workers. I am referring to these policies exactly because I want to underline that there is no excuse not to safeguard and improve social cohesion in the face of social, economic and geopolitical hardships. We made it in Greece in the most difficult times. We can all together make it and make it even better. The Report of the ILO Director-General presents a sobering assessment of the global state of fundamental principles and rights at work. It is heartening to see progress, albeit with no tremendous speed, in areas such as combatting global unemployment and the deepening of the labour force skillset. However, significant challenges such as the discrimination, or at the very least underrepresentation of vulnerable population groups, the ones considered as outsiders, still remain. I am very pleased to announce at this occasion that Greece has recently joined the Global Coalition for Social Justice. The Greek Government is looking forward to engaging both at national and international levels in this very timely initiative. Through collective efforts, advocating social dialogue, we will realize our collective ambition to advance social justice and decent work for all. After all, a sincere and thorough discussion on the renewal of the social contract in the workplace is not a policy imperative, it is a moral imperative. Thank you very much.

Mr Ettore Balestrero

The Holy See

Mr Chair, despite the relatively stable economic growth globally, significant slowdowns in key economies highlight the persistent and profound impact of social inequalities. Millions of people emigrate in search of work, while others do so because they find themselves forced to flee their countries of origin driven by armed conflicts, violence, climate change, persecution and often poverty. As a direct consequence of the ageing populations of numerous countries worldwide, the number of older workers is consistently increasing. At the same time, low birth rates that have been registered over the past decades in several developed countries imply that the usual provisions for social security and services are at risk. On the other hand, in many of the least developed economies the population is young and growing, necessitating the creation of employment opportunities. Moreover, the growing impact of new technologies cannot be underestimated. It is the hope of my delegation and of The Holy See that all these challenges will encourage a greater attention to workers and a fruitful discussion on the care economy. As Pope Francis recalled to this same august assembly three years ago, if work is a relationship, then it must include the dimension of care because no relationship can survive without care. Here we are not just referring to the work of assistance. Care goes further. It must be a dimension of all work. Work that does not take care, that destroys creation, that endangers the survival of future generations, does not respect the dignity of workers and cannot be considered decent. On the contrary, work that cares, that contributes to the restoration of full human dignity, will help to ensure a sustainable future for future generations. In this context, the Holy See would like to express its appreciation for the efforts undertaken by the ILO for the

establishment and launch of the Global Coalition for Social Justice, inspired by the shared conviction that the world needs renewed commitment, a new social compact that can bind us together, older and younger generations, for the care of creation and for solidarity and mutual protection within the human community. Social justice, especially in the current context where the value of the person is seriously threatened by the widespread tendency to rely exclusively on the criteria of utility and ownership, is not always an expression accepted by liberal economies. Yet it is essential for our efforts to avoid passive acceptance of the negative and destructive occurrences in today's world in order to avoid being overcome by indifference and, most importantly, to maintain hope for the future. It is in this spirit that my delegation wishes to convey its support to the ILO for the development of the tripartite dialogue in view of the 2025 World Social Development Summit. Thank you very much for your attention.

Mr Luc Triangle

International Trade Union Confederation

Dear Mr President, Vice-Presidents, dear delegates, on behalf of the International Trade Union Confederation, which organizes all the trade unions in nearly 170 countries, I would like to express my sincere appreciation to the Director-General of the ILO for his choice to focus his report to the Conference on the theme 'Towards a renewed social contract'. To achieve the objective of social justice for all, indeed we need to renew our social contract. During our last congress in 2022, trade unions worldwide endorsed six key pillars constituting clear labour demands for a new social contract. And they are, first, the creation of decent and climate-friendly jobs with a just transition. And this involves industrial transformation to achieve net-zero carbon emissions, along with investments in strategic economic sectors such as the care economy, the green economy and sustainable infrastructure, and formalizing informal work. Second, rights for all workers. Regardless of their employment arrangements or migration status, rights must be extended to all workers to fulfil the promise of the ILO Centenary Declaration with its labour protection floor that includes rights, maximum working hours, living wages, and health and safety at work. Third, living wages. Statutory or negotiated living wages that guarantee dignity for all workers and their families, building on the recent agreement reached at the ILO. Fourth, universal social protection, including the creation of a social protection fund for the least wealthy countries. Five, equality. Guaranteed equal pay for work of equal value and ending all discrimination, whether based on gender, gender identity and sexual orientation, ethnicity, migration status, ideology, religion, social status or any other grounds, in the workplace or in society. And sixth, inclusion. A peaceful world, a rights-based development model and a truly inclusive multilateral system redressing existing imbalances of power and wealth through the use of tripartism and social dialogue as a key means of implementing the 2030 Agenda. Over the past few years trade unions have increasingly influenced the UN 2030 Agenda by calling for a new social contract with SDG 8 at its core, and we can see that influence. The workers' demands on universal social protection, decent work, labour protection floors with just transition and a renewed multilateralism based on solidarity are central in the UN Secretary-General's report 'Our Common Agenda'. We can also see it through the UN Commission for Social Development. Since 2022 it recognized the need for adequate labour protection to all workers, social dialogue, minimum living wages and investment in care and the fight against violence and harassment. Furthermore, the targets of the UN Global Accelerator for Jobs and Social Protection and Just Transitions, launched by the UN Secretary-General in September

2021, match the trade union demands for a new social contract focused on decent jobs creation and universal social protection to ensure just digital and climate transitions. Distinguished delegates, the Second World Summit for Social Development in 2025 is a key opportunity to frame these new social contract demands within the global governance agenda. We need to ensure that the role of social dialogue and tripartism, the spirit of the ILO, is recognized in the outcomes of the Second World Summit for Social Development as it is already included in the resolutions of the 61st and 62nd UN Commission for Social Development. And we must ensure that social partners can meaningfully participate in the development and design of the summit itself. And secondly, the recognition of the key role of social dialogue to foster social development must be recognized in the summit's declaration and in its implementation. And it will be essential that financial resources are there to marry policy ambitions with financial commitments, including the mobilization of massive public investments to bridge the implementation gaps of the 1995 summit and to accelerate progress towards the Sustainable Development Goals. In that regard, it is important that the summit builds on the outcome of the fourth International Conference on Financing for Development next year, 2025. And finally, last but not least, we must ensure that the summit highlights the nexus between social justice, peace and democracy. We must rebuild strong democratic institutions to ensure peaceful and inclusive societies that protect human dignity. As already outlined in the Centenary Declaration, building democracy should be included in our calls for a World Social Summit. In the Centenary Declaration for the Future of Work, ILO constituents agreed in 2019 that the experience of the past century has confirmed that the continuous and concerted action of governments and representatives of employers and workers is essential to the achievement of social justice, democracy and the promotion of universal and lasting peace. We, as the ITUC, we promote 'For Democracy' as our flagship campaign: democracy at the workplace, in the society and at global level. Thank you very much.

Mr Alexei Buzu

President (Republic of Moldova)

Thank you. Ladies and gentlemen, that brings us to the end of our list of speakers for this morning's plenary sitting. Before closing, I would like to remind you once again that today the Conference will commemorate the World Day Against Child Labour. The event will take place from 1.30 to 2.45 pm in Room 20. This year's event will be held under the slogan 'Let's act on our commitments: End Child Labour!'. Today's celebration will mark 25 years since the adoption of the Worst Forms of Child Labour Convention as well as provide an opportunity for the tripartite constituents to discuss advances and challenges in relation to the elimination of child labour. I hope to see you all there. I thank you all for your contribution to this morning's debate. Our plenary sitting is now closed. Thank you.

Ms Béatrice Lestic

Worker Vice-President (France)

Ladies and gentlemen, delegates, welcome to this 15th sitting for the 112th Session of the International Labour Conference. We shall now continue the general discussion on the reports of the Director-General and the Governing Body. Now, before beginning, I would like to remind you of the provisions that were approved at the opening session concerning the special session on the workers in the occupied Arab territories. The matter was examined at the special session that took place last Thursday. I would like to encourage you therefore to focus on Reports 1(A), 1(B) and 1(C) in your interventions. Thank you very much. I also would like to invite you to comply with the principles that underlie this discussion in terms of parliamentary language and respect your timings for your interventions, which must not go beyond five minutes. I would also like to state that you have the right to reply. It is not necessary to interrupt the debate for a motion of order or for a reply in the plenary session. All you must do is lift your flag and a member of staff will respond to your request. In the case of the right to reply, I would like you to clearly inform the staff member as to which statement you wish to respond to. Please be aware that the reply must only focus on the subject matter in question. It must be a maximum length of two minutes and must respect parliamentary language. Our organization does not authorize a right of reply to a right of reply. Now let us move on to the list of speakers as published in the daily programme. You can see it on the screen in the room. The first speaker will be Ms Ngoma, the Employers' delegate from Zambia. The floor is yours. Madam, the floor is yours.

Ms Sakala Mara Myra Ngoma

Employer (Zambia)

The Conference President, delegates, distinguished guests, ladies and gentlemen, I am pleased to have been accorded this opportunity to make some remarks on the Director-General and Chairman's report presented to this 112th Session of the International Labour Conference. First of all, I would like to thank you for your report on the social contract which is a very important and a very intensive report touching on various key issues. The report entitled 'Towards a renewed social contract' has raised a number of issues concerning social contracts, among other issues, in regards to how social contracts connect individuals and communities, serving as a source of inspiration, and thriving societies. We agree with the DG on one of his statements, that work is central to the lives of individuals and communities. While this is a fact, the truth is that we have a situation where generating employment opportunities for young people is a major challenge facing most countries, rich or poor. Since the available jobs in a number of our countries are not adequate to meet the number of youths seeking to be employed, our young people are often at the back of the hiring queue, despite higher levels of formal qualifications they possess, than the earlier generations. Millions of young people work fewer hours than they wish, while others work long hours with little gain and without social protection in the informal sector. I am aware, though, that some countries have embarked on extending social protection coverage to the informal sector workers. We commend such countries, which also includes my country, Zambia, where, with technical and financial support from the ILO office for Zambia, Malawi and Mozambique, Zambia developed a strategic plan on extension of social protection coverage to the informal sector in December 2023. Currently, through a consultative

process and again with the support from the ILO field office in Lusaka, we are now working on developing an implementation plan of the extension of social protection to the informal sector. We therefore find the appeal for social contracts in the DG Chairman's report appropriate and timely. Social contracts must emphasize the importance of incorporating youth employment into comprehensive employment policies that stimulate broad-based, employment-intensive growth as the best means to create employment for the youth, especially in developing countries. This must be the way to progress. However, for the youth to be absorbed in employment where the opportunities arise, quality education and demand-driven, skill-development approaches must be encouraged. Industry must be brought on board to engage with authorities responsible for national skills development and training institutions. Finally, the collaboration must tap into processes of skills anticipation and creation of sector-based skills advisory councils, which must be supported to spearhead development of demand-driven, sector-based skills. Thank you very much.

Mr Chee Keong Sim

Government (Malaysia)

Madam Chair, the Director-General's report has indeed echoed many pronouncements of our time, that we live in an age of crises. Workers find themselves sieged on all fronts, from our economy to our environment, from our health to our rights. Those who imagine that this situation will be temporary and it will be reversed will indeed be disappointed because the post-normal is the new normal. As such, business as usual will not do anymore. In my home country, Malaysia, we have a lyrical way to express the French saying 'plus ça change, plus c'est la même chose'. We say, "Pi mai pi mai tang tu," meaning 'going everywhere but going nowhere'. Therefore, the Director-General's call for a renewed social contract fully resonates with our times and our view on this matter. Considering the challenges in this age of crises, there is a critical need for a renewed social contract, one that delivers social justice for everyone. And everyone means everyone. The world needs a more humane growth model, one which develops the totality of a person, not diminishes the person's dignity. We need a new governance framework which empowers men and women, young and old, people with disabilities, of all races and religions, everyone, not one which further disenfranchises them. And when I say disenfranchise, we must not imagine it is the actions of some undemocratic dictator somewhere else. The current growth model nationalizes gains in the hands of a few superpowers while imposing the burden of regulations, responsibilities and even lopsided morality upon the rest of the world. This is the systematic disenfranchisement which the world has to dismantle if we want to renew our social contract. Nevertheless, we do not always have to reinvent the wheel. Sometimes we look back to our history, to the history of our great civilizations for lessons. Malaysia, under the leadership of Prime Minister Anwar Ibrahim launched the Madani Economic Framework last year. To put it simply, the word 'Madani', from the same root word as Madinah, the city of the Prophet, means civilization. It was in the governance of this city that the Prophet of Islam established a social contract based on common prosperity, justice and solidarity. Under the Madani Framework, Malaysia is pursuing new areas of growth in high-tech sectors, AI, energy transition, in the new green economy. Last year we recorded a historic high in the value of new investment approved into our country. But mere economic growth is not enough. Madani means the outcome of economic prosperity must include upholding human dignity, which is why, in this 112th International Labour Conference, I am proud to represent Malaysia to

ratify the Occupational Safety and Health Convention, C155. This coincided with the recent enforcement of an amended occupational safety and health legislation in Malaysia which, among others, included expansion of the coverage of this law from previously ten sectors to now all economic sectors in our country. Our aspiration is that, every worker after a workday will be able to return home safely to their loved ones. Human dignity is human dignity regardless of one's creed and colour. Everyone means everyone. Thus, last month Malaysia announced that we will be expanding the full spectrum of social security protection under our Employees Social Security Act, previously enjoyed only by Malaysian workers, now to all workers including migrant workers. Skills are intrinsic to a person's dignity and survival, especially that of a worker. As such, it is high time that lifelong, accessible skills training be recognized as a fundamental right. In the face of an ever-evolving job landscape of the 21st century, accessible skills training must be made available to support career advancement and transition. In less than two weeks from now, Malaysia will be hosting a National Training Week where more than 25,000 skills courses will be provided free to over 200,000 people. We hope the ILO will continue to prioritize lifelong learning and skills training as part of its effort to improve the lives of workers everywhere. Finally, as we ruminate here over global issues concerning labour, we must never forget our fellow workers and their families in Palestine. Malaysia reiterates our call for an immediate ceasefire. End the violence now. End the oppression now. End the occupation now. End the colonization now. Let peace prevail now. Thank you, Chair.

Mr Nouredine Tabboubi

Worker (Tunisia)

Ladies and gentlemen, the Report of the Director-General is called 'Towards a renewed social contract', and that expresses the desire today to revisit this idea of a social contract in light of the most recent changes in the world and the consequences at the national and global level. The social dialogue policies have recently made it possible for social contracts to be concluded to establish stability, productivity and create an environment for technological and industrial progress with an improvement of living standards, improving services for millions of people. And these policies have also ensured numerous rights for workers, including collective bargaining and freedom of association as well as the right to strike. However, despite all of this, the fruits have not been equally shared. Quite the opposite. Wealth has been used to serve industrialized nations, affluent countries, which has increased the gap between poor countries and industrialized countries at all levels. And I do not think I am exaggerating when I say that today we are moving increasingly far away from the realization of social justice and peace for all. This is a reality that is reflected today by violent conflicts and policies that reflect double standards at the global level. Today what we need are social contracts between the state and society on one hand and the social partners on the other to achieve justice and equality and ensure freedom with each country. What we also need is an international social contract that will distribute wealth fairly, a social contract that bridges the gaps between countries, the south and the north, reduces those disparities and eliminates poverty and curbs manifestations of racism and exploitation. Establishing fair agreements at national and international level requires open and honest dialogue without any pressure or constraints. In this regard, I welcome the positive interaction with the Committee of Experts and the report on the violations in Tunisia by the Government in recent years of freedom of association. We would like to thank all of the trade unions, all of the parties who have supported us, and we denounce

the policies that have been applied. We would also like to draw your attention to the arbitrary measures adopted by the Tunisian Government in recent years which have undermined freedom of association, social dialogue and collective bargaining as well as international labour rights. And these violations have targeted the independence of trade unions, social dialogue and been detrimental to workers' rights. There have been a series of arrests targeting trade unionists, and the collective agreements are not being respected. There is a refusal to engage in dialogue or negotiate with unions, but negotiations must resume with the Tunisian Government and the Tunisian General Labour Union. We need to halt the violations and prosecutions. We can no longer remain silent about the protection of Tunisia's stability and the legitimate rights of its people and its democracy, for trade union rights, and freedom of association in particular. We are seeing a genocide of the Palestinian people with a failure to respect peace, justice and security. We need to ensure that this policy of double standards stops. It thwarts United Nations principles, and the Palestinian people are suffering under the yoke of occupation. It is time to put an end to this and the destruction that we have seen. This could all have been avoided. Looking at the massacre in Gaza and the West Bank, we exhort the ILO to send a Commission of Inquiry to examine the impact on the Palestinian people and the social partners. We call for immediate cessation of the occupation, and we need to guarantee the right of the Palestinian people to self-determination and establish their independent State with Jerusalem as its capital. Thank you.

Mr Narek Mkrtchyan

Government (Armenia)

Excellencies, distinguished delegates, ladies and gentlemen, it is my honour and greatest pleasure to represent the Republic of Armenia at this 112th Session of the International Labour Conference. At the outset, I would like to extend our gratitude to the ILO secretariat for organizing this large-scale and important conference. This year's conference offers yet another opportunity to exchange views on lessons learned and the existing gaps and challenges in implementing our collective commitment to promote labour rights, ensuring sustainable employment, decent work and fighting poverty. Dear participants, the Government of Armenia's labour policy aims to provide citizens with decent work, sustainable employment and professional skill development in line with the values and principles of the ILO. To achieve this, we have implemented different legislative reforms. Especially last year, the parliament adopted extensive amendments to the labour code of the Republic of Armenia, revising 122 out of 266 articles, which means that more than 40% of the articles were reviewed. The code has been aligned with the ratified ILO Conventions and articles of the European revised Social Charter. With these amendments, the regulations for hiring and dismissal have been revised, labour guarantees for working women have been expanded, the working relationships of employees at the retirement age have been updated, the procedure for granting annual leave has been revised, and the regulations regarding child labour, the role of social partnership and the institution of internships have been introduced. Special emphasis has been placed on establishing regulations related to violence or sexual harassment at work in this process. Provisions for social partnership, collective labour relations, trade unions and professional training have been introduced. Additionally, the law on voluntary work package has been adopted which establishes comprehensive and unified legislative regulation for voluntary work as well as the necessary conditions and mechanism for the establishment of the voluntary institute and spread of voluntary culture. For the first time, Armenia hosted an international

conference titled 'Promoting Social Justice: the future of work in the present era', initiated by the Ministry of Labour and Social Affairs of Armenia with the participation of ILO Director-General Gilbert Houngbo. The conference was symbolic in two ways. It was the first of its kind in Armenia with the ILO Director-General's participation and it occurred during the challenging period for Armenia. Our expectations were to raise awareness and have many representatives who would share their knowledge and skills gained. During the event, Armenia joined the Global Coalition for Social Justice aiming to address social justice issues and accelerate efforts to achieve Sustainable Development Goals and the Decent Work Agenda. We strive to ensure that every policy we enact reflects our commitment to justice for all. In this context, I would like to inform you that the unemployment rate in 2022 was decreased by 5.6 percentage points in comparison with 2020. The employment rate for the same period was increased by 5 percentage points. The unemployment rate of women was decreased by 3.4 percentage points. The Armenian social protection system has faced challenges recently with the forcibly displaced population from Nagorno-Karabakh. However, more than 95% of the displaced population is covered by different kinds of social protection services. In the meantime, several activities in line with the commitment undertaken by Armenia are in the process. Particularly, the ratification process for ILO Convention 190 has begun and Armenia's employment strategy focused on social justice is under approval. New laws on trade union and employers' associations are being developed to enhance social partnership. In conclusion, I hope our collective effort will ensure achieving social justice and decent work for all, thus supporting a new kind of social contract. Thank you.

Mr Miguel Eduardo Torres

Worker (Brazil)

For us workers, only by means of our struggle will we be able to legislate and guarantee democracy. President, on behalf of the workers of Brazil, the trade union federations CUT, UGT, Nova Central, CSB and CTB wish to congratulate Gilbert Houngbo, the Director-General of the ILO, for his leadership and for the important report on a renewed social contract as well as for launching a debate on a Global Coalition for Social Justice. We wish to welcome the delegates, the guests and the authorities. We also wish to extend special greetings to the Minister of Labour, Luiz Marinho, as well as to the workers of Brazil and of the world. Director-General, we believe that the report on the renewed social contract and the initiative for the Global Coalition for Social Justice are very welcome. They are timely and reflect reality, in line with the fundamental objectives of the ILO. Despite scientific and technological progress, unemployment, abject poverty, lack of resources and inequalities continue to exist. They are playing an extremely negative role and they are affecting democracy, development, peace, especially in the poorest countries as well as developing countries. That is why workers continue to fight for the maintenance and extension of their rights and achievements, for social dialogue, for decent work and for strengthening democracy and social justice. We are deeply concerned by the geopolitical tensions and the armed conflict in the world nowadays. They represent a serious threat against world peace, and the victims are always workers and the innocent civil population. The United Nations and the international community must undertake all efforts possible in order to find a solution that is diplomatic to these proxy wars before they have unpredictable consequences on the nations of the world. Ladies and gentlemen, another problem is climate change, and this is a serious concern for workers and for the populations. Global warming, indeed, is affecting Brazil and most countries of the world. There have been many natural catastrophes over the past

years in several countries, and there is no doubt that climate change is becoming more and more serious and is the result of human activity. For example, in Brazil the state of Rio Grande do Sul is experiencing the worst climate tragedy of its history. The trade unions movement, the working class and the Brazilian people have implemented actions to demonstrate its true solidarity to the population of that state in these difficult moments. It is necessary that all strengthen our support and solidarity to the population of Rio Grande do Sul and to all the people that are affected by tragedies due to climate change. It is a prime opportunity for us to take on our roles and really meet the expectations and our responsibilities to prevent the worst and guarantee the future of future generations. We will be receiving, with open arms, all the delegates that have been invited to the upcoming COP30 in Brazil. We wish to express our support for the renewed social contract, and we are available to contribute to the debate and implement the Global Coalition for Social Justice. We do hope that the proposals will strengthen social dialogue, tripartism, collective bargaining, trade unionism and democracy. Brazil is making positive changes, albeit a little slowly. There have been attacks and persecutions against workers, and this has been done by a sector that is very conservative and the elites. They have prevented more significant progress. We also wish to thank the Government of President Lula for its efforts to improve the conditions of life of workers and the Brazilian population. Together, we have managed to increase the minimum wage, thus promoting a fairer distribution of wealth, reducing poverty and generating social inclusion. We have also managed to see wage equality between men and women become a reality when they work at the same workplace and do the same tasks. We wish to highlight the work of Minister Luiz Marinho who promotes social dialogue and collective bargaining. We have also seen positive action taken by labour courts, by CONALIS in order to fight anti-trade unionism in Brazilian corporations. We are working towards sustainable development and decent work for all. Workers call for peace, social justice and solidarity in the world. Long live democracy. Long live peace. Long live the working classes and long live the pact for social justice. Long live all the peoples of the world. One comment, yesterday in a Brazilian paper an article was written about a company that requires a response. This corporation called for the end of the Lula Government, but what we want is we want an end to slavery. We want an end to child labour. What we want is a better country for workers, and only our struggle will pave the way to democracy. Thank you.

Ms Marina Elvira Calderone

Government (Italy)

Dear Director-General, dear President, dear delegates, it is an honour and a pleasure for me to speak at the 112th Session of the International Labour Conference. I would first like to reiterate Italy's strong support, as a constituent member of the International Labour Organization, to this Conference. In its more than 100 years of history, the ILO has fully honoured its mandate by establishing itself as the leading forum at the global level for promoting social dialogue and for upholding and consistently implementing fundamental principles and rights in the world of work. The plenary session and the technical committees address issues that are also central to the work of the G7, of which Italy holds the presidency this year. I refer first of all to the impact of artificial intelligence on the world of work. It is crucial to explore the opportunities of artificial intelligence in a context of security, reliability, transparency and respect for the rights of all workers. International cooperation is essential and the role of social dialogue is paramount. In this context, we are working with our G7

partners, the ILO and the OECD on an action plan for a human-centred implementation of safe, secure and reliable artificial intelligence in the world of work. I am also thinking of the debate on the care economy. This is an important discussion that highlights aspects that are interconnected, including those relating to the protection and inclusion of women in the world of work, work-life balance, health and safety issues for workers and care recipients. These are issues that we have put at the centre of the G7 agenda, by which we are committed to promoting, together with our partners, the ILO and the OECD, the adoption of policy principles for a resilient world of work in an ageing society and an action plan to improve working conditions in the care sector. We are also closely following discussions on the prevention of biological hazards and the protection of fundamental principles and rights for decent work. Ongoing transitions require us to invest more and more in people and skills. This means stepping up our commitment to and investment in training systems that provide workers with adequate levels of skills in all sectors throughout their lives. Adapting training systems also means making them more inclusive, available, accessible and adaptable to everyone's needs. This is essential to achieve social and labour inclusion of people, starting with the most vulnerable groups for whom we must remove obstacles and barriers to their full realization in the world of work. I would like to thank Director-General Hounbou for the report dedicated to a renewed social contract as a fundamental tool to strengthen social cohesion, economic resilience and stability in the current context of profound changes and conflicts that challenge established structures. We are witnessing extraordinary transformations in the world of work. Digital and environmental transitions are reshaping traditional paradigms. Demographic change will have increasing impacts on our societies, economies and welfare systems. In the light of these demanding challenges, the Global Coalition for Social Justice, promoted by the Director-General, acquires a particular value. Italy strongly supports the coalition, in the conviction that it can contribute to enhancing, at all levels of government, the dialogue with social partners and with a multilateral network of stakeholders in order to steer everyone's effort in the direction of decent work and to achieve an increasingly equitable and inclusive world of work. These challenges require us all, governments, international organizations and social partners, to further strengthen the tripartite dialogue and international cooperation to combine, in a virtuous and sustainable manner, development and rights, innovation and inclusiveness, competitiveness and decent work, in all economic sectors and in all countries here represented. This is also an important task ahead of the Second World Summit for Social Development in 2025. This is the commitment of the Italian Government. This is the commitment of our G7 presidency, embracing an inclusive approach, based on dialogue and openness to the global South. This is the purpose of our strong support for the Global Coalition for Social Justice and our collaboration with the Brazilian presidency of the G20, with whom we will have the pleasure of organizing a joint event here at the Palais des Nations tomorrow. Thank you for your attention, and I wish you all success in your work.

Mr Antonio Sayo

Employer (Philippines)

Madam Chair, distinguished delegates from business, labour and government sectors, ladies and gentlemen, good afternoon. It is my pleasure to speak here today, June 12th, which coincides with 126 years of Philippine independence. I take this moment to honour the sacrifices of our heroes by continuing to strive for a better, brighter future for all Filipinos. At the outset, allow us to associate ourselves with the report of the ILO

Director-General, who was in the Philippines late last year, which is comprehensive, substantive and relevant. That said, we find ourselves at the pivotal moment in history where the very foundation of our societal fabric is being re-examined and redefined. First and foremost, we acknowledge the importance of addressing the current state of global inequality, exacerbated by the COVID-19 pandemic and the change drivers and megatrends that affect the world of work: technology, global warming, climate change, globalization and hyper-localization, geopolitical developments and demographic shifts. As representatives of the employer sector, we recognize our role in shaping the future of society. However, the Employers Confederation of the Philippines believes that there is a need for an all-of-government and all-of-society approach to address the crucial issues in transition towards a more sustainable workplace and society. In the recent Labour Day celebration, our President, Ferdinand Marcos Jr, called upon the Regional Tripartite Wages and Productivity Boards to review current minimum wages as it has been one of the policy priorities of the Philippine Congress. The RTWPB of the National Capital Region has commenced the annual review as the anniversary of their last wage order approaches. Although we actively participate to the review, we also believe that wage adjustments will not completely solve the problems of the workers. Businesses, other than providing decent employment, also strive to create inclusive growth by investing in marginalized communities and fostering entrepreneurship at the grassroots level whilst helping the government achieve relevant Sustainable Development Goals at said levels. Providing decent employment is not a solitary task but a collective responsibility that requires collaboration across stakeholders and sectors, especially to address the root causes of unemployment and underemployment. Government must lead in this process by implementing policies and programmes that support job creation, attract investments and promote entrepreneurship. By investing in infrastructure development, education and skills training, the Government can unlock the full potential of our workforce and stimulate economic activity. Businessmen and employers must continue to believe in the primacy of people and provide the workers with lifelong training, upskilling and reskilling. We are instilling a culture of excellence, resilience, sustainability and concern in an environment where no one should be left behind. Over the recent years employers, as spearheaded by ECOP, have been in partnership with the Department of Labour and Employment, or DOLE, and various industry associations to generate decent jobs and push for an enabling environment for job generation. In support of the Government's thrust for job generation and upskilling of the Filipino workforce, Project J.O.B.S., or Job Opportunities Building Skills, focuses on the matching of job seekers to employers, either through physical job fairs or via online platforms. Industries involved in the project also discuss the challenges in the world of work along with the need to reskill and upskill the current workforce to cope with the requisite transitions. Additionally, through our partnership with our counterpart organization in Denmark, which enabled the establishment of the bipartite social dialogue mechanism which we call Leaders Forum, ECOP is currently implementing the second strategic partnership agreement that is aimed at facilitating a more systematic and constructive social dialogue in the Philippines and promoting just transitions to climate and environment-friendly production. It also seeks to promote and mainstream the UN Sustainable Development Goals and responsible business conduct as a means to achieve the green and just transition, taking into account occupational safety and health, diversity and inclusion and business resiliency. Under this project, a new tool called the SDG Value Scan was introduced as a guide for companies looking into integrating the SDGs in their value chains. The ECOP Occupational Safety and Health Academy has not only been actively conducting training on OSH but also pushes the promotion of and implementation of training programmes specifically catering to

MSMEs, COVID-19 prevention and mitigation measures and promoting healthy communities, et cetera. The employers have also been heavily involved in discussions on diversity and inclusion in the workplace as well as in the recent developments and conversations on the care economy. In conclusion, the task before us is daunting but it is also filled with ample opportunities. ECOP adheres to its tagline 'Responsible Employer. Sustainable Business. Inclusive Workplace'. We recognize our role as partners in nation-building and remain committed to collaborating with all stakeholders to realize this shared vision. We are working on policies and initiatives with careful consideration of their impact on economic vitality, ensuring that they foster rather than hinder innovation and growth. By fostering a culture of responsible corporate behaviour and incentivizing positive contributions to society, we can chart a course towards a future where prosperity is shared by all. Thank you very much and a pleasant afternoon to you all.

Mr Marath Baruch Bolaños López

Government (Mexico)

I am pleased to greet the members of the bureau of the International Labour Conference. I would also like to greet the authorities of all the world and organizations of employers and workers who are taking part in this conference. I would also like to send you fraternal greetings from the President of Mexico, Andrés Manuel López Obrador. It is an honour to be involved in the most important meeting of the world of work and to share Mexico's vision on the construction of a progressive and dynamic social contract which will be able to face up to injustice, inequality and insecurity, which affect social cohesion and the well-being of our countries and the international community as a whole. For the Government of Mexico, a renewed social contract needs to be founded on solidarity, shared commitments and the most broad sense of collectivity. That is why we are sure that peace can only be a product of social justice. Mexico values the efforts put into the adoption of a joint agenda to face up to current and future challenges, which has been promoted by Mr Gilbert Houngbo, to work from this unique forum of social dialogue to that effect. In Mexico we are going through a spring of labour in which we are working very hard to eradicate the policies of wage stagnation and increasingly insecure job markets and the control by corporations of unions which prevailed in the past. This represents a revolution in labour rights which has made it possible to strengthen and consolidate respect for human rights, which are part of the foundation of social justice. As from 2018, when the Government of President Andrés Manuel López Obrador came to power, labour policy has turned round completely. In nearly six years, through social dialogue and tripartite consensus, the measures adopted have made it possible to reduce the gaps between rich and poor and guarantee the strengthening of the rights of workers. The labour reform of 2019 was one of the most significant reforms in the world of labour ever in Mexico. It was based on Conventions 87 and 98 of the ILO and guarantees rapid and impartial justice through conciliation and dialogue with neutral and model institutions which address conflicts and make sure that legislation is being complied with and which guarantee that it is the workers who decide, in liberty, which union will represent them, will elect their leaders and approve their collective bargaining agreements. At the same time, there has been progress made on eliminating irregular subcontracting and sub-registry of workers. Better conditions of workers and safer working places are being created. With this reform, three million people have had their real employers recognized. As a result of the reforms, 5.1 million Mexicans have been able to move out of poverty. The wage gap

between women and men has been reduced with a view to making sure that there is a minimum level of prosperity for people who live from their work. At the same time, we have reached the highest level of employment ever, an historic increase in wages and sustained economic growth. And as far as the latter is concerned, it is important to point out that during this government one of the most significant wage recovery policies in its history was entered into. This policy made it possible that between 2018 and the present day the minimum wage recovered 116% of its purchasing power in real terms, and it demonstrated that it is a lie to say that an increase in the minimum wage will generate inflation and unemployment, as was falsely argued for decades to the disadvantage of workers. Now, under a new system of shared responsibility between the public, private and social sectors, there has also been a programme to train young people, which is the largest in the region. The Government has invested around 125,000 million pesos to train three million young Mexicans so that they can have a chance to acquire and develop the skills that they need to be involved in the labour market. And I am pleased to be able to emphasize the commitment of the Government of Mexico to join forces with a view to renewing the social contract so that social justice becomes a reality through integrated strategies for the prevention and eradication of social, labour and economic inequalities in our societies with a view to obtaining the objectives of Our Common Agenda, which we adopted, and we hope that we will achieve those objectives by 2025. I would like to mention that on the 2nd of June we had the biggest election in our history. More than 59 million electors were called on to ratify the continuity of the Government of the Fourth Transformation, and the first female president was elected in the history of our country, Dr Claudia Sheinbaum Pardo. We are sure that the labour agenda for the benefit of workers will continue to be an important pillar of the Government's agenda. Finally, I would like to make an appeal for the ILO, with its tripartite approach and its experience of social dialogue, to position itself as a key player in the global effort promoting inclusion and equality of opportunities and cohesion. So a warm embrace from Mexico. Thank you very much.

Mr Pierre-Yves Dermagne

Government (Belgium)

Vice-president, Director-General, ladies and gentlemen, I am moved to be able to address you and want to address you with conviction, you the world parliament of labour. As you know, Belgium was one of the founding members of the ILO, and for more than a century now we have been supporting the mandate of the ILO for social justice. I would like to thank the Director-General for his report and his proposals, which very much correspond to our expectations. In that context, I would like to pick out several points in particular. Firstly that the social contract has to be anchored in standards. These standards are also, by the way, the best guarantee for workers faced with the political change in direction we have seen through the last elections. Standards have to be kept up to date to take account of the changes in the world of work and the need for protection of workers. You emphasize rightly the role of the tripartite group which makes sure that the corpus [? 54:03] of standards remains robust, clear and up to date, and I can assure you that the Government of Belgium will continue to work tirelessly in the group that it presides. But we need to go further and adopt new standards addressing transitions in environmental, technical or demographic fields. And I would invite all the social partners, all of the social interlocutors, to be ambitious in that regard. And then, as the Director-General has said, we have economic security to consider, the uncertainty, inequality, the concern that we are seeing the social contract

collapse and no longer able to assure human development. We have to react because insecurity attacks the very foundations of our democracies. That is why it is up to us to support, it is a responsibility of ours to support the call for a renewed social contract, underpinned by other initiatives which Belgium is also supporting. For example, the Group of Friends of Decent Work promoting the values and principles of the ILO in New York where Belgium has been active since the beginning. It is also important that we make sure that what we are doing hangs together consistently, looking to the Summit of the Future and the Social Summit in 2025. There I support the proposal on workers' rights made by Spain. And Belgium is also working actively [vgr INAUDIBLE 55:33] Global Accelerator for social protection. A need for social protection was exacerbated by the pandemic of COVID-19 and is still, unfortunately, a matter of great current interest. And also I would like to emphasize the principle of non-discrimination, which is not negotiable for us, just like other fundamental rights. Ladies and gentlemen, these various initiatives all have the same objective and they cannot be successful unless they are based on tripartism. If we understand things correctly, I am well aware that the multiple crises that we are going through and have gone through could make it more difficult to enter into social dialogue, but they also make it clear how absolutely necessary that dialogue is. So it is up to us to make it live, to make it function, to restore trust among our peoples, a trust and a confidence which is a precondition of social peace and thus of universal peace. And it is only dialogue that will lead us to shared progress. That is why the mission of the ILO is more important, more vital than ever and why, from Belgium, I can assure you of our entire support. Thank you very much.

Mr Fayçal Bentaleb

Government (Algeria)

Madam President of the session, honourable delegates, allow me to express, on behalf of Algeria, our pleasure to participate in this 112th ILC. We are persuaded that this very important meeting will be crowned with success which will respond to the aspirations of the people for social stability. I would like to congratulate the Director-General for his efforts to make this conference a success. He has actually focused on the issue of the renewed social contract, which responds to the needs of people for a social contract which contributes to sustainable development and decent work. Among the factors which have had an impact on the labour market in several countries, we would like to mention climate change, the digital revolution and difficulties in the working market and the social effects and economic effects of the COVID-19 pandemic. Algeria has developed a renewed social contract in the framework of the values and principles on which our state is based, notably the Declaration from 1945. Respecting fundamental rights without any discrimination is enshrined in the document which is at the basis in our country. The constitution from 2020 identified a pillar called New Algeria. This responds to the aspirations of the people for social and political transformation, ensuring liberty, democracy, ensuring fundamental rights, strengthening social justice and fighting against corruption, ensuring the participation of all citizens. We would also like to reaffirm the rights of workers, hygiene, health, child protection, promoting the right to strike and the right to have freedom of association. Madam President, our policy is supported by the Algerian people, of course, and since its election the Government has started to take measures to put in practice social transformation, fighting against the negative effects of COVID-19. We have also increased participation. We have devoted over 20% of the budget to social transformation to improve the lives of citizens. The minimum wage has been increased by 11%. Salaries have gone up by 41%. We have also

made sure that over one million people have entered the work market. We have beneficiaries. We have people that are trained, and this responds to the requirements of the labour market. We have also provided financial assistance to support workers as well. On social protection, we have developed policies, especially when it comes to national social security systems. This system is based on the principle of solidarity between generations and groups in society. Unifying systems and rules on rights and advantages have been put in place for future generations. This system ensures guarantees to fight against various violations of standards. We have over 30 million people insured now thanks to the policies we have put in place. In addition to that, over 3.2 million people benefit from retirement. This economic situation which we are seeing in our country in recent years has seen a growth rate which has allowed us to eliminate informal work and integrate people into the formal work structure. We all live in a world where we want a renewed social contract, but the Palestinian people are suffering from repression, starvation, faced with systematic genocide where they are denied their fundamental rights. That is why we call on the international community to stop this killing machine which stomps over all the international principles and standards. We need to save the lives of our brothers and sisters in Palestine. We need to allow Palestinian workers to exercise their rights enshrined in the various international instruments. They need to be able to build a sovereign separate State with Jerusalem as its capital. I thank you for your attention.

Mr Adrien Nguema Mba

Government (Gabon)

President, ILO Director-General, ministers, distinguished guests, ladies and gentlemen, I am taking the floor before this august assembly following the presentation of the Director-General's report 'Towards a renewed social contract'. To start with, allow me, Chair, to congratulate you on your election to the bureau of the Conference. Our congratulations also go to the Director-General for the depth and relevance of his report which calls for a new global pact to ensure decent work and social justice for all. It covers key challenges which affect all countries, including Gabon. Gabon, like other countries, faces major challenges in relation to work and social protection. These challenges are exacerbated by global economic changes, climate change, rapid advances in technology and various crises. In this context, the notion of a social contract is of particular importance because it goes to the heart of our commitments and engagements, especially when it comes to our workers and our fellow citizens. The DG's report focuses on four essential pillars: decent work for all, strengthening social protection, social dialogue and fundamental rights at work. Our Head of State, His Excellency General Brice Clotaire Oligui Nguema, has had the government of the country fully committed to this vision. Chair, allow me to share what Gabon has been doing in relation to all of this progress that we have made. On the promotion of decent work, my country has just signed with the ILO the Decent Work Country Programme 2024-2027. With the signing of this agreement, the Government of Gabon commits to drafting operational action plans for the national policy for employment which will allow us to create job opportunities which respect international labour standards, guarantee fair salaries and ensure safe and healthy working conditions. Investment in key sectors where we see growth in employment, like agriculture, forestry, technology and IT, renewable energies, will be engaged in the coming months in all of this work. The same goes for the promotion of entrepreneurship as well. On the strengthening of social protection, Gabon plans to guarantee to all workers, including in the informal sector, access to

social security systems which already exist. To do this, reforms are in train for the national social insurance system. On social dialogue, my country's government, in collaboration with the International Labour Office, is currently putting in place a capacity-strengthening programme for the tripartite partners. We are also having in place at the moment professional elections to put in place social dialogue. On fundamental rights at work, Gabon is fully committed to promoting and protecting these rights. Gabon is happy to recall that it is one of the top partners of the Global Coalition for Social Justice. With the ILO's support and the support of others in the UN system, we have been following with great interest our candidature to become a pioneer country for Alliance 8.7. We have also put in place an interministerial committee to fight against people trafficking and child labour. I would like to reaffirm our country's commitment to work with the ILO and other Member States to make sure we have a social contract which is inclusive, equitable and resilient. We are convinced that through solidarity, fairness and collective engagement and commitment we will be able to build societies which are fairer and more prosperous. I thank you for your attention.

Ms Soteroula Riala Charalampous

Worker (Cyprus)

Madam Chair, colleagues, ladies and gentlemen, the 112th International Labour Conference takes place at a time when humanity is in a state of shock by the genocide being perpetrated in Gaza against the Palestinian people. The effort to exterminate an entire people cannot be labelled a right to self-defence. So, from the platform of the ILC conference, we want once again to express our support to the Palestinian people and demand a full and permanent end to the war as well as a solution to the Palestinian problem, based on the relevant UN resolutions. The data presented in the Director-General's report to the 112th Session of the ILO International Conference confirms that in recent decades economic and social inequalities have become even deeper throughout the world. In 2023 some 500 million people around the world were living below the extreme poverty line and nearly 7% of the workers were working poor. Globalization has not led to fairer and more equitable development nor to prosperity for all. This situation is the result of the economic policies that were deliberately and consciously implemented by international organizations such as the World Bank and the IMF and the dominant political powers both at the regional and local levels. Successive crises of the system have been met with a full-frontal attack on wages and workers' rights as well as with a reduction in state intervention in public investments and cuts on social spending. Today, the workers' income is under attack again due to high inflation. In the process of promoting these policies, the rights to organize in a trade union, to collective bargaining and to strike were also attacked. In my country, Cyprus, a country that was considered a model in terms of regulating the terms and conditions of employment through collective agreements, since 2012 the collective agreement coverage has decreased from 80% to 50% while the policies of labour devaluation and deregulation have led in the last 11 years to the loss of more than €11 billion for the workers. To the workers' ears, when we talk about a renewed social contract it might sound like a meaningless slogan unless it is accompanied by concrete policies and decisions that will change the economic and labour model. Such decisions are to end strict fiscal rules that restrict public investments in key sectors of the economy as well as in social spending; to tax wealth and excess profits, using the revenues to support vulnerable groups of the population and poor countries in general; to take measures for safe and dignified work. This presupposes clear, binding regulations on working hours,

decent wages based on the cost of living, the use of new technologies to improve the quality of work, investments in health and safety, and the promotion of equality. To restore collective agreements as the main tool for regulating employment conditions and to take effective measures against those employers who deny the workers the right to organize in trade unions. To end actions taken against the right to strike. To conclude, there can be no renewed social contract as long as the same policies continue. The wealth produced in every country is the result of the work of workers, and only if this wealth is shared fairly can we speak of a fair and more just world. This is what the workers need in our days. Thank you for your attention.

Mr Andres Fostik

Employer (Uruguay)

President, the Director-General would like our interventions in the Conference to serve as a guide to define priorities moving forward in relation to social justice, decent work and what is being called a renewed social contract. Responding to this invitation, we observe that the report correctly focuses on work as a central element of people's lives. We understand that this concept by itself is inefficient and should be complemented by the responsibility we are given by the ILO: promoting effective policies and actions to generate working opportunities to create jobs. The global unemployment indicators show us that we have not been able to live up to this expectation from society. In our opinion, this is the main priority and the real challenge for the ILO. In most of our societies it is clear that the essential role for creating work opportunities lies with the small, medium and big enterprises. Without enterprises there would be no job opportunities. A second aspect we would like to refer to is the very much consolidated idea that labour problems are solved by creating new standards. We believe that the existing deficit is due to a lack of implementation of standards not a lack of standards, and we see that hyper-regulation of work makes it difficult to apply the rights that need to be protected. We believe that standard-setting efforts must be focused on the main subjects of the world of work and not secondary aspects. I could mention as an example what happened in the ILO with the right to strike, a fundamental right which is in our national constitution. It is a decision that we do not agree with. The Governing Body resolved to avoid a fruitful tripartite debate in this conference. Without broad consensus, it has opted to move essential debate from the ILO to the ICJ. Now the court will have to decide on this fundamental right. Of course it is a very prestigious court and tribunal, but its procedures are substantially different to those of this tripartite house guided by negotiation and consensus. These comments that I am making coincide with our country having joined the ILO 105 years ago as one of its founding members. Today we have 111 Conventions ratified, ranked sixth in the world after the five great nations of the continent which hosts the ILO and which hosts us every year, and that in a tripartite way we can seek to make a better world of work in the different committees that we work in. For decades, to facilitate the standard-setting process during the Conference, the communities and groups of nations designate their spokesperson. Global progress has meant that only two or three spokespeople representing over a hundred countries stick to a subject they want to talk about and they get support from one of the social partners. The other social partner, even with efforts to seek consensus, it is very difficult for them to do so. Almost impossible. The Director-General will have seen this during his spontaneous visits to the committees of the Conference, without interrupting their work. Finally, we would like to express thanks for the technical cooperation provided to our country to try to resolve the pending

observation from the ILO bodies on a fundamental labour Convention, Convention 98, a solution we have been awaiting for over ten years. President, we hope that these comments would be of interest to everyone and that they will provide a contribution to the debate called for by the Director-General. Thank you very much.

Mr Thierry Bodson

Worker (Belgium)

Mr Vice-President, delegates, ladies and gentlemen, the Director-General's report recalls that the terms of the initial contract of the ILO, based on union freedom, have proved their value in many ways and that the standard-setting system does not need to be reinvented. The central role of the fundamental standards, now complemented by the Conventions on health and security, have to be solidly anchored in the social contract. Apart from that, we support the proposal that the follow-up to the Declaration of 1998 on fundamental principles and rights at work should be revitalized. As we support the affirmation that other rights, no less important, have to be in the social contract and the citation of the limitation of working hours, the guarantee for sufficient remuneration to give workers, their families a decent standard of life, social security, protection of maternity and access to other rights. The standard-setting efforts of the ILO contribute to the rule of law, to the equality of everyone before the law in a world in which, as I cite the report, not everyone has the same level of economic power. So right from now we want, on the one hand, for the ILO's arsenal of standards to continue to be developed to respond to current challenges, in particular that of insecurity, precariousness of work, and on the other hand that these standards should be ratified and applied. The report itself underlines this crucial point. It says that though the setting of standards is important for our contract, the implementation of these standards and the control of their application is equally, if not more, important. It is no secret to anyone here that the control system of the ILO is subjected to a lot of pressure, with very serious detrimental effects in member countries, including in Belgium. The recent decision to call on the International Court of Justice for a question as fundamental as the right to strike shows that. This leads to my second point. If you say 'contract', you are talking about an obligation and you are talking about good faith between the contracting parties. That means we have to think of things such as reaffirming the independence and the authority of the ILO's mechanisms of control. That also implies the negotiation of new standards and the desire to ratify them and to implement them. Now, the report mentions too many examples of Member States not respecting their commitments. I will just mention one area, that of freedom of association. Anti-union repression remains a reality in far too many countries, and attacks on union freedoms are becoming more and more numerous, whether they are brutal in nature or more insidious, based on an arbitrarily restrictive interpretation of ILO standards, for example. And that brings me to my third point, the role and the responsibilities of the ILO. The Director-General's report calls for the responsibility of all of us, governments, employers and unions, and I am pleased to see that call, that we all accept our responsibility. But he also, no doubt, expects us to invoke the role and the responsibilities of the Organization. The ILO is the social conscience of the world and guardian of international standards and should make its voice heard, has to make its voice heard, take or reclaim its place in the centre of the system of the United Nations in the framework of the new social contract. It has, in particular, as the report says, to go back to the mandate that is given to it in the Philadelphia Declaration of 1944 which says it should examine international, economic and financial policies to see if they fulfil the fundamental objectives of social justice. We

expect that the ILO should be more present in countries to make progress on the ratification of Conventions and to call governments to order when it is necessary. International financial organizations do not hesitate to do that. Why should the ILO remain discrete? We expect the ILO to remain firm and to act without deference, without considering how big a country is or how high their contributions. Its only guiding principle should be the respect for international labour standards and the pursuit of social justice, which are the only guarantors of a universal and lasting peace. Coming to the question of peace, I would also like to make a solemn appeal, which is required by the serious nature of the times we are living through. The risk of a third world war, which would lead to the complete destruction of humanity, cannot leave us cold. We cannot remain passive. Ladies and gentlemen, it is our responsibility to do all that is in our power as an international organization to stop the escalation of war and to stop the irreversible happening. It is up to us to impose negotiation and peace. Thank you for listening.

Mr Phiphat Ratchakitprakarn

Government (Thailand)

Mr President, before I begin, on behalf of the Ministry of Labour and the people of Thailand, I would like to express my deepest condolences on the passing away of our dear friend, Mr Graeme Buckley, the former ILO Director for Thailand, Cambodia and Lao PDR. Throughout his six years of service in my country, he showed unwavering dedication and tireless efforts to promote labour rights and decent work for all. I am sure that his legacy will continue to inspire those who pursue social justice. He will be fondly remembered in our hearts. My thoughts are with his family, colleagues and the entire labour community, and may his soul rest in peace. Distinguished delegates, it is my great honour to deliver a statement at the Conference as newly appointed Minister of Labour of Thailand. I would like to use this opportunity to congratulate the Director-General on the establishment of the Global Coalition for Social Justice. While Thailand is still in the process to join the coalition, I believe that our collective efforts, through multilateral partners, shall play a vital role in advancing social justice, as enshrined in the ILO Constitution. I also agree that universal human rights, equal opportunities, fair distribution and just transition will be key to the success. Renewing the social contract will be crucial to mitigate the impact of significant challenges in the world of work, occurring from demographical and climate change, digital technologies and environmental transition. Believing in the principle of 'leave no one behind', the Government places great importance on renewing the social contract to ensure that rights, responsibilities and prosperity are shared by all. In order to accomplish this goal, we need good governance, citizen participation, inclusive society, the rule of law and human rights. Please let me share some of Thailand's initiatives and practices to ensure inclusive participation and an active labour market. First, the Government is developing a human capital databank which combines all information related to workers, from their education, vocational training, social insurance to retirement pension. The big data enables us to capture the need for skill development and prepare our workforce for the future with more resilience. The Government has redoubled effort in promoting lifelong learning and enhancing workers' employability through upskilling and reskilling programmes. Second, after the long period of economic slowdown during the pandemic, the Government decided to raise the minimum wage to improve the living standard and livelihood of workers that is in line with economic development. The decision was made based on tripartite consultation. Last but not least, today Thailand

has achieved another milestone by ratifying Convention 144 on tripartite consultation. The ratification highlights Thailand's commitment in promoting social dialogue and tripartite consultation on subjects related to international labour standards. It is with the aim to promote constructive relationship and dialogue among employers, workers and government. In closing, I would like to reaffirm Thailand's readiness to work with the global community and social partners to pursue social justice and decent work for all in Thailand.

Mr Antoine Robinson

Worker (Seychelles)

President (Republic of Moldova), Vice-President, ILO Director-General, ministers and heads of delegations present, all delegates, invited guests, ladies and gentlemen, a very good afternoon to you all. On behalf of the Seychelles Federation of Workers' Unions and the working women and men of Seychelles, and on my own behalf, I take this opportunity to congratulate the Director-General for giving us this second special report. Special, because the report indeed comes at a crucial moment when the world needs to renew the social contract. As said, social justice remains an imperative and an essential condition for universal lasting peace. Seychelles is not left behind in the struggle to deliver social justice on the basis of universal lasting peace without leaving anyone behind, as rightly indicated by the Director-General, amidst the multiple challenges of persisting injustices, inequalities and insecurities facing us in our respective countries and societies today. The DG's report strongly focuses on the importance of the effectiveness of the social contract which lies in the capacity to deliver social justice through decent work, embracing the ILO unique tripartite human-centred and rights-based approach to progress and just transition. The ILO has, since its creation in 1919, availed all the constituents the necessary tools and is still upholding decent work and social justice in the world of work in all its four interrelated and interdependent dimensions, clearly described in the DG's report as follows. The ILO came up with a blueprint of a global social contract more than a century ago, and over the last hundred years the ILO has used the foundation of the social contract to build an unparalleled normative system articulating and addressing the challenges that emerge in each new decade and era. The system does not have to be reinvented. However, in the face of injustices and inequalities, which are still visible and on the rise in all parts of the world, our role of our trade unions in our respective countries is to ensure that we must leave no one behind in an already dangerous, unequal world becoming more unequal every day. What should now be our priority is to ensure a progressive trend in the establishment of the social contract. We are far from exhausting our task, as trade unions continue to struggle for adequate labour protection and access to social protection and more democracy at work, which has been unfairly aggravated by the many challenges in the changing world of work. It is widely agreed that the whole business of an international conference would have been impossible without the application of the ILO's critically important decent work strategic pillars of social dialogue and tripartism. No debates ongoing on our agenda items in this conference would have produced a united vision had they not been based on the effective application of the principles of social dialogue and tripartism. The Seychelles Federation of Workers' Unions welcomes the ILO Governing Body decision to include pertinent agenda items for discussion which, together with other thematic debates and events, will contribute towards strengthening the pillars needed for the advancement towards a renewed social contract, nationally and internationally, hand in hand with the ILO

principles of a human-centred recovery approach and just transition. Mr President, we do not have to reinvent the wheel, as the saying goes. The Seychelles Federation of Workers' Unions firmly believes that a renewed social contract is possible, that it is the only way governments, employers and workers can come together to tackle the injustices, inequalities and insecurities facing us today. Whilst trying to put the workers' perspective, let us not forget that the United Nations has found it necessary to include the Decent Work Agenda in its millennium goals. What stronger truth do we need to be convinced that the Decent Work Agenda is the universal solution towards a renewed social contract? For a renewed social contract, governments, employers' and workers' organizations should make commitments to resolve differences in meaningful social dialogue. Through social dialogue Seychelles has been able to ratify all ILO core Conventions, together with other Conventions all geared towards decent work for all, for peace and social justice to prevail in the Seychelles' world of work and in our society in general. The Seychelles national tripartite consultative committee is presently holding discussions and reviewing its labour laws and policies, which shall ensure the protection of all workers, including women and youth and migrant workers. All social partners are onboard in this tripartite social dialogue consultation process. And as said by the DG, the rule of law requires States to safeguard populations against human rights violations, including those committed by private entities and those arising from businesses' activities. States therefore have a duty to prevent, investigate, punish and redress human rights violations. This involves the creation and enforcement of laws, regulations and policies to this effect. Our trade union is here to ensure that our labour legislation, earned through the sweat of our fathers and mothers, centred on social justice through decent work, is not eroded and diluted in the name of liberal globalization. The Ministry of Employment and Social Affairs, through the National Consultative Committee on Employment, comprising of trade unions and employers' organizations and other stakeholders, is continuing with its consultation and discussions forum for ratification of other ILO Conventions. Mr President, I cannot end without commending ACTRAV and the ILO in the continued commendable support they are doing in order to constantly assist and support the empowerment of our Member States and social partners in order to establish, consolidate and strengthen our institutions of social dialogue and tripartism in our respective countries. In Seychelles, the Ministry of Employment and Social Affairs and our social partners are receiving and enjoying meaningful ILO support in that direction. Wishing all delegates a successful and fruitful conference. God bless us all. I thank you for your attention.

Ms Gloria Inés Ramírez Ríos

Government (Colombia)

Interpreter - Unfortunately, the sound quality is not sufficient for interpretation.

Ms Elsa Sabrina de la Cruz Vargas

Government (Dominican Republic)

Good afternoon, Mr President and representatives of the ILO's Member States, representatives of the International Labour Organization and other delegations. On behalf of Mr Luis Miguel de Camps García, Minister for Labour for the Dominican Republic, it is an honour for me to address you in this 112th International Labour Conference of the ILO to discuss the essential issue of the renewed social contract. In a

world characterized by rapid economic and technological change, it is indispensable to re-establish and strengthen the social contract which guides our labour relationships and social relationships. In the Dominican Republic, as in many other countries, we are faced with a constant challenge, a challenge of guaranteeing that all workers will have fair and decent working conditions and at the same time increasing national productivity to the benefit of workers of enterprises and thus the whole of the State. It is essential that we promote the creation of decent jobs, protect labour rights and promote social inclusion of all citizens. The new social contract that we are suggesting has to be inclusive in the way it deals with the benefits of productivity. It has to be fair in rights and it has to be sustainable to strengthen social peace in our peoples. It has to guarantee the protection of informal workers, respect diversity and equality of opportunities for all. It is indispensable that we make progress towards a model of development which will benefit the whole of society and not leave anyone behind. As a demonstration of our commitment to the creation of a fair and just global labour environment, we have joined the initiative promoted by various European and Latin American countries of working towards a global charter of labour rights, including the point that the first labour right is the right to work, which is made possible by the creation of jobs, especially so that productivity will continue to benefit the players in society. And this is a proposal made as a contribution of the ILO to the upcoming Social Summit in 2025. This charter does not just defend the basic and fundamental principles of fair wages, safe working conditions and equal treatment in all working places across the world but it also reiterates our collective responsibility to defend and to develop these fundamental rights, at the same time addressing labour rights which will provide protection, faced with the challenges of our times, in particular, the climate crisis and the digital and demographic transitions. Given that, we call on all countries to strengthen international cooperation and to adopt public policies which will promote economic growth and, above all, will promote sustainable and fair human development. Only through a multilateral approach, characterized by solidarity, will we be able to create a prosperous and just future for everyone. Distinguished President, delegates, finally, it is a pleasure for me to take advantage of being here to announce the Dominican Republic's adhesion to the Global Coalition for Social Justice. This decision is a reflection of our firm commitment to the basic principles of social justice, equality and of dignity for everyone. Thank you.

Ms Sandra Hassan

Government (Canada)

Honourable colleagues, delegates and friends, I am honoured to be here today on behalf of Canada's Minister of Labour, the Honourable Seamus O'Regan Jr, who sends his regards. I will be delivering my remarks in Canada's two official languages, starting in English. Today, I would like to address an issue that cuts to the heart of our societies: social justice. To ensure the establishment of a society based on social justice, we must first begin with a solid foundation. That foundation is built on a social contract that entrusts our institutions to serve the public interest. In this regard, the DG's report to the ILC, 'Towards a renewed social contract', is timely. The strength and stability of those institutions has never been more important, especially in a post-pandemic world that has exposed the weaknesses, gaps and inequalities in our systems. At a time when the rules-based international order faces unprecedented threats, concerted global efforts are required to ensure that the multilateral system remains effective, efficient, relevant and accountable to address the challenges of the 21st century. The ILO, with its unique

tripartite structure and normative mandate, has a key role to play. Canada is firmly committed to multilateralism through the safeguarding of good governance, democracy and rules-based international order as well as respecting, promoting and realizing the fundamental principles and rights at work. Canada is also committed to the goals of the Global Coalition for Social Justice. We are working collaboratively with partners on labour issues to support inclusive economic growth and sustainable development, including to support fair, sustainable and inclusive trade. Over the last several years, Canada has taken on an important role as chair of the Equal Pay International Coalition, whose goal is to advance equal pay for work of equal value. With that goal in mind, Canada is taking steps to achieve pay equity. The Pay Equity Act, which came into force in 2021, means that Canadians in federally regulated workplaces can count on equal pay for work of equal value. But we must remember that equity is about more than just pay. It is also about equitable access to opportunities and meaningful employment. We cannot resolve these inequalities without transparency. At the start of the year, the Canadian Government launched EquiVision, a website providing data on the level of representation of women, native people, people with handicaps and members of visible minorities in the workplaces of private sector workplaces subject to federal registration and the levels of payment that they receive. Canada is the first country to make all of that information accessible to the public. Equality and fairness are still not easy to achieve, but Canada is taking specific measures to move towards them. The Report of the Director-General also calls for exhaustive policies on employment which will target investment in sectors with a strong potential to create formal jobs, including the care economy. The unequal burden that is borne above all by women in the provision of non-remunerated care limits their ability to contribute to the economy, to education and to public life. The Government of Canada is working along with its provincial, territorial and native partners to ensure that all families in Canada will have access to a system of learning and will be able to provide high-quality care to young people so that parents can be involved in economic life and achieve their full potential in economic life. We think that every country can make tangible changes to the current system which will have specific concrete effects for our people and will help us to create a society in which it is possible to achieve equality. Thank you.

Mr David Acuña

Worker (Chile)

President, in addition to welcoming the DG's report, I would like to address you and the workers, employers, member delegations. Chile is a small country but we are ahead of the game. We have recovered dialogue and we have established agreements. We have once again a social movement with our body. We have recovered the role of influencing political processes. We are occupying important spaces, putting at the centre of the discussion decent work, to make progress towards social justice and social equity. We are seeing the fulfilment of historic demands that we have had, achieving with a basis of social dialogue with the Government and employers many positive outcomes. We have seen unprecedented increases in the minimum wage and a law reducing the working week to 40 hours. We are discussing and ratifying Conventions 190 and 176. For our country, the Conventions and Recommendations of the ILO are instruments which allow us to move towards more rights and more social justice. We have made a call to the Government of Chile to prioritize social and labour rights with full respect of freedom of association. We call on the Chilean Parliament to ratify Conventions 155 and 81. It is urgent that progress be made on this because they are

very important for Chile. So is Convention 102 on social security and 149 as well on ensuring health and a safer, fairer and equitable future for workers and the population. In the agreements we have reached in negotiation on the minimum wage, it has been established that the Government of Chile this year sent a sectoral negotiation draft, which had been gotten rid of during the dictatorship, which is fundamental in a future in which we have a world with new challenges in terms of labour relations, better working conditions and a fairer economy. In the 16 countries with the highest labour productivity in the OECD, there is sectoral collective bargaining. We need to formalize spaces for reaching agreements, which ensure minimum guarantees for workers, and we will keep fighting for this longstanding demand of ours to be fulfilled. We do not need to be afraid of sectoral collective bargaining. In our country, despite an increase in the minimum wage, it is still below the poverty line, affecting the quality of life of families in our country. We have called for progress towards a living wage, and we are building a tripartite observatory which will provide input on jobs and informality, on income, expenses and debt levels in families in order to be able to build a comprehensive wage policy which focuses on assigning real value to work. We call on the ILO to ensure we can establish the real value of work, providing technical inputs which enrich the debate in order to move towards true social justice. Social dialogue is the way to strengthen fundamental rights where we promote freedom of association and the right to strike and collective bargaining, which are fundamental for strengthening democracy. We call on governments and employers to be part of the social dialogue and work towards developing wage policies. We are not afraid of talking about the redistribution of wealth, better wages and conditions. We are not afraid to talk about decent work and meeting the commitments established in the SDGs. We are not afraid of the right to strike and freedom of association. We are not afraid of making a real cultural change, ensuring social justice and equity. Thank you very much.

Mr Vytautas Šilinskas

Government (Lithuania)

Chairperson, Excellencies, Director-General, distinguished delegates. Speaking a day before the inaugural forum of the Global Coalition for Social Justice, I want to emphasize that the coalition will significantly enhance development cooperation for decent work and social justice. As rightly stated in the Report of the Director-General to the Conference, social justice and decent work are central to constructing an effective and sustainable social contract at both the national and global levels. Lithuania will continue to advocate for the importance of integrating social justice as well as fair and equitable green and digital transitions into all relevant international discussions and multilateral forums. Lithuania commends the International Labour Office for its coherent approach to labour market governance through tripartism, social dialogue and international labour standards. These are the main pillars for a fair, socially just and inclusive labour market at the global scale. Special emphasis should be placed on inclusive social dialogue, as the presence of strong and representative employers' and workers' organizations is essential for ensuring social justice. Lithuania endorses the ILO-integrated strategy for the promotion and implementation of the right to collective bargaining. The world of work is directly linked to the global economy, which in turn is intertwined with peace and stability. Lithuania urges the ILO to continue supporting a human-centred recovery in Ukraine aimed at preserving lives, jobs and livelihoods. Lithuania, along with many other ILO constituents, reiterates its resolute condemnation of Russia's war of aggression against Ukraine and therefore aligns with the resolution

adopted by the Governing Body in March 2022. As recognized in the resolution, this aggression constitutes a blatant violation of the UN Charter and is entirely incompatible with the aims and purpose of the Organization and the principles governing ILO membership. Following this, Lithuania continues to question the appropriateness, suitability and ongoing feasibility of the ILO sub-regional office presence in Moscow. We also deeply regret the lack of meaningful progress by the authorities of Belarus towards implementing the recommendations of the Commission of Inquiry from July 2004 regarding the adherence to ILO Conventions 87 and 98. This issue was underscored during the high-level roundtable convened by the ILO to discuss freedom of association in Belarus. Lithuania reaffirms its strong support for the application of article 33 of the ILO Constitution and endorses effective follow-up to the resolution of the International Labour Conference in 2023. The world of work is undergoing structural changes with the adoption of digital technologies and disappearance of physical borders between countries, highlighting the need for instruments that can adapt to these changes in a timely manner. The need to invest in the capacities and support that both people and economies need in order to navigate their way through the many transitions ahead is well reflected in the report of the Director-General of this esteemed organization. We expect the ILO to be at the forefront of leveraging these new challenges towards a new social contract to advance social justice and promote decent work for all. Thank you for your attention.

Mr Panus Thailuan

Worker (Thailand)

Dear Mr President and distinguished delegates, on behalf of Thailand's worker representative, I would like to thank the President for giving me this opportunity to make a statement at this globally recognized conference today. The main topic of this year's conference, social justice, is particularly catching the interest of workers in Thailand. Social Justice remains not only a global issue but also the desire of all workers around the world in building social justice in the world of work. Nowadays, workers in developing countries are suffering by unfair distribution. The workers' quality of life and social justice in employment persist at a very low level. Workers who struggle in capitalism around the world are sharing the same ambition for a fairer employment with equal access to social protection. The regretful part is, no matter how hard they try to fight, workers are still on the weaker side and are forced to live with disadvantaged conditions. The situation even worsens in some countries. This is the case for Thailand as well. It becomes harder to find fairness and social justice in employment. While employers continue to be rich, workers are stuck in the same poverty or even poorer than before. It is also getting harder to find a society of fair coexistence because money is a factor that stands between employers and workers. Employers tend to misuse money as a tool to justify their fairness and respect for equality. For example, providing compensation whenever unfair practices occur or where there is a lack of justice. At the same time workers, who normally have no alternative choices, choose to accept the money rather than seeking justice. Thailand has been facing this kind of issue for so many years. Workers' organizations and the labour leaders in Thailand have been trying to reduce the exploitation in employment, such as subcontracting, and prevent the abuse of power by the employers. However, this is difficult because employers can use money as a tool to overcome the workers, making it more difficult for workers to have job security, especially for the labour leaders who may face the risk of layoffs at any time as long as justice and equality are under the influence of money. As a result, very few

leaders have power to voice for justice. Distinguished delegates, ladies and gentlemen, as Thailand's Workers' delegate, I hope that my opinion presented today at the Conference will contribute to our collective approach to ensure fairness and job security for the global workforce. Thank you.

Mr Joseph Farrugia

Employer (Malta)

Mr president, distinguished delegates, the Report of the Director-General addresses a topic which is fundamental to the concept of social dialogue on which the existence of the ILO is based. The report does not stop at discussing the relevance of the idea of a social contract in a global society. It also casts a challenge to the ILO constituents about the need for a renewal of the social contract to tackle worldwide tensions caused by the rise of geopolitical instability, extremist ideologies and a general sense of scepticism in the ability of institutions, both national and global, to really make a positive impact on the life of the average citizen. It is not a cry of despair but rather a call for participants in social dialogue to live up to the ideals of the Declaration of Philadelphia and to examine its results 70 years after it was established. As explained in the report, social contracts are an expression among members of a society or a community and government of our respective responsibilities and duties towards each other. They promote the common good over self-interest, through social cohesion, good governance and equal opportunity, among other aspects. The full reach of the implications of a social contract might lie outside the remit of the ILO, with its focus on the world of work. Yet, there can be no question that the social partners, through the ILO, play a key role in promoting the ideals and achieving the aims of social contracts and to be active participants in their updating as a reflection of the ever-changing world of work. Decent and productive work does not just happen. It is the result of enterprise and initiatives undertaken by the private sector. It is through sustainable enterprise and job creation that people can aspire to a better life and to fulfil their potential as productive citizens. Although within the ILO it is generally accepted that the tripartite model rests on three pillars, the pillar on which employers stand tends to be shorter in terms of recognition than those of the governments and workers. This lopsided approach creates an imbalance in the social dialogue process, and through it, the stability of the social contract. The private sector is a major source of innovation and technological change which brings about upskilling and value added, leading to better conditions of employment. It is acknowledged that the private sector has to be subject to governance and compliance mechanisms, and reasonable labour market regulation is necessary to safeguard the rights of employees. However, governments have to lead by example. In Malta the recent scandals concerning the public health sector, social security benefit fraud and other major infrastructural projects, with the alleged involvement of senior politicians and persons in high office, have rocked the country and shattered trust in our major institutions. This weakens the concept of the social contract and undermines the core values that place entrepreneurship, hard work and merit as cornerstones of personal and business success. There is a strong sense among the Maltese social partners and civil society about the need to address a worsening deficit in the rule of law. In general, Malta has experienced positive macroeconomic performance over the past years, but it is difficult for such results to be sustained unless there are supporting strategies that factor in social and environmental requirements, together with good governance. Therefore, any expectations for an improved social contract would be meaningless without a commitment to effective governance in all its

aspects, trust in government and a focus on quantifiable outcomes. The Director-General's report mentions that the social contract needs to be grounded in norms that are responsive to the changing world of work. In Malta, social dialogue has been active in opening the economy to new forms of employment relationships whilst safeguarding employees' rights and also a revision in minimum wages. This is being achieved with full participation of employers in our social dialogue structures. It also reflects a desired transition towards a flexible labour market which complements the restructuring of the economy towards higher value-added activities that make it less dependent on the importation of low-paid labour. Maltese employers fully respect a human-centred approach to the social contract. Employees in Malta enjoy a high level of trade union representation. In fact, ILO statistics rank Malta as the 11th country with the highest trade union density in the world. We support union membership, provided that it is based on freedom of association without any imposition from either government, employers or unions. The societies that register the most sustainable progress are the ones that are the most adaptable to a changing economic, social and technological environment. This is perhaps more applicable to small countries like Malta that are dependent on international developments over which they have scarce opportunity to influence. The reframing of the social contract relies on the extent to which social dialogue is the force that provides societies, at national and international level, with the drive and vision for positive change. Thank you.

Mr Ahmed Ali Awadalla Ahmed

Employer (Sudan)

Greetings, Mr Chairman. Ladies and gentlemen, it is my honour to address this assembly in the ILO in the 112th Session of the ILC representing the employers of Sudan. I am standing before you in order to shed light on the challenges faced by the employers after the war of 15th April, since 2023, that was launched by the militia that has destroyed all the infrastructure of the Government and that has incurred losses for the employers up to 80% in the fields of agriculture, industry, SMEs as well as craftsmanship. This is a call for all the productive sectors. This has led to the destruction of all the productive sectors. Six million people have become jobless. They do not get any wages. They have become, all of them, refugees. And Sudan, despite all this, is still committed to all the standards of work, and the Government, the employers as well as the workers are committed to this. Before the war, the tripartite committee used to meet monthly in order to tackle all the challenges of work and to find solutions. The group of employers in Sudan defends all the rights of the workers, and despite all the challenges, our members have insisted on contributing to the economy of the country and to create job opportunities. The war has affected and impacted on the employers and on the work environment. Ladies and gentlemen, workers are the main pillars of productivity, and employers in Sudan wanted to guarantee all their rights and all their obligations, but the economic losses due to war led to making us fail to stand to our commitments. The impact of the war was huge on our society, and many companies, many small and medium enterprises were affected by this. We urge the ILO to give us the technical and logistical assistance. We need an ad hoc committee to assess all the losses that we have and that has affected all the production sector. We are very much interested in benefiting from the experience of all the countries that have experienced the same crises and conflicts. In order to reconstruct, we need your cooperation. First of all, the economic recovery. We need financial assistance. We need credit as well as investment incentives. We urge all the foreign investors to help us in order to restructure our

economy and to rebuild it. Second, we need to upgrade the skills for all the workers, and we need to keep pace also with the demands of the market as well as to foster vocational training. Third, it is very important to have social dialogue. All the workers and the employers need to go into a productive dialogue, a constructive one, and in order also to encourage all the labour practices that are fair and equitable. Fourth, health and safety as well as their specifications. The war has affected this field, and it was inevitable that we lost all the assistance in that. In conclusion, the employers of Sudan are resilient. Nonetheless, they need your support and solidarity. Let us work together hand in hand in order to create jobs and to guarantee welfare. We invite you to be in solidarity with us for a stronger Sudan and for a brighter future. I thank you very much for your kind attention.

Ms Alison Durbin

Government (Australia)

It is my honour to address you today at the 112th Session of the International Labour Conference. The Australian Government deeply values our engagement with the International Labour Organization in advancing social justice and decent work for all. We commend the commitment of the ILO Director-General and the initiative to promote a renewed focus on the importance of a social contract and ensuring the world of work is at the forefront of national, regional and international discussions and priorities. Every day our global community is confronted with new complexities and challenges. The interconnectedness between all our societies, our economies, both physical and virtual, brings great responsibility to work together to support social cohesion and social justice and to protect and empower those most vulnerable to inequality. The tripartite nature of the ILO provides a unique lever to address the global challenges we face and to strive for an equal, fair and just transition towards a sustainable future. Australia recognizes that, along with tripartism and social dialogue, multilateral cooperation is central to achieving our shared objective of decent work. For this reason, we are proud to have joined the Global Coalition for Social Justice and look forward to engaging with partners to address immediate areas of action. The Australian Government has undertaken significant measures to address inequality, discrimination and exclusion in the world of work, with a key focus to improve gender equality. Earlier this year, the Australian Government launched 'Working for Women: A Strategy for Gender Equality' to address gender-based violence, gender stereotypes and the imbalance in unpaid and paid care, economic inequality and security, women's health and the lack of representation in leadership and decision-making. Alongside this strategy, the Australian Government has implemented concrete social justice actions to protect the most vulnerable in our society, including clarifying that workplace protections under Australian legislation cover migrant workers, regardless of their visa status; strengthening Australia's anti-discrimination framework to protect employees who have been or are being subjected to family and domestic violence from discrimination in the workplace; and safeguarding 'employee-like' workers on digital platforms, such as food delivery drivers, by establishing a system for minimum standards. The Australian Government has also amended workplace relation laws to address loopholes that had the potential to undermine the principles of fairness, secure work and better pay, including by criminalizing wage theft, establishing clear pathways for casual employees to convert to more permanent work and introducing a criminal offence for industrial manslaughter. There is, however, more to be done as we face increasingly complex and compounding global challenges such as the transition to environmentally sustainable economies and

the rise of artificial intelligence and its associated opportunities and risks. The Australian Government commends the ILO for its concrete actions to advance social justice. We look forward to working collaboratively with all to continue to deliver tangible outcomes to improve the lives of working people. Thank you.

Ms Eka Margishvili

Employer (Uzbekistan)

Dear delegates and guests of the Conference, today I would like to start with the important principle of everything in the name of human, for the good of human, where a person is not only worker and employer and, for sure, an office holder. Every day, as the well-being of the population grows, the world's employers must also be prepared to increase the quality of social support for workers. In recent years, Uzbekistan has made great efforts to ensure better living conditions for the people and has achieved significant success in ensuring the interests, honour and dignity of a person in the country, liberalizing the economy and entering world markets. Particular attention is paid to ensuring human rights and freedoms and international cooperation in these processes, following the principles of openness and transparency and gender equality. Uzbekistan today is an active platform in Central Asia for economic and social cooperation, which is confirmed by the international community. In this regard, the priority areas of the development are the reduction of poverty, the development of the green economy, the support and creation of opportunities for women's entrepreneurship, public-private partnership in industry, infrastructure and education. Today, the Confederation of Employers of Uzbekistan includes eight big associations in Uzbekistan. The Chamber of Commerce and Industry, association of textile, silk, leather electrical and construction industries, as well as the Council of Farmers of Uzbekistan, uniting a total of [vgr INAUDIBLE 147:35] employer companies in Uzbekistan. Based on this, we organized an international conference about gender equality in the workplace, in countering harassment. The result of our conference was the signing of a communiqué by the community of employers of Uzbekistan recognizing full responsibility and openness in ensuring gender balance in all Uzbek companies. Dear participants of the event, taking the opportunity, allow me, on behalf of the Confederation of Employers of Uzbekistan, to express my deep gratitude to the ILO team and issue the following two proposals. Firstly, promotion of openness to national gender audit of national companies, and second, commitment to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Ultimately, I would like success in the employer community, to say our power is in supporting each other and business success in social lifestyle. Thank you.

Ms Jeannette Jara

Government (Chile)

It is an honour for me to take part in this 112th International Labour Conference as Minister for Labour and Social Welfare of the Government of Chile. Let me start by thanking the ILO Director-General, Mr Gilbert Houngbo, for his leadership in promoting the Global Coalition for Social Justice, an initiative our country actively supports. We would also like to greet the tripartite delegation of the workers and employers. I would also like to greet the senators representing the legislative bodies who are joining us here. I would like to focus on decent work, which is a cornerstone of the programme of

President Gabriel Boric. During the first half of his term in office, and under his leadership, Chile has made significant progress, like the ratification of ILO Convention 190 on violence and harassment in the workplace and Convention 176 on safety and health in mines, an important one for a mining country like ours. Two historic increases in the minimum wage have occurred as well, and we approved two laws which will improve workers' quality of life. We have reduced the working day to 40 hours a week, a longstanding demand, and we have a law on work-life balance as well. There are also significant challenges such as strengthening rights and opportunities for equitable and safe participation of women in the labour market. We have also made relevant normative and institutional changes to strengthen social protection and increase employability and to have safe places and spaces for work. Next week we will also start a new draft bill process which would create equality between women and men, because there is no social justice without gender justice. On employment, I would like to say that since our government came to office two years ago we have been fighting against inflation and promoting growth, and 550,000 people have gone back into employment. Of course progress needs to be made, and we are looking at upskilling people to make them prepared for the future of work, strengthening training in digital skills, modernizing the national system for labour skills certification and updating the national policy on labour research. We need to make the most of the opportunity we have offered by e-mobility and the global transition towards the green economy, where Chile plays a leading role thanks to its vast reserves of copper and lithium and geographical conditions which generate solar and wind energy for domestic consumption and also for the production of green hydrogen. We must emphasize that these changes were possible thanks to tripartite social dialogue. This has been key for the country to be able to make all the achievements we have mentioned, improving people's lives. But as I have said, I think we need to reiterate the need to have convergence so that our countries can implement reforms. This includes improving pensions of current and future pensioners. This pension reform is an ethical, moral, much needed and indispensable thing we need to do for our country. I would like to say that we are going to ratify ILO Convention 155 on workers safety and health and Convention 81 on workplace inspection. We would like to express thanks for the fact that we have been chairing the ILO Governing Body and currently chairing Alliance 8.7. We would like to say that economic growth is the strength of both parties, workers and employers. All of this, of course, needs common efforts from both sides. Thank you very much.

Mr Luis González Arias

Employer (Paraguay)

President, it is a pleasure for me to congratulate you on behalf of the employers sector of my country in your election to preside over the work of this historic and significant 112th International Labour Conference, and at the same time wish you every success in your work. When looking carefully at the Director-General's report, we agree, as Paraguayan employers, that the world is indeed facing various challenges such as technological advance, climate change, demographic changes, increasing informality, the lack of education and training for vulnerable sectors of society, to mention only the most relevant. However, it is not an issue of searching for a magical solution or an overambitious solution. We have to build on the basis of what we have already achieved in tripartite work over the years, reaffirming and updating the social contract to maintain its legitimacy and the support of the various parties. One way of strengthening this process is to take as a basis national social contracts and adapt them to the specific

circumstances and priorities of each country. Allow me to express our agreement with what the Director-General mentions in his report where he emphasizes the importance of cooperating through institutional means to forge consensus, speed up action and fulfil the mandate of promoting social justice through the strengthening of the social contract. In Paraguay we have a functioning democratic system. The authorities are all elected by the popular vote in respect for human rights. Social protection and recognition of human rights are a part of that system. One great social achievement was the approval of a legislative act, No. 7235, at the end of 2023 which regulates the supervisory role of the state in the bodies that provide for retirement provision and pensions. There the employers and workers were actively involved in the work with the Government, and that work led to a successful set of regulations whose implementation is now in process. And with this, in the future we will have a retirement system with healthy and sustainable finances so that it will be possible to give people who contribute a non-working life in dignity. Coming to issues of more current concern, the employers' organizations have been flanking micro, small and medium-sized enterprises in the difficult path of formalization in their working towards a more clean and sustainable economy and in the improvement of their productive operations to create decent jobs and thus contribute to social prosperity. At the moment there are various projects underway which provide support to micro, small and medium-sized enterprises, and they are led by the employer sector with the cooperation of international bodies, including the International Labour Organization. And we would like to thank the Organization and express our desire to continue cooperating. We would like to express our concern with the challenges that micro, small and medium-sized enterprises are faced with. For example, the impact on this sector of the economy of the COVID-19 pandemic, the apparition of new technologies such as the digital economy, including artificial intelligence. And if it is not possible for this sector of small, medium-size, micro enterprises to adapt, then that will have a negative impact on the economic and social development of our countries. Finally, we think that coordinated, transparent tripartite work on legislation and on projects for cooperation are a key factor to address and make progress on successfully addressing the challenges of the accelerated and changing world of work. I would like to thank the Workers' delegate of our country for their support in continuing to accompany us on our search for a better life in Paraguay.

Ms Yasemin Eren

Organization of Islamic Cooperation

Mr President, Excellencies, the Organization of Islamic Cooperation, OIC, works to advance member countries' progress amid global challenges. COVID-19 exacerbated unemployment in OIC nations, underscoring the need for job creation and economic growth. OIC emphasizes the vital role of the private sector, particularly small businesses, in employment. The recent 15th Islamic Summit, held in Banjul, The Gambia, under the theme 'Enhancing Unity and Solidarity through Dialogue for Sustainable Development', urged Member States to promote wide access to decent jobs, entrepreneurship opportunities, skills development, decent work conditions and income security, and to foster unity and solidarity for sustainable development. OIC institutions, including the OIC Labour Centre inaugurated in Baku, Azerbaijan, stand ready to assist Member States in economic growth and job creation efforts. The centre serves as a vital platform for Member States to collaborate on labour-related issues. This collaboration is essential for fostering a cohesive approach to workforce management and ensuring that the member countries can collectively address common challenges in the labour sector.

Additionally, education is a cornerstone of social development. Our 2025 Programme of Action prioritizes inclusive and equitable quality education at all levels. We aim to promote lifelong learning opportunities that empower individuals with skills needed for gainful employment, entrepreneurship and sustainable development. Mr President, the ongoing genocide in the Occupied Palestinian Territory underscores the urgent need for accountability and justice within the social contract, especially in the face of the failure of international cooperation and diplomacy, marked by double standards and exclusion. In this regard, the OIC welcomes the special sitting and the Director-General's comprehensive report on the situation of workers in the occupied Arab territories. We call on the International Labour Organization to halt Israel's impunity and address the violations by the occupying power of international labour Conventions. A renewed social contract needs to ensure freedom, justice and accountability for all. Thank you.

Mr Stephen Cotton

International Transport Workers' Federation

Thank you, President, Vice-Presidents, Secretary-General and distinguished guests. I am Stephen Cotton, the General Secretary of the ITF. We represent nearly 18.5 million transport workers and we want to say congratulations to all of our colleagues in the ILO for the marvellous job they have done for the ILC this week. In particular, we want to recognize Gilbert Hounghbo for his continued vision and leadership in the most difficult of times. Globally, we are facing converging economic, political, social and climate changes, and these have the potential to continue to exacerbate inequalities. We are seeing a decent work shortage in transport and across the global. Workplaces are becoming increasingly unsafe, employment more precarious and standards of living are falling, including the fundamental right to strike and the right for collective bargaining. Our societies are under attack. Democracy around the world is being threatened. No social justice can exist in societies where there is a violation of basic human rights, and that is why we put on record our full support for the Global Coalition for Social Justice. Together, we have a collective responsibility to build better workplaces, ensure inclusivity and effective labour protections for all workers. As the Director-General's report on the situation of workers in the occupied Arab territories notes, the humanitarian situation in Gaza is catastrophic, with devastating effects on livelihoods, safety and well-being on working Palestinians. Alongside my colleagues in the global union federations, we took part in a mission to Palestine last month to reinforce our depth of commitment to the Palestinian workers and their unions and heard first-hand their profoundly moving testaments about the pain and destruction in Gaza. There must be an immediate ceasefire. The only viable path to a lasting peace is an end to the illegal occupation of Palestine and a two-state solution. We need renewed efforts to restore democracy in Myanmar. Many union activists are still in detention, have been killed or are in hiding. The ILO Commission of Inquiry in Myanmar, it is impossible to exercise freedom of association. We urgently need more effective international responses to hold the junta accountable for the atrocities. Even in times of war and conflict, transport workers continue to keep our societies moving, ensuring the safe passage of people and ensuring the communities have vital supplies and the goods they need. Take Ukraine, the country's ports, railways and roads continue to survive and sustain that society. We continue to condemn Russia's repeated attacks and call for unwavering solidarity to workers operating in such awful circumstances. Looking at the action we as a global community can take, we must continue to applaud this conference for taking decisive decisions in relation to States' repeated and flagrant violations of international labour

standards. We must not forget the importance of the ILO's supervisory body, including the Conference Committee on the Application of Standards, in ensuring States implement the Conventions they ratified. We reaffirm our commitment to C190. While a number of governments have ratified, there is still much work to be done, and we ensure that the ITF and the labour movement will be there to make sure it is implemented. Finally, following a decision of the ILC in 2022 to include a safe and healthy working environment as a fundamental principle and a right at work, we recommend the standard-setting discussion on protection against biological hazards in the working environment. Crises such as the COVID-19 pandemic and the climate change impacts on workers have demonstrated the need to develop a comprehensive and forward-looking legal framework for the respect, promotion and realization of the right to have a safe, healthy working environment. Thank you and good evening.

Mr Daniel BERTOSSA

Public Services International

Honourable delegates, distinguished guests and workers, I stand before you today to shed light on the dire situation of public service workers around the world. Public services are the backbones of our society. They ensure the well-being of our people and the progress of our nations. All workers benefit from these services, but the vulnerable workers benefit the most: precarious workers, women workers, migrant workers and children. Yet the workers who provide them are under attack. If COVID has taught us anything, it is that when these workers cannot do their jobs, then we all suffer, and sometimes we die. In Japan, for over 70 years public service workers' rights have been undermined by the lack of compliance with Convention 87. This Convention guarantees the freedom of association and protection of the right to organize. But Japan's failure to uphold these standards means public sector employees, for example firefighters, still do not have a voice and still are not allowed to bargain collectively. In Kenya, public service workers, particularly doctors and healthcare workers, are being attacked and intimidated. The General Secretary of our affiliate, the doctor's union, was shot this year by police at a peaceful protest. Healthcare workers and professionals save lives. They must not be targeted for standing up for their rights. Such attacks not only threaten their safety but they also jeopardize the health of the entire nation. In Argentina, the new ultra-liberal government has dismissed massive numbers of public service workers and announced privatizations of essential services. This weakens the public institutions that serve the Argentinian people and it deliberately undermines democracy. The erosion of job security and public services are alarming trends that must be reversed to protect the social fabric of the country. And in Gaza our members in the health sector are the most at-risk health workers in the world. Almost 500 healthcare workers have been killed in this conflict as well as 190 UN workers: the largest in the UN's organizational history. In Ecuador, public service workers have been stripped of their labour rights, and four different governments from both the left and the right have done nothing to restore them. Their voices are being stifled and they cannot negotiate fair conditions and wages. Just a few years ago, we all clapped for these workers. They were at the front line of the fight against the COVID-19 pandemic. They risked their lives to protect us during one of the most challenging times in recent history. Yet the gratitude shown has not been translated into meaningful support and protection for them. Too many governments have already forgotten their sacrifices. Instead, they face increased marginalization, job insecurity and attacks on their rights. They were there for us then. We must be there for them now. The ILO must make the Declaration of Philadelphia

real. We must strengthen the supervisory mechanisms so that Member States comply with the core Conventions and uphold the rights of all workers. Labour is not a commodity. Workers are not an expendable resource. We are human beings with rights and dignity that must be respected and protected. That is how we honour the sacrifice of the thousands who died from COVID to keep us safe. That is how we will achieve the ILO's mission of promoting social justice and decent work for all. Thank you.

Dr Markus Demele

Kolping International

Chair, delegates, for the Catholic social federation, Kolping International, with around 400,000 members in 60 countries who I have the honour of representing here, this year's report from the Director-General is a confirmation of what we think and a call to action. The report on the 10th year of the implementation of the 17 UN Sustainable Development Goals, which we decided on in 2015, addresses the particular need to achieve these goals through decent work. Because if we take the claim that we want to leave no one behind truly seriously, then that will not happen by handouts and philanthropy but through the creation of opportunities for people to be involved in making a contribution wherever and whenever they were born. The majority of the people in the world, despite binding Conventions and political statements of intentions, despite SDG 8 of the 2030 Agenda, work in informal, sometimes very precarious working relationships. And it is clear that this, to some extent, depends on an inconsistent approach to the implementation of other sustainability goals. The first Sustainable Development Goal, the fight against poverty, cannot be achieved if people cannot earn enough income through the work of their hands and minds or be covered by social security. And Goal 12, responsible consumption and production, cannot be reached if consumers have a choice between cheap goods, which are clearly produced by the exploitation of human labour, and much more expensive products certified by innumerable seals and certificates which are not granted on an independent basis and depend on the principle of voluntary compliance. And the Director-General in his report points out other inconsistencies. This unbalanced situation, which is expressed in precarious working relationships, lack of social security, neglected labour inspections and perverse shaping of prices, which completely leaves out of consideration ecological aspects and the follow-on costs of activity, is a result of incoherent shaping of policy which simply does not think of financial, economic and social aspects all at the same time. Apart from that, there is an interaction between the neglect of the fourth component, the ecological component, and the spreading of work which is not decent work. We welcome the commitment of the Director-General to strengthen the role of the ILO as the only tripartite UN organization, as a pioneer in the call for consistent coherent policy. Chair, delegates, the Director-General in his report rightly addresses two central questions which all social partners have to consider. What can we do to revive a social contract without which we will not be able to achieve the Sustainable Development Goals or the objective of the ILO of social justice? As a Catholic social association which has been working with the International Labour Organization for more than 30 years now, we see ourselves as being in a community of further organizations inspired by Catholicism which for many years have been addressing the future of work and the challenges of the social and economic transformation. We seek dialogue with partners who are with us on the path to bringing together the different areas of policy, truly and sustainably, together with the goal of social justice. Only together will the social partners, along with civil society, be able to create a climate of

solidarity in society which understands decent work for all, everywhere in the world as a self-evident component of the way that we work in our economy. The Pope addressed the partners in the product 'The Future of Work: Labour After Laudato Si', 79 years after the end of the Second World War, on the 8th of May 2024 with these words. He said, "The world needs a new commitment, a new social contract which will bring all of us together, the older and the younger generations, to protect Creation and for solidarity and mutual protection within a human society." Kolping International takes on this task. We are engaging ourselves in the Global Coalition for Social Justice. We believe in the value and dignity of every individual human being, who should not be left out of consideration, and particularly in the world of work.

Mr Nilton Neco Souza Da Silva

Alternative Democratic Trade Union of the Americas

President, the Continental Directive Council of the Alternative Union of the Americas, ADS, congratulations the Director, Gilbert Hounbo, for his work and on his leadership. Apart from ADS, who greets all of the delegates present here, in particular the representatives of the workers of the whole world, in this significant conference. The Alternative Democratic Union of the Americas considers the Director-General's report on a renewed social contract, presented to this conference, to be a positive and consistent contribution. ADS has been struggling continuously to defend the rights and acquisitions of the workers of our continent of America, which has suffered so much. We denounce and reject all attacks on rights, the persecution of unions and union leaders and anti-union practices on the part of businesses and some governments in our region, including Colombia, Panama, Peru, El Salvador, Venezuela, Brazil and others. It is very important that the ILO should be more careful and vigilant to make sure that governments implement effective public policies which will promote and strengthen social dialogue, decent work, take care of the environment, union freedoms, social justice and democracy. Geopolitical tensions continue to be a matter of great concern. Irrational international trade disputes, conflicts, wars, the genocide in Gaza and the global crisis of governance are leading to an increase in social inequality, unemployment, poverty and violence. This situation affects and seriously weakens collective bargaining, social dialogue and democracy. The ADS is profoundly concerned about the increase in poverty, social exclusion, unemployment, attacks on workers' rights and on democracy in the majority of the countries of the Americas and the world. President, ADS represents more than 25 million workers and 20 unions in 13 countries of Latin America and the Caribbean. In our second continental congress, which took place in May 2022, we reaffirmed our values and principles to defend the rights of workers for union independence, union freedoms, freedoms of association, social justice, sustainable development, defence of the environment and democracy. Given this, we are available to contribute to the ILO in its work in debates and cooperation on a new social contract, a global coalition on social justice and other matters of interest for the workers of the Americas and of the world. We hope that we will be able to work together in unity on questions of common interest with the ILO and other union organizations and social organizations at a national, regional and global level. Thank you very much.

Ms Valerie BICHELMEIER

Make Mothers Matter

Ladies and gentlemen, my organization, Make Mothers matter, or MMM, congratulates the Director-General for his report and very much appreciates the opportunity to contribute to this important discussion. This statement is supported by the Global Coalition for Social Protection Floors, of which MMM is a member. We fully agree that a new social contract is urgently needed at a time when we are facing multiple crises and ever-greater challenges. It is clear, however, that a new social contract requires bold structural transformation. The report rightly questions the ability of our current economic system and “its narrow and exclusive goals of financial and price stability to deliver social justice”. It also acknowledges that “the usual fixes are not likely to work and that we will need to adapt our policies and institutions and come to a new understanding of our responsibilities to each other”. We at MMM could not agree more. A new social contract must be embedded into systemic transformation, beginning with the economy. It is time to redefine what we call development and progress, move away from the GDP growth narrative and repurpose our economic system and policy-making so that the economy first serves the long-term well-being of people and the planet and supports the work of caring for each other and for our natural environment. Whether you call it a human-centred economy, as proposed by Mr Samans of the ILO, a human rights economy, as advocated by the High Commissioner for Human Rights, or a well-being economy, which is a path that a few countries have already embraced, we urgently need an economy which is in the service of life and sustainable and inclusive well-being for all: the basis of social justice. The report also stresses the need to address gender disparities in the provision of social protection, these disparities being connected to women’s lower labour force participation and their mainly informal work, which in turn is rooted in the unequal sharing of caregiving work and responsibilities. It fails, however, to recognize that care should be a collective responsibility and that the new social contract must support a more equitable distribution of unpaid care and domestic work, first between men and women but also across society. Women have long shouldered the majority of both paid and unpaid care work. The resulting costs in terms of lost income and opportunities too often translate in poverty for women, in particular in old age. The care gap is at the root of a gender labour force participation gap, the gender pay gap, the pension gaps, not to mention women’s glass ceiling to access decision-making positions. Women who are mothers suffer specific discrimination and challenges, a motherhood penalty which is at the root of social and economic injustice for many. We particularly commend and support the report’s recommendation that the social contract needs to ensure access to and the provision of essential public services and universal access to social protection, and call for urgent implementation of social protection floors worldwide. As a major stakeholder, the private sector must also take its share of responsibilities and costs by providing support to employees having caregiving responsibilities, in particular parents. This will not only positively impact those employees and society in the long term but it will also benefit companies themselves through talent retention, employees’ loyalty and attracting new talent. As part of a necessary systemic transformation, a paradigm shift is therefore also needed in the world of work, from families, mothers in particular, adapting to companies, to companies adapting to families and the realities of care. In summary, we are calling for a social contract that kickstarts a care society where the value of care work, whether paid or unpaid, is recognized as valuable and essential work, adequately supported and fairly distributed. This is everyone’s responsibility. We at MMM will continue doing our

bit. We ask that you join us in this endeavour. I will end with a quote from Tim Jackson, who is an ecological economist. He said, "Without care we are nothing, our progress is nothing. Without care there is no economy." A new social contract simply cannot ignore care. Thank you.

Mr Rajeev Dubey

Employer Vice-President (India)

Thank you very much, madam. Ladies and gentlemen, that brings us to the end of our list of speakers for this plenary sitting. I thank all of you for your contribution to this afternoon's debate. Our plenary session is now closed.

► Record of Proceedings

4A

International Labour Conference – 112th Session, Geneva, 2024

Date: 8 June 2024

Second item on the agenda: Programme and budget and other questions

Report of the Finance Committee

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1. The Finance Committee met on 7 June 2024, with H.E Ambassador Francisca Méndez Escobar (Mexico) as the Chairperson and Mr John Marazita (Kiribati) as the Vice-Chairperson. Mr Matthey and Mr Dimitrov attended the meeting as observers for the Employers' and Workers' groups of the Governing Body, respectively.

1. Request for permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the ILO

(There was no document under this item.)

2. Status of collection of Member States' contributions

2. The Committee had before it document CF/D.2 on the status of collection of Member States' contributions as at 30 April 2024.
3. The Committee was informed that, from 1 May 2024 to 7 June 2024,¹ contributions for 2024 and prior years amounting to CHF185,887,422 had been received from 29 Member States. Details are contained in [ILC.112/CF/D.2/Room paper](#).
4. Including contributions received between 1 May and 7 June 2024, the total contributions received in 2024 amounted to CHF337,219,005. Of that amount, CHF233,097,170 represented contributions for 2024 and CHF104,121,835 represented contributions for arrears. The balance due as of 7 June 2024 was CHF211,573,904. As a result of their payments, eight governments (Cuba, Guinea, Islamic Republic of Iran, Malawi, Papua New Guinea, Sierra Leone, Syrian Arab Republic and Uganda) had retained their rights to vote.
5. **The Committee took note of the information contained in the document and the update provided.**

3. Financial report and audited consolidated financial statements for the year ended 31 December 2023

6. The Committee had before it the *Financial report and audited consolidated financial statements for the year ended 31 December 2023 and Report of the External Auditor* ([ILC.112/FIN](#)); document [CF/D.3](#), which referred to the proposal put forward on the item by the Governing Body at its 350th *bis* Session (3 June 2024); and Report II, *Information concerning the programme and budget and other questions* ([ILC.112/Report II](#)), paragraphs 1 and 2 of which referred to the item.
7. **The Committee decided to recommend that the Conference adopt the audited consolidated financial statements for the year ended 31 December 2023, and accordingly that it adopt the resolution, the text of which appears at the end of the present record.**

4. Scale of assessments of contributions to the budget for 2025

8. The Committee had before it Report II, *Information concerning the programme and budget and other questions* ([ILC.112/Report II](#)), which referred, in paragraphs 3 and 4, to the proposal put forward by the Governing Body at its 350th Session (March 2024) in document [GB.350/PFA/4](#) concerning the adoption of the draft scale of assessments for 2025 as set out in the appendix to that document and reproduced in Appendix I to the present record.

¹ Cut-off time: 9 a.m.(CET), 7 June 2024.

9. **The Committee decided to recommend that the Conference adopt the draft resolution, the text of which appears at the end of the present record.**
10. Based on the budget of income in Swiss francs for 2024–25 and the scale of assessments of contributions for 2025, a statement showing the contributions due from each Member State for 2025 is presented in Appendix II to the present record.

5. Other questions

(There was no document under this item.)

Geneva, 7 June 2024

(Signed) Francisca Méndez Escobar
Chairperson and Reporter

Resolutions submitted to the Conference

Resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2023

The General Conference of the International Labour Organization,

Decides, in accordance with article 29 of the Financial Regulations, to adopt the audited consolidated financial statements for the year ended 31 December 2023.

Resolution concerning the scale of assessments of contributions to the budget for 2025

The General Conference of the International Labour Organization,

Decides, in accordance with the established practice of harmonizing the rates of assessment of ILO Member States with their rates of assessment in the United Nations, to adopt the draft scale of assessments for the year 2025 as set out in Appendix I to ILC.112/Record No. 4A.

Appendix I

Scale of assessments for 2025

State		Draft ILO scale of assessments 2025 (%)
1	Afghanistan	0.006
2	Albania	0.008
3	Algeria	0.109
4	Angola	0.010
5	Antigua and Barbuda	0.002
6	Argentina	0.719
7	Armenia	0.007
8	Australia	2.112
9	Austria	0.679
10	Azerbaijan	0.030
11	Bahamas	0.019
12	Bahrain	0.054
13	Bangladesh	0.010
14	Barbados	0.008
15	Belarus	0.041
16	Belgium	0.828
17	Belize	0.001
18	Benin	0.005
19	Bolivia (Plurinational State of)	0.019
20	Bosnia and Herzegovina	0.012
21	Botswana	0.015
22	Brazil	2.014
23	Brunei Darussalam	0.021
24	Bulgaria	0.056
25	Burkina Faso	0.004
26	Burundi	0.001
27	Cabo Verde	0.001
28	Cambodia	0.007
29	Cameroon	0.013
30	Canada	2.629
31	Central African Republic	0.001
32	Chad	0.003
33	Chile	0.420
34	China	15.261
35	Colombia	0.246
36	Comoros	0.001
37	Congo	0.005

State		Draft ILO scale of assessments 2025 (%)
38	Cook Islands *	0.001
39	Costa Rica	0.069
40	Côte d'Ivoire	0.022
41	Croatia	0.091
42	Cuba	0.095
43	Cyprus	0.036
44	Czechia	0.340
45	Democratic Republic of the Congo	0.010
46	Denmark	0.553
47	Djibouti	0.001
48	Dominica	0.001
49	Dominican Republic	0.067
50	Ecuador	0.077
51	Egypt	0.139
52	El Salvador	0.013
53	Equatorial Guinea	0.012
54	Eritrea	0.001
55	Estonia	0.044
56	Eswatini	0.002
57	Ethiopia	0.010
58	Fiji	0.004
59	Finland	0.417
60	France	4.320
61	Gabon	0.013
62	Gambia	0.001
63	Georgia	0.008
64	Germany	6.114
65	Ghana	0.024
66	Greece	0.325
67	Grenada	0.001
68	Guatemala	0.041
69	Guinea	0.003
70	Guinea-Bissau	0.001
71	Guyana	0.004
72	Haiti	0.006
73	Honduras	0.009
74	Hungary	0.228
75	Iceland	0.036
76	India	1.045
77	Indonesia	0.549
78	Iran (Islamic Republic of)	0.371

State		Draft ILO scale of assessments 2025 (%)
79	Iraq	0.128
80	Ireland	0.439
81	Israel	0.561
82	Italy	3.190
83	Jamaica	0.008
84	Japan	8.037
85	Jordan	0.022
86	Kazakhstan	0.133
87	Kenya	0.030
88	Kiribati	0.001
89	Kuwait	0.234
90	Kyrgyzstan	0.002
91	Lao People's Democratic Republic	0.007
92	Latvia	0.050
93	Lebanon	0.036
94	Lesotho	0.001
95	Liberia	0.001
96	Libya	0.018
97	Lithuania	0.077
98	Luxembourg	0.068
99	Madagascar	0.004
100	Malawi	0.002
101	Malaysia	0.348
102	Maldives	0.004
103	Mali	0.005
104	Malta	0.019
105	Marshall Islands	0.001
106	Mauritania	0.002
107	Mauritius	0.019
108	Mexico	1.222
109	Mongolia	0.004
110	Montenegro	0.004
111	Morocco	0.055
112	Mozambique	0.004
113	Myanmar	0.010
114	Namibia	0.009
115	Nepal	0.010
116	Netherlands	1.378
117	New Zealand	0.309
118	Nicaragua	0.005
119	Niger	0.003

State		Draft ILO scale of assessments 2025 (%)
120	Nigeria	0.182
121	North Macedonia	0.007
122	Norway	0.679
123	Oman	0.111
124	Pakistan	0.114
125	Palau	0.001
126	Panama	0.090
127	Papua New Guinea	0.010
128	Paraguay	0.026
129	Peru	0.163
130	Philippines	0.212
131	Poland	0.838
132	Portugal	0.353
133	Qatar	0.269
134	Republic of Korea	2.575
135	Republic of Moldova	0.005
136	Romania	0.312
137	Russian Federation	1.867
138	Rwanda	0.003
139	Saint Kitts and Nevis	0.002
140	Saint Lucia	0.002
141	Saint Vincent and the Grenadines	0.001
142	Samoa	0.001
143	San Marino	0.002
144	Sao Tome and Principe	0.001
145	Saudi Arabia	1.185
146	Senegal	0.007
147	Serbia	0.032
148	Seychelles	0.002
149	Sierra Leone	0.001
150	Singapore	0.504
151	Slovakia	0.155
152	Slovenia	0.079
153	Solomon Islands	0.001
154	Somalia	0.001
155	South Africa	0.244
156	South Sudan	0.002
157	Spain	2.135
158	Sri Lanka	0.045
159	Sudan	0.010
160	Suriname	0.003

State		Draft ILO scale of assessments 2025 (%)
161	Sweden	0.872
162	Switzerland	1.135
163	Syrian Arab Republic	0.009
164	Tajikistan	0.003
165	Thailand	0.368
166	Timor-Leste	0.001
167	Togo	0.002
168	Tonga	0.001
169	Trinidad and Tobago	0.037
170	Tunisia	0.019
171	Türkiye	0.846
172	Turkmenistan	0.034
173	Tuvalu	0.001
174	Uganda	0.010
175	Ukraine	0.056
176	United Arab Emirates	0.635
177	United Kingdom	4.377
178	United Republic of Tanzania	0.010
179	United States	22.000
180	Uruguay	0.092
181	Uzbekistan	0.027
182	Vanuatu	0.001
183	Venezuela (Bolivarian Republic of)	0.175
184	Viet Nam	0.093
185	Yemen	0.008
186	Zambia	0.008
187	Zimbabwe	0.007
Total		100.000

* The Cook Islands is not at present a member of the UN. The proposed rate of assessment is based on its membership fees in other UN specialized agencies (GB.326/PFA/GMA/1).

Appendix II

Income budget for 2024-25

Statement of contributions due from Member States for 2025 (in Swiss francs)

Member States	Assessed Contribution for 2025		Earned Credits Distributed in Respect of :		Total Credits	Net Contribution for 2025
			2023 Incentive Scheme	2022-23 50% Net Premium		
	%	Amount				
1 Afghanistan	0.006	24 019	-	-	-	24 019
2 Albania	0.008	32 025	873	264	1 137	30 888
3 Algeria	0.109	436 337	11 341	4 079	15 420	420 917
4 Angola	0.010	40 031	576	330	906	39 125
5 Antigua and Barbuda	0.002	8 006	-	-	-	8 006
6 Argentina	0.719	2 878 222	-	-	-	2 878 222
7 Armenia	0.007	28 022	761	231	992	27 030
8 Australia	2.112	8 454 526	231 803	71 394	303 197	8 151 329
9 Austria	0.679	2 718 098	71 795	22 394	94 189	2 623 909
10 Azerbaijan	0.030	120 093	3 709	1 305	5 014	115 079
11 Bahamas	0.019	76 059	1 937	611	2 548	73 511
12 Bahrain	0.054	216 167	5 072	1 718	6 790	209 377
13 Bangladesh	0.010	40 031	533	330	863	39 168
14 Barbados	0.008	32 025	677	248	925	31 100
15 Belarus	0.041	164 127	307	1 486	1 793	162 334
16 Belgium	0.828	3 314 559	57 697	27 249	84 946	3 229 613
17 Belize	0.001	4 003	64	33	97	3 906
18 Benin	0.005	20 015	101	-	101	19 914
19 Bolivia (Plurinational State of)	0.019	76 059	-	-	-	76 059
20 Bosnia and Herzegovina	0.012	48 037	611	396	1 007	47 030
21 Botswana	0.015	60 046	1 505	479	1 984	58 062
22 Brazil	2.014	8 062 223	1 615	81 963	83 578	7 978 645
23 Brunei Darussalam	0.021	84 065	2 420	760	3 180	80 885
24 Bulgaria	0.056	224 173	5 690	1 685	7 375	216 798
25 Burkina Faso	0.004	16 012	386	116	502	15 510
26 Burundi	0.001	4 003	-	-	-	4 003
27 Cabo Verde	0.001	4 003	-	-	-	4 003
28 Cambodia	0.007	28 022	542	215	757	27 265
29 Cameroon	0.013	52 040	-	-	-	52 040
30 Canada	2.629	10 524 124	287 924	88 586	376 510	10 147 614
31 Central African Republic	0.001	4 003	44	33	77	3 926
32 Chad	0.003	12 009	-	-	-	12 009
33 Chile	0.420	1 681 298	43 570	13 658	57 228	1 624 070
34 China	15.261	61 091 157	-	-	-	61 091 157
35 Colombia	0.246	984 760	25 041	8 819	33 860	950 900
36 Comoros	0.001	4 003	-	-	-	4 003
37 Congo	0.005	20 015	-	-	-	20 015
38 Cook Islands	0.001	4 003	37	-	37	3 966
39 Costa Rica	0.069	276 213	-	-	-	276 213
40 Côte d'Ivoire	0.022	88 068	-	-	-	88 068
41 Croatia	0.091	364 281	9 345	2 774	12 119	352 162
42 Cuba	0.095	380 294	-	-	-	380 294
43 Cyprus	0.036	144 111	2 842	1 189	4 031	140 080
44 Czechia	0.340	1 361 051	35 746	10 751	46 497	1 314 554
45 Democratic Republic of the Congo	0.010	40 031	824	330	1 154	38 877
46 Denmark	0.553	2 213 709	59 624	18 282	77 906	2 135 803
47 Djibouti	0.001	4 003	30	-	30	3 973
48 Dominica	0.001	4 003	-	-	-	4 003
49 Dominican Republic	0.067	268 207	5 284	1 982	7 266	260 941
50 Ecuador	0.077	308 238	-	-	-	308 238

Member States	Assessed Contribution for 2025		Earned Credits Distributed in Respect of :		Total Credits	Net Contribution for 2025
			2023 Incentive Scheme	2022-23 50% Net Premium		
	%	Amount				
51 Egypt	0.139	556 430	16 480	5 367	21 847	534 583
52 El Salvador	0.013	52 040	1 042	413	1 455	50 585
53 Equatorial Guinea	0.012	48 037	-	-	-	48 037
54 Eritrea	0.001	4 003	-	-	-	4 003
55 Estonia	0.044	176 136	4 558	1 371	5 929	170 207
56 Eswatini	0.002	8 006	195	66	261	7 745
57 Ethiopia	0.010	40 031	3	-	3	40 028
58 Fiji	0.004	16 012	62	116	178	15 834
59 Finland	0.417	1 669 289	43 496	13 839	57 335	1 611 954
60 France	4.320	17 293 349	431 749	144 488	576 237	16 717 112
61 Gabon	0.013	52 040	-	-	-	52 040
62 Gambia	0.001	4 003	-	-	-	4 003
63 Georgia	0.008	32 025	240	264	504	31 521
64 Germany	6.114	24 474 892	538 582	201 596	740 178	23 734 714
65 Ghana	0.024	96 074	2	644	646	95 428
66 Greece	0.325	1 301 004	32 052	11 412	43 464	1 257 540
67 Grenada	0.001	4 003	111	33	144	3 859
68 Guatemala	0.041	164 127	1 678	1 272	2 950	161 177
69 Guinea	0.003	12 009	-	-	-	12 009
70 Guinea-Bissau	0.001	4 003	-	-	-	4 003
71 Guyana	0.004	16 012	375	99	474	15 538
72 Haiti	0.006	24 019	425	149	574	23 445
73 Honduras	0.009	36 028	-	-	-	36 028
74 Hungary	0.228	912 705	23 586	7 167	30 753	881 952
75 Iceland	0.036	144 111	3 576	1 057	4 633	139 478
76 India	1.045	4 183 229	105 586	31 048	136 634	4 046 595
77 Indonesia	0.549	2 197 696	8 800	18 034	26 834	2 170 862
78 Iran (Islamic Republic of)	0.371	1 485 146	-	-	-	1 485 146
79 Iraq	0.128	512 396	12 040	4 244	16 284	496 112
80 Ireland	0.439	1 757 357	42 889	13 377	56 266	1 701 091
81 Israel	0.561	2 245 734	14 319	-	14 319	2 231 415
82 Italy	3.190	12 769 857	305 527	107 330	412 857	12 357 000
83 Jamaica	0.008	32 025	873	264	1 137	30 888
84 Japan	8.037	32 172 834	705 111	274 229	979 340	31 193 494
85 Jordan	0.022	88 068	200	710	910	87 158
86 Kazakhstan	0.133	532 411	15 963	5 136	21 099	511 312
87 Kenya	0.030	120 093	125	-	125	119 968
88 Kiribati	0.001	4 003	-	-	-	4 003
89 Kuwait	0.234	936 723	25 931	8 026	33 957	902 766
90 Kyrgyzstan	0.002	8 006	174	66	240	7 766
91 Lao People's Democratic Republic	0.007	28 022	140	-	140	27 882
92 Latvia	0.050	200 155	4 781	1 602	6 383	193 772
93 Lebanon	0.036	144 111	-	-	-	144 111
94 Lesotho	0.001	4 003	112	33	145	3 858
95 Liberia	0.001	4 003	93	33	126	3 877
96 Libya	0.018	72 056	-	-	-	72 056
97 Lithuania	0.077	308 238	8 078	2 444	10 522	297 716
98 Luxembourg	0.068	272 210	3 709	2 230	5 939	266 271
99 Madagascar	0.004	16 012	-	-	-	16 012
100 Malawi	0.002	8 006	-	-	-	8 006
101 Malaysia	0.348	1 393 075	30 767	11 379	42 146	1 350 929
102 Maldives	0.004	16 012	423	132	555	15 457
103 Mali	0.005	20 015	508	149	657	19 358
104 Malta	0.019	76 059	1 812	595	2 407	73 652
105 Marshall Islands	0.001	4 003	3	-	3	4 000
106 Mauritania	0.002	8 006	207	66	273	7 733
107 Mauritius	0.019	76 059	1 726	495	2 221	73 838
108 Mexico	1.222	4 891 776	-	-	-	4 891 776
109 Mongolia	0.004	16 012	-	-	-	16 012
110 Montenegro	0.004	16 012	423	132	555	15 457

Member States	Assessed Contribution for 2025		Earned Credits Distributed in Respect of :		Total Credits	Net Contribution for 2025	
			2023 Incentive Scheme	2022-23 50% Net Premium			
	%	Amount					
111	Morocco	0.055	220 170	5 056	1 817	6 873	213 297
112	Mozambique	0.004	16 012	263	132	395	15 617
113	Myanmar	0.010	40 031	819	330	1 149	38 882
114	Namibia	0.009	36 028	967	297	1 264	34 764
115	Nepal	0.010	40 031	-	-	-	40 031
116	Netherlands	1.378	5 516 258	142 098	45 168	187 266	5 328 992
117	New Zealand	0.309	1 236 955	32 028	9 909	41 937	1 195 018
118	Nicaragua	0.005	20 015	510	165	675	19 340
119	Niger	0.003	12 009	-	-	-	12 009
120	Nigeria	0.182	728 562	-	-	-	728 562
121	North Macedonia	0.007	28 022	761	231	992	27 030
122	Norway	0.679	2 718 098	72 714	23 666	96 380	2 621 718
123	Oman	0.111	444 343	9 745	3 732	13 477	430 866
124	Pakistan	0.114	456 352	-	-	-	456 352
125	Palau	0.001	4 003	-	-	-	4 003
126	Panama	0.090	360 278	1 200	-	1 200	359 078
127	Papua New Guinea	0.010	40 031	-	-	-	40 031
128	Paraguay	0.026	104 080	87	694	781	103 299
129	Peru	0.163	652 504	4 872	-	4 872	647 632
130	Philippines	0.212	848 655	13 492	6 887	20 379	828 276
131	Poland	0.838	3 354 590	89 324	27 084	116 408	3 238 182
132	Portugal	0.353	1 413 091	38 044	11 610	49 654	1 363 437
133	Qatar	0.269	1 076 831	29 531	9 100	38 631	1 038 200
134	Republic of Korea	2.575	10 307 957	61 973	-	61 973	10 245 984
135	Republic of Moldova	0.005	20 015	372	132	504	19 511
136	Romania	0.312	1 248 964	26 450	8 423	34 873	1 214 091
137	Russian Federation	1.867	7 473 769	65 480	70 568	136 048	7 337 721
138	Rwanda	0.003	12 009	91	-	91	11 918
139	Saint Kitts and Nevis	0.002	8 006	30	-	30	7 976
140	Saint Lucia	0.002	8 006	-	-	-	8 006
141	Saint Vincent and the Grenadines	0.001	4 003	31	-	31	3 972
142	Samoa	0.001	4 003	93	33	126	3 877
143	San Marino	0.002	8 006	197	66	263	7 743
144	Sao Tome and Principe	0.001	4 003	-	-	-	4 003
145	Saudi Arabia	1.185	4 743 662	127 673	38 942	166 615	4 577 047
146	Senegal	0.007	28 022	-	-	-	28 022
147	Serbia	0.032	128 099	2 118	991	3 109	124 990
148	Seychelles	0.002	8 006	33	66	99	7 907
149	Sierra Leone	0.001	4 003	-	-	-	4 003
150	Singapore	0.504	2 017 557	53 833	16 333	70 166	1 947 391
151	Slovakia	0.155	620 479	16 306	5 087	21 393	599 086
152	Slovenia	0.079	316 244	8 364	2 560	10 924	305 320
153	Solomon Islands	0.001	4 003	-	-	-	4 003
154	Somalia	0.001	4 003	27	-	27	3 976
155	South Africa	0.244	976 754	27 377	8 522	35 899	940 855
156	South Sudan	0.002	8 006	263	132	395	7 611
157	Spain	2.135	8 546 597	164 964	70 716	235 680	8 310 917
158	Sri Lanka	0.045	180 139	1 421	1 470	2 891	177 248
159	Sudan	0.010	40 031	-	-	-	40 031
160	Suriname	0.003	12 009	-	-	-	12 009
161	Sweden	0.872	3 490 695	57 068	29 380	86 448	3 404 247
162	Switzerland	1.135	4 543 507	122 859	37 769	160 628	4 382 879
163	Syrian Arab Republic	0.009	36 028	-	-	-	36 028
164	Tajikistan	0.003	12 009	31	116	147	11 862
165	Thailand	0.368	1 473 137	37 435	11 147	48 582	1 424 555
166	Timor-Leste	0.001	4 003	-	-	-	4 003
167	Togo	0.002	8 006	-	-	-	8 006
168	Tonga	0.001	4 003	81	33	114	3 889
169	Trinidad and Tobago	0.037	148 114	3 579	1 272	4 851	143 263

Member States	Assessed Contribution for 2025		Earned Credits Distributed in Respect of :		Total Credits	Net Contribution for 2025
	%	Amount	2023 Incentive Scheme	2022-23 50% Net Premium		
170 Tunisia	0.019	76 059	2 038	727	2 765	73 294
171 Türkiye	0.846	3 386 614	60 410	36 630	97 040	3 289 574
172 Turkmenistan	0.034	136 105	572	1 106	1 678	134 427
173 Tuvalu	0.001	4 003	-	-	-	4 003
174 Uganda	0.010	40 031	-	-	-	40 031
175 Ukraine	0.056	224 173	1 588	1 866	3 454	220 719
176 United Arab Emirates	0.635	2 541 962	59 092	20 660	79 752	2 462 210
177 United Kingdom	4.377	17 521 525	463 515	147 742	611 257	16 910 268
178 United Republic of Tanzania	0.010	40 031	1 071	330	1 401	38 630
179 United States	22.000	88 067 980	-	-	-	88 067 980
180 Uruguay	0.092	368 284	6 569	2 956	9 525	358 759
181 Uzbekistan	0.027	108 084	1 412	974	2 386	105 698
182 Vanuatu	0.001	4 003	-	-	-	4 003
183 Venezuela (Bolivarian Republic of)	0.175	700 541	-	-	-	700 541
184 Viet Nam	0.093	372 287	8 761	2 808	11 569	360 718
185 Yemen	0.008	32 025	-	-	-	32 025
186 Zambia	0.008	32 025	447	281	728	31 297
187 Zimbabwe	0.007	28 022	473	198	671	27 351
TOTAL	100.000	400 309 000	5 084 466	1 895 655	6 980 121	393 328 879

► Record of Proceedings

4B

International Labour Conference – 112th Session, Geneva, 2024

Date: 19 June 2024

Plenary sitting: Report of the Finance Committee

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Monday, 10 June 2024, 2.35 p.m.

President: Mr Moyo

Government Vice-President of the Conference

Report of the Finance Committee: Presentation and approval

The President

It is my great pleasure to declare open the eleventh plenary sitting of the 112th Session of the International Labour Conference.

We shall begin with the presentation and approval of the report of the Finance Committee. I should like to recall that the Officers of the Committee are Ms Méndez Escobar (Mexico), Chairperson and Reporter, and Mr Marazita (Kiribati), Vice-Chairperson.

I now refer to the Committee's report, which can be found in [Record of Proceedings No. 4A](#) and which was published on the Conference website on Saturday. The report contains two resolutions concerning financial and administrative matters to be considered by the Conference: a resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2023; and a resolution concerning the scale of assessments of contributions to the budget for 2025.

I kindly invite Ms Méndez Escobar to present to us the work of the Committee and its report.

Ms Méndez Escobar

Chairperson and Reporter of the Finance Committee

(Original Spanish)

I have the honour to submit to the Conference the report of the Finance Committee. This report was published over the weekend as document ILC.112/Record No. 4A and contains the recommendations of the Committee on the matters that it considered, and two resolutions presented by the Committee for adoption by the Conference.

We first considered an Office document on the status of collection of Member States' contributions, including an addendum containing up-to-date information on the additional contributions received during the period from 1 May to 7 June 2024, and we took note of the information provided.

We then considered the financial report and audited consolidated financial statements for the year ended 31 December 2023 and the Governing Body's recommendation that the Conference adopt the statements. The Committee noted with satisfaction that the financial statements were fully compliant with the International Public Sector Accounting Standards and that the Office's External Auditor, the Commission on Audit of the Republic of the Philippines, had given an unmodified audit opinion. The Committee agreed unanimously to propose that the 2023 financial statements be adopted by the Conference in accordance with article 29 of the Financial Regulations. The text of the resolution is included in Record of Proceedings No. 4A.

We also considered the proposed scale of assessment of contributions to the ILO regular budget for 2025, and recommended that the draft scale be adopted by the Conference. The text of the resolution is included in Record of Proceedings No. 4A.

There are two appendices to Record of Proceedings No. 4A. Appendix I contains the detailed scale per Member State for 2025. Appendix II presents the amount of the contribution due from each Member State for 2025, including any credits applied where eligible.

I would like to express my sincere gratitude to the members of the Committee and, also, to the members of the Secretariat for a very efficient and smooth Committee session. I would also like to recognize the work of the interpreters, report writers and translators, which ensured the timely and accurate processing of documents on the Committee's agenda, as well as the report that I am presenting today.

With these remarks, I commend the report and its resolutions to the Conference for adoption.

The President

Many thanks, Ms Méndez Escobar, for this summary of the work of the Committee and of the resolutions it is submitting to the Conference for adoption in plenary. If there are no requests for the floor or objections, may I take it that the Conference approves the report of the Finance Committee, paragraphs 1–10 and its Appendices I and II, as a whole?

(The report – paragraphs 1–10 and Appendices I and II – is approved.)

We shall now proceed with the adoption, one by one, of the two resolutions stemming from the work of the Finance Committee.

Resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2023

The President

Let us begin with the first resolution in the report, namely the resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2023.

If there are no objections, may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

Resolution concerning the scale of assessments of contributions to the budget for 2025

The President

Let us move swiftly on to the resolution concerning the scale of assessments of contributions to the budget for 2025.

If there are no objections, may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

On behalf of the Conference, I wish to express our sincere gratitude to the members of the Finance Committee and to the Secretariat. The Conference, as a whole, thanks them for their hard work and dedication.

(The Conference continues its work in plenary.)

► Record of Proceedings

5A

International Labour Conference – 112th Session, Geneva, 2024**Part One**

Date: 14 June 2024

Third item on the agenda: Information and reports on the application of Conventions and Recommendations

Report of the Committee on the Application of Standards

Part One

General Report

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A. Introduction

1. In accordance with article 7 of the Standing Orders, the Conference set up a Committee to consider and report on item III on the agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of **156** members (**140** Government members, **8** Employer members and **8** Worker members). It also included **11** Government deputy members, **85** Employer deputy members and **229** Worker deputy members. In addition, **75** international non-governmental organizations were represented by observers.
2. The Committee elected its Officers as follows:

Chairperson:	Mr Łukasz Różycki Government member, Poland
Vice-Chairpersons:	Mr Kaizer Moyane (Employer member, South Africa) and Mr Marc Leemans (Worker member, Belgium)
Reporter:	Mr Abdelkrim Siyoucef (Government member, Algeria)
3. The Committee held **24** sittings.
4. In accordance with its terms of reference, the Committee considered information reflected in the annual report of the Committee of Experts on the Application of Conventions and Recommendations¹ regarding (i) the reports supplied under articles 22 and 35 of the ILO Constitution on the application of ratified Conventions; (ii) the reports requested by the Governing Body under article 19 of the Constitution on the [Labour Administration Convention, 1978 \(No. 150\)](#), and the [Labour Administration Recommendation, 1978 \(No. 158\)](#); (iii) the submission to the competent authorities of Conventions and Recommendations adopted by the Conference, in line with article 19 of the Constitution. The Committee also considered additional written information supplied to it by the governments.

Opening sitting

5. **Chairperson:** Let me start by thanking you for the confidence you have placed in me by electing me to preside over the work of this Committee. It is a great honour and privilege for me and for my country, Poland, to be given the responsibility for chairing the Committee this year. In the spirit of collaboration and mutual respect, I am eager to work alongside each and every one of you and am particularly keen on fostering an environment where every voice is heard and every concern is addressed with the seriousness it deserves. I would like to congratulate the two Vice-Chairpersons as well as the Reporter on their election as Officers of this Committee. I look forward to working closely with you over the course of the next two weeks. I count on your experience, cooperation and wise counsel in steering the work of this Committee.
6. The ILO and its supervisory system have a special meaning for my country. Democratic changes in Poland would not have been possible without ILO assistance which – effectively implemented over the course of many years – has borne its fruit. It was the rise of the Solidarity

¹ Report III to the International Labour Conference – Part A: [Report of the Committee of Experts on the Application of Conventions and Recommendations](#); Part B: [General Survey](#).

or “Solidarność” in Polish, in the 1980s – the first independent, self-governing trade union in the then Eastern bloc, established in line with the [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) – that truly highlighted the significance of this assistance. The story of an electrician named Lech Wałęsa scaling the walls of the Shipyard in Gdansk 44 years ago still resonates despite the passing of almost half a century. The imposition of martial law in Poland a few months later, followed by the suspension of all trade unions by the Government, met with the reaction of the ILO resulting in the establishment of a Commission of Inquiry to monitor the situation in my country. Based on the Commission’s conclusions, the ILO and numerous countries and organizations urged Poland to fulfil its obligations under Convention No. 87 and the [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#). The Polish Government subsequently recognized Solidarność and finally granted it legal status. According to Lech Wałęsa, the leader of Solidarność and later President of Poland, “the Commission of Inquiry created by the ILO after the imposition of martial law made significant contributions to the changes which brought democracy to Poland”. From there, the road first opened in 1980, ultimately led to the transition to democracy, European Union membership, the 20th anniversary of which we celebrate this year, and Poland’s new role in the international arena. The Polish example illustrates that the ILO and its well-functioning and authoritative supervisory system continues to play a crucial role in ensuring the implementation of, and compliance with, international labour standards.

7. This Committee has always been the pillar of the regular ILO supervisory system and at the heart of the ILO’s tripartite system. It is the forum for tripartite dialogue in which the Organization debates the application of international labour standards and the functioning of the standards system since 1926. The conclusions adopted by our Committee and the technical work of the Committee of Experts, together with the technical assistance of the Office, are essential tools for Member States when implementing international labour standards. I am pleased to observe that the report of the Committee of Experts provides a solid basis for our debates once again this year. I would like to take this opportunity to acknowledge the presence of Judge Thomas-Felix, on behalf of the Chairperson of the Committee of Experts, who will address our Committee in a short while. For personal reasons beyond her control, the Chairperson of the Committee of Experts, Judge Dixon Caton, has been unable to travel to Geneva to address the Committee this year. I also acknowledge the presence of the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula.
8. I strongly encourage you to participate actively in the debates and trust that, in the course of the two-week session of the Conference, the Committee will be able to meet the high expectations of the ILO constituents in a spirit of constructive dialogue. I would also like to particularly welcome those Government representatives who have been asked to coordinate the work of the regional groups in this Committee. Your contribution and cooperation will be central to ensuring the full involvement of all governments. I would like to bring to your attention the fact that, unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Government members of the group or organization in question, who are members of the ILO and are attending the Conference.
9. **Worker members:** Our Committee is commencing its work at a time when murderous conflicts are being waged in several parts of the world. This flood of innocent victims challenges our consciences and requires us to use our intelligence. The majority of the victims are among the most vulnerable, and are in their great majority women and children. More generally, they consist of women and men who have lost their means of subsistence and have been plunged into distress. Clearly, the causes of these conflicts are multiple and very diverse. But, in their

diversity, they are related to deep-rooted dysfunctions that require structural responses. These dysfunctions are not confined to the areas where armed conflicts have arisen, but also include countries where the social balance is disturbed and fundamental rights are flouted. All of that lies within a context in which our societies are having to face multiple challenges, including the just transition, the persistence of informality and, more generally, transformations in work processes and, of course, the climate challenge.

10. This year sees important democratic events, as practically half of the world will go to the polls to decide their future. Moreover, democracy and its institutions are facing severe tests. The fact that workers throughout the world are becoming increasingly aware that they are not receiving their share of the prosperity that they are helping to create is eroding support for democracy. Defenders of democracy have to understand that decent work goes hand-in-hand with the consolidation of democratic institutions.
11. We have referred to the need to find structural responses to these challenges. These responses should take the form of a new social contract, for which workers have been calling for several years. We need to refound democratic institutions in order to create inclusive societies that find peace once again, and which respect human dignity. This must be part of the messages that we will be addressing to the World Social Summit next year, in 2025.
12. That is also the meaning of the report of the Director-General addressed to the Conference this year. We will have the opportunity to come back to this, but we can already note that – as indicated by the Director-General – this exercise does not involve the reinvention of the wheel. Indeed, we can already rely on the heritage of the ILO and its multiple levers and means of action. In this respect, it should be recalled that this year we are celebrating the 80th anniversary of the Declaration concerning the aims and purposes of the International Labour Organisation ([Declaration of Philadelphia](#)). As an integral part of the ILO Constitution, this Declaration cannot be compared to the [ILO Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022](#), and the [Centenary Declaration for the Future of Work \(2019\)](#). The latter, despite their respective focus areas, are much more limited in scope. However, the text adopted in Philadelphia plays the role of a compass for our Organization. It shines by its topicality and identifies the issues and challenges that we have to confront.
13. The heritage to which we were alluding includes, of course, the ILO supervisory bodies. Focusing on our Committee, that it constitutes a valuable observatory for the identification of the obstacles that international labour standards have to overcome. It also offers a means of helping governments, through direct assistance and the appropriate use of solidarity and international cooperation. During the course of our work, we will have the opportunity to examine several cases which illustrate the different forms taken by these dysfunctions.
14. Certain cases demonstrate the rise in authoritarianism through violations of freedoms of association while others weaken institutions responsible for protecting workers, as well as the persistence of discrimination and inequalities, and the exploitation of workers. It is very important to look towards tomorrow's issues and to follow the transformations in the world of work, but it is also necessary to bear in mind that the future has already sown its seed in the present and takes nourishment from the past.
15. To close this introductory statement, the Worker members wish to recall, as usual, that the role of our Committee does not consist of determining the culpability of a government. It consists more of identifying gaps in compliance by Member States and proposing a way forward for their resolution. As at the opening of each session, the Worker members appeal to all the participants in our Committee, all the participants in our work, to bear these considerations in

mind so that they can contribute constructively to improving the lives of women and men workers the world over.

- 16. Employer members:** Once again, this year, the discussion in the Committee takes place against the backdrop of an increasingly challenging and unstable geopolitical situation that continues to shake the world in many ways. Conflicts around the world inevitably impact the world of work with sometimes very serious implications for the implementation and supervision of ILO standards. Let us highlight one particularly concerning development. In an increasing number of countries, we are seeing that the autonomy and independence of employers' and workers' organizations are under threat. Like many other civil society organizations, they are seen by autocratic governments as unwanted critical voices that must be silenced. In the most radical cases, these organizations are criminalized, disbanded and their leaders imprisoned or forced to leave the country. However, there are also more subtle forms in which governments set up their "own" employers' and workers' organizations and use incentives or pressure to persuade members of independent organizations to switch to their "own" organizations. There are also cases where independent organizations are infiltrated by governments or where governments create confusion by setting up "double" organizations. Finally, we are confronted with situations in which independent organizations, faced with the threat of sanctions or reprisals, buy their continued existence by ceasing to advocate for the needs of their members or by bringing their advocacy activities into line with government expectations. We need to pay more attention to such situations, regardless of whether they concern employers' organizations or workers' organizations, and treat them equally, with the employers and the workers in the Committee supporting each other. It should be reiterated that independent employers' and workers' organizations, like other civil society organizations, are not only guarantors of democracy, fundamental rights, market economy and political stability in their respective countries, but that their existence is also a prerequisite for the functioning of the ILO as a tripartite organization. Thus, the value of the ILO's tripartite standards supervision in the Committee lies in the fact that employers' and workers' representatives can contribute with their respective perspectives to the compliance assessments. However, this only works if they are independent of each other and of governments.
- 17.** There have also been developments within the ILO that represent both a novelty and a challenge for the work of our Committee. Last November, the Governing Body of the ILO decided to refer to the International Court of Justice the question of whether ILO Convention No. 87 protects the right to strike. As is well known, this decision was taken after highly controversial discussions and votes in two special sessions, during which the Governing Body was divided on the appropriateness of this approach and its ability to find a lasting solution. We do not believe that this decision can completely avert the risk of a split among constituents that threatens the credibility and effectiveness of the ILO standards supervisory system. In order not to burden this year's Committee's session with this pending dispute and given the uncertainty about the outcome of the International Court of Justice proceedings, we believe that it would be good to exclude the right to strike from our discussions. This would also be appropriate in order to avoid interfering in the International Court of Justice's advisory opinion process. We therefore consider it unhelpful that the Committee of Experts not only continued its comments on the right to strike unchanged, but even proposed a case containing elements of the right to strike, for discussion in the Committee as one of the so-called double-footnoted cases. For their part, the Employer members will ensure that the right to strike is not mentioned in the outcomes of this Committee.

18. The Employer members are committed to participating in this year's Conference discussions in a constructive spirit with the aim of achieving balanced and relevant outcomes. While there may be differences of opinions on substantive issues among the Committee members and between this Committee and the Committee of Experts, we trust that these will continue to be expressed in a spirit of mutual respect and understanding. We request that the views expressed in the Committee and in the Committee's conclusions be fully taken into account by the ILO supervisory bodies, by the Office in its technical assistance, and in all ILO initiatives and discussions in the context of the 2030 Agenda for Sustainable Development. We look forward to productive discussions and the completion of the work of our Committee in the next two weeks.

Work of the Committee

19. During its opening sitting, the Committee adopted document D.1, which sets out the manner in which the work of the Committee is carried out.²
20. The Committee also adopted, during the course of the opening sitting, the list of individual cases to be discussed (document D.2).³
21. In accordance with its usual practice, the Committee continued its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by Member States of standards-related obligations under the ILO Constitution. In this general discussion, reference was made to Part One of the report of the Committee of Experts. A summary of the general discussion is found under relevant headings in sections A and B of this Part (Part One) of the present report.
22. The final part of the general discussion focused on the General Survey entitled *Labour administration in a changing world of work*. This discussion is contained in section I of Part Two of this report. The outcome of this discussion is contained in section C of Part One of this report.
23. Following these discussions, the Committee considered the cases of serious failure by Member States to respect their reporting and other standards-related obligations. The result of the examination of these cases is contained in section D of Part One of this report. More detailed information on that discussion is contained in section II of Part Two of this report.
24. The Committee held a special sitting for the purpose of discussing the application of Conventions Nos 87 and 98 in Belarus as decided at the 111th Session of the International Labour Conference⁴ with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance of these two Conventions by the Government of Belarus. The record of this discussion and related documentation is contained in Section III of Part Two of this report. The conclusions are reflected in section E of Part One of this report.
25. The Committee then considered 24 individual cases relating to the application of various Conventions. The examination of the individual cases was based principally on the observations contained in the Committee of Experts' report and the oral and written explanations provided by the governments concerned. As usual, the Committee also referred

² Work of the Committee on the Application of Standards, International Labour Conference, 112th Session, [CAN/D.1](#) (see Appendix 1).

³ International Labour Conference, 112th Session, Committee on the Application of Standards, [CAN/D.2](#).

⁴ [Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus](#), 111th Session, International Labour Conference, Geneva, June 2023.

to its discussions in previous years, comments received from employers' and workers' organizations and, where appropriate, reports of other supervisory bodies of the ILO and other international organizations. With reference to its examination of these cases, the Committee reiterated the importance it placed on the role of tripartite dialogue in its work and trusted that the governments of the countries selected would make every effort to take the necessary measures to fulfil their obligations under ratified Conventions. The information submitted by governments and the discussions on the examination of individual cases, are contained in section IV of Part Two of this report. The conclusions adopted by the Committee are contained in section F of Part One of this report.

26. The adoption of the report and the closing remarks are contained in section G of Part One of this report.

Working methods of the Committee and list of individual cases

27. **Chairperson:** One of the important challenges that our Committee will have to face once again this year will be to complete its crucial work in a tight time frame and this brings me to the question of how best to manage our time. To ensure success we have to abide by our working schedule and implement strictly the measures contained in document D.1, in particular concerning time management. Let me emphasize certain key steps in this respect. First, maximum speaking time will apply during the general discussion, the discussion of the General Survey and during the examination of individual cases. I intend to enforce these limits very strictly and I count on your support and understanding. Details about time limits are contained in Part IX of document D.1 which is also available on the Committee's web page. During the interventions, screens will indicate the remaining time for speakers. Once the maximum speaking time has been reached, the time indication will turn red on the screen, and I will have the unpleasant duty of interrupting the speaker. The speaking times will be adjusted according to the number of speakers who may have registered. Where necessary, I will have recourse to the possibility of deciding, in consultation with the Officers of the Committee, to reduce speaking time limits, for instance where there is a very long list of speakers. Where such a decision is warranted, the Committee will be informed and the secretariat will try, as far as possible, to inform the delegates on the list of speakers, thus allowing them to adapt the text (more precisely shorten the text) of their statements to the time they will finally be allocated. Speakers who have not registered in advance may only be given the floor if time allows.
28. Let me now turn to registration on the list of speakers. To allow efficient time management, delegates are requested to register on the list of speakers as early as possible. As indicated in document D.1, the practice of drawing up a list of speakers 24 hours before the examination of each item on the Committee's agenda remains in force. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by filling in the relevant form which is available on the Committee's web page and by sending this form by email to can@ilo.org. In addition, in line with the practice of the Committee, observers can be placed on the list of speakers after approval by the Officers of the Committee. The list of speakers will be visible on screens in both the rooms for each sitting of the Committee. The number of speakers registered to take the floor will be clearly indicated. Moreover, group interventions are encouraged over individual statements or interventions.
29. Let me now turn to the minutes of the sitting. The discussions of the Committee will be produced in the form of verbatim transcripts. Each intervention will be reported in extenso in the working language in which it has been delivered or, failing that, the language chosen by the government, which is English, French or Spanish. The verbatim draft minutes will be made available online on the Committee's dedicated web page.

30. It has been the Committee's practice to accept amendments to the verbatim draft minutes of sittings prior to their adoption by the Committee. The time available to delegates to submit amendments to the verbatim draft minutes will be clearly indicated by me when they are made available to the Committee. Delegates are kindly requested to send their amendments to the secretariat by email with track changes. Where needed, in order to make track changes, delegates are invited to request the Word version of the draft verbatim minutes by sending an email. Also, to avoid delays in the preparation of the Committee's Report, no amendments may be accepted once the draft minutes have been approved.
31. Finally, in accordance with Part X of document D.1, all delegates have an obligation to the Conference to abide by Parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters. It is my responsibility as Chairperson of this Committee to ensure that the rules of decorum are respected. During the Committee's sittings, filming is not allowed and delegates may not take photos of delegations other than their own. Nor is it allowed to send live tweets during Committee sittings.
32. In conclusion, let me underline that while the challenges ahead of us are great, I trust that we can count on our collective wisdom and experience, as well as on that of our dedicated secretariat to ensure the success of this Committee.
33. **Worker members:** The content of document D.1 is the product of informal tripartite consultations which are held each year before the Conference. These consultations offer an opportunity for the three groups to agree on the working methods of our Committee.
34. The Members who have followed the work of our Committee over recent years will recall the major disruptions in our working methods due to the COVID-19 pandemic. And yet, this is the second consecutive year in which our Committee has been able to return to the normal course of its work. We have nevertheless retained a number of improvements introduced during that troubled period which enable us to carry out our work more effectively, without however undermining the quality and intensity of the discussions. That does not take away from the fact that we have very fine margins to complete all the work of our Committee during the allotted time. It is therefore essential to ensure scrupulous observance, as just recalled by the Chairperson, of the rules agreed in document D.1 so as not to jeopardize the sound functioning of our Committee.
35. With reference to the right to strike, raised by the Employer spokesperson in his opening statement, the Worker members limit themselves to recalling that this difference of interpretation has existed for years. But we nevertheless found a *modus operandi* in 2015, ten years ago, and the referral of the question by the ILO Governing Body to the International Court of Justice should not change anything in our current functioning.
36. We have also adopted document D.2, which contains the list of cases that will be examined by our Committee. Even though this is more a matter for our general discussion, the Worker members would already like to recall that the selection of cases is carried out on the basis of the report of the Committee of Experts. We thank the Committee of Experts for the professionalism, impartiality and independence that it has demonstrated in the exercise of its mandate. We welcome its impartiality, and we respect its autonomy within the framework of the ILO supervisory system.
37. With regard to the list that we have just adopted, it consists of cases on which we will have the opportunity to engage in a constructive dialogue with a view to contributing to the resolution of the issues which arise in the Member States concerned. The selection of these cases is the

product of negotiations between the Employer spokesperson and the Worker spokesperson of our Committee. The selection criteria are set out in paragraph 26 of document D.1. It is clear from the criteria listed that it is the substance of a case that must primarily guide us in the establishment of a list of cases. Any other considerations, whether political or strategic, which lose sight of the substance of the discussions in our Committee should not in any event influence the negotiations concerning the list. That involves the risk of our Committee losing sight of the objectives of its action, the founding principles of which are set out in the Constitution of our Organization and the Declaration of Philadelphia. And each of the three groups that make up the Organization subscribes to these founding principles.

38. Inclusion on the list of cases to be examined by our Committee should be seen more as an opportunity than a burden by the Member States concerned. While it offers an opportunity for Member States to work in collaboration with the ILO for the resolution of the issues that have arisen, it is often a fundamental requirement for those who are the victims of the violations noted in the application of international labour Conventions. These victims are mainly women and men workers who hold out the hope of the ILO finding a solution to the difficulties with which they are confronted. The examination of a case by our Committee gives rise to hope. Such hopes are therefore materializing for all those who are concerned by the 24 cases adopted today for examination.
39. Many other situations that would have also merited examination by our Committee will unfortunately not be discussed this year. They are too numerous for them all to be reviewed exhaustively. We will limit ourselves to some of those which were on the long list.
40. In Indonesia, we have to note with deep concern that the serious problems that we examined last year in our Committee have not disappeared. There remain important violations of Convention No. 98 in relation to protection against anti-union discrimination, restrictions on the scope of collective agreements and interference in free and voluntary collective bargaining. And, at this stage, we see no prospects of an improvement in the situation. A new Government has recently been elected in Indonesia. We call on this new Government to ensure the implementation of the conclusions agreed through consensus last year in consultation with the social partners and with the assistance of the Office.
41. Also in Costa Rica, workers are victims of anti-union discrimination, and collective bargaining, particularly in the public sector, has been left without substance. Moreover, the generalized practice of direct agreements with non-unionized workers runs counter to the promotion of collective bargaining with trade unions, as set out in Convention No. 98. Technical assistance is currently being provided by the ILO to improve the situation in the country. We hope that the implementation of the conclusions adopted last year will be covered in this framework and that the social partners will be fully involved in the process.
42. Young male and female workers in the Republic of Korea, often barely 16 or 17 years old, are exposed, under the pretext of apprenticeship programmes, to hazardous conditions of work. These cannot be apprenticeship programmes, as these young people do not benefit from any supervision or guidance, which means that on-the-job training is almost non-existent. These hazardous conditions of work expose the young workers to occupational accidents, which often result in serious and sometimes fatal injuries. We regret not being able to discuss this within the context of the final list of cases.
43. Finally, in Guinea-Bissau, a new minimum wage has still not been set for the private sector even though, following its examination of the case last year, our Committee requested the Government, among other action, to review without delay the minimum wage in the public and private sectors, in close consultation with independent and freely constituted unions and

employers' organizations. We are deeply concerned by Government interference in the selection of workers' representatives for technical assistance and follow-up activities. This amounts to interference in trade union activities, in clear violation of Convention No. 87, which the Government ratified last year.

44. We will not fail to follow closely developments in the situations in these countries and in many others in which violations have been noted in the application of international labour Conventions. The Workers' group underlines its full solidarity with the women and men workers who are suffering the consequences of these violations. We will continue to mobilize, within and outside the context of this Committee, to ensure positive developments in these Member States. The report produced by the Committee of Experts and the recommendations that it makes must in any event allow Member States to glimpse the solutions that need to be adopted to resolve the violations noted in the application of international labour Conventions.
45. **Employer members:** We agree to the adoption of the list of cases this year, but we would like to make the following points for the record. We are still not satisfied with the selection of double-footnoted cases. For instance, we cannot see in what way the case of Paraguay, [Labour Inspection Convention, 1947 \(No. 81\)](#), meets the Committee of Experts' criteria for double-footnoted cases. To make the selection more transparent and comprehensive, we request the Committee of Experts to provide detailed justification for each chosen double-footnoted case in the future.
46. In addition, we would like to be clear at the outset that, in line with the standing practice, any issues regarding a right to strike in Convention No. 87 which is contentious will not be included in the conclusions of the cases of Cambodia, Nicaragua, Netherlands – St Maarten, Philippines, Tunisia, El Salvador, Ecuador, Eswatini, and Japan, all of which concern Convention No. 87.
47. We all need to continue our efforts to arrive at a balanced list of cases, that is, a set of cases that can derive real benefit from the discussion in the Committee. We also wish to reiterate that the Committee is not a tribunal and the countries on the list are not defendants. The Committee tries to find solutions to compliance issues together, and in a tripartite dialogue with the governments concerned. In this regard, we appreciate that a number of governments have already provided additional information which will be taken into account, and we look forward to a fruitful tripartite discussion.
48. **Government Colombia:** We are included in the final list of cases under the [Vocational Rehabilitation and Employment \(Disabled Persons\) Convention, 1983 \(No. 159\)](#). We will approach this exercise as an opportunity to enter into dialogue with the experts and demonstrate to them the progress that Colombia has made in this domain. In this regard, we thank you for having included us in the list because we consider that it is a good opportunity for this Government to report on what it has really done in this area, that is, great efforts to end discrimination of persons with disabilities. We would like to ask what criteria is applied for the selection of countries for the final list. Without drawing conclusions, I am wondering how countries in my region which supported the referral to the International Court of Justice of the old conflict regarding the right to strike find themselves on the list. We hope to participate constructively and positively in this debate before the Committee and we will do so with great pleasure in contributing to the development of labour standards.
49. **Government Algeria:** The delegation notes that Algeria is included in the list of 24 cases. With regard to Convention No. 98, the Committee of Experts invited the Government to provide its replies in full in 2025, even though we are included because of accusations in 2024. We also note that the list of 24 individual cases includes 2 countries in the same subregion, whereas the criteria for the selection of cases, as adopted in 2015 and contained in paragraph 25 of

document D.1, states that the selection must take into account geographic balance. Nevertheless, this is an opportunity for the Algerian delegation to present progress made and its responses to the recommendations and observations made by the Committee of Experts.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General ⁵

50. As the representative of the Secretary-General for your Committee, I have the privilege of leading the Secretariat team that is ready to provide you with all the necessary assistance to ensure the effective functioning of your Committee which, as you know, is a permanent Committee of the International Labour Conference.
51. The mandate of your Committee is to examine and bring to the attention of the Plenary of the Conference the measures taken by Members at the national level, on the one hand, to give effect to the provisions of the international labour Conventions to which they are parties and, on the other, to comply with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution. The work of your Committee and its role of regularly supervising compliance with the international obligations of the Members of the Organization accordingly goes to the very essence of the ILO's historical normative role. For this purpose, your Committee has before it the [report](#) produced by the Committee of Experts at its last session and the General Survey of the Committee of Experts entitled "Labour administration in a changing world of work", as already indicated by the Chairperson of the Committee. Through their respective and distinct mandates, your two Committees are the pillars of the regular supervisory system and work together to ensure that all the Member States of the Organization comply with their commitment to give effect to the standards that you – the Governments, workers and employers of the world – have collectively adopted and decided to apply at the national level in full sovereignty in order to keep the promise of social justice, the promise of social progress and a better future, as set out in the Declaration of Philadelphia, of which we are celebrating the 80th anniversary.
52. In her inaugural speech at the opening of the Conference this morning, Professor Jayati Ghosh demonstrated the extent to which the principles and values of the Declaration of Philadelphia remain a project that unites us. The project that unites us is our common determination to achieve freedom and dignity for all humanity, as Wilfred Jenks, former Director-General of the Organization and one of the co-authors of this founding text, reminded us. And to this end, in his own words – and I quote:

Our common determination is to pursue peace; to live together with tolerance and good neighbourliness; to found our common life on good faith and respect for truth; to practice and uphold the equality of man; to preserve and expand personal freedom; to devote science and technology to the common good; and to promote social justice by economic growth and translate economic growth into social justice.
53. Given the crises that are profoundly disrupting our world, I thought it essential to take a moment at the start of your work to recall and put into perspective the purpose of your Committee's discussions, which are one of the barometers of social justice, just as you did, Chairperson, in your opening remarks.

⁵ International Labour Conference, 112th Session, Committee on the Application of Standards, [CAN/D.3](#).

54. Let me now turn to the work of your Committee. All the measures that will allow your Committee to discharge its constitutional obligations are set out in document D.1. They reflect the outcome of the informal tripartite consultations on the Committee's working methods held for the 18th time in March 2024. These informal tripartite consultations have resulted in numerous improvements in your Committee's working methods. They are summarized in the information provided on the Committee's web page. I am pleased to inform the Government delegates that, once again this year, the adoption of the final list of "individual cases" to be discussed by the Committee has been scheduled during today's opening session. This should no doubt facilitate preparations for the examination of the 24 individual cases. I would like to remind you that the Committee's report will be submitted for adoption to the Plenary of the International Labour Conference on Friday, 14 June.
55. I would now like to draw to your attention to certain standards-related developments that are relevant to your discussions. Since the Committee's last meeting in June 2023, 40 ratifications of ILO Conventions have been registered, confirming the continued commitment of Member States to a rules-based multilateral system. The great majority of the ratifications registered have been to the [Violence and Harassment Convention, 2019 \(No. 190\)](#), which now has a total of 39 ratifications, as well as the two new fundamental Conventions on occupational safety and health – the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#).
56. However, there have been no ratifications registered for the three Conventions of which we are celebrating the anniversaries this year: quite logically, in the case of the [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#), adopted 25 years ago, which is the only ILO Convention to have achieved universal ratification. Protecting every child throughout the 187 ILO Member States against the worst forms of child labour, Convention No. 182 marked a turning point in the ILO's history as, alongside the [Minimum Age Convention, 1973 \(No. 138\)](#), it has become the normative pillar of the fundamental principle of combating child labour and the first standard to be promoted through a fully-fledged development cooperation project, which has now become Alliance 8.7 to end forced labour, modern slavery, human trafficking and child labour.
57. In the case of Convention No. 98, adopted 75 years ago, no ratifications have been registered over the past 12 months. Forming, together with Convention No. 87, the DNA of our Organization, in November 2023, the Governing Body adopted an integrated strategy for the promotion and implementation of the right to collective bargaining, which aims to strengthen the coherence and effectiveness of the ILO's approach to collective bargaining and the Organization's capacity to promote policy coherence in this area within the multilateral system. The Conference this year will be holding a Recurrent Discussion on the fundamental principles and rights at work, and its conclusions will inform decisions relating to the programme and budget and will guide the Organization in promoting the achievement of the fundamental principles and rights at work over the next five years.
58. Finally, adopted 35 years ago, the [Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#), is a beacon for the entire United Nations system, as the only internationally binding instrument on the rights of indigenous peoples. As such, it is one of the ILO instruments referred to most often in the Universal Peer Review (UPR) process. Convention No. 169 is an example of the impact that national and international solidarity can have on those most left behind. It also illustrates how international labour standards, adopted decades ago, can remain at the forefront of today's challenges, including the just transition and the protection of the environment. Despite its global influence, the Convention has received 24 ratifications, with a skewed regional focus. The Convention will be reviewed this year by the [Standards Review](#)

[Mechanism Tripartite Working Group](#) during its ninth meeting, which will be held from 16 to 20 September 2024.

59. I would now like to refer briefly to the important steps that are being taken to modernize the ILO's normative activities and promote a body of standards that is robust, clear and up to date. First of all, the Tripartite Working Group established under the Standards Review Mechanism (SRM) met for the eighth time in September 2023. It reached consensual conclusions in relation to the instruments concerning maternity protection, social security (old-age, invalidity and survivors' benefits) and minimum age; and it postponed its decision on the classification of certain instruments concerning the night work of children and young persons, pending research that it requested from the Office, until its next review at an appropriate time. The follow up to the SRM's recommendations is an institutional priority that calls for a redoubling of efforts to ensure that the relevant Governing Body decisions result in the promotion of ratifications at the national level and the modernization of certain standards that have been identified. For example, as a follow up to the identification by the SRM in 2017 of a gap in the body of standards concerning protection against biological hazards, the Conference will commence a discussion with a view to the development of new international standards on the subject. Finally, and again with a view to giving effect to the recommendations of the SRM, the General Affairs Committee will examine the abrogation of four international Conventions which have been found to be obsolete.
60. In November 2023, the Governing Body requested the Office to develop proposals to streamline the reports requested under article 22 of the ILO Constitution with a view to facilitating compliance with the obligations to provide information and reports to the Committee of Experts. These proposals will be developed in consultation with the tripartite constituents, and you will have received our invitation to the separate meetings that we are organizing with each of the three groups on 24 June.
61. Finally, the Office is continuing to make technical assistance available to Members to ensure that normative guidance by your Committee, all the other supervisory bodies as well as the Conference and the Governing Body, gives rise to tangible results at the national level. As can be seen on your Committee's web page, the Office is in the process of following up on practically all the cases discussed at the Committee's previous session in order to promote the effective implementation of the conclusions and recommendations adopted in June 2023. We have also just concluded the International Labour Standards Academy, which was delivered both online and in person at the ILO International Training Centre in Turin.
62. This brief overview of certain standards-related developments that are of relevance to your discussions shows that the Organization's standards policy is dynamic. Constantly evolving, it is sensitive to the needs of social justice in our time. In conclusion, the International Labour Standards Department is honoured once again this year to place its expertise at the service of your Committee. I wish to take this opportunity to acknowledge the many invisible colleagues in my Department who are at the service of your Committee under the able leadership of Ms Karen Curtis, Chief of the Freedom of Association Branch, and Mr Horacio Guido, Chief of the Application of Standards Branch. Once again this year, they will accompany me in leading the secretariat of your Committee. I would also like to thank the two coordinators of the Committee's secretariat, Ms. Rosinda Silva and Mr. Carlos Magalhaes, for their great professionalism.

Statement by the Representative of the Chairperson of the Committee of Experts

63. I am honoured to be here today to bring remarks on behalf of the Chairperson and members of the Committee of Experts. I am grateful for the invitation for the Committee of Experts to participate at the start of this meeting and welcome this practice. The exchange of information is highly appreciated and demonstrates the linkages, complementarity and synergy which are essential to the effective functioning of the system for supervising the application of standards. In 2023, as in previous years, the Committee of Experts held a special sitting with the Vice-Chairpersons of your Committee and during this exchange we underlined how important it is for workers' and employers' organizations to send their comments on the application of the Conventions, as this enables the Committee of Experts to obtain a comprehensive picture of the situation in the countries, based on first-hand information. In 2023, we also held another information session with Government representatives, which provided a valuable opportunity to explain the working methods of the Committee of Experts and to reiterate the importance, of sending complete and timely reports, so that it can carry out its work with full knowledge of the facts.
64. We remain mindful of the comments of the tripartite constituents concerning the functioning of various aspects of the supervisory system and in particular, the challenges faced by national administrations when preparing reports and replies to detailed comments. I wish to emphasize the critical importance of supervision and the pivotal role and responsibility of the Committee of Experts: to monitor compliance through an impartial, thorough and sound examination that will form the basis of the work of your Committee, which is the institutional forum for supervision and dialogue in which employers and workers play a fundamental role. It is also essential to recall the complementarity of the regular supervisory mechanism and the special procedures. The Committee of Experts reviewed in several of its comments adopted at its last meeting, the measures taken by Member States to follow up on the recommendations of the tripartite committees established in the framework of the representations submitted under article 24 of the Constitution. In this regard, it is noted that there has been an increase in the number of representations submitted, which demonstrates that the social partners have confidence in the various supervisory procedures of the ILO. Similarly, the Committee of Experts pays serious attention to the legislative aspects referred to it by the Committee on Freedom of Association. I take this opportunity to greet Professor Kalula and to commend him on the excellent work carried out by the Committee on Freedom of Association, that he so ably chairs.
65. With respect to the composition of the Committee of Experts, it is of great importance for the Committee to be able to function with all of its nominated experts – a total of 20. Each expert, with his or her individual and professional background, offers invaluable insights and knowledge and represents their own legal culture and tradition. Currently there are three new experts and I wish to welcome them: Advocate Irene Kashindi from Kenya, Professor Mia Rönnmar from Sweden and Judge Iain Ross from Australia. At the end of our meeting in 2023, the Committee of Experts bid farewell to two experts, Professor Filali Meknassi and Professor Paul-Gerard Pougoué, who have completed their 15 years of service. I wish to express my deepest appreciation to these two gentlemen for their work at the Committee of Experts. Now, with the departure of Professor Meknassi and Professor Pougoué, there will be two vacancies for experts, and we are hopeful that these vacancies will be filled shortly.
66. I now turn to our report. In the course of its work, the Committee of Experts always takes into account the current situation in the world and the challenges faced by countries at the national and regional levels. During the crisis caused by the COVID-19 pandemic, the supervisory system played a key role in upholding labour rights provided for in the standards, and in

limiting the adverse effects of the crisis on the application of standards. For instance, during the pandemic, in relation to the [Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#), the Committee adopted a general observation urging governments to restore the protection of seafarers' rights.

67. In today's world, a considerable number of geopolitical challenges as well as economic, social and environmental challenges are affecting labour market institutions, employment and labour rights. The Committee of Experts refers, in its report, to the triple planetary crisis; the increasing indebtedness of Member States; austerity measures; growing poverty; greater inequality; and pressure on labour administrations and labour market institutions. In this respect, the Committee of Experts has highlighted the importance, in the context of these crises, of maintaining permanent and intensive dialogue with workers' and employers' organizations, particularly when adopting legislative texts that may have an effect on workers' rights, including those intended to alleviate a serious crisis situation. The Committee of Experts is cognizant of the problems and challenges in various regions globally and has made this clear in its General Report. The Committee of Experts has reiterated that, it is precisely in times of crisis that international labour standards acquire their full significance, by providing guidance on a way forward and safeguarding and promoting social justice. We trust that in the context of its general discussion, your Committee will be able to discuss these issues and contribute to overcoming the challenges that exist. In view of these challenges, which call for greater vigilance and a more proactive approach by all, the opportunity to continue to carry out our work by including it in the framework of the work of the monitoring and supervisory bodies of the United Nations system, is relevant.
68. In this context, and as a follow-up to the Joint Statement of the Committee of Experts and the Chairs of eight UN Human Rights Treaty Bodies underlining the importance of realizing labour rights as human rights, the Committee of Experts considered that it is appropriate to organize and to hold a thematic discussion with the Treaty Bodies to commemorate the 75th anniversary of the Universal Declaration of Human Rights and Convention No. 87. This is the first time that the Committee of Experts has had this type of exchange and it is hoped that it will be followed by other key meetings on other relevant thematic issues.
69. As far as working methods are concerned, the Subcommittee on Working Methods has continued to meet during each of the Committee of Experts sessions. As in the past, there has been discussion and adoption of adjustments to modernize and strengthen the Committee of Experts' working methods and incorporate new technologies. We are aware that the Governing Body is considering proposals to streamline reporting. There is no doubt that governments have a very heavy workload with respect to preparing reports, and the processing of reports by the Committee of Experts also represents a very significant workload.
70. The General Survey of 2024 is on labour administration. This Survey is an in-depth examination of Convention No. 150 and Recommendation No. 158. The Committee of Experts' last General Survey on this subject was in 1997. The 2024 General Survey has provided the Committee of Experts with an opportunity to review developments in this area and to highlight the lasting importance of labour administration systems in the management of labour issues. The General Survey emphasizes how effective labour administration systems can make decent work a reality for all workers by promoting full employment, respecting labour standards, improving working and employment conditions and creating a framework of sound industrial relations.
71. The General Survey underscores the importance of some of the key principles included in Convention No. 150 and Recommendation No. 158, such as respect for social dialogue and cooperation and coordination between the different stakeholders, especially in times of crisis,

such as the COVID-19 pandemic. During this time, labour administrations had to face the unprecedented challenges created by the pandemic by rapidly addressing occupational safety and health issues while preserving employment and ensuring respect for social dialogue in the adoption of emergency measures. In the General Survey, the Committee of Experts also examines the structural and functional development of labour administrations in a rapidly changing world of work. Digitalization, including the use of artificial intelligence, the rise of non-standard forms of employment, and work in global supply chains are key considerations in the formulation and implementation of labour policies. The General Survey emphasizes the need for labour administrations to ensure that national labour and employment policies remain relevant and effective for all workers, especially those in vulnerable situations, while taking advantage of the opportunities presented by these changes. The Committee of Experts hopes that its comprehensive analysis of law and practice in relation to the instruments examined will enable the constituents to put in place effective labour administration systems capable of responding to the changes in the world of work.

- 72.** Even in the light of the serious problems facing the world of work, I believe that we must remain optimistic and continue our work with confidence and determination. Why do I say this? Because it is important to stress that there is a commitment to international labour standards. This commitment is manifested through concrete actions in recent years. Before I close, I will quickly say, in the recent years there has been the adoption and discussion of new standards in areas of major importance, such as violence and harassment in the world of work, a safe and healthy working environment, protection against biological hazards. There has been a steady increase in the number of ratifications of Conventions and Protocols, and we now have universal ratification of Convention No. 182. I want to acknowledge that we have a supervisory system that works. The number of reports received has steadily increased since 2021 and has exceeded pre-pandemic levels. In addition, in 2021 the Committee of Experts identified almost 180 cases of progress, and in 2022 it identified more than 250, and now in 2023 it has identified almost 220 cases of progress. I wish to underscore, therefore, the unwavering commitment of the Committee of Experts to continue to carry out its work with the highest sense of responsibility, impartiality and objectivity in the fulfilment of its mandate, as noted in paragraph 30 of the General Report. In times of crisis, the work of the Committee of Experts will always be available to the constituents to support them in seeking sustainable solutions. The independence and objectivity, as well as the persistence, with which issues relating to the application of the standards adopted by the Conference, and ratified as a sovereign act by States, are analysed, will always be a guarantee in this regard. I am confident that, on the basis of this work, your Committee will hold robust discussions and fruitful dialogue with a view to finding solutions to resolve non-compliance issues.
- 73.** I will end by commending the International Labour Standards Department, led by Ms Corinne Vargha, for its exemplary work. The commitment and dedication shown by the staff of this Department is truly laudable, and it enables us, the Committee of Experts, to produce high quality documents and analyses, ensuring that we perform our work in the best way possible

Statement by the Chairperson of the Committee on Freedom of Association

- 74.** It is an honour and a privilege for me to once again come before your esteemed Committee to report on the activity of the Committee on Freedom of Association. We last met a year ago. Since then, the Committee on Freedom of Association has issued its 7th annual report, which covers the year 2023. The Committee on Freedom of Association's annual reports are intended to provide useful information on the work undertaken throughout the year and assist constituent understanding of its work and functioning. They contain information, supported

by visual statistical data, on the developments over the years in the use of the Committee on Freedom of Association's special procedure, the progress made, and the serious and urgent cases examined. Furthermore, the annual report and its presentation to your august body fulfils an important objective of the Workers and Employers groups Joint Statement of 2015⁶ to support the complementarity of the ILO supervisory mechanisms while avoiding duplication of procedures.

75. I would like to recall that the role of the Committee on Freedom of Association is to examine violations of freedom of association regardless of ratification of the relevant Conventions. The object of the complaint procedure of the Committee of Freedom of Association is not to blame governments, but rather engage in a constructive tripartite dialogue to ensure the respect of freedom of association both in law and in practice. I would like to underline that the conclusions of the Committee on Freedom of Association in specific cases are issued following very robust, like in your Committee, discussions guided by shared values and intention to promote universal respect for freedom of association and the right to collective bargaining both in law and in practice. In turn, the decisions of the Committee on Freedom of Association are intended to guide governments and national authorities in their discussion of actions to be taken to follow up on the recommendations of the Committee on Freedom of Association through a constructive tripartite dialogue.
76. In 2023, the Committee on Freedom of Association examined 60 active cases and 24 cases concerning the effect given to its recommendations through its follow-up procedure. Freedom of association is a fundamental right which must be ensured for both workers' and employers' organizations. Last year, the Committee on Freedom of Association examined one important complaint brought by an employers' organization. The allegations received over the year globally covered both the public and the private sectors. The annual report outlines, among other information, the types of allegations that came before it most often. In 2023, similar to the previous year, these were: trade union rights and civil liberties, protection against acts of anti-union discrimination, and violation of collective bargaining rights.
77. While a lot remains to be done, it is my pleasure to inform you that there has been important progress noted by the Committee on Freedom of Association with interest or satisfaction during this period as well as positive developments that have been welcomed by the Committee on Freedom of Association in the various cases examined. The progress noted has encompassed a variety of measures, including, for example, legislative amendments to further freedom of association and collective bargaining in the state sector; the signing of new collective agreements, including a centralized collective agreement in the state sector; significant action taken by the competent authorities, including the doubling of the budget allocation, to ensure that the fight against anti-union violence constitutes a state priority; progress reported in the investigations of acts of anti-union violence; the reinstatement of workers; the restoration of trade union status following court decisions, etc. I invite you, Members of the Committee, to consult the report which contains tables and graphs on the cases of progress by type of allegation as well as by region.
78. Aware of the fact that the ILO technical assistance is a critically important tool for governments and social partners alike to resolve outstanding matters, in 2023, the Committee on Freedom of Association suggested to governments to avail themselves of ILO technical assistance in

⁶ ILO, *Outcome of the Meeting*, Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike and the modalities and practices of strike action at national level, 25 February 2015, Annex I.

12 cases with a view to addressing its conclusions and recommendations. Furthermore, with a view to facilitating the dialogue between governments concerned and to identifying solutions to the issues raised, the Committee on Freedom of Association may propose on-the-spot missions, and governments may invite such missions at various stages of the examination of the complaints submitted to it. The Committee on Freedom of Association has proposed five missions during the period covered by the report. The engagement over the years with the procedures of the Committee on Freedom of Association demonstrates that its work is well known and appreciated as an authoritative voice for identifying shortcomings and finding workable solutions, thereby promoting social dialogue at national level for full resolution. You will recall that just three years ago, the Committee on Freedom of Association adjusted its methods of procedure to further promote that space for crucial national dialogue when the parties to a complaint agree. That is work in progress and every indication is that it will make an invaluable contribution to social dialogue.

79. In order to ensure complementarity while avoiding duplication, the Committee on Freedom of Association often transmits the legislative aspects of the cases where governments have ratified the relevant Conventions to the Committee of Experts. In 2023, comparable to previous years, this practice was used in eight cases. This also ensures a pertinent dialogue between the Committee on Freedom of Association, which is a complaint-based procedure on the one hand, and the Committee of Experts and your Committee on the other. The regular review provided by the Committee of Experts and your Committee provides an important key to ensuring sustainable progress in respect of freedom of association.
80. This statement would not be complete without my acknowledging, in a similar way as my colleague from the Committee of Experts, the commitment of my colleagues in the Committee on Freedom of Association, and the work of the Office, in particular the Director of the International Labour Standards Department, and the Chief of the Freedom of Association branch. In our work, it cannot be over emphasized that the service that the Department and the Branch provide to the Committee on Freedom of Association, surpasses the limited resources at their disposal. This support by the Department and the Branch, enables constructive engagement between governments and their social partners. I extend to the Committee my sincere wishes for a very constructive and fruitful debate that would further boost the achievement of our common objectives.

Statement by the Employer members

81. The Employer members welcome all Committee members to our general discussion. We would also like to welcome Judge Thomas-Felix, representing the Committee of Experts. The Employer members value the opportunity to continue the dialogue with her and by extension the Committee of Experts. We also extend our congratulations to the three new members of the Committee of Experts, Advocate Irene Kashindi, Professor Mia Rönnmar and Judge Iain Ross on their appointment.
82. We would now like to address a few points that the Employer members consider important for the supervisory work of our Committee. On the status of compliance with ratified Conventions, the Employer members note that this year's report of the Committee of Experts, which is an important basis of our work, has around 1,100 pages and contains approximately 612 observations. In addition, the Committee of Experts has made 1,053 direct requests which are not contained in the report itself. These figures show once again that there exists large-scale non-compliance with ratified Conventions or related Committee of Experts' views of them. For the Employers, this again raises questions about Member States' approach to the ratification of ILO Conventions and their application:

- Do Member States carry out reliable pre-ratification assessments to have a clear idea of what changes in law and practice are necessary in order to comply with the Convention and if they have the ability to implement it?
- Do Member States also consider in their pre-ratification assessments the interpretations of the Committee of Experts that are not evident from the text of the Conventions, as well as the related reporting obligations for ratified Conventions?
- Are the national social partners, including representative and independent employers' organizations, adequately consulted by the government and their needs and views adequately taken into account in making a decision on ratification and implementation?
- Do Member States follow up on the results of pre-ratification assessments and develop action plans to ensure correct implementation prior to ratification?

- 83.** The Employer members have strong doubts that this is the case and note the following in this regard: the Committee of Experts lists in its 2024 report some 90 countries which could benefit from ILO technical assistance as regards implementation of one or more ILO Conventions. This indicates to us that many countries ratify Conventions without necessarily having the technical capacity to ensure correct implementation. The Director-General's Reports to the Governing Body, which regularly provide information on new ratifications since previous sessions, show that certain Member States ratify Conventions, sometimes several at the same time, despite significant problems with the implementation of, or reporting on, already ratified Conventions. The Employer members wish to reiterate that ratification should only take place once there is reasonable clarity that proper implementation can be ensured, ideally in a way that reconciles the needs of all tripartite constituents. The large number of comments made by the Committee of Experts however, suggests that ratifications often take place prematurely or without proper pre-ratification assessments.
- 84.** The Employer members would like to stress that the Office and the Committee of Experts have an important role to play in providing guidance in this regard. In its promotion of the ratification of ILO Conventions, the Office should advise constituents to take a careful and considered approach to ensure that ratification comes only at the end of the process when it is clear that the envisaged Convention can be correctly implemented. The Committee of Experts may stress in its annual report that the ratification of a Convention is not just a political statement but the assumption of an obligation under international law to implement the Convention. The Employer members believe that the application of ratified Conventions could be considerably improved if ratification were approached in a consistent and strictly compliance-oriented manner. This would significantly reduce the number of comments by the Committee of Experts and thus the burden on the supervisory system, allowing it to focus on particularly persistent and complicated cases of non-compliance.
- 85.** The Employer members once again need to come back to the issue of the distinction between direct requests and observations in the Committee of Experts' report. The Employer members noted the explanations given by the Committee of Experts as regards the differences between observations and direct requests in paragraph 101 of its report; however, they do not find this differentiation meaningful. In particular, the Employer members wonder why substantial compliance issues of a "technical nature" or emerging from a "first report" are dealt with only in direct requests and not in observations. Given that direct requests are not part of the Committee of Experts' report and are thus not discussed in the Committee, this is not just a theoretical question. The Employer members noted the view of the Worker members according to which nothing prevented the Committee from taking into account direct requests

during the examination of individual cases. However, this only shows that the distinction between observations and direct requests is not really needed. The Employer members therefore wish to suggest that any compliance assessments by the Committee of Experts, whether technical or not and whether concerning first or later reports, are made in the form of observations, and that direct requests are discontinued altogether. Mere requests for clarification or additional information could be informally obtained by the Office from the governments concerned, for example, via email, without the need for the Committee of Experts to make a formal direct request. In the Employer members' view, this would not only simplify matters but also make the difference between the preparation of the information basis for standards supervision on the one hand, and the actual standards supervision on the other, more transparent.

86. As regards the long-standing issue of the right to strike in relation to Convention No. 87, the Employer members would like to recall that in November 2023 the matter was referred to the International Court of Justice for an advisory opinion. This referral followed a controversial debate and vote in the Governing Body which left ILO constituents divided. The Employer members and many governments were not in favour of the referral to the International Court of Justice as they considered that a balanced and sustainable solution could only be achieved through tripartite social dialogue in the ILO, including through standard-setting. The Employer members are deeply concerned that the Committee of Experts while noting the referral of the matter to the International Court of Justice in paragraph 40 of this General Report, maintained its comments on the right to strike in relation to Convention No. 87 unchanged and unabated. Of its 65 comments on Convention No. 87, 55, that is 84 per cent, relate partly or exclusively to the question of the right to strike. Moreover, of its 43 direct requests, 35, or 81 per cent, deal one way or another with the right to strike. Finally, one case on Convention No. 87 that includes the contentious views on the right to strike has been double footnoted by the Committee of Experts. For the Employer members, the best way forward would have been to suspend any comments on the right to strike until the International Court of Justice's advisory opinion was published as we have asked at the Committee of Experts' special sitting. Indeed, as part of the ILO supervisory system, the Committee of Experts should act in accordance with the ILO Governing Body decisions. This would have been appropriate to avoid any appearance of interference or of intention to influence the cause and outcome of the proceedings by the Committee of Experts. We should not give the impression that the International Court of Justice has no choice but to confirm the contentious interpretation of the right to strike. This would be to disrespect the International Court of Justice's autonomy and disregard the position of those ILO constituents who do not share the Committee of Experts' opinion on this issue. For the same reasons, the Employer members would have preferred the dispute on the right to strike and therefore the comments that are based on the disputed interpretations to have been excluded from this Committee's meeting. However, as this has not occurred, the Employer members will reaffirm their disagreement with the Committee of Experts' comments on this topic in all Convention No. 87 cases that will be discussed. Furthermore, as usual, the right to strike in all related aspects will not be mentioned in the conclusions of Convention No. 87 cases.
87. The Employer members noted that the Committee of Experts welcomed the Governing Body's adoption of an ILO strategy for achieving decent work in supply chains. The Committee of Experts states in this context that it will "follow up on these tripartite-agreed objectives within its mandate, recalling that it has considered in the past the issue of supply chains in its supervision of international labour standards, given its relevance to many key decent work deficits." The Employer members would like to recall that the mandate of the Committee of Experts is to examine compliance by governments with obligations under ratified Conventions at national level. This is different from ensuring the compliance with ratified Conventions

within supply chains. It must be emphasized that on the one hand, governments have a responsibility under ratified Conventions to implement these Conventions everywhere in their countries, not just in supply chains within their countries. On the other hand, governments have no responsibility for ensuring compliance with ratified Conventions in those parts of supply chains that are outside their countries. The Employers trust that the Committee of Experts will take due account of this difference. The consideration of supply chains in the supervision of standards must not lead to a blurring of the responsibilities of national governments for the obligations arising from ratified Conventions.

88. The Employer members also noted the Committee of Experts' remarks on sustainable enterprises in paragraphs 50–54 of its General Report. The Committee of Experts seems to take the view that: "the mandate given to it, notably to undertake an impartial and technical analysis of how ratified Conventions are applied in law and practice by Member States, is an important contribution ... to the enabling environment in which sustainable enterprises can flourish". It appears from this that the Committee of Experts does not consider it necessary to pay particular attention to the needs of sustainable enterprises in its standards supervisory work. The Employer members find even more concerning the Committee of Experts' primarily negative perception of "regulatory reform and the removal of business constraints" in this context which the Committee of Experts sees as potentially undermining labour standards. The Committee of Experts does not seem to recognize that sustainable enterprises comply with national laws and regulations and contribute to economic growth, employment creation and socio-economic progress. While respect for international labour standards can be seen as one of the prerequisites for a favourable environment for sustainable businesses, it is equally true that only sustainable businesses can guarantee the proper application of international labour standards providing for decent jobs and decent job creation. The Employer members would reiterate that the ILO Centenary Declaration is clear in stating that: "International labour standards ... need to ... protect workers and take into account the needs of sustainable enterprises ...", and thus recognizes that protecting workers and taking into account the needs of sustainable enterprises should go hand in hand. The Employer members therefore trust that the Committee of Experts will duly take into account the needs of sustainable enterprises in its supervisory work, including when determining the scope and meaning of obligations under ratified Conventions. Giving due attention to the needs of sustainable enterprises would, in fact, improve the balance and thus the relevance and acceptance of the Committee of Experts' recommendations. The Employer members will pay particular attention to this point when considering the Committee of Experts' comments on ratified Conventions.
89. The Employer members also noted from paragraph 61 onwards that a thematic discussion to commemorate the 75th anniversary of the Universal Declaration of Human Rights and Convention No. 87, took place this year. While the Employer members support the idea of creating synergies between ILO standards and different UN Human Rights treaties, we would like to stress the distinct nature and content of the individual instruments, as well as the distinct mandates and competences of the individual treaty bodies concerned. In particular, it is important not to blur the differences between Convention No. 87 on the one hand and the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on the other. Although the protection of freedom of association is included in all these instruments, the modalities of protection are different. It should also be noted that these instruments were adopted in different contexts and with different intentions. Of particular importance is the fact that the ILO, unlike the UN, is a tripartite organization. Tripartite participation in standard-setting and supervision is a special feature that fundamentally distinguishes Convention No. 87 from the other UN human rights instruments. Finally, we would like to emphasize that although the

Committee of Experts has a specific technical mandate for the monitoring of ILO standards, it does not represent the ILO standards monitoring system as such and cannot speak on its behalf.

90. In conclusion, the Employer members would like to affirm their ongoing commitment to the ILO standards supervisory system. In order for ILO standards supervision to have a real and lasting impact, it needs to be balanced and take duly into account the situation and needs of ILO's three constituents. In this spirit, we look forward to cooperating with Government representatives and Worker members at this session of the Committee.

Statement by the Worker members

91. The Worker members would first of all like to welcome the representative of the Committee of Experts, Judge Thomas-Felix, and the Chairperson of the Committee on Freedom of Association, Professor Kalula, who honour us with their presence.
92. As usual, the Worker members wish to recall that the aim of this exchange is not to expose divergences between any particular group and the Committee of Experts. Rather, we see it as an opportunity to discuss on equal terms ways and means for increasing the effectiveness of the supervisory system. For example, we do not see why the Committee of Experts, which is an independent and impartial body, should refrain from making comments on the right to strike. The fact that the issue is pending in the International Court of Justice does not entail any consequence for the supervisory work of the Committee of Experts. Of course this in no way affects the work of our Committee.
93. The Worker members reject the requests made to the Committee of Experts to justify in detail the choice of double-footnoted cases. This is a choice for the Committee of Experts to make. These requests constitute a further attempt to undermine the independence of the Committee of Experts, and we cannot condone this.
94. The Worker members would also like to emphasize that we have heard people singing the praises of social dialogue in recent months. These grandiloquent speeches are not compatible with the practice of voicing reservations on the result of what has been negotiated. The same applies to remarks aimed at pre-empting the possible conclusions of discussions by setting limits. This is especially true as it does not contribute anything new to the *modus operandi* followed by our Committee for a number of years without any problem.
95. The Worker members have noted with great interest the various topics discussed within the Committee of Experts, as reflected in this report. But the time allocated for our discussion does not allow us to address everything in detail. We will therefore return briefly to a few aspects. The Worker members have duly noted the developments related to the supervision of standards in a context of austerity. They therefore agree with the finding that the Committee of Experts often learns of the impact of economic reforms *a posteriori* but is never informed *ex ante* of the preparation and implementation of these reforms. If we agree that one of the key elements of the future social contract must be the coherence between economic and social policies, this aspect will need to be remedied. The Worker members propose that we should reflect on what means exist to enable the ILO to play a preventive role in this field. There will certainly be a need for creativity, but this is an exercise that will generate added value.
96. The Worker members have also noted with interest the points made by the Committee of Experts concerning the concept of sustainable enterprises. We have already explained our point of view on this subject on several occasions. Nevertheless, we will take the liberty of underlining a number of aspects. Firstly, the Worker members are the first group affected by

the sustainability of enterprises. Some people tend to forget, but it is the workers who contribute to the production of goods and services. When an enterprise is obliged to cease operating, for example because of poor choices by management, the first victims are to be found among women and men workers and their families. It goes without saying that there is no enterprise without workers. The latter are very attached to the sustainability of enterprises. As recalled by the [conclusions](#) of the General Discussion on the Promotion of Sustainable Enterprises at the 2007 Conference, one of the conditions of sustainability is respect for the rights of workers.

97. Another important point is that if we support the promotion of enterprises, it is solely with a view to improving the life of workers. Contrary to what has sometimes been said, it is not a question of us denying that enterprises pursue legitimate economic goals. Our work at the ILO does not entail discussions without definition or substance. The discussions are aligned to the mandate of the Organization and its *raison d'être*. And so, the pursuit of economic objectives is a legitimate quest but one that must serve the objectives of the Organization and in particular, seek to improve the lives of workers and their families. On this basis, in the context of the ILO, enterprises must be seen as a means, not an end.
98. Seeking to optimize the work of the supervisory bodies is an endless quest. We commend the work done by the Office to give visibility to the follow-up work related to our Committee's conclusions. We continue to advocate the setting up of a mechanism to raise the profile of the colossal amount of work done by the Office in this regard. Looking at the information available on the Committee's website, we can see that the vast majority of governments react positively to the observations of the supervisory bodies, and this is something we appreciate enormously. This is evidence of the credibility of our supervisory system and the capacity of the Office to play a key role in the matter.
99. We will finish by referring to the record in the report regarding the exchange that took place between the Committee of Experts and various UN treaty bodies. This exchange took place in the context of the celebration of the 75th anniversary of the Universal Declaration of Human Rights. This once again illustrates the vitality of the Committee of Experts and its capacity for opening up to other bodies which pursue objectives similar to its own. It is further evidence of this rapprochement which must be encouraged between the bodies, of course taking into account the ILO's specificities, such as tripartism, and those of the organizations to which these other bodies belong. Good dialogue is a never a source of friction.

Statement by Government members

100. **Government member, Belgium speaking on behalf of the European Union (EU) ⁷ and its Member States:** the candidate countries, Albania, Montenegro, North Macedonia, the Republic of Moldova, Serbia and Ukraine, and the European Free Trade Association (EFTA) country, Norway, member of the European Economic Area (EEA), aligned themselves with this statement.
101. We welcome the discussion at the Conference Committee, a crucial pillar of the ILO supervisory system. We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective and authoritative supervision of their implementation. We highly appreciate the analysis and expertise of the Committee of Experts as shown in its annual

⁷ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations, are reported as having been made on behalf of all Government members of the group or organization in question, who are members of the ILO and are attending the Conference.

report, which provides a solid basis for the work of our Committee. We value and put our trust in the guidance provided by the Committee of Experts, which helps to implement international labour standards. We recall our strong commitment to the independence, objectivity, and impartiality of the Committee of Experts. We would like to recall the importance of complying with reporting obligations and doing so in due time, as the functioning of the supervisory system is based primarily on the information provided by governments in their reports, as well as on the observations submitted by social partners. In this regard, we welcome the ongoing efforts to modernize and streamline the reporting system in order to ease the reporting burden on governments. We appreciated the information session that the Committee of Experts held for a second time with governments and look forward to a new meeting in 2024.

- 102.** We share the concern of the Committee of Experts that multiple and interlocking crises, coupled with austerity measures, are leading to increasing inequalities and are having an adverse impact on the application of international labour standards, leading to stagnation or even a regression in progress. We emphasize that in times of crisis, international labour standards acquire their full significance by providing guidance on a way forward. We are regrettably in a situation where we are off track to reach Sustainable Development Goal (SDG) 8, on decent work and economic growth, with the social and environmental dimensions lagging behind the economic dimension. However, in the upcoming year there are historical opportunities to set the right momentum and reverse these trends. The EU and its Member States are currently providing input to New York-based negotiations of the Pact for the Future. An ideal outcome of the Summit of the Future is a Pact which fosters social inclusion and social justice, social dialogue on advancing universal social protection, decent jobs and green and digital skills. Moreover, we see the upcoming World Social Summit as an important opportunity for the world to rebuild the social contract through a comprehensive approach based on human rights, social cohesion, solidarity and decent work. As recalled by the Committee of Experts, a new social contract, drawing upon the common values expressed in international labour standards, is more necessary today than ever. Furthermore, the EU and its Member States have consistently and strongly supported Director-General Hounbo's flagship initiative to establish the Global Coalition for Social Justice and its ambition to advance social justice and decent work for all. One of its priorities is "realizing labour rights as human rights", which is fully in line with the objectives of the EU Action Plan on Human Rights and Democracy. To date, 12 EU Member States have joined the Coalition as partners along with the European Commission on behalf of the EU.
- 103.** Last year and this year mark the 75th anniversary of Conventions Nos 87 and 98 respectively. We recall the central and enabling rights' nature of these instruments and welcome the [ILO integrated strategy for the promotion and implementation of the right to collective bargaining](#) adopted by the Governing Body in autumn 2023. We are pleased that the Committee of Experts continues to deepen its cooperation with the United Nations Human Rights Treaty Bodies, most recently through a thematic exchange on the fundamental right to freedom of association. This collaboration is crucial to enhance the effective fulfilment of human rights, including labour rights. We encourage further such exchanges as they provide scope for mutual inspiration, cooperation and synergies, while respecting the autonomous mandates of all bodies.
- 104.** Let us share some of the latest legislative and policy advances through which we aim to contribute to further advancing decent work. We are working towards the ratification by all EU Member States of two new fundamental ILO Conventions on a safe and healthy working environment. We are also aiming to ensure that labour standards, as well as access to adequate social protection, are guaranteed for all workers, including those engaged in non-

standard and new forms of work. We are therefore pleased to have reached a historical agreement on a new Platform Work Directive. This directive aims to ensure decent work for people on digital labour platforms. We look forward to the standard-setting discussion on this topic at the International Labour Conference in 2025.

105. We are committed to supporting partner countries through technical assistance projects to enhance the effective application of labour standards, with an emphasis on fundamental ILO Conventions. The ILO is our privileged implementing partner in these efforts. We promote decent work through the EU's bilateral and regional trade and investment agreements and unilateral preferential trade schemes. Recent legislative advances in this area show our further increased focus on decent work in supply chains via a soon-to-be-adopted Forced Labour Regulation and a Corporate Sustainability and Due Diligence Directive. Let us conclude by reiterating our full support to the well-functioning and authoritative supervisory system of the ILO, which is built on tripartism and social dialogue. This unique and robust system provides a valuable example of a multilateral rules-based order. We are looking forward to constructive engagement with tripartite constituents during the debates in this Committee.
106. **Government member, Argentina:** We are proud to play an active role in the ILO supervisory system, which we view as a collaborative, rather than inquisitorial, tool for examining States' conduct. The observations of the Committee of Experts are therefore an important part of ensuring effective compliance and the ethical building of a world of fair trade and work.
107. I would like to underscore the importance of social dialogue as the ILO supervisory system's main means for consensus-building in several areas: firstly, respect in the framework of co-existence among actors in the world of work; secondly, seeking convergent paths to resolve the different issues that arise in the implementation of ILO Conventions; and, thirdly, effectiveness, since social dialogue allows for continuity over time when addressing such issues. I also wish to highlight the assistance in complying with international commitments that is provided by the Office, which affords States ongoing guidance in improving their fulfilment of international obligations.
108. I would also like to draw attention to the importance of the work of the Committee of Experts in other areas of the United Nations system, including in relation to SDG 8 on growth that is fair and equitable for all parties, particularly target 8.7 on the eradication of child labour and forced labour. Moreover, I wish to point out the respect enjoyed by the Committee of Experts and the ILO's reports within the United Nations system. The International Court of Justice has referred to the ILO's opinions, citing their importance and effectiveness. The Inter-American Court of Human Rights has done likewise. This is high praise for the system, the members of the Committee of Experts and the Office.
109. Lastly, the supervisory system and the standards system are facing a significant challenge due to the social conditions imposed by new forms of work, technological advances, the platform economy and the supply chain, requiring new relationships between States and social partners to ensure that, even in these areas, a just world can be built.

Reply of the Representative of the Chairperson of the Committee of Experts

110. I would like to thank you once again for the invitation extended to the Committee of Experts to attend this meeting. I am honoured to represent the Committee of Experts on this occasion, and assure you that I will report to my peers on the discussions and views expressed in this forum. The annual visit of the Workers' and Employers' Vice-Chairpersons to the Committee of Experts' meeting, and your invitation for the Chairperson of the Committee of Experts to participate in the works of this Committee, undoubtedly strengthen the links and underline

the complementarity of the two Committees in their supervisory work. The exchange on normative issues, that we had in 2023 with governments, were also very informative and I have heard the interest expressed by some governments to repeat this meeting in 2024.

111. I have taken note of the comments expressed during the discussions and in particular those relating to:

- (1) the criteria and characteristics for distinguishing between observations and direct requests;
- (2) the possibility of providing more detailed information on the footnotes inviting governments to communicate information to the Conference Committee; and
- (3) the opportunity to take into account the needs of the constituents in the supervisory work.

I have also taken note of the comments on issues related to the right to strike and Convention No. 87.

112. I am pleased to recall that you will find in paragraph 101 of the General Report the Committee of Experts' explanation on the differences between observations and direct requests. I have taken note of your concerns in this regard, which I will pass to my colleagues. I also recall that the criteria established by the Committee of Experts for the inclusion of footnotes can be found in paragraphs 108 and 109 of the General Report. In its last session, the Committee of Experts detailed the specific reasons justifying the insertion of a double footnote in the selected cases.

113. I especially note and welcome the statements that recalled and emphasized the importance of democracy for freedom of association. The Committee of Experts shares the concerns raised about the regrettable increase of authoritarian regimes and the impact this has had on the autonomy and independence of employers' and workers' organizations. Several comments in the Committee of Experts' report pick up on this theme and urge governments to cease criminalizing the activities of these organizations, interfering and obstructing their functioning or impeding their rights to formulate their programmes of action. The Committee of Experts' report continues to raise the alarm bells on all such threats in this regard when they concern employers' organizations and workers' organizations, in the full exercise of its mandate. We have, on innumerable occasions in our nearly 100 years of existence as a Committee, stressed that freedom of association lies at the heart of democracy and that adherence to the rule of law is a prerequisite for social dialogue, collective bargaining and tripartite cooperation, which ultimately leads to social justice.

114. A few speakers referred to the Committee of Experts' increasing collaboration with the United Nations and made comments that I will share with my peers. The Committee of Experts' exchange with the Chairs of eight Human Rights Treaty Bodies and with two special rapporteurs is based on mutual respect for our respective mandates and a common resolve to join forces to encourage respect for human rights, including international labour standards, at a moment when the world is moving seriously offtrack in the implementation of the SDGs, including SDG 8, as noted by the speakers this morning.

115. With regard to taking into account the needs of constituents, I am pleased to recall that the Committee of Experts has consistently indicated, in its Report, the importance of comments by Employers' and Workers' representatives on the application of ratified Conventions or linked to the elaboration of the General Surveys. Such observations provide the Committee of Experts with up-to-date information from social partners and are essential to enable it to assess the application of Conventions in national law and practice. I encourage the social partners to continue and even reinforce this most useful practice for the supervisory system. More

specifically with regard to sustainable enterprises, it is important to recall that in paragraph 54 of its Report, the Committee of Experts indicated that the mandate given to it, notably to undertake an impartial and technical analysis of how ratified Conventions are applied in law and practice by Member States, is an important contribution to the enabling environment in which sustainable enterprises can flourish along with the responsible business practices that sustainable enterprises are adopting.

- 116.** I have taken note of what has been said regarding the modernization of the reporting system and we will follow closely any developments in this area. It is important for governments to be able to send the most accurate information possible and any methods which help in this respect are to be welcomed and will be welcomed.
- 117.** With respect to the General Survey, I would like to express my sincere gratitude for the rich exchange of opinions here today which has allowed me to hear first-hand your comments on this General Survey prepared by the Committee of Experts. This discussion shows the importance of effective and coordinated labour administration systems to respond to the challenges in the world of work and hence underscores the relevance of the instruments examined. You can rest assured that I will share your views on the General Survey with the other members of the Committee of Experts.
- 118.** Finally, the Subcommittee on Working Methods of the Committee of Experts meets annually during our session and will address all the issues which have been highlighted. The forthcoming visit of the Vice-Chairpersons of the Conference Committee to the Committee of Experts and the exchange with governments will allow us to have a fruitful dialogue in this regard. Once again, I thank you for the invitation and I am confident that the dialogue of our two Committees will continue in the future.

Reply of the representative of the Secretary-General

- 119.** I would like to respond just to two issues that were raised during the discussions and that concern the Office more specifically. On the one hand, the technical assistance made available to you by the Office and on the other, the modernization of the current methods for presenting and submitting reports under article 22 of the Constitution of the ILO.
- 120.** With regard to the technical assistance furnished by the Office, I would first like to express my sincere thanks for the trust that you have repeatedly expressed throughout your discussions, and your gestures of appreciation of the standards-related technical assistance furnished and implemented by the Office. It is very important to us to ensure that our services respond to your needs, either when you are considering ratification or when you are faced with difficulties in implementation. It is very important to us to ensure that our services respond to your needs in as timely a way as possible. Let me take this opportunity to reassure the Employer members that the support we provide to governments when they are considering ratifications takes fully into account all of the guidelines previously provided by the supervisory bodies on the Convention in question. With regard to the General Surveys, they are one of the main sources of information and guidance that we use when we are supporting countries in their consideration of ratification of a given instrument.
- 121.** The fact that there may be difficulties that arise following the ratification of a Convention must not be construed as revealing or resulting from a lack of diligence in the prior examination of the conditions for ratification. Allow me to use the analogy of a health check-up. You have a health check-up one day and you are in perfect health, but this does not protect you against the possibility of falling sick the next day or the day after that. This does not mean that the health check-up was bad but there are unforeseen events in life that mean one day you are in

good health and, the next day, less so. As mentioned in your own comments, the world of work is in constant transformation, and this changes the context in which the Conventions are implemented and presents new challenges to governments concerning their implementation. For general information, we have a certain number of meetings planned in the margins of the plenary sessions during which we discuss in detail the new challenges that the governments are facing in the implementation of the Conventions. These are very valuable exchanges that permit us to prioritize our technical assistance follow-up.

- 122.** I wish to turn next to the request made by the Worker members on the use of the information that we provide on our follow-up to the conclusions that you adopt each year, in particular when the Committee calls on governments to avail themselves of the technical assistance of the Office. We have taken due note that you would like to have a reflection on a new, or at least different, way of making this information available. I think that we are totally open to considering this together and to providing you with this information so that it can be as useful as possible to you.
- 123.** Turning now to the modernization of the reporting obligations, I remind you as indicated in my introductory remarks, that we would like to develop the proposals in full consultation with each of the three groups and that we have sent you an invitation to the consultations that will take place on 24 June. I invite the governments in particular because we will organize these meetings in a hybrid format in order to enable officials in the capitals who compile these reports to participate in the discussions and share with us your difficulties, views and expectations regarding the modernization of the reporting methods.

Concluding remarks on the general discussion

- 124. Worker members:** The Worker members would like to come back to a few points raised this morning. Regarding the distinction between direct requests and observations of the Committee of Experts, we are not going to repeat in detail what we have been saying for a number of years. Like the criteria for the selection of individual cases examined by our Committee, the distinction between direct requests and observations is not an exact science. The explanations that the Committee of Experts has already given on this subject are sufficient and its autonomy regarding the choice of the most appropriate means for conducting dialogue with governments should be respected. That is a choice for the Committee of Experts. In any case, we note that the main recipients of observations and direct requests, especially governments, have never expressed the slightest concern in this regard. This shows clearly that these governments are not involved in a theoretical debate but are more focused on the best way to fulfil their obligations, which is a testimony to their good will.
- 125.** We have also noted the remarks to the effect that the size of the Committee of Experts' report points to a kind of hazardous or hasty ratification on the part of governments. For us, however, this reasoning is based on a questionable assumption. Experience shows us, rather, that conformity with standards depends more on the political priorities of governments in place at a given moment. One day the diagnosis may be healthy, the next day something changes. As the famous saying goes, nothing lasts forever – not even diamonds. A look at the list of cases which we will be examining this year shows that respect for standards depends to a large extent on political choices made by the governments having responsibility at the time. There are always improvements that can be made, and the supervisory bodies are there to support governments in this exercise. This support may take the form of technical assistance which can draw on the expertise of the Office as well as meet the specific needs of the countries concerned, since there are various different situations. This assistance also sometimes benefits the social partners – employers and workers – on the ground and enables their capacities to

grow. It does not reflect poor preparations for ratification but rather the changes experienced by different countries. We should avoid any diagnosis of problems that do not exist. This will prevent us from prescribing remedies that would actually make real problems worse.

126. The Worker members would now like to return briefly to the link between the supervision of standards and supply chains. We do not dispute the fact that the application of standards must be observed in relation to the territory of the country which has ratified the Convention, but that must be tempered by recalling that national courts have repeatedly recognized the responsibility of enterprises outside their national territory with regard to respect for human rights. Nor can the discussions and initiatives regarding enterprises' due diligence be ignored. It would be rather strange if the ILO were to remain in the background with regard to these developments when its supervisory system empowers it to play a key role.
127. Much was said this morning about the concept of sustainable enterprises. When the Committee of Experts says that certain reforms can adversely affect workers' rights, they are merely describing the gloomy reality encountered in a number of countries. It can still be seen that, in the name of the development of economic activity, policies of deregulation are conducted which fail to respect international labour standards. Nobody here is questioning the role that can be played by enterprises in the promotion of decent work but the importance of this role cannot result in a means and an end being placed on an equal footing. We will recall as often as is necessary that workers' rights are human rights and remain the ultimate objective of our Organization.
128. In conclusion, we would like to express the wish that these divergences within the Committee will no longer apply in the future and that the Committee will be able to reflect serenely with the Committee of Experts on the way to optimize the impact of the supervisory system on the ground. It might be useful to draw up a list of topics on which consensus has been reached and which will guide future exchanges between our committees.
129. **Employer members:** Let us start by thanking the Governments and the Worker members for the very rich contributions to the general discussion, and to the discussion of the General Survey on Labour Administration. The Employer members also appreciate the participation of Judge Thomas-Felix as a representative of the Committee of Experts. We strongly believe that ongoing dialogue between the Committee of Experts and the Conference Committee is important, for the ILO constituents to better understand standards-related requirements, but above all to facilitate the Committee of Experts' understanding of the realities and the needs of the users of the supervisory system. For the effectiveness of ILO standards supervision, it is of utmost importance that there is as much convergence as possible between the Conference Committee and the Committee of Experts in providing clear and practical guidance to tripartite constituents in ILO Member States. Past experience has demonstrated that where the Conference Committee and the Committee of Experts speak with one voice, more positive responses are obtained from governments and social partners on the ground, leading to faster, better and more sustainable compliance with ILO standards both in law and in practice. Unity on the essentials seems all the more important in the face of the uncertain world that we are increasingly confronted with, as evidenced by the global challenges.
130. Different from what the Worker members seem to think, the Employer members believe that the general discussion in the Conference Committee serves as the right forum to provide tripartite feedback to the Committee of Experts and to make our joint work more relevant. The Employer members wish to respond to some remarks made earlier today during the general discussion and yesterday during the opening session. First, we do not deny that respect for labour rights is one of the concurring conditions for the creation of an enabling environment

for sustainable enterprises. Yet, what we stress is that workers' protection, as a concurrent condition, should be balanced against the needs of sustainable enterprises and not be considered as the only criterion in carrying out standards supervision. After all it is recognized in the ILO Centenary Declaration that the requirements of an enabling environment for sustainable enterprises must be taken into account when considering the protection needs of workers. While this balance between the two perspectives is clearly visible in the discussion and outcomes of the standards supervision in the Conference Committee, unfortunately we still do not see it in the comments of the Committee of Experts, which focus exclusively on the protection needs of workers. In fact, this may seem to bolster the repeated certainty from the Worker members that sustainable enterprises are merely a means to an end which is seen as the protection of Workers, which is unfortunate. The Committee of Experts emphasizes its neutrality and impartiality, but this is often not how ILO constituents perceive it. This should give the Committee of Experts pause for thought.

131. Secondly, the Employer members have noted that the Committee of Experts, in this year's General Survey, provided its opinions on various topics that have little to do with the standards on labour administration. These include topics that are controversial, such as supply chains, or what will be addressed in ILO standard-setting such as digital labour platforms. The Employer members wish to point out that such statements by the Committee of Experts can interfere with the tripartite opinion-forming process, notably when standard-setting is ongoing. For future occasions, the Employer members would prefer that the Committee of Experts limit its analysis to the specific instruments and issues at stake and avoid issuing observations and opinions on standards and topics not under examination.
132. Thirdly, the Employer members strongly believe that any major questions regarding the scope and meaning of the provisions of ILO Conventions or related gaps should be examined and resolved through tripartite social dialogue, in particular, through standard-setting. If such major questions arise in its supervisory work, the Committee of Experts should point them out to the Governing Body. The Committee of Experts does not have the role, we believe, of a substitute legislator for the ILO, which can itself identify regulatory gaps and fill them with international labour rules that it defines itself. Finally, let us be clear that the Employer members do not intend to give instructions to the Committee of Experts or "encroach on its independence". The Employer members do recognize that the Committee of Experts exercises an essential function in the ILO regular standards supervisory system and it is for this very reason, that we see it as our duty to provide constructive feedback to the Committee of Experts. It is in this spirit that the Employer members asked the Committee of Experts to abstain from providing certain interpretations. Contrary to what the Worker members seem to think, an authoritative opinion on how to interpret an ILO Convention clearly has an impact on the Committee of Experts supervisory work. All in all, the Employer members agreed with the Committee of Experts on many points but also respectfully expressed disagreement on some of its views and findings. In doing so, we have sought to contribute to a more factual and results-oriented debate. We thank others who have also provided their feedback in this regard.
133. The Employer members look forward to ongoing exchanges between the Conference Committee and the Committee of Experts to continue building convergences on matters of application of International Labour Standards. We count on the Office to facilitate the dialogue and the building of convergences. To conclude, the Employer members would like to reaffirm their full commitment to continue improving the international labour standards supervisory system including regular standards supervision so that it remains credible, relevant and balanced.

C. Reports requested under article 19 of the Constitution

General Survey: Labour Administration in a Changing World of Work

- 134.** The Committee dedicated a sitting to the discussion of the General Survey carried out by the Committee of Experts concerning the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978. The record of this discussion is contained in section I of Part Two of this report.

Concluding remarks on the General Survey

- 135.** At the meeting on the adoption of the outcome of the discussions on the General Survey, the following statements were made by members of the Committee.
- 136. Worker members:** The Worker members welcome the adoption of the conclusions on the General Survey. While the General Survey itself is a very useful instrument for ILO Members, the conclusions that we adopt enable us to indicate the path that the Worker and Employer members are ready to take consensually. They also indicate the actions and means that our two groups wish the ILO to employ in this fundamental question of labour administration. Follow-up to the discussion of the General Survey does not stop at the closure of the session of the Conference. It goes well beyond, so that the adopted conclusions serve in various initiatives taken by the ILO and the Member States. The Worker members express the wish that thorough follow-up be given to the conclusions adopted by our Committee in all the initiatives related to this matter in both the ILO and the Member States. We therefore fully encourage the provision of ILO tailored technical assistance to actively support the governments, and workers' and employers' organizations, in the strengthening of labour administration systems.
- 137.** The ILO is also invited to develop an action plan in consultation with the social partners to accompany governments, workers and employers in exploring the potential of strengthening their labour administrations. This action plan will comprise various initiatives, such as the preparation of teaching material to support the ratification and implementation of Convention No. 150, and the development of capacity-building activities. It will be helpful for our Committee to, in future, be informed of the initiatives taken to implement this action plan. We hope that the recurrent discussion scheduled for 2026 on the strategic objective of social dialogue will also take our conclusions into account.
- 138.** Our conclusions also set out expectations for Member States. We therefore ask Member States which have ratified Convention No. 150 to continue and intensify their efforts to ensure its full implementation. For those member States that have not yet done so, our conclusions fully encourage them to consider ratifying the Convention.
- 139.** The purpose of all these initiatives is to serve the ILO's fundamental missions. A labour administration that operates at its optimum is a labour administration that decisively contributes to the realization of decent work. We recall in our conclusions that labour administrations play a central role in the achievement of the 2030 Agenda for Sustainable Development, the materialization of the objectives of the ILO Centenary Declaration and the achievement of a rights-based, human-centred recovery that is inclusive, sustainable, resilient. The actions put in place to meet these objectives must be constantly re-evaluated against the vast and rapid changes facing the world of work.
- 140.** Digitalization is one of these vast changes. It is giving rise to atypical forms of employment that evolve in an ill-adapted regulatory framework. Hence why our labour administrations must

constantly adapt to these new realities the regulatory framework and the services they provide. This is the only way that labour administration may benefit all workers. The emergence of platform work is one of the consequences of digitalization. Platform work still remains today a new reality that is difficult for our labour administrations to apprehend and that reveals serious shortcomings in terms of decent work for platform workers. Management of algorithms is also a product of digitalization. This type of management shows up not only in platform work. It is spreading increasingly to various sectors and it is time that there are rules governing this practice.

141. Globalization of the economy presents many challenges for our labour administrations. They can no longer envisage fully discharging their missions without incorporating the transnational dimension of decent work deficits. They have an essential role to play in the protection of the rights of workers in the global supply chains. The powers of labour administration are unfortunately limited to their national territory. They cannot therefore impose sanctions on enterprises when violations of workers' rights are committed within their supply chain. Enterprises' economic activities cross borders but their responsibility stops there. This is especially the case when countries in which activities are carried out do not have fully operational labour inspection services. This is no longer viable, and our labour administrations must be given means of intervening in these situations.
142. While these few aspects that I have just referred to can be read between the lines of our conclusions, the Worker members would have hoped that they could have been reflected more specifically in them. These are in practice some of the challenges faced by our labour administrations. We won't be able to hide them under the carpet for long.
143. Allow us to conclude on a point on which there is consensus. We emphasize in our conclusions the fundamental need to involve workers' and employers' organizations at all levels of labour administration. Social dialogue and tripartism are the founding principle of the ILO. But social dialogue and tripartism cannot be genuine unless freedom of association and the right to collective bargaining are fully respected by governments. These principles should also provide the basis for any system of labour administration in order to ensure that all the services and policies contribute to the objective of the achievement of decent work, with the support of the social partners.
144. **Employer members:** The discussion on the General Survey on Labour Administration in a Changing World of Work, was extraordinarily rich and brought together diverse views, in a way which, in our view, is reflected very clearly in the Report. The Employer members would like to thank all the speakers who contributed to the discussion. The agreed outcome has shown that effective labour administration systems are vital for the good governance of labour matters, as well as for economic and social progress. On the one hand, labour administration systems, along with public employment services and labour inspection can make decent work a reality in the workplace by enforcing labour standards. On the other hand, labour administration systems can contribute to economic growth by increasing competitiveness and productivity, ensuring a predictable environment for business, as well as developing and implementing policies aimed at producing high employment rates and social cohesion. The General Survey has enabled us not only to highlight the progress made in certain countries, but also to become fully aware of the complex and sometimes difficult situation in many countries. The Employer members trust that the outcome of the discussion of the General Survey will contribute to further progress in this regard and therefore commend the report to the Committee.

Outcome of the discussion of the General Survey

145. The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

146. The Committee welcomed the opportunity to examine the General Survey prepared by the Committee of Experts which is titled *Labour administration in a changing world of work*. The Survey encompassed two instruments: the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158). The Committee observed that labour administration had been the subject of a previous General Survey in 1997.
147. The Committee underlined the timeliness of the General Survey in light of the fundamental and rapid changes in the world of work, as well as the various crises it has been experiencing. It underscored that effective labour administrations in line with Convention No. 150 are vital in achieving decent work, in ensuring the promotion and respect of fundamental principles and rights at work and in creating an enabling environment in which sustainable enterprises can contribute in their operations towards those achievements.
148. The Committee highlighted that the challenges posed by the COVID-19 pandemic show that labour administrations have a key role in protecting workers' rights, in mitigating the employment impact of crises and in ensuring a human-centred recovery. Therefore, there is a need to build, foster and maintain sound labour administration systems that can withstand financial, economic, social and environmental crises. The creation of strong and effective labour administrations is also essential in achieving the objectives set out in the ILO Centenary Declaration for the Future of Work and the ILO's Global Call to Action for a human-centred recovery from the COVID-19 crisis that is, inclusive, sustainable and resilient.
149. The tripartite constituents highlighted that, within national governments, labour administrations are the main interlocutors of the ILO and aim at building upon the need to bring together relevant actors with a common ambition to promote strong, sustainable and inclusive development through strengthened global solidarity, policy coherence and concerted action.

The situation and needs of Member States

150. The Committee underlined that effective tripartite social dialogue, founded upon respect for freedom of association and collective bargaining, should be an integral part of every function performed by the labour administration system. This contributes to a participatory and inclusive governance and builds trust among all partners in the labour administration system. Social dialogue is a driving force for social and economic resilience, competitiveness, stability, growth and sustainable and inclusive development. Therefore, the Committee highlighted that labour administrations should ensure that mechanisms for bipartite and tripartite cooperation, consultations and negotiations are granted appropriate resources and support and become or remain prominent in policymaking.
151. The Committee also noted the emphasis placed by tripartite constituents on the need for close cooperation and coordination across government agencies and between the different actors responsible for labour administration systems, including parastatal agencies. This is key to ensure that labour policies and regulatory measures are harmonised with other policy areas within the government agenda and effectively implemented. To protect the most vulnerable workers in the labour market, a comprehensive government response is needed and should involve multiple ministries and stakeholders.

- 152.** Among the functions performed by labour administrations, the Committee highlighted the importance of sound, human-centred and evidence-based policymaking, based on reliable and up-to date information and data. In this respect, the Committee underscored the significance of the activities of labour administrations concerning research and studies in order to ensure that the complexities and novelties of the evolving world of work are properly reflected. The involvement of social partners in these activities is crucial for enhancing the relevance of research and policy outcomes.
- 153.** The Committee underlined the essential role of labour inspection within the labour administration system. The tripartite constituents stressed that a well-functioning labour inspection system is crucial for the effective implementation and monitoring of labour standards, to ensure social peace, promote good governance and contribute to economic and social progress. The Committee underscored that private compliance initiatives and self-regulation mechanisms can complement public labour inspections, but do not diminish governments' responsibilities in this area or replace regular and thorough public labour inspections.
- 154.** Depending on the national context, the Committee highlighted that the creation of public-private partnership can prove beneficial for the delivery of certain labour administration services, including partnerships with universities and training institutions. At the same time, the Committee stressed that the overall organization and effective operation of labour administration remains the obligation and responsibility of the governments. It underlined the importance for governments to ensure transparency, coordination, control and the participation of representative and independent employers' and workers' organizations in the design, implementation and evaluation of such initiatives. These partnerships should complement but cannot replace the role of the government in designing and implementing labour policies, laws and regulations.
- 155.** The Committee highlighted that digitalization, including the use of artificial intelligence, provides for both opportunities and challenges and that labour administrations have a pivotal role in designing policies and other measures, including regulatory measures, to benefit from and respond to these technological changes, in close cooperation and consultation with representative and independent employers' and workers' organizations. The Committee particularly noted that the introduction of digital technologies requires investments in technology infrastructures and cybersecurity which can pose challenges in terms of costs, implementation and maintenance, in particular for SMEs. The Committee also drew attention to the unequal access of workers and employers to digital technologies or the necessary digital literacy skills which may result in a digital divide.

Common understanding

- 156.** In view of the rapidly changing world of work, the Committee emphasized the fundamental role that labour administration plays in anticipating and adapting to such transformations for the benefit of promoting decent work, good governance and sustainable enterprises that can generate productive employment and promote innovation. Labour administrations should continuously adapt and modernize in order to ensure that their services remain relevant and to ensure more resilient, sustainable and inclusive labour markets for the future. Modernization efforts may require exploring new approaches to governance and management, including new policies, services and approaches for strengthening labour standards. The tripartite constituents stressed that modernization efforts should respect the rule of law, tripartism, social dialogue, public interest, good governance and transparency.

- 157.** Noting that the lack of resources continues to undermine the effectiveness of labour administration systems in many countries, the Committee affirmed the importance of ensuring that labour administrations are equipped with appropriate human and financial resources, as well as technological and material means, for their proper functioning and the efficient performance of their tasks, including during crises. The Committee highlighted that this is particularly relevant for the labour inspection services, given that they are faced with new or persistent challenges such as a growing informal economy, the changing nature of employment relationships, and the emergence of new work-related hazards. Resources should also include adequate digital means to generate, store and process data whilst ensuring the protection of workers' personal data.
- 158.** The tripartite constituents stressed that policy frameworks for the governance of labour may be underpinned by appropriate legal and regulatory measures aimed at ensuring decent work for all while taking into account the needs of sustainable enterprises, in particular SMEs, to effectively realise decent work. Such measures should be designed to ensure coverage of all workers, including those most vulnerable to decent work deficits, such as workers in the informal economy, women, young workers, older workers, workers with disabilities, and migrant workers. Recognizing that the digital economy is rapidly emerging as one of the most significant transformations in the world of work, the Committee highlighted the need for labour administrations, where national conditions so require, to promote progressively the extension of labour administration functions to the conditions of work and working life of appropriate categories of workers, in line with Article 7 of Convention No 150. In addition, in a world that is increasingly interconnected, labour administrations are key in addressing challenges of the world of work that transcend national borders and in making decent work a priority at all levels.

ILO means of action

- 159.** The Committee underscored that the General Survey reaffirms the relevance of the instruments examined and recalled that they offer considerable flexibility in designing systems of labour administration that respond to the particularities of each national context. The Committee recalled to Member States that have ratified the Convention the importance to step up efforts to ensure its full implementation. It also encouraged non-ratifying Member States to consider the possibility of ratifying the Convention and recalled that they could avail themselves of technical assistance from the Office, to assess potential obstacles to ratification and ways to overcome them.
- 160.** The Committee emphasized the significance of integrating good governance principles into labour administration systems, as enshrined in the ILO instruments and aligning with UN principles referred to in the General Survey. Such an approach will serve to promote the achievement of decent work while advancing the realization of the 2030 Agenda for Sustainable Development, including, in particular, the Sustainable Development Goal 16, target 6, which requires the development of effective, accountable and transparent institutions at all levels.
- 161.** The Committee also endorsed for prioritized tailored technical assistance to be provided by the Office to Member States, where requested, with a view to strengthening national labour administration systems and supporting governments and employers' and workers' organizations in designing and implementing effective and coordinated labour administration systems.

- 162.** In this regard, the Committee called upon the ILO to develop an action plan in consultation with social partners, to guide governments, employers and workers, to explore the potential for further strengthening of labour administration at the national level. This action plan could include strategies for the elaboration of labour policies, enforcement and social dialogue, supported by appropriate capacity-building activities. It could also encompass the development of a series of tools, including guidance materials that can assist in the ratification and implementation of the Convention by providing information on best practices and further clarifications regarding the content of the instruments.
- 163.** Finally, the Committee requested the Office to take into account the General Survey on *Labour administration in a changing world of work*, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It expressed the hope that the General Survey will provide useful information and guidance for the 2026 International Labour Conference's recurrent discussion on the strategic objective on social dialogue.

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D. Compliance with specific obligations

1. Cases of serious failure by Member States to respect their reporting and other standards-related obligations

- 164.** During a dedicated sitting, the Committee examined the cases of serious failure by Member States to respect their reporting and other standards-related obligations. As explained in document D.1, Part V, the following criteria are applied: failure to supply the reports due for the past two years or more on the application of ratified Conventions; failure to supply first reports on the application of ratified Conventions for at least two years; "Urgent appeals" – failure to supply reports on the application of ratified Conventions for at least three years and failure to supply first reports on the application of ratified Conventions for at least three years; failure to supply information in reply to all or most of the comments made by the Committee of Experts; failure to supply the reports due for the past five years on unratified Conventions and Recommendations; failure to submit the instruments adopted for at least seven sessions to the competent authorities; and failure during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated. The Chairperson explained the working methods of the Committee for the discussion of these cases. The record of this discussion is found in section II of Part Two of this report.

1.1. Failure to submit Conventions, Protocols and Recommendations to the competent authorities

- 165.** In accordance with its terms of reference, the Committee considered the manner in which effect was given to article 19(5), (6) and (7) of the ILO Constitution. These provisions required Member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the instruments adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.
- 166.** The Committee noted that, in order to facilitate its discussions, the report of the Committee of Experts mentioned only the governments which had not provided any information on the

submission to the competent authorities of instruments adopted by the Conference for at least seven sessions (from the 99th Session (2010) to the 111th Session (2023), because the Conference did not adopt any Conventions and Recommendations during the 97th (2008), 98th (2009), 102nd (2013), 107th (2018), 109th (2021) and 110th (2022) Sessions). This time frame was deemed long enough to warrant inviting Government delegations to the dedicated sitting of the Committee so that they may explain the delays in submission.

167. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. It noted the specific difficulties mentioned by certain delegates in complying with this constitutional obligation, and in particular the intention to submit shortly to competent authorities the instruments adopted by the International Labour Conference. Some governments have requested the assistance of the ILO to clarify how to proceed and to complete the process of submission to national parliaments in consultation with the social partners.
168. The Committee recalled that compliance with the obligation to submit Conventions, Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. It also recalled that governments could request technical assistance from the Office to overcome their difficulties in this respect.
169. The Committee noted that the following countries were still concerned with the serious failure to submit the instruments adopted by the Conference to the competent authorities: **Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia**. The Committee expressed the firm hope that appropriate measures would be taken by the governments concerned to comply with their constitutional obligation to submit.

1.2. Failure to supply reports and information on the application of ratified Conventions

170. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. Some governments have requested the assistance of the ILO. The Committee recalled that the submission of reports on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the system of supervision. It also recalled the particular importance of the submission of first reports on the application of ratified Conventions. It stressed the importance of respecting the deadlines for such submission. Furthermore, it underlined the fundamental importance of clear and complete information in response to the comments of the Committee of Experts to permit a continued dialogue with the governments concerned. In this respect, the Committee recalled that the ILO could provide technical assistance to contribute to compliance in this respect.
171. The Committee noted that, by the end of the 2023 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **74.7** per cent (70.9 per cent for the 2022 meeting). Since then, further reports have been received, bringing the figure to **81** per cent (as compared with 76.2 per cent in June 2023).
172. The Committee noted that no reports on ratified Conventions have been supplied for the past two years or more by the following States: **Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen**.

- 173.** The Committee also noted that first reports due on ratified Conventions have not been supplied by the following countries for at least two years: **Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu.**
- 174.** The Committee noted that no information has yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2023 from the following countries: **Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Dominica, France (New Caledonia), Grenada, Haiti, Netherlands (Sint Maarten), Papua New Guinea, Saint Lucia, San Marino, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen.**

1.3. Urgent appeals

- 175.** Following the decision of the Committee of Experts to institute a new practice of launching urgent appeals for cases corresponding to countries which have failed to send, under article 22 of the Constitution, the reports due for at least three years, and failed to send first reports for at least three years, to draw the attention of the Committee on the Application of Standards to those cases, the Committee invited the countries concerned to provide information during the examination of cases of serious failure to fulfil reporting obligations, and expressed the hope that the Governments of **Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu** will supply their reports due as soon as possible.
- 176.** The Committee brought to the attention of these governments that the Committee of Experts could examine in substance, at its next session, the application of the Conventions concerned on the basis of publicly available information, even if the government has not sent the corresponding report. The Committee recalled the possibility of governments availing themselves of the technical assistance of the Office in this regard.

1.4. Supply of reports on unratified Conventions and Recommendations

- 177.** The Committee stressed the importance it attaches to the constitutional obligation to supply reports on unratified Conventions and Recommendations. These reports permit a better evaluation of the situation in the context of the General Surveys of the Committee of Experts. In this respect, the Committee expressed the firm hope that the governments concerned will comply with their obligation to supply these reports and recalled that the ILO can provide technical assistance to contribute to compliance in this respect.
- 178.** The Committee noted that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, have been supplied by: **Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen.**

1.5. Communication of copies of reports to employers' and workers' organizations

- 179.** The Committee welcomes the fact that no Member State has failed to indicate during the past three years the names of the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated. The Committee pointed out that the fulfilment by governments of their obligation to communicate reports and information to

the organizations of employers and workers was a vital prerequisite for ensuring the participation of those organizations in the ILO supervisory system. The Committee expresses the firm hope that this is a sign of genuine tripartite social dialogue in all ILO Member States. The Committee encourages Member States to continue in that direction.

2. Application of ratified Conventions

- 180.** The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 117 of its report, which lists new cases in which that Committee has expressed its satisfaction at the measures taken by governments following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. In addition, the Committee of Experts has listed in paragraph 120 of its report cases in which measures ensuring better application of ratified Conventions have been noted with interest. These results are tangible proof of the effectiveness of the supervisory system.

3. Participation in the work of the Committee

- 181.** The Committee wished to express its appreciation to the **25** Governments which collaborated by providing information on the situation in their countries and participating in the discussion of the individual cases and special sitting concerning their country.
- 182.** The Committee nevertheless **regretted** that the Governments of the following States failed to take part in the discussions concerning the fulfilment of their reporting and other standards-related obligations: **Afghanistan, Angola, Antigua and Barbuda, Barbados, Belize, Comoros, Djibouti, Dominica, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Marshall Islands, Netherlands (Sint Maarten), North Macedonia, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Tonga, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Yemen and Zambia.**
- 183.** Overall, the Committee expresses **regret** at the large number of cases of serious failure by Member States to respect their reporting and other standards-related obligations. The Committee observes that some governments have provided written information after the session dedicated to examining this question. While acknowledging the efforts made in this regard, the Committee trusts that in the future governments will act swiftly to enable it to carry out this examination in full knowledge of the facts. The Committee recalls that governments may request technical assistance from the Office to overcome their difficulties in this regard.

E. Special sitting concerning the application by Belarus 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), in application of the resolution adopted by the International Labour Conference at its 111th Session (2023)

- 184.** The Committee held a special sitting on Belarus as decided at the 111th Session of the International Labour Conference⁸ with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of Conventions Nos 87 and 98. The Committee adopted conclusions by vote: 1,272 votes in favour, 52 votes against and 64 abstentions.
- 185.** The full record of this discussion and the Committee's conclusions appears in Section III of Part Two of this report. The Committee's conclusions are also reproduced below.

The Committee held a special sitting on the application by Belarus 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), further to the resolution adopted by the International Labour Conference at its 111th Session, concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution calling on Belarus to implement the recommendations of the Commission of Inquiry and the supervisory bodies.

It noted the oral and written information submitted by the Government, and the discussion which followed.

The Committee noted with deep concern the persistent disregard of the guidance, conclusions and recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body by the Government of Belarus and refusal to accept and implement them.

The Committee expressed its deep concern and regret at the use of criminal sanctions against trade unionists engaged in legitimate trade union activities and the judicial harassment of trade union members, including arrests, prosecution and imprisonment. It deplored the repression against independent trade unions and the imprisonment of trade unionists and urged the Government to immediately release them, drop any charges and quash any convictions brought against them.

It recalled that this case had been discussed repeatedly in the Committee before the appointment of a Commission of Inquiry, and deeply deplored the lack of progress towards the observance of the Conventions by the Government of Belarus.

The Committee noted the action plan to implement the article 33 measures. It also noted actions taken by the ILO constituents and other international organizations in response to the ILC 2023 resolution on Belarus to review their relations with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association and collective

⁸ Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.

bargaining referred to by the Commission of Inquiry. The Committee called on ILO constituents and other international organizations to continue to do so.

Pursuant to information submitted to the Governing Body and to the Committee, the Committee deeply deplored the climate of state violence, intimidation and fear in Belarus which is not conducive to the free exercise of civil liberties, the continuing deterioration of freedom of association and the right to collective bargaining and the erosion of the rule of law exemplified by the complete lack of independence of the judiciary.

The Committee took note of the March 2024 Governing Body action plan to implement the ILC 2023 resolution and the High-Level Roundtable to discuss freedom of association in Belarus, which took place on 28 May 2024 and evidenced the persistent general climate of non-respect for basic civil liberties necessary to the exercise of freedom of association.

The Committee called on the Government to take all possible measures with the greatest urgency to implement the recommendations of the Commission of Inquiry and all subsequent observations made by the supervisory bodies of the ILO regarding compliance with the Conventions.

The Committee also requested the Government with the utmost urgency to accept:

- an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists to assess their health and offer medical assistance, as necessary; and
- an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.

Considering the need of permanent and continuous monitoring of the situation in Belarus, the Committee expected that the ILO Director-General would appoint a special envoy in Belarus shortly and mandate her or him to interact with the Government and relevant UN agencies to ensure the full implementation of the recommendations of the Commission of Inquiry.

In line with the Conference resolution, the Committee expected that the Director-General would engage with UN Human Rights Bodies and other relevant international bodies with a view to ensuring coordinated and joint action towards the implementation of the recommendations of the Commission of Inquiry and the supervisory bodies and to explore the possibility of setting up a working group of the ILO and other UN institutions.

The Committee expected that the Office would continue collecting information on measures that Member States have undertaken the Conference resolution and, as requested, include such information in reports to the supervisory bodies and Governing Body of the ILO, including measures to:

- respect the principle of non-refoulement to ensure that trade unionists forced into exile in their countries are not returned to Belarus where they may be subject to persecution, arbitrary arrest and torture;
- assist Belarusian citizens residing in their countries who may not have valid travel documents due to their inability to receive consular services, and to facilitate the issuance of tourist visas to Belarusian citizens persecuted for their trade union activities and their relatives, as appropriate.

The Committee expected that the special envoy would systematically and regularly report to the Governing Body which will assess what further steps are necessary to be taken by the Government or by the ILO and its Member States. The Committee further recalled that the Government should provide a detailed report to the Committee of Experts before its next session on all measures taken to implement these recommendations in order to ensure observance of the Conventions in law and in practice.

Finally, the Committee decided to include the discussions and conclusions of the special sitting in a separate part of its report.

F. Examination of the individual cases

186. At its present session, the Committee also examined 24 individual cases relating to the application of various Conventions. The information submitted by governments, the discussion and conclusions of the examination of the individual cases are contained in section IV of Part Two of this report.

187. The conclusions adopted this year are also presented below.

Uganda (ratification: 2003)

Minimum Age Convention, 1973 (No. 138)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the recent significant increase in the incidence of child labour in the country, including children between the ages of 5 and 11 years, and noted with deep concern that a large number of children continue to be involved in hazardous work.

The Committee noted the willingness of the Government to address the issue.

Taking into account the discussion, the Committee urged the Government, in consultation with the social partners, to take effective and time-bound measures to:

- intensify its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment or work, as well as for all children engaged in hazardous work, in particular by: (i) implementing measures concerning child labour awareness and community sensitization; (ii) intensifying its efforts to facilitate access to free basic education for all children.
- strengthen the capacity of the labour inspectorate (i) to detect cases of child labour, by providing all the human, material, financial and technical resources and by adequately training the labour inspectorates; and (ii) to ensure that the relevant provisions on the employment of children and young persons providing for penalties are effectively implemented.
- intensify its efforts towards early identification of high-risk areas and vulnerable groups and improve resources allocation for this purpose;
- provide detailed information on: (i) the implementation of the NAP II and of the ACCEL Africa project, and the results achieved; (ii) the concrete measures taken to improve child labour awareness and community sensitization; (iii) the efforts taken to facilitate

access to free basic education for all children as well as school attendance, maintenance and dropout rates; (iv) the number and nature of violations involving children detected by the labour inspectorate, in particular by communicating a copy of all recently published Annual Labour Inspection reports; (v) the measures taken to strengthen the capacity of the labour inspectorate and the results achieved; and (vi) statistics, disaggregated by age and sector of activity, on the situation of children engaged in child labour in the country.

The Committee called on the Government to continue with and to intensify the ongoing ILO technical assistance and review, where necessary, the ongoing projects to effectively implement all the above-mentioned Committee's recommendations.

The Committee requested the Government to provide a detailed report on the measures taken to implement the above-mentioned recommendations and the results achieved before the deadline of 1 September 2024.

Paraguay (ratification: 1967)

Labour Inspection Convention, 1947 (No. 81)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern various issues relating to the effective functioning of the labour inspection system in the country, including a lack of human and material resources, the instability of employment of labour inspectors, and the absence of means to function effectively and independently through the unrestricted access of labour inspectors to workplaces without prior authorization.

Taking into account the discussion, the Committee requested the Government, in consultation with the social partners, to take effective and time-bound measures to:

- intensify efforts to ensure that: (i) the number of serving labour inspectors is sufficient to enable the efficient and effective functioning of the inspection services, including in areas which are underserved at present; and (ii) labour inspectors are provided with material, operational, financial, administrative and logistical resources necessary for the performance of their duties;
- ensure that all labour inspectors are appointed as public officials on a permanent basis in order to secure their stability of employment and continue to ensure that their salaries and benefits are at least commensurate with the remuneration arrangements in place for other public officials;
- promote the effective functioning of the inspection system by removing the legal and practical constraints that hinder the effective work of labour inspectors, in order to, among other things, ensure that labour inspectors are empowered to make visits without previous notice and without requiring prior authorization from a higher authority, and that they are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in line with the Convention; and
- provide all outstanding information requested by the Committee of Experts.

The Committee requested the Government to submit a detailed report, including the above-mentioned information as well as the measures taken and progress achieved on the implementation of the Convention by 1 September 2024.

The Committee further requested the Government to avail itself of ILO technical assistance to implement the Committee's recommendations and to ensure full compliance with its obligations under the Convention in law and in practice.

Türkiye (ratification: 1952)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the high number of cases of anti-union discrimination in the country and the lack of sufficiently dissuasive sanctions to combat this phenomenon in law and in practice. The Committee noted with concern the significant gaps in law and practice regarding the scope of collective bargaining.

Taking into account the discussion, the Committee called on the Government, in consultation with the social partners, to take appropriate and effective measures to:

- ensure the independent, expeditious and in-depth investigation into the alleged anti-union dismissals under the state of emergency decrees in the framework of procedures presenting all the guarantees of due process;
- adopt effective and dissuasive sanctions against anti-union discrimination, including anti-union dismissals, in both the public and private sectors, and ensure that workers who have suffered such prejudice are entitled to appropriate remedies (including reinstatement, financial compensation, etc.);
- engage in a comprehensive review of judicial and non-judicial mechanisms for the effective and timely investigation and redress of cases of anti-union discrimination;
- establish a robust system for collecting data on anti-union discrimination in both the public and private sectors;
- prevent interference in legitimate trade union activities and use of violence against trade union members and workers;
- amend section 34 of Act No. 6356 with a view to enabling parties in the private sector wishing to engage in cross-sector regional or national agreements to do so;
- ensure that minority trade unions are able to exercise their rights protected under the Convention;
- ensure that court proceedings on the legal validity of trade union majority certificates are concluded within a reasonable time;
- amend section 28 of Act No. 4688 with a view to removing restrictions on the material scope of collective bargaining in the public sector and to ensure that the parties concerned can autonomously decide the subjects for negotiation;

- amend existing legislation to ensure that prison staff, locum workers and public servants without a written contract can effectively exercise their right to organize and bargain collectively under the Convention;
- provide efficient and rapid remedies against the dismissal of trade union members based on state of emergency powers;
- review the method of appointment of members of the public employee arbitration board so as to ensure its independence and impartiality;
- elaborate and implement awareness-raising campaigns and programmes to educate the police and security forces, the judiciary and the administration on trade union rights; and
- provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Cambodia (ratification: 1999)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed. The Committee also noted the conclusions and recommendations of the ILO direct contacts mission to Cambodia, which took place from 28 March 2022 to 1 April 2022.

The Committee noted the long-standing nature of this case in the Committee and deeply regretted the lack of timely reporting by the Government on the application of the Convention to the Committee of Experts. Taking into account the discussion, the Committee urged the Government of Cambodia to:

- take all necessary measures to prevent the arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity;
- conclude the ongoing investigations into the murders of trade union leaders Chea Vichea and Ros Sovannareth (in 2004) and Hy Vuthy (in 2007) and expedite the investigations of all other allegations of violence perpetrated against trade unionists;
- review the list of pending cases related to the January 2014 demonstrations with the trade unions concerned;
- ensure that no criminal charges or sanctions are imposed in relation to the peaceful exercise of trade union activities and that trade unionists detained for undertaking legitimate trade union activity are immediately released;
- develop guidelines and provide regular and systematic training to all relevant public officers with a view to ensuring that legitimate trade union activity is not suppressed;
- take further appropriate measures to facilitate registration of trade unions through a simple, objective and transparent process;

- promote the effective enjoyment of the rights under the Convention by civil servants, including public sector teachers, and by domestic workers and workers in the informal economy;
- amend sections 17 and 27 of the LTU, so that audits to the financial statements and activity reports are only required if there are serious grounds for believing that the actions of an organization are contrary to its rules or to the law;
- amend the relevant provisions of the LTU to ensure that workers' or employers' organizations can only be dissolved on the basis of the procedures laid down by their statutes, or by a court ruling, and that the determination of the procedures for dissolution by members is left to the trade unions' or employers' associations own rules and by-laws;
- take appropriate measures to ensure that all trade unions have the right to represent their members in collective disputes in grievance proceedings at the enterprise level and the ministerial level, as well as before the Arbitration Council; and
- increase efforts to make the Arbitration Council an effective and sustainable institution in handling labour disputes.

The Committee called on the Government of Cambodia to provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Committee also requested the Government to fully implement the road map and simplify its progress report, in full consultation with the social partners and with the support of the ILO.

The Committee noted the willingness of the Government to cooperate with the ILO and invited it to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Nicaragua (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the persistent climate of intimidation and harassment of independent workers' and employers' organizations.

The Committee noted with deep concern the allegations of the arrest and detention of employer leaders since last year and the further deterioration of the situation.

The Committee also noted with deep concern the absence of any progress and cooperation on the part of the Government since last year's discussion.

Taking into account the discussion, the Committee urged the Government, in the strongest terms, to:

- ensure that workers and employers can establish their own organizations and operate without interference and in that regard ensure that, the Higher Council for Private

Enterprise of Nicaragua (COSEP) is able to operate again without previous authorization in line with article 2 of the Convention;

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate activities of trade unions and employers' organizations, and adopt measures to ensure that such acts are not repeated;
- ensure that representatives of employers' organizations who have been deprived of the Nicaraguan nationality have it restored without delay;
- take all measures to ensure that there is a climate free of fear and intimidation regarding the exercise of freedom of association rights;
- immediately release any employer or trade union member who may be imprisoned in connection with the exercise of the legitimate activities of their organizations and report on all the measures adopted to ensure compliance with such request;
- restore social dialogue with its independent social partners without further delay including the establishment of a tripartite dialogue round table under the auspices of the ILO, as recommended by the Conference Committee in 2022 and 2023; and
- provide information on all the measures adopted to ensure that effect is given to each of the recommendations made by the Conference Committee and on any progress achieved in the implementation of these measures.

The Committee urged the Government to fully respect the conclusions of the Committee on this matter and to avail itself of the technical assistance of the ILO to ensure full compliance with them.

Colombia (ratification: 1989)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with satisfaction the Government's indication that it continues to develop, periodically review and implement a national policy on vocational rehabilitation and employment of persons with disabilities based on the principles of equality of opportunity and treatment and non-discrimination.

Taking the discussion into account, the Committee requested the Government to:

- continue to ensure that social partners, persons with disabilities and representative organizations of persons with disabilities are consulted and their views are fully considered in the design, implementation and review of labour market policies and regulations, in line with the Convention;
- redouble its efforts, in collaboration with the social partners to continue to applying the Convention in law and practice.

The Committee requested the Government to submit a report to the Committee of Experts in accordance with the regular reporting cycle on these measures.

Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2023.

The Committee deplored the new allegations of murders of trade unionists and anti-union violence, including red-tagging, since its previous discussion, as well as a lack of effective and expeditious investigations into these allegations.

The Committee noted with deep concern the ongoing, serious and systemic violations of the right to freedom of association in the country.

The Committee regretted that the social partners were not consulted in the drafting of EO23.

Taking the discussion into account, the Committee requested the Government, in consultation with the social partners, to:

- take immediate and effective measures, in line with previous recommendations of the Committee and the ILO High-Level Tripartite Mission to put an immediate end to any violation of freedom of association, including threats and harassment, surveillance, arbitrary arrest and detention, and extra-judicial killings, against union members for the legitimate exercise of their rights under the Convention;
- undertake, without delay, effective and independent investigations into the new allegations of violence against members of workers' organizations and expedite those that are pending with regard to all allegations reported since 2015;
- take measures to ensure the effective prevention of any violence perpetuated in connection with the exercise of workers' and employers' organizations legitimate activities and ensure that such organizations can exercise their activities within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;
- address as a matter of urgency all concerns relating to the status and content of the road map with the social partners and ensure their full participation in its monitoring and implementation;
- ensure the effective functioning of the monitoring bodies and provide regular information to the Committee of Experts in this regard;
- continue to promote comprehensive training activities, with a solid focus on freedom of association and collective bargaining, among government agencies with the help of ILO technical assistance;
- ensure that the Anti-Terrorism Act is not implemented so as to restrict legitimate union activities and related civil liberties contrary to the Convention;
- ensure that the following legislative matters are promptly addressed with a view to bringing national legislation into conformity with the Convention as soon as possible: House Bills Nos 1152 and 4941; and

- ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.

The Committee requested the Government, in consultation with employers' and workers' organizations, to submit a detailed report to the Committee of Experts by 1 September 2024 containing information on the implementation of the above measures and progress made in this regard.

Lao People's Democratic Republic (ratification: 2008)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern, that 16 years after the ratification the Government has yet to take the necessary steps to bring its legislation fully into conformity with the Convention.

Taking the discussion into account, the Committee urged the Government, in consultation with employers' and workers' organizations, to take effective measures to:

- clearly define direct and indirect discrimination in law;
- clearly define, prevent and prohibit sexual harassment in both employment and occupation and ensure that protections and adequate remedies for victims of harassment are provided for in law and practice;
- ensure that the Ministerial Decision on domestic workers is aligned with Convention No. 111 by expressly listing the grounds for prohibited discrimination in accordance with Article 1(1)(a);
- ensure that the prohibitions of discrimination contained in Article 1(1)(a) apply to civil servants and that those protections as contained in the Labour Law and related legislation cover both employment and occupation;
- amend the Labour Law (2014) to expressly prohibit discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention, including sex; and
- provide information on the application in practice of (i) section 83(4) of the Labour Law, which allows a worker to bring an end to the employment contract in the event of sexual harassment; and (ii) section 141(4), which prohibits employers from violating the personal rights of employees, including with respect to cases of sexual harassment.

The Committee requested the Government to provide a detailed report on the measures taken to implement the Convention in law and practice, notably the above-mentioned recommendations, and progress achieved before the deadline of 1 September 2024.

Tunisia (ratification: 1957)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the reports of arrests, accusations, criminal prosecutions and administrative measures taken against trade unionists for carrying out activities protected under the Convention.

Taking into account the discussion, the Committee urged the Government of Tunisia, in consultation with the social partners, to:

- restore an environment conducive to the enjoyment of freedom of association free from intimidations, threats and arbitrary arrests;
- ensure that workers' and employers' organizations are able to organize their administration and activities and to formulate their programmes in full freedom, in accordance with the Convention;
- ensure that representatives of independent international workers' and employers' organizations are allowed to support their affiliates in accordance with Articles 5 and 6 of the Convention;
- ensure that the Labour Code is brought in conformity with the Convention;
- ensure that the determination of representative organizations at sectoral and enterprise level is based on clear, pre-established and objective criteria.

The Committee invited the Government to seek ILO technical assistance, if necessary, in the implementation of the above-mentioned recommendations.

The Committee requested the Government to report to the Committee of Experts on all measures taken and progress achieved in order to implement the Committee's recommendations and on all outstanding information requested by the Committee of Experts before 1 September 2024.

Turkmenistan (ratification: 1997)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While taking due note of the Government's explanations regarding collaboration with the ILO to address the issue of forced labour in cotton harvesting, the Committee deplored the persistence of the widespread use of forced labour in relation to the annual state-sponsored cotton harvest in Turkmenistan.

Taking into account the discussion, the Committee urged the Government, in consultation and cooperation with the social partners, to take all necessary measures to:

- ensure the complete elimination of the use of compulsory labour;
- improve recruitment and working conditions in the cotton sector in line with international labour standards;

- eliminate the compulsory quota system for production and harvesting of cotton and ensure that no one is threatened with punishment for the lack of fulfilment of production quotas in line with the Convention;
- issue clear instructions on the prohibition of the use of forced labour and strengthen labour inspection and law enforcement;
- prosecute and sanction appropriately any public official who participates in the forced mobilization of workers for the cultivation or harvest of cotton;
- ensure that victims of the forced mobilization have access to effective remedies, including measures to prevent future harm;
- ensure that, in line with the Convention, the State of Emergency Act, the Emergency Response Act, the Act on preparation for and carrying out of mobilization in Turkmenistan and article 19 of the Labour Code are not used as a legal basis or pretext for forced labour; and
- promote social dialogue and continue engaging with the ILO and independent employers' and workers' organizations, to ensure the full application of the Convention in practice, including within the framework of the 2024–2025 Road Map and to provide information on concrete measures taken and tangible results achieved in this respect, including within the framework of the 2024–2025 Road Map.

The Committee requested the Government to provide a detailed report to the Committee of Experts on the implementation of the Committee's recommendations by 1 September 2024.

Algeria (ratification: 1962)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While noting the Government's ongoing process to reform the national legislation on the right to organize and collective bargaining, the Committee expressed concern about the numerous allegations of anti-union discrimination and interference. It further noted that the Committee of Experts had asked the Government to report on the implications of the new legislation in 2025.

Taking into account the discussion, the Committee requested the Government to take all necessary measures, in consultation with the social partners, to:

- strengthen cooperation with the independent social partners with a view to overcoming any outstanding challenge posed by the new legislation in order to provide the necessary guarantees for the protection of the right to organize and collective bargaining, in line with the Convention;
- adopt and effectively enforce legislation to strengthen the protection of workers against any forms of anti-union discrimination and acts of interference, including by intensifying the role of labour inspection;
- improve and speed up administrative and judicial procedures to identify and remedy acts of anti-union discrimination;

- ensure sufficiently dissuasive sanctions against anti-union discrimination;
- revise the procedures for registering trade unions in order to reduce the duration of those procedures and ensure that measures to protect union leaders and members against reprisals are effectively implemented during such procedure;
- avoid any act of interference with the functioning of workers' organizations and employers' organizations, including CGEA, to preserve their full autonomy and independence;
- review the relevant sections of Act No. 23-02 with a view to ensuring the right to freely form workers' and employers' organizations to ensure that they set out precise, pre-established and objective criteria for the determination of employers' and workers' organization representativeness and that such criteria are effectively applied and ensure that employers' and workers' organizations are not prevented from receiving financial or other assistance by international workers' and employers' organizations;
- guarantee the right for minority unions to bargain at least on behalf of their own members; and
- guarantee that personal data of employers' and workers' organization members received to assess the continued representativeness of the respective organizations is kept under strict confidentiality so as to discourage any acts of anti-union discrimination.

The Committee requested the Government to provide a detailed report on the implementation of its recommendations and results achieved by 1 September 2024.

Australia (ratification: 1969)

Employment Policy Convention, 1964 (No. 122)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

Taking the discussion into account, the Committee requested the Government, in consultation with employers' and workers' organizations, to continue to develop and implement employment policies in line with the Convention, including those aimed at increasing both the quality and quantity of jobs for women.

The Committee requested the Government to submit a report, including information on its ongoing efforts to support First Nations Peoples in the world of work, to the Committee of Experts in accordance with the regular reporting cycle.

Netherlands – Sint Maarten

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

Taking the discussions into account, the Committee requested the Government to:

- define in meaningful and effective consultation with respective social partners, criteria of representativeness of employers' and workers' organizations that are clear, pre-determined and objective;
- engage in meaningful and effective dialogue with workers' and employers' organizations on all matters affecting their interests or of their members, in full compliance with the Convention, including on the composition of the socio-economic council (SER); and
- take the necessary measures to ensure that workers' and employers' representatives on the SER are only appointed by fully autonomous organizations freely established or chosen by workers and employers and convene the SER without delay.

The Committee requested the Government to provide information on the above measures including all outstanding information requested by the Committee of Experts by 1 September 2024.

El Salvador (ratification: 2006)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the allegations of ongoing violations of the Convention by the Government, including the absence of tangible progress in the investigations into the murders of trade unionists and reported acts of harassment against an employers' organization (ANEP).

The Committee also expressed concern regarding the allegations of interference by the authorities in the appointment of employers' and workers' representatives in public tripartite and joint bodies.

Taking the discussion into account, the Committee urged the Government, in consultation with independent and representative employers' and workers' organizations, to:

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated;
- re-ensure respect for the freedom of workers and employers to constitute the organizations of their choosing, organize their administration and activities and formulate their programme of action without interference from the public authorities;
- expedite and conclude the ongoing investigations into the murders of trade union leaders with a view to establishing the facts, determining culpability and punishing the perpetrators;
- provide detailed information on the content and status of the parliamentary process of the proposed reform to the Penal Code, the consultation processes with social actors that exist in relation to this initiative and the results obtained;

- expedite the processes of registration and issuing credentials to boards of directors to ensure the right of workers' and employers' organizations to form and freely elect their representatives;
- repeal the legal obligation for trade unions to request the renewal of their legal status every 12 months;
- reactivate, without delay, the Higher Labour Council (CST) to ensure the full participation of workers' and employers' organizations in social dialogue and tripartite consultation;
- develop a time-bound road map to implement without delay all recommendations made by the ILO high-level tripartite mission of 2022 and the Committee's previous recommendations relating to the Convention; and
- send information on the institutional change from INSAFORP to INCAF and ensure that it has a tripartite structure.

The Committee requested the Government to submit a detailed report on the implementation of the Convention in law and practice, with regard to all of the above matters, including information on the content and outcome of tripartite consultations, to the Committee of Experts before its next meeting.

Peru (ratification: 1994)

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the persistence of acts of violence and attempts against the life of indigenous persons when defending their rights as well as the situation of impunity that this phenomenon generates.

Taking into account the discussion, the Committee urged the Government to:

- undertake expeditious investigations into the allegations of violence and incitement to violence and ensure that the perpetrators and instigators of the murders of indigenous leaders in Alto Tamaya-Saweto are prosecuted and punished as a matter of utmost urgency;
- take all necessary measures to protect the life, physical safety and psychological well-being of the members of the families of the murdered indigenous leaders without delay;
- take without delay effective measures to prevent violence against indigenous persons and their defenders;
- take steps, in consultation with the most representative employers' and workers' organizations, to identify and address difficulties in the implementation of consultation processes with indigenous peoples, including in relation to the mining sector;
- provide information to the Committee of Experts on:

- measures taken to identify, demarcate and regularize the lands traditionally occupied by the peoples covered by the Convention in the various regions of the country;
- progress on the investigations into the complaints concerning illegal logging and the cases of forced labour linked to the *habilitación* system in the department of Ucayali;
- the activities of the Standing Multisectoral Committee for the Application of the Right to Consultation, explaining the manner in which the aforementioned Committee follows up on agreements and takes action in cases of non-compliance with agreements concluded in the consultation processes;
- how provision is made to secure the cooperation of the indigenous peoples in assessing the social, spiritual, cultural and environmental impact of mining exploration or exploitation projects which may affect their rights;
- the criteria used by the Ministry of Energy and Mining to determine which indigenous peoples must be consulted with regard to a project; and
- the measures taken to inform indigenous peoples regarding the importance of consultation and to promote their participation in these processes.

The Committee urged the Government to avail itself of ILO technical assistance with a view to implementing the above recommendations and giving full implementation to the Convention and to submit a detailed report to the Committee of Experts by 1 September 2024.

Spain (ratification: 1984)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee recalled that tripartite consultation to promote the implementation of international labour standards is of paramount importance.

Taking the discussion into account, the Committee requested the Government to continue to guarantee effective consultation with representative employers' and workers' organizations in the procedures required under the Convention and to provide information on the frequency of those consultations and working methods.

The Committee requested the Government to provide the information requested as well as information on the measures taken to implement the above recommendations in accordance with the regular reporting cycle.

Eswatini (ratification: 1978)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with deep concern the deteriorating state of public order and its negative impact on trade union rights in the country as well as a culture of impunity for the perpetrators of crimes against trade unionists.

Taking into account the discussion, the Committee urged the Government to take effective, urgent and time-bound measures to:

- refrain from the violent treatment, intimidation or harassment, including judicial harassment, of leaders and members of trade unions in the education sector conducting lawful trade union activities, including the Swaziland National Association of Teachers (SNAT) President and Secretary-General Messrs Mbongwa Dlamini and Lot Mduduzi Vilakati;
- release, quash convictions and drop all charges brought against individuals for having exercised lawful trade union activities and ensure the safe return home of all trade unionists living in exile, including the General-Secretary of the Swaziland Transport, Communication and Allied Workers' Union (SWATCAWU), Sticks Nkambule;
- conduct without delay independent investigations into: (i) alleged instances of intimidation, harassment or violence, including the murder of Mr Thulani Maseko and the persecution of Mr Mbongwa Dlamini, with a view to determining culpability and punishing the perpetrators and instigators of these crimes; and (ii) investigate violence and interference by the police in lawful, peaceful and legitimate trade union activities and hold accountable those responsible;
- ensure that employers' and workers' organizations, including the Trade Union Congress of Swaziland (TUCOSWA), the SNAT and the SWATCAWU, are given the autonomy and independence they need to fulfil their mandate and represent their members;
- repeal any administrative orders or legislative provisions that have the effect of prohibiting or restricting the right to freedom of assembly of trade unions and ensure in practice that trade unions fully enjoy the right to hold public meetings as enshrined in the Convention, including by training to police and security forces, municipal councils and the judiciary; and
- address the findings of the Investigation Committee and the national voluntary conciliation and implement the planned sensitization campaign on the Codes of Practice in full consultation with the social partners and with the technical assistance of the ILO.

The Committee requested the Government to submit a detailed report on the measures taken and progress achieved with regard to the above recommendations, including all outstanding information requested by the Committee of Experts by 1 September 2024.

Gambia (ratification: 2000)

Minimum Age Convention, 1973 (No. 138)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern the high incidence of child labour in the country and the numerous gaps remaining in legislation.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures, to:

- effectively introduce, as soon as possible, compulsory schooling up to the minimum age for admission to employment or work of 14 years;
- ensure that a minimum age for admission to apprenticeship of at least 14 years is established by law in both the formal and informal economy and that the types of activities, the number of hours and the conditions under which children under 14 years can carry out light work are introduced in the revision of the Children's Bill and the Labour Bill;
- intensify its efforts to ensure that labour inspectors are adequately trained and resourced to be able to detect cases of child labour;
- ensure that regulations providing for sanctions in case of violation of provisions on the employment of children and young persons are effectively enforced;
- implement strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that lead to or result in the exploitation of children; and
- continue to work with the ILO with a view to bringing legislation and practice in line with the Convention.

The Committee requested the Government to continue to avail itself of ILO technical assistance to ensure full and expedited implementation of the Convention in law and practice.

The Committee further requested the Government to provide a detailed report on the measures taken to implement the above recommendations before 1 September 2024.

Georgia (ratification: 1993)

Equal Remuneration Convention, 1951 (No. 100)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

Taking into account the discussion, the Committee urged the Government to take effective measures, in consultation with the representative employers' and workers' organizations, to:

- amend the Labour Law and the Law on the Public Service in order to give full legislative expression to the principle of "equal remuneration for men and women for work of equal value";
- effectively address the persisting horizontal and vertical segregation prevailing in the country including through targeted vocational training, occupational quotas, incentives and awareness-raising activities;
- regularly review wages in sectors in which women are concentrated;
- implement effective enforcement and detection mechanisms;

- review existing complaint mechanisms so as to ensure that procedures are easily accessible, effective and speedy;
- provide detailed and comprehensive information on its efforts to train and raise public awareness on the principle of the Convention;
- regularly collect and analyse statistical data on the number of men and women employed, disaggregated by economic sector and occupational level; and
- provide the Committee of Experts with any outstanding information it requested.

The Committee invited the Government to avail itself of ILO technical assistance.

Guinea (ratification: 1961)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the deterioration of trade union rights in the country.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures, in consultation with the representative employers' and workers' organizations, to:

- quash the convictions brought against Sekou Jamal Pendessa, Secretary-General of the Guinean Press Professionals' Union (SPPG);
- ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations;
- take necessary measures, including through a review of the relevant provisions of the Criminal Code and of the Act of 23 December 1991 establishing a charter of political parties in order to restrict the scope of these provisions to meet the requirements of Article 1(a) of the Convention; and
- provide information on (i) any convictions handed down under the above-mentioned provisions, including the alleged acts giving rise to the convictions and the penalties imposed; and (ii) specific penalties imposed for violating the prohibition on demonstrations on public thoroughfares.

The Committee invited the Government to avail itself of ILO technical assistance to address the issues identified and to report the requested information by 1 September 2024.

Japan (ratification: 1965)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2018.

Taking into account the discussion, the Committee requested the Government, to consider, in line with the Convention and in consultation with employers' and workers' organizations:

- further improvements of the status and labour conditions of firefighters;
- what categories of prison officers are considered part of the police, thus exempted from the right to organize, and those categories that are not considered part of the police, and having the right to organize;
- with regard to public service employees:
 - ensure that the National Personnel Authority (NPA) procedures guarantee effective, impartial and speedy conciliation and arbitration procedures;
 - continue to examine carefully the autonomous labour-employer relations system and seek solution to the various obstacles to it, in line with the Convention; and
- review the Local Public Service Act and any other related legislation to ensure that local public sector workers enjoy the rights and guarantees set out in the Convention.

The Committee requested the Government to submit a report to the Committee of Experts on progress achieved on all of the above matters by 1 September 2024.

Ecuador (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2022. In this context, it expressed concern that the Government has so far not accepted a direct contacts mission or availed itself of ILO technical assistance, as previously requested by the Committee.

The Committee deplored the failure of the Government to register a tripartite delegation to the Conference and noted with concern the general anti-trade union climate prevailing in country which is not conducive to the free exercise and full enjoyment of the rights and freedoms set out in the Convention.

Taking into account the discussion, the Committee urged the Government of Ecuador to take effective and urgent measures to:

- immediately and effectively take the necessary steps to determine culpability and punish the perpetrators of the murder of Mr Sandro Arteaga Quiroz;
- prevent violence in relation to the exercise of trade unions' legitimate activities;
- ensure that trade unionists are able to exercise their activities in a climate free from violence, harassment and intimidation, and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;

- ensure that all workers, without distinction whatsoever, including self-employed and informal workers, have the right to establish and join trade unions of their own choosing in law and practice;
- amend, in full consultation with the social partners, the following legal provisions in order to bring them into line with the Convention:
 - sections 443, 449, 452 and 459 of the Labour Code which require an excessive number of workers for the establishment of workers' associations and limit the possibility of creating trade unions by branch of activity;
 - section 10(c) of Ministerial Decision No. 0130 of 2013 on compulsory time limits for convening trade union elections;
 - section 459(4) of the Labour Code which requires Ecuadorian nationality to be eligible for trade union office;
 - section 459(3) of the Labour Code which allows the role of an enterprise committee to be filled by any worker, whether or not trade union member;
 - section 11 of the Basic Reform Act which excludes certain categories of public workers from the right to form and join trade unions;
 - provisions of the Basic Reform Act which grant privileges to majority committees of public servants and deprives all other organizations of the possibility to defend the interests of their members; and
 - decree No. 193 which allows for administrative dissolution of public servants' unions;
- take all possible measures to register the National Federation of Education Workers (UNE) without delay.

The Committee requested the Government to provide information on progress made and results achieved on all of the above points to the Committee of Experts by 1 September 2024.

The Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Kazakhstan (ratification: 2001)

Labour Inspection Convention, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern various issues relating to the effective functioning of the labour inspection system in the country due to numerous restrictions to the powers of labour inspectors such as prior authorizations needed to conduct an inspection, limitations on the number of inspections to be conducted, limitations to the measures labour inspectors can take when confronted with hazardous working conditions and limitations to the scope of the inspections.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures to:

- recruit a sufficient number of labour inspectors and provide them with sufficient material, financial and operational resources in order to ensure the proper functioning of the labour inspectorate;
- strengthen the role of labour inspection by transferring them to the subordination of the central executive body as recommended by ILO experts in 2018;
- ensure that labour inspectors can carry out labour inspections as often and as carefully as is necessary to ensure the effective application of legal provisions, in line with the Conventions;
- amend sections 144(3) and (4), 156(2), 144(13), 144-1, 144-2, 145, 146, 143(3) and 151 of the Entrepreneur Code in order to ensure that labour inspectors are empowered to make visits to workplaces without previous notice, and to carry out any examination, test or enquiry which they may consider necessary;
- indicate whether inspectors are now empowered to undertake inspection visits at any time of the day and night following the repealing of section 197 of the Labour Code and section 147(2) of the Entrepreneur Code, in line with the Convention;
- amend section 141 of the Entrepreneur Code in order to ensure that labour inspectors are able to undertake labour inspections as is necessary to ensure the effective application in line with the Conventions;
- revise section 50(12) of the Law on Civil Service and sections 151 and 156 of the Entrepreneur Code in order to ensure that investigations carried out by labour inspectors are not limited in scope or invalidated, and that no penalties are imposed on labour inspectors authorized by law;
- amend sections 136, 144-1 and 144-2 of the Entrepreneur Code to ensure that labour inspectors are empowered to take measures with immediate executory force and are able to initiate legal proceedings without previous warning, where required;
- ensure that labour inspectors do not encounter undue obstruction while performing their duties, including by amending section 12 of the Entrepreneur Code; and
- ensure the establishment and publication of an annual report on the work of the inspection services containing all the subjects listed under Article 21 of Convention No. 81 and Article 27 of Convention No. 129 and to transmit it to the ILO.

The Committee requested the Government to report to the Committee of Experts by 1 September 2024 on the measures taken to implement the Committee's recommendations and to provide all outstanding information requested by the Committee of Experts.

Mexico (ratification: 1952)

Equal Remuneration Convention, 1951 (No. 100)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

While welcoming the legislative proposals by the Government to comply with the Convention, the Committee noted that these reforms still require a thorough assessment to ensure full compliance with the Convention.

Taking into account the discussion, the Committee called upon the Government, in consultation with employers' and workers' organizations, to:

- conduct an in-depth study on employment and wages in the country, including wage disparities, by taking into account factors such as skills, responsibilities, tasks and working conditions, irrespective of job title and free from any gender stereotypes;
- give full legislative expression to the principle of equal remuneration for "work of equal value" as enshrined in the Convention;
- promote and implement effective detection and enforcement mechanisms to ensure that the principle of equal remuneration for men and women for work of equal value is applied in practice; and
- collect statistical information to analyse in greater depth compliance with the Convention in practice and the pay gap between men and women.

The Committee invited the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and in practice.

G. Adoption of the report and closing remarks

188. The Committee's report was adopted, as amended.
189. **Worker members:** The adoption of the General Report marks the culmination of our Committee's work. Throughout our work, we have had frank and intense, but constructive discussions. The conclusions that we have adopted for the General Survey and the individual cases are evidence of this. We also hope to come back to certain subjects that we had the opportunity to address during our exchanges.
190. The Worker members always appreciate their exchanges with the Committee of Experts but, as we have become accustomed to pointing out, this cannot become a forum for putting the Committee of Experts on the spot. A constructive dialogue among the supervisory bodies must adhere to certain conditions. Those conditions include, firstly, respect for the independence and autonomy of each of the bodies. The Committee of Experts is free to choose the forms of dialogue it engages in with governments, as long as it remains within the framework of its mandate. The Worker members note that this is indeed the case.
191. In addition, we must emphasize the specificities of the Committee of Experts and of our Committee. The aim of our Committee is to draw conclusions from the observations made by the Committee of Experts. It engages in a discussion of a political nature before arriving at consensual conclusions. These exchanges can, depending on the circumstances, reflect convergent but also sometimes divergent views. This is why the work of the Committee of Experts is essential to our work. It enables us to have a technical and objective analysis that constitutes an essential reference point for our discussions.
192. We also note that some have criticized the Committee of Experts for having taken too much liberty when making general comments on certain issues such as compliance with standards in supply chains. We think, on the contrary, that it is the role of the Committee of Experts to draw attention to the subjects that it considers worthy of interest. It is very useful for the constituents to have an overview of certain subjects that the Committee of Experts comes across time and again in the implementation of its mandate.
193. The Employer members have also suggested that the Committee of Experts refrains from issuing certain interpretations. While the interpretations of the Committee of Experts are

generally accepted, as soon as they run counter to the views of the Employer members, the latter request the Committee of Experts to review their assessments. This is a flagrant contradiction. The credibility of the supervisory system cannot tolerate this kind of ambiguity.

194. We now return to our discussion on sustainable enterprises. The Worker members wish to reaffirm that enterprises are an important means of promoting decent work. It follows that, like any means, they must serve a purpose and not claim to be placed on an equal footing with the aim pursued. The ILO's overall objective is the protection of workers' rights and the improvement of their quality of life. The Worker members do not hold this conviction based on what one or another supervisory body may say. It originates simply from the mandate of this Organization and the content of the standards formulated within it. Demanding the Committee of Experts to attend additionally to the needs of enterprises amounts to asking it to step into the unknown. It is also to ask it to perform a task that is not part of its work, as these aspects are potentially considered when the standard is adopted and not when it is being supervised. The Committee of Experts' mission is not to please or satisfy one of its constituents. Nor does it make pledges with one group or the other but must continue to perform its task conscientiously and impartially.
195. These discussions must not prevent us from seeing the points on which there is broad consensus in our Committee. The Worker members have noted with much satisfaction, for example, the statements of the Employer members regarding their attachment to freedom of association. The autonomy and independence of the organizations representing employers and workers are the cornerstone of tripartism. In her statement before our Committee, the representative of the Committee of Experts said no different, emphasizing the fundamental importance of this freedom. We have the responsibility of building on this common understanding. More generally, we wish to recall the proposal we made during the general discussion. It would be helpful if our next exchanges with the Committee of Experts were based on the themes that give rise to consensus between our respective committees and if we together examined ways to follow up on our common understanding. Lastly, we thank the Office for its response regarding our proposal to give more visibility to the follow-up work on the conclusions and stand ready to continue the dialogue in this regard. This is a new domain which allows us to see our work from another perspective.
196. We could not conclude our statement without expressing some thanks. The Worker members, express sincere thanks to: the Chair of our Committee who led the work with care; the Reporter for his conscientious work; the entire Secretariat for its immense contribution, most especially the representative of the Secretary-General, Ms Corinne Vargha and her deputies Ms Karen Curtis and Mr Horacio Guido; the interpreters and organizers; the delegates who contributed to our discussions, for their input; and my Employer partner, Mr Moyane, who, despite the difficulties, held out his hand for dialogue. We thank of course also the members of our group, for their active participation and solidarity, in particular those who took the role of spokesperson during the examination of certain cases. We would like to mention: Paola, Marta, Nina, Mikyung, Tjalling, Stephen, Clare, Alejandra, Amal and Jocelyne. Finally, we thank all direct collaborators in the International Trade Union Confederation (ITUC) and the ILO Bureau for Workers' Activities (ACTRAV) for their support.
197. **Employer members.** The Employer members endorse the report of the Committee and recommend its adoption. We are pleased that the Committee was able to successfully conclude its work on time, thanks to the discipline and cooperation of all delegates. In particular, we thank our Chairperson for the effective time management of our work. The Committee once again demonstrated its ability to conduct a results-oriented tripartite dialogue and adopt conclusions in all the cases discussed. Regarding the discussion of 24 individual cases and the

special sitting, the Employer members were pleased to note that the majority of governments constructively engaged in the process and expressed commitment to engaging with the Office with a view to addressing the compliance issues discussed in the Committee.

198. At the outset, the Employer members would like to come back to a point stressed at the beginning of the Committee's session regarding cases on Convention No. 87. We firmly believe that, in order to respect and protect the integrity of the proceedings before the International Court of Justice, the Committee of Experts should have suspended its recommendations regarding the right to strike so that this topic could have been excluded from our discussions. We regret that this was not the case.
199. Furthermore, once again we call on the Committee of Experts to adequately take into consideration the needs of sustainable enterprises in its compliance assessments in order to ensure balance in, and acceptance of, its recommendations. This important element, highlighted in the ILO Centenary Declaration, must be duly recognized in ILO's standards promotion, application and supervision. The persistent view expressed by some members of this house that the ILO only exists to protect workers is unfortunate. There can be no rights of workers to protect in the absence of sustainable enterprises to create jobs for them.
200. We would like to take this opportunity to encourage the Committee members, the Committee of Experts and the Office to continue to cooperate with a view to increasing the transparency, efficiency, balance, relevance and tripartite governance of the ILO standards supervisory system in good faith and in a constructive manner. We highlight a few proposals in this regard.
201. First, transparency: regarding the determination of double footnoted cases, the Employer members would appreciate more transparency on the criteria followed in each case by the Committee of Experts in order to come to such determination. In particular, we would like the Committee of Experts to elaborate further on the reasons why a case has been double-footnoted and to include such reasoning in its General Report. While this would allow more transparency, it would also ensure that objective criteria are faithfully respected and applied consistently. The list should be balanced between fundamental/technical conventions, geographical representation and level of development of the country.
202. Second, cases of progress: Regarding the list of cases, the Employer members wish to stress once again the importance of including cases of progress alongside those on violations of Conventions. Unfortunately, this session did not include any individual case of progress. We believe the final list of cases should not become or be perceived as a "blacklist" where Governments fear to appear. This is not in line with the logic of this Committee's work. As we have already stressed at the outset of this session, the Committee is not a tribunal where Governments are condemned for their lack of compliance with Conventions and the obligations they contain, but rather a forum for engaging in a constructive tripartite dialogue with a view to identifying the best way forward towards fulfilling the commitments Governments have taken up by ratifying ILO Conventions. We are of the view that giving more attention to cases of progress would provide an important opportunity for the Committee to showcase good practice by ILO member States in the application of international labour standards and to commend, on a tripartite basis, Governments' successful efforts to improve their compliance with ratified Conventions. This point is particularly important to the Employer members, and we are in favour of including and even increasing the share of cases of progress among the shortlisted cases.
203. Third, concerning the discussion of individual cases we would like to stress two points: (i) the Employer members note with regret that during the discussion, there were several accusatory remarks noting certain cases as "Employers' cases" or "Workers' cases". We wish to make it

clear that these remarks are unhelpful for our discussion and should be avoided in the future. The final list is supported by the consensus reached between Worker and Employer members, as it represents the outcome of negotiations between them. The reason that a case is discussed in the session is because both groups consider that it merits a tripartite discussion; (ii) the Employer members observe that several interventions during the discussion of individual cases, notably on the part of certain non-governmental organisations, were outside the scope of the topics and issues of the case. Given the limited time available during the two weeks of the Committee to discuss 24 cases, we consider it essential to keep the discussion focused on the matters at stake in each case, while avoiding discussions on unrelated issues.

- 204.** On the credibility of the Committee's work and ILO standards: we believe that our conclusions should fairly reflect the seriousness of the cases examined. This is a point on which the Worker and Employer members must continue to collaborate in order to refine it further. This is important for the credibility of our Committee and the impact we seek to make through it. In addition, we recall the 2015 Joint Statement of Workers' and Employers' Groups, according to which the Committee "should adopt short, clear and straight forward conclusions. What is expected from governments to better apply ratified Conventions should be clear and unambiguous. Conclusions could also reflect concrete steps agreed with the governments to address compliance issues. The conclusions should reflect consensus recommendations. Where there is no consensus there will be no conclusions. Divergent views can be reflected in the [Committee's] record of proceedings." In this regard, any long commentary and mere repetition of the Committee of Experts' observations should be avoided while the focus should remain on the concrete actions expected from the Government concerned.
- 205.** On the follow-up to the Committee's conclusions: we would like to place emphasis on the importance of the follow-up to the Committee's conclusions. These represent tripartite consensus on compliance issues and thus define, and limit, the mandate of related Office technical assistance and follow-up missions. In this spirit, specialists from the Bureau for Employers' Activities (ACT/EMP) and Bureau for Workers' Activities (ACTRAV) should be systematically involved in such follow-up action to assist employers' and workers' organizations from the respective countries in contributing to the resolution of compliance issues in a way that takes their needs into account. Reports on technical assistance provided and missions undertaken should be made available online within a reasonable period.
- 206.** On the role of the Office: the key role that the Office plays in helping countries better comply with their standards-related obligations cannot be stressed enough. We trust that this will continue to be done in a balanced and realistic manner, in consultation with the International Organisation of Employers (IOE) and ITUC as the Employers' and Workers' secretariats.
- 207.** We firmly believe these proposals could further improve the relevance and acceptance of regular ILO standards supervision. We look forward to discussing these proposals in more detail at the next informal consultations on the Committee's working methods. In conclusion, the Employer members note with satisfaction the overall constructive operation of this year's session. Discussions were held respecting time limits in most cases, consensus was reached wherever possible, and disagreements, where they existed, were respectfully highlighted.
- 208.** We would like to conclude with words of thanks and appreciation to the International Labour Standards Department for facilitating this session. Also, a special thanks goes to our Chairperson for the fair, parliamentary running of the Committee's meetings this year and very effective time management. We would also like to thank the Employer members, especially Paul Noll, Annick Hellebuyck, Fernando Yllanes, Paul Mackay, Laura Gimenez, Guido Ricci, Michael Congiu, Juliana Manrique, Jackie VanDerMeulen and Tala Khoury for their support and

assistance in preparing and presenting our perspective on individual cases and the General Survey. We are grateful for the invaluable support of Rita Yip, Altea Rossi and Emilie Villet from IOE, and Christian Hess, Maria Angeles Palmi Reig and Andres Yuren from ACT/EMP. Last but not least, we thank the Worker Vice-Chairperson Marc Leemans and his team, and the government representatives that participated actively in the Committee to ensure that our discussions were constructive and productive.

209. Government, Belgium speaking on behalf of the European Union and its Member States:

The candidate countries North Macedonia, Montenegro and Bosnia and Herzegovina, and the EFTA country Iceland, member of the EEA, align themselves with this statement. We would like to start by warmly thanking the Chairperson of the Committee for his efficient leading of the discussions and his very good time management. We also extend our warm thanks to the Vice-Chairpersons and the Reporter for their constructive spirit, contributions and efficiency. We also thank the Office for its dedicated support and guidance throughout the sittings.

- 210.** We welcome the discussions and the constituents' positive approach and engagement in the process. However, we very much regret that not all decisions could be adopted by consensus this year, thus going against the long-established practice of our Committee. Nevertheless, we are pleased to have reached concrete conclusions, which will provide guidance on the way forward to effectively implement international labour standards, in law and practice.
- 211.** We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective, independent and authoritative supervision of their implementation. We share the view that human rights and international labour standards, are fundamental for relations between peoples and nations.
- 212.** The Committee is a crucial pillar of the ILO supervisory system and embodies the core values of the ILO based on social dialogue and tripartism. It enables all constituents to discuss the implementation of ILO Conventions in a constructive, respectful and tripartite manner.
- 213.** We highly appreciate the analysis and expertise of the Committee of Experts, which provides a solid basis for the work of our Committee. We value and put our trust in the guidance provided by the Committee of Experts, which helps to implement international labour standards. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts. We are very pleased that the Committee of Experts continues to deepen its cooperation with the United Nations Human Rights Treaty Bodies to enhance the effective fulfilment of human rights, including labour rights. "Realizing labour rights as human rights" is one of the priorities of the Global Coalition for Social Justice, an initiative strongly supported by the EU and its Member States. Through the EU Action Plan on Human Rights and Democracy, we also put increased emphasis on human rights, including labour rights.
- 214.** We attach great value to the General Survey of the Committee of Experts. It helps us to analyse difficulties in the application of standards and identify means to overcome them. Labour administration and inspection systems have faced great challenges during recent economic crises and the COVID-19 pandemic and we welcome this year's timely General Survey on the matter and its recommendations for improvement.
- 215.** We welcome the fact that the Committee's conclusions are more action-oriented. They provide guidance to the constituents and foster the commitment of ILO Member States. We encourage Member States to comply with the conclusions to the greatest extent possible, where appropriate with the support of the ILO's technical assistance, which may also entail missions. We will continue to fully support and reinforce the ILO's supervisory system. We remain convinced that it is one of the most extensive and valuable elements of the multilateral rules-

based order. We are looking forward to constructive engagement with the ILO Office and the tripartite constituents in the follow-up to the conclusions of the Committee.

- 216. Chairperson:** Before concluding the official business of our Committee, let me share some personal reflections on the incredible journey we have undertaken together. When we embarked on our mission on Monday, 3 June, we faced a landscape filled with complex challenges in various regions globally. On that day, when we set the sail, I realised that the course would not always be smooth and that we would have to navigate through the sometimes challenging waters of the divergent viewpoints.
- 217.** The task we are concluding today, and which we have been tirelessly – and I mean tirelessly – carrying out for the last ten days, is an important opportunity to remind us, once again, about the objective which has given meaning to our actions. Some of our discussions might have been of a rather technical nature but the objective leading our discussions has always been the same. Our journey together has underscored the uniqueness and critical importance of the ILO's supervisory system and this Committee as part of it, in mobilizing and helping Member States to meet their international obligations in order to improve the working lives of ordinary people around the world. The example of my own country which I shared with you during my opening statement two weeks ago clearly illustrates it.
- 218.** As we are all aware, the unique tripartite structure of the ILO was founded on social dialogue. Therefore, I regret that despite the well-established practice of this Committee to take decisions by consensus, as well as protracted attempts of the Vice-Chairpersons and myself to seek convergence or flexibility, not all conclusions could be adopted by consensus. Notwithstanding this, I welcome the fact that this year's conclusions are again action-oriented, ambitious and achievable. One of the great pleasures of performing this role was understanding in depth the ILO and its tripartite structure. I have had an opportunity to get to know a lot of other constituents, Workers and Employers, as well as my fellow Government delegates from different regions. I would describe this special ILO surrounding as a family, where family members may have different visions or opinions but they commit to work hard together and support each other. I will take this experience with me for the rest of my career.
- 219.** Each of you has played a vital role as a member of this crew. Therefore, before bringing our work to a close, I would like to express my gratitude to all the distinguished members of the Committee for your constructive and engaged participation in its work. Special thanks to the Government group for nominating me as a captain on this journey and for supporting me throughout. My sincere appreciation must go to the Vice-Chairpersons, Mr Marc Leemans, from the Worker members, and Mr Kaizer Moyane from the Employer members, for your energy and professionalism in performing your work. I extend my thanks to those who acted as spokespersons of their groups for their constructive spirit and contributions. Thank you for speaking on behalf of those who cannot make themselves heard. Allow me also to thank Mr Abdelkrim Siyoucef, the Reporter of this Committee for his assistance and warm support during all the sittings.
- 220.** Gratitude and special appreciation must be extended to the interpreters and translators for making it possible for us to understand each other, as well as to the technical support here in this room and also on the sixth floor. They have been the anchor keeping our boat steady. Thank you for all your hard work behind the scenes. I would like to thank my own delegation for its unwavering support and covering a lot of work during this International Labour Conference, so that I could fully dedicate myself to steering this Committee. My special thanks go to Ms Joanna Žeber, last year's Reporter of the Committee and *spiritus movens* of this chairmanship. Her support and advice were invaluable for me. Finally, in this voyage, the

International Labour Office, in particular the International Labour Standards Department, has been our lighthouse. I would like to express particular gratitude for the work of the Office for its immense support and guidance throughout these two weeks, and well before the beginning of the work of our Committee. I would like to assure you – and now I have experienced it personally during the work of our Committee – that the International Labour Standards Department, Ms Rosinda Silva and Mr Carlos Magalhaes under the skilled leadership of the Director, Corinne Vargha, places all its expertise at the service of this Committee, so that it may play its pivotal role within the ILO's constitutional framework.

- 221.** I am filled with a deep sense of pride and accomplishment for what we have achieved. I hope that this activity, all your efforts and all your work, continues to serve the dignity of human labour and the authentic progress of humanity. Together, we have navigated challenging waters and reached a meaningful destination.

Geneva, 13 June 2024

(Signed) Mr Łukasz Różycki
Chairperson

Mr Abdelkrim Siyoucef
Reporter

Annex I

International Labour Conference
112th Session, Geneva, 2024

► CAN/D.1

Committee on the Application of Standards

Date: 3 May 2024



Work of the Committee

I. Work of the Committee

1. This document sets out the manner in which the work of the Committee on the Application of Standards (the Committee) is carried out. It is submitted to the Committee for adoption when it begins its work at each session of the Conference.¹ This document reflects the results of the discussions and informal tripartite consultations that have taken place, since 2002, on the working methods of the Committee, including on the following issues: the elaboration of the list of individual cases to be discussed by the Committee; the preparation and adoption of the conclusions relating to these individual cases; time management; and respect for parliamentary rules of decorum.
2. This document takes into account the outcome of the last informal tripartite consultations on the working methods of the Committee, held on 25 March 2024. These consultations confirmed the decisions taken in 2023 to reintroduce some of the adjustments that had been put in place to address the special circumstances in the context of the COVID-19 pandemic and that were considered to contribute to the ongoing smooth functioning of the Committee's work.

II. Terms of reference and composition of the Committee, voting procedure and report to the Conference

3. Under its terms of reference as defined in article 10, paragraph 1, the Conference shall establish a Committee on the Application of Standards to consider:
 - (a) compliance by Members with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution;

¹ Since 2010, the document is appended to the General Report of the Committee.

- (b) individual cases relating to the measures taken by Members to give effect to the Conventions to which they are parties;
 - (c) the law and practice of Members with regard to selected Conventions to which they are not parties and Recommendations, as chosen by the Governing Body (general survey).
4. In accordance with article 10, paragraph 2, of the Standing Orders, the Committee shall also consider reports transmitted by the Governing Body to the Conference for the Committee's consideration.
 5. In accordance with article 10, paragraph 3, of the Standing Orders, no resolutions may be submitted under article 41 to the Committee on the Application of Standards.
 6. In accordance with article 10, paragraph 4, of the Standing Orders, the Committee shall submit a report to the Conference. Since 2007, in response to the wishes expressed by ILO constituents, the report of the Committee has been published both in the record of proceedings of the Conference and as a separate publication, to improve the visibility of the Committee's work.
 7. Questions related to the composition of the Committee, the right to participate in its work and the voting procedure are regulated by Part 4 of the Standing Orders of the Conference.
 8. Each year, the Committee elects its Officers: its Chairperson and Vice-Chairpersons, as well as its Reporter.

III. Working documents

A. Report of the Committee of Experts

9. The basic working document of the Committee is the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (Parts A and B)), printed in two volumes.
10. Report III (Part A) contains, in Part One, the General Report of the Committee of Experts, and in Part Two, the observations of the Committee of Experts concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in Member States. At the beginning of the report there is an index of comments by Convention and by country. In addition to the observations contained in its report, the Committee of Experts has, as in previous years, made direct requests which are communicated to governments by the Office on the Committee's behalf.²
11. Report III (Part B) contains the General Survey prepared by the Committee of Experts on a group of Conventions and Recommendations decided upon by the Governing Body.

B. Summaries of reports

12. At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification of the arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under articles

² See [para. 102](#) of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), International Labour Conference, 112th Session, 2024. A list of direct requests can be found in Appendix VII of the Report.

19, 22 and 35 of the Constitution.³ Requests for consultation or copies of reports may be addressed to the secretariat of the Committee.

C. Other information

13. During the course of the work of the Committee, the secretariat prepares documents (which are referred to, and referenced, as “D documents”) which are made available⁴ through the [web page](#) of the Committee and relate to:
 - (a) information on reports and other information which have reached the International Labour Office since the last meeting of the Committee of Experts; based on this information, the list of governments which are invited to supply information to the Conference Committee due to serious failure to respect their reporting and other standards-related obligations is drawn up;⁵
 - (b) written information supplied by governments to the Conference Committee in reply to the observations made by the Committee of Experts, when these governments are on the preliminary list of cases or on the list of individual cases adopted by the Conference Committee;⁶
 - (c) written information supplied by governments that have been requested to supply information on cases of serious failure to respect reporting or other standards-related obligations for the stated periods;⁷
 - (d) written information supplied by delegates for the general discussion.⁸

IV. General discussion

14. In accordance with its usual practice, the Committee begins its work with the consideration of its working methods on the basis of this document. The Committee then holds a discussion on general aspects of the application of Conventions and Recommendations and the discharge by Member States of standards-related obligations under the ILO Constitution, which is primarily based on the General Report of the Committee of Experts.
15. During the informal tripartite consultations of March 2024, it was decided to continue the practice to allow the possibility for delegates to submit written information. Information received prior to the relevant sitting will be published as early as possible, to the extent possible translated into three languages, and included in the Committee’s final report⁹. It was also decided that in order to provide guidance to the speakers, speaking time limits could be suggested and that the speaking time limits for the discussion of the General Survey could be used as a basis.
16. The Committee will also hold a discussion on the General Survey, entitled *Labour administration in a changing world of work*. The General Survey concerns the Labour Administration

³ See report of the Committee of Experts, Report III (Part A), Appendices I, II, IV, V and VI; and Report III (Part B), Appendix II.

⁴ D documents will only be made available online on the Committee’s dedicated web page.

⁵ See below Part V.

⁶ See below Part VI (supply of information).

⁷ See below Part V.

⁸ See below Part IV.

⁹ The Committee’s report will distinguish between written information and information shared orally.

Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158).¹⁰

17. The informal tripartite consultations of March 2024 have confirmed the total time for the discussion of the General Survey, which should be a maximum of four hours, as well as the increase in speaking times for the initial remarks of the Employer and Worker spokespersons, and also for the Governmental groups.¹¹

V. Cases of serious failure by Member States to respect their reporting and other standards-related obligations

18. Governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods. These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information or reports before the sitting will not be called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.
19. The informal tripartite consultations of March 2024 have maintained the possibility for the governments concerned to communicate written information on such failures one week before the date of the special sitting, i.e. Tuesday, 28 May 2024. This information will be published in three languages prior to the sitting.
20. During the sitting, the governments concerned may, if they so wish, provide information on any new development and the Employer and Worker spokespersons will present their remarks on this subject.
21. It should be recalled that the Committee identifies the cases on the basis of criteria which are as follows:¹²
 - none of the reports on ratified Conventions have been supplied during the past two years or more;
 - first reports on ratified Conventions have not been supplied for at least two years;
 - none of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7 of the Constitution have been supplied during the past five years;
 - no indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution;¹³

¹⁰ It should be recalled that the subjects of General Surveys have been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008).

¹¹ See below, Part IX.

¹² These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).

¹³ This time frame begins at the 99th Session (2010) and concludes at the 111th Session (2023), bearing in mind that the Conference did not adopt any Conventions or Recommendations during its 97th (2008), 98th (2009), 102nd (2013), 107th (2018), 109th (2021) and 110th (2022) Sessions.

- no information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration;
- the government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of reports and information supplied to the Office have been communicated.

22. At its 88th and 89th Sessions (2017 and 2018), the Committee of Experts decided to institute a new practice of launching “urgent appeals” on cases corresponding to certain criteria of serious reporting failure.¹⁴ The aim is also to draw the attention of the Committee to these cases, so that governments may be called before it. Thus, at its session in November–December 2023, the Committee of Experts issued urgent appeals to 11 countries that had failed to send the reports requested for three years or more.¹⁵ The countries to which urgent appeals have been addressed will be invited to provide information to the Committee during the examination of cases of serious failure to comply with reporting obligations.

VI. Individual cases

23. The Committee considers a certain number of cases relating to the application of ratified Conventions. These cases, so-called “individual cases”, are selected on the basis of the observations published in the report of the Committee of Experts.

Preliminary list

24. Since 2006, an early communication to governments of a preliminary list of individual cases for possible discussion by the Committee concerning the application of ratified Conventions has been instituted. Since 2015, this list has been made available 30 days before the opening of the International Labour Conference. The preliminary list is a response to the requests from governments for early notification so that they may better prepare themselves for a possible intervention before the Committee. This list may not in any way be considered definitive, as the adoption of a final list is a function that only the Committee itself can assume. During the informal tripartite consultations of March 2019, it was decided to provide the opportunity for governments appearing on the preliminary list of cases to provide, if they so wished, written information to the Committee. This information provided, on a purely voluntary basis, should concern only new developments not yet examined by the Committee of Experts. They must be transmitted in at least one of the three working languages of the Office at the latest two weeks before the beginning of the opening of the session of the Conference¹⁶ and, to the extent possible, shall not exceed 2,000 words. A specific [template](#) for transmission of the information is available on the web page of the Committee.

Establishment of the list of cases

25. The list of individual cases is submitted to the Committee for adoption, after the Employers’ and Workers’ groups have met to discuss and adopt it. In the context of the informal tripartite

¹⁴ See [paras 9 and 10](#) of the General Report of the Committee of Experts, Report III (Part A), International Labour Conference, 107th Session, 2018.

¹⁵ See “[general comments](#)”, section I of Part II of the Report of the Committee of Experts, Report III (Part A).

¹⁶ Before Monday, 20 May 2024.

consultations in March 2024, it was decided that the final list, this year again, could be adopted during the first sitting of the session of the Committee, to be held on Monday afternoon, 3 June 2024.

26. As of the revision in 2015 of the criteria for the selection of cases, the selection should take into consideration, on balance, the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote;
- the quality and scope of responses provided by the government or the absence of a response on its part;
- the seriousness and persistence of shortcomings in the application of the Convention;
- the urgency of a specific situation;
- comments received by employers' and workers' organizations;
- the nature of a specific situation (if it raises a hitherto undiscussed question, or if the case presents an interesting approach to solving questions of application);
- the discussions and conclusions of the Conference Committee of previous sessions and, in particular, the existence of a special paragraph;
- the likelihood that discussing the case would have a tangible impact;
- the balance between fundamental, governance and technical Conventions;
- geographical balance; and
- the balance between developed and developing countries.

27. There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013.¹⁷
28. Since 2007, it has been the practice to follow the adoption of the list of individual cases with an informal information session for governments, hosted by the Employer and Worker Vice-Chairpersons, to explain the criteria used for the selection of individual cases.

Automatic registration

29. Since 2010, cases included in the final list have been automatically registered and scheduled by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order. The "A+5" model has been chosen to ensure a genuine rotation of countries on the list. This year, the registration will begin with countries with the letter "N". Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit full particulars to the Conference ("double-footnoted cases").¹⁸ The Office will then register the second group, which will comprise the other cases on the final list, also following the above-mentioned alphabetical order. The Office can adapt this practice of planning taking into account the complexity of cases in order to ensure a certain predictability for the governments and social partners of the country concerned.¹⁹

¹⁷ See [paras 114–120](#) of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for identifying cases of progress are also reproduced in Appendix II of this document.

¹⁸ See [para. 112](#) of the General Report of the Committee of Experts.

¹⁹ Participants in the tripartite consultations in March 2024 noted that the adjustments made to the planning of the examination of cases had been useful and allowed for good time management.

- 30.** Information on the agenda of the Committee and the date on which cases may be heard is available:
- (a) through the *Daily Bulletin* and the Committee's dedicated [web page](#);
 - (b) by means of a D document containing the list of individual cases and the working schedule for the examination of these cases, which is made available to the Committee as soon as possible after the adoption of the list of cases.²⁰

Supply of information

- 31.** Prior to their oral intervention before the Conference Committee, governments may submit written information that will be summarized by the Office and made available to the Committee.²¹ This written information is to be provided to the Office at least two days before the discussion of the case. It serves to complement the oral intervention by the government representative of the country concerned. It may not reproduce the information contained in the oral statement nor any other information already provided by the government. The total number of pages is not to exceed five.

Adoption of conclusions

- 32.** The conclusions regarding individual cases are proposed by the Vice-Chairpersons and submitted by the Chairperson to the Committee for adoption. The conclusions should take due account of the elements raised in the discussion and information provided in writing by the government. The conclusions should be short, clear and specify the action expected of governments. They may also include reference to the technical assistance to be provided by the Office. The conclusions should reflect consensus recommendations. Divergent views can be reflected in the Committee's record of proceedings.
- 33.** Conclusions on the cases discussed are adopted at dedicated sittings. During the informal tripartite consultations in March 2024, it was agreed that the conclusions of all the individual cases continue to be adopted at the end of the session of the Committee and the draft conclusions would be transmitted to a person designated by the government concerned two hours before the adoption of the text.²² During the sitting, the conclusions are made visible on a screen. The government representatives may take the floor after the Chairperson has announced the adoption of the conclusions.
- 34.** As per the Committee's decision in 1980,²³ Part One of its report will contain a section entitled "Application of ratified Conventions", in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed – including "urgent appeals".²⁴

²⁰ Since 2010, this document is appended to the General Report of the Committee.

²¹ See above Part III(C).

²² The two sittings dedicated to the adoption of conclusions on individual cases are scheduled for Wednesday afternoon, 12 June, and Thursday morning, 13 June.

²³ See footnote 12.

²⁴ See section V.

VII. Participation in the work of the Committee

35. As regards failure by a government to take part in the discussion concerning its country, despite repeated invitations by the Committee, the following measures will be applied, in conformity with the decision taken by the Committee at the 73rd Session of the Conference (1987), as amended at the 97th Session of the Conference (2008),²⁵ and mention will be made in the relevant part of the Committee's report:
- In accordance with the usual practice, after having adopted the list of cases regarding which Government delegates might be invited to supply information to the Committee, the Committee shall invite the governments of the countries concerned in writing, and the *Daily Bulletin* shall mention these countries.²⁶
 - Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names of the countries whose representatives have not yet responded to the Committee's invitation, urging them to do so as soon as possible.
 - On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee's mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised.²⁷ In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

VIII. Minutes of the sittings – Verbatim

36. In the context of the informal tripartite consultations on the working methods of the Committee of November 2018 and March 2019, it was decided that the general discussion, the discussion of the General Survey, as well as the discussion of cases of serious failure to respect reporting or other standards-related obligations and the discussion of individual cases will be produced in the form of verbatim transcripts. Each intervention will be reproduced in extenso in the language of work in which it has been delivered, or failing that, chosen by the government – English, French or Spanish – and the verbatim draft minutes will be made

²⁵ See *Provisional Record* No. 24, International Labour Conference, 73rd Session, 1987, para. 33; and *Provisional Record* No. 19, International Labour Conference, 97th Session, 2008, para. 174.

²⁶ This information also appears on the web page of the Committee.

²⁷ In the case of a government which is not accredited or registered to the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. It was considered that no country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations (see *Provisional Record* No. 18, International Labour Conference, 100th Session, 2011, Part I/54).

available online on the Committee's dedicated web page.²⁸ It is the Committee's practice to accept amendments to the verbatim draft minutes of previous sittings prior to their adoption by the Committee. The time available to delegates to submit amendments to the verbatim draft minutes will be clearly indicated by the Chairperson when they are made available to the Committee. The amendments should appear clearly in the relevant document and submitted electronically.²⁹ In order to avoid delays in the preparation of the Committee's report, no amendments may be accepted once the draft minutes have been approved. To the extent that the discussions are reproduced in extenso in the form of verbatim draft minutes, their amendments will be limited exclusively to the elimination of transcription errors.

37. With regard to the structure of the Committee's report, the first part of the report of the Committee will contain the verbatim minutes of the general discussion, the outcome of the discussions on the General Survey, the conclusions adopted following the examination of the "automatic" cases and the examination of the "individual" cases – including, where appropriate, the special paragraphs – as well as the verbatim minutes of the discussion on the adoption of the report and the closing remarks. This first part of the report will be produced in the form of a consolidated document and will be translated into the three languages for adoption by the Conference in plenary session.
38. The second part of the report of the Committee will consist of trilingual (patchwork) verbatim minutes of the discussion of the General Survey, the discussion of "automatic" cases and the discussion of "individual" cases. These verbatim minutes will be available online on the Committee's web page as they are adopted. The second part of the report of the Committee will be submitted to the plenary sitting of the Conference for adoption only in electronic format.
39. The full report (first and second parts) translated into the three languages will be made available online 30 days after its adoption by the plenary sitting of the Conference.

IX. Time management

40. Every effort will be made so that sessions start on time and the schedule is respected. During the informal tripartite consultations in March 2024, it was decided to maintain the speaking time limits established in 2023, which were the same as those applied before the pandemic with some adjustments. The speaking times will be as follows.
 - With regard to the discussion of individual cases:
 - 15 minutes for the government whose case is being discussed;
 - 10 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 10 minutes for the Employer and Worker members, respectively, from the country concerned, to be divided between the different speakers of each group;
 - 7 minutes for Government groups;

²⁸ These new modalities result from the informal tripartite consultations of March 2016. Delegates who will be intervening in a language other than English, French or Spanish will be able to indicate to the Secretariat in which of these three working languages their intervention should be reflected in the verbatim draft minutes.

²⁹ Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes.

- 5 minutes for the other members;³⁰
 - 15 minutes for the concluding remarks by the government whose case is being discussed;
 - 10 minutes for the concluding remarks by the spokespersons of the Workers' and the Employers' groups.
 - With regard to the general discussion, and for guidance purposes:
 - 20 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 15 minutes for the representative of the Secretary-General, the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association;
 - 12 minutes for statements by Government groups;
 - 5 minutes for the other members.
 - With regard to the discussion of the General Survey:³¹
 - 20 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 12 minutes for Government groups;
 - 5 minutes for the other members;
 - 10 minutes for the concluding remarks by the spokespersons of the Workers' and the Employers' groups.
- 41.** Both for the general discussion and for the discussion of the General Survey, the Chairperson, in consultation with the other Officers of the Committee, may nevertheless decide to reduce the time limits where the situation of a case would warrant it, for instance, where there is a very long list of speakers, on the understanding that the total duration of the discussion of the General Survey should not exceed four hours. These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.
- 42.** During interventions, the remaining time available to speakers will be displayed on the screen and will be visible to all speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.
- 43.** The list of speakers will also be visible on the screen. The delegates should register on that list as soon as possible to enable the Office to draw up a list of speakers 24 hours before the examination of each item on the Committee's agenda. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by filling and sending by email the [form](#) available on the web page of the Committee to CAN@ilo.org. The speaking times will be adjusted according to the number of speakers registered. Speakers who have not registered in advance may be given the floor if time allows. In addition, during the tripartite consultations in March 2024, it was recalled that no delegate would be able to register on the list of speakers once the discussion of an individual case had begun.

³⁰ This time limit may be reduced to three minutes by the Chairperson, in consultation with the other Officers of the Committee, for instance where there is a very long list of speakers. In this case, the Office will try as far as possible to inform the delegates on the list of speakers.

³¹ These arrangements result from the informal tripartite consultations of March 2016, April 2023 and March 2024.

X. Respect of rules of decorum and role of the Chairperson

- 44.** All delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters.
- 45.** It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.

Appendix I

Criteria developed by the Committee of Experts for footnotes

Excerpts of the General Report of the Committee of Experts (112/III(A))

107. As in the past, the Committee has indicated by special notes (traditionally known as “footnotes”) at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has deemed it appropriate to ask the government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in June 2024.
108. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a “single footnote”, as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a “double footnote”. The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to “double footnotes” in deference to the Conference Committee’s decisions as to the cases it wishes to discuss.
109. The criteria to which the Committee has regard are the following:
 - the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers’ health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
 - the persistence of the problem;
 - the urgency of the situation; the evaluation of such urgency is necessarily case specific, according to standard human rights criteria, such as life-threatening situations or problems where irreversible harm is foreseeable;
 - the quality and scope of the government’s response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.
110. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.
111. At its 76th Session (November–December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.

Appendix II

Criteria developed by the Committee of Experts for identifying cases of progress

Excerpts of the General Report of the Committee of Experts (112/III(A))

114. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its **satisfaction** or **interest** at the progress achieved in the application of the respective Conventions.
115. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:
- (1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment **the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters** which, in its view, have not been addressed in a satisfactory manner.
 - (2) The Committee wishes to emphasize that **an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.**
 - (3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.
 - (4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.
 - (5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.
 - (6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers' and workers' organizations.
116. Since first identifying cases of satisfaction in its report in 1964, the Committee has continued to follow the same general criteria. The Committee expresses **satisfaction** in cases in which, **following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions.** In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:
- to place on record the Committee's appreciation of the positive action taken by governments in response to its comments;
 - to provide an example to other governments and social partners which have to address similar issues.
- ...
119. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979. In general, cases of **interest** cover **measures that are sufficiently advanced to justify the expectation that further progress would be achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners.** The Committee's practice has developed to such an extent that cases in which it expresses interest may

encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

- draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;
- consultations within the government and with the social partners;
- new policies;
- the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
- judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
- the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.

Appendix III

Procedure for amendments to verbatim draft minutes

This note provides information on the new procedure for amendments to verbatim draft minutes referred to in Part VIII of this document. It should be noted that each intervention is reflected in extenso in the verbatim draft minute only in the working language used or chosen by the delegate for this purpose ¹ (English, French or Spanish). The verbatim draft minutes will be made available online on the Committee's dedicated web page.

It is recalled that the Committee's practice is to accept amendments to the verbatim draft minutes of previous sittings **prior to their adoption by the Committee**. The time available to delegates to submit amendments to the verbatim draft minutes will be clearly indicated by the Chairperson when the verbatim draft minutes are made available to the Committee.

To the extent that the discussions are reproduced in extenso in the form of verbatim draft minutes, the amendments will be limited exclusively to the elimination of transcription errors.

Delegates should submit their amendments to the secretariat **electronically** in "track changes" via the following email address: CAN@ilo.org. In order to make amendments directly in track changes, delegates are invited to request the "Word version" of the verbatim minutes by sending an email to the address above.

Amendments will be received **only if they are sent from the email address** which will have been provided by the delegate concerned when requesting the floor. The secretariat will acknowledge receipt of the amendment and may contact the delegate concerned when the request does not fulfil the requirements contained in Part VIII. Delegates should specify the verbatim draft minute concerned and make clearly visible the changes they wish to make.

¹ When filling in a request for the floor, delegates will be requested to indicate in which working language (English, French or Spanish) their intervention should be reflected in the verbatim draft minute, if this intervention is not in one of these three languages. They will also be requested to provide an email address and a phone number.

Annex II

International Labour Conference
112th Session, Geneva, 2024

► CAN/D.2

Committee on the Application of Standards

Date: 3 June 2024

► Cases regarding which Governments are invited to supply information to the Committee

The list of 24 individual cases on the application of ratified Conventions
appears in the present document

► CAN/D.2

2

GOVERNMENTS INVITED TO SUPPLY INFORMATION TO THE COMMITTEE

COUNTRY	CONVENTION NUMBER
ALGERIA	98
AUSTRALIA	122
CAMBODIA **	87
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International Labour Conference – 112th Session, Geneva, 2024

Date: 15 July 2024

Part Two

Third item on the agenda: Information and reports on the application of Conventions and Recommendations

Report of the Committee on the Application of Standards

Part Two

Discussion on the General Survey and on the situation concerning
particular countries

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I. Discussion on the General Survey

Labour administration in a changing world of work

Chairperson – We now turn to the second item on the agenda, which is the discussion on the General Survey of the Committee of Experts on the Labour Administration Convention (No. 150) and Recommendation (No. 158) 1978, entitled *Labour Administration in a Changing World of Work*. I would like to recall that, according to its working methods, the Committee has established speaking time limits for the discussion of the General Survey which are as follows: 20 minutes for the spokespersons of the Employers' and Workers' groups; 12 minutes for Government groups; 5 minutes for other members; and 10 minutes for the concluding remarks by the spokespersons of the Workers' and Employers' groups. I would like to invite the two Vice-Chairpersons to make their introductory statements.

Worker members – The subject of the General Survey this year is labour administration, the general framework of which is governed by Convention No. 150 and Recommendation No. 158. The rapid and deep-rooted transformations experienced by the world of work, as well as the crises that have affected it, make this new General Survey particularly relevant. It enables us to realize the fundamental role that is played by labour administration in anticipating and accompanying these transformations and crises in favour of the promotion of decent work, good governance and sustainable development.

Labour administration bodies have a primary role to play in the formulation, application, coordination and evaluation of national employment and labour policies, and of course in the preparation and implementation of the legislation that gives effect to them. The priority for the ILO and Member States has to be the creation of decent and stable jobs and the need to safeguard and protect the rights of workers against the vulnerabilities arising from these transformations and crises. Effective labour administration systems can make decent work a reality for all workers by promoting full employment, ensuring compliance with labour standards and improving conditions of work and employment, irrespective of the context. Labour administrations have a primary role to play in the achievement of the 2030 Agenda for Sustainable Development, and particularly Sustainable Development Goals Nos 8 and 16. It is with the guidance of these Goals that our labour administration systems have to accompany the transformations that are happening and navigate through the crises that we are experiencing in the world of work. These transformations and crises must not be a pretext for the questioning of these Goals. We need to model the current transformations so that they can ensure decent work for everyone and make the world of work more resilient when faced with crises. The opposite must not be allowed to happen. There can be no question of compromising on these fundamental goals to make way for developments that result in serious decent work deficits.

The General Survey emphasizes that we have seen over the past 30 years mergers between ministries of finance and of labour, which have had a direct impact on the manner in which policies are formulated and implemented. Priority is often given to economic development, to the detriment of policies intended to pursue social goals and decent work. It is nevertheless essential for Member States to allow their labour administrations to determine in full independence the employment and labour policies required to achieve these goals, without their action being circumscribed by a purely economic agenda. It is clear that labour administration can only do that if it has the human, financial and material resources necessary for its numerous missions. Unfortunately, we see that labour administrations are far too often the victims of budgetary cuts that are the result of austerity policies, and that such budgetary cuts deprive labour administrations of the resources required to be effective. A labour

administration that has sufficient resources is an administration that can help to confront difficult economic situations and protect workers from the social and economic consequences of these crises. It is also necessary to ensure adequate training for labour administration officials, including labour inspectors. Labour administrations also have the capacity to promote human-centred recovery. The reinforcement of labour administration forms part of the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, the ILO Centenary Declaration for the Future of Work, and lies at the heart of the Global Coalition for Social Justice.

The COVID-19 crisis clearly showed the need for labour administrations to be involved in determining longer-term intervention policies and recovery measures in the field of labour through a transparent and participatory process within the framework of tripartite dialogue. The role played by the social partners during this crisis demonstrated the absolute necessity of maintaining social dialogue in times of crisis for the development of solutions to attenuate their health and socio-economic effects. We have also seen that the maintenance of collective bargaining processes is essential in order to offer prospects to workers and agree on wage adjustments despite the crisis. This crisis gave rise to a global call for ILO action with a view to a human-centred recovery. Such recovery is inconceivable without the commitment of Member States to strengthening the capacity of public administrations so that they are able to contribute to the formulation and implementation of strategies, policies and programmes for recovery, in association with workers' and employers' organizations.

Another Worker member, speaking on behalf of the Worker members – The last point that has been raised is fundamental. The participation of workers, employers and their respective organizations in labour administration must be a cornerstone of any system of labour administration, in the light of the fundamental 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).

Indeed, the Committee of Experts emphasizes that legitimate, independent, representative and democratic workers' and employers' organizations that engage in dialogue and collective bargaining contribute to the establishment of a tradition of social peace based on free negotiations and the reconciliation of conflicts of interests, making social dialogue a valuable contributor to progress.

The General Survey stresses that opening up tripartite social dialogue mechanisms to non-governmental organizations can bring added value to the governance of labour administration in terms of skills and knowledge. This enables all the groups that may be concerned to take part in drawing up policies and formulating solutions. With regard to the tasks delegated or entrusted to non-governmental organizations, the Committee of Experts rightly emphasizes that the participation of civil society in labour administration should not replace but should rather accompany the mechanisms of labour administration based on social dialogue, which relies on workers' and employers' organizations.

For all this to be possible, it is essential that the labour administration system guarantees good governance. This good governance will only be guaranteed if tripartite social dialogue is at the heart of any labour administration system.

As the Committee of Experts points out, it is this social dialogue that makes it possible to draw up, implement and evaluate social and labour policies at the national level, to meet the challenges posed by changes in the world of work and to achieve the objectives of sustainable development.

It is in this sense that the General Survey stresses that social dialogue is a driving force for social and economic resilience, competitiveness, stability, growth and sustainable and inclusive development. It is therefore vitally important that social dialogue be at the heart of the labour administration system.

Social dialogue must be at the heart of the many missions entrusted to labour administrations. In particular, they are responsible for drawing up and implementing employment and labour policies, developing labour legislation and regulations and promoting social dialogue. As such, they play a central role in promoting social peace through the establishment of solid industrial relations.

This broad field of action means that labour administrations are involved in many areas of work: social inspection, employment policies and services, tripartite social dialogue, freedom of association, collective bargaining, minimum wage setting, well-being and safety at work, training, child labour, forced labour, and so on.

Labour administrations intervene in areas that affect the difficulties faced by workers in the world of work: unemployment, wage and gender gaps, precarious forms of employment, labour migration, global supply chains, informal work and the lack of social protection for the most vulnerable groups of workers.

A lack of resources could affect their ability to define policies and provide services in these areas and also to tackle the problems faced by workers, especially as the tasks of labour administrations are not set in stone. They have to respond to emerging trends in the world of work, and these trends are not always positive.

We are witnessing a multiplication of forms of employment, a high proportion of work in the informal economy, the development of the platform economy, the use of self-employed workers, increasing labour migration and the intensification of global supply chains.

These trends represent challenges that labour administrations must be able to respond to. The coverage and effectiveness of traditional industrial relations mechanisms are under pressure. These mechanisms need to be adapted and policies rethought to ensure that the services provided by labour administrations cover all categories of workers and can provide an adequate response to their specific needs.

In addition to the multiplicity of their tasks, labour administrations are also faced with the difficulty of the multiplicity of actors and levels of action. Labour administrators must ensure central coordination and supervision of all labour-related issues. They must also ensure that the infrastructure is in place to provide labour administration services throughout the country.

The dual mission is not an easy one. The complexity of labour administration institutions and the multiplication of parastatal bodies can present the risk of weakening the technical capacities of the central labour authority and dispersing responsibilities. The establishment of local infrastructure must not lead us to lose sight of the need to ensure that these infrastructures are well coordinated in order to implement policies decided at the national level. This coordination is an additional challenge in federal states, where there is a greater risk of asymmetrical labour policies developing.

This coordination can only be achieved if mechanisms for exchanging information are put in place, if the social partners are involved at all levels, and if human and financial resources are made available and appropriate training is organized for all those involved.

Another Worker member, speaking on behalf of the Worker members – The introduction of public-private partnerships is regularly put forward as a way of revitalizing or

rationalizing certain aspects of labour administration. The General Survey also notes the increasing use of the private sector for tasks traditionally regarded as core functions of the labour administration, such as industrial relations, employment, social services and social assistance.

In particular, it is noted that the number of private compliance-monitoring initiatives has increased in recent years, including control, monitoring and certification systems for labour standards. Such self-certification mechanisms, if established, should in no way replace labour inspection mechanisms which are the direct responsibility of public authorities, or be used as an excuse for governments to reduce the scope of action of the labour inspectorate.

Some have put forward the preposterous idea that discouraging the adoption of privatization options – such as outsourcing or public-private partnerships – could have a dissuasive effect on the ratification and implementation of Convention No. 150 by the Member States. Privatization options can in no way replace substantial investment in labour administrations – Member States are responsible for the overall organization and effective operation of a system of labour administration.

Member States should in any event ensure that the enabling rights of freedom of association and the effective recognition of collective bargaining and other fundamental principles and rights at work are promoted and respected. They will also need to retain control over policy development and properly and effectively supervise the work of private partners and the quality of services provided through a mechanism that ensures transparency and accountability in order to achieve the objectives of the Convention.

All of this presupposes that the Member States allocate substantial budgets for their labour administration, since these private initiatives are not intended to replace the role of the government.

If such avenues are envisaged, they should only be on the condition that genuine social dialogue precedes the introduction of such solutions and that social dialogue is maintained on an ongoing basis to ensure the monitoring and evaluation of these initiatives.

However, we note from the General Survey that a large number of countries indicate that workers' and employers' representatives are not entrusted with activities in the field of labour administration. It seems to us that the priority should be to strengthen the involvement of the social partners in labour administration before considering entrusting such activities to private partners. The General Survey also highlights the need to strengthen the special relationship that labour administration institutions have with the social partners in order to ensure good governance in labour matters and to develop economic and social policies.

While private initiatives may coexist with public initiatives in the field of social security, it is fundamental that the principles relating to the administration, financing and operation of social security schemes are respected.

It is the State that must assume overall responsibility for the provision of benefits and the proper administration of the institutions and services concerned, hence the importance of monitoring private initiatives.

However, it is out of the question for the Workers' group to envisage recourse to private initiatives in the field of social security in response to the growing pressure on governments to reduce public spending. The solution must be a better distribution of the profits generated by companies, which have all too often benefited from reductions in contributions that have had

the effect of crippling public revenues. We wholeheartedly reject the individualization of profits and the collectivization of losses.

As in the world of work, the digitalization of labour administration services presents both opportunities and risks.

On the opportunities side, we can indeed recognize the potential for improving labour administration services through digitalization, whether in terms of communication with the public or in terms of enhancing the monitoring and evaluation of labour market trends, compliance with labour laws, and the effectiveness of labour inspection services.

However, it is essential to work on limiting the risks of this digitalization and these risks include job changes, cybersecurity issues, the digital divide that could arise for both staff and the beneficiaries of the labour administration services, and the importance of ensuring workers' data privacy and non-discriminatory outcomes.

It is therefore vital that this digitalization is the subject of social dialogue between labour administrations and workers' and employers' representatives to support its development and ensure that it serves the decent work objectives that labour administrations must pursue.

Employer members – The Employers' group would like to thank the Committee of Experts and the Office for preparing this General Survey on Convention No. 150 and Recommendation No. 158. The Employers note that information sent by 124 Governments, as well as by 24 workers' organizations and 12 employers' organizations, was taken into account in preparing the Survey.

The Employers' group believes that an effective labour administration is key for protecting workers and contributing to an enabling environment for entrepreneurship and sustainable enterprises, as called for by the ILO Centenary Declaration for the Future of Work. Well-functioning labour administrations also contribute to the resilience and stability of the labour market in times of crisis, as has been demonstrated in the financial crisis in 2008 and the recent COVID-19 pandemic.

Convention No. 150 and Recommendation No. 158 were developed in the 1970s since there was the understanding that employment laws are worthless if there is no system of labour administration to assess and enforce compliance. At the Conference in 1978, Convention No. 150 was unanimously adopted with 408 votes in favour, 0 against and 0 abstentions.

At the Conference in 1997, where an earlier General Survey on the two instruments was discussed, the Employers' group emphasized that employment laws and regulations would be worthless if there was no system of labour administration to assess and enforce compliance.

The present General Survey shows that Convention No. 150 and Recommendation No. 158 are flexible instruments, which facilitates their universal application.

At the Conference in 1978, the Government delegate and Reporter of the Committee on Labour Administration mentioned, and I quote: "The instruments are flexible enough to allow Member States, regardless of their social and economic development, to adopt and to ratify the Convention, and to allow countries which ratify the instruments to apply them faithfully for the benefit of the workers and employers concerned."

Convention No. 150 and Recommendation No. 158 focus on essential objectives, functions, actors and working methods of labour administration and are open to different national situations, as well as new developments and needs. Convention No. 150 does not require ratifying States to attain specific goals but to undertake their best efforts to improve

labour administration systems. A basic principle that runs like a common thread through the two standards is tripartite cooperation in labour administration for the benefit of employees and employers alike.

The Employers have noticed that the General Survey also deals with a number of topics that have no direct connection with the provisions of Convention No. 150 and Recommendation No. 158. This includes, for example, platforms, self-employed persons, and global supply chains. These topics are not, or not yet, covered by specific ILO standards. Nevertheless, the General Survey takes positions on these topics and thus pre-empt the tripartite opinion-forming process. On this, it should be taken into account that the topic “Decent Work in the Platform Economy” will be discussed at the 2025 and 2026 sessions of the International Labour Conference. On these general remarks, the Employers’ group would like to provide more specific comments on the individual chapters of the General Survey.

On Chapter 1 (Functions of the labour administration system), as regards the functions of labour administration in relation to studies, research and statistics, the Employers note that in many countries this task is carried out by national social dialogue bodies. We strongly agree with the General Survey that there is added value in involving the social partners as much as possible in their implementation in order to increase the relevance of the results. In this regard, the Employers would highlight as an example worth imitating the tripartite National Productivity and Competitiveness Council in Mauritius, which reports to the competent Ministry and has the task of promoting or conducting research in all aspects. The Employers also agree with the increasing importance of cooperation and policy coherence on labour issues at regional and international level, in which labour administrations play a key role.

Regarding the negotiation and conclusion of free trade agreements, the Employers generally advise caution on the injudicious inclusion of labour provisions in view of the possible protectionist effects and unintended consequences for international trade and on the situation in countries on the ground. In any case, such labour provisions should not exert undue pressure on the ratification of ILO Conventions. It would in any case seem appropriate that the social partners of the countries covered by free trade agreements are consulted on the possible inclusion and design of these provisions. The Employers note that Article 7 of Convention No. 150 provides for the promotion of the extension of the functions of labour administration to appropriate categories of workers who are not, in law, employed persons. In this context, the Employers would highlight the flexibility inherent in this obligation, as reflected in the formulation “when national conditions so require”, which allows for a gradual extension if necessary, and which illustrates – rather than exhaustively defines – the categories of workers who are not, in law, employed persons.

As regards the reference in paragraph 143 to non-standard forms of employment and the platform economy, the Employers are of the view that it is for national labour administrations to decide, in consultation with the social partners, to what extent these sectors should be covered by the functions of labour administration. Self-employed persons also include independent contractors and freelancers who are not workers, regardless of whether they operate on platforms or not. It should be stressed that the detailed considerations in the General Survey on possibilities for extension of the scope of labour administration only illustrate what is and might be done, but do not reflect concrete obligations under Article 7 of Convention No. 150 in this respect.

Regarding the extension of the activities of labour administration to the informal economy, the Employers agree that, given the complexity of the problem, a broader government commitment is needed and that the social partners and informal economy actors

should be involved in the formulation and implementation of relevant policies and laws. The Employers would emphasize that the final objective of these policies and laws should not only be to extend the functions of the labour administration to workers in the informal economy, but to minimize the informal economy as far as possible by facilitating the transition to, and retention in, the formal economy.

As regards the detailed considerations in the General Survey on the activities of labour administration in relation to non-standard forms of employment, the Employers note that this term is not used in Article 7 or anywhere else in Convention No. 150. Nevertheless, the General Survey provides a detailed definition of non-standard forms of employment with four sub-categories, none of which are mentioned in the Convention. The Employers cannot help but notice that these considerations in this section are unrelated to Article 7 of Convention No. 150.

The Employers also note that the General Survey, in the rest of Chapter 1, deals also with a number of labour issues in the context of labour administration which, as it admits, here too, are not specifically mentioned in Convention No. 150 or Recommendation No. 158. This concerns OSH, minimum wage fixing and social security. The substance of these matters, including administrative issues, are addressed in specific ILO standards.

The Employers question the relevance of addressing the issue of global supply chains in relation to labour administration in the General Survey. It must be emphasized that national labour administrations are responsible for all labour matters in their country, not only those concerning employers and workers that are part of global supply chains.

Apart from this, there is no evidence that labour conditions in companies that are part of a global supply chain are generally worse than in companies that are part of the domestic economy in the same countries. Where governments of the countries hosting these suppliers have sometimes lacked the institutional capacities or political will to fully regulate labour standards, they need to be reminded of their obligations when this failure results in non-compliance with ratified ILO Conventions.

On the other hand, where private compliance initiatives require suppliers in global supply chains to comply with their own labour provisions, the oversight of these private labour provisions is not primarily the responsibility of labour administrations.

On Chapter 2 (Organization and structure of the labour administration system), the Employers note that this chapter is mainly of interest to governments, thus we do not have comments on this issue.

On Chapter 3 (Participation by employers, workers and their organizations in the system of labour administration), the Employers note that Chapter 3 deals with a key aspect of labour administration, which is the participation therein by employers, workers and their organizations, and this is addressed in several provisions of Convention No. 150 and Recommendation No. 158. Such participation of the social partners can take in essence three forms: consultation, cooperation, and negotiation. We agree with the view of the Committee of Experts that consultations with employers and workers are essential. The Employers would stress that, in view of the fact that employers and workers and their organizations have unique knowledge and experience in labour matters, that enables them to guide and help design and manage labour administration activities. Participation by the social partners in labour administration should, however, not blur the lines between government responsibility and responsibilities of the social partners and should in any case not call into question the overall responsibility of the government for labour administration. The Employers would therefore

agree with the General Survey that labour inspection, which is part of the labour administration system, should remain an independent public prerogative.

Neither Convention No. 150 nor Recommendation No. 158. specifies or requires any particular structure for labour administration systems. Depending on the national context, such systems may foresee the outsourcing of certain services, including to private providers, as well as the building of public-private partnerships. Such collaboration may help promote employment creation and may include, among others, partnerships with universities, management schools and training organizations.

Regarding “tripartite-plus” mechanisms and the delegation of labour administration activities to non-governmental organizations (NGOs), the Employers’ group advises caution. The involvement of NGOs in labour issues should only be considered where there is agreement among the tripartite constituents on the added value. The involvement of NGOs must not lead to the core competence of employers’ and workers’ organizations on labour issues being called into question, thereby undermining tripartism. In this context, the Employers would like to point out that both Convention No. 150 and Recommendation No. 158, in Article 2 and Paragraph 2 respectively, refer to NGOs exclusively when it comes to delegating certain labour administration activities to external actors and in this context particularly highlight employers’ and workers’ organizations as eligible NGOs.

On Chapter 4 (Achieving the potential of the instruments), Convention No. 150 has so far received 78 ratifications, which is above the average of all ILO Conventions. Moreover, there seems to be room for further ratification and implementation in view of the interest expressed by a number of countries. In our view, Convention No. 150 is a flexible Convention that could be ratified in ILO Member States regardless of their level of development and is therefore able to make a global contribution to improving labour administrations. By focusing on essential principles and objectives and refraining from short-lived details, Convention No. 150 has a model character.

To further facilitate ratification and implementation of Convention No. 150, the Employers’ group suggests that the Office should develop accompanying guidance materials. Such guidance materials could illustrate the different ways of implementing the provisions of the Convention by providing information on best practices and clear up possible misunderstandings about its requirements. Moreover, the Office may provide tailored technical assistance to interested Member States at their request with a view to expanding and improving the capacities of their labour administrations. This may possibly pave the way for the ratification of Convention No. 150 or make for better implementation where it has already been ratified. Furthermore, additional support to workers, employers and companies should be considered.

To conclude, the Employers agree that Convention No. 150 and Recommendation No. 158, even after 46 years, fully retain their relevance in addressing the major features of labour administration. In this sense, they are indeed up to date.

Government member, Belgium – I speak on behalf of the **EU and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia, Serbia, Republic of Moldova** and **Ukraine**, and the European Free Trade Association country, **Norway**, member of the European Economic Area, align themselves with this statement.

We warmly welcome the report of the Committee of Experts, which presents a comprehensive overview of the labour administration system, covering its roles, organization, stakeholder involvement, and recommendations for improvement.

Labour administration is firmly grounded in international labour standards, including through Convention No. 150 and Recommendation No. 158, which play a crucial role in ensuring efficient labour administrations and promoting social justice through decent work as well as contributing to sustainable economic growth.

We emphasize that the labour administration framework outlined in the instruments may be of interest to all ILO Member States.

Labour administration and inspection systems have faced great challenges in recent years, particularly during economic crises and the COVID-19 pandemic. As societies and the economic environment keep changing, labour administrations need to continue to adapt to new developments with new policies, new services, such as skills development, and new ways of enforcing existing laws, even beyond the formal economy and standard forms of employment. As pointed out by the Committee of Experts, it is important that the adaptation to changing environments happens while upholding the rule of law, and bi- and tripartism. In this regard, we welcome and support the ILO's valuable technical assistance.

Labour administrations confront pressing challenges also in the context of globalization, such as in the context of labour migration, global supply chains, new technologies, including artificial intelligence, and new ways of working, such as remote work and platform work. To protect the most vulnerable workers in the labour market, sophisticated governance structures involving multiple ministries and stakeholders are needed.

Child labour, forced labour and human trafficking occur overwhelmingly within the informal economy. We support the attention the Committee of Experts gives to the role of labour administration to cover workers in the informal economy.

We would like to highlight the importance of social dialogue, respect for freedom of association and collective bargaining for effective labour administration. Consultation, cooperation, and negotiation with social partners add expertise and knowledge, ensuring that all potentially affected groups participate in policymaking and contribute to formulating solutions.

There is a strong need for close cooperation and coordination across government agencies and between the different actors responsible for labour administration systems, both at national and international level, to ensure that policies and regulatory measures aimed at safeguarding workers are grounded in the most up-to-date knowledge.

It is imperative to underscore the significance of labour administrations conducting, endorsing and/or being aware of pertinent research and studies considering also the complexity and novelty of certain occupational safety and health (OSH) aspects within work processes.

Labour inspection is crucial for the effective implementation and monitoring of labour standards, to ensure social peace, promote good governance and contribute to economic and social progress. In this regard, ensuring that labour administrations, including labour inspectorates, receive sufficient human, financial and material resources even during crises is important.

The EU and its Member States recognize the importance of the involvement of private actors in labour governance and the efficient support of public-private partnerships for certain labour administration services. However, we emphasize the need for coordination and control, ensuring the participation of representative employers' and workers' organizations. These partnerships should complement, not replace, government roles and labour standards.

We stress the overriding importance of public labour inspection. Its action can be complemented by self-regulation initiatives, bearing in mind that self-regulation should not diminish government responsibility or the need for regular inspection.

We underscore the significance of integrating good governance principles into labour administration, aligning with the standards outlined in relevant instruments and elaborated upon in the 2018 United Nations (UN) Principles of Effective Governance for Sustainable Development. This approach aims to promote the achievement of decent work and to advance the Sustainable Development Goals, especially target 16.6 striving for effective, accountable, and transparent institutions at all levels.

We highlight the importance of ongoing adaptation and modernization of labour administrations, promoting social dialogue, emphasizing the importance of partnerships, technological advancements, and adherence to democratic values.

The EU and its Member States underline the importance of labour administration and its services in ensuring the promotion and respect for fundamental principles and rights at work and a conducive environment in which sustainable enterprises can operate.

We support the increased prioritization of ILO technical assistance and the development of an action plan to strengthen national labour administration systems.

Interpretation from Arabic: **Government member, Kuwait** – I am speaking on behalf of the Cooperation Council for the Arab States of the Gulf (GCC), the United Arab Emirates, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, and the States of Qatar and Kuwait.

We appreciate the Committee of Experts and the Office for their distinguished efforts in preparing the General Survey. The General Survey will serve Member States in providing a valuable opportunity to closely examine international labour standards and all relevant practices.

We have seen that this valuable General Survey has given attention to the many changes facing labour departments in terms of tasks, scope and prerogatives, because the responsibilities of labour administrations have increased and they have to be adjusted, they have to be flexible in the form of rapid adaptation of their structure to changing work forms such as platform work and new and green forms of work as well.

We see that many of these topics intersect with the competencies of other bodies, yet we see that the Committee of Experts is keen in the General Survey that no worker shall fall outside the scope of decent work and social protection. This is what some Member States have done when they have established administrations and departments for the informal economy and digital work as mentioned in the General Survey.

We are well aware that there is no single model for the form of labour administration that would suit all countries but indeed, as the General Survey states, all experiences should achieve a model that meets the standards of effectiveness, accountability and transparency. These requirements mean that we need to set clear strategies and policies with performance indicators and review indicators, and this is actually what is being applied and what we are working on in the GCC countries in response to national visions and development plans. The Council of Labour Ministers in the GCC recently adopted a strategy for the upcoming five years. This strategy addresses the effect of the change in patterns and forms of work and ensures that the interventions undertaken by the GCC countries are appropriate and will contribute to

enhancing the working environment at all levels. Of course, this is in addition to the initiatives and experiences that take place in each GCC country.

At the end I would like to reiterate my thanks to you and to the Office.

Government member, Namibia – Namibia is delivering the statement on behalf of the **Africa group**. At the outset, the Africa group would like to thank the Committee of Experts for its well-drafted and important report, providing the solid foundation for our discussions in this Committee. We would also like to comment on the input of constituents into the General Survey, which underlines their commitment to effective and efficient labour administrations which are instrumental in addressing inequality in the world of work and creating the legal and policy framework that is necessary to achieve social justice through decent work.

The report illustrates the vital importance of labour administration and its services in ensuring the promotion and respect of fundamental principles and rights at work and the conducive environment in which sustainable enterprises can operate. It further rightly illustrates the central role that the labour administration system played, in consultation with social partners, in managing the immediate response to the COVID-19 crisis and in planning and implementing longer-term recovery strategies that are rights-based, inclusive, sustainable and resilient. The Africa group took note of the emphasis by the Committee of Experts on the importance of good governance to be embodied in the delivery of functions in the structural organization of labour administration as enshrined in the instrument and as elaborated in the 2018 UN Principles of Effective Governance for Sustainable Development to fulfil the Sustainable Development Goals (SDGs), particularly target 16.6, in the attainment of decent work. We commend the countries that have provided information on national strategies, programmes or initiatives aiming to integrate the SDGs and in particular SDG target 16.6 in the work of labour administration. The Africa group submits that effective labour administration can indeed be a catalyst for good governance and sustainable development.

The Africa group notes several new labour governance challenges, such as labour migration and global supply chains, as highlighted in the Survey. The Africa group welcomes the consideration by the Committee of Experts for the Office to prepare an action plan to ensure follow-up to the findings of the General Survey. The Committee listed some strategies and initiatives to be included in the action plan, such as labour regulation, enforcement and social dialogue and capacity-building for the actors in the labour administration system. The aforementioned list should serve as a guide only and the Office should prepare an action plan in consultation with governments and workers' and employers' organizations at national level in order to address the current challenges experienced in the management of labour issues.

Though the Conventions offer substantial flexibility, the overall ratifications stand at 78, while during the past ten years six countries recorded ratification, including four countries from Africa. The Africa group calls on the Office to scale up its efforts on promotional activities to increase the ratification of this very important instrument. The Africa group welcomes the commitment of the Committee of Experts to contribute to the improvement of the understanding and application of the instrument through its supervisory work with the countries that have ratified the Convention, as well as the call for the ILO to prioritize technical assistance requested by the countries.

Government member, Côte d'Ivoire – The Government of Côte d'Ivoire congratulates the Office on the quality of the document produced, which reviews the legislation and practice of ILO Member States in relation to Convention No. 150 and Recommendation No. 158. It examines the effects of these instruments and their application, including the difficulties encountered and ways in which they can be overcome.

Labour administration is the ILO's strategic partner in realizing social justice and decent work, in order to achieve target 6 of Sustainable Development Goal 16, to promote effective, accountable and transparent institutions.

The challenges are to increase support from all concerned, in particular confidence in the labour administration institutions, and facilitate access to social justice and combat job insecurity.

This requires all the Organization's Member States, regardless of whether or not they have ratified the Convention, to implement coherent and robust measures in this regard.

Given the scale of the changes occurring in the world of work, our country, Côte d'Ivoire, as well as having ratified Convention No. 150, has a labour administration system capable of responding to the challenges facing the world of work.

These responses are provided by a number of institutions and bodies: the labour inspection services, the efficient operation of our three social welfare institutions, the smooth functioning of our social dialogue bodies and tripartite sectoral committees (the National Council for Social Dialogue, the Labour Advisory Committee, the Standing Independent Consultation Committee), the Public Employment Service through the Youth Employment Agency, the National Employment and Training Observatory, and the Employment Committee.

A number of results have been achieved through the establishment and efficient operation of these bodies: our labour laws and regulations have been strengthened to address such matters as teleworking, raising the minimum wage minimum wages applicable to specific categories, occupational safety and health (OSH), and social security; national policies on OSH, social security and employment have been drafted; a strategic plan has been drafted for labour inspection in the trade, construction and public works, agriculture and industry sectors; a directory of incentives for creating and maintaining jobs in Côte d'Ivoire has been drawn up; and social protection schemes, such as universal health cover, the social security scheme for self-employed workers and the supplementary funded pension scheme for civil servants and government employees have been fast-tracked. To date, more than 12,500,000 people have been registered for universal health cover.

These results were achieved with the help of the social partners – workers and employers – with whom social dialogue in Côte d'Ivoire is really bearing fruit.

However, further efforts are still needed to strengthen all labour administrations, as it is they that drive and regulate the world of work, with a concern for the welfare of people in general and workers in particular. Côte d'Ivoire thus intends to maintain the momentum that has been built up, even if it seems insufficiently supported, with a view to equipping labour inspectors with greater resources and subsequently improving their living conditions, as recommended by the Labour Inspection Convention, 1947 (No. 81).

The Government is therefore counting on the support of the International Labour Office and its technical and financial partners to make this vision a reality, as reaffirmed in the Abidjan Declaration of 2019, which aims to shape the future of work for greater social justice with and for all participants in the world of work, including labour inspectors.

Employer member, Belgium – The Employers believe that effective labour administration is an essential part of worker protection and the creation of an enabling environment for entrepreneurship and sustainable enterprises. Labour administrations are, by nature, a public service, and their various functions in relation to citizens and enterprises are detailed in the General Survey. I would like to highlight five points.

Belgium is a federal State, and its employment policy is partly devolved to the regional authorities. Cooperation between the different bodies – for example between the federal administration and the regional authorities, or between the regions themselves – is essential. Fragmentation in the job market should be avoided, and, when we consider our small country in the European and global contexts, we must also reflect on the importance of promoting cross-border mobility. Here, too, labour administrations must play a facilitating role, particularly by providing clear, useful information on the social law applicable to mobile workers. Businesses must not be forced to use costly consultants simply to obtain legal certainty. This is an example of how labour administrations can support enterprises.

Belgium involves the social partners to a great extent in the development of national labour standards. They are normally consulted meaningfully, although consultation timeframes are sometimes too short, even unrealistic, despite it being common knowledge that social dialogue held in good faith can take some time. We believe that when bipartite dialogue or negotiation produces positive results, for example a unanimous opinion on draft legislation or on the application of a collective agreement, it is crucial that the authorities respect and promote them, implementing them faithfully where required.

It is not for labour administrations to interpret the law when it is sufficiently clear. Moreover, with regard to collective agreements, it is the signatories themselves who enjoy full autonomy to interpret their own instruments.

It goes without saying that studies, particularly the gathering of statistics by labour administrations, must be undertaken by qualified experts, even if that means cooperating with external parties. Data quality, including the validation of figures and other data, is all the more vital when they are then used by the social partners as a starting point in collective bargaining.

I wish to conclude by welcoming our federal labour administration's provision of expertise and significant resources to the social partners to support and facilitate social dialogue, including through the staffing and funding of the National Labour Council's inter-occupational social dialogue efforts. Additionally, joint committees on sectoral social dialogue – which provide a forum for bipartite sectoral dialogue in around 180 sectors – are chaired by neutral social conciliators, who can also play an important role in collective labour disputes, not ex officio, but at the request of one of the parties.

Government member, Norway – I would like to thank the Committee of Experts for their comprehensive General Survey on this topic. Good labour administrations are central to our labour market model. Norway ratified Convention No. 150 in 1980. We believe that efficient labour administrations are key to achieving social justice, decent work, and fighting workplace inequalities and worker exploitation. Norway has greatly benefited from labour migration and the free movement of people in Europe. At the same time, we have experienced that labour migration puts pressure on the labour market, wages and social benefits.

Social dumping and low-wage competition are growing challenges, especially in sectors with more non-standard work. We have also seen that some exploit the market by systematically violating regulations. Such criminal activities are often conducted in an organized manner that exploit workers, distort competition, and undermine our social structure. To counter these issues, we need a holistic approach and collaboration both between countries and across sectors.

In 2022, the Norwegian Government launched an Action Plan to combat social dumping and work-related crime. The main goals are to reinforce workers' rights, prevent exploitation of workers and improve social dialogue.

Addressing undeclared work and labour market offences involves many policy areas and administrative levels. We are focused on enhancing coordination and collaboration between labour administration bodies. To give an example: Norway has implemented inter-agency cooperation, bringing together the police, labour inspectorate, and other relevant authorities like tax and social security. Cooperative centres dedicated to fighting work-related crime are now operational in eight cities across the country. However, evaluations have shown that collaboration between agencies can be challenging. One issue is how information is shared between administrative bodies, especially in the context of requirements to safeguard personal data.

As we tackle issues like social dumping and undeclared work, it becomes evident that these problems transcend national borders. Therefore, Norway emphasizes the importance of international collaboration and works closely with labour inspection authorities in the Nordic countries and the Baltic States to address these challenges.

Norway strongly believes in collaborating with the social partners to combat social dumping and undeclared work. The Government is committed to promoting organized industrial relations and extending collective agreements. Our Action Plan, developed in dialogue with the social partners, emphasizes these commitments. We are eager to continue working together with our partners to ensure progress in this important area.

Employer member, Uruguay – Throughout this General Survey, the Committee of Experts deems the provisions of Convention No. 150 and Recommendation No. 158 to be fully up to date, an opinion that is reiterated in the analysis of each of the areas addressed. In the view of the Committee of Experts, the Convention and the Recommendation offer considerable flexibility; they could be applied in all Member States and “provide the overall framework for achieving an effective labour administration system”. Such statements are doubtful given the current reality. If the solutions set out in the Survey are so obvious, why have these standards not prompted immediate adherence among ILO Member States, as has happened with other Conventions that enjoyed very high ratification rates just a few years after their adoption? Only at the end of the Survey, in paragraph 420, do we find a very brief reference to the fact that most countries are not considering the possibility of ratifying the Convention. It is important to remember, regrettably, that a country does not cease the ratification of a valuable Convention for lack of information or parliamentary motivation; that, we believe, is precisely the heart of the matter that must be studied in depth. These aspects of the legal reality, however, are not made clear in the Survey.

Yesterday, the Director-General recalled the shameful global unemployment figures. We have, perhaps, created a legal system capable of protecting rights but ineffective in closing jobs gaps and tackling the despair of millions of people. In our opinion, this situation would be better addressed by viewing issues in the world of work from new perspectives.

Worker member, Canada – Article 5 of Convention No. 150 stresses the importance of consultation, cooperation and negotiation between the public authorities and the social partners at the national, regional and sectoral levels.

In Canada, the subnational jurisdiction of Quebec has achieved a robust model of social dialogue with the Commission of Labour Market Partners, which has the mandate to identify the development needs of the current and future labour force and advise the Government on labour market policy and meeting labour market needs, including the determination of criteria for allocating the 1 per cent training levy on employers to measures, programmes and labour and employment funds. Approximately 1,000 partners are involved in a network that includes

29 sectoral labour committees, 17 regional councils of labour market partners, and advisory committees representing groups that are under-represented in the labour market.

It is well recognized that sector councils are essential to identifying and coordinating responses to industry-specific skills needs, training gaps, and adjustment challenges. Unfortunately, Quebec's rich system of social dialogue is unique. In the rest of the country, bipartite and multipartite sector councils of the social partners are mostly underfunded or non-existent. And governments have virtually no institutionalized social dialogue on critical issues affecting the future of work, such as digitalization and artificial intelligence. The Federal Government signs labour market transfer agreements with provinces and territories to deliver federal funding for skills training and labour market programming. The agreements do not stipulate that the social partners must be consulted and involved in the design and delivery of programming. This is despite the fact that it is workers' and employers' money that is being transferred to provinces and territories for training and workforce development.

Workers' and employers' representatives are nominally involved in the administration of the Employment Insurance fund, which is financed by workers' and employers' contributions.

Canada's sole tripartite body within the Federal Government is the Employment Insurance Commission. In a welcome step, the Government of Canada has recently restored a tripartite appeals adjudication process for jobless benefit claimants. Too often, however, the Canadian Government maintains tight control of information and decision-making, and commonly excludes workers' and employers' representatives from policymaking and administration of benefits and programming for jobless workers.

The Government of Canada can and should engage unions and employer groups in workforce development and labour market programming to a far greater extent than it does now. We believe it should start by ratifying Convention No. 150. Convention No. 150 notes that labour administration means public administration activities in the field of national labour policy. We are concerned with public-private partnerships in the delivery of public employment services. Public bodies responsible for labour administration should not be used as an instrument for private gain by consultants and brokers. In one large Canadian province, the government body providing frontline employment services to jobseekers has been installed within a chain of office-supply stores. The public employment service should be used to ensure responsive labour adjustment and employment services for displaced and unemployed workers.

Finally, we urge the Government to adopt a more robust system of compliance assessment and enforcement of labour and workplace standards.

In the last two decades, increasing numbers of employers have adopted business models based on outsourcing and subcontracting, employee misclassification, and subjecting contractors and workers to intensified competitive pressures, making cost minimization paramount. In this context, a complaint-based system of enforcement, profound and deepening workplace power imbalances between employees and employer, and limited resources for labour inspections combine so that most infractions go unreported and unaddressed.

Currently, the Government of Canada's enforcement model rests on the assumption that violations are the result of lack of awareness or capacity to comply, that employers are inclined to act within the confines of the law, and that violations are exceptions to the rule. We urge the Government to instead adopt a model of regulation rooted in deterrence, in which non-compliance with the law is understood as the outcome of behaviour driven by a rational cost-

benefit calculation. Unions and workers' organizations should be incorporated into this enforcement model.

Government member, Türkiye – I would like to congratulate you and your Vice-Chairpersons on your election as the Committee's officers and to thank the Committee of Experts for its comprehensive and updated General Survey.

Distinguished delegates, our Government is committed to the development of our country, the welfare of our citizens, social peace and decent work, and is therefore taking important steps in labour administration. In this regard, the Ministry of Labour and Social Security has the mandate and authority in many areas of labour administration. Along with the central organization of our Ministry, there are affiliated institutions – such as the General Directorate of the Turkish Employment Agency, the Social Security Institution Presidency and the Vocational Qualifications Institution – which are responsible for labour administration in Türkiye. These institutions and organizations enable standard-setting on the issues related to labour administration.

In terms of consultative bodies, the Social Policies Board, which is composed of academics, carries out its activities under the Presidency and the Parliamentary Committee for Health, Family, Labour and Social Affairs, which convenes to discuss draft laws and proposals.

Regarding the institutional framework for the coordination of functions and responsibilities, there are also different bodies within the system of labour administration, such as the Labour Assembly, the Tripartite Advisory Board and the Minimum Wage Fixing Commission, which are tripartite structures tasked with developing harmonious industrial relations in the world of work.

The National Employment Strategy is a policy document prepared with the participation of relevant stakeholders to provide the institutions in the labour administration with a vision and recommendations on strengthening the relationship between education and employment, ensuring security and flexibility in the labour market, increasing employment of groups requiring special policies, and empowering the relationship between employment and social protection.

We reaffirm our commitment to continue encouraging the promotion of the fundamental principles and rights at work in our labour administration system. We hope that coordinated action, in collaboration with the social partners and in consultation with other relevant stakeholders, will be intensified and will serve to promote social dialogue and decent work conditions for all.

Worker member, Argentina – The General Survey of the Committee of Experts emphasizes the fundamental consideration that the economic structure and the socio-labour structure are of equal importance for future governance. I am indubitably basing my view on the data and evidence showing the constantly growing inequality and decreased protection for the fundamental labour rights of women and men workers.

In this regard, it is also necessary to develop a legal and political framework for the achievement of social justice. The policies that are being adopted in my country by the new Government are in contrast with the standards set out in the General Survey to such an extent that the concepts and values of social justice are in collision with the idea of transferring the role of the State to the private sector.

We reaffirm the belief that without the State there is no nation. The Government does not intervene in the settlement of conflicts, does not promote employment policies, disregards

vocational training, endeavours to limit collective bargaining and ignores its obligations to combat unregistered work by building the capacity of the labour inspection services. This is clearly the complete opposite of the conclusion reached by the ILO Committee of Experts that social dialogue is vitally important in addressing labour issues.

Through an emergency decree, the executive authorities in my country, without consulting the social partners or civil society, and without going through the legislative authorities, have sought to introduce the most regressive labour reform since the return of democracy.

A reform that increases precarity and is anti-union, with the objective of imposing a series of economic policies and structural reforms that undermine living conditions and restrict the exercise of freedom of association. The response of the workers' movement has been through the courts and mass mobilizations under the banner of "no step backwards". The reform has involved the reduction of the role of the State through the elimination of ministries and hierarchical bodies, the mass dismissal of public sector workers and, as a consequence of the deep recession, it has resulted in dismissals in the private sector due to the paralysis of economic activity. For example, the construction sector, the driver of sustainable economic growth in any country, has been hit by the unjustified paralysis of public works and infrastructure, resulting in the loss of thousands of jobs and compromising investment in the development of production in the country.

It is essential to have a well-intentioned labour administration to guarantee the transition from informality to formality and to provide a response for the 60 per cent of informal workers that there are in the country.

The Committee of Experts emphasizes the fundamental role played by the Ministry of Labour. In Argentina, the first measure adopted by the current Government was to demote our Ministry to the role of Secretariat of Labour, by reducing its functions and voiding it of its public purpose.

The workers of my country call for social dialogue as the cornerstone of democracy for the construction of an Argentina with development, production and work. A new social contract is required that responds to the challenges of the world of work, but which fundamentally addresses the demands of our people.

Government member, Senegal – The Government of Senegal would like to congratulate the Chairperson of the Committee and commends the quality of the report by the Committee of Experts entitled "Labour administration in a changing world of work". Adapting labour administration to changes in the world of work is a challenge to which every labour administration system must rise if it is to continue to fulfil its responsibilities and put people at the centre of its concerns. The Government of Senegal has therefore undertaken to adapt its labour administration to the new realities of the world of work by implementing a number of measures to meet today's challenges.

Firstly, the COVID-19 pandemic tested the resilience of our labour administration system. Appropriate measures were thus taken in cooperation with the employers' and workers' organizations to safeguard workers' rights, while guaranteeing enterprise productivity and competitiveness. Ordinance No. 001-2020 banned all dismissals unless justified by serious misconduct, and guaranteed 70 per cent remuneration to workers temporarily laid off during this period.

The COVID-19 pandemic also led to the digitalization of a number of labour administration procedures, including those for filing employment contracts, annual statements on the

situation of the labour force, social balance sheets and applications for certificates of regularity.

To strengthen consultation and negotiation between the social partners, the High Council for Social Dialogue was established as the national tripartite institution for social dialogue, comprising representatives of employers, workers and the Government.

Measures to extend social protection to the informal economy have also been implemented, including the creation of a social mutual insurance scheme for artisans.

With a view to improving the supervision of working environments and enhancing the impact of labour inspectors' work, the proposed reform of the Labour Code focuses on increasing their material and legal resources.

Lastly, the Senegalese Government remains open to any proposal aimed at improving its labour administration system to ensure better protection of fundamental rights, while preserving the means of production.

Worker member, Republic of Korea – The Republic of Korea ratified Convention No. 150 in 1997. Articles 5 and 6 emphasize the importance of the active participation of the workers' and employers' organizations in the systems of labour administration. Chapter 1.5 of the General Survey examines the role of the labour administration in supporting industrial relations, and the services provided by the labour ministry to promote voluntary negotiation between management and labour.

The Republic of Korea continues with worst practice on this point. The trade union laws provide other administrative bodies with excessive authority to interfere in or exert control over labour relations. The current administration is abusing this authority. I raise some recent examples. In February 2023, the Ministry of Employment and Labour required 334 union organizations with 10,000 members or more to conduct safety inspections in relation to their fulfilment of the obligation to produce and keep documents and to report the results with evidence. This was not in response to any complaint or allegation raised by the union members but motivated by senior government officials' union-bashing rhetoric such as "organized criminals" or a "cartel of vested interest" without any basis. When the Korean Confederation of Trade Unions (KCTU) refused a request to defend the autonomy of the organization, the Ministry imposed an administrative fine and excluded the organization from various tripartite consultation or advisory bodies.

In February again, the Ministry of Labour announced that it would review the trade unions' bylaws and resolutions to issue corrective orders on provisions they deem illegitimate. In May 2023, the Ministry of Labour ordered four KCTU affiliates to change provisions in their bylaws regarding internal rules to maintain organizational unity. Seeing the administrative authority's order to change the union constitutions as a violation of the right of unions to draw up their own rules in full freedom, the industrial-level unions refused to comply with the correction orders and the union leaders are subsequently being investigated for criminal charges.

In May, the Ministry inspected 510 unionized workplaces with 1,000 or more employees on the operation of the paid time-off system. The Ministry issued administrative guidance to correct the so-called misuse of paid time off for activities deemed illegal such as participation in upper-level union activities or attendance at an unfair labour practices investigation as a complainant. These measures directly affect union operations and reduce capacity for collective bargaining. For instance, in the case of the Korean Public Service and Transport Workers' Union (KPTU), a Seoul Metro union, 25 union officials were dismissed and 9 disciplined for using paid time off for union activities, which had been guaranteed for 15 years by the

agreement between the labour and management. Full-time Korean Metal Workers' Union (KMWU) officials at auto parts and module companies suddenly face non-payment of wages and were unable to take unpaid time off. A major shipbuilding company is unilaterally recording some full-time union officials and safety officers as absent without authorization.

In these companies, paid time off was secured by the signed collective bargaining agreements. The nullification of the agreement provisions from these administrative actions gives rise to labour relations conflicts as a guaranteed time for bargaining committee members was reduced in many workplaces.

In June, the Ministry of Labour requested the Labour Relations Commission to issue corrective orders for collective agreements requiring consultation with the unions for changes in working conditions at 136 public institutions including local government. In September and October, the Ministry sent out official letters entitled "Information of the precaution prior to signing collective bargaining" to the local government to interfere with free and voluntary bargaining processes.

All of this administrative interference in labour relations results in creating a harmful environment for social dialogue and for the meaningful participation of workers' organizations in the labour administration system.

I hope the conclusion of this discussion includes a strong message recalling the preamble of the Convention to request the Government to fully respect the autonomy of employers' and workers' organizations in labour administrations and an emphasis on the terms of Conventions Nos 87 and 98.

Government member, Argentina – We thank the Committee of Experts for the General Survey. We share the main lines of the Survey and we agree on the importance of having an effective and efficient labour administration. It is key to addressing inequalities in the world of work, creating the necessary legal and policy framework to achieve decent work through the application of labour standards, building and promoting economic growth and increasing competitiveness and productivity. In this way, a stable environment is promoted for enterprises through the formulation and application of policies designed to increase employment rates and social cohesion.

Argentina has ratified Convention No. 150 and complies with the standards set out therein. It therefore has a solid labour administration with responsibility for: preparing and ensuring compliance with labour standards, the administration of industrial relations, vocational guidance and training, the investigation and study of conditions of work and employment, and international aspects of labour.

From this viewpoint, my country gives fundamental importance to consultation, cooperation and negotiation between the public authorities and the social partners, and therefore maintains substantial coordination and participation mechanisms.

For example, the National Commission for the Eradication of Child Labour (CONAETI) coordinates, evaluates and follows up policies for the prevention and eradication of child labour and the protection of young workers. The Commission's composition is interministerial, intersectoral and tripartite, with the participation of representatives of the various ministries of the national executive authorities and representatives of workers and employers. The ILO and the United Nations Children's Fund (UNICEF) are also both represented in an advisory capacity. The plenary sessions of the Commission are also of a federal nature, with the participation of provincial commissions for the eradication of child labour.

The National Council for Employment, Productivity and the Adjustable Minimum Living Wage, a body in which workers, employers, the national Government and the Federal Labour Council participate, examines issues relating to industrial relations, assistance to the unemployed, the creation of real and decent employment and the eradication of unregistered work. It also determines the adjustable minimum living wage and the maximum and minimum levels of unemployment benefit.

In relation to employment, there are sectoral councils in which vocational training policies are planned for each sector and training needs are addressed through skills policies and proposals with a view to ensuring a trained workforce and enterprises with skilled workers. Representatives of the social partners, educational organizations, civil society and state associations participate in these bodies, which coordinate their action.

In a world that is in constant transformation, characterized by the challenges posed by technological change, new forms of work and climate change, vocational education and training are taking on special relevance in ensuring decent work, social and economic development, inclusion, opportunities for vocational reconversion, skills development and lifelong learning. Training is therefore a basic priority of economic policy so that work can make a full contribution to personal development.

Collective bargaining is also a pillar of our industrial relations system in Argentina. With a view to the effective exercise of this fundamental right, Argentina has a specific legal framework which provides for the exchange of information between the parties concerned with a view to ensuring free and informed collective bargaining and has established conciliation, mediation and arbitration machinery for the resolution of disputes between the actors.

States have responsibility for safeguarding and promoting fundamental labour rights, and labour administrations play an essential role in the achievement of this objective.

Worker member, France – France is among the countries that have not yet ratified Convention No. 150. The reports of the Committee of Experts and the French Government, however, suggest that France voluntarily applies most of the Convention's provisions. Nevertheless, its ratification would strengthen national labour policy by increasing the social partners' involvement, thereby rebuilding the trust lost in the current tense social climate. As underlined in the General Survey and Convention No. 150, the social partners' involvement is vital in ensuring the proper functioning of labour administrations. In the view of the Committee of Experts, "national policies should be developed, implemented and reviewed in consultation with the most representative organizations of workers and employers". In some areas of current French labour policy, however, this aspect of social dialogue is far from satisfactory. They include unemployment insurance, and we denounce the State's intervention to redefine the rules governing such insurance with the intention of rendering them stricter, despite the fact that the social partners have held full responsibility for them since 1958. As a result, no unemployment insurance agreement has been reached since 2019 because the State's guidelines are so prescriptive as to leave the social partners almost no room for manoeuvre in their negotiations.

With regard to occupational health policy, we deplore the number of workplace and fatal accidents that places France among the worst offenders in the European Union. Each day in France, two workers die at work. Losing your life while trying to make a living is unacceptable. Although the Government has launched a major communication and awareness-raising campaign on occupational risks, the question of monitoring mechanisms remains entirely unanswered: occupational health funds have just 570 monitors for 20 million employees, while

occupational doctors are becoming a rare breed, with fewer than two doctors per 10,000 employees. Furthermore, the Court of Auditors reports that the labour inspectorate lost 16 per cent of its workforce between 2015 and 2021, or the equivalent of around 740 full-time staff. Added to that are the consequences of the State's 2021 territorial organization reforms, which consisted mainly of transferring the management of local labour inspection resources to the Ministry of the Interior. That transfer has hindered the functioning of labour inspection services within the departments and the undertaking of inspections in accordance with Convention No. 81. These staffing and budgetary problems are compounded by assessment problems that result in poor indicators that prevent the accurate evaluation of risk factors. Similarly, the reports of trade union organizations, which are experts on the ground, to national advisory bodies are not sufficiently taken into account in the evaluation and review of policies, including of those intended to reduce the number of occupational accidents in sectors such as construction. Yet, the Committee of Experts believes that "the checking and review of labour policy are essential for achieving Sustainable Development Goal (SDG) 8 as these processes allow for the progressive and periodic adjustment of labour policy in order to adapt to changes in national conditions and in the world of work."

I would like to add that during the health crisis linked to COVID-19, social dialogue was shown to be a vital element of success, management and post-crisis recovery. The results of a 2021 survey by the French Democratic Confederation of Labour (CFDT) and the Kantar research company demonstrate that:

- in companies and public bodies where worker representatives were not consulted, respondents were more likely to believe that working conditions and workers' mental health worsened;
- 87 per cent of respondents believed that to bring an end to the crisis and prepare for the future, the public authorities should involve workers and their representatives to a greater extent.

Another dimension to be highlighted at the sectoral level is the social partners' negotiation of agreements on extended short-time arrangements, a tool that allowed companies affected by the COVID-19 crisis to preserve jobs and safeguard skills. It is therefore time for social partners to be involved meaningfully in the development, implementation and review of labour policy in France.

With that, the French trade union organizations today call on France to ratify Convention No. 150, a step that would strengthen national labour policy.

Interpretation from Arabic: **Government member, Bahrain** – I am grateful to the Committee of Experts and to the ILO for the efforts they have put into the General Survey. In the Kingdom of Bahrain, we agree with the conclusions which have been reached by the Survey, particularly in respect of the flexibility of provisions relating to labour administration and the possibility of taking into account changes in the nature of the working relationship and the impact of technology, as well as the effect of labour migration. Labour administration plays a crucial role in creating a safe and productive environment for work to be carried out. That is a sine qua non, especially in times of crisis. The Government of Bahrain has not ratified Convention No. 150 but we have taken our inspiration from it in setting up a system for managing the labour market. Our Labour Ministry deals with the monitoring issues and the provision of labour services and it governs dispute settlement as well. In the Labour Ministry we have a body which is responsible for regulating the labour market, as I said, which has a labour fund and which is tripartite in structure and thereby plays a crucial role in managing human resources nationally. This is done through a solid system based on an economic policy

to cover development in Bahrain until 2030, and also the Government's labour policy. In its conclusions, the Committee of Experts has indicated that the participation of non-governmental bodies should not be an alternative to a system based on social dialogue. It did, however, confirm that it improves the results on policy implementation and effective decision-making. This is the approach of many governments at the moment and they are also trying to involve the private sector in the preparation of standards and carrying out inspection, including digitally, and in carrying out audits there are now third parties involved. We have an electronic system in Bahrain which enables the simple payment of wages and which also has indicators which help us to intervene quickly if a problem arises or a dispute breaks out. This is the kind of experience we think could be useful to others and could be considered by the ILO when it develops its measures. The Survey picked up the fact that the organization of non-traditional labour relations is very important for labour administration these days, and many of these kinds of relationships are no longer protected by legal text. This means that workers can be exploited and do not enjoy things such as fair working hours and paid holidays, and they also do not necessarily have the possibility of contributing to a pension fund. The situation remains fluid especially when we are talking about cross-border labour relationships, with the worker being in one country but working for an electronic platform which is hosted by another country, for example. A recent ILO study by Miriam A. Cherry looking at the challenges faced by the issue of platform work shared some experiences. She concluded, however, that for the time being there was no one-size-fits-all answer to this situation. In her conclusion, she said, and I quote: "Socially responsible crowd work is possible but it will require creative thinking". This is an indication of the complications being brought in by new methods of work. At the next session of the Conference, we will, I believe, be looking at the preparation of a new standard for platform work. We hope that participants that work will be capable of creative thinking and able to develop innovative provisions which will be in line with the provisions of, say, the Maritime Labour Convention, 2006, as amended, which covers people who work under various jurisdictions as a result of the nature of their work. In conclusion, I wish the Committee full success.

Worker member, Latvia – A well-functioning labour administration is essential to the economic and social progress of each country. It represents an opportunity to put in place and enforce laws and regulations that correspond and react in a timely manner to labour market needs and new tendencies. This is important at all times, but particularly in the context of the post-pandemic recovery.

The Committee of Experts mentions that labour administrations' functions cover a wide range of issues, including labour inspection, employment services, tripartite consultations, freedom of association, collective bargaining, social security, working conditions, occupational safety and health, equality of opportunity and treatment. Please let me comment on some of these functions.

The cornerstone of successful labour governance is tripartite social dialogue, and the involvement of social partners is essential. Social partners test and show the application of labour policies and laws in reality, they highlight drawbacks, lack of regulation and challenges in enforcement. Therefore, social partners are best placed to propose solutions that work in practice and correspond to the actual situation in the labour market.

Tripartite negotiations are an important element of policy and law-making in the area of social policy in Latvia. The national-level social partners were involved also during the COVID-19 pandemic. Taking into account the experience gained, from the trade union perspective, it would be important to stress that also in times of crisis and uncertainty, classical structures of tripartite social dialogue should not be abandoned but should be summoned regularly, and

proportionate representation of social partners should be guaranteed. It must be stressed that investing in the system of tripartite negotiations and social partners' capacity to be effectively involved in it, is a precondition for quality socio-economic policies and legislation and social peace.

Collective bargaining is another essential instrument for successful labour administration. Collective bargaining helps to prevent the approach of "one standard for everyone" and allows regulation to be adjusted to the specific needs of workers and employers in sectors and companies. The experience of the Latvian social partners during the COVID-19 pandemic showed that collective agreements, in times of crisis, can improve the capacity to react, find compromises and adjust regulation to the new circumstances and emerging needs of the labour market in the present moment.

Finally, one of the most important functions of the labour administration is labour inspection. The Committee of Experts recalled the importance for labour inspectorates to be adequately resourced and to harness these resources through various strategies, including targeting specific sectors and occupations. The Committee of Experts encouraged governments to take the necessary measures to ensure that the labour administration has sufficient material resources and numbers of staff and urged governments to ensure that labour administrations are allocated the adequate budgetary resources to perform their tasks and to ensure that their role and the importance of their work receive due recognition.

This point cannot be stressed enough. Labour policies and legislative acts do not reach their objectives if labour inspectors are not able to carry out unexpected inspections in all workplaces to check working conditions in reality. Considering the fact, also noted by the Committee of Experts, that digital technologies, automated decisions, and artificial intelligence are increasingly used in the management of work, labour inspectorates should also be equipped with adequate digital tools, knowledge and skills in order to be able to inspect these new work organization patterns.

Furthermore, efficient enforcement of labour law regulations often also requires the involvement of tax administration and social security authorities. In addition, cooperation agreements between trade unions and labour inspectorates aimed at efficient exchange of information on labour law violations can contribute to the successful work of labour inspectorates.

Therefore, to ensure successful labour administrations, governments, among others, should pay attention to supporting the system and capacity of tripartite negotiations and the autonomy and capacity of social partners to engage in collective bargaining, as well as to the capacities of labour inspectorates, ensuring sufficient resources and well-paid staff.

Government member, Cuba – We would like to thank the Office for the preparation of the General Survey. This subject being of special interest to my country, we intend to broaden the recognition and guarantees of labour rights, guided by the development and promotion of labour standards in accordance with the legislative, economic and demographic changes occurring in Cuba.

In a context impaired by the economic, financial and trade embargo imposed by the Government of the United States of America on my country, the Government of Cuba understands the importance of regularly updating its labour policy, with the involvement of representative workers' and employers' organizations. The process to update legislation began in 2019 with the enactment of the Constitution of the Republic, approved by popular referendum. This process has continued with the approval by the National Assembly of

People's Power of more than 118 legal standards. These have taken due account of the current reality of Cuban society, national development goals, Cuba's obligations under international instruments and the 2030 Agenda for Sustainable Development, among other factors.

This, you will understand, is an arduous process of consultation, conciliation and social dialogue with the various parties concerned, in which the actors in the world of work are directly involved. In this context, the Ministry of Labour and Social Security is leading the process of amending the Labour Code and the Social Security Act, the basis of labour and social protection for workers. This update of the highest national labour standard takes into account, among other things, developments in science and technological innovation and their impact on the world of work, Cuba's commitment to comply with fundamental principles and rights at work, and the obligations and rights recognized in international labour standards, in particular, the 90 Conventions ratified by my country and the international standards for the elimination of discrimination and harassment in the world of work.

The new Labour Code is expected to be an advanced piece of legislation in several respects, including in terms of social security benefits relating to maternity and family responsibility, various forms of protection for the elderly, persons with disabilities, and young people, while immigration and its impact on employment will also be addressed in greater depth.

We, the Member States of this Organization, are committed to ensuring the effective organization and functioning of the labour administration system, ensuring that its functions and responsibilities are properly coordinated with the interests of the social constituents. A fairer society is created on the basis of the adoption of protective labour policies.

I can assure you that labour policy is at the centre of the Cuban Government's attention and is also the main driver of the legislative and economic changes currently under way in the country. Today's debate is therefore a timely opportunity to share experiences and learn from best practices in labour policy and labour administration systems.

Another Worker member, Argentina – We are here at the Conference to discuss the General Survey entitled “Labour administration in a changing world of work”, which examines and analyses Convention No. 150 and Recommendation No. 158 in the various Member States. There can be no doubt that both instruments and the principles that they contain are of crucial relevance and constitute a cornerstone of sustainable development and social justice. The General Survey emphasizes the importance of the Convention and its Recommendation for the Organization and for the efficient functioning of labour administration systems.

It should be recalled that Convention No. 150 and Recommendation No. 158 define labour administration as “public administration activities in the field of national labour policy” and emphasize the fundamental need for adequate material and financial resources for the establishment of coordination mechanisms within and outside labour administration bodies.

The General Survey shows the importance of labour administration adapting to labour market changes and developments, responding to them through the promotion of social dialogue, the evolution of labour standards and the coordination of employment and human resources development policies.

On the basis of the findings of the General Survey, I am bound to refer to the current situation in Argentina, which is in contradiction with the logic of the General Survey, as the Government has promoted various policies which have destroyed the labour administration and employment policy in general.

The new administration has implemented its economic and social plan by means of lower level norms, in clear violation of the Constitution of Argentina, that is to say, ignoring the legislative authority. For this purpose, a series of decrees, decisions, provisions and administrative measures have been developed and implemented which, taken together, constitute a systematic plan to change the model of wealth creation for the benefit of the most concentrated sectors of the economy and amount to a systematic violation of the social rights and guarantees which enjoy the highest level of constitutional protection.

The current Government has engaged in reductions of programmes, the elimination of institutions, the refutation of instances responsible for human rights and social development, and the modification of ministerial structures covering federal planning, public investment, production, and employment policies in general. For example, the Ministry of Labour, Employment and Social Security has been demoted to a Secretariat, combined with the failure to appoint public officials in the various departments of the labour administration.

At the same time, Emergency Decree No. 70/2023 of December 2023 has deregulated trade, services and industry, freeing the private sector to set prices, which has resulted in a reduction in supply on the internal market and the inevitable rise in prices, affecting the level of workers' real wages.

Similarly, through Emergency Decree No. 84/2023, the executive authority destroyed public employment with over 20,000 dismissals, with this figure continuing to rise, and dismantling the labour administration, despite the transformations in the world of work, as indicated in the General Survey.

It has also pulverized the wages of teachers, abolishing the National Teaching Incentive Fund, which had been part of their wages for over 25 years, and eliminating the Fund's budget.

It is vital to point out that the Argentine State, through mass dismissals and the elimination of areas of government, is in specific violation of the Convention under discussion, as it is emptying of substance the policies intended to develop an effective labour administration. Some 60 per cent of women and men workers in the country are informal. What would the participants at the Conference think if any of their number affirmed that social justice is an aberration? With much regret and shame, I have to say that this is one of the guiding principles of the current Government of Argentina, which we must unanimously reject.

Finally, I wish to emphasize that, if we are seeking to create a more inclusive and just future, we need to ensure, through this House, that our systems of labour administration are capable and efficient to deal with a world of work that is in constant transformation through planning, social dialogue and the achievement of social justice.

Worker member, Philippines – The Philippines has not yet ratified Convention No. 150 and we take this opportunity to urge our Government to ratify it, comply with its provisions, and foster a fair and efficient labour administration system.

We welcome the report of the Committee of Experts, we agree with the importance of participation, meaningful participation. One critical area requiring attention is representation and administration within tripartite bodies. Despite purported appointments from labour and employer sectors in institutions like the social security system, government service insurance system and PhilHealth, many appointees do not truly represent the most significant workers' and employers' organizations. This lack of genuine representation undermines the integrity and effectiveness of these bodies. Both trade unions and employers' groups express concerns on this matter.

We agree with the call for good governance and the need for transparency. The labour justice administration also demands significant reform and needs transparency in the appointment of tripartite representatives. Also, there is a structural problem. Unlike the regular courts, which operate with three layers, the labour justice system in the Philippines has four, leading to prolonged dispute resolutions. On average, it takes about seven years to resolve labour disputes, from the Labour Arbitration Branch through to the Supreme Court. This added layer contributes to unnecessary delays and inefficiencies.

The sorry state of labour justice administration in the public sector is also concerning. The Public Sector Labour Management Council (PSLMC) under Executive Order 180 ("The Right to Self-Organization by Government Employees") is chaired by the Civil Service Commission and vice-chaired by the Department of Labor and Employment (DOLE). However, it does not recognize labour representatives as members of the Council. It takes 7–15 years for cases to be resolved. Though we welcome the Philippines' ratification of the Labour Relations (Public Service) Convention, 1978 (No. 151), Executive Order 180 remains misaligned and non-compliant with Convention No. 151.

Furthermore, the Labour Education Act, passed by Congress in 2021, has yet to be implemented due to the absence of implementing rules and regulations. Similarly, the *Trabaho Para sa Bayan* Act (Employment for the Nation Act), which passed last year as a priority law, lacks the necessary implementing rules. Until now, no workers' and employers' sectors have been appointed representatives. The Philippine Export Zone Authority (PEZA), established as early as 1995, has barely started appointing workers' representatives to its boards as mandated by law.

As regards assistance to migrant workers, nearly 5,000 cases of maltreatment of Overseas Filipino Workers (OFWs) were reported in 2020, the majority of which came from the Middle East. Lately, approximately 60,000 OFWs in the Republic of Korea are facing issues such as illegal recruitment, human trafficking, contract switching, and labour standard violations. This highlights the urgent need for increased government assistance and budget allocation to address the welfare and protection of OFWs.

Additionally, thousands of Filipino workers in foreign artificial intelligence (AI) companies reportedly earn less than the minimum wage. The inability to inspect these foreign employers is allegedly due to their location abroad. Filipino workers earn as low as \$6–\$10 daily for outsourced work from the US-based AI company, a wage significantly below the minimum wage in Metro Manila.

The DOLE needs to ensure Filipino workers' rights amid the rise of AI, particularly given the country's high rate of digital platform work outsourced by the global North.

Worker member, Poland – I am speaking on behalf of Polish representative trade union organizations: the Independent Self-Governing Trade Union 'Solidarity' (NSZZ 'Solidarność'), the Poland Alliance of Trade Unions and the Trade Unions Forum.

At the beginning, let me thank the Committee of Experts for preparing a very detailed and comprehensive Report. This is a very timely report.

Labour administration covers a wide range of issues, including labour inspection.

In the 2022 report, the State Labour Inspection pointed out the increasing range of issues that labour inspectors have to examine during inspection, the burden of tasks that, in its opinion, should be performed by other services and the need to allow labour inspectors to use modern electronic data analysis tools, using information in the possession of other services.

Recent years have shown that inspection activities in the field of legality of employment are no longer quick inspections at the place of work, but arduous, time-consuming and interdisciplinary proceedings, requiring deep data analysis and drawing conclusions based on information and evidence from various sources.

I would like to draw your attention to the problem of additional authorization of labour inspection of entrepreneurs which was introduced in 2004 and had a significant and negative impact on the effectiveness of inspections.

Under the current law, inspections of employers who are not entrepreneurs are carried out upon presentation of a labour inspector's work ID card, which confirms the inspector's identity and authority. In the case of employers who are entrepreneurs, the labour inspector must be additionally equipped with an authorization which indicates, among other things, the scope of the inspection. So in the event of the need to expand the scope of the inspection, the inspector must apply for a new authorization.

Labour inspectors sometimes find it difficult to provide an authorization, or to determine which entrepreneur is to be indicated on the authorization. This is the case of construction sites. A labour inspector, entering a construction site, has an authorization to inspect a given company. On this part, it often turns out that there are many subcontractors on the site, and more authorizations are required.

For more than a dozen years, both the Chief Labour Inspector and the Labour Protection Council have repeatedly called for the abolition of the obligation for this additional authorization.

As a result of the petition of the Association of Labour Inspectors of the Republic of Poland, a bill amending the Law on the State Labour Inspection and the Law on Entrepreneurs abolishing the additional authorization was presented at the sitting of the Parliamentary Committee on Petitions in May this year.

The bill was supported by the State Labour Inspectorate, but the Ministry of Economic Development and Technology spoke against the bill, indicating that the proposed changes are not pro-enterprise.

The Committee passed a resolution for further work on the bill and it was forwarded to the speaker of the Parliament, for further proceedings. The bill was sent to consultation. The information on the Parliament web page indicates that the bill is to be sent, among others, to the employers' organizations but not to trade unions. Trade unions are not scheduled to be consulted despite the fact that they are keenly interested in the subject. A significant number of labour inspections are carried out at the request of trade unions as a consequence of irregularities occurring at workplaces observed by unions.

The above-mentioned issues are just some examples of challenges which the labour administration in Poland faces, especially when it comes to the work of labour inspections which is much appreciated.

Government member, Republic of Korea – The Republic of Korea would like to thank the Committee of Experts for preparing this report on labour administration. At the outset, the Korean Government has increased the number of OSH inspectors annually to prevent occupational accidents, reaching 814 inspectors as of March 2024, compared to 448 in 2017. Efforts will continue to increase the number of inspectors and provide them with specialized training to enhance their expertise. This effort is in line with the spirit and content of Convention No. 150.

The Korean Government, while sparing no effort to improve and expand its labour administration to cover all working people in the Republic of Korea, would like to make some comments on the opinions expressed today. First, the union's bylaw is legally binding on its members and cannot violate the Constitution of the Republic of Korea and its laws. Korean law provides that if a union's bylaw or resolution or union activity violates the Trade Union Act or the Constitution of the Republic of Korea, the Government may order corrections.

The correction order system against bylaws is a minimum intervention by the administrative authority in cases where the democracy or independence of trade unions is undermined by illegal bylaws that restrict the free withdrawal of members or unfairly restrict electoral rights, and ensures procedural fairness, such as obtaining a decision from the Labour Relations Commission.

In practice, Korean administrative offices do not issue corrective orders on union bylaws unless there are special circumstances, such as a complaint from a union member. From 2019 to 2023, competent authorities ordered 11 amendments to illegal bylaws restricting the free withdrawal of members from the union or restricting the right of members to vote without just cause, all of which were the result of complaints from union members or trade unions.

Second, the current paid time-off system was introduced in 2010 through a labour management agreement to address the excessive number of paid full-time officers in the Republic of Korea and unreasonable practices such as undermining the autonomy and independence of trade unions, and to reflect the ILO's recommendation to stop legislative involvement in the issue of wage payment to full-time union officers.

The ILO has also expressed the view that it is necessary to take into account the specificities of industrial relations in the Republic of Korea and that the provision of facilities such as payment of wages to trade union representatives by the employer should not interfere with the efficient operation of the enterprise, taking into account the needs, size and capacity of the enterprise, and that reasonable limits can be placed on the scope of the time-off system.

On the other hand, the Korean Government amended the Trade Union Act in 2021 to allow the Economic, Social and Labour Council, a neutral and independent body for social dialogue, to autonomously decide on operational matters such as setting the limit of time off with the participation of labour and management.

Employer member, Argentina – I would like to take this opportunity to put forward a number of considerations on behalf of employers in Argentina. In particular, we wish to acknowledge the importance of coordinating employment policies with the social partners through effective consultation with the most representative organizations of workers and employers, as well as the value of maintaining strong democratic institutions which guarantee the appropriate functioning of systems of checks and balances, and of channels, both administrative and judicial, for the resolution of conflicts related to the world of work.

The State of Argentina has institutionalized consultation mechanisms for the development of employment and other policies related to the labour market. The most illustrative example that we would like to highlight is the National Council for Employment, Productivity and the Adjustable Minimum Living Wage, which operates as a space for bipartite negotiation with broad representation of employers and workers through the most representative organizations in the various productive sectors.

As employers, we also wish to emphasize that, in order to have an effective and efficient labour administration, it is also necessary for there to be a regulatory framework that promotes the development of sustainable enterprises, especially in the context of serious

economic crises such as the one experienced in our country. Supporting the operation of small and medium-sized enterprises is an effective strategy, perhaps the most effective, to protect the sources of freely chosen, quality work, combat informality and implement policies to take advantage of the potential of strategic sectors, such as the green economy and industry 4.0 techniques, with a view to achieving improvements in both conditions of work and productivity. Institutionalized social dialogue is an essential tool for this purpose, as it offers up-to-date information on the prevailing challenges in the labour market and the development of tools that are sustainable and take into account the concerns of the social partners.

Interpretation from Portuguese: **Observer, International Trade Union Confederation (ITUC)** – Dear fellow trade union leaders, I would like to thank you for giving me this great opportunity to underscore some of the important aspects that compromise a labour administration that is intended to be efficient and effective, in line with the guidance set out in Convention No. 150 on the labour administration system and its decisive role in creating objective conditions to promote and improve standards of living of workers and their families. In Guinea-Bissau, after the first administrative reforms had been undertaken in an open and multiparty fashion, important measures were adopted, which, had they been applied by successive governments, would mean that we would not be calling for the implementation of the ILO Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), which has not been updated since 1988. Decree No. 12-A/94 of 28 February 1994 issuing the public administration staff regulations states that staff will be hired through public competition, with a periodic assessment of staff performance as well as career progression. Unfortunately, successive governments in Guinea-Bissau have not respected these legal requirements, which has led to stagnation of the career of civil servants. Despite the revision of the staff regulations through Decree-Laws Nos 4, 5, 8 and 11 of 19 October 2012, no progress has been made and these provisions have been forgotten. If there were performance appraisals and career progression for workers, wages would not be so low in relation to the cost of living. That is why we need to also ensure that Convention No. 26 is implemented. It was ratified by Guinea-Bissau in 1977 and it was in 1988, through Decree No. 17/88 of 4 April 1988, that the last definition of the minimum wage in the country was made.

The lack of a definition of a national minimum wage has serious consequences for the lives of workers, employers and the State itself because workers, for example, cannot meet the expenses they need for a period of two weeks. There is also no incentive for productivity.

The State and the employers pretend to pay, the workers pretend to work. In addition, without assessment of performance and career progression for workers and officials, we cannot ensure greater productivity. Faced with this fragile situation of disregard for administrative rules, the State was led to failure. If there had been the respect of the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by the State of Guinea-Bissau, we would not be seeing the people and workers in general suffering and living in poverty. In 2001 the Government of Guinea-Bissau created a tripartite body called the Standing Council for Social Cooperation. If this body had functioned properly, with a serious and responsible social dialogue, we would have had solutions that could have minimized the suffering of workers in Guinea-Bissau. The question of a national minimum wage is fundamental for Guinea-Bissau given that sections 153 and 154 of the new Labour Code of 18 July 2022 provide that the executive must define a national minimum wage with social partners. That is why it is vital that social dialogue be promoted so that we can respect the principle of freedom of association as well as other fundamental rights which are established in Act No. 8/91 of 3 October 1991 and Act No. 3/92 of 6 April 1992.

The State also has the obligation to honour the commitment assumed with the ratification of Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which was ratified in June 2023.

Observer, International Transport Workers' Federation (ITF) – My intervention will focus on the challenges and opportunities for labour administrations in the context of global supply chains and labour administration activities relating to non-standard forms of employment.

As highlighted in paragraphs 185–188 of the General Survey, labour inspectors have a direct and essential role in protecting the rights of workers in global supply chains. As a representative of transport and logistics workers – a heavily subcontracted workforce found in almost every product supply chain – we know too well the essential role of labour inspection in upholding the rights of these key workers. However, as noted in the excellent ILO *Labour Inspection Technical Note on strategic compliance planning for decent work in global supply chains*, a major challenge faced by labour inspectorates is their inability to hold multinational enterprises accountable for labour law violations in the lower tiers of their supply chains due to jurisdictional limitations. This is due to the fact that enforcement powers of labour inspectorates cover only workplaces which are located in their country and are under national labour laws. Indeed, inspectorate mandates may also be limited in Special Economic Zones.

Another major challenge faced by labour inspectorates in some countries is the weakness of national regulations concerning non-standard forms of employment, such as permissible disguised employment through labour-only contracting, or informal work arrangements, which could be linked to global supply chains.

These limitations on a labour inspectorate's mandate within global supply chains can lead to adverse outcomes for workers, especially where private compliance initiatives seek to fill this regulatory gap. Of course, these initiatives themselves have significant limitations, not least the fact that they may have vested interests due to their funding arrangements.

For these reasons, we fully endorse the Committee of Experts' conclusion that labour administrations need to promote effective governance of global supply chains based on the primary role of the State to ensure enforcement. Indeed, we would call on States to recognize the cross-border nature of global supply chains and facilitate mutual assistance in monitoring, inspections, investigations and enforcement actions, where appropriate. The ILO can also promote cooperation, assistance and capacity-building between competent authorities in this regard.

Turning now to Chapter 1.8.4 of the General Survey, we agree with the Committee of Experts that non-standard employment features prominently in the digital economy and that one of the main questions that labour administrations face, while dealing with digital platform work is the classification of the employment relationship. Indeed, as the Committee of Experts concludes in paragraph 167, it is imperative that inspectorates are adequately resourced to tackle, among other things, the expansion of non-standard forms of employment with a high incidence of non-compliance with labour legislation.

Here, we would note the significant role played by labour inspectorates in several countries.

In 2021, the Italian labour inspectorate collaborated with the public prosecutor in a major investigation into platform work. The Milan prosecutor then ordered four food delivery companies to officially hire more than 60,000 misclassified workers and to pay a total of €733 million in fines.

In Spain, the labour inspectorate has issued several fines against food delivery platform companies over unlawful misclassification – both before and after the adoption of the country's Rider Law, most recently in January this year.

In 2021, the Brazilian labour inspectorate issued a 219-page report on the employment practices of a large food delivery platform and concluded that the company's riders were in a "subordinate job where the platform was in total control over their tasks".

And finally in 2023, the Dutch labour inspectorate concluded an investigation into food delivery platforms that found instances of child labour, low pay and occupational safety and health violations.

These examples demonstrate the key role labour inspectorates play in a segment of the economy where workers do not have adequate recourse to labour justice. But labour inspectors in this space work in the dark as they do not have access to a platform's algorithmic black box. Automated monitoring and decision-making systems powered by algorithms are replacing functions that human managers usually perform, including allocating tasks, pricing assignments, determining work schedules, giving instructions and imposing sanctions. Therefore, it is essential that digital labour platforms are required to provide information on algorithmic management practices to labour inspectorates so that they can perform their duties properly.

Observer, Confederation of University Workers in the Americas (CONTUA) – Firstly, on behalf of the public workers of the labour ministries in our region, we would like to bring to this forum's attention the serious shortcomings in employment stability guarantees and respect for the continuity of public officials' posts, including the right to collective bargaining, and the almost non-existence of policies for further training for labour administration staff. This situation, when combined with low wages and poor working conditions, contradicts the image that many States attempt to project before the ILO.

We can state without a doubt that, except in very few cases, States have weakened their labour administration structures. This owes in large part to a reduction in the quantity and quality of their human resources and a lack of investment in technology. Without effective compliance with the guarantee of decent working conditions for public workers in labour ministries which we have agreed upon at the ILO, it will be impossible to meet the objectives that we set with the adoption of Convention No. 150 and Recommendation No. 158.

In short, the very persons tasked with ensuring fair working conditions are themselves victims of unfair working conditions.

The second point that we would like to make relates to the political capture of State structures, including labour administrations, to interfere in the internal affairs of trade unions. Regrettably, in many cases, indeed the majority, we see how the governments of Latin America use their labour ministries' monitoring powers to interfere in trade union elections, arbitrarily delay legal recognition and damage trade union organizations.

Thirdly, we would like to focus on social dialogue and tripartism. The labour ministries and their most senior officials repeat here, at the ILO, the mantra of social dialogue, tripartism and "labour is not a commodity". However, a rare phenomenon of as yet unknown origin seems to occur over the Atlantic Ocean, or, more precisely, during the journey from Geneva to Latin America, because when those officials set foot on land, they forget their speeches, adopt a blinkered unilateral approach and dispense with the social dialogue that 12 hours previously they were trumpeting in Europe.

As defined by my mentor and colleague Gerardo Martínez, institutionalized social dialogue is no more and no less than real dialogue, the result of consensus based on the acknowledgement of diversity, in which decisions and risks are shared, that endures over time and is consolidated as state policy.

Until very recently we as Argentinians were proud of the tripartism of the National Council on Employment, Productivity and the Adjustable Minimum Wage. However, beyond what has been shared here, what we have seen at the last two meetings of the Council has broken from the historical approach of consensus, rendering us unable to reach agreement and therefore setting us clearly on the road to regression and non-compliance with the agreements reached in this house.

At the risk of featuring in the statement that the Chairperson suggested that the Government of Argentina was going to make, I cannot fail to mention the hierarchical breakdown seen in the area of labour under the current Government, the dismantling of the former Ministry of Labour and the arbitrary dismissal of thousands of public officials, many of them in the area of labour administration, in steps that clearly contradict the objectives upheld by those of us who believe in the foundations of this Organization.

Employer members – The Employers' group would like to thank the Governments and all speakers that have contributed to this debate. Considering all contributions and remarks, the Employers wish to address the following points.

- First, effective labour administration systems are vital for good governance of labour matters as well as for economic and social progress. On the one hand, labour administration systems, along with public employment services and labour inspection, can make decent work a reality in the workplace by enforcing labour standards. On the other hand, labour administration systems can contribute to economic growth by increasing competitiveness and productivity, ensuring a predictable environment for business, as well as developing and implementing policies and producing higher employment rates and social cohesion. Labour administration plays a key role in ensuring decent work by stimulating economic growth by levelling the playing field, promoting business predictability, sustainable enterprises and inclusive economies. Therefore a well-organized labour administration that takes equal account of the needs of workers and employers is the be-all and end-all of good labour market governance and thus the key to achieving decent work, sustainable companies and economic stability.
- Second, crises can provide an opportunity to strengthen or reform labour administration and modernize labour policies so that they are better prepared to anticipate and respond effectively to future events. Today, labour administration systems operate in a rapidly changing economic, social and technological environment. The world of work is experiencing profound changes, as has been recently the case as a result of the COVID-19 pandemic. Further significant transformations are to be expected, with the spread of artificial intelligence applications in the workplace. It is therefore essential that labour administrations are constantly modernized and adapted to be able to cope with such transformations. Modernization of labour administration may require exploring new methods of governance and management, including adopting new policies, services and enforcing mechanisms but also building effective public and private partnerships. Any modernization effort, however, must respect values such as the rule of law, tripartism, social dialogue, public interest, good governance and transparency. The Employers consider, that in a post-pandemic world, modernizing and strengthening the capacity of labour administration is essential not only to address crises but also to ensure more resilient,

sustainable and inclusive economies for the future. In this sense, we welcome this examination of the two ILO instruments in the General Survey as a timely opportunity to take a fresh look at the important role of labour administration systems, to see how they can best meet future challenges and needs.

- Third, as foreseen in Convention No. 150 and Recommendation No. 158, labour administrations need to engage independently with representative employers' and workers' organizations and closely in their activities through consultation, cooperation and negotiation. Employers' and workers' organizations have comprehensive and in-depth knowledge and experience in labour matters, and can, and should, assist labour administrations in providing relevant and balanced responses to the transformative changes in the world of work.
- Finally, labour administrations should pay due attention to the importance of the role of sustainable enterprises, as generators of employment and promoters of innovation and decent work, as recognized in the ILO Centenary Declaration.

In conclusion, having reviewed the General Survey, the Employers consider that the positive potential of labour administrations, as reflected in Convention No. 150 and Recommendation No. 158, is not yet fully recognized and developed in all ILO Member States. The Employers trust that this discussion of the General Survey can and will contribute to further progress in this regard.

Worker members – Given the key role of labour administration in achieving all the objectives pursued by the ILO, in our opinion, this Convention should be the subject of a campaign aimed at promoting its ratification.

In addition to the up-to-date nature of Convention No. 150 and Recommendation No. 158, the two instruments have a high level of flexibility which enables Member States to adapt national labour policy to the rapid developments in the world of work. This flexibility also allows for labour administration to be designed in accordance with the specific needs of each Member State.

It is essential for the labour administration system implemented to meet the requirements established by the Convention. The General Survey has shown that very modern solutions can be found for the implementation of an effective labour administration.

It would be useful for Member States to re-examine the possibility of ratifying Convention No. 150 in the light of this new General Survey.

In this regard, it is important for the ILO to maintain and strengthen the technical assistance provided to governments and social partners to ensure economic and social progress in an inclusive, sustainable and resilient context. And this will be achieved, in particular, by strengthening the mechanisms allowing for the consultation and participation of the social partners regarding the drafting of national policies on work and employment, and the coordinated and coherent implementation and the revision of these policies.

The vital role of labour inspectorates cannot be forgotten and must be reinforced by building their capacity.

Developing countries are particularly in need of technical assistance for the acquisition of computerized labour market information systems. It is important not only for these countries, but also for others, to have up-to-date national statistics on employment and employment trends in order to identify gaps in worker protection. These tools will provide them with the

capacity to adjust, develop and implement coherent, comprehensive and effective national policies on employment and work to close gaps and evaluate the results.

As we are discussing the evaluation of employment policies and strategies, we consider that it is important to recall that, since the role of labour administration is to create decent and stable jobs, improve living standards, and promote social progress and social justice, the methods used in the private sector are inadequate for the evaluation of such objectives.

It is also in the light of this fundamental role that the notion of sustainable enterprises mentioned several times in the General Survey must be addressed. A sustainable enterprise is an enterprise that allows for the creation of decent and stable jobs, the improvement of living standards, and the promotion of social progress and social justice. It is only by keeping in mind these objectives that labour administration will be able to address this notion.

The scope of labour administration is already very wide, but it must continue to expand as the world of work evolves. The General Survey indicates the need to adapt labour administration mechanisms to these new developments in order for all workers to benefit from the policies and services implemented through labour administration.

Workers still insufficiently covered include those in the informal economy, in precarious forms of employment, such as temporary contracts, part-time work, on-call contracts, temporary agency work or working from home, not to mention workers on digital platforms and the self-employed.

Labour administration activities should cover these workers in order to increase the reliability, importance and credibility of labour administration. Labour administration can thus contribute to overcoming deficiencies in decent work in these forms of employment by adapting regulations and policies.

However, major legislative and policy gaps persist, leaving these workers without adequate protection. These gaps need to be closed.

Labour administration plays a vital role in ensuring compliance with labour standards. By implementing measures to increase the scope of and compliance with labour standards, labour administration contributes to the establishment of decent working conditions and a level playing field for all economic actors.

These measures include the compulsory extension of collective labour agreements, whereby instruments negotiated freely and voluntarily between workers' and employers' representatives can be applied to all enterprises. The Committee of Experts also recalls that the promotion of collective bargaining and the conclusion of collective labour agreements must not have the effect of lowering the level of protection provided by labour regulations.

The General Survey indicates that labour ministries rarely draw up documents comprehensively defining a national labour policy. Such a document is nevertheless essential, particularly given the need to ensure coordination and coherence, at every level, of all initiatives from all the actors involved in implementing labour and employment policy. The General Survey indicates that Member States may usefully avail themselves of ILO technical assistance in carrying out this exercise.

The promotion of ratification to which I referred at the beginning of my speech is fully in step with Member States' other commitments within the ILO, in particular those contained in the Conference resolution of 2011, the Centenary Declaration and the Global Call to Action of 2021. Developing an effective labour administration system is a key factor in achieving the

objectives set out in these instruments and, more broadly, in achieving the Sustainable Development Goals.

The ILO's assistance will be essential in this regard. The ILO could develop an action plan and tools to help governments pinpoint opportunities for improving labour administration at national level. This will also require Member States to be convinced of the need to invest in their labour administration, whether in terms of financial and human resources, training of labour administration officials or legislative reforms, in order to be fully equipped to promote decent work and social justice. This General Survey makes a strong case for such investment.

Chairperson – Earlier in this sitting the Government of Argentina requested the right to reply in respect to the intervention by the Workers' delegate of Argentina. I now give the floor to the Government of Argentina to exercise the right to reply. The reply must be no longer than two minutes and must be in parliamentary language. No "right to reply" to the reply will be granted.

Government member, Argentina – Earlier, we heard a complete catalogue of inaccuracies relating to the Government of Argentina voiced by the distinguished representative of education workers. Among other matters, it was indicated that 60 per cent of workers are informal and criticisms were raised of economic parameters. I would say that the distinguished representative of education workers is right. The economy that was inherited implied that my country was on a rocky road and on the point of falling off a precipice. I will add some other indicative data.

On 10 December last year, when the new Government took office, Argentina offered a pathetic picture: 50 per cent poverty, 10 per cent destitution and an inflation rate that, for wholesale prices, was 54 per cent a month at the end of the year. But what was worse was that the children, the most precious asset in Argentina, were subjected to absolute poverty and, even worse, immersed in a sad educational poverty.

I will give you some data: in some of the provinces in the south of Argentina, primary school classes were held on 80 days, when it should have been 190 days.

What this Government is trying to do is to overcome social deficits, without collapsing into national bankruptcy. The most precious is the national education system. Do you know why? Because it is the most democratic of all, because it is free and compulsory. Is it democratic that those who have the purchasing power to be able to attend a private school should have greater opportunities on the labour market? That is not democratic, nor is it just. Education should be an essential service.

Following this legacy, what the Government of Argentina is doing, based on humility with firmness, sensitivity with audacity, prudence with courage, is to implement a therapeutic strategy to overcome the pain with justice, and the frustration with great trust in millions of Argentinians, who last October, through their ballots, expressed the hope of a better future.

II. Discussion of cases of serious failure by Member States to respect their reporting and other standards-related obligations

A. Update based on the information and reports received since the last session of the Committee of Experts

1. Failure to supply reports for the past two years or more on the application of ratified Conventions

Countries mentioned in paragraph 85 of the General Report – page 66

Afghanistan, Antigua and Barbuda, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen.

Since the last session of the Committee of Experts, reports have been received from the following country:

Antigua and Barbuda. The Government has sent a report due.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen.

2. Failure to supply first reports on the application of ratified Conventions for two or more years

Countries mentioned in paragraph 88 of the General Report – page 67

State	Conventions Nos
Cook Islands	– Since 2021: MLC, 2006
Djibouti	– Since 2022: Convention No. 183
Fiji	– Since 2022: Convention No. 190
Grenada	– Since 2021: MLC, 2006, and Convention No. 189
Iraq	– Since 2022: Convention No. 185
Lebanon	– Since 2021: MLC, 2006
Marshall Islands	– Since 2021: Convention No. 182
Sudan	– Since 2021: MLC, 2006
Tonga	– Since 2022: Convention No. 182
Tuvalu	– Since 2021: Convention No. 182
Vanuatu	– Since 2021: Convention No. 138

Since the last session of the Committee of Experts, first reports have been received from the following countries:

Cook Islands. The Government has sent the first report on the application of the MLC, 2006.

Fiji. The Government has sent the first report on the application of the Convention No. 190.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu.

3. “Urgent appeals” – Failure to supply reports on the application of ratified Conventions for at least three years

Observations concerning particular countries (Part II of the CEACR Report – page 99)

Afghanistan, Antigua and Barbuda, Comoros, Cook Islands, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu.

Since the last session of the Committee of Experts, reports have been received from the following countries:

Antigua and Barbuda. The Government has sent a report due.

Cook Islands. The Government has sent a report due.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu.

4. Failure to supply information in reply to comments made by the Committee of Experts

Countries mentioned in paragraph 93 of the General Report – page 68

Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Cambodia, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominica, Fiji, France (New Caledonia), Grenada, Haiti, Iceland, Iran (Islamic Republic of), Madagascar, Montenegro, Netherlands (Sint Maarten), Papua New Guinea, Romania, Rwanda, Saint Lucia, San Marino, Singapore, Slovenia, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen.

Since the last session of the Committee of Experts, replies to all or most of the comments of the Committee of Experts have been received from the following countries:

Bahamas. The Government has sent all replies to the Committee’s comments.

Cambodia. The Government has sent all replies to the Committee’s comments.

Democratic Republic of the Congo. The Government has sent replies to the majority of the Committee’s comments.

Fiji. The Government has sent all replies to the Committee’s comments.

Iceland. The Government has sent all replies to the Committee's comments.

Islamic Republic of Iran. The Government has sent replies to the majority of the Committee's comments.

Madagascar. The Government has sent all replies to the Committee's comments.

Montenegro. The Government has sent replies to the majority of the Committee's comments.

Romania. The Government has sent replies to the majority of the Committee's comments.

Rwanda. The Government has sent all replies to the Committee's comments.

Slovenia. The Government has sent all replies to the Committee's comments.

In addition, written information was received from the Governments of **Congo, France (New Caledonia), and Rwanda**

See below under Part B.

Therefore, the list of countries invited to supply information to the Committee on the Application of Standards concerning this failure is as follows:

Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Dominica, France (New Caledonia), Grenada, Haiti, Netherlands (Sint Maarten), Papua New Guinea, Saint Lucia, San Marino, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen.

5. Failure to supply reports for the past five years on unratified Conventions and Recommendations

Countries mentioned in paragraph 136 of the General Report – page 84

Albania, Barbados, Plurinational State of Bolivia, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, Mongolia, North Macedonia, Papua New Guinea, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen.

Since the last session of the Committee of Experts, **Albania, the Plurinational State of Bolivia, Mongolia, Rwanda and Samoa**, have sent reports on unratified Conventions and Recommendations.

In addition, written information was received from the Governments of **Chad, Equatorial Guinea, Rwanda and Uganda**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen.

6. Failure to submit instruments to the competent authorities

Countries mentioned in paragraph 148 of the General Report – page 87

Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

Since the last session of the Committee of Experts, information has been received on this failure by the following country:

Democratic Republic of the Congo. On 12 June 2023, the Government submitted the ten instruments adopted by the International Labour Conference between its 99th and 108th Sessions (2010–19), to the Parliament.

In addition, written information was received from the Governments of the **Plurinational State of Bolivia, Brunei Darussalam and Equatorial Guinea.**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

B. Written information received from Governments concerned by serious failure

Plurinational State of Bolivia

The Plurinational State of Bolivia has been building a process of social and economic transformation, the achievements of which are recognized at regional and international level. Despite the interruption of democracy in 2020, the transformation process has succeeded in taking root once again and making its first significant achievements, such as the low rates of inflation and unemployment which have been recorded over the recent period, under the leadership of the Government of President Luis Arce Catacora. Among the deep-rooted social transformations in the country, emphasis should be placed on the protection of the rights of men and women workers, in accordance and compliance with the fundamental rights recognized by the ILO.

The Political Constitution of the State, promulgated in 2009, in article 46, recognizes the right to decent work, with industrial safety, occupational safety and health, without discrimination and with just, equitable and satisfactory remuneration and pay, which ensures workers and their families a decent existence. Article 48 establishes the premise that social and labour provisions are compulsory, and that labour standards shall be interpreted and applied in accordance with the principles of the protection of women and men workers, as the principal productive force of society; the primacy of the labour relationship; labour continuity and stability; non-discrimination and the reversal of the burden of proof in favour of women and

men workers, with the added principle that the recognized rights and benefits of workers cannot be renounced, and that any agreement that is contrary to this principle or is likely to undermine its application shall be null and void.

Article 49(II) provides that the law shall regulate labour relations in respect of contracts and collective agreements; general and sectoral minimum wages and wage increases; reinstatement; paid leave and public holidays; the calculation of seniority, hours of work, overtime, night and Sunday rates; Christmas and other bonuses, premiums and other systems of sharing in enterprise assets, compensation and redundancy payments; work-related maternity rights; vocational capacity-building and training; and other labour rights.

Constitutional case law, and particularly Plurinational Constitutional Ruling No. 1202/2012 of 6 September 2012 “[o]n the right to work ...”, found that:

The Right to work and work-related rights constitute a nucleus, not only of socio-economic rights, but also of fundamental human rights. A central denominator of work-related rights, in terms of their purpose and content, appears to be ‘labour’ (work). In its traditional narrow meaning, work has been seen as a means of earning a living or, in other words, only a means of economic survival. At the beginning of the XXth century, another more important and global perspective began to be discussed: the interdependence between labour conditions, social justice and universal peace. Moreover, modern perceptions have positively intensified the concept of labour as a human value, a social necessity and a means of self-realization and individual development.

In relation to labour rights, the national law set out in the Political Constitution of the State, the General Labour Act, the Regulatory Decree issued under the General Labour Act, as well as texts at the same or lower levels, have recognized rights and guarantees for women and men workers that merit being protected and guaranteed by the State, such as the right to a stable source of work, to receive remuneration or wages, the guarantee of employment stability for pregnant women and parents with children, persons with disabilities, mothers and fathers, spouses, guardians of persons with disabilities under 18 years of age, or with serious disabilities, persons suffering from cancer, HIV or serious illnesses, women subjected to violence; and the protection of trade union rights.

It is also important to indicate that, article 49(III), the Political Constitution of the State prohibits unjustified dismissal and any form of harassment at work, and is in accordance with article 8(II) of the Constitution, which provides that dignity is one of the underlying values of the State, and it is therefore one of its essential purposes and functions to guarantee the well-being, development, safety and protection, and equality of dignity of persons, nations, peoples and communities, and to promote mutual respect and intracultural, intercultural and plurilingual dialogue.

This whole social and legislative structure, which is being developed and modernized, under the strictest observance of labour rights and the applicable provisions, in itself implies the compliance of the State with international labour standards, as outlined above.

In relation to the examination of the 31 standards to the legislative authorities, on which the Committee of Experts is requesting information, they may be divided into:

- four Conventions: the Maritime Labour Convention, 2006 (MLC, 2006); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); the Work in Fishing Convention, 2007 (No. 188); the Violence and Harassment Convention, 2019 (No. 190);
- 23 Recommendation; and

- four Protocols.

Ratification of Conventions

The Conventions adopted by the ILO make up an international legal framework concerning all aspects of labour relations, conditions of work, social security and the protection of specific categories of workers. These Conventions are directly applicable by States that have ratified them.

Despite the provisions of article 19, paragraphs 1, 3 and 5, of the ILO Constitution, the ratification of ILO Conventions is not compulsory and, in accordance with paragraph 5(b), they have to be brought before the authority or authorities regarded as competent. Nevertheless, it is also necessary to take into consideration the specific circumstances of the situation in each country, which have prevented the Plurinational State of Bolivia from complying with this obligation, as indicated below:

- The MLC, 2006, and Convention No 188 both refer to working conditions with special characteristics, in respect of which the Plurinational State of Bolivia is not fully in control as, since 1879, Bolivia has been the victim of unjust maritime enclosure, as is globally recognized. As a consequence, it is not a priority as there is a lack of specific conditions to be regulated in accordance with these Conventions.
- With reference to Convention No. 187, Bolivia is fully engaged in the process of the modernization of labour inspection, with a view to protecting the performance of work in all its forms and regulating the minimum conditions covering the labour relationship in relation to the health of the worker. In light of these considerations and in accordance with the provisions of the Constitution, Ministerial Decision No. 1444/23 was issued on 26 September 2023 approving the Labour Inspection General Regulations, which provide for the adoption of prevention measures respecting labour relations and conditions.
- With reference to Convention No. 190, in relation to its scope of application, it provides that:
 - Article 2(1). This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, **and individuals exercising the authority, duties or responsibilities of an employer.**
 - (2). This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

As a matter of principle, the ratification of Conventions cannot be made subject to reservations. There is a conceptual impediment built into the Convention in relation to ascendant harassment at work, where the victim occupies a hierarchically higher position in relation to the supposed harasser, which is in contradiction with the logic of the Plurinational State of Bolivia with regard to the possibility for a person in a position of greater authority being able to apply the disciplinary measures which may be pertinent and established by law in relation to persons at a lower level of authority, for conduct which when carried out or when it occurs may be considered “ascendant” harassment at work. This is a situation that cannot be accepted when it is used to undermine the rights of workers and leads to their unjustified dismissal. The inadmissibility of reservations, which was broadly explained in the Memorandum submitted by the ILO to the International Court of Justice in the Genocide Case in 1951, is based on the premise that “the rights which the treaties have conferred on non-governmental interests in regard to the adoption of international labour Conventions would

be overruled if the consent of governments alone should suffice to modify the substance and detract from the effect of the Conventions” (paragraph 20).

Situation with regard to ILO Recommendations

The doctrine has it that the Recommendations adopted by the International Labour Conference constitute guidance for the action of governments in specific fields and are communicated to Member States for their consideration with a view to effect being given to them by national legislation. Unlike the Conventions adopted by the Conference, **Recommendations do not require ratification by Member States**, although their application would require their application through the provisions of the national legislation. (See the text of article 19(6) of the ILO Constitution.)

In the list of 31 standards in relation to which the Committee of Experts is seeking information on their submission to the competent authorities, 23 are Recommendations, in respect of which the Plurinational State of Bolivia has issued legal provisions regulating their application in the national territory, including:

- The Part-Time Work Recommendation, 1994 (No. 182), in relation to which the Ministry of Labour, Employment and Social Welfare has submitted, during the current year of 2024, a draft Presidential Decree regulating so-called atypical working hours, with a view to safeguarding the labour rights of workers engaged under this type of contract, the text of which is currently under examination in accordance with the respective legislative procedure.
- The Safety and Health in Mines Recommendation, 1995 (No. 183): in the context of the recent implementation of the Labour Inspection General Regulations, adopted by Ministerial Decision No. 1444/23, of 26 September 2023, a preliminary stage of prevention has been implemented for the protection of the conditions of labour relationships, particularly in the mining and cooperative mining sectors, which is being implemented in coordination with the cooperative sector, under which the administrative authority can recommend the adoption of protection measures to members and, where appropriate, to workers. This prevention action is currently being implemented in a satisfactory manner in the provinces of the Yungas in the Department of La Paz and its implementation is planned in the Departments of Potosí and Oruro.
- The Home Work Recommendation, 1996 (No. 184): this Recommendation has been taken into consideration in the national legislation, and particularly in Act No. 2450, of 9 April 2003, the Act regulating waged domestic work, and in Presidential Decree No. 4589, of 28 September 2021, issued during the current term of the Government of President Luis Arce Catacora, which recognizes the right to protection of women and men domestic employees through short-term social security coverage by providing for their affiliation with the National Health Fund.
- The Labour Inspection (Seafarers) Recommendation, 1996 (No. 185), the Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186), the Seafarers’ Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), and the Work in Fishing Recommendation, 2007 (No. 199), which relate in particular to the conditions of persons engaged in labour relations subject to special conditions, such as “seafarers”. It should be recalled that Bolivia, on the occasion of the War of the Pacific (1879–84), during which it faced Chile, was deprived of the whole of the territory on the coast of the Pacific Ocean, thereby being condemned to being unjustly landlocked in a situation that has persisted up to the

present. As a result of this imposed geographical enclosure, the labour relations of seafarers are not an important consideration among all the sources of labour in the country. As a consequence, nor is their regulation a priority requiring immediate attention, nor does this imply any renunciation by the Plurinational State of Bolivia from recuperating its maritime status, as explicitly recognized in articles 267 and 268 of the Constitution:

Article 267. I. The Bolivian State declares its non-renounceable and imprescriptible right to the territory that gives it access to the Pacific Ocean and its maritime area. II. The effective resolution of the maritime dispute through peaceful measures and the full exercise of its sovereignty over that territory shall be permanent and non-renounceable objectives of the Bolivian State.

Article 268. The development of maritime, river and lake-based interests, and those of the merchant navy, shall be a priority for the State, and their administration and protection shall be carried out by the Bolivian Navy, in accordance with the law.

- The Private Employment Agencies Recommendation, 1997 (No. 188): although this instrument dates back to 1997, its content has been taken into consideration in the national legislation, for example in Act No. 163, of 31 July 2012, the Framework Act against the Smuggling and Trafficking of Persons, which provides that the Ministry of Labour, Employment and Social Welfare shall issue specific regulations to determine the requirements for their functioning, rights, duties, inspection, prohibitions and penalties with a view to preventing the smuggling and trafficking of persons. This is in accordance with section 18 of Presidential Decree No. 1486, of 6 February 2013, which provides that the operation of private employment agencies shall be authorized by the Ministry of Labour, Employment and Social Welfare. For that purpose, Ministerial Decisions No. 1321/18, of 4 December 2018, and No. 108/19, of 1 February 2019, have been issued to approve the Regulations on the registration and operation of private employment agencies.
- The Maternity Protection Recommendation, 2000 (No. 191), which has been taken into consideration in the national legislation, which currently includes Act No. 1516, of 10 July 2023, the Act to amend section 31 of Legislative Decree No. 13214, of 24 December 1975, which was transformed into Act No. 006, of 1 May 2010, which allows the partial deferral of the maternity allowance and its addition to the 45 days following childbirth.

As can be seen, the Plurinational State of Bolivia, and particularly the executive authorities, have been engaged in the constant analysis of the international instruments adopted by the ILO, and particularly the Recommendations, with a view to their incorporation into the provisions of the national legislation, either through Presidential Decrees or Ministerial Decisions, while always strictly observing the progressivity and protection of the rights of women and men workers.

Measures taken in relation to the Protocols adopted by the ILO

Although information has been requested on four Protocols (the Protocol of 1995 to the Labour Inspection Convention, 1947; the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976; the Protocol of 2002 to the Occupational Safety and Health Convention, 1981; and the Protocol of 2014 to the Forced Labour Convention, 1930), certain specific considerations need to be taken into account in that regard.

As explained above, in light of the geographical situation of the Plurinational State of Bolivia, it does not have a merchant navy that is sufficiently well developed, as a result of which it is not a priority to issue regulations governing this specific sector of workers.

Without prejudice to the above, it is important to indicate that the administration of President Luis Arce Catacora has overseen the adoption of Act No. 1436, of 22 June 2022, which in its sole section provides:

- I. In accordance with Article 158(I)(14) of the Political Constitution of the State, section 33(f)(b) and section 37 of Act No. 401, of 18 September 2013, respecting the conclusion of treaties, the “Protocol to the Forced Labour Convention, 1930”, adopted during the 103rd Session of the International Labour Conference in Geneva, Switzerland, on 11 June 2014, shall be ratified, and its text forms part of the present Act.
- II. The executive authorities shall be responsible for formally depositing the Instrument of Ratification of the “Protocol to the Forced Labour Convention, 1930.

Brunei Darussalam

The Government acknowledges the concern raised by the Committee of Experts regarding the case of serious failure to submit instruments to the competent authority. We would like to reiterate that Brunei Darussalam has actively engaged in sharing information on previously adopted Conventions with relevant government agencies for their policy consideration and potential ratification.

When an ILO instrument is adopted by the ILO Conference, it undergoes an initial review by the Labour Department and the Ministry of Home Affairs. Subsequently, the instrument is shared with the respective government ministries that hold the relevant policy portfolios. These government agencies collectively assess and determine the appropriate timeline for Brunei Darussalam to ratify the ILO instrument and implement the relevant obligations domestically. This comprehensive review process ensures that all implications are thoroughly considered and align with the national priorities and legislative framework.

As part of this process, Brunei Darussalam has reviewed and shared several recently adopted ILO instruments with relevant agencies. Notably, the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted at the 111th Session of the International Labour Conference in 2023, has been circulated for policy consideration and potential implementation.

The Government is committed to enhancing this existing practice and ensuring full compliance with the submission’s obligation. We recognize the need for further consultation and exploration to identify the most appropriate mechanisms and platforms within our national context. This will ensure comprehensive fulfilment of these objectives and foster widespread understanding and participation.

Brunei Darussalam has proactively sought guidance from the ILO Regional Office to ensure timely and accurate fulfilment of its responsibilities. We will host an ILO expert mission to Brunei Darussalam in May 2024. This mission aims to clarify reporting responsibilities, work collaboratively to enhance compliance, and strengthen our commitment to the principles and goals of the ILO.

Brunei Darussalam welcomes any technical assistance or capacity-building efforts offered by the ILO to help achieve compliance with the obligations under article 19 of the ILO Constitution.

We appreciate the Committee and the ILO for highlighting these points, and we look forward to further collaboration in addressing this issue.

Chad

Act No. 7/66 of 4 March 1966, establishing the Labour and Social Insurance Code in Chad, takes account of the following Conventions:

- Workmen's Compensation (Agriculture) Convention, 1921 (No. 12);
- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

In accordance with section 298 of the above-mentioned Act, "the purpose of social insurance is to guarantee workers and their families against risks of any kind likely to reduce or eliminate their earning capacity. It also covers family expenses".

Title IV of the same Act refers to the employment injury scheme. Therefore, although they have not yet been ratified, the above-mentioned ILO instruments are already incorporated into the Republic's legal instruments.

However, it is difficult for us to understand how a report could be produced on an instrument that has not yet been ratified. This is where the difficulty lies for those responsible for producing reports. We therefore request the support of the Committee to facilitate the drafting of reports on non-ratified instruments.

Congo

The Government, while noting this serious failure, nevertheless reaffirms its strong commitment to fulfilling all its obligations in this regard. It recalls that, several years ago, it was the subject of cases of failure concerning almost all obligations under the ILO Constitution. Continuous efforts to ensure compliance have, however, been undertaken and are ongoing.

The Government submitted reports to the International Labour Standards Department in August and September 2023, including one on the Labour Administration Convention, 1978 (No. 150), and another on the Nursing Personnel Convention, 1977 (No. 149). Moreover, it submitted a document in reply to the comments made by the Committee of Experts, a copy of which is appended. The Government considers that this document fulfils its obligation to reply to all or most of the comments made by the Committee of Experts.

The Congo has not yet, however, submitted first reports on the application of the Conventions identified in the report of the Committee of Experts: the Minimum Age Convention, 1973 (No. 138); the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152); the Maritime Labour Convention, 2006, as amended (MLC, 2006); and the Work in Fishing Convention, 2007 (No. 188). It takes the opportunity to append to this submission its first report on the MLC, 2006, a result of numerous exchanges between the experts of the International Labour Standards Department and national stakeholders, particularly in 2023. It should be noted, however, that a joint workshop (merchant shipping and labour) is planned for a later date with a view to updating the report in the light of developments in the area of maritime labour; those developments will be the subject of an additional report by the Government.

On 8 March 2024, the Congo received, through the Ministry of Foreign Affairs, a reminder from the International Labour Standards Department concerning the report requested in an initial letter dated 7 July 2023. That report concerns the following Conventions and Recommendations:

- the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12);
- the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19);

- the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25);
- the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI);
- the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121);
- the Employment Injury Benefits Recommendation, 1964 (No. 121).

The Government has made every effort to reply, with the involvement of technical departments and bodies. To that end, work to gather data from the General Directorate of Social Security and the National Social Security Fund has recently been completed; those data are being processed and will soon be consolidated in a report to be submitted to the International Labour Standards Department as early as the first half of June 2024.

Equatorial Guinea

Equatorial Guinea, an ILO Member State, in its efforts to fulfil its duty as an ILO Member, has provided its written views stating, inter alia, that the country has endured a chain of events which have delayed certain steps relating to ILO obligations.

Let us begin by highlighting the economic recession generated by the reduction in crude oil, which is our main source of revenue, which has forced the Government to amend its road map in certain sectors. We also highlight the emergence of the health crisis caused by the global coronavirus (COVID-19) pandemic, throughout which the Government turned to finding strategies to combat such a crisis. While governments were focused on combating the pandemic, the country was affected by the explosion of ammunition on 7 March 2021, which affected our work and, on top of the health crisis, meant that solutions had to be found to assist the victims of the disaster by applying policies to support victims. In this context, the Government enacted Decree No. 116/2022, calling Presidential elections in the Deputies Chamber, Senate and the municipalities, which meant that administrative management came to a halt.

The Government made progress in addressing situations related to the economic recession caused by the fall in the prices of crude oil and the global health crisis caused by the COVID-19 pandemic by setting up a support fund for small and medium-sized enterprises to compensate for the repercussions of the health crisis. The Government also continues to help victims of the disaster of 7 March 2024 by setting up accounts in commercial banks where philanthropic citizens may deposit voluntary contributions for the victims. Various non-governmental organizations, such as the Constanca Mangué Nsue Okomo Foundation, which supports all of the most vulnerable sections of society that do not have help, also added to the Government's actions of solidarity. Since 2020, preparation has begun on 12 reports, which had come to a standstill owing to the above sociopolitical events.

Regarding the failure to submit the instruments to the competent authorities, therefore, we report that the instruments that had been pending submission were already submitted to the Government on 19 August 2019, that is a total of 22 Conventions, 2 Protocols and 18 Recommendations, to continue the regulatory procedure.

With regard to the information that was not received in reply to all or most of the comments of the Committee of Experts, despite the difficulties faced by the Government, we were able to adopt measures to make improvements, such as the enactment of the General Labour Act No. 4/2021. Since 2018, the Government has been following a road map with the Community of Portuguese Language Countries (CPLP) on child labour, within the context of which the Government has recently attended the meeting of the Labour Ministers of CPLP

Member States to identify appropriate solutions aimed at eliminating child labour. In addition to establishing an action plan to combat trafficking in persons, the Government has already drawn up an update to the Act on trade unions. A new Criminal Code was also enacted and disseminated, adopted through Act No. 4/2022 of 17 August 2022, to repeal the 1963 Spanish Criminal Code which was still being applied in the country.

Another significant step is the enactment of Act No. 1/2020 of 13 July 2020, on preventing and combating corruption in Equatorial Guinea, as well as the dissemination of Decree No. 147 of 21 November 2023, adopting measures for the protection and care of minors in Equatorial Guinea, which was recently adopted.

Further actions include the study of the National Employment Policy, which will result in the updating of the current Act. Likewise, and without any interruption, the Government is continuing to subsidize the occupational training centres. We highlight some projects that are under way, such as the updating of the Act on Social Security; the establishment of a technical office for the promotion of decent work; the enactment of an Act for the prevention of occupational hazards; the 11th survey of the active population in training and employment; the organization of industrial arbitration to facilitate mediation of collective disputes; the training of enterprise committees and the holding of elections of workers' delegates in the enterprises, which will be carried out with the social partners, PATRONAL and OSGTGE; the updating of the Act on cooperatives; and the creation of an Act on occupational training.

In view of the above, the Government is committed to providing all the reports in the ordinary session of 2024. Furthermore, we requested technical assistance from the ILO in 2023 for the training of civil servants, as our geographical location does not allow us to easily find trainers in the ILO Africa offices because of language barriers, as Spanish is the main official language.

An agency for drafting reports has been set up, which, with ILO assistance, is receiving advice and guidance for the technical office responsible for drafting reports from the decent work office, and a proposal has been made for the establishment of an interinstitutional committee for drafting reports on international labour standards, which will involve various ministerial departments. We highlight that since 2023 we have been receiving ILO technical assistance through actions which are to continue through the 2024–25 biennium. Two seminars have been organized to strengthen understanding of the ILO basic principles for all the social partners and other training has been carried out for various civil servants on drafting reports. Consultation is also being considered concerning the Maritime Labour Convention, 2006 (MLC, 2006), which has replaced the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) and the Accommodation of Crews Convention (Revised), 1949 (No. 92), ratified by Equatorial Guinea and whose adoption is envisaged following publication of the consultation.

France – New Caledonia

Of all ILO Member States, France has ratified the second highest number of Conventions. While this is a source of pride, it also imposes obligations on us, particularly in the area of reporting, which, although extremely useful, is also very demanding to carry out and coordinate. The various Government departments, in particular those of the Ministry of Labour, Health and Solidarity, in cooperation with our social partners, are doing their utmost to produce timely reports that meet the requirements of the ILO instruments, including with the Non-Metropolitan Territories.

The Committee of Experts' warning regarding the "serious failure to respect reporting and other standards-related obligations" was communicated immediately to the competent

authorities. Any comments that the Committee on the Application of Standards may make in this respect during the Conference will also be forwarded to the relevant authorities without delay.

Nevertheless, for the past two weeks New Caledonia has been experiencing an episode of urban rioting of rare intensity, which has disrupted the normal functioning of local authorities, in particular the Government of New Caledonia. The French State, which is responsible for public order, is deploying all its efforts to restore public peace. The obligation to report and respond to the Committee of Experts' observations cannot be dealt with in isolation from this context.

The Government thanks the Committee of Experts for this alert. It will make representations to the competent authorities in the Non-Metropolitan Territory of New Caledonia to urge them to continue, as in the past and at the earliest opportunity, to comply with their ILO standards-related obligations.

Rwanda

As part of the efforts of the Government towards ensuring full respect of its reporting obligations, the Ministry of Public Service and Labour consults extensively with all social partners in the process of adopting reports due for submission to the International Labour Office. In this regard, a meeting of the National Labour Council is scheduled for 30 May 2024 to validate the reports on both ratified and unratified Conventions and Recommendations, after which all pending reports will be submitted to the ILO, no later than June 2024.

Uganda

The Government of Uganda acknowledges its reporting obligations to the ILO and appreciates the work done by the Committee on the Application of Standards and the Committee of Experts.

As part of the efforts to ensure full compliance with its reporting obligations, the Government consults extensively with numerous stakeholders, including social partners, during the process of preparing reports for submission to the ILO.

Due to the new Government's regulations concerning reporting to international bodies, additional time is required to provide the requisite responses. In this regard, the Ministry of Gender, Labour and Social Development is conducting the final stages of stakeholder consultations with a view of providing a comprehensive response to both individual cases and reports on non-ratified Conventions in accordance with article 19 of the ILO Constitution.

These reports will be submitted to the ILO by 30 September 2024.

Uganda is committed to working closely with the ILO to ensure the timely and accurate fulfilment of its responsibilities. We welcome any capacity-building support regarding our obligations, especially under article 19 of the ILO Constitution.

C. Discussion by the Committee

Chairperson – Now, we move on to the discussion of cases of serious failure of Member States to respect reporting and other standards-related obligations.

Before giving the floor to the Vice-Chairpersons for their opening remarks, I would like to recall the Committee's working methods when dealing with the cases of serious failure to fulfil reporting and other standards-related obligations.

The Committee has established specific criteria to determine what constitutes a “serious failure” when it examines these compliances. These criteria are contained in document D.1, which is available on the Committee’s web page. The cases of serious failure have been identified in the relevant parts of the General Report of the Committee of Experts. It should be recalled that the following criteria are applied:

- none of the reports on ratified Conventions have been supplied during the past two years or more;
- first reports on ratified Conventions have not been supplied for at least two years;
- “Urgent appeals”: failure to send reports on the application of ratified Conventions for at least three years;
- none of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution have been supplied during the past five years;
- no indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution;
- no information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration;
- the Government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of the report and information supplied to the Office have been communicated.

To take account of recent developments, updated information on the countries concerned was provided to our Committee in document CAN/D/SF, which was made available on Monday, 3 June 2024. This document takes into account the fact that some governments have submitted the required information or reports before the present sitting. The Document also compiles the written information received from governments with respect to these failures as indicated in Part V of document D.1.

Government representatives from the countries mentioned in this document and registered on the list of speakers will be invited to provide information and explanations to the Committee. When providing information to the Committee, governments are asked to provide information on all the cases of non-compliance in one single statement. The governments concerned may, in particular, highlight the challenges they may be facing in fulfilling their obligations and indicate the areas in which ILO assistance and technical cooperation may be desirable. Such information would enable the Committee to have a better understanding of the situation in the country and is helpful to the Office in its response to governments’ requests.

At the end of the discussion, I will give again the floor to the Vice-Chairpersons for their final remarks, following which I will present the draft conclusions for approval by the Committee, in accordance with its working methods.

I am now going to open the discussion on serious failure of Member States to respect reporting and other standards-related obligations. I would like to invite the two Vice-Chairpersons to make their introductory statements.

Employer members – The Employer members take note that the Committee of Experts have once again expressed concern in their report at the low number of government responses received by the 1 September deadline. We in the Committee collectively count on governments to comply with their reporting obligations under articles 19, 22 and 35 of the ILO Constitution in a timely manner and to prepare their reports in consultation with the most representative employers' and workers' organizations in their countries. We wish to stress that government reports containing complete and relevant information provide an important foundation upon which our supervisory work is built.

The persistently high number of the Committee of Experts' comments – there are 612 observations and 1,053 direct requests this year – is also a concern. It appears that ratification may, on occasion, be undertaken as a political statement or a declaration of intent rather than what it really is, namely the conclusion of a treaty under international law containing legal obligations, all of which are to be complied with, including the associated reporting obligations.

We would like to stress once again that in promoting ratification it is important for the Office to educate Member States of the necessity of making thorough, pre-ratification assessments and that these assessments should occur in consultations with the social partners. These pre-ratification assessments must include, not only an appraisal of the applicable country's capacity to implement the Convention envisaged for ratification, but also the country's capacity to report on implementation. Ratification should only occur when both the implementation and reporting capacities can be ensured.

We observe that there has been an increase in the number of reports received by the end of the session from 70.9 per cent out of the total number of reports requested last year to 75.3 per cent this year. We also note a decrease in the number of reports submitted after the 1 September deadline, from 59 per cent of reports last year to 54.4 per cent of reports this year. While this decrease in late reports is an improvement it is not yet satisfactory. We therefore ask all governments to make special efforts to provide their reports in a timely manner so that the supervisory bodies can perform their work efficiently and effectively.

We also note with concern that the following 14 countries have not provided the reports due with respect to ratified Conventions for the past two or more years: Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen. Respectfully this is unacceptable, and we urge the governments concerned to supply all their respective outstanding reports at the earliest opportunity. If the reports cannot be submitted for reasons beyond the control of the given government, we ask that the applicable government should, at a minimum, inform the ILO of its circumstances. In such cases the applicable government may also request ILO technical assistance with the goal of addressing the problem in a sustainable manner.

With respect to the first reports on ratified Conventions, we note with concern that there are nine countries that have failed to supply these reports for two or more years, namely, Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu. We would like to stress that first reports are particularly important as they are meant to provide complete information about government action to implement the applicable ratified Convention. As such, first reports provide an indispensable baseline for an initial, comprehensive assessment of compliance. We therefore call on the Governments of these nine countries to submit their overdue first reports to the ILO without further delay. Here too, if necessary, the applicable governments are encouraged to request ILO technical assistance to enable them to address the problem in a sustainable manner.

We also note with concern that the number of comments – whether observations or direct requests – by the Committee of Experts to which replies have not been received from the governments remains high. Specifically, there are 35 governments that have not provided responses this year.

On a positive note, we appreciate that the governments of 11 of those 35 countries have provided information regarding their failure to reply to all or most the Committee of Experts comments, namely, Bahamas, Cambodia, Democratic Republic of the Congo, Fiji, Iceland, Islamic Republic of Iran, Madagascar, Montenegro, Romania, Rwanda and Slovenia. We welcome the provision of explanations by these governments for their respective failures, as well as the steps taken to address the situation. We trust that they will be able to meet all their reporting obligations going forward. We would also like to hear from the other governments that have yet to provide their reasons for their unresponsiveness to the Committee of Experts' comments. This high rate of unresponsiveness by governments is an indication that there may be systemic challenges or barriers to reporting. However, without further clarity from applicable governments regarding the reasons for their unresponsiveness, we are not in a position to either diagnose or recommend broader remedies for addressing these deficiencies.

We also note with regret that the following 16 countries have not provided reports on unratified Conventions and Recommendations requested under article 19 of the ILO Constitution for the past five years: Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen. We suggest that the Office, together with the applicable governments, work towards identifying the underlying reasons for these reporting deficiencies and develop effective remedies.

We welcome the decision of the Committee of Experts to further extend the practice of “urgent appeals” for cases meeting certain criteria of serious reporting failure that require this Committee's attention. This enables the Committee to have a direct and serious dialogue on this point with the governments concerned and to remind them that the Committee of Experts will examine the substance of the matter at its next session, even in the absence of a government report. We note with appreciation that all reports that were pending for more than three years have been examined following the launch of urgent appeals and we trust that there will be the same positive results in future.

Furthermore, we appreciate that, with the assistance of the Office, the Committee of Experts and this Committee have decided to strengthen the follow-up given to cases of serious failure.

Finally, and before concluding, we wish to comment on the social partners' role and participation in the regular supervisory system. Under article 23(2) of the ILO Constitution, governments of Member States have an obligation to communicate copies of their reports to representative employers' and workers' organizations. Compliance with this obligation is essential to ensuring the proper involvement of the social partners in standards' implementation at the national level.

We observe that the social partners submitted 1,276 observations to the Committee of Experts this year, which is an increase as compared to last year at 1,156. Two hundred twenty-one of this year's observations were communicated by employers' organizations which is up from 212 last year and 1,055 were communicated by workers' organizations, again an increase from 944 last year. We welcome the overall increase in submissions, and we trust that the Office will continue to provide technical assistance, including capacity building, to social

partners where needed to enable them to provide relevant comments to the Committee of Experts.

The International Organization of Employers (IOE) together with ILO ACT/EMP is supporting employers' organizations in submitting up-to-date and relevant information to the Committee of Experts in law and in practice in their respective countries. In particular, employers' organizations are critical in highlighting when governments have failed to take into account the needs and realities of sustainable enterprises when implementing ratified Conventions and routinely make suggestions on how this could be improved.

We trust that the Committee of Experts, in their assessments, will give due consideration to the comments from employers' organizations, as well as any additional comments made by employers' representatives in the discussion of the Committee.

Worker members – Reporting obligations are fundamental to the work of our Committee. Not only that, they are fundamental to the proper functioning of the ILO's standard-setting system. The first fundamental obligation to which I would like to refer is that which goes to the very essence of the ILO. This is the obligation to communicate to the respective organizations of workers and employers, copies of the reports and information communicated to the ILO. Tripartism is at the heart of the ILO, and this is reflected in particular in the need to involve the most representative workers' and employers' organizations in the dialogue that is being established with the ILO. A serious failure in this regard consists of not having indicated for three years or more the workers' and employers' organizations to which copies of the reports have been communicated. No serious breach of this obligation has been alleged against an ILO Member State for several years. If this formal obligation is universally respected, there is still a need for genuine tripartite social dialogue to be put in place in the Member States to guarantee the tripartism promoted by the ILO. We will have the opportunity to see in other discussions in this Committee that a lot of effort still needs to be made in this area.

The second fundamental obligation related to standards is the obligation under article 19 of the ILO Constitution, which requires Member States to submit a Convention adopted at a session of the Conference within one year to the competent authorities, with a view to transforming it into law or taking other measures. This obligation makes it possible to enhance the Standard-Setting Committees of the ILO and to reflect the standard-setting activity of the ILO at the national level. Any Member State which does not provide any indication that initiatives have been taken to submit the instruments adopted during the last sessions of the Conference is in a situation of serious failure to comply with this obligation. Twenty-six Member States were in this situation at the time of the publication of the Committee of Experts' report. The Democratic Republic of Congo has since provided information on this subject that allows this Member State to be removed from the list of States in serious breach of this obligation.

The third obligation is that which requires the submission of a report within the framework of the theme chosen by the Governing Body for the preparation of the General Survey by the Committee of Experts. This obligation also applies to the Member States which have not ratified the Conventions concerned. This obligation is fundamental in that it allows the ILO to identify areas of action to support and encourage the ratification of instruments by Member States. If a Member State does not provide any report expected for the carrying out of an overall Survey in the course of five consecutive years, it will be in serious breach of this obligation. Twenty-one Member States were in this situation at the time of the publication of the report of the Committee of Experts. In the meantime, five Member States have submitted a report on the subject. However, we regret that the failure to respond to this call for five

consecutive years has irreparably deprived the ILO of being able to benefit from the information this Member State can provide at the appropriate time. This obviously also applies to the Member States that is still in serious breach of this obligation.

After these obligations, which are imposed independently of the ratification of instruments, there are a series of obligations that are imposed by the ratification of ILO Conventions. The first of these is the obligation to communicate to the Committee of Experts an initial report on the application in law and practice of a Convention newly ratified by the Member State concerned. The ratification of Conventions by Member States is obviously the objective that we must pursue as tripartite constituents. These ratifications make it possible to initiate an essential dialogue between the ILO and the Member States concerned to assess the implementation of international Conventions in a national context. The first reports are of crucial importance in that they are particularly detailed in order to enable the ILO to have a comprehensive view of how a Convention is implemented in the country concerned. Failure to provide a first report for at least two years thus constitutes a serious breach of this obligation. Eleven Member States were in serious breach at the time of the publication of the Committee of Experts' report. Since then, two Member States, Fiji and the Cook Islands have regularized the situation by providing their first expected reports.

Secondly, the ratification of Conventions entails the need to be able to submit regular reports on the basis of the reporting cycle defined for each country. This is also an essential process for the dialogue that must take place between the ILO and Member States. If none of these reports is provided for at least two years, it will be a serious breach on the part of the Member State concerned. Fifteen Member States were in this situation at the time of the publication of the experts' report. One Member State, Antigua and Barbuda, has since regularized the situation.

Finally, the dialogue between the ILO and Member States often leads to observations or direct requests from the bodies of the ILO's standard-setting system. The responses to these observations or requests are fundamental to continue this dialogue. Unfortunately, some Member States do not respond to these comments or requests. This is also a serious breach. At the time of the publication of the report of the Committee of Experts, 35 Member States had not responded to most, if not all, of the observations and direct requests made. Some of these Member States did submit reports but did not respond to observations or direct requests. The response to the questions raised by the bodies of the ILO standard-setting system is fundamental and testifies to the value that the ILO's constituents attach to dialogue with them. We note that between the publication of the Committee of Experts' report and the special session, eleven Member States provided information in response to the observations and direct requests of the Committee of Experts. We encourage them to continue along this path, and invite other Member States to follow up as well, if necessary by having recourse to the ILO's technical assistance. This year, the Committee of Experts issued eleven urgent appeals against Member States that had not transmitted any report for three years or more. This procedure allows the Committee of Experts to draw to the attention of the Member States concerned that an examination of the conformity of the legislation in practice will be carried out, even in the absence of a government report.

In this year's report, the Committee examined seven cases that had previously been the subject of an urgent appeal. This procedure is essential in that it ensures that the work of the ILO's standard-setting system is not paralyzed, despite the difficulties for the Member States concerned to provide the requested reports. It will be interesting to hear from the Member States concerned about the difficulties they are facing, and I hope that after the respective interventions from workers and employers that governments will use this opportunity to take

the floor in this discussion. It cannot be stressed enough that Member States can have recourse to the technical assistance of the ILO to assist them in this reporting task. The difficulties encountered in this regard must never be an obstacle to ratifying an ILO Convention. If these difficulties were to lead to such consequences, it would be an important signal for the ILO to strengthen its technical assistance, and also a strong signal for the Member States concerned on the need to strengthen their systems of labour administration, as we have just heard in the General Survey discussion.

In addition, there are many tools that are available to tripartite constituents to help them participate fully in the ILO's standard-setting system. Examples include the managing international labour standards reporting website which focuses specifically on reporting obligations, and the online guide on established practices of the ILO supervisory system which, in turn, makes it possible to understand the essential role of these reporting obligations for the supervisory system. We can only invite Member States to take note of these new tools, and invite the Office and the experts to ensure the greatest possible visibility of them. In addition to these tools, the training of government officials responsible for producing the requested reports is an absolute necessity. In this regard, ILO constituents can rely on the training programmes offered by the ITC Centre in Turin which will be able to train government officials in the reporting obligations incumbent on Member States, and thus avoid having to identify shortcomings in this area.

Many Member States were able to regularize this situation between the publication of the Committee of Experts' report and the holding of this special session. In total, out of the 63 Member States concerned by one or more serious breaches, 17 of them have regularized one or more serious breaches for which they were accused. This is a very positive signal that we would like to highlight, and we encourage other Member States to request the technical assistance of the Office, which we have no doubt they will be fully prepared to provide in order to regularize their situation.

Our committee cannot afford to evade the fundamental issue of reporting obligations. The work of the ILO, and more particularly that of our Committee, is based on the reports provided by the Member States, as well as on the observations submitted by trade unions and employers' organizations. Failure to meet these obligations inevitably disrupts the proper functioning of the ILO's many areas of work, meaning the ILO is not in a position to fully assess the implementation of its standards-setting instruments in the Member States, and to provide the necessary responses. Ensuring the effective implementation of ILO instruments means ensuring respect for the dignity and rights that workers must derive from ILO instruments. Let us not lose sight of the fact that this is the purpose of these reporting obligations.

Chairperson – Thank you very much, as I can see no request for the floor, I now give back the floor to, the Worker spokesperson for her concluding remarks.

Worker members – We had really hoped that we would hear from some governments, so I am sorry to have to hear from me again, it is a shame.

The aim of this special sitting is to make us aware that these reporting obligations, beyond the formalism that they may present, are fundamental in that they stimulate dialogue between Member States and the ILO, and underpin the dynamics of tripartite social dialogue, as well as the respect and promotion of International Labour Conventions. Member States must commit themselves fully to these processes.

With this in mind, it would be advisable to actively promote the ratification of the Tripartite Consultations (International Labour Standards) Convention, 1976 (No. 144), as well as its

correct application, as this can also contribute to the greater compliance with reporting obligations.

As we were able to discuss in the context of the General Survey, strengthening labour administrations can be one way of enhancing Member States' ability to meet these reporting obligations. Ratification and effective implementation of Convention No. 150 is therefore also appropriate in this context.

We have also taken note of the written information transmitted and of the difficulties encountered by certain Member States and are pleased to point out that these Member States generally call on the ILO for assistance, and that the Office systematically responds favourably and with great efficiency.

We have also taken note of the information provided by one Member State, which pointed to an ongoing crisis situation that would not enable it to resolve in the short term its serious shortcomings identified. First of all, it should be pointed out that the shortcomings identified had already occurred long before the crisis arose. Although this is a factor to be taken into account, we have already pointed out during the COVID-19 crisis that reporting obligations cannot be waived, even in times of crisis. We hope that the Member State in question will do everything in its power to resolve the shortcomings identified as soon as possible.

We regret that some Member States appear to be wilfully ignoring their reporting obligations. The approach towards these Member States should be firmer than towards the Member States with proven technical difficulties or insufficient capacity. The urgent appeal procedure is a first response, but it applies indiscriminately to Member States acting in good or bad faith.

Within the framework of activities to promote international labour standards, additional resources could still be allocated to technical assistance and support activities for Member States and social partners, to enable them to meet their standards-related obligations and to engage them actively in the ILO's tripartite dialogue.

We have taken good note of the commitments made by certain governments, and we hope that these will be followed by concrete action to ensure full compliance with their obligations.

It is essential that all these governments, and particularly those which have not provided any information to the Committee, put an end to these serious breaches and bring themselves into compliance as soon as possible.

Proactive support through the Office's technical assistance will remain essential to enable Member States to fully meet their standards-related obligations.

Employer members – We would like to conclude by reiterating that in order to be effective, the ILO's regular supervisory system depends on governments' reports that contain complete and relevant information and that are sent regularly and on time. It is also critical that the Committee of Experts takes note of the additional comments from the social partners, as they provide key context. It is only with all of these inputs that the supervisory bodies can properly assess the implementation of ILO standards. Overall, we have reason for optimism but also significant room for improvement in the fulfilment of reporting obligations this year. To that end we support all efforts aimed at enabling the supervisory system to do its work more efficiently, including the streamlining of reporting and the extension of possibilities for e-reporting. We stress however, that these efforts can only be successful if they are accompanied by the consolidation and simplification of the ILO standards themselves. Such

consolidation and simplification would lead not only to better implementation of standards but also focus government reporting on the more critical issues facing the world of work. In that regard we are encouraged by the ongoing efforts of the standards review mechanism.

Conclusions of the Committee

Chairperson – As announced, now I will read out the draft conclusions on cases of serious failure to report.

The Committee takes note of the information provided in written information submitted by the Governments of *Plurinational State of Bolivia, Brunei Darussalam, Chad, Congo, Equatorial Guinea, France (New Caledonia) and Rwanda.*

However, the Committee regrets that the Governments of *Afghanistan, Angola, Antigua and Barbuda, Barbados, Belize, Comoros, Djibouti, Dominica, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Marshall Islands, Netherlands (Sint Maarten), North Macedonia, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Tonga, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Yemen and Zambia* did not make statements or provide any written communication.

The Committee notes in particular the specific difficulties mentioned by some governments in complying with their constitutional obligations related to reporting and the submission of the instruments adopted by the International Labour Conference to the competent national authorities. It also takes note of the promises made by some governments to comply with these obligations in the near future. The Committee recalls that the governments can avail themselves of ILO technical assistance to comply with their reporting obligations.

Concerning the failure to supply reports for the past two or more years on the application of ratified Conventions, the Committee recalls that reporting on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the supervisory system. The Committee also stresses the importance of respecting the deadlines for such reporting. The Committee expresses the firm hope that the Governments of *Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen* will supply the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply first reports for two or more years on the application of ratified Conventions, the Committee recalls the particular importance of this submission of the first report on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of *Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu* will supply the first reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the urgent appeals, the Committee underlines the fundamental importance of sending the report and the detailed information requested in the first report on the application of ratified Conventions. The Committee stresses the importance of the information provided in the reports submitted by governments on

ratified Conventions to enable the regular supervision by the Committee of Experts. The Committee expresses the firm hope that the Governments of *Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu* will send the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

The Committee brings to the attention of these Governments that the Committee of Experts could examine in substance at its next session the application of the Conventions concerned on the basis of publicly available information, even if the Governments mentioned have not sent the reports due. The Committee reminds governments that they can request technical assistance from the Office to overcome their difficulties in this respect.

Concerning the failure to supply information in response to comments made by the Committee of Experts, the Committee underlines the fundamental importance of clear and complete information in response to the comments of the Committee of Experts in order to permit continued dialogue with the governments concerned. The Committee expresses the firm hope that the Governments of *Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Dominica, France (New Caledonia), Grenada, Haiti, Netherlands (Sint Maarten), Papua New Guinea, Saint Lucia, San Marino, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen* will supply the requested information in the future, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply reports for the past five years on unratified Conventions and Recommendations, the Committee stresses the importance it attaches to the constitutional obligation to supply reports on non-ratified Conventions and Recommendations. The Committee expresses the firm hope that the Governments of *Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen* will comply with their obligation to supply reports on non-ratified Conventions and Recommendations in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to submit instruments to the competent authorities, the Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. The Committee expresses the firm hope that the Governments of *Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia* will comply with their obligation to submit Conventions, Recommendations and Protocols to the competent authorities in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

In relation to the failure to indicate during the past three years the representative organizations of employers and workers to which copies of the reports and information supplied to the Office have been communicated, the Committee stresses the importance it attaches to the constitutional obligation, under article 23, paragraph 2, of the

Constitution, of governments to communicate copies of the reports and information supplied to the Office to employers' and workers' organizations. The Committee recalls that the contribution of employers' and workers' organizations is essential for the evaluation of the application of Conventions in national legislation and in practice for their participation in ILO supervisory mechanisms.

The Committee welcomes the fact that this year again no Member State has failed to indicate during the past three years the representative organizations of employers and workers to which copies of the reports and information supplied to the Office have been communicated. The Committee expresses the firm hope that this is a sign that genuine tripartite social dialogue has been established in all ILO Member States. The Committee decides to note this positive development and to encourage Member States to continue in that direction in the corresponding paragraph of the General Report.

(The conclusions are adopted.)

III. Special sitting concerning the application by Belarus 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), in application of the resolution adopted by the International Labour Conference at its 111th Session (2023)

Written information provided by the Government

In accordance with the Constitution of the International Labour Organization (ILO), the Government of Belarus informed the Director-General of the International Labour Office of its position in relation to the recommendations of the Commission of Inquiry

¹ in a letter dated 1 November 2004, from the Minister of Labour and Social Protection, Ms A.P. Morova, noting that it would take steps towards their implementation, taking into account the realities of the Republic of Belarus and its sovereign interests.

In view of its stated position, the Government of Belarus has taken a number of specific, targeted steps, as a result of which at this stage a significant number of the Commission of Inquiry's recommendations have been implemented and substantial progress has been made in implementing the remainder.

► Recommendation 1

The Commission recommends that the Government take all necessary steps for the immediate registration of all those primary level union organizations listed in the complaint which have still not been registered, including, if necessary, by directing enterprise managers to provide premises to those organizations. These steps should be taken regardless of the supposed obstacles to their registration caused by Decree No. 2 and its rules and regulations.

The Government of the Republic of Belarus has taken targeted measures to liberalize the trade union registration process.

In accordance with the procedure established by law for establishing a trade union and submitting to registration bodies all necessary information and documentation, the registration procedure is essentially an administrative formality.

In order to simplify and formalize the procedure for registering public associations (including trade unions), Presidential Decree of the Republic of Belarus No. 605 of 6 October 2006 abolished the National Commission for the Registration (Re-registration) of Public Associations.

All powers to register trade unions at the national level are vested in the Ministry of Justice, while powers to register territorial trade unions and trade unions established in the country's organizations and enterprises are vested in the relevant justice directorates of local executive

¹ Trade union rights in Belarus, report of the Commission of Inquiry, appointed in accordance with article 26 of the Constitution of the International Labour Organization, to examine the observance of the Government of the Republic of Belarus 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), July 2004.

and administrative bodies (regional executive committees and the Minsk City Executive Committee).

In accordance with the recommendations of the Commission of Inquiry, measures have been taken to abolish the requirement that at least 10 per cent of the total number of an organization's employees must be included in the membership in order to establish a trade union.

Thus, on 2 June 2015, Presidential Decree of the Republic of Belarus No. 4 on Amendments and Additions to the Presidential Decree of the Republic of Belarus was adopted, which amended Presidential Decree of the Republic of Belarus No. 2 of 26 January 1999 on Several Measures to Improve the Functioning of Political Parties, Trade Unions, and Other Public Associations.

With the adoption of Presidential Decree of the Republic of Belarus No. 4 of 2 June 2015, at least 10 people are required to establish a trade union at an enterprise.

To date, at the level of legislation and practice, everything necessary has been done to ensure that trade unions (their organizational structures) successfully undergo the state registration procedure.

When state bodies examine the documents submitted for state registration of trade unions and their organizational structures, and in other cases involving decisions that affect the right of citizens to form trade unions, the decisions are taken in strict accordance with legislation in force, as well as based on the principle of maximum consideration of the interests and rights of citizens and trade unions.

In order to increase the chances of obtaining a legal address, trade unions have been given the opportunity to be located not only at the employer's address, but also in any other place (non-residential premises are used for the legal address).

Practice shows that, to date, the need to confirm the existence of a legal address has not been an obstacle to the registration of trade unions.

Cases of refusal of state registration of trade unions (trade union organizational structures) are isolated in nature and are for objective reasons.

The main reasons for refusal are failure to comply with legislation concerning the procedure for establishing trade union organizations and submitting all necessary information and documentation to the registration authorities.

If the procedure for establishing a trade union organization is observed, the documents for state registration of the trade union (organizational structure of the trade union) may be resubmitted to the registration authorities after all the identified shortcomings are addressed.

In this respect, refusal to register does not amount to a ban on establishing a trade union (organizational structure thereof) and does not constitute an insurmountable obstacle to subsequent registration.

Trade unions (organizational structures thereof) successfully undergo the state registration procedure, subject to the establishment of a trade union in accordance with legislation and submission of all supporting documents to the registration authorities.

Recommendation 1 has been essentially implemented.

► **Recommendation 2**

The Commission recommends that the Government amend the relevant provisions of Decree No. 2 and its rules and regulations so as to eliminate any further obstacles that might be caused either by the legal address requirement or by the 10 per cent minimum membership requirement at enterprise level and to ensure their transparency.

In accordance with the recommendations of the Commission of Inquiry on eliminating obstacles to establishing and registering trade unions, the Government has taken measures to abolish the mandatory 10 per cent minimum trade union membership requirement for the establishment of a trade union.

On 2 June 2015, Presidential Decree of the Republic of Belarus No. 4 on Amendments and Additions to the Presidential Decree of the Republic of Belarus was adopted, which amended Presidential Decree of the Republic of Belarus No. 2 of 26 January 1999 on Several Measures to Improve the Functioning of Political Parties, Trade Unions, and Other Public Associations.

With the adoption of Presidential Decree of the Republic of Belarus No. 4 of 2 June 2015, at least 10 people are required to establish a trade union at an enterprise.

In order to increase the chances of obtaining a legal address, trade unions have been given the opportunity to be located not only at the employer's address, but also in any other place (non-residential premises are used for the legal address).

Practice shows that, to date, the need to confirm the existence of a legal address has not been an obstacle to the registration of trade unions.

Recommendation 2 has been implemented.

► **Recommendation 3**

The Commission is of the belief that many of the difficulties posed by the application of Decree No. 2 are due to the lack of transparency in the decision-making authority represented by the National Registration Commission. Given that registration should be a routine procedure formalizing the existence of a freely formed workers' or employers' organization, the Commission recommends that the National Registration Commission should be disbanded and all registrations should be made as a matter of mere administrative formality at the corresponding local, regional or national level. If necessary, overseeing authority may be vested in the Minister of Justice.

The Government of the Republic of Belarus has taken targeted measures to liberalize the trade union registration process.

In order to simplify and formalize the procedure for registering public associations (including trade unions), Presidential Decree of the Republic of Belarus No. 605 of 6 October 2006 abolished the National Commission for the Registration (Re-registration) of Public Associations.

The Ministry of Justice is responsible for registering national-level trade unions, while the relevant justice directorates of local executive and administrative bodies (regional executive committees and Minsk City Executive Committee) are responsible for registering territorial trade unions and trade unions established in the country's organizations and enterprises.

The Ministry of Justice closely monitors the situation concerning registration of trade unions and organizational structures thereof, and issues the necessary guidance to the registration authorities to prevent violations.

As part of its outreach efforts, in December 2006 the Ministry of Justice posted on its official website a clarification on trade union membership, stating that, under the law, citizens have the right voluntarily to establish trade unions of their choice, and also to join trade unions, provided that their statutes are observed.

On 31 January 2007, the Ministry of Justice sent a letter of instruction to local authorities indicating the need for strict compliance with the law when registering trade unions.

On 28 September 2022, the Ministry of Justice sent a letter to the regional executive committees and the Minsk City Executive Committee, explaining the issues of state trade union registration and registering trade union organizational structures (in order to ensure that the registration bodies apply a uniform approach to the processing of the documents required for registration).

To date, at the level of legislation and practice, everything necessary has been done in the Republic of Belarus to ensure that trade unions (their organizational structures) successfully undergo the state registration procedure.

When state bodies examine the documents submitted for state registration of trade unions and their organizational structures, and in other cases involving decisions that affect the right of citizens to form trade unions, the decisions are taken in strict accordance with legislation in force, as well as based on the principle of maximum consideration of the interests and rights of citizens and trade unions.

Recommendation 3 has been implemented.

► Recommendation 4

In order to alleviate the damage that has already been done to the independence of the trade union movement in Belarus, the Commission recommends that all its conclusions and recommendations be made public by the Government through a wide dissemination and without delay. In order to ensure the prevention of further acts of interference, the Commission recommends that the Government declare publicly that such acts are unacceptable and will be sanctioned. To this end, it highly recommends that the Presidential Administration issue instructions to the Prosecutor-General, the Minister of Justice and court administrators that any complaints of external interference made by trade unions should be thoroughly investigated. This recommendation, similar to those made on numerous occasions by the Committee on Freedom of Association, but never implemented, should be carried out without any further delay.

The Government of the Republic of Belarus has taken steps to bring the Commission of Inquiry's recommendations to the attention of the general public.

In 2005, the Commission of Inquiry's recommendations were published in the Ministry of Labour and Social Protection's journal, Occupational Safety and Social Protection (No. 4 of April 2005), and in 2006, in the newspaper, Respublika (No. 209 of 9 November), which was the country's largest print publication.

As part of the implementation of the recommendations of the direct contact mission (which visited the Republic of Belarus during January 2014), a training course on international labour standards for judges and lawyers was held in Minsk on 20–22 June 2017. This training

course contributed to the implementation of Recommendations 4 and 8 of the Commission of Inquiry.

The training course was organized by the Ministry of Labour and Social Protection, the International Labour Office, and the ILO International Training Centre in Turin for judges and lawyers with competence in labour law cases and issues.

The training course was attended by representatives of the Supreme Court of the Republic of Belarus, judges of courts of general jurisdiction, representatives of the Ministry of Labour and Social Protection, the Ministry of Justice, the Office of the Prosecutor-General, and the prosecutor's offices of Minsk region and Minsk city.

Course participants were introduced to the ILO's activities and the system of international labour standards (in particular, those relating to freedom of association, collective bargaining, and the prohibition of forced labour), the structure and work mechanisms of the ILO supervisory bodies, the application of international law and national legislation in labour relations, relevant jurisprudence, as well as examples of the application of international law in resolving labour disputes.

In the Republic of Belarus, approaches to non-interference in trade union activities are enshrined in legislation and implemented in practice.

Thus, under article 14 of the Constitution of the Republic of Belarus, the State regulates relations between social, national and other communities on the basis of the principles of equality before the law and respect for their rights and interests.

Social and labour relations between state administrative bodies, employers' associations and trade unions are based on the principles of social partnership and interaction between the parties.

Guarantees of trade union rights are enshrined in Chapter 3 of the Trade Union Act of the Republic of Belarus.

In accordance with article 23 of this Act, employers (associations thereof), state bodies, economic entities, public associations and officials shall respect trade union rights. Such bodies and entities shall be held liable for violating trade union rights or obstructing their lawful activities in accordance with the law.

Under article 26 of the Act, trade union rights shall be protected in accordance with the law. Unlawful restriction of trade union rights and obstruction of the exercise of their powers shall not be permitted.

The principle of the rule of law applies in the Republic, and the State guarantees the rights and freedoms of citizens, as enshrined in the Constitution, the law and international obligations.

Article 60 of the Constitution of the Republic of Belarus guarantees everyone protection of her/his rights and freedoms by a competent, independent and impartial court in the manner and within the time limits established by law.

Decisions and actions (omissions) of state bodies and officials that infringe on rights and freedoms may be appealed in court.

All court cases are heard in public. Hearings in camera may only be held in cases specified by law, and in accordance with all the rules of legal procedure.

Justice shall be administered on the basis of adversarial proceedings and equality of arms.

Court rulings shall be binding on all citizens and officials.

Parties and persons participating in proceedings have the right to appeal against decisions, sentences and other court rulings.

There are no obstacles to citizens taking cases to court.

See also information on the implementation of Recommendations 7 and 8.

Recommendation 4 has been largely implemented.

► Recommendation 5

All those organizations named in the conclusions as having suffered interference in their internal affairs should be guaranteed protection to carry out their activities freely. Any further complaints made by these organizations in this respect should be taken seriously and immediately investigated by an independent body having the confidence of all parties concerned.

Although the legislation of the Republic of Belarus provides for all necessary measures to protect trade union rights, including the prevention of interference in their internal affairs, Belarus has introduced an additional mechanism for the protection of trade union rights in accordance with the Commission of Inquiry's recommendations.

Thus, in 2005, the Council for the Improvement of Legislation in the Social and Labour Sphere, established under the Ministry of Labour and Social Protection, was entrusted with the role of a tripartite independent body, enjoying the confidence of all interested parties.

This body has been empowered to consider the full range of issues arising from the Commission of Inquiry's recommendations, from examining specific situations relating to trade union registration or collective bargaining, to discussing the desirability of legislative changes.

On 21 January 2009, a national tripartite seminar was held in Minsk on the implementation of the Commission of Inquiry's recommendations on Freedom of Association and Social Partnership in the Republic of Belarus: improvement in the light of the recommendations contained in the Commission of Inquiry's report, Trade Union Rights in Belarus, organized by the International Labour Office and the Government of the Republic of Belarus to take stock of the work done and discuss further action by the parties.

Based on the conclusions and proposals drawn up during the seminar, the Government, in cooperation with International Labour Office, prepared an Action Plan to implement the Commission of Inquiry's recommendations, supported by representatives of all social partners who participated in the seminar, and approved on 20 February 2009 by the main tripartite body of the Republic of Belarus, the National Council on Labour and Social Issues (NCLSI).

The Action Plan provided for further improvement in the effectiveness of the mechanism ensuring the protection of trade union rights (Recommendations 5 and 7). The main role in this mechanism has been assigned to the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere under the Ministry of Labour and Social Protection, whose composition and functions were revised and supplemented in the light of the expansion of the range of tasks entrusted to it.

The activities of the updated tripartite Council are organized in accordance with the International Labour Office's recommendations.

In accordance with the approved Regulations of the Council, this tripartite body shall carry out consultations between representatives of the national bodies of state administration, other state agencies, and national associations of employers and trade unions on the application and improvement of the legislation of the Republic of Belarus on labour, employers' associations and trade unions, development of the social partnership and compliance with ILO Conventions ratified by the Republic of Belarus.

The Council conducts its work based on transparent and democratic principles, taking into account the interests of all parties involved in its work.

The Council strictly adheres to the approach supported by all social partners- to make decisions and conclusions on the most important issues only on the basis of the agreed position of all Council members. At the same time, all Council members and invitees are free to express their opinions at Council meetings and remain fully independent in forming their own views.

Over the years, the Council has considered a wide variety of issues on the basis of suggestions made by the parties directly relating to the implementation of the Commission of Inquiry's recommendations and the development of methods and forms of interaction between the social partners, the application and improvement of legislation, the registration of trade union organizations, the exercise of trade union rights, complaints from trade unions and workers of anti-union discrimination, cases of termination of employment contracts, the conclusion of sectoral agreements and collective contracts, the ratification of ILO Conventions and engagement with the International Labour Office in the framework of international technical cooperation.

The Council has been directly involved in resolving a number of disputes that formed the basis of trade union complaints to the ILO.

For example, based on the proposals of the Belarusian Congress of Democratic Trade Unions (BKDP), the Council's meetings considered, inter alia, issues relating to:

- dismissals of workers referred to in the 352nd report of the Committee on Freedom of Association (14 May 2009);
- registration of trade unions (registration of trade union organizational structures) and granting them a legal address (3 March 2011);
- observance of trade union rights at the Republican Unitary Enterprise, Babruysk Plant of Tractor Parts and Assemblies, and the Unitary Enterprise, P.M. Masharov Minsk Plant of Automatic Lines (3 March 2011);
- receipt of foreign gratuitous aid (3 March 2011);
- the situation with the conclusion of the collective agreement at Open Joint-Stock Company, Naftan (17 May 2012);
- the situation with the operation of trade unions at the Republican Unitary Industrial Enterprise, Granit (26 March 2013);
- draft Presidential Decree of the Republic of Belarus aimed at stimulating the employment of citizens (23 January 2015);
- Presidential Decree of the Republic of Belarus No. 5 of 15 December 2014 on Strengthening the Requirements for the Management Personnel and Employees of Organizations (23 January 2015);

- observance of trade union rights at Open Joint-Stock Company, Mazyr Oil Refinery, Republican Unitary Enterprise, Babruysk Plant of Tractor Parts and Assemblies, and Open Joint-Stock Company, Belshina (23 January 2015);
- implementation of paragraph 45 of the General Agreement between the Government of the Republic of Belarus and national associations of employers and trade unions for 2016–18, which laid down the procedure for collective bargaining and concluding collective agreements in organizations where several trade unions are represented (18 May 2016);
- the dismissal of Mr N.A. Sharakh, Deputy Chairperson of the Free Trade Union of Belarus, who worked at Open Joint-Stock Company, Polotsk-Fibreglass, on 30 April 2016, due to the expiry of his contract (18 May 2016);
- compliance by employers' associations with paragraph 45 of the General Agreement for 2016–18 (28 February 2017);
- Bill of the Republic of Belarus on Amendments and Additions to Certain Acts of the Republic of Belarus on Labour Relations (6 March 2018);
- precedents of non-compliance by employers' associations with paragraph 45 of the General Agreement for 2016–18 (6 March 2018);
- taking measures to implement Recommendation 9 of the Commission of Inquiry regarding amendments to Presidential Decree of the Republic of Belarus No. 24 (at that time, Decree No. 5 of 31 August 2015) on Use of Foreign Gratuitous Aid (6 March 2018).

Representatives of the International Labour Office have participated in the Council's work on several occasions, who, along with Belarusian associations of employers and trade unions, commended the Council's work and emphasized the importance of its role in the examination and resolution of complaints received from trade unions in accordance with the Commission of Inquiry's recommendations.

As part of the implementation of the proposals of the direct contact mission that visited the Republic of Belarus in January 2014 to monitor the situation with respect to trade union rights in the country and to assist the Government in implementing the Commission of Inquiry's recommendations, a seminar on International Experience of the Work of Tripartite Social Partnership Bodies was held in Minsk on 9–10 July 2014.

The seminar's aim was to assist the Government and the social partners in developing proposals to improve the effectiveness of the work of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere.

As a result of the seminar and subsequent discussions within the Council, the parties reached an agreed position on amending the Regulations on the Council to further enhance the effectiveness of its work.

The updated version of the Regulations on the Council for the Improvement of Legislation in the Social and Labour Sphere was approved by Order of the Ministry of Labour and Social Protection No. 48 of 8 May 2015.

In accordance with this version of the Regulations, the Council's powers have been considerably expanded.

In particular, the Council is additionally empowered to analyse existing legislation and draft regulatory and legal acts affecting social and labour relations for their compliance with

ILO Conventions and Recommendations and international practice in order to ensure the application of international labour standards at the national level.

The Council is empowered to submit proposals to legislative bodies on the implementation of ILO Conventions and Recommendations in national legislation, and on amending and supplementing labour and trade union regulations in accordance with ILO Recommendations.

The Council has the right to initiate consideration by the NCLSI of proposals regarding amendments and additions to regulatory legal acts on labour and trade unions.

This version of the Regulations also provides for the possibility of more active involvement of international experts, including ILO specialists, in the consideration of issues by the Council.

In order to make the Council's deliberations more expeditious, provision has been made for the possibility of holding extraordinary meetings.

Thus, the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere, coordinated by the Ministry of Labour and Social Protection, is an effective mechanism for examining trade union communications and protecting trade union rights.

The Council's work, previously suspended due to the COVID-19 pandemic, has resumed this year.

During the Council's meeting on 26 May 2023, based on the parties' suggestions, it considered approaches to implementing the Committee on Freedom of Association's recommendation concerning the establishment of a non-judicial mechanism for settling labour disputes.

Following the discussion of this issue and considering the recommendation of the Committee on Freedom of Association that joint work with the social partners be continued to build an effective non-judicial mechanism for resolving labour disputes, it was decided to establish an expert group from among the Council's members to examine communications from trade unions (trade union associations) and employers' associations regarding the resolution of labour disputes. It was decided that when the Council receives communications from trade unions (trade union associations) and employers' associations concerning labour dispute resolution, the expert group will conduct a preliminary examination and subsequently inform the Council of its findings.

The agenda of the Council's meeting on 22 September 2023 included proposals for the work plan of the Council for the Improvement of Legislation in the Social and Labour Sphere and information from the International Labour Office on interpreting the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), concerning the right to strike. There was a discussion by the Council regarding the framework of the implementation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

During the meeting, the parties came to the conclusion that the Council should continue to discuss the issues around collective bargaining regulation at various levels of social partnership.

A discussion was also held on regulating the right to strike in Convention No. 87. It was agreed that, if necessary, each party would independently inform the International Labour Office of its views.

Recommendation 5 has been implemented.

► **Recommendation 6**

In order to avoid acts of interference occurring at the level of the enterprise, the Commission recommends that a clear instruction be given to all enterprise managers and directors, in cases where they are still trade union members, not to participate in the process of trade union decision-making in as much as such participation might unduly influence internal trade union affairs and, in effect, bring these organizations under management domination.

The Government continuously and systematically monitors interactions between enterprise administrations and trade unions and has made clear its view that enterprise managers should not interfere in the activities of trade union organizations.

At the Government's initiative, the issue of interaction between representatives of employers and trade unions at the level of organizations (enterprises) was considered at a meeting of the main tripartite social partnership body at the national level, the NCLSI, on 31 January 2007.

The National Council drew the attention of employers' and trade unions' representatives to the need for strict observance of the principles of social partnership enshrined in legislation and ILO Conventions ratified by the Republic of Belarus, while noting the inadmissibility of interference by employers in the internal affairs of trade unions, and also recommended that trade unions actively use social partnership mechanisms to protect their rights and those of their members.

Following a decision by the National Council, the established practice of interaction between employers' and trade unions' representatives at the level of organizations (enterprises) was discussed during the first half of 2007 at meetings of sectoral and territorial (that is, regional, town/city and district) councils on labour and social issues.

In 2015, work was carried out to implement the areas of cooperation, outlined in the proposals of the direct contact mission (which visited the Republic of Belarus in 2014), on enterprise-level collective bargaining.

Thus, the International Labour Office, together with the Government and social partners, organized a tripartite seminar, Enterprise-level collective bargaining and cooperation in the context of pluralism, which was held in Minsk on 13–14 May 2015.

The seminar was attended by members of the Council for the Improvement of Legislation in the Social and Labour Sphere, various representatives of employers' associations and trade unions (including heads of the Federation of Trade Unions of Belarus and the Belarusian Congress of Democratic Trade Unions), and also representatives of a number of enterprises where several trade union organizations are represented.

Following a two-day discussion, moderated by representatives of the International Labour Office, the seminar participants reached conclusions on the inclusion of representatives of all trade union organizations operating at the enterprise level in the collective bargaining commission to be established at the enterprise in question.

Based on the results of the seminar, within the framework of the meetings of the Council for the Improvement of Legislation in the Social and Labour Sphere, the parties developed agreed proposals on the procedure for collective bargaining and concluding collective agreements when there are several trade union organizations in an organization, which were then included in the General Agreements between the Government of the Republic of Belarus

and the national associations of employers and trade unions for 2016–18, 2019–21 and 2022–24, and are being implemented in practice.

The drafting of guidelines for enterprise-level collective bargaining and their inclusion at the level of the General Agreement between the Government of the Republic of Belarus and national associations of employers and trade unions helped put into practice the principle of trade union pluralism, in line with Recommendations 6 and 12.

Recommendation 6 has been implemented.

► **Recommendation 7**

The Commission recommends that immediate action be taken to institute independent investigations, having the confidence of all parties concerned, into outstanding complaints of anti-union discrimination, in particular as concerns bias and discriminatory use of fixed-term contracts, and that all damages suffered in this respect be redressed. Any complaints of anti-union discrimination or retaliatory acts as a consequence of cooperation with the Commission and the ILO should be given particular attention.

Taking into account the Commission of Inquiry's recommendations, the Government and social partners have taken steps to examine carefully and resolve situations involving reported cases of alleged anti-union discrimination and non-renewal of fixed-term employment agreements (contracts) with trade union members.

Thus, on the basis of the parties' proposals, issues relating to the observance of the labour rights of trade union members are examined at meetings of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere.

For example, at the Council meeting held on 14 May 2009, the cases of termination of labour relations with the workers listed in the report of the Committee on Freedom of Association were considered. All the workers in questions were invited to the Council meeting, and the Council reached an agreed decision in each case. As a result of the Council meeting, the dismissed workers were provided with assistance in finding employment, as well as assistance in the restoration of other rights they had lost.

At the initiative of the BKDP the Council meeting of 18 May 2016 considered the dismissal, on 30 April 2016, of Mr N.A. Sharakh, Deputy Chairperson of the Free Trade Union of Belarus, who worked at Open Joint-Stock Company, Polotsk-Fibreglass (Polotsk, Vitebsk region), due to the expiry of his contract.

Following examination of the case, the allegations of the BKDP representatives that the dismissal of Mr N.A. Sharakh was the result of anti-union discrimination were not substantiated: Mr N.A. Sharakh, at his own initiative, had written a resignation letter due to the expiry of his contract and the commencement of his retirement. In view of these circumstances, the Council considered it appropriate to discontinue consideration of the case.

The situation described above can serve as clear evidence that the complaints of the now defunct BKDP and the International Trade Union Confederation (ITUC) of alleged anti-union discrimination in the termination of contracts often lack any objective grounds and are politically motivated.

At the same time, we note that detailed information on the outcome of the examination of complaints received on alleged anti-union discrimination and non-renewal of employee contracts on the grounds of trade union membership have been submitted to the ILO

monitoring bodies on several occasions as part of the periodic reports and information from the Government.

We also believe it is necessary to note that the existing legal framework in the Republic of Belarus provides adequate measures to protect citizens from acts of anti-union discrimination.

The legislation includes provisions that prohibit the use of discriminatory approaches against citizens because of their membership of trade unions (article 4 of the Trade Union Act of the Republic of Belarus, and article 14 of the Labour Code of the Republic of Belarus). The legislation also establishes special measures to protect citizens elected to trade union bodies, and trade union members.

Citizens who believe that they have been discriminated against are entitled to apply to the courts in order to protect their legitimate interests and rights. At the same time, trade unions have the right to act as legal representatives of their members in court.

The courts deal objectively and impartially with workers' claims, regardless of their participation or non-participation in trade unions.

Complaints and petitions from citizens alleging discrimination in labour relations, including discrimination on the grounds of trade union membership, are carefully examined by the courts. However, actions to address discrimination in labour relations, including on the grounds of trade union membership, are isolated in nature.

As part of the implementation of the areas of cooperation proposed by the direct contact mission (that worked in the Republic of Belarus in 2014) and supported by the social partners on the issues of labour dispute resolution and mediation, a tripartite seminar on Mechanisms of dispute resolution and mediation was held in Minsk on 25 February 2016, with the organizational assistance of the International Labour Office.

During the seminar, the participants were presented with an overview of the country's existing mechanisms of dispute resolution, and there was an active exchange of views on the situation with the examination of labour disputes under the current national system, and possible new effective mechanisms.

We also note that the Government has repeatedly informed the ILO supervisory bodies of the basis for legislative regulation of the use of contractual employment in the Republic of Belarus.

By accepting the terms of the contractual form of employment, and signing a contract as a form of fixed-term employment contract, the employee confirms her/his consent and intention to be in labour relations with the employer for the period of time stipulated in the contract as well as her/his consent and readiness to terminate the labour relations upon expiry of the contract.

As in other legal systems, in the Republic of Belarus, termination of employment at the end of a fixed-term labour contract is not considered as dismissal at the employer's initiative. In this respect, the legislation does not oblige the employer to justify her/his unwillingness to extend the employment relationship upon expiry of the contract. Expiry of the contract is in itself sufficient grounds for its termination.

Thus, if the employer has decided not to re-enter into labour relations with the employee after expiry of the contract, there is no need for additional justification on this issue.

The issue of forcing an employer to enter into a new contract with an employee cannot be resolved, including in court (except for categories of employees for whom special protective measures have been established by law).

At the same time, the legislation governing the conclusion of contracts with employees is being improved.

For example, Act of the Republic of Belarus No. 219-Z of 18 July 2019, amended the Labour Code of the Republic of Belarus (effective as of 28 January 2020) to increase the duration of concluded (extended) contracts.

In particular, article 261-3 of the Labour Code sets out the approach, according to which:

- the conclusion of a contract with an employee (except for an employee entering into her/his first contract) who does not commit any violations of production, technological, performance or labour discipline, shall be for a period of at least three years (or for a shorter period, only with the employee's consent);
- extension of the contract within its five-year period of validity with an employee who does not commit violations of production, technological, performance or labour discipline, shall be carried out for the period up to the expiry of the maximum term of the contract (or for a shorter period, only with the employee's written consent).

See also Recommendation 8.

Recommendation 7 has been implemented.

► Recommendation 8

The Commission further recommends that the Government put into place effective procedures for protection against anti-union discrimination and other retaliatory acts. Adequate protection or even immunity against administrative detention should be guaranteed to trade union officials in the performance of their duties or when exercising their civil liberties (freedom of speech, freedom of assembly, etc.). In order to ensure that such protection is further guaranteed through an impartial and independent judiciary and justice administration, the Commission recommends that the Government implement the recommendations made by the United Nations Special Rapporteur on the independence of the judges and lawyers.

The Republic of Belarus has taken the necessary measures to ensure adequate protection of citizens against anti-union discrimination.

As noted above, in the information on the implementation of Recommendation 7, discrimination against citizens on the basis of their membership or non-membership of trade unions is prohibited by law (article 4 of the Trade Union Act of the Republic of Belarus, and article 14 of the Labour Code of the Republic of Belarus).

Citizens' membership or non-membership of trade unions shall not entail any restrictions of their employment, socio-economic, political, or personal rights and freedoms guaranteed by national legislative acts and provisions of international treaties to which the country is a party.

At the same time, guarantees of trade union rights are also enshrined in legislation (Chapter 2, Fundamental rights of trade unions, and Chapter 3, Guarantees of trade union rights, of the Trade Union Act of the Republic of Belarus), and are ensured in practice.

Employers (and associations thereof), state bodies, economic entities, public associations and officials are obliged to respect trade union rights. Such bodies and entities shall be held liable for violating trade union rights or obstructing their lawful activities in accordance with the law.

In order to carry out their statutory tasks, trade unions have the right, in accordance with the law, to organize and hold mass events, rallies, street marches, demonstrations, and also to take other collective action in order to protect their members' interests.

The procedure in force in the country for organizing and holding mass events does not contradict the principles of freedom of association and is fully consistent with the provisions of the International Covenant on Civil and Political Rights.

The legislative provisions penalizing breaches of this procedure that have serious negative consequences are aimed at preventing socially dangerous, unlawful acts that pose a genuine threat to the life and health of the public. These provisions objectively do not deter citizens and trade unions from exercising their right to freedom of lawful, peaceful assembly.

Trade unions are entitled to organize and hold strikes in accordance with the law. The procedure laid down in the law for organizing and holding strikes does not contravene international labour standards, allowing citizens fully to exercise their right to hold a lawful strike in order to resolve a collective labour dispute.

However, the prohibition of political demands during strikes is a common and justified international practice since enterprises should not be turned into objects of manipulation and used as leverage to achieve purely political goals.

Trade union rights are protected in accordance with the law. Unlawful restrictions on the rights of trade unions and obstructions to the exercise of their powers are not permitted.

At the same time, trade unions must also carry out their activities in accordance with the legislation, i.e., the Constitution of the Republic of Belarus, the Trade Union Act of the Republic of Belarus, and other regulatory legal acts. The activities of trade unions may be restricted in cases stipulated by legislative acts in the interests of national security, public order or to ensure the rights and freedoms of others.

In view of the above, the Government considers it necessary to stress once again that any allegations that trade unionists in the Republic of Belarus are persecuted for carrying out lawful trade union activities, participating in peaceful protests and lawful strikes, are unreliable and inaccurate.

Citizens residing in the Republic of Belarus freely and actively enjoy the legally guaranteed right to form trade unions. In turn, trade unions, their leaders, members and activists are free to carry out their legitimate activities aimed at upholding and protecting workers' labour and socio-economic rights and interests, improving the living standards and social security of citizens, including in the process of cooperating with the authorities within the framework of the country's existing social partnership system.

However, the competent authorities had every legal basis to bring administrative and criminal proceedings against a number of citizens whose actions were unlawful and who are currently the subject of complaints received by the International Labour Office as persons who have allegedly been the victims of anti-union discrimination.

The Government of the Republic of Belarus has repeatedly drawn attention to the fact that the mass events held in the country in 2020 with the support of external destructive forces, were not authorized by the authorities and were carried out in blatant violation of the law,

were not peaceful at all, and in some places openly extremist in nature and posed a real threat to public order and the safety of citizens, and furthermore sought to destabilize the situation in the country in order to secure regime change by unconstitutional means.

Illegal attempts to disrupt the operations of individual enterprises had nothing to do with the exercise by workers of the right to hold lawful strikes in order to resolve collective labour disputes and/or satisfy economic or social demands. At the same time, individual workers engaged in absenteeism, refused to perform work stipulated by labour contracts, and took action to halt the operations of enterprises.

Thus, the citizens mentioned in the complaints of trade union structures who allegedly suffered for participating in peaceful protests and lawful strikes, have been prosecuted (on disciplinary, administrative, and in certain cases, criminal grounds) totally legitimately, for committing specific illegal acts.

In this situation, prosecuting citizens is totally unrelated to anti-union discrimination or persecution for the exercise of trade union or civil rights and freedoms and does not justify any reason to debate dropping the charges, providing any compensation and/or job reinstatement.

At the same time it should be noted that representatives of the judiciary and prosecutor's office are aware of the need to examine carefully the complaints from trade unions and trade union activists of anti-union discrimination and take decisions in full compliance with the rules and requirements of the law.

In order to raise awareness among representatives of the judicial system and prosecution service on the protection of trade union rights and compliance with the relevant international standards, and with the International Labour Office's support, a seminar on Protection of trade union rights in the activities of the courts and prosecution service of the Republic of Belarus (in the light of the implementation of the recommendations included in the ILO Commission of Inquiry's report, Trade Union Rights in Belarus) was held in Minsk on 16 January 2007. The seminar was attended by judges of the Supreme Court of the Republic of Belarus, regional (Minsk city) and district (city) courts, representatives of the Office of the Prosecutor-General of the Republic of Belarus, regional and Minsk city prosecutor's offices, the Ministry of Justice, the Ministry of Labour and Social Protection, and the National Labour Arbitration.

Representatives of the judicial authorities and the Office of the Prosecutor-General of the Republic of Belarus, together with representatives of a number of ministries, as well as all trade union and employer associations, took part in a seminar on Respect for trade union rights and protection against anti-union discrimination, which was organized by the Government with the assistance of the International Labour Office, and held in Minsk on 18 June 2008.

Participants in these seminars were informed about the ILO's approach to freedom of association and also the tasks set out in the Commission of Inquiry's recommendations for the courts and the prosecution service.

As part of the implementation of the areas of cooperation recommended by the direct contact mission (2014), a training course on international labour standards for judges and lawyers was held in Minsk on 20–22 June 2017.

The training course was organized by the Ministry of Labour and Social Protection, the International Labour Office, and the ILO International Training Centre in Turin for judges and lawyers with competence in labour law cases and issues.

The training course was attended by representatives of the Supreme Court of the Republic of Belarus, judges of courts of general jurisdiction, representatives of the Ministry of Labour and Social Protection, the Ministry of Justice, the Office of the Prosecutor-General, and the prosecutor's offices of Minsk region and the city of Minsk.

Course participants were introduced to the ILO's activities and the system of international labour standards (in particular, those relating to freedom of association, collective bargaining, and the prohibition of forced labour), the structure and work mechanisms of the ILO supervisory bodies, the application of international law and national legislation in labour relations, relevant jurisprudence, as well as examples of the application of international law in resolving labour disputes.

With regard to recommendations on ensuring an impartial and independent judicial system and the proper administration of justice, we believe it necessary to note the following.

The Republic of Belarus is a State governed by the rule of law. The individual, her/his rights, freedoms and guarantees to exercise them are the supreme value and goal.

The principle of the rule of law applies in Belarus, and the State guarantees citizens' rights and liberties as enshrined in the Constitution and laws and as provided for by international obligations.

Everyone is equal before the law and is entitled, without any discrimination, to equal protection of her/his rights and legitimate interests.

Article 60 of the Constitution of the Republic of Belarus guarantees everyone protection of her/his rights and freedoms by a competent, independent and impartial court.

Decisions and actions (omissions) of state bodies and officials that infringe rights and freedoms may be appealed in court.

The judicial system in the Republic of Belarus is determined by law.

Judges are independent in the administration of justice, and subject only to the law. Any interference in the activities of judges in the administration of justice is impermissible and punishable by law.

The courts administer justice on the basis of the Constitution and other regulatory acts adopted in accordance with it.

If, during the examination of a specific case, the court comes to the conclusion that a regulatory act is inconsistent with the Constitution, it shall rule in accordance with the Constitution, and raise the issue of declaring the regulatory act in question unconstitutional in accordance with the established procedure.

Cases in the courts are heard collectively by a collegial body of judges, and in cases provided for by law, by a single judge.

All court cases are heard in public. Hearings in camera may only be held in cases specified by law, and in accordance with all the rules of legal procedure.

Justice shall be administered on the basis of adversarial proceedings and equality of arms.

Court rulings shall be binding on all citizens and officials.

Parties and persons participating in proceedings have the right to appeal against decisions, sentences and other court rulings.

There are no obstacles to citizens taking cases to court.

Recommendation 8 has been implemented.

► Recommendation 9

The Commission recommends amendment of Decree No. 24 concerning the use of foreign gratuitous aid along the lines previously suggested by the ILO supervisory bodies, so as to ensure that workers' and employers' organizations may effectively organize their administration and activities and benefit from assistance from international organizations of workers and employers in conformity with Articles 5 and 6 of the Convention.

At present, the issues of registration, taxation and use of foreign gratuitous aid are regulated by Presidential Decree of the Republic of Belarus No. 3 of 25 May 2020 on Foreign Gratuitous Aid.

In accordance with the Decree, foreign gratuitous aid (assistance) received by legal entities of the Republic of Belarus may be used for:

- providing medical assistance, including medical and social and palliative medical care, and also for the purchase of medicines and medical devices, consumables for their maintenance, payment for medical services, health-resort treatment and recuperation for members of the public;
- providing social assistance and social services to low-income citizens, persons with disabilities, pensioners, children, families with many children, single parents, foster and adoptive families, persons with no fixed abode, as well as persons (families) in difficult life situations, including as a result of forced migration;
- preventing and responding to natural and man-made emergencies, ensuring fire, industrial, nuclear and radiation safety, and addressing the consequences of the Chernobyl disaster;
- strengthening the material and technical base of state institutions (including state bodies);
- construction, repair (reconstruction) of social facilities;
- establishing and developing libraries, and creating and maintaining library collections;
- establishing and developing museums, and curating museum collections;
- training and professional development of employees of state institutions (including state bodies);
- providing physical culture and sports organizations, educational institutions, scientific organizations, healthcare organizations engaged in physical culture and sports, sports clothing and footwear, sports equipment, kit, gear, maintenance consumables, and also prizes, medals, diplomas, flowers, souvenirs and award paraphernalia, pharmacological and restorative agents, and protein and glucose vitamin supplements;
- the preparation and participation of national teams of the Republic of Belarus in sports and reserve teams in sporting events in the territory of the Republic of Belarus and/or abroad;
- installing sewage treatment facilities, creating waste utilization facilities, waste decontamination and landfill facilities, and deploying sustainable energy sources;
- holding of international and national events (competitions, conferences, seminars and congresses) by state institutions (including state bodies);

- payment of general business expenses relating to the maintenance of the administrative apparatus of a legal entity or sole proprietor and support of their activities according to the list determined by the Office of the President of the Republic of Belarus;
- other purposes provided that the Interdepartmental Commission on Foreign Gratuitous Aid approves these uses of aid.

It is prohibited to receive and/or use aid for the following purposes (or relating to the following):

- carrying out terrorist and other extremist activities, other acts prohibited by law, as well as those causing harm to national security, state and/or public interests or threatening to cause such harm;
- financing of political parties, or unions (associations) of political parties;
- preparing or holding elections, referendums, the recall of deputies of the House of Representatives of the National Assembly of the Republic of Belarus, members of the Council of the Republic of the National Assembly of the Republic of Belarus, deputies of the local Council of Deputies, or organizing or holding meetings, rallies, street marches, demonstrations, picketing, strikes, and producing or distributing campaign materials;
- organizing events aimed at conducting political and campaigning work among the population.

Thus, Decree No. 3 does not include any provisions prohibiting the receipt and use of aid by trade unions or employers' associations.

At the same time, Decree No. 3 defines the conditions (purposes) for the use of foreign gratuitous aid and stipulates that such aid must be registered in accordance with the established procedure. However, the registration procedure is quick and easy. There have been no instances of trade unions being denied foreign gratuitous aid.

We also consider it necessary to note that the procedure established in the Republic of Belarus for receiving foreign gratuitous aid is unjustifiably linked in the ILO framework with Articles 5 and 6 of Convention No. 87.

These Articles of Convention No. 87 do not contain provisions on the right of trade unions and/or employer associations to unimpeded receipt of financial or other forms of assistance for political and campaign work among the population (organization of mass events, strikes, production and distribution of campaign materials, etc.).

The existing ban in the Republic of Belarus on receiving and using foreign gratuitous aid for purposes involving political and campaign work is dictated by national security interests and is more than justified.

It is obvious that, in the current situation, giving outside (foreign) forces the opportunity to sponsor various kinds of politically orientated events and processes in the country may be used to destabilize the socio-political and socio-economic situation in the country, which would have an extremely negative impact on society and citizens' well-being.

Therefore, Recommendation 9 does not fully meet national security interests.

► **Recommendation 10**

The Commission further recommends amendment of the Law on Mass Events (as well as Decree No. 11 if it has not yet been repealed), as previously suggested by the ILO supervisory bodies, so as to bring it into line with the right of workers' and employers' organizations to organize their activities provided for in Article 3 of the Convention.

The Act of the Republic of Belarus No. 114-Z of 30 December 1997 on Mass Events establishes the procedure for organizing and holding meetings, rallies, street marches, demonstrations, picketing and other mass events, and is aimed at creating the conditions for the exercise of the constitutional rights and freedoms of citizens, ensuring public safety and order when these events are held in streets, squares and other public places.

The freedom of mass events that do not violate law and order and the rights of other citizens of the Republic of Belarus, are guaranteed by the State.

In accordance with the Act, mass events, as well as speeches by their participants, shall be held at a specified time and place in accordance with the purposes specified in the application.

Mass events shall be prohibited if their purpose is to promote war or extremist activities.

The organizers of a meeting, rally, street march, demonstration or picketing shall be prohibited from involving citizens in exchange for material remuneration.

During the mass event, its participants shall be obliged to observe public order and comply with all lawful requirements of the organizers of the mass event, officers of internal affairs agencies and members of the public performing public order duties.

State bodies, political parties, trade unions and other organizations, as well as citizens shall not have the right to interfere with or obstruct the holding of mass events held in compliance with the requirements of this Act and other legislative acts.

Persons who have violated the procedure for organizing and/or holding mass events established by the Act in question shall be held liable in accordance with legislative acts.

Political parties, trade unions and other organizations, whose responsible persons have failed to ensure the proper procedure for organizing and/or holding a meeting, rally, street march, demonstration or picketing, which caused extensive damage or substantial harm to the rights and legitimate interests of citizens, organizations or to state or public interests, may be dissolved in accordance with the established procedure for a single violation of the legislation on mass events.

Damage caused by the organizers of and participants in a mass event, to the State, citizens and organizations during the mass event shall be subject to compensation in the manner prescribed by law.

It should be noted that the current procedure in the Republic of Belarus for organizing and holding mass events does not conflict with the principles of freedom of association and is fully consistent with the provisions of the International Covenant on Civil and Political Rights.

Legislation providing for punishment for violating the procedure for organizing and holding a mass event, resulting in serious adverse consequences, is aimed at preventing socially dangerous, or illegal acts, that pose a real threat to the life and health of the public.

When holding mass events, trade unions are obliged to respect public order, and must not a priori permit actions which could cause the event to lose its peaceful character and cause serious harm to the public, society and the State.

The punishment provided by legislation for the organizers of a mass event for causing substantial damage, or harm to the rights and interests of citizens, organizations, and also to state or public interests, is not and objectively should not, be interpreted as a deterrent to the exercise by citizens and trade unions of the right to freedom of lawful, peaceful assembly.

Taking into account the unprecedented political and economic pressure exerted on the Republic of Belarus, we believe that diluting liability for violating the procedure for holding mass events would contribute to the creation of conditions for the strengthening of external destructive influences on the situation in the country, which would not be in the national interests of the Republic of Belarus, nor serve the purpose of ensuring the well-being of its citizens.

Thus, the Act on Mass Events does not contain provisions directly or indirectly preventing workers' and employers' organizations from exercising the right to organize their activities.

However, the requirements to dilute trade unions' liability for violating the procedure for holding mass events are not in the interests of national security.

► Recommendation 11

The Commission recommends that the Government ensure that the Belarusian Congress of Democratic Trade Unions (CDTU), which already has a seat on the National Council on Labour and Social Issues (NCLSI), is allowed to participate through whichever representative it designates and also that it take steps to ensure the right of all umbrella organizations representing trade unions in Belarus to participate in the NCLSI. The CDTU's participation on the NCLSI should be ensured with immediate effect.

In order to ensure free and equal participation of all social partners in the dialogue with the Government, a representative of the Belarusian Congress of Democratic Trade Unions has been included in the composition of the main tripartite social partnership body at the national level: the NCLSI.

During the meeting of the NCLSI held on 31 January 2007, the inclusion of Mr A.I. Yarashuk, BKDP as chairperson, in this tripartite body, was approved.

During his membership of the NCLSI, BKDP chairperson Mr A.I. Yarashuk represented the interests of all affiliated organizations of the trade union organization he headed, the Belarusian Trade Union of Radio-Electronic Industry Workers (trade union REP), the Belarusian Independent Trade Union of Miners, Chemists, Oil Refiners, Power Engineers, Transport Workers, Construction and Other Workers (BNP), the Free Trade Union of Metalworkers (SPM), and the Free Trade Union of Belarus (SPB).

Recommendation 11 has been implemented.

► **Recommendation 12**

The Commission recommends that the Government undertake a thorough review of its industrial relations system with the aim of ensuring a clear distinction between the role of the Government and that of the social partners and of promoting clearly independent structures of workers' and employers' organizations.

Belarus ensures a clear distinction between the roles of the Government and the social partners, which is a prerequisite for the latter to carry out their lawful activities freely and independently.

The Government's activity is regulated by Act of the Republic of Belarus No. 424-Z of 23 July 2008, on the Council of Ministers of the Republic of Belarus.

The Council of Ministers of the Republic of Belarus is the Government of the Republic of Belarus and is a collegial central body of state administration of the Republic of Belarus, which, in accordance with the Constitution of the Republic of Belarus, exercises executive power in the Republic of Belarus and manages the system of subordinate national bodies of state administration and other organizations, as well as, on issues within its competence, the system of local executive and administrative authorities.

The Council of Ministers is accountable in its activities to the President of the Republic of Belarus and responsible to the National Assembly of the Republic of Belarus.

The Council of Ministers consists of the Prime Minister of the Republic of Belarus, her/his deputies, ministers, chairpersons of state committees subordinate to the Council of Ministers, and the Chief of Staff of the Council of Ministers. The Council of Ministers may include the heads of other state bodies and organizations in accordance with the decisions of the President.

The competence of the Council of Ministers is enshrined in Chapter 3 of the Act on the Council of Ministers of the Republic of Belarus.

In accordance with the general powers vested therein, the Council of Ministers:

- ensures the implementation of the Constitution, decisions of the All-Belarusian People's Assembly, laws and Presidential acts, and oversees their implementation by national state administration bodies and other organizations subordinate to it, as well as local executive and administration bodies, individuals and organizations;
- formulates the main areas of domestic and foreign policy of the Republic of Belarus and takes measures for its implementation;
- ensures the implementation of a unified economic, financial, credit and monetary policy, state policy in the field of science and innovation, culture, education, healthcare, physical culture, sport and tourism, the environment, social security and wages, the public-private partnership, prevention of and response to natural and man-made emergencies, and in the areas of investments, concessions, digital development, etc.;
- takes measures to ensure the rights and freedoms of citizens, protect the interests of the State, national security and defence capability, protect property and public order, and combat crime and corruption;

- subject to the specific features established by other legislative acts, acts on behalf of the owner in respect of property owned by the Republic of Belarus, and organizes the management of state property;
- has the right to establish, reorganize and dissolve legal entities whose property is owned by the Republic of Belarus;
- approves, in agreement with the President, the lists of state programmes, state and regional scientific and technical programmes, and also approves the list of state scientific research programmes;
- ensures the development and implementation of state programmes and approves them.

The Council of Ministers of the Republic of Belarus also exercises other powers vested therein by the Constitution, laws and Presidential acts.

Trade unions carry out their activities in accordance with the Trade Union Act of the Republic of Belarus, No. 1605-XII of 22 April 1992.

Pursuant to the Act, a trade union is a voluntary public organization of citizens of the Republic of Belarus, foreign citizens and stateless persons (hereinafter, unless specified otherwise, "citizens"), including those receiving vocational, technical, secondary specialized, higher, science-orientated education, bound by common interests in the nature of their occupation, in both industrial and non-industrial fields, for the protection and realization of labour and socio-economic rights and interests.

Citizens have the right voluntarily to establish trade unions of their choice, and also to join trade unions, provided that their statutes are observed.

Foreign citizens and stateless persons may join trade unions established and operating in the territory of the Republic of Belarus, if their charters so provide.

Trade unions may, on a voluntary basis, establish national unions (associations), and other associations (trade union associations) enjoying trade union rights, and also join them.

National associations of trade unions may, in accordance with the procedure provided for in their statutes, establish territorial (regional, town/city and district) and other organizational structures with trade union rights.

Trade unions (trade union associations) and their organizational structures are legal entities in accordance with the law and their statutes.

The principle of trade union independence is enshrined in legislation and implemented in practice.

Thus, under article 3 of the Act, trade unions carry out their activities in accordance with the Constitution, the Trade Union Act, and other legislative acts. The activities of trade unions may be restricted in cases stipulated by legislative acts in the interests of national security, public order or to ensure the rights and freedoms of others.

Trade unions independently draw up and approve their charters, determine their structure, elect their governing bodies, organize their activities, hold meetings, conferences, plenums and congresses.

Trade unions (trade union associations), their symbols, amendments and additions to their charter shall be subject to state registration in accordance with the procedure established by law.

In accordance with their statutory aims and objectives, trade unions have the right to cooperate with trade unions from other countries, and to join international and other trade union associations and organizations of their choice.

Citizens' membership or non-membership of trade unions shall not entail any restrictions of their employment, socio-economic, political, or personal rights and freedoms guaranteed by legislation.

A trade union's activity shall be terminated by decision of its members in accordance with the procedure specified by the charter of the trade union in question.

In cases where the activities of trade unions (trade union associations) contravene the Constitution and other legislative acts, or cause harm to state or public interests, they may be suspended for up to six months, or terminated with respect to national trade unions and their associations by decision of the Supreme Court on application by the Prosecutor-General, and in respect of territorial trade unions, by a court decision on application by the prosecutor of the administrative territorial unit concerned.

Article 6 of the Act establishes the procedure for interaction between state administrative bodies, monitoring (supervisory) bodies and trade unions.

Thus, improvement and development of the system of social partnership, forms and methods of interaction between trade unions (trade union associations), employers (associations thereof) and state administrative bodies are one of the top priorities of the socio-economic policy of the Republic of Belarus.

Trade unions participate in the development and implementation of the State's socio-economic policy.

Trade unions have the right to submit proposals to the state administrative bodies, in accordance with the established procedure, on the adoption, amendment or repeal of legislation on labour and socio-economic issues. Regulatory legal acts affecting the labour and socio-economic rights and interests of citizens, shall be adopted by state administrative bodies with prior notification of the relevant trade unions (trade union associations).

Trade unions, through their authorized representatives, have the right to participate in the work of the collegial bodies of ministries and other national bodies of state administration, meetings of local executive and administrative bodies, and management bodies of organizations in accordance with the procedure established by the Council of Ministers in coordination with the relevant trade unions.

National and local budgets may provide funds for the implementation of national and local programmes (educational, research, cultural, health and fitness, information, etc.) aimed at realizing the rights, freedoms and interests of citizens, as proposed by the relevant national and regional trade union associations.

In exercising public monitoring, trade unions interact with state administrative bodies, monitoring (supervisory) bodies and other organizations.

The fundamental rights of trade unions and guarantees of those rights are enshrined in Chapters 2 and 3 of the Act.

Employers (associations thereof), state bodies, economic entities, public associations and officials are obliged to respect trade union rights. Such bodies and entities shall be held liable for violating trade union rights or obstructing their lawful activities in accordance with the law.

Employers (associations thereof), state bodies, economic entities, public associations and officials have no right to prevent trade union representatives from visiting organizations in which members of these trade unions work, unless otherwise provided by legislative acts.

Trade union rights shall be protected in accordance with the law. Unlawful restriction of trade union rights and obstruction of the exercise of their powers shall not be permitted.

On 16 December 2023, Act of the Republic of Belarus No. 225-Z of 12 December 2022 on Employers' Associations, drafted at the initiative of business associations engaged in social dialogue with trade unions, came into force.

The adoption of the Act is aimed at developing the institution of employers' associations as subjects of social partnership in the country.

The Act defines the procedure for establishing employers' associations, their legal status and principles of activity, rights and obligations, and also the rights and obligations of their members.

The Act applies to employers and associations thereof operating in the Republic of Belarus.

In accordance with national legislation, employers' associations, along with state bodies and trade unions, are parties to the social partnership system.

According to the Act, an employers' association is a non-profit organization, established in the form of an organization (union), bringing together, on the basis of voluntary membership, employers and/or associations of employers for the purpose of representing and protecting their rights and legitimate interests in the field of social, labour and related economic relations, included in the register of employers' associations ("the Register").

Employers have the right, on a voluntary basis, to establish employers' associations, and are also free to join or leave such organizations under the conditions established by law and specified by the charters of these associations.

The activities of employers' associations are regulated by the legislation on employers' associations, as well as international treaties of the Republic of Belarus and other international legal acts containing obligations of the Republic of Belarus.

Employers' associations are established and act to represent and protect the rights and legitimate interests of employers and employers' associations in social, labour and related economic relations, as well as to implement the tasks assigned to them.

The main tasks of employers' associations are:

- interaction with state bodies, trade unions (their associations and organizational structures) and other representative bodies of workers authorized in accordance with legislative acts to represent their interests, in the system of social partnership;
- participation in the formulation and implementation of the State's social, labour and economic policy;
- conducting collective negotiations to conclude, amend or supplement general, tariff and local agreements, and ensuring the fulfilment of their obligations under the agreements;
- coordinating the activities of members of employers' associations to fulfil their obligations under the agreements;

- providing advisory and methodological assistance to employers and employers' associations in averting and resolving collective labour disputes.

Employers' associations:

- independently draw up their statutes, elect their governing bodies and organize their activities;
- in accordance with their statutory goals and objectives have the right to collaborate with other employers' associations, associations (unions) and public associations established in the Republic of Belarus, associations (unions) of employers from other countries, and also with international unions (organizations) of employers;
- have the right to join international unions (organizations) of employers.

Employers' associations operate on the principle of voluntary accession to, and withdrawal from, membership.

Relations between employers' associations, state bodies and trade unions are based on the principles of social partnership and cooperation between the parties.

Employers' associations may be national or territorial (regional, district, or town/city).

The most representative national employers' association, the Confederation of Employers of the Republic of Belarus, coordinates the activities of employers' associations within the framework of the social partnership system.

The Confederation of Employers is recognized as a national employers' association, which includes more than half of the national employers' associations operating in the Republic of Belarus.

Employers' associations, as subjects of social partnership, have the right to interact with state bodies and trade unions on formulating and implementing state social, labour and economic policy, and protecting the rights and legitimate interests of employers and employers' associations.

Employers' associations are entitled to submit proposals to state bodies regarding the adoption, amendment or repeal of legislative acts that affect the interests of employers and employers' associations.

Representatives of employers, taking into account their status and sectoral affiliation, are included in labour and social councils established at the industry and territory level.

Employers' associations represent the interests of their members in collective bargaining to conclude, amend or supplement agreements.

When entering into a general agreement, the employers' side is represented by the Confederation of Employers of the Republic of Belarus, and in the event of its absence, representation of the employers' side is determined by agreement between the national employers' associations.

The structure, formation procedure and powers of the management bodies of the employers' associations, and their decision-making procedure are determined by the charter of the employers' association.

Since the Act regulates the exercise of powers of employers' associations as one of the parties to the social partnership system, non-profit organizations established in the form of

associations (unions) must be recognized as employers' associations through inclusion in the Register of Employers' Associations in order to acquire such powers.

The Register contains a list of employers' associations operating in the Republic of Belarus, indicating their status.

A non-profit organization is included in the Register on the basis of an application submitted to the Ministry of Labour and Social Protection.

The decision on whether to include a non-profit organization in the Register is made on the basis of an assessment of the conformity of its charter and the composition of its membership with the provisions of this Act.

The creation and maintenance of the Register, as well as organizational and methodological support for the creation and maintenance of the register, are carried out by the Ministry of Labour and Social Protection.

The rights and obligations of employers' associations are enshrined in Chapter 3 of the Act.

Employers' associations have the right to:

- carry out activities aimed at achieving its statutory aims and objectives;
- receive and disseminate freely information relevant to the activities of an employers' association, unless to do so would contravene legislative requirements;
- protect the rights and legitimate interests, and also represent their members' legitimate interests, in state bodies and other organizations, in relations with trade unions;
- initiate and conduct collective bargaining for the purpose of concluding, amending or supplementing agreements;
- obtain from the relevant state bodies and trade unions information necessary to conduct collective bargaining to conclude, amend or supplement agreements, and to monitor their implementation;
- participate in the implementation of measures to promote employment, develop vocational education and training, and draw up draft professional standards;
- exercise other rights stipulated by the Act, other legislative acts and the charter of the employers' association.

The employers' association shall:

- conduct, in accordance with the procedure established by law, collective bargaining to conclude, amend or supplement agreements;
- implement the agreements entered into, to the extent they relate to the obligations of employers' associations;
- provide its members with details on agreements concluded by the employers' association;
- provide state bodies and trade unions with the information necessary to conduct collective bargaining and relating to the competence of the employers' association;
- monitor implementation of agreements entered into by the employers' association;
- assist in its members' fulfilment of the obligations stipulated in the agreements;

- report to its members on the activities of the employers' association in accordance with the procedure provided for by the charter;
- provide its members with advisory and methodological assistance on the regulation of social, labour and related economic relations, including on the conclusion of collective contracts and agreements, and the resolution of individual and collective labour disputes;
- perform other duties stipulated by the Act, other legislative acts and the charter of the employers' association.

An employers' association shall not be liable for the obligations of its members, including their obligations under the agreements entered into by the employers' association.

Recommendation 12 has been implemented.

Thus, the information provided above confirms that the situation with the implementation by the Republic of Belarus of the Commission of Inquiry's recommendations has been steadily developing. At the same time, the ILO supervisory bodies have repeatedly noted with interest the measures taken by the Government, stating that progress has been made.

At this stage, most of the Commission of Inquiry's recommendations (except for those that are not in the interests of national security) have been implemented.

In this regard, statements that the Government of the Republic of Belarus has failed to take measures to implement most of the Commission of Inquiry's recommendations, and also regarding a complete lack of progress in their implementation, are totally unfounded and do not correspond with reality.

The Government of the Republic of Belarus is ready to cooperate with the International Labour Office on issues concerning the implementation of the ratified ILO Conventions Nos 87 and 98, provided that account is taken of present day realities and national interests, at the forefront of which are the stable socio-economic development of the Republic, the well-being and high quality of life of the Belarusian people, social harmony, the unshakeable foundations of democracy and the rule of law, and the country's independence, territorial integrity and sovereignty.

Discussion by the Committee

Chairperson – As you know, at its 111th Session, the International Labour Conference adopted a resolution concerning the measures recommended by the ILO Governing Body under article 33 of the Constitution on the subject of Belarus and decided to hold at its future sessions a special sitting of the Committee for the purpose of discussing the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Collective Bargaining Convention, 1949 (No. 98), by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry, as long as this Member has not been shown to have fulfilled its obligations. Based on this decision, an item has been included in the Committee's agenda.

In this regard, I would like to inform all delegates that the Officers of the Committee have decided to reduce the speaking time for individual member delegates of the Committee from five to three minutes for the special sitting on Belarus. The delegates concerned have been informed accordingly by the Secretariat.

I now invite the Government representative of Belarus to take the floor.

Interpretation from Russian: Government representative (Deputy Minister of Labour and Social Protection) – Today, for the first time, the issue concerning the Republic of Belarus is being discussed within the framework of the procedure provided for by the resolution adopted under article 33 of the ILO Constitution last year at the 111th Session of the Conference. I would like to begin by clearly and unambiguously clarifying the position of the Government of Belarus on this resolution. We consider this article 33 resolution to be unfair and politically motivated. Adoption of the resolution was lobbied by countries from the Western Bloc. The authors of the resolution based it on sanctions and discriminatory measures that have no moral or legal basis. The goals being pursued by western countries are obvious to us. This is an attempt to justify the unfair and illegal economic sanctions applied to our country as a punishment for our steering an independent course. Western sanctions are aimed at harming not only business within our country but also ordinary people – depriving them of work, income, social guarantees, and ultimately creating tension in society. The resolution contains nothing about interaction and cooperation. It concerns only restrictions, exceptions and revision of relations. The measures set forth in the resolution are contrary to the ILO Constitution and the fundamental principles of its activities. The ILO principles have nothing to do with threats, pressures or sanctions. I am convinced that the existence of such an unfair resolution with reference to a full Member of the ILO causes irreparable damage to the authority of this Organization. It clearly shows the whole world that a particular group of countries has the ability to manipulate the stance of the ILO at its own discretion.

The rhetoric about the need to apply article 33 of the ILO Constitution to Belarus unfolded in the context of accusations of a supposed lack of progress in implementing the recommendations made by the Commission of Inquiry, and a steady worsening of the situation in the country. I have no doubt that we will hear such statements again today, but they have nothing whatsoever to do with the real state of affairs. The Government, together with the social partners, has done a great deal to upgrade national legislation, taking into account the ILO principles to develop social dialogue and tripartism in our country. To date, the majority of the Commission of Inquiry's recommendations have been implemented. I will not dwell in detail on all the measures taken by the Government in the context of implementing the recommendations. We submitted a detailed report to the Director-General, which is included in the documents for your Committee. I will only say this: in almost all areas outlined in the recommendations, specific steps were taken and significant results were achieved, such as publication of recommendations in the media, simplification of the registration procedure for trade unions, establishment of tripartite councils, and work with judges and prosecutors. In saying that, I wish to emphasize that the ILO supervisory bodies have repeatedly assessed the Government's actions in a positive way. I would especially like to note the good will shown by the Government of Belarus, its focus on interaction and cooperation with social partners and the ILO. We have tried to be as flexible and constructive as possible. At the suggestion of the ILO, we established a special negotiating platform to develop measures to implement the recommendations, a tripartite council for the improvement of legislation in the social and labour sphere, which included all interested parties. Since 2009, experts from the ILO have repeatedly participated in the meetings of that council. With their assistance, we were able to find mutually acceptable solutions to a number of issues. The results of this joint work have been reflected in legislation and the general agreement that applies in our country. Let me emphasize that our position remains unchanged. We stand ready to interact constructively and to cooperate with the ILO. We invite representatives of the ILO to participate in the work of our tripartite bodies, the National Council for Labour and Social Issues and the Council for the Improvement of Legislation in the Social and Labour Sphere (the aforementioned tripartite

Council). At this stage, the Office has not made a positive decision on that issue, but we hope that over time everything will be resolved and cooperation will resume.

In 2019, we all celebrated the ILO Centenary. It was clear that the Government had made significant progress in implementing the recommendations of the Commission of Inquiry. In February 2019, a tripartite conference in Minsk with the participation of ILO representatives confirmed the high level of cooperation between our Government, the social partners and the ILO in the development of social dialogue and tripartism. However, unfortunately, everything changed in 2020. The tone of the ILO supervisory bodies' assessments of Belarus shifted radically and became much more negative. I would like to emphasize that this is not the fault of the Government of Belarus. Politics intervened in the situation. More precisely, attempts were made by western countries to illegally influence the country's political life and the choices of the Belarusian people. The West's main goal was to destabilize the situation in Belarus, to create chaos and disorder and, ultimately, a coup d'état. These attempts failed. The authorities in Belarus confirmed their ability to act. The people of Belarus overwhelmingly expressed support for the country's leadership. Of course, as in any civilized State governed by the rule of law, organizers and participants of riots were brought to justice and received the punishment they deserved. Among them were representatives of trade unions united under the roof of the Belarusian Congress of Democratic Trade Unions (BKDP). I think we will hear more about this today in the speeches made here by some speakers, and I therefore consider it necessary to clearly outline the position of my Government with reference to the BKDP. The BKDP has never represented any significant trade union force in our country. It has never had anything in common with the real trade union movement. Issues relating to labour, social dialogue and collective bargaining were not within the scope of the BKDP. Rather, under its banner, a handful of politicians united, conveniently receiving western financial funding through grants, seminars and trips abroad. This is no secret to anyone – everyone knows. For instance, the machinations of the leaders of the BKDP-affiliated Trade Union of Radio and Electronic Industry Workers, who were funded by Danish trade unions, were widely reported. Given the pseudo-trade union and highly politicized focus of the BKDP's activities, it has never been supported to any reasonable extent by workers of Belarus. It has not been a representative organization. In a country where around 4 million people are trade union members, the BKDP trade unions numbered only a few thousand altogether. As a result, the BKDP quite objectively did not have the legitimate right to participate in social dialogue with the Government. However, the ILO strongly recommended that the Government provide the BKDP with an opportunity to participate in the work of tripartite bodies at national level. Guided by the principles of good will, the Government gave the BKDP the opportunity to participate, despite the fact that this considerably complicated the process of conducting dialogue. I think that the ILO experts who participated in the meetings of the tripartite Council could see for themselves how difficult the task was to develop mutually acceptable solutions with the participation of the BKDP. The representatives at the BKDP tried to turn each meeting of the tripartite Council into a political rally. The BKDP also transferred its biased and destructive position to what we now see on the ILO platform. Every year at the meetings of this Committee, the Chairperson of the BKDP, Mr Yarashuk, made unfounded and false accusations against the Government. The year of 2020 was a turning point. The events of that year highlighted the true goals and objectives of the BKDP and the trade unions that were part of it. These pseudo-trade unions actually became a headquarters for the organization of extremist activities. Their leaders and activists grossly violated our laws, took action against the interests of our society and our State. As a result, court decisions terminated the activities of the BKDP. Its member organizations, leaders and activists within those structures were brought to account judicially.

I would like to emphasize one point. In taking measures to protect the constitutional and public order in Belarus, the Government has not committed any action that contradicts ILO Conventions. ILO Conventions do not give trade unions and their members the right to break the law. The illegal actions of the BKDP and its member trade unions were confirmed by the Supreme Court of the Republic of Belarus. In 2022, in full compliance with the law, it decided to terminate the activities of the BKDP. Today, the BKDP and its structures are not operating in Belarus and do not represent the interests of workers in our country. They are illegitimate in Belarus. Therefore, we strongly condemn any attempt to involve representatives of an illegitimate structure, the BKDP, within this dialogue on Belarus. I would like to emphasize that the inclusion of pseudo-trade unions represented by the BKDP within the judicial scope of Belarus does not and could not, in any way, affect social dialogue and tripartism in our country. All social partnership institutions are operating as usual within Belarus. On our agenda, we have the development of a new general agreement. This would be the 17th general agreement between the Government and national level associations of employers and trade unions.

Following the adoption of the resolution under article 33 of the ILO Constitution, the issue of Belarus has been discussed twice at the sessions of the Governing Body. What has emerged from those discussions? They confirmed that the resolution is being used by those who lobbied for it as a way of putting pressure on Belarus. With the help of the resolution, the ILO is being turned into a platform for implementing political orders and settling scores with unwelcome countries. This process must be stopped. The unfair resolution on the Republic of Belarus, must be repealed as it inevitably leads us to confrontation. We need to enter a new chapter and to close this chapter. We are ready to cooperate with the ILO on the principles of mutual respect and unconditional consideration of the national interests of the Republic of Belarus. I call on the Committee to take the first step in that direction and include in its conclusions a corresponding recommendation to the Governing Body.

Employer members – We have taken note of the oral and written information on this case provided by the Government of Belarus. The Employers' group stresses the importance of States' compliance with the ILO Conventions Nos 87 and 98, which are two of the ten ILO core Conventions.

Conventions Nos 87 and 98 were ratified by Belarus in 1956. The Employers' group would like to mention that this case has a long-standing history in the ILO. Since 1997, the Committee of Experts has issued many observations, and the case has been dealt with in various ILO supervisory committees. This year marks the 20th anniversary since the Commission of Inquiry issued its report and recommendations to ensure observance of Conventions Nos 87 and 98.

In the 2022 conclusions, the Committee, inter alia, urged the Government of Belarus, in consultation with the social partners, to: restore, without delay, full respect for workers' rights in respect to freedom of association; refrain from the arrest, detention, violent treatment, intimidation or harassment, including judicial harassment of trade union leaders and members conducting lawful trade union activities; investigate without delay alleged instances of intimidation or physical violence through an independent judicial inquiry, immediately release all trade union leaders and members arrested for participating in peaceful assemblies or arrested for exercising their civil liberties through their legitimate trade union activities and drop all related charges; give access as a matter of urgency to visitors, including officials of the ILO; and to ascertain the conditions of arrest and detention and the welfare of the above-mentioned persons.

The Employer members would like to recall that the Conference adopted on 12 June 2023 a resolution which called for actions under article 33 of the ILO Constitution, to secure

compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of Conventions Nos 87 and 98. It was also decided to hold a Special Sitting of the Conference Committee to discuss the application of Conventions Nos 87 and 98, as well as the recommendations of the Commission of Inquiry.

The Committee of Experts, in 2023, gave, *inter alia*, the following advice on Convention No. 87. They requested that all trade union leaders and members arrested for participating in peaceful assemblies or arrested for exercising their civil liberties be immediately released and that all related charges be dropped. The Committee of Experts urged the Government to receive, without further delay, an ILO Tripartite Mission to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO. The Committee of Experts expected the Government to indicate concrete steps taken to review the situation of the dissolved trade unions. It urged the Government to engage with the ILO to fully implement all outstanding recommendations of the ILO supervisory bodies without further delay.

It should be noted that the Government of Belarus transmitted written information on the measures taken to implement the recommendations of the Commission of Inquiry, which has been made available in full on the Conference Committee's website. On 28 May 2024, the ILO organized a "High-level roundtable on freedom of association in Belarus", which took place as part of the action plan adopted in March 2024 by the Governing Body to implement the ILO Conference resolution. Three United Nations Special Rapporteurs participated in the roundtable and reported. A video download of the meeting is available on the ILO website.

The Employer members would like to mention the recent report of the Director-General on the latest developments regarding the situation on freedom of association in Belarus and compliance with the recommendations of the Commission of Inquiry. The document was published on 3 June 2024 and is available on the ILO website. Furthermore, the ILO Governing Body dealt with this case several times. At the Governing Body Session in March 2024, it was requested to prepare an updated report to inform the Committee at the Conference about the latest developments. The Governing Body also, once again, urged the Government of Belarus, to receive as a matter of urgency an ILO tripartite mission with a view to gathering information on the implementation of the recommendations, including a visit to the independent trade union leaders and activists in prison or detention.

By a communication dated 17 May 2024, the BKDP provided information on the implementation by the Government of Belarus of the recommendations of the Commission of Inquiry. According to the BKDP, it is currently impossible for trade unions and their members to carry out their activities legally. Anyone who associates with any independent trade unions and carries out trade union and human right activities is subject to criminal liability. The BKDP indicated that as of 7 May 2024 more than 50 trade unionists were under criminal prosecution, and provided a list of 39 trade unionists currently imprisoned, as well as a list of 21 trade unionists who were released but not exonerated and on whom additional restrictions were placed.

The Employer members would like to highlight that, in line with Article 2 of Convention No. 87, freedom of association compliance requires that workers and employers must be able to decide freely, without state interference, whether or not to set up their own organizations. Under Article 3 of Convention No. 87, the right to organize constitutes an important aspect of the activities of employers' and workers' organizations. According to Article 11 of Convention No. 87, states must "take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise".

Taking into account all the reports, the Employers' group, once again and in line with our statements in the different ILO supervisory bodies, would like to express grave concern.

After all these years, we note the Committee of Experts' comments deploring "a total lack of progress" and "the continuing deterioration of the freedom of association in the country".

We urge the Government to start engaging in a constructive dialogue with the ILO with no further delay, to improve the country's situation as regards the right of freedom of association and the right to organize. The Employer members stand ready to constructively support this process.

In conclusion, the Employer members recommend the Government to, first, receive as a matter of urgency an ILO Tripartite Mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry, and recommendations of the ILO supervisory bodies. Second, to take steps towards the release of the detained trade unionists, who were detained because they exercised their right of freedom of association, and to provide a copy of the judicial decisions. Third, to engage with the ILO with a view to implementing the recommendations of the ILO supervisory bodies without further delay. And finally, to report to the ILO on the measures taken by the Government.

Worker members – Chair, the example of Poland you presented in your opening remarks show us the crucial role of the ILO and its supervisory system in supporting and guiding Member States to fulfil and realize our foundational values of social justice, democracy and the promotion of universal peace.

This morning, our Committee is performing a special duty as instructed to us by the Conference. The measure directly aims to secure compliance by the Government of Belarus with the recommendations of the ILO Commission of Inquiry, which examined the observance by the Government of Belarus of Conventions Nos 87 and 98. The resolution calls on the Government to implement the recommendations of the Commission of Inquiry and subsequent recommendations of the ILO supervisory bodies and to accept an ILO tripartite mission, including a visit to imprisoned or detained trade union activists and leaders.

We note at the outset that in November 2023 and March this year, 2024, the Governing Body also discussed the situation in Belarus noting, among others, an action plan to implement the resolution. As part of it, the ILO convened a high-level roundtable to discuss freedom of association in Belarus.

The Committee on Freedom of Association has also been examining measures taken by the Government of Belarus, if any, to implement the recommendations of the Commission of Inquiry.

We are saddened and deeply concerned that despite the overwhelming evidence of repression against independent trade unions and their leaders, the dire and deteriorating human rights situation, the closed civic space and the strong condemnation by ILO members, the Government continues to violate its obligations under the Conventions with impunity.

The Commission of Inquiry recently examined the situation in Belarus and "... deplored the continuing deterioration of freedom of association in the country, the total lack of progress in implementing the recommendations of the 2004 Commission of Inquiry and the failure of the Government to address the outstanding recommendations of the ILO supervisory bodies and the conclusions of the Governing Body".

This year, the Committee of Experts expressed in its report its "... deep concern regarding the situation of civil liberties in Belarus and the application of the Convention in law and in

practice ..." and noted, "... with deep regret that in its report, the Government once again merely reiterates the information it had previously provided and considers that the Committee misunderstands and misinterprets the situation on the ground".

In the Director-General's Report on the latest developments, the Government is reported to have indicated in its communication on 9 April 2024 that it was ready to cooperate with the Office in the implementation of Conventions Nos 87 and 98, provided that account is taken of present-day realities and national interests, including stable socio-economic development and social harmony.

If only the Government would accept ILO guidance and respect its obligations under the Conventions, these objectives – including stable socio-economic development and social harmony, which already encapsulate some of the core tenets of social justice of the ILO – would be realized. But the Government continues to reject any guidance, conclusions and recommendations from the ILO and its supervisory system.

Instead, as is contained in the recent communication of the BKDP, it is dangerous to be a genuine and independent trade union, trade union activist or even member in Belarus. Independent trade unions cannot carry out their legitimate trade union activities; criminalization and imprisonment of trade unionists is the order of the day; national security is used as a pretext to ban or control trade unions.

On 4 March 2024, a new criminal case was opened against Mr Leanid Soudalenko, labour lawyer and activist of the Radio and Electronic Industry Workers Union, under section 361-4 of the Criminal Code. He was forced to flee the country.

On 5 April 2024, Ms Volha Brytsikava, leader of the Belarusian Independent Trade Union was charged with "inciting racial, national, religious or other social hatred or discord" under section 130(1) of the Criminal Code, and sentenced to three years of imprisonment after a trial behind closed doors. Additionally, a new criminal case has been opened against her under section 361(1) of the Criminal Code, which carries a maximum penalty of six years of imprisonment and a fine.

The case of Ms Palina Sharenda-Panasiuk, a trade unionist of the Radio and Electronic Workers, must be mentioned. Since January 2024, there has been no contact with her. Ms Sharenda-Panasiuk was due to be released on 21 May this year but was transferred to a detention centre and a new (third) criminal case was opened against her. She was charged for the second time under section 411(2) of the Criminal Code for offences relating to so-called "malicious disobedience to the demands of administration of the correctional institution" (previously her sentence was extended by one year under the same provision of the Code).

The Government also deploys judicial harassment and public smearing to intimidate, defame and discredit trade unions. The courts have been used to declare the BKDP and Salidarnast – its organization formed in exile in 2022 following the forced dissolution of the BKDP – as extremists and terrorists. Salidarnast is banned in Belarus. Under section 19.11 of the Code on Administrative Offences, persons who distribute, produce, store or transport materials or interact with organizations such as the BKDP or Salidarnast, including subscribing to its social networks, is punishable, by a maximum penalty of administrative arrest of up to 30 days.

According to the BKDP, as of 7 May 2024, more than 50 trade unionists were under criminal persecution and 39 trade unionists are currently imprisoned. Twenty-one trade unionists who were released still have criminal charges hanging over them with additional restrictions, including a prohibition from leaving the city or country without police permission,

an obligation to report to a police station on a weekly basis and a ban against engaging in certain professional activities. Even after completion of prison sentences, restrictions of freedom continue. Those released are kept on a list for constant monitoring and official control, including of their bank accounts and work activities. Once on that list, there is no process for being removed, so the requirements are essentially permanent. And this is imposed as an administrative measure, without judicial involvement.

Also, in January 2024, Mr Aliaksandr Yeudakimchyk, leader of the Free Trade Union of Metalworkers (SPM), died after a long illness following numerous administrative arrests for his trade union activities and the negative impact they had on his health.

Detained trade union leaders report that the conditions in which they are held amount to torture. They have no access to hygiene products or a change of clothes. They are not taken for a shower or fresh air; prison cells are overcrowded; prisoners are forced to sleep on the floor, on benches and even on tables; the lights are continuously on; and there is no warm water.

We remain deeply concerned about Mr Yarashuk, Chairperson of the BKDP and an ILO Governing Body member. The health of Mr Yarashuk is a major concern for us and yet he remains subjected to a specially restricted prison regime, with little opportunity to exercise, and with only one visit and one parcel allowed per year.

In her report to the United Nations Human Rights Council, the Special Rapporteur on the human rights situation in Belarus indicates that “yellow unions” are a cog in the wheel of state control and observes that the Trade Union Federation of Belarus (FPB) is not a genuine representative of workers’ interests and not independent from the State. Workers who do not join the FPB are also penalized as collective agreements, laying down basic guarantees, apply only to members of unions close to the Government and controlled by the authorities.

At this Conference, the International Trade Union Confederation (ITUC) has filed a credentials objection challenging the FPB delegation, with evidence that those in the delegation, purporting to represent workers, are agents of the State and not workers or genuine and independent representative of workers. The only independent and genuine workers’ organization, the BKDP, has been dissolved and banned. The FPB must no longer be allowed to participate in ILO activities including future Conferences.

So, Chair, this is sadly the situation in Belarus regarding the implementation of its obligations under the Commission of Inquiry regarding Conventions Nos 87 and 98, as well as the subsequent recommendations of the supervisory bodies and the measures recommended by the Governing Body. Clearly, there has been no progress at all.

We strongly urge the Government to accept constructive dialogue.

Interpretation from Russian: Employer member, Belarus – I am speaking on behalf of the Confederation of Employers and Industrialists of the Republic of Belarus. Unfortunately, a year ago at the previous ILO Conference, we saw the adoption of a resolution against Belarus which led to bewilderment and confusion among the employers of our country. I think many people agree with me that any such restrictive measures affecting the rights of employers and workers will inevitably undermine businesses and business activity, as well as the development of social dialogue and partnership. They will make it difficult to implement collective bargaining agreements and to protect social rights. They might lead to a drop in wage levels and an increase in social tension. The resolution, which is supposed to promote decent work and wage levels, will actually lead to the deterioration of both.

I would like to recall that cooperation among the Republic of Belarus, its employers and the ILO has always been productive. We have cooperated with the Directors-General of the ILO, as well as Mr Kari Tapiola, who made a visit to our country. In the course of the direct contacts mission, the ILO actually made a positive assessment of the work that Belarus had done to implement the recommendations of the ILO and noted progress made. Such positive assessments have been echoed elsewhere in the ILO. However, in our very tangled and confused world, changes do take place and we now find ourselves once again discussing with you the so-called “Belarus question” in the ILO. We think this is undermining the authority of the ILO and we cannot agree that the Organization should become a tribunal for statements on issues which perhaps relate to human rights and certainly relate to politics, but do not, in any way, fall within the purview of a specialized agency of the United Nations system such as this one.

At the so-called “round-table”, held a week ago, before the official opening of the session of the Conference, we saw an attempt to prepare the ground to push this Committee to implement the so-called plan of action on the implementation of the resolution adopted last year. We have listened to the criticism. However, we would like to re-establish a positive and productive dialogue which will further the interests of our country and be based on the fundamental principles of the ILO.

We would like to continue our contacts and meetings to share the experience with the ILO and its Member States. This is the right time for that. What we need are discussions and assistance with regard to such issues such as collective bargaining relating to local level agreements, and general and tariffs agreements, negotiations of which we are to start soon for a two-year period. Any ILO support and assistance would be welcome.

We think the ILO should be in the vanguard of encouraging social and labour reforms in any country and we would be happy to accept any suggestions or recommendations made by the Organization. We understand that any barriers put in the way of business are going to undermine trade and business contacts, and they are certainly not going to help solve political issues or disagreements. The purpose of progressive business associations in Belarus is to boost business, create more jobs, improve the well-being of our workers and deal with all the other fundamental issues of the ILO. We will be happy to carry out a business and professional dialogue with the ILO committees and the Employers’ group. We think we see the situation and reflect on these issues in the same way. We urge you not to support the draft decision on Belarus because its purpose is ultimately to actually make the situation of both employers and workers in our country much worse. We want to have positive relations in our work with the ILO, positive relations between our workers and our employers, and between Belarus and the ILO.

Worker member, Belarus – I am speaking on behalf of 15 Industrial Trade Unions that together make up the FPB, which encompass almost 4 million people. They have asked me to come here today to tell you how things really stand in Belarus and to protect their good name. Today we have 4 million workers in our Federation from all sectors of our economy and that is what I represent.

As things stand today, the FPB includes 24,000 primary trade union organizations on behalf of the workers of our country, these primary-level trade unions have already concluded around 18,000 collective agreements. It is at the initiative of these trade unions that these local normative legal acts include norms that provide employees with various guarantees and bonuses over and above what is established by the Labour Code. For instance, this includes extra holidays, material payments and other benefits, guarantees for the extension of labour

contracts, and special measures to support vulnerable groups, such as young persons and older persons. Employers are obliged to implement these standards; and indeed they put into practice all of the provisions of the collective agreements.

I will give you a few figures. Last year alone, at the request of the trade unions, employers redressed around 48,000 infringements of labour legislation. Also, more than 50,000 infringements of occupational health and safety standards have been redressed. At the request of workers, employers were able to pay additional benefits to workers that amounted to the equivalent of around 1 million dollars. And that is far from everything that has been achieved.

All this shows that in law and in practice in Belarus there is every opportunity available for independent and productive work to be done to defend the interest of workers. Nonetheless, we have to admit that at the 111th Session of the International Labour Conference, we know that an article 33 resolution was adopted in relation to Belarus.

It is a cause of deep regret to us that the ILO did not take into account documentary proof of the situation in our country and continues to go along with an argument that is simply seeking to harm and damage workers in Belarus. An open letter was signed by the workers of Belarus to the ILO calling for an end to pressure on the country, on both employers and workers of Belarus. More than a thousand videos have been sent where people have talked about the situation quite honestly and have given a clear picture of the situation in our country. Sadly, we have had no response to any of this from the ILO to date and we see that the ILO is continuing to listen to those who are seeking to in fact harm the people of our country, the workers, their families and children. Today, for the fourth year, we see that the ILO is dancing to the tune of those who are in fact applying unlawful sanctions against our country. And it is representatives of those countries who have dragged the ILO into this situation, where they are working against the interest of the workers of Belarus. We see how sophisticated they are in what they do. They deliberately hide information about the lack of support from many countries for what they are doing. We see the kind of efforts that are made to prevent us from speaking up on behalf of the trade unions of Belarus. They are trying to prevent us from speaking out loud and clear to defend our legitimate interest. Let us be quite honest: today we have representatives of Western countries who in essence are giving developing countries a choice. Either you agree with us or you become the next target for attacks and harassment. Those trade unions that do not agree are somehow the wrong kind of trade unions. Is that democracy? Decisions and the ILO's position on Belarus run counter to the principles that underpin the work of this Organization. Sanctions and restrictions harm all workers. They also destroy economic stability, and create unfair and unequal conditions. They infringe the rights of workers and this is being shown by the experience of many countries that have suffered from unlawful sanctions and restrictions. I call on everyone here to be fair and just, and to act in accordance with the provisions of the ILO Constitution. The ILO should protect the interests of workers from all countries. It does not have the right to act in a way that follows a political instruction of a particular group of countries. Its task is to preserve and defend labour rights, and the rights of workers. Following the adoption of the resolution on article 33 with reference to Belarus, our situation has been discussed twice at the Governing Body. That discussion raised many issues but one thing was very clear: the FTUB is ready to cooperate with the ILO based on the principles of mutual respect and due account being taken of the national interests of the Republic of Belarus. I call on the Committee to take the first step to make that a reality and to include in its conclusions a recommendation to that effect, to be put to the Governing Body. I call on everyone here to support the Republic of Belarus today.

Government member, Belgium – I have the honour of speaking on behalf of the **European Union and its Member States**. The candidate countries: **Albania, Montenegro, North Macedonia, Ukraine** and the **Republic of Moldova**, and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

We deeply regret the persistent failure of the Belarusian authorities to comply with their obligations under ILO Conventions Nos 87 and 98. One year has passed since the adoption of article 33 resolution at the Conference. Yet, no initiative has been taken by the authorities to reengage in the process towards implementation of the recommendations of the 2004 Commission of Inquiry. Once again, we call on Belarus to take all the necessary measures to meet the obligations it committed itself to by becoming a member of the ILO and by voluntarily and willingly ratifying most of the ILO fundamental Conventions.

Since the 2020 presidential elections, recently followed by parliamentary and local elections, none of which were free or fair, we see a steep and continuing deterioration of the human rights situation, including grave violations of labour rights, especially of freedom of association and the right to collective bargaining. The situation has further worsened since Belarus' involvement in Russia's war of aggression against Ukraine. We strongly condemn the continuing persecution and intimidation campaigns against independent trade unionists, civil society organizations, democratic opposition forces and all other segments of Belarusian society. We remain deeply concerned by the arbitrary arrest and detention of trade union leaders and members for holding or participating in peaceful assemblies or for exercising other civil liberties pursuant to their legitimate trade union activities.

Given the gravity of the situation, the European Union has imposed seven successive rounds of sanctions since 2020, among others, to address the unprecedented level of repression, including labour rights violations.

We thank the Office for organizing the high-level roundtable to discuss freedom of association in Belarus in line with the action plan adopted by the Governing Body. This event sheds further light on the disproportionate and illegitimate use of violence, fines, detentions, arrests and the negation of fair trials for trade unionists and human rights defenders. We encourage further coordinated efforts in view of making progress in the full implementation of the Conference resolution.

We strongly urge Belarus to receive as a matter of urgency an ILO tripartite mission to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of ILO supervisory bodies. This mission must be enabled to visit the independent trade union leaders and activists in prison and detention. We also request Belarus to cooperate in the appointment of an ILO special representative.

The European Union deplores the dissolution of independent trade unions, undermining the legitimacy of social dialogue institutions. We repeat our call to the authorities to abandon their policy of destroying the independent trade union movement. We regret that the Supreme Court rejected the complaints filed by free trade unions in relation to their liquidation, and the lack of impartiality and independence of the judiciary system.

We deplore that political prisoners remain incarcerated in appalling conditions and express grave concern over numerous reports of deaths in detention. We urge the authorities to respect, protect and fulfil human rights, and we call for the immediate and unconditional release of all political prisoners, including trade unionists, and their effective rehabilitation. We regret that even after being released, trade unionists remain on blacklists and continue to face charges and persecution.

We are particularly concerned about the conditions of imprisonment of several political prisoners, including Mr Yarashuk, a Governing Body member, Mr Berasneu, an independent trade union leader, and a union activist, Ms Palina Sharenda-Panasiuk. We call upon the responsible Belarusian authorities to uphold humanitarian principles, provide necessary and timely medical care and refrain from any action which would further impair the situation.

We strongly support the reiterated call of the Committee of Experts to the Belarus authorities to amend a number of legal provisions that restrict or criminalize the exercise of civil and trade union rights.

We reaffirm our strong support for the application of article 33 of the ILO Constitution and will take measures in line with the Conference 2023 resolution as needed.

The European Union and its Member States are committed to working with the ILO and its constituents to secure compliance by the authorities of Belarus with the Commission of Inquiry's recommendations.

Government member, Sweden – I have the honour of speaking on behalf of **Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Poland** and **Sweden**. We align ourselves with the statement delivered on behalf of the European Union and its Member States.

Our countries reiterate our strong support to the ILO in its indispensable role to develop, promote and supervise the application of ratified international labour standards.

We deeply regret the persistent refusal of the authorities of Belarus to observe the fundamental conventions of the ILO, including Conventions Nos 87 and 98, which they voluntarily ratified.

We note with great regret that since last year's adoption of the resolution concerning the application of article 33 of the ILO Constitution, and despite repeated attempts at engagement by the ILO supervisory bodies, the situation of human rights, including labour rights, in Belarus, has continued to deteriorate.

We remain deeply concerned about more than 1,400 political prisoners still kept in custody by Belarusian authorities for participating in peaceful assemblies or for exercising their human rights. Many of them are trade union leaders and activists.

The authorities are expanding control over various types of professional groups. In the private sector they oblige company owners and directors to control their employees in terms of their loyalty to the regime. In the public sector the employees received a KGB manual on how to behave to avoid responsibility for extremism.

Our countries are also concerned by the Belarusian authorities' decision not to renew the passports of their citizens abroad, as was reported also by the International Trade Union Confederation (ITUC). This practice is meant to force such citizens to return to Belarus and potentially face persecution, in violation of their human rights.

As recognized by the Committee of Experts, the Belarusian authorities once again merely reiterate the information they have previously provided and maintain that the Committee of Experts misunderstands and misinterprets the situation on the ground. They expect us to believe that labour rights in their country are respected, that prisoners are serving well-deserved sentences and people have full freedom of association and right to organize. They consequently refuse to receive an ILO tripartite mission, fail to provide copies of judicial decisions as requested by the Committee of Experts and continue to dissolve the independent trade union organizations.

We reaffirm our strong support for the application of article 33 of the ILO Constitution and support an effective follow-up to the 2023 Conference resolution.

We demand full transparency of law enforcement proceedings which bear the hallmarks of political cases. All trade union leaders and members arrested merely for exercising their human rights must be immediately released. We also expect Belarusian authorities to allow visits to the independent trade union leaders and activists in prison or detention.

We call on Belarus to immediately and unconditionally cease its aid to Russia's war of aggression against Ukraine, which severely impacts Ukrainian lives and livelihoods, including workers, employers and their families.

We thank the Office for its coordinated engagement with the relevant international organizations and United Nations special procedure mandate holders of the Human Rights Council, in particular for having organized the high-level roundtable to discuss the grave situation of trade union rights in Belarus. We also commend the Director-General's continued efforts to seek access to and ascertain the conditions of arrest, detention and welfare of the detained unionists.

To conclude, we extend our gratitude to the ILO constituents and international institutions for implementing measures in accordance with the 2023 Conference resolution. We also urge those who have not yet done so to take appropriate measures in line with the resolution, as requested. We continue to support the holding of a special sitting of this Committee for the purpose of discussing the application of Conventions Nos 87 and 98 by Belarus and its implementation of the recommendations of the Commission of Inquiry, so long as this Member has not been shown to have fulfilled its obligations.

Government member, Canada – I am speaking on behalf of the Governments of **Australia, Japan, the United Kingdom of Great Britain and Northern Ireland and Canada.** We thank the Committee of Experts for their most recent observations about the situation in Belarus, and note the written information provided by the authorities of Belarus to the Committee on 17 May 2024 regarding their implementation of the recommendations of the Commission of Inquiry. We also thank the Director-General for his report informing this Committee of the latest developments, and the Office for convening the high-level roundtable on 28 May 2024 to discuss freedom of association in Belarus with the participation of three United Nations Special Rapporteurs.

The case of Belarus has been monitored closely by the ILO for many years now, and we believe that the resolution adopted by the Conference in 2023 under article 33 of the ILO Constitution was a crucial step aimed at realizing social justice in Belarus given the long-standing disregard by the authorities of Belarus for the ILO's fundamental principles and rights at work, the ILO's Constitution and its supervisory system.

Persistent and widespread human and labour rights violations and abuses perpetuated against workers and trade unionists for exercising their fundamental rights at work are well

documented and widely recognized. We remain deeply concerned at continued reports from the BKDP, United Nations Special Rapporteurs and others, of mass repression and criminal action taken against workers for exercising their fundamental labour rights, and of trade union leaders and activists being subjected to cruel, inhuman treatment in Belarusian prisons.

We are also concerned about reports of a widespread practice of forced enrolment in Government-led trade unions that are not independent.

Notwithstanding such overwhelming evidence to the contrary, the Belarusian authorities continue to systematically deny any violations of Conventions Nos 87 and 98 and maintain that the recommendations of the 2004 Commission of Inquiry have been implemented. We deplore the fact that the Belarusian authorities continue to refuse an ILO tripartite mission to observe and assess the steps taken towards the application of Conventions Nos 87 and 98, as well as to visit detained and imprisoned trade unionists to assess their health and well-being, despite repeated recommendations by the ILO supervisory bodies and requests from the Director-General. It is imperative that the authorities of Belarus cooperate fully with the ILO to implement the recommendations of the Commission of Inquiry and the ILO supervisory bodies. To that end, we urge the Belarusian authorities to do the following, without any further delay.

First, release trade unionists that remain in detention for participating in peaceful assemblies or exercising their fundamental right of freedom of association, including ILO Governing Body member Mr Yarashuk, and to drop all related charges.

Second, accept as a matter of urgency an ILO tripartite mission for the purpose of independently assessing the status of implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of ILO supervisory bodies, including a visit to the independent trade union leaders and activists in prison or detention.

Third, engage with the ILO regarding the appointment of a special representative of the Director-General to supervise all action in Belarus related to the implementation of the recommendations of the Commission of Inquiry and ILO supervisory bodies.

Finally, we encourage all ILO constituents to continue taking all possible measures in accordance with the 2023 Conference resolution with a view to bringing Belarus into compliance with its obligations under the ILO Constitution, Convention Nos 87 and 98.

Government member, Cuba – We thank the Government of Belarus for the updated information that it has presented this morning. It is important to highlight the willingness of the Belarussian authorities to engage in respectful dialogue and cooperation with the social partners and the ILO, as stressed by the Government in a number of communications, including this morning.

The allegations of a complete lack of headway by Belarus in implementing the recommendations of the Commission of Inquiry and of a lack of progress are, as has been mentioned, totally unfounded and do not reflect reality. The Office itself has provided information on measures adopted by the Government of Belarus in relation to a number of recommendations and the progress made through those measures, within, of course, the framework of the country's legal system.

It is a fact for all to see that constant progress has been made in Belarus' implementation of the recommendations of the Commission of Inquiry, something that has also been noted by the Organization's supervisory bodies.

The Government of Belarus has demonstrated that it is willing to work with the Office on issues relating to the application of ratified Conventions, going so far as to invite ILO experts to participate in internal processes. However, political motives are continuing to have a negative impact in this respect. This very morning we have, once again, heard political allegations that have nothing to do with the world of work.

We reiterate our concern that Government replies to the ILO supervisory machinery are not afforded due analysis on an equal footing with the allegations made by the social partners. The line between trade union matters and political issues frequently seems to be irrelevant to the supervisory bodies. The approach that should be prioritized with respect to Belarus is one of cooperation and joint, mutually agreed work, rather than punishment and coercion.

We also reaffirm the vital need in all forums and settings to fully respect the sovereignty and self-determination of Member States, which is the basis for any government to be able to honour its commitments. In the analysis of any case we must all favour negotiation, respectful dialogue, assistance, the search for consensus and cooperation, rather than promoting confrontation.

To conclude, I would like to emphasize the importance of commitment to tripartite dialogue, the search for consensus and the consent of the country concerned, which are fundamental prerequisites for achieving any progress.

Worker member, China – The Chinese trade unions have noted that Belarus has achieved steady progress in relevant areas. The FPB is a legitimate organization representing 4 million workers of all sectors in the country and, as just mentioned by the delegates of the workers in Belarus, they have over 24,000 grassroot organizations and have concluded over 18,000 collective agreements, the content of which has been put in practice, which is very important.

All of those collective agreements have provided guarantees for decent wages for workers, safe working conditions and stable labour relations. Moreover, the unions of Belarus have the opportunity to participate in the development of legislation concerning workers' rights and influences the country's employment policies. We think that applying article 33 of the ILO Constitution against Belarus may have a negative impact on the country's economy and worsen the situation of the workers and their families of the country. Therefore, we need to take everything into consideration at this point. I call on the Committee to take a holistic view of the issue of Belarus.

Government member, Algeria – We have listened with great attention to the intervention of the Government of Belarus in which it stated that it has taken due account of the recommendations in the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution.

Algeria welcomes the good will and constant commitment of the Government of Belarus to meet its international obligations. We also appreciate the positive, significant measures adopted by the Belarussian Government, particularly taking into account the recommendations of the Commission of Inquiry. We have noted the efforts made by the Government, with most of the recommendations having already been broadly implemented and progress made towards others.

Algeria is of the view that the considerations expressed by the Government are wholly praiseworthy and encourages it to pursue its efforts and work with the Office to implement the recommendations of the Commission of Inquiry. We feel that the situation is positive, particularly given the efforts made to facilitate the registration of trade unions and the planned

necessary steps to protect trade union rights and combat all forms of anti-union discrimination.

Government member, Azerbaijan – We took positive note of the information presented by the Government of Belarus and welcome their efforts in developing standards in the sphere of social and labour relations. We commend the willingness of the Belarusian authorities to continue constructive cooperation with the ILO. At the same time, we encourage the ILO and the Committee to avoid politicization in its work with Belarus, which could produce a dangerous precedent and a negative tendency within the Organization.

Government member, Lao People's Democratic Republic – At the outset, the Lao People's Democratic Republic takes note of the report by the General Affairs Committee and sincerely thanks Belarus for the comprehensive updates on the current ILO-related cooperation and work in Belarus.

My delegation commends Belarus for the continued efforts in fulfilling its obligations under ILO-related Conventions and mechanisms, including the implementation of the decisions and recommendations adopted during the previous Governing Body sessions and Conferences; the Government's guarantee to its citizens of the right to work, especially to the most vulnerable and marginalized groups of people; the successful conduct of meetings of the country's main tripartite social partnership bodies; and the awareness-raising campaigns on ILO work and initiatives carried out country-wide.

The Lao People's Democratic Republic reiterates that the unilateral coercive measures (UCMs) and sanctions against any ILO Member States are unproductive and not an effective way forward. We emphasize that the work of the ILO and its mechanisms should be conducted through genuine dialogues and cooperation with the consent of the host country, which can be done by providing capacity-building and technical assistance in accordance with the specific needs and priorities of the country concerned.

Worker member, Eritrea – Conventions Nos 87 and 98 are fundamental Conventions to be implemented by Member States to their fullest capacity. The case brought against the Republic of Belarus at the 111th Session of the Conference intends to outline the Belarus Government's failure to comply with implementation of these Conventions. Additionally, based on the recommendation of the ILO Governing Body, the 111th Session of the Conference passed a resolution under article 33 of the ILO Constitution concerning the Republic of Belarus and suggested the Governments, Employers and Workers reassess any relation with Belarus. The National Confederation of Eritrean Workers (NCEW) opposes this action and advocates for more dialogue to assess the supposed violation and to create a conducive environment for social dialogue, which we as workers see as an effective tool for mitigation. Furthermore, the NCEW believes that the case brought against the Republic of Belarus is politically motivated. When the case against the Republic of Belarus was raised, we initiated discussions with Belarus trade unions and gathered important information about the trade union movement in Belarus. The current labour laws in Belarus have provided a favourable environment for the FPB to expand its unionization and organizing efforts. As a result, the number of trade unions rose to 24,000 along with the recognized 18,000 collective bargaining agreements. The FPB has achieved a unionization rate of 4 million members, demonstrating the right to organize, associate and engage in collective bargaining agreements. In 2023 alone, 1,300 new unions were established. In total, about 10,000 organizations were established in 2015. Thus, the NCEW advocates for open and authentic social dialogue practice to improve the condition of workers in all aspects. The NCEW believes that the ILO standards should be used to enhance workers' conditions at bilateral and tripartite levels. The progress of the FPB over the past few

years indicates a positive trend towards achieving social justice. We therefore call for an honest discussion with and support for the Republic of Belarus.

Government member, Colombia – In accordance with Advisory Opinion OC-27/21 of the Inter-American Court of Human Rights, “Trade union freedom or the rights of trade union are fundamental human rights that, together with the rights to collective bargaining, to organize and to strike, constitute the foundations for the protection and promotion of the right to work in just and favorable conditions [...]”.

For years, Colombia also experienced an onslaught of violence and anti-union repression, resulting in not only the weakening of trade union organizations, but also the deaths of over 1,200 social and trade union leaders who were murdered between 2015 and 2021, facts that both trade union leaders and human rights defenders have been denouncing for years before various international bodies.

Today, Colombia has transitioned to a Government of change which respects freedom of association, and which advocates for a labour reform that allows for the harmonization of our regulations with the recommendations that the various ILO supervisory bodies have issued to Colombia for years with regard to trade union matters, collective bargaining and the right to strike.

Colombia has experienced the harshness of anti-union repression, and for this reason and because of the international solidarity that distinguishes our Government, we stand with the people of Belarus, with their workers and trade union organizations, in the situation through which they have been living during this period. We reject all acts of violence, detentions and repression that may be occurring, and support the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution for this case in June 2023.

Our Government shares the deep concern expressed by the Committee of Experts regarding the list of 47 trade union leaders and activists who are currently being detained or whose freedom of movement is restricted, which was communicated by the Belarusian Congress of Democratic Trade Unions.

We respectfully call for tripartite social dialogue, respect for civil liberties, and the protection and guarantee of freedom of association to which we, the ILO constituents, have committed ourselves.

Interpretation from Chinese: **Government member, China** – I thank the representative of Belarus for their introduction. We have read thoroughly the detailed supplementary information submitted by the Government of Belarus. Over the years, the Government of Belarus has taken concrete measures to further simplify and optimize the trade union registration procedures and also held training programmes with ILO. It has reactivated the tripartite Committee, held a series of seminars and organized several tripartite consultations. In recent years, Belarus has witnessed the gradual reduction in unemployment and a steady increase in income levels, which merit full recognition and appreciation from the Committee. We note that the Government of Belarus has earnestly addressed and implemented most of the 12 recommendations of the Commission of Inquiry. This advancement reflects its efforts and progress and its cooperation with the ILO, for which we express our appreciation.

China has a consistent position on this case with a specialized United Nations agency and the only tripartite international organization. The ILO and its secretariat are primarily tasked with serving Member States instead of sanctioning. The supervisory mechanism is of a technical nature and is intended to assist Member States in better fulfilling their obligations,

rather than inflicting harm on the rights and interests of their workers and employers through sanctions.

From the ILO Constitution to the Philadelphia Declaration, and from the 1998 Declaration, 2008 Declaration to the Centenary Declaration, these documents all advocate the advancement of justice. We reiterate that invoking article 33 of the Constitution to impose sanctions on Belarus has already harmed and will continue to harm the rights and interests of workers and employers, and to seriously impact the country's economic and social development. We firmly oppose the use of such extreme measures against this Member State that is fulfilling its obligations. The mechanism must not be swayed by political influences; the politicization and instrumentalization of this mechanism would seriously damage the credibility of the ILO.

In any country ruled by law, no rights outshine those laws, transgressions of which by any individual – regardless of their status – must be met with legal consequences.

We urge the Conference Committee and ILO constituents to consider the position and information provided by the Government of Belarus, to respect its sovereignty and refrain from interfering in its internal affairs. We encourage the Office to approach this case in an objective, active and constructive manner, and to safeguard the progress and interests of the workers and employers, thereby driving its economic and social development.

Worker member, Netherlands – This intervention is also on behalf of German and Swiss workers. The Belarusian Government repeatedly declares here that there are no political prisoners in Belarus. The sentenced trade unionists are considered common criminals. But the Committee and the international community know very well that this is not true. There are at least 41 trade unionists in jail at this very moment. The prison conditions for these trade unionists as political prisoners in Belarus are extremely harsh in comparison with those of “common criminals”.

First of all, the State marks them with a yellow label sewn onto their prison uniforms.

Prison administrations artificially create conditions so they can condemn trade unionists to disciplinary sanctions for minor violations, such as an open button, a bed that is not made straight, etc. These sanctions can be of various kinds: withdrawal of parcels or visits, placement in solitary confinement, transfer to a prison regime.

I just want to explain to you what placement in solitary confinement means in Belarus. It is a tiny cell with extremely low temperatures in winter, high temperatures in summer and extremely high humidity. There are no mattresses or bedsheets, deprivation of personal belongings, no walks and no right to correspondence.

There are many types of disciplinary measures, but their aim is the same – to destroy human dignity and make the lives of our brothers and sisters in prison unbearable.

One important example. His name has already been mentioned: Mr Yarashuk – the President of the BKDP, a Vice-President of the International Trade Union Confederation (ITUC), a member of the ILO Governing Body – was additionally persecuted by an unlawful change of prison regime from “ordinary” to “strict” and transferred to prison in November 2023. The change of prison regime is the hardest sanction.

The consequences are:

- the monthly purchase of food and basic necessities is limited to one basic unit (about €11);

- one short visit per year is allowed (of four hours in the presence of a member of the prison guards);
- one parcel or package may be received during the year;
- a one-hour walk may be taken per day.

If I had time I could give more examples of abuse of other imprisoned trade unionists, such as:

- Mr Artsiom Zharnak – Chairperson of the Free Trade Union of Metalworkers at Minsk Automotive Plant (MAZ).
- Mr Aliaksandr Mishuk – Vice-Chair of the BNP.
- Mr Aliaksandr Kapshul – a BNP labour lawyer.

Interpretation from Russian: **Government member, Russian Federation** – We fully share the assessment of the situation that has been provided here by the distinguished representative of the Government of Belarus vis-à-vis the special sitting. The Russian position with reference to the measures that have been taken against Belarus is well-known. This is something we have said repeatedly, and indeed we explained those views at the 111th Session of the Conference and also at many different meetings of the Governing Body. I do not have much time now so I will just highlight the key points.

If you look at the resolution that was adopted at the 111th Session, that is to say the article 33 resolution on Belarus, this is something that is very discriminatory and politicized in nature. In fact, in a short period of time we have seen that the Government of Belarus has been able to make progress and build on its long-standing cooperation, particularly by giving effect to the recommendations of the Commission of Inquiry. The steps taken by the Government have been repeatedly commended by representatives of the ILO over the years, therefore most the recommendations of the Commission of Inquiry as things stand today have already been adopted. That being so, the basis for any kind of sanctions to be adopted in accordance with article 33 simply does not exist because the Government has shown that it is willing to enter into constructive interaction with the ILO on the issues concerned.

The allegations against Belarus that it harasses trade union representatives, that it attacks freedom of association and other rights is simply based on information from the BKDP.

This is a structure that has now been terminated by a decision taken by the Supreme Court of Belarus. It is not entitled to operate in Belarus. It does not represent the workers of Belarus. Therefore, we now see that it has become a political organization that seeks in fact to operate in a way that is hostile to the interests of the State of Belarus today.

We therefore consider that what happened back in 2022 was a purely political decision and it was intended to exert pressure on the Government of Belarus as a result of political action in the country and political events there.

We are against the politicization of the work of the ILO. We are categorically against that and we are therefore against the plan of action to give effect to the recommendation adopted at the 111th Conference, that is to say, the article 33 resolution.

In particular, if we look at today's special sitting, and indeed the roundtable that took place last week, we see once again that this is simply an attempt to exert political pressure on Belarus.

We therefore categorically reject these anti-Belarus measures that have been used as a pretext for this special sitting and we call for a vote before any decision is taken on this.

Worker member, Japan – One year after the Conference adopted a resolution on Belarus, to our regret, we see no progress. Moreover, we see the continuation of repression against workers, activists and leaders of independent trade unions. For example, in August 2023, Ms Volha Brytsikava, the leader of the BNP at Naftan oil refinery, was arrested. She was sentenced to three years in prison in a closed court hearing in March 2024, and a new criminal case has been opened and she faces up to six more years in prison.

Mr Yarashuk was transferred to a cell regime, which significantly worsened his conditions and affected his health. He began to have problems with blood pressure. During this time, there were mass arrests at workplaces in Navapolatsk, Lida, Mozyr, Hrodna, Minsk and other cities in Belarus. We know of about 150 people being arrested. As a result, many of them were fined, imprisoned and dismissed without the right to find employment in another State enterprise.

Release from prison does not mean the end of persecution. Activists have to report to the police every day, to be checked and their travel and work rights are restricted, as they continue to be tainted with the stigma of being extremists. Some of them are threatened with new criminal proceedings. Any activity in the name of independent trade unions is threatened with criminal sanctions. As a result, independent trade union activities are equated with criminal activities, which shows that the right to free trade union activity is completely absent. The existing trade unions in Belarus do not meet the criteria of independence and democracy. They are part of a dictatorial system and cannot be perceived as representatives of Belarusian workers.

Despite the unwillingness of the Belarusian State to accept the constructive proposals of the International Labour Office and the Governing Body, we must continue to look for ways to fully implement the ILO resolution in order to normalize the situation in Belarus.

We reiterate our demand to send a tripartite mission to Belarus to gain access to the imprisoned trade unionists, release trade unionists from prison and bring independent trade unions back into the country.

This serious infringement of a fundamental right, freedom of association and the right to organize and collective bargaining under Conventions Nos 87 and 98, is not only the issue of Belarus or Europe, but it is also an issue for all workers throughout the world. That is why the Japanese Trade Union Confederation (JTUC-RENGO), the Japanese union, is seriously concerned at this issue.

We sincerely wish and request the Government of Belarus to change its attitude and accept our requests so that the workers of Belarus can enjoy fundamental workers' rights.

Worker member, Sweden – I am speaking on behalf of the Nordic trade unions in Sweden, Finland, Norway, Denmark and Iceland.

Once you have served your sentence you have paid your debt to society. It is a basic rule of law. But not in Belarus. And certainly not if you are a trade unionist in Belarus, unjustly condemned in the first place.

I met a fellow trade unionist from Belarus who had escaped from there. After serving a prison sentence of several years, in appallingly bad circumstances, he had thought that once free from prison he would be able to resume his old life. But no. He found himself branded an extremist, which made it impossible for him to continue in his profession. Very few other jobs

were available to him. Any would-be employer risked State reprisals. He needed permission from the police to leave his home town. The police visited his home on a daily basis, and he was ordered to report in person once a week to the local police station. His bank account was monitored and ordinary bank services, such as getting a pay card or a bank loan, were not allowed. When he spoke of his ordeals to people residing outside Belarus, a new criminal case was opened against him. He managed to escape from Belarus and now lives in exile. When he left Belarus, he not only left his home and friends, but also his ageing parents, whom he will most likely never meet again. Maybe he will be able to move back home, meet his friends and resume his profession again, but only if there is change in Belarus. And we in this room have the power to be a part of that change.

Belarus is a country in want of democracy, in want of basic human rights. To be a trade unionist operating under Convention No. 87 does not make you an extremist, it makes you a responsible citizen, working to better others.

The Nordic trade unions call upon Member States to provide humanitarian assistance to trade unionists forced into exile and we urge the Government of Belarus to receive an ILO tripartite mission and to comply with Convention No. 87.

Government member, Turkmenistan – Turkmenistan welcomes the distinguished delegation of Belarus and expresses gratitude for the detailed information provided on the current situation in relation to the implementation of Conventions Nos 87 and 98, as well as the related recommendations of the Commission of Inquiry. At the outset, we would like to note the efforts made by the Government of Belarus to promote full employment of the population, ensure occupational safety and security, ensure decent working conditions and a number of other fundamental norms. I would like to highlight the measures taken by the Government of Belarus to maintain dialogue with the social partners: the resumption of the work of the tripartite council for the improvement of the legislation in the social and labour sphere in 2023 is one of the examples of the commitment of the Belarusian side to its obligations. Turkmenistan would also like to draw attention to the need to seek dialogue with the Government or the social partners; a position of pressure cannot be the best way to build constructive cooperation aimed at positive results. In conclusion, Turkmenistan wishes the Government of Belarus a successful discussion.

Worker member, United Kingdom – I speak on behalf of the Workers of the United Kingdom, the United States and of France. The changing world of work is a constant challenge for unions, which must keep pace with the transformation of traditional workplaces to both defend workers' rights, but also to reach and organize those workers. Many union movements, including those of the United Kingdom, United States and France, are developing new approaches and using all available digital tools to bridge the divide between workers and workplaces to more effectively organize and represent members, perhaps an ingredient in this year's welcome rise in trade union membership in the United Kingdom.

But, if we were denied the right to use technology, it would strike at the very heart of our ability to organize and protect those members. Even worse if the workers could be prosecuted for just reading what we told them.

Such is the situation in Belarus. Like us, workers there use the available media: social media, popular and fairly secure means of communication such as Messenger, Telegram, Instagram etc. In 2020, unions quite naturally used these channels as organizing tools to communicate with workers.

Then, however, new definitions of "extremism" were introduced by the Government. Previously used to suppress religious fundamentalism and racism, these definitions abruptly morphed to encompass a vast array of independent thought and expression, including trade union ideals.

Naturally, since all the communication channels listed above often featured the sharing of articles from the banned independent media, it meant that the channels themselves were deemed carriers of extremism, and therefore those that used them as extremists.

This was used to justified, inter alia: many politically motivated arrests of labour leaders; the closure of trade unions, such as the independent Belarusian Union of Miners and Chemical Workers at Grodno Azot; and the liquidation of the Belarus Independent Trade Union (BNP) as an alleged union of extremists involved in extremist activities and the dissemination of extremist materials.

The information sources of the Belarusian exile trade unionists (Salidarnast), which are aimed at Belarusian workers, were labelled as extremist materials after the ILO Governing Body meeting in March 2024. This means that since March, workers who read these materials – and I stress just to read them, not necessarily act on them or share them with others – may be subject to administrative detention. Simply for reading. Such detention is not considered a good reason for absence from work. This leads to dismissal with the categorization of not being loyal to the State, which further complicates the search for a new job.

We know that access to the rights enshrined by the ILO depends on the ability to communicate those rights to those at work. Trade unions need to be free to explain freedom of association, collective bargaining and other rights, without fear of persecution. Otherwise, not only will trade unionists themselves suffer, but so will those workers deprived of independent information and, ultimately, their rights.

Trade union activism is not extremism.

Government member, Kazakhstan – The Kazakhstani delegation would like to thank the Government representative of Belarus for the report. We note the commitment by the Government of Belarus to observing ILO Conventions and welcome the progress made by the Government in responding to the recommendations of the Commission of Inquiry.

We welcome the pursuit of a policy to support the rights of workers, as well as the measures taken at the national level to develop social dialogue. We note the openness of the Government to address the observations of the ILO supervisory bodies and encourage the Government to continue working closely with the ILO in this regard. We believe in the importance of dialogue and cooperation, as enshrined in the ILO Constitution, and note that some of the measures proposed under article 33 with regard to reconsidering bilateral relations with Belarus might be seen as contradictory to the principle of social dialogue. Once implemented, they could have a negative impact on the well-being of the people of Belarus.

At the same time, my delegation encourages the Government of Belarus to address the concerns expressed today through constructive and mutually beneficial dialogue with all actors.

Worker member, Indonesia – According to the update submitted by the BKDP to the Director-General of the ILO, there are seven women activists and leaders of independent trade unions in Belarusian prisons, penal colonies and under house arrest. Among them are mothers of young children, union organizers, chairpersons of industrial unions at chemical plants,

medics, accountants – they are called extremists by the State. We call them political prisoners. We know that trade union work is not extremism.

Our sisters have been sentenced to prison terms of between 2 and 11 years for their union work, for their views, for building networks of workers. Our solidarity and worldwide support help them and their families in this difficult time when the regime is imprisoning them and wants the world to forget them and their names – Hanna Ablab, Volha Barushka, Hanna Karneyenka, Sviatlana Sakovich, Palina Sharenda-Panasiuk, Halina Smirnova and Volha Brytsikava.

Our sister Volha Brytsikava is the Chairperson of the Belarusian Independent Trade Union of Miners and Chemical Workers at NAFTAN Oil Refinery. In 2022, Volha was arrested and imprisoned for her anti-war position. During her time in prison, she was sentenced five times to 15 days in prison each time.

After Volha was released, she continued to help her comrades. And when all independent trade unions were dissolved, she was one of the few remaining trade union leaders who did not leave the country. In August 2023, after the Conference, the regime arrested her and a few other comrades.

She is now being investigated. She faces at least six years in prison. And since then, there has not been much information about her. There have been repeated massive arrests of NAFTAN workers, and Volha's comrades have linked this to her case.

The trial against Volha Brytsikava is still ongoing. She is kept as a criminal in prison. The conditions in the remand prison are said to be the worst: overcrowded closed cells with no daylight or fresh air. A day of detention there is counted as a day and a half at sentencing.

Another sister of ours, Palina Sharenda-Panasiuk, has been sentenced to two years. She has been protesting against it, and reported that she was constantly tortured and severely punished by being placed in solitary confinement. But after two years, she was three times sentenced again and again for the violation of prison rules. Even though she has asked for a pardon, she remains in prison while we unions are campaigning for her release.

The places where female prisoners are sent to serve their sentences are penal colonies where they are made to work. Work in prison is nothing more than forced labour without health and safety regulations, without adequate pay (often less than 1 euro a month), mostly in the textile industry. In the case of female prisoners, it is an eight-hour shift in a sewing factory that makes uniforms for the military.

I call on the ILO to insist on sending a tripartite mission to Belarus to get access to trade unionists in Belarusian prisons. Release trade union leaders and activists from prison!

Government member, Switzerland – Switzerland thanks the Committee of Experts for its observations on the application of the fundamental Conventions Nos 87 and 98 by Belarus, and notes the information communicated by the Belarusian authorities on the implementation of the recommendations of the Commission of Inquiry. We also thank the Director-General for his updated report and for having recently organized a high-level roundtable on the situation in Belarus with the participation of special rapporteurs from the Human Rights Council.

The various reports brought to our attention paint a very worrying picture of the situation in Belarus. Persistent violations of workers' rights and human rights have been credibly reported, in particular, numerous cases of the arbitrary imprisonment of workers and trade unionists who exercised their fundamental rights. Switzerland is also concerned by the reports

of the forced enrolment of employees in government-led unions, which constitutes a violation of freedom of association.

Switzerland, like the Committee on Freedom of Association, deplores the complete absence of progress in the implementation of the recommendations of the 2004 Commission of Inquiry, and the fact that the Government has not taken into account the recommendations of the ILO supervisory bodies and the conclusions of the Governing Body. We deeply regret that the Belarusian authorities continue to refuse the visit by an ILO tripartite mission, aimed at evaluating the measures taken by Belarus to implement its obligations under the ILO Conventions that it has ratified.

As Switzerland has already stated on several occasions, we reiterate our call to Belarus to respect its obligations as an ILO Member State by ensuring the application of and respect for fundamental principles and rights at work and the obligations arising from the ratification of the two fundamental Conventions Nos 87 and 98. To conclude, we once again call on Belarus to comply with its international obligations and, to this end, cooperate with the ILO and its bodies, and with all the other relevant international organizations.

Worker member, Brazil – Firstly, I would like to underscore the importance of the ILO supervisory system and, in particular, the work carried out by the Committee of Experts, for which I commend its Chairperson. As recalled yesterday in this plenary session, the observations of the Committee of Experts are so relevant and legitimate that they resonate in other international and national organizations.

In this regard, we must safeguard and reaffirm the mandate of the Committee of Experts in order for the Committee to continue to supervise compliance with international labour standards.

Taking this into account, with regard to the case that we are now examining, I would like to immediately reiterate the requests for information and documents made by the Committee of Experts, which are recorded in the report submitted to this Conference. The lack of response to the requests prevents a better understanding of the facts and indicates, at least, the lack of interest of the Government in demonstrating its compliance with the Conventions of this Organization. For us, responding to the requests of the Committee of Experts is an obligation of democratic States committed to the principles and purposes of the ILO.

It is also an obligation of States to ensure that freedom of association, which is a founding principle of this Organization, is guaranteed in law and in practice on a permanent basis.

I would also like to highlight the close relationship between civil and political rights, freedom of association and democracy. Contrary to the assertion by the Government, the full exercise of freedom of association presupposes that civil and political rights can also be exercised to their full extent and depth, as human rights are indivisible, interdependent and interrelated.

A State cannot be said to be democratic if it does not allow, guarantee or defend the full exercise of such rights. Democracy is based on divergence, and values differences with a view to guaranteeing fundamental rights for all. It is only in dictatorships that people are imprisoned or detained for opposing the Government in place.

We recall that the current President of my country was persecuted and detained by the civil-military dictatorship that existed between 1964 and 1985 precisely for being a trade unionist. Owing to his actions as trade union leader and opponent of the regime, his activities were considered a danger to national security, public order and democracy. Is anybody today

unaware of the commitment of President Lula to democracy and the uncompromising defence of it?

Based on these considerations, we reiterate the request by the Committee of Experts for all the union leaders and unionists detained for having participated in peaceful assemblies or for having exercised their civil liberties as part of their legitimate trade union activities, to be freed immediately and for all the related charges to be dropped.

Interpretation from Arabic: **Government member, Egypt** – We have taken careful note of all the written information submitted by the Government of Belarus. We have also noted the statement made here at the beginning of this sitting relating to the implementation of the recommendations of the Commission of Inquiry. My delegation believes that it is important for all States to make efforts to give effect to ILO standards. This is important in order to achieve objectives in accordance with the role that should be played by the ILO. This is especially important when it comes to supporting national efforts to give effect to ILO standards and labour standards in general, and also to providing technical assistance to countries. All of this in recognition of the very important role played by all United Nations agencies, including the ILO, as part of the strengthening of multilateral international cooperation in this area. We therefore believe that we need to continue to pursue constructive dialogue between the Organization and the delegation of Belarus. This is important to allow us to find ways and means to put into practice labour standards, and to allow Belarus to meet its obligations in accordance with a number of Conventions, and particularly Conventions Nos 87 and 98.

Worker member, Kenya – Today is a special day. The day when we can and should protect not only our Belarusian brothers and sisters, but also the true values of the ILO. Freedom of association is a fundamental principle of the ILO's work, set out in the Declaration of Philadelphia, the ILO Declaration on Fundamental Principles and Rights at Work and ILO Conventions.

The Belarusian Government has repeatedly failed to implement its international obligations with regard to the guarantee of freedom of association, and many others, for more than 20 years. Credible evidence from our Belarusian brothers and sisters, the BKDP and the international community, the ILO and other United Nations bodies demonstrate that freedom of association as such does not exist in Belarus. It has been stolen from Belarusian citizens and workers.

The Belarusian Government has dissolved all independent trade unions and appointed so-called workers' representatives under its control, the "yellow" trade unions under the leadership of the FPB. It is very convenient for the Government to say that the independent trade unionists are violating national law when they themselves pass such laws that violate international norms, including those of the ILO.

Now it is impossible to create new independent trade unions in Belarus. The slightest trade union and human rights activity is a reason to be put in prison, as extremists. Our brothers and sisters are now serving real prison terms. It is very convenient to silence independent trade unionists when you have all the means to put them in prison. It entrenches both work and wage slavery and should not be condoned.

Now it is more important than ever for us to join all our forces to get ILO resolutions implemented in practice, with consequences for those who blatantly violate them. The Belarusian case is important not only for Belarusians, but also for all of us, for the credibility of this House, the ILO.

Worker member, Mali – We have studied the comments of the Committee of Experts concerning Belarus and are closely following the consideration of this matter and the arguments of all parties. In our view, the question of Belarus is being examined in an extremely biased, non-objective manner. The facts as presented confirm clearly that there is now no genuine reason to impose special sanctions on Belarus under the ILO Constitution. Belarussian law and practice allow the country's workers to exercise their right to organize in unions. The national trade union confederation has broad, effective practices for protecting the rights of workers at all levels, while the country's effective system of regulating industrial relations through collective bargaining merits particular attention. Thanks to the social partnership established in Belarus, workers their benefit from the necessary level of labour and social safeguards. That is the real, practical aim pursued by trade unions the world over. In this situation, we feel it necessary to highlight that, while the social partners in Belarus are gearing their efforts towards economic and social development, towards ensuring employment and decent incomes for citizens, some countries are attempting to thwart that progress by introducing sanctions and other restrictions.

The ILO, unfortunately, is following the same path, contrary to the overarching principles, aims and objective of our Organization. We believe that the ILO should not encourage or impose certain restrictive measures. Unfair approaches towards Belarus must be abandoned.

Interpretation from Arabic: **Government member, Syrian Arab Republic** – We note the position that has been taken here by the Government of Belarus. It has been stated that the Government of Belarus is giving effect to recommendations in accordance with the national interests of the country. We also note the information submitted by the delegation of Belarus, according to which most of the recommendations have indeed been implemented. We note what has been achieved in accordance with international standards and labour Conventions. Further, the Government has stated that it stands ready to enter into dialogue with the social partners and with the ILO. For all of these reasons, my delegation wishes to support the position taken by the Government of Belarus, based on a spirit of cooperation and dialogue between the Government, the Organization that we have here, the ILO, as well as other partners. We hope that by taking this approach we will achieve the desired outcome that is in the interests of everyone and will also respect the national interests of Belarus, its citizens and its national trade unions.

We wish to reassert the fact that we should not politicize the work of the ILO. That is something that runs counter to the goals and objectives of the Organization and its mandate. We need to respect the sovereignty of Member States and not intervene in domestic matters. That is fully in line with the principles underpinning the United Nations Charter. We should also recognize that the role of our Organization is to support and assist countries in applying ILO Conventions. Our role is not to impose measures and sanctions on any Member State, particularly not a Member State that has voluntarily joined this Organization and voluntarily ratified its Conventions.

Government member, Bolivarian Republic of Venezuela – On behalf of the Government of the Bolivarian Republic of Venezuela, we welcome the information provided by the Government of the Republic of Belarus on the measures taken to implement the ILO Recommendations, which have been applied fully in some cases, while significant progress has been made in others.

The Government of the Bolivarian Republic of Venezuela reiterates that the measures imposed on the Government of the Republic of Belarus fall outside the scope of ILO Conventions Nos 87 and 98 and their application is giving rise to consequences similar to the

imposition of illegal unilateral coercive measures that run counter to the Charter of the United Nations and violate human rights in that country, including labour rights.

No sovereign State or organization bearing the banners of democracy should therefore encourage, support or be indifferent to such action. In addition to undermining the very essence of freedom of association, the protection of the right to organize and collective bargaining for workers, these actions are also eroding the broad dialogue that the Government of the Republic of Belarus has maintained with various trade unions and specialized bodies to promote and protect the labour rights of Belarusian workers.

The Venezuelan Government advocates frank and direct dialogue that includes the will of the various actors in Belarusian society to foster, among other priorities, social protection for its people and the promotion of their labour rights.

Finally, the Government of the Bolivarian Republic of Venezuela calls on the ILO to facilitate cooperation and technical assistance with the Government of the Republic of Belarus, to continue efforts to make further progress on the recommendations and develop harmonious and lasting relations between the social partners in the country.

Government member, Nicaragua – The Government of Reconciliation and National Unity of Nicaragua rejects the manipulation of information on the application of Conventions Nos 87 and 98 in the Republic of Belarus. These false claims have been used to interfere in the internal affairs of the Republic of Belarus, to create disinformation, to increase political pressure on the legitimate Government of this sister nation and to justify unilateral Western restrictive measures against the Belarusian people.

Nicaragua recognizes the social and labour achievements of the Republic of Belarus, its efforts and action to guarantee citizens the right to work and to achieve Sustainable Development Goal 8, to promote inclusive and sustainable economic growth, full and productive employment and decent work for all.

We emphasize that over the last five years wages in the Republic of Belarus have increased by 1.7 per cent, which confirms the effectiveness of the policy pursued by the State. Persons with disabilities are constantly the focus of, and are guaranteed social support in the form of various social benefits, the provision of technical means of social rehabilitation and social services.

Regarding trade union rights, and particularly compliance with ILO Conventions Nos 87 and 98, we emphasize that the Government of Belarus has repeatedly drawn the attention of the ILO supervisory bodies to the absence of any contradiction between national law and practice and the provisions of the ILO Conventions on freedom of association.

In Belarus, the rule of law prevails and the necessary conditions are in place for the establishment and exercise of the lawful activities of trade unions and their organizational structure.

As a Member of this Organization, we reiterate that it is the duty of all nations to foster friendly relations based on respect, the principle of equality of law and the obligation imposed on us by the Charter of the United Nations not to intervene in matters which are essentially within the domestic jurisdiction of States. We reject manipulation and oppose unfounded accusations against the Republic of Belarus made for political purposes and based on disinformation.

Government member, United States of America – The United States thanks the Office for the update on the situation in Belarus, including the Director-General's June 2024 report. We note the April 2024 written information from the Belarusian authorities.

One year has passed since the adoption of the resolution invoking article 33, and two decades have passed since the 2004 Commission of Inquiry. We are deeply concerned that the Belarusian authorities have failed to take meaningful action to implement the recommendations of the Commission of Inquiry and of the ILO supervisory bodies to comply with Conventions Nos 87 and 98. The authorities have not cooperated with the ILO on the article 33 action plan, refusing an ILO tripartite mission to the country.

We deplore the ever-worsening repression of trade unionists and workers for exercising their fundamental labour rights, as reported by the BKDP. Trade union leaders and labour activists continue to be harassed, detained, monitored by the police, restricted in movement, and forced to flee the country.

We are extremely concerned for the well-being of the 39 Belarusian trade unionists still imprisoned under severe conditions, including forced labour and without access to or communication with their lawyers or families.

We urge the authorities in Belarus to immediately and unconditionally release trade unionists imprisoned for exercising their fundamental labour rights, including the ILO Governing Body member Mr Aliaksandr Yarashuk, who has been detained since 2022 under inhumane conditions, and Ms Palina Sharenda-Panasiuk, held incommunicado since January 2024.

We thank the Office for beginning to implement the article 33 resolution action plan by convening the High-Level roundtable on freedom of association in Belarus, which gathered United Nations Special Rapporteurs to provide in-depth perspectives on the situation and encourage further collective action in the ILO and the broader United Nations system. We encourage the Office to identify additional measures to expand and amplify such collective action.

We again urge the Belarusian authorities to fully cooperate under the article 33 resolution, particularly by: permitting an ILO tripartite mission to visit imprisoned trade unionists; cooperating on the appointment of a special representative of the Director-General to supervise all action related to implementing the Commission of Inquiry recommendations; and taking all necessary steps for prompt, effective implementation.

We also encourage all ILO Member States and social partners to continue taking all possible measures in accordance with the resolution adopted under article 33, including ceasing all relations that the Belarusian authorities can leverage against workers and freedom of association, and respecting the principle of non-refoulement for exiled Belarusian activists and trade unionists and their families.

Government member, Pakistan – We welcome the continued cooperation between the ILO and the Government of Belarus in working towards the implementation of the Commission of Inquiry's recommendations. Dialogue and engagement are essential for addressing concerns and promoting labour rights. We urge all parties to engage in constructive dialogue. The tripartite approach is essential for addressing concerns and enforcing labour rights. There is a need to explore creative solutions to overcome any remaining challenges. We commend and encourage the Government of Belarus to continue its collaboration with the ILO, emphasizing the importance of cooperation, and we hope that the measures taken will be given due consideration.

Observer, International Trade Union Confederation (ITUC) – A year has gone by since the time when the Conference adopted a resolution on Belarus. This was a resolution related to the application of article 33 in relation to Belarus as a result of the infringement of the right to the freedom of association. New facts of violations have been established and they speak for themselves. However, despite the seriousness of the consequences of this evolution, the Belarusian Government is rejecting any constructive proposal that has been put forward by the Governing Body. Instead of cooperation and attempts to resolve the situation, the Belarusian Government, with the help of the FPB that it controls, is trying to convince the whole world that, as a result of the adoption of this resolution, the ILO has introduced economic sanctions against Belarus and they are describing this as political pressure on Belarus. Statements to that effect are simply an attempt to mislead everyone. Yes, sanctions have been introduced against Belarus, but in fact they were introduced for completely different reasons long before the adoption of the ILO resolution. This is an attempt to evade responsibility for the destruction of independent trade unions in Belarus and the imprisonment of dozens of trade union leaders and activists. This behaviour by the Government of Belarus can only lead to further escalation and it is absolutely not in the interests of the workers of Belarus. We hope that the Government will now take concrete steps to resolve this very serious situation. We fully abide by the proposals from the ILO and its Governing Body, including the recommendations that have been made by the Commission of Inquiry, as well as the conclusions of the Director-General. We call for the immediate exclusion of all trade unionists from the list of terrorists and extremists. We also call for urgent access to be given to medical staff to examine Mr Yarashuk, Mr Berasneu, Mr Areshka and Mr Fiadynich, whose health is at risk today. Further we call for more active use to be made of cooperation between the ILO and the United Nations. The shared utilization of special procedures, such as communications, urgent appeals, press releases, site visits by special rapporteurs or moderators from neutral countries, is a first step towards de-escalation. Further, we believe that we need to create a joint working group of the ILO and other United Nations bodies to work under the auspices of article 33 and to develop a clear mechanism for information to be provided by Member States on the measures taken with reference to resolution on Belarus, including annual reports for consideration by the Governing Body in March.

Observer, IndustriALL Global Union (IndustriALL) – It is unfortunate that the situation of human and trade union rights is continuing to deteriorate in Belarus. Just last week, at the ILO tripartite High-Level roundtable on freedom of association in Belarus, the case of Belarus was characterized as being “catastrophic” due to severe violations, as a general wave of unprecedented repression has affected the country. Unfortunately, the Belarusian Government refused to participate in that important event, thus missing the opportunity for constructive dialogue.

I want to draw your attention to the deplorable situation of trade union members and activists who are in jail. Over the last two decades, the Government of Belarus has gradually criminalized trade union work. Now, over the last four years, this level of criminalization has been escalated even further, and as a result independent trade unions, three of them are affiliates of IndustriALL, have been disbanded. Along with this, many union members and activists, including leaders of our affiliates, have been taken to prison on far-fetched and fabricated grounds.

About 40 union leaders and activists remain in jail. Their situation is very precarious. Bad health conditions, psychological pressure and various kinds of mistreatment have been reported. Independent trade union leaders and activists, recognized as political prisoners, must wear special yellow tags on their cloths as a sign to encourage abuse by prison staff.

Those who have served their terms and have been released, afterwards remain pariahs in society. They have no right to access their previous jobs.

The Belarusian Government continues to disseminate fear throughout society and is trying to retaliate against every single person allegedly involved in peaceful protests, even if they did not participate in person. Those who have tried to express their solidarity with protesters or alleviate the situation of people in jail or their families and have made financial donations for this purpose are now also subject to reprisals.

We want to remind the Committee that for years we have supported the right of our affiliates in Belarus to receive international solidarity. The ILO Commission of Inquiry made it clear as a recommendation. Not only has this right been denied, but even domestic support is also now considered a crime in Belarus.

The Belarusian authorities are now targeting those who make donations. Solidarity funds are treated as “extremist formations”. It is reported that at least 77 people are known to have been convicted for donations under article 361-2 of the Criminal Code – financing an extremist formation.

We regret to state once again that the situation in Belarus remains catastrophic. Belarus must remain under the very strict scrutiny of the ILO and other United Nations agencies unless we see clear steps by the Government.

And the very first step must be to have access to the trade union activists and leaders who are currently in jail, as well as their urgent and unconditional release with the reinstatement of all civil and political rights. We want to make sure that they are alive and healthy. We expect and demand this immediately. Our access to them must be ensured immediately.

Observer, Building and Wood Workers’ International (BWI) – In July 2022, the Supreme Court of Belarus liquidated the BKDP and its affiliates: the BNP, founded in 1991, the Radio Electronic Workers Union (REP Union), founded in 1990, the Free Trade Union of Belarus (SPB) founded in 1991 and, finally, the Free Trade Union of Metalworkers, founded in 1995. At the same time, the Government declared the BKDP and all independent unions “extremist organizations” and terminated their activities after arresting their leaders and activists.

In the period from March to August 2023, the Supreme Court of Belarus rejected three supervisory complaints filed by the Free Trade Union of Metalworkers, the Free Trade Union of Belarus and the BNP in relation to their liquidation by the Supreme Court in July 2022. In the case of the BNP, the Supreme Court considered that there was no violation of the law by the court of first instance. In the case of the Free Trade Union of Metalworkers and the Free Trade Union of Belarus, the Court considered that the representatives of both organizations lacked the authority to file a complaint because, according to national legislation, the liquidation of a legal entity terminates the power of attorney issued by that legal entity. Thus, the forced termination of the trade union’s activities excludes the possibility of the trade union representative appealing against the decision of the court.

These cases of the simultaneous liquidation of trade union organizations, when the Government declared independent trade unions as extremist organizations and thus delegitimized their activities since their foundation, and the lack of the possibility for trade unions to appeal against such liquidation, results in there being no legal mechanisms for trade unions and their members to protect their fundamental right to freedom of association.

Given the current situation in Belarus, workers are being denied their fundamental right to establish and join the union of their choice, and the absence of legal mechanisms to protect

freedom of association is a pressing issue. It is therefore imperative for the ILO to act swiftly, implementing the action plan and developing further action on the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – Much has been said here already about the persecution of trade union leaders and participants in trade union action in Belarus. We would like to make special mention of the situation of the relatives and families of repressed trade union members. Having lost their sources of income, many families have found themselves in a difficult financial situation. But they are forbidden from accepting humanitarian aid, even in the form of food packages.

Back in 2001, Belarus introduced an authorization procedure for receiving foreign aid. This ban on international trade union solidarity was one of the first violations of freedom of association. Today these restrictions have been strengthened. Individual recipients of humanitarian aid are prosecuted and punished with fines many times the amount of the humanitarian aid which they receive. The United Nations High Commissioner for Human Rights called this practice a violation of a basic human right – the right to food. As a union of food workers, we call upon the Government to immediately lift these restrictions.

For many years Belarus has remained in the focus of ILO attention. For several years in a row, we have heard from the Government that this attention is a manifestation of disrespect to Belarus as a Member State of the ILO. We cannot agree with this. The efforts that the ILO and its Members have made to help normalize the labour rights situation in the country are probably unprecedented.

Unfortunately, over the years, the Government has refused to recognize these efforts and has consistently violated the very basic principles on which our Organization was founded. This demonstration of disrespect culminated in the arrest of a member of the ILO's Governing Body, Aliaksandr Yaroshuk.

In response to calls to release trade union leaders, we hear figures about tens of thousands of collective bargaining agreements concluded at the enterprise level. But these figures are not impressive. They simply do not matter. As long as there is at least one trade union activist under arrest in the country, everything written in these agreements will remain an empty declaration.

Therefore, once again we call on the Government of the Republic of Belarus to respond to the calls for a review of the application of article 33. To do this, it is necessary to demonstrate in practice its commitment to ILO principles. As a first, obligatory step, release the member of the ILO Governing Body, Aliaksandr Yarashuk, and other trade union activists.

Many concrete proposals have been made here, the implementation of which would allow us to speak of some progress in respecting and fulfilling fundamental workers' rights in Belarus. We do hope that the Government will take this opportunity to report on concrete steps to the ILO Committee of Experts for consideration already in its next session.

Observer, Public Services International (PSI) – I am afraid that I will also have to repeat a few things that have been said already here, but the situation demands our views. So first I want to state that I adhere to what my previous colleagues and previous speeches have said about the situation in Belarus and address the deeply troubling situation regarding the treatment of trade unionists and other activists in the country. The persecution and unjust imprisonment of trade unionists is a flagrant violation of international labour standards and

human rights, and this ongoing repression calls for urgent and assisted action by the ILO and its Member States.

In 2020, our colleagues in the health sector, in various hospitals across the country, wanted to improve their working conditions for their own good and for the good of the patients, after observing the disastrous management of the pandemic by the Government of Belarus. But soon after, these individuals were targeted solely for their legitimate trade union action, facing accusations that lacked any credible basis. Now, they still remain in prison serving time in a penal quarantine or under house arrest.

The severe penalties and inhuman treatment that they are enduring reflect the broader behaviour by the Belarusian authorities to stifle any trade unionism and to suppress any form of association in the country. Such actions, as we all know, are a direct contravention of Convention No. 87.

So, I also call on this Committee to unequivocally denounce these egregious violations. We must send a clear and strong message to the Belarusian Government that the Member States and constituents of the ILO will not tolerate such blatant disregard for fundamental labour rights.

Moreover, the Belarusian Government must take concrete steps to address all the concerns raised by the ILO to ensure full compliance with these obligations under Convention No. 87. This includes ending the harassment and accusation of trade union leaders, guaranteeing their rights to freely associate and organize and enforcing an environment in which labour rights are generally respected.

In conclusion, I hope that this Committee will reaffirm our collective commitment to protecting the rights of workers and trade unions everywhere, and that we stand in solidarity with our colleagues in Belarus and will work tirelessly to ensure that justice prevails and that the principles of the ILO are upheld worldwide.

Government representative – I thank you for the opportunity to speak again to outline the position of the Government of Belarus.

First and foremost, I would like to thank the representatives of countries that have expressed support for Belarus. Your support is very important for us. We see that Belarus is not alone in defending its right to independent development. What you have said gives us the hope that, when assessing the situation in Belarus within the framework of this Committee, an objective and properly thought through approach will be taken.

On the other hand, we categorically disagree with a number of politically biased statements that have been made here by our opponents. Such statements are totally groundless. They are focused on the idea of creating some kind of information arena here, internationally, that can be used to justify the baseless and illegal sanctions that Western countries have applied to the Republic of Belarus. The ILO is just another mechanism that is being used to exert pressure on Belarus. We are fully convinced that the ILO should distance itself as much as possible from any such actions.

Today we have heard assertions that throughout the period when we have had these recommendations from the Commission of Inquiry, the situation in Belarus has only got worse in terms of compliance with ILO Conventions. But that is very far from the truth. I have already said that the supervisory bodies of the ILO have repeatedly commended what has been done by the Government of Belarus. For instance, in 2009, in conclusions adopted by this Committee, it was noted that progress had been made by the Government of Belarus in giving effect to the

recommendations of the Commission of Inquiry. The direct contacts mission, in Minsk in 2014, commended the work done by the tripartite social partnership bodies in Belarus and noted that there was trade union pluralism in the country. As a result of that, proposals were put forward to organize a whole package of measures focused on further upgrading the work of the tripartite social partnership bodies in the country, developing collective bargaining processes, as well as mechanisms for resolving trade disputes. All of these proposals were successfully put into practice by the Government of Belarus working with the ILO.

In 2015, as a result of the implementation of recommendation No. 2, we introduced changes to our legislation and we removed the requirement for at least 10 per cent of workers in an enterprise for a trade union to be created, and that is a measure that was very much commended by the Committee of Experts at the time. These positive steps resulted in a situation in which, in 2017, Belarus for the first time was not included on the short list of the Committee and consideration of the issue of application of Convention No. 87 in the country simply became part of the regular reporting regime. As a result, for four years, from 2017 to 2021, the question of compliance by Belarus with Convention No. 87 was not considered by this Committee. It is clear that such changes in the approach to the consideration by the ILO of the “Belarusian question” would not have been possible unless serious steps forward had been taken by the Government, and unless those steps had been positively commended by the supervisory bodies. All of this shows the absurdity and groundless nature of the situation that has now arisen with reference to the article 33 action against Belarus.

I would like to emphasize that the serious and systemic work that is being done by Belarus to develop social dialogue and tripartism has not been done so that we can look good in the eyes of the ILO. This is rather part of our domestic policy, it is enshrined in the Constitution of the country and in the Presidential Decree adopted on 15 July 1995, Decree No. 278 on the development of social partnership within the Republic of Belarus. We are convinced that only by working together, the State, employers and workers working together, is it possible to achieve balanced and stable socio-economic development for our country, and to develop our society. I reject all doubts and criticisms as to the legitimacy of our tripartite bodies. Such allegations are entirely baseless. We are also accused of supposedly not giving new information to the Committee, and just repeating our old arguments. But that is not the fault of the Government of Belarus. We have been compelled again and again to explain our position because it has not been appropriately taken into account.

For instance, when it comes to the Government of Belarus, again we have been accused of holding some people responsible supposedly for their trade union activities, participation in peaceful demonstrations and so on. We simply reject that. No one in Belarus is held to account in criminal terms for any lawful activity they undertake. Trade unions in our country have a lot of rights, to participate in establishing socio-economic policy, collective bargaining, and to defend the interests of workers. However, if citizens participate in illegal mass rallies or if they undertake other activities that are against the law, then they must feel the weight of the law. After all, it is one law for everyone. And it is true, that some citizens are indeed serving sentences or being punished, but that is not because of their trade union activities. It is not because of any legitimate or peaceful exercise of civil rights and freedoms. All of those who are being punished have been found criminally responsible, and information on that has been given to the ILO. Attempts by our opponents to say that what has been done is that they have been punished simply for exercising trade union rights are just not true and are just a manipulation of the facts. I have already referred to what has happened in Belarus since 2020, where we have seen the illegal interference of a number of Western countries in the internal affairs of our country. We have seen efforts to support violent demonstrations, extremist

activities that threaten the good order of our country. We have seen that all of those involved have been brought to book and are indeed being appropriately punished.

We have therefore seen that people have not been held responsible for trade union activities, but that they have been held responsible for criminal activities, and that being the case, all those who break the law have to be punished. To try to say that that is not what is happening is highly irresponsible. I would emphasize that all of these cases have gone before a court. There has been evidence, there has been proof of what has happened, and indeed it could not be any different in a democratic State based on the rule of law. I have already referred to what happened in 2020 and the role of the BKDP. This Congress was involved in criminal, extremist activity. It was focused on discrediting the country, destabilizing the situation in the country and, despite that, it continued to exist, but it no longer reflects in any way the interests of the workers of our country. And yet, the bodies of the ILO seem to take account of its grievances and complaints. Sadly, on the basis of the false information provided, an argument is created that supports the stepping up of pressure on Belarus. We do not accept that. We categorically reject it. We consider that the ILO, workers and employers need to start genuine dialogue with those who, today, are genuinely upholding tripartism in Belarus. The Government of Belarus and the social partners, that is to say, the FPB and also the confederations of employers and workers, are ready to enter into constructive interaction with the ILO. By giving into the arguments put forward by the opponents of Belarus in recent years, the ILO has ended up taking biased, politicized decisions focused against the interests of Belarus and its people. But the ILO is a very special Organization. It is focused on something quite different. It is always being a champion of dialogue and cooperation. That is one of the underlying principles of this Organization, and the Government of Belarus, for its part, is interested in finding things that can bring us together and continuing an open, constructive dialogue with the ILO in the interests of our society and our State. However, in order for there to be such a dialogue, ILO bodies and its tripartite constituents have to be interested in playing fairly by the rules, recognizing what is really happening today, listening to what is being said by the Government of Belarus, and taking our national interests into account. We will not allow anyone to intervene in our domestic affairs, to undertake a policy that is focused on destabilizing our country and our development, on damaging the welfare and the well-being of our people; we will always reject that and stand up for our own independence and sovereignty. Anti-Belarus decisions by the ILO are simply getting us nowhere, and instead of this approach we need to take a new approach in which we can actually create trust and confidence working together in the interests of the development of social and labour relations in our country. We call on all the tripartite participants and supervisory bodies of the ILO to take just such an approach. We stand ready for honest and equal dialogue.

In conclusion, I would like to note one further point. You have all heard the discussion here this morning. You have all heard what has been said, and I think no one in this room thinks that, on the issue of Belarus, today, there has been any consensus. We have heard a lot of statements in support of Belarus, and of course there have been some who have spoken against us, so it is my view that that is something that has to be reflected in the minutes of this meeting. The position of Belarus has been put forward, but in fact there has been no consensus, and I would certainly call on the ILO and this Committee to refrain from policies intended to exert pressure on Belarus, but rather to seek to cooperate with us in accordance with the fundamental principles of the ILO.

Worker members – We have listened to the interventions and thank everyone for those interventions. And we draw particular attention to the grouped statements by Governments which, in themselves, already represent over 45 governmental expressions of support for the

need to address the violation of workers' rights in the context of the article 33 measures adopted by the Conference last year. And let us not forget the specific individual governmental interventions which also expressed their support. Thus, a lot of governmental support was expressed.

Regrettably, what I have witnessed here today is the same unhelpful approach by the Government of Belarus already taken in previous years.

Contrary to what the Government claims, there is no plot against the Government of Belarus. The Government is the one that has eradicated independent unions in Belarus and imprisoned trade union leaders.

The Government of Belarus has repeated its comments, but they do not correspond to the reality of the lives of workers in Belarus, or indeed that of our Belarus trade union colleagues who are in exile.

It is worth noting that the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association recalled, during the high-level roundtable, that full enjoyment of freedom of association was essential to democracy and society as a whole. This freedom is not respected in Belarus. The Special Rapporteur also emphasized that, in view of the centrality of freedom of association, it was therefore essential that trade union activities and work was not stigmatized. Indeed, workers' rights and freedom of association are human rights. Also, at the same roundtable, the United Nations Special Rapporteur on the Independence of Judges and Lawyers was clear that the rule of law was necessary to ensure freedom of association in practice. She expressed concern at recent legislation in Belarus which tightened Government authority over the legal profession and the judiciary.

It is obvious to everyone that there has been absolutely no progress on the implementation of the recommendations of the Commission of Inquiry and of the supervisory system. We fully endorse the ILO's action plan to implement article 33 measures with respect to Belarus.

In conclusion, we call on the Government to accept a tripartite mission to assess the situation and to meet imprisoned (and released) unionists. The Government must immediately accept an international humanitarian mission to ensure that independent doctors can visit imprisoned trade unionists, Messrs Yarashuk, Beresneu, Areshka, Fedynich, and so on, to assess their health.

Belarus must implement, in law and practice, the recommendations of the Commission of Inquiry and the recommendations of the supervisory bodies in that regard, as a matter of utmost urgency.

In line with the action plan, we call on the ILO Director-General to ensure that there is continuous interaction with United Nations human rights' bodies to implement jointly mechanisms of special procedures, including notes, reports, visits (for example rapporteurs or ambassadors from neutral countries to trigger de-escalation) and also to set up a working group of ILO and other United Nations institutions.

The ILO must also collect information on the measures that Member States have undertaken under the article 33 resolution.

We note that the forced exile of trade unionists for their legitimate trade union activities is a daily reality. We therefore call on ILO Member States to respect the principle of non-refoulement to ensure that trade unionists forced into exile are not returned to Belarus, where they may be subject to arbitrary arrest and torture. They should assist Belarusian citizens

residing in their countries who may not have valid travel documents due to their inability to receive consular services.

We call on the ILO Director-General to appoint a special envoy to interact with governments and United Nations agencies to ensure the implementation of the article 33 resolution.

We must conclude by recalling that, according to the article 33 resolution, our Committee is to hold, at our future sessions, a special sitting on Belarus until Belarus fulfils its obligations.

We urge the Government of Belarus to engage constructively with the ILO so that at the next sitting we can see some light at the end of this very dark tunnel of the systematic violation of trade union rights in Belarus.

Employer members – The Employers' group thanks the various speakers who took the floor for their interventions and the information provided, of which we have taken full note.

We reiterate that ILO Conventions Nos 87 and 98 are fundamental Conventions which therefore require special consideration by the ILO, governments, workers and employers. The Employers wish to stress once again that we strongly condemn non-compliance with ratified ILO Conventions Nos 87 and 98.

The Employers recognize signs of the Government's willingness to cooperate with the ILO on issues concerning the implementation of ILO Conventions Nos 87 and 98. We recommend the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and the recommendations of the ILO supervisory bodies.

We recommend the Government to engage with the ILO with a view to implementing the recommendations of the ILO supervisory bodies and to report to the ILO about the measures taken.

In conclusion, we count on the cooperation of the Government of Belarus in full respect of ILO Conventions Nos 87 and 98 in law and practice. The Employers' group stands ready to constructively support this process.

Conclusions of the Committee

The Committee held a special sitting on the application by Belarus 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), further to the resolution adopted by the International Labour Conference at its 111th Session, concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution calling on Belarus to implement the recommendations of the Commission of Inquiry and the supervisory bodies.

It noted the oral and written information submitted by the Government, and the discussion which followed.

The Committee noted with deep concern the persistent disregard of the guidance, conclusions and recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body by the Government of Belarus and refusal to accept and implement them.

The Committee expressed its deep concern and regret at the use of criminal sanctions against trade unionists engaged in legitimate trade union activities and the

judicial harassment of trade union members, including arrests, prosecution and imprisonment. It deplored the repression against independent trade unions and the imprisonment of trade unionists and urged the Government to immediately release them, drop any charges and quash any convictions brought against them.

It recalled that this case had been discussed repeatedly in the Committee before the appointment of a Commission of Inquiry, and deeply deplored the lack of progress towards the observance of the Conventions by the Government of Belarus.

The Committee noted the action plan to implement the article 33 measures. It also noted actions taken by the ILO constituents and other international organizations in response to the ILC 2023 resolution on Belarus to review their relations with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association and collective bargaining referred to by the Commission of Inquiry. The Committee called on ILO constituents and other international organizations to continue to do so.

Pursuant to information submitted to the Governing Body and to the Committee, the Committee deeply deplored the climate of state violence, intimidation and fear in Belarus which is not conducive to the free exercise of civil liberties, the continuing deterioration of freedom of association and the right to collective bargaining and the erosion of the rule of law exemplified by the complete lack of independence of the judiciary.

The Committee took note of the March 2024 Governing Body action plan to implement the ILC 2023 resolution and the High-Level Roundtable to discuss freedom of association in Belarus, which took place on 28 May 2024 and evidenced the persistent general climate of non-respect for basic civil liberties necessary to the exercise of freedom of association.

The Committee called on the Government to take all possible measures with the greatest urgency to implement the recommendations of the Commission of Inquiry and all subsequent observations made by the supervisory bodies of the ILO regarding compliance with the Conventions.

The Committee also requested the Government with the utmost urgency to accept:

- an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists to assess their health and offer medical assistance, as necessary; and
- an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.

Considering the need of permanent and continuous monitoring of the situation in Belarus, the Committee expected that the ILO Director-General would appoint a special envoy in Belarus shortly and mandate her or him to interact with the Government and relevant UN agencies to ensure the full implementation of the recommendations of the Commission of Inquiry.

In line with the Conference resolution, the Committee expected that the Director-General would engage with UN Human Rights Bodies and other relevant international bodies with a view to ensuring coordinated and joint action towards the implementation

of the recommendations of the Commission of Inquiry and the supervisory bodies and to explore the possibility of setting up a working group of the ILO and other UN institutions.

The Committee expected that the Office would continue collecting information on measures that Member States have undertaken the Conference resolution and, as requested, include such information in reports to the supervisory bodies and Governing Body of the ILO, including measures to:

- respect the principle of non-refoulement to ensure that trade unionists forced into exile in their countries are not returned to Belarus where they may be subject to persecution, arbitrary arrest and torture;
- assist Belarusian citizens residing in their countries who may not have valid travel documents due to their inability to receive consular services, and to facilitate the issuance of tourist visas to Belarusian citizens persecuted for their trade union activities and their relatives, as appropriate.

The Committee expected that the special envoy would systematically and regularly report to the Governing Body which will assess what further steps are necessary to be taken by the Government or by the ILO and its Member States. The Committee further recalled that the Government should provide a detailed report to the Committee of Experts before its next session on all measures taken to implement these recommendations in order to ensure observance of the Conventions in law and in practice.

Finally, the Committee decided to include the discussions and conclusions of the special sitting in a separate part of its report.

Chairperson – I see the delegate of Belarus. Ambassador, you have the floor.

Government representative – As far as I understand, and all members of the Committee understand also, the work of the Committee on the Application of Standards is regulated by Part 4 of the Standing Orders of the International Labour Conference. According to article 35 of Part 4 of the Standing Orders, provisions of this part of the Standing Orders shall apply to all committees appointed by the Conference, except as otherwise provided. Article 42 of the Standing Orders in particular provides, I quote, “the Committee shall make every effort to take its decision by consensus, which is characterized by the absence of any objection presented by a member, as an impediment to the adoption of the decision in question”. The lack of consensus is as defined, is an objection by a member of the Committee. In case of objection by more than one member of the Committee, consensus could not be declared. The discussion during the CAS special sitting on Belarus, which took place on 5 June, clearly demonstrated the lack of consensus both in assessment of the policy of the Government of Belarus, as the situation in the labour and social sphere in my country, as well as the lack of consensus on the measures to be recommended by the CAS to Belarus.

About half of the statements call on the ILO and the Committee to avoid politicization in interaction with Belarus, which could then become a dangerous precedent and a negative trend within the organization. Some members of the Committee also opposed imposition of politically motivated demands to the Government of Belarus and expressed concern that such measures could have negative impact on the interests of Belarussian workers and employers.

The conclusions on Belarus submitted for adoption today, do not adequately reflect these aspects and misleads the International Labour Conference. This document, provisions of which

are formulated in line with the position only of a part of the Committee, could not be presented as a consensus of all the members of the CAS.

As there is an obvious lack of consensus, my delegation asks for the rules of procedure to be strictly followed and request to put to a vote the conclusions of the CAS special sitting on Belarus. I also urge members of the CAS to vote against the non-consensual conclusion.

Chairperson – Before giving the floor to the other delegations who expressed their will to do so, I would like to refer to the ILC Standing Order, article 42 – which has been mentioned by Madam Ambassador – which states that it is my duty as President, and the Chair of this Committee, to make every effort for the Committee decision to be taken by consensus. The consensus does not mean unanimity. As indicated in the ILC Standing Orders it is characterized by the absence of any objections presented by the delegate as the impediment to the adoption of the decision and the questions.

Having said that, I wish to recall that since the Committee has been adopting conclusions on the country cases it has always – with no exception – adopted its conclusion by consensus, with divergent views systematically fully reflected in its report.

In the light of the prevailing view expressed during the Committee's discussion and also on the understanding that the Government's position will be fully reflected in the report, may I take it that the Committee is ready to adopt the conclusions displayed on the screen?

I give the floor to the distinguished Ambassador of Belarus.

Government representative – As far as I understand, the conclusion itself is not consensual because in the conclusion itself, there is no reflection of the position and the different approach of, not only my delegation, not only Government, not only workers and employers from Belarus, but of a number of delegations, a number of members of the CAS. During the consideration of the case, some delegates requested the voting on the decision.

Chairperson – Now I give the floor to the distinguished representative of the Russian Federation.

Interpretation from Russian: **Government member, Russian Federation** – The Russian Federation fully supports the assessment which has just been expressed by the representative of the Republic of Belarus about the conclusions of the special session. The Russian Federation does not support these conclusions, does not join a consensus on these conclusions and therefore supports the request of the Republic of Belarus that this document be submitted to a vote.

Chairperson – I give the floor to the distinguished representative of the Syrian Arab Republic.

Interpretation from Arabic: **Government member, Syrian Arab Republic** – The Syrian delegation would like to welcome what Belarus has said, we commend Belarus for submitting all the information to the Committee. We support the request made by Belarus to have a vote on the conclusions.

Chairperson – I give the floor to the distinguished representative of China.

Interpretation from Chinese: **Government member, China** – One week ago, we attended the discussion of this Committee on the case of Belarus, and apparently after the discussion, no consensus has been reached. According to our understanding, many tripartite constituents do not agree to today's draft conclusions, and we fully support the Government representative of Belarus, and we support the motion to vote.

Chairperson – I give the floor to the distinguished representative of Nicaragua.

Government member, Nicaragua – Nicaragua aligns itself with the statement made by the distinguished delegation of Belarus and supports the request to put the conclusions to a vote. We also reiterate and urge that this case not be politicized.

Chairperson – Any other request for the floor? I give the floor to Eritrea.

Government member, Eritrea – As we have discussed on 5 June, Belarus has made a lot of effort in improving the situation by having many organized trade unions and, in the meantime, having more than 10,000 collective agreements. This positive engagement is very good as has been said. So, if that is the case then I think the CAS has to give another chance to Belarus, and if that does not work – then I think – we support the Belarusian representative to proceed with voting today.

Chairperson – I give the floor to the representative of the Plurinational State of Bolivia.

Government member, Plurinational State of Bolivia – On behalf of the Plurinational State of Bolivia, we support the motion of the representative of Belarus to put the Committee's conclusions to a vote.

Chairperson – Having heard the previous statements, I would like to take a three minute break to allow Vice-Chairpersons to consult. I kindly request and call the Vice-Chairpersons to come to the podium.

Chairperson – After the consultations with the two Vice-Chairpersons I would like to stress that the view of the distinguished Government representatives are well noted, but I wish to recall that consensus is different from unanimity and therefore the Committee should be able to proceed on the basis of a clear and strong majority.

With this explanation may I therefore take it that the Committee would be ready to adopt the conclusions on the case of Belarus?

I give the floor to the distinguished representative of the Russian Federation.

Interpretation from Russian: **Government member, Russian Federation** – The provisions which govern the taking of decisions in the Committee were set forth in detail by the representative of the Republic of Belarus and they make it quite clear that a voting procedure can be held if there is no consensus and that means disagreement of one State or more, and if the request for a vote is made and then supported by at least one other delegation. Chairperson, what you are suggesting, that is consensus without consensus or consensus by a majority has been tried before I think in the Governing Body. We do not think this is a procedure which should be followed here or spread in this Organization. We think we should follow the rules for the adoption of decisions in the Committee which we have always had. We do not think we should proceed in any other way, and we will take the same attitude to any attempt to take a decision anywhere in the way you have just outlined.

Chairperson – Now I give the floor to the distinguished representative of China.

Interpretation from Chinese: **Government member, China** – First of all, voting in this Committee is in line with the Standing Orders of the Conference. Second, it is very obvious that through the discussion and consultation last week and also today on this case, no consensus at all forms has been reached. Third, we have already read the draft conclusions and it has not shown any achievements made by the Government of Belarus. They are very biased and they have been politicized. We reiterate our support for the motion to a vote.

Chairperson – Now I give the floor to the representative of the United Kingdom.

Government member, United Kingdom – Taking into consideration the discussion and the fact that this would be the first time, as you rightly pointed out, that the Committee's conclusions will be voted on in its 100-year history, the United Kingdom agrees with the esteemed Chairperson and Vice-Chairpersons that consensus has been reached and a vote is not necessary on these conclusions.

Chairperson – I give the floor to the representative of Belarus.

Interpretation from Russian: **Government representative** – The discussion of whether we should vote or not vote has shown that there is no consensus on the case of Belarus. I would like to say to the United Kingdom delegation one thing, look carefully at the history of the ILO, there have been votes in this Committee before, so it is not the first time, it is not about the circumstances being unique. Votes are not prohibited here; they are covered in the Standing Orders of the ILO and of the Committee. This may be something which is unusual, but it needs to be done.

Chairperson – I give the floor to the representative of Saudi Arabia. The floor is yours.

Interpretation from Arabic: **Government member, Saudi Arabia** – My delegation took note of the content of the Report of the Commission of Inquiry. We do appreciate the efforts deployed by Belarus in achieving the full implementation of the Committees' recommendation. We do also appreciate the information provided by the delegation of Belarus. We do appreciate as well, the engagement of Belarus with the ILO in sanctioning social dialogue with partners. The Kingdom of Saudi Arabia would like to reaffirm that everything that is related to improving the working conditions shall be addressed within the spirit of a constructive dialogue with all stakeholders and actors. At the end we would like to encourage Belarus to continue working on achieving the full compliance with the Conventions that it has ratified, and we ask the ILO to continue providing technical assistance to Belarus in that matter.

Chairperson – Despite protracted attempts of myself and the two Vice-Chairpersons to seek convergence or flexibility, I note with disappointment that no consensus has been reached through tripartite dialogue. Subsequently I decide, in agreement with the two Vice-Chairpersons, to proceed with a vote by show of hands. In view of the preparation of this vote, I propose a ten-minute technical break.

I give the floor to the United States.

Government member, United States – We appreciate the Chairperson's efforts to continue to seek consensus and we would just like to raise a question here to those delegates that have put forward the request for a vote. We have heard one delegate say that a voting procedure can be held but we would like to ask, should it be held? We have heard one delegate say that this needs to be done, but we would like to question whether it really needs to be done. Instead, we would respectfully ask those delegates calling for a vote to reconsider their call for a vote in favour of respect for the well-established working methods of this Committee.

Chairperson – I give the floor to Belgium.

Government member, Belgium – I speak on behalf of the **European Union and its Member States**. We attach great importance to the decision being taken by consensus, the long-established practice of the Committee. Therefore, we share the concern of the United Kingdom and the United States about the necessity of a vote to be called for, as only a minority of members of the Committee had called for the vote. We also appreciate all efforts made by the Chairperson and the Vice-Chairpersons in order to reach a consensus.

Chairperson – I now give the floor to the distinguished representative of Australia.

Government member, Australia – The normative and supervisory role of the ILO is at the core of its mandate. The international labour standards that we, as Member States, choose to ratify are backed by a supervisory system that is unique at the international level. The supervisory system is in the DNA of the ILO. Australia strongly encourages Belarus to accept the Committee's conclusions. To move to a vote would be a regrettable modern precedent and break with the established practice to make every effort for the Committee to make its decisions by consensus. We encourage all Member States to respect the findings of the Committee and not take any action to jeopardize its independence and critical role.

Chairperson – Are there any other delegations wishing to take the floor? I give the floor to the distinguished Ambassador of Belarus.

Interpretation from Russian: Government representative – I am grateful to you for your efforts and for the consultations which you have held in what is a very difficult situation. We have heard the appeals not to put this question to a vote but we feel that the Committee should follow the Standing Orders and the rules of procedure. The lack of a consensus on this matter is only too clear and, therefore, we would like to confirm our request, which has been backed up by several other delegations, to put this question to a vote.

Chairperson – After the break we will continue with the voting procedure. So the meeting is adjourned.

Chairperson – As I announced before the break, now we continue to proceed with the vote by show of hands.

(vote by show of hands)

Chairperson – I will announce the results of the vote on adoption of the conclusions for Belarus. The votes cast were as follows:

For: 1,272 votes

Against: 52 votes

Abstentions: 64 votes

The required quorum having been attained, the conclusions are adopted.

These results have been established after verification of the voting rights in the Workers' group.

In the light of these results the conclusions are adopted.

Chairperson – We have now completed the adoption of all the conclusions of the individual cases discussed by our Committee. I give the floor to the representative of Belarus.

Interpretation from Russian: Government representative – The decision on the conclusions has been taken. However, the conclusions reflect inaccurately and in a distorted manner the assessment and interpretation of the position of the Government. The Government and our employers and workers have several times said that we were ready to cooperate with the ILO on a non-politicized basis. Unfortunately, that has been ignored. Instead of a non-politicized dialogue, what we see is demands being made of our Government which are tantamount to political ultimatums. The Government of Belarus will not accept that. The question of the appointment by the Director-General of a Special Envoy to Belarus reflects attempts by a group of Western countries to set a precedent within the ILO of a special country procedure and to use it as another way of exerting pressure against my country. Today's conclusions are a precedent for dealing with awkward or un-submissive governments. The

conclusions are also continuing the attempt to drag Member States and international organizations into a politically biased campaign of western sanctions against Belarus. The conclusions have distorted the assessment of the action of my Government and are inaccurate as to the alleged repression against trade union activity; they ask our country to change its legislation on a politicized basis. The issue of making it easier to give visas to those who have broken Belarusian law is a cynical attempt to overlook the fact that it is at the initiative of Western countries that flights from and to Belarus were grounded, making it impossible to get visas to Belarusian citizens or for western citizens to travel to Belarus. This is a cynical attempt to apply double standards. We do not support these conclusions. We believe there is politically biased manipulation of the ILO. We, therefore, urge others to reject the conclusions as well. To conclude, the Belarusian authorities and the tripartite delegation of Belarus will nevertheless be happy to cooperate with the ILO on a non-politicized basis.

Chairperson – Distinguished representative of Workers, Vice-Chairperson you have the floor.

Worker members – The Worker members deeply regret that the conclusions for this case have been adopted by a vote. This goes against the working methods and the practices followed by our Committee for several decades. This vote does not add any value.

I recall that our Committee does not have the binding means to force a government to accept the conclusions adopted. Our work is based on dialogue and persuasion. I invite all governments to respond to the conclusions of our Committee in an open and constructive spirit.

Chairperson – I give the floor to the delegation of Kazakhstan. Ambassador, you have the floor.

Government member, Kazakhstan – We regret to see that the Committee has not reached consensus and dialogue, communication and cooperation should remain the main principle of the Committee's work. The Government of Belarus has demonstrated openness to cooperate with social partners and with the ILO on the implementation of the recommendations of the Committee. However, we note that despite engagement attempts by the ILO supervisory bodies there are still outstanding issues identified by the Committee. We encourage the Government of Belarus to take the appropriate and necessary measures to ensure compliance with its obligations under the ILO Conventions and to continue to cooperate with the ILO supervisory bodies.

Chairperson – Are there any other requests to take the floor? The United States, you have the floor.

Government member, United States – I am speaking on behalf of the **Governments of the United States and Canada**. We deplore that a vote was called today. This vote is unprecedented. Never before in the almost one-hundred-year history of the Committee, has a vote been taken on the adoption of conclusions. This vote was unnecessary, the conclusions were proposed jointly, by the Workers' and Employers' groups, who together represent two thirds of the voting weight of this Committee. The United States and Canada hold the work on the Committee on the Application of Standards in the highest regard, as do so many of us assembled today. It is a critical element of one of the oldest and most well-respected supervisory systems in the world. It is a unique feature in the multilateral system, providing a platform for governments, workers, and employers to share perspectives and guidance on how Member States might improve their efforts to comply with their obligations under international labour Conventions they have ratified. We condemn, in the strongest terms, this

disruption to the well-established working methods of this Committee, in furtherance of nothing more than an individual agenda, unrelated to enhancing implementation of international labour standards or protecting the rights of workers. We call on those Government delegates who insisted on this vote, to reconsider their careless resort to voting here and across the Organization. We implore our colleagues to respect our working methods and reconsider making use of well-established practice to make their views known for the record. We wish to emphasize that the vote today is an aberration, not a precedent and we call on all constituents of the ILO to respect the strong social dialogue that takes place in this Committee.

Chairperson – I now give the floor to the representative of the United Kingdom.

Government member, United Kingdom – The United Kingdom, like many of us in this room, is deeply dismayed that a vote has been called here today. We have discussed the situation vis-à-vis workers' rights, especially as regards Conventions Nos 87 and 98, in Belarus extensively, at several sessions of the Governing Body, at the International Labour Conference and also during the high-level round table this year. Reams of information have been provided by independent experts that has allowed us to analyse this case in great depth and in good faith. Article 33 sanctions were invoked last year, for only the second time in ILO history. Again, after a great deal of considered discussion, the esteemed Worker and Employer spokespersons have drafted these conclusions without involvement from Government. In the spirit of consensus and in respect of the ILO supervisory system and its working methods, we should have adopted these conclusions as drafted without a vote. At future sessions of the Committee, the United Kingdom strongly urges all members to adopt the conclusions, as drafted by the spokespersons, by consensus to allow the effective functioning of the ILO supervisory system which correlates directly to the fulfilment of the ILO's mandate of promoting social justice and internationally recognized human and labour rights.

Chairperson – Now I give the floor to distinguished representative of Australia. The floor is yours.

Government member, Australia – Australia deeply regrets that we were forced into a vote today in the Committee and the disruption to the well-established working methods of this Committee. Today's unfortunate action should not be seen as a precedent. As I said earlier, the normative and supervisory role of the ILO is at the core of its mandate and we encourage all Member States to respect its findings.

Chairperson – Now I give the floor to the distinguished representative of Belgium.

Government member, Belgium – I am speaking on behalf of the **European Union and its 27 Member States**. The Committee is a crucial pillar of the ILO supervisory system and embodies the core values of the ILO based on social dialogue and tripartism. It enables all constituents to discuss the implementation of ILO Conventions in a constructive, respectful, and tripartite manner. We very much regret that not all decisions could be adopted by consensus this year, thus going against the long-established practice of our Committee. Nevertheless, we are pleased to have reached concrete conclusions which will provide guidance on the way forward to effectively implement international labour standards in law and practice. We are looking forward to a constructive engagement with the ILO Office and the tripartite constituents in the follow-up of the conclusions of the Committee.

Annex

Director-General's report on the latest development regarding the situation of freedom of association in Belarus and compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus 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)

Introduction

At its 350th Session (March 2024), the Governing Body took note with growing concern of the information provided in document [GB.350/INS/10\(Rev.1\)](#); urged the Government of Belarus to submit to the Director-General all information on the measures taken to implement the recommendations of the Commission of Inquiry by 15 April 2024 for transmission to the Committee on the Application of Standards; and requested the Director-General to prepare an updated report to inform the Committee on the Application of Standards at the 112th Session (2024) of the Conference of the latest developments. The Governing Body also once again urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention. The Governing Body took note of the action plan to implement the [resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus](#). Pursuant to the action plan, the ILO was to convene a High-Level Roundtable to discuss Freedom of Association in Belarus. At the same session and after the adoption of its above-mentioned decision, the Governing Body adopted the 406th report of the Committee on Freedom of Association¹ which also examined measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry. On that occasion, the Committee deplored the continuing deterioration of freedom of association in the country, the total lack of progress in implementing the recommendations of the 2004 Commission of Inquiry and the failure of the Government to address the outstanding recommendations of the ILO supervisory bodies and the conclusions of the Governing Body.

Information provided by the Government

By a communication dated 9 April 2024, the Government transmitted information on the measures taken to implement the recommendations of the Commission of Inquiry which has been made available in full on the Committee on the Application of Standards website.² The Government once again reiterated that recommendations 1–8, 11 and 12 have been implemented, while recommendations 9 and 10 do not fully meet national security interests. The Government further reiterated that it was ready to cooperate with the International Labour Office on issues concerning the implementation of Conventions Nos 87 and 98, provided that account is taken of present day realities and national interests, at the forefront of which are the stable socio-economic development of the Republic, the well-being and high quality of life of the Belarusian people, social harmony, the unshakeable foundations of

¹ [GB.350/INS/16/2](#): 406th Report of the Committee on Freedom of Association.

² [CAN/D/Special sitting Belarus-C.87–C.98](#).

democracy and the rule of law, and the country's independence, territorial integrity and sovereignty.

Information provided by the Belarusian Congress of Democratic Trade Unions (BKDP)

By a communication dated 17 May 2024, the BKDP provided information on the implementation by the Government of Belarus of the recommendations of the Commission of Inquiry.³ According to the BKDP, it is currently impossible for independent trade unions and their members to carry out their activities legally; anyone who associates with independent trade unions and carries out trade union and human rights activities is subject to criminal liability under the following provisions of the Criminal Code: section 193-1 on "unlawful organization of the activities of a public association, religious organization or foundation or participation in their activities", punishable by a fine and/or restriction of freedom or imprisonment for up to two years; section 361-1 on "establishment of or participation in an extremist group" punishable by a fine and/or restriction of freedom or imprisonment for up to six years; and section 361-4 on "facilitating extremist activities", punishable by a fine and/or restriction of freedom or imprisonment for up to seven years.⁴

The BKDP informed of a judicial decision of 28 March 2024 by which all information materials and paraphernalia of *Salidarnast* (an organization founded by Belarusian trade union leaders and activists who were forced to leave the country after the liquidation and repression of democratic trade unions in 2022) were declared extremist and included in the Republican List of Extremist Materials. *Salidarnast* provides humanitarian, informational and legal support to trade union members and labour movement activists. The legal consequences of declaring all information materials and paraphernalia of *Salidarnast* as extremist is their ban in the territory of Belarus. The distribution, production, storage or transportation of these materials, as well as interaction with the organization which produces them, including subscribing to its social networks, is punishable, under section 19.11 of the Code on administrative offences, by a maximum penalty of administrative arrest of up to 30 days. The BKDP also referred to a number of administrative detentions and arrests of trade unionists.

The BKDP indicated that as of 7 May 2024, more than 50 trade unionists were under criminal persecution and provided a list of 39 trade unionists currently imprisoned, as well as a list of 21 trade unionists who were released but not exonerated and on whom additional restrictions were placed pursuant to the legislation in force (prohibition from leaving the city/country without police permission, an obligation to report to a police station on a weekly basis, ban on certain professional activities, control and surveillance of bank accounts, etc.). The BKDP also informed that in January 2024, Mr Aliaksandr Yeudakimchyk, leader of the Free Trade Union of Metalworkers (SPM), died after a long illness and alleged in this respect that persecution for carrying out trade union activities and numerous administrative arrests had an extremely negative impact on Mr Yeudakimchyk's health.

The BKDP further indicated that since its last communication the following new criminal cases were opened, and new sentences rendered. On 4 March 2024, a new criminal case was opened against Mr Leanid Soudalenko, labour lawyer and activist of the Belarusian Union of Radio and Electronic Workers (REP Union), under section 361-4 of the Criminal Code. Fearing persecution, he was forced to flee Belarus and thus cannot exercise his right to defence.

³ See Appendix.

⁴ If the acts were committed for the second time (para. 2 of that provision); first time violation entails a maximum sentence of 6 years.

Ms Volha Brytsikava, leader of the Belarusian Independent Trade Union (BNP), charged with “inciting racial, national, religious or other social hatred or discord” under section 130(1) of the Criminal Code was sentenced to three years of imprisonment on 5 April 2024, after a trial behind closed doors. In addition, a new criminal case has been opened against her under section 361(1) of the Criminal Code entitled “calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus”, which carries a maximum penalty of six years of imprisonment and a fine. The BKDP further described disciplinary sanctions and ill-treatment of several imprisoned trade union leaders by the administration of penal colonies; these included placement in isolation cell, removal of the right to receive visits, phone calls and parcels and not allowing meetings with lawyers.

The BKDP also referred to the case of Ms Palina Sharenda-Panasiuk, an activist of the Belarusian Union of Radio and Electronic Workers (REP Union).⁵ It indicated in this respect that since January 2024, there had been no contact with the activist and that during this period, a lawyer was refused access to her on three occasions. On 19 March 2024, the UN Committee on the Elimination of Discrimination against Women (CEDAW) requested the Government of Belarus to urgently take temporary measures to protect Ms Sharenda-Panasiuk. On 22 March 2024, State media (Belarus 1) broadcast a video featuring the activist, and in which the CEDAW request was mentioned; she did not look well and there was a yellow tag on her uniform, which identifies labour movement activists and political prisoners.

According to publicly available information after having fully served her sentence, Ms Sharenda-Panasiuk was due to be released on 21 May 2024. Instead, she was transferred to a detention centre and a new (third) criminal case was opened against her. She was charged for the second time under section 411(2) of the Criminal Code entitled “malicious disobedience to the demands of administration of the correctional institution” (previously her sentence was extended by one year under the same provision of the Code).

High-Level Roundtable

The High-level roundtable to discuss freedom of association in Belarus took place on 28 May 2024, as part of the action plan adopted in March 2024 by the Governing Body to implement the ILO Conference Resolution. By a communication dated 23 May 2024, the Government indicated that it would not participate in the event.

Three UN Special Rapporteurs participated in the roundtable – Ms Anaïs Marin, Special Rapporteur on the situation of human rights in Belarus; Ms Gina Romero, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and Ms Margaret Satterthwaite, Special Rapporteur on independence of judges and lawyers.

Ms Marin indicated that while the situation of human rights was never satisfactory, following presidential elections in August 2020, it became catastrophic, with violations of freedom of association being a massive part of a general wave of repression. She pointed out that while peaceful demonstrations of August 2020 were accompanied by arbitrary arrests of thousands of protesters, their detention and disappearances, the crackdown on independent trade unions began two years later, in 2022, with the liquidation of the BKDP and arrests and imprisonment of its leaders and activists despite their offers for dialogue. Enterprises that did not have any unions were instructed by the Government to create them, undermining any semblance of independence. In these circumstances, the remaining organizations and trade

⁵ For detailed information see paragraph 7 of [GB.350/INS/10\(Rev.1\)](#) and para. 16 and page 25 of the 406th Report of the Committee on Freedom of Association (GB.350/INS/16/2).

unions, as well as any newly created ones, were under State control and lacked independence from the Government. Ms Marin also referred to the situation of those who were forced into exile and called on ILO Member States to respect the principle of non-refoulement as most would be subject to arbitrary arrest and torture if returned to Belarus. She described the conditions of detention of trade unionists, who, together with political prisoners were forced to wear yellow labels. She had collected testimony that the identification of these prisoners in this way resulted in their being harassed and intimidated, put in overcrowded cells, denied timely medical treatment, placed in isolations for long periods, denied the right to communicate with family and lawyers, and were subjected to forced labour. Some activists were pushed to ask for pardon and to beg for clemency, yet, contrary to implied promises, were not released. Being identified as political prisoners meant that these imprisoned trade unionists were not able to qualify for a pardon. Their relatives experienced threats. Ms Marin called on ILO Member States to facilitate the issuance of tourist visas to Belarusian citizens persecuted for their trade union activities and their relatives. Another issue that needed to be addressed was how Belarusians could continue to reside abroad with an expired passport following the discontinuation of consular services to renew and obtain passports.⁶ Going back to Belarus to obtain a new passport or renew an old one put them at risk of arrest.

Ms Romero recalled that full enjoyment of freedom of association was essential to democracy and the society as a whole and that it was therefore essential that trade union activities and work should not be stigmatized. In this regard, she emphasized that workers' rights and freedom of association are human rights and there was therefore a collective responsibility to ensure an end to the violation of these rights. She called on ILO Member States to provide humanitarian assistance to the persons forced into exile and their relatives.

Ms Satterthwaite recalled that independence of judges and the judiciary was at the core of the rule of law and necessary to ensure freedom of association in practice. She expressed concern about instances where lawyers were disbarred for defending human rights and trade union activists as this clearly undermined the ability of those accused to have meaningful representation in the cases brought against them. Noting recent legislation in the country which tightened government authority over the legal profession, she observed that the situation on the ground had given rise to a disturbing context of political interference with the administration of justice, the absence of an independent bar association, systemic violations of the right to a fair trial, and the use of criminal law to punish trade unionists for the exercise of basic rights and to dissolve independent trade unions.

Other participants expressed regret that the Government representatives did not participate in the event and has, so far, dismissed the pathways offered by the Governing Body. It was unfortunate that the Government politicized the issue to shirk its responsibility and claimed that the adoption of the resolution by the International Labour Conference was aimed at promoting sanctions against it. It was observed by some that no sanctions have so far been imposed pursuant to article 33 of the ILO Constitution in addition to those that were already in place prior to the adoption to the resolution.

It was observed that this event had importantly brought together several of the pieces of the international system and demonstrated the interconnectedness of their work. This should provide impetus for further reinforcement and collaboration to achieve their respective mandates. Referring to the various conclusions across the United Nations system, including

⁶ Presidential Decree (*Ukaz*) No. 278 of 2 September 2023 on the procedure for issuing documents and performing actions. In this respect, see para. 8 of [GB.349/INS/13\(Rev.1\)](#).

the recommendations of the Universal Period Review, it was observed that there was a general international consensus that widespread violations of workers' rights occurred in Belarus. Declaring trade union activities and publications extremist, rendering any person associated with independent trade unions, including by consulting their social media accounts, a target for persecution made it impossible to exercise one's freedom of association rights. Governments had expressed interest in reflecting on how better they can coordinate their actions to give effect to the article 33 resolution.

While the trade union movement affirmed that it had never politicised this matter and rather favoured a constructive approach to get beyond this impasse, this could only occur if the Government cooperated with the ILO and took steps to ensure that trade unionists were not treated as criminals. All steps need to be taken to ensure their immediate release. Independent trade unions should be given space so that real tripartite discussions can be resumed in the country.

Appendix

Communication of the BKDP

Additional Information of the Trade Union Association “Belarusian Congress of Democratic Trade Unions” (TUA BKDP) on Implementation by the Government of the Republic of Belarus the Recommendations of the ILO Commission of Inquiry

In the period from February 2024 Belarus systematically has continued to fail to take measures to address the Recommendation of the Commission of Inquiry appointed under article 26 of the Constitution of the ILO and recommendation provided annually by the Committee on Freedom of Association. Violations have not only not been addressed, but have worsened with the existence of the State campaign of persecution of leaders and activists of workers’ movement following the 2020 presidential election.

Currently, it is impossible for independent trade unions and their members to carry out their activities in the Republic of Belarus legally. Anyone who associates himself or herself with independent trade unions and carries out human rights, activist and other activities for the realisation of trade unions' goals is subject to criminal liability inter alia under articles 193–1 of the Criminal Code of the Republic of Belarus (hereinafter – the CC) “Unlawful organisation of the activities of a public association, religious organisation or foundation or participation in their activities” in form of the penalty, or restriction of freedom, or imprisonment for the term up to two years; 361–1 “Establishment of or participation in an extremist group” in the form of the penalty, or restriction of freedom, or imprisonment up to six years; 361–4 “Facilitating extremist activities” in the form of the penalty, or restriction of freedom, or imprisonment up to seven years. The information about the persecution of some members and activists of independent trade unions and working movement was not intentionally included in the Information due to the unreasonable risk of increased persecution, including a threat to life and health. Therefore, there is a deliberately limited by the Government opportunity of TUA BKDP to provide information to the ILO as well as inaccuracies in the information provided.

State-run repressions against leaders and activists of workers’ movement as well as against independent trade unions have continued by the following:

1. As of 7 May 2024 more than 50 trade union and labour leaders and activists are under criminal persecution.

There are two categories of persecuted persons: who are imprisoned (in the form of imprisonment [“лишение свободы”] and restriction of freedom [“ограничение свободы”] and who are released but non-rehabilitated. The identification of the second category is due to the fact that serving a sentence does not mean the absence of restrictions on the rights of the convicted person.

The factual ground for criminal persecution (regardless of the crime charged) of workers’ organizations’ activists and leaders is their workers’ organizations’ activities and enjoyment of the freedom of association, freedom of expression, and freedom of peaceful assembly protected by the ILO Conventions and the International Bill of Rights.

The fact of the release does not negate the fact of previous illegal prosecution and violation of the above rights by the Government. Moreover, Belarusian national law provides for a system of restrictions on the rights of those who have served their sentences, which is adapted in its most severe form specifically to those crimes that the workers’ organizations’ activists and leaders are charged with. All persons released on so-called extremist or terrorist

charges while serving a sentence (two years per crime for a less serious crime and five years per crime for a serious crime) are subject to additional restrictions according to Belarusian national law under “preventive observation” procedure and inclusion in extremists and terrorists lists, inter alia:

- (1) They are prohibited from leaving the country and even the city without police permission.
- (2) They are checked at their place of residence under a video recorder with their signature on the papers several times a day and even at night.
- (3) They have to appear at the police station once a week for preventive measures.
- (4) The actual ban on specific kinds of professional activities applies to them, including public service positions, educational activities, etc. (until the criminal record is expunged (on average 2–5 years after serving the sentence (depending on the crime incriminated)) or removed and for 5 years after it).
- (5) Ban on organizing mass events (until the criminal record is expunged (on average 2–5 years after serving the sentence (depending on the crime incriminated))).
- (6) Their money accounts are controlled by special services up to the freezing of accounts.

The Government in administrative order (by the decision of the Ministry of Internal Affairs of the Republic of Belarus and the State Security Committee of the Republic of Belarus (KGB)) has approved lists of extremists and terrorists that include all those released. The basis for inclusion in the extremists and terrorist lists is an enforceable sentence (to which workers’ association activists and leaders are specifically sentenced). The procedure for release from these lists has not yet been determined by the government. Therefore, the Government imposes additional penalties on all persons released in a discretionary and extrajudicial manner thereby limiting their rights in contradiction to imperative international standards.

List of trade union and labour leaders and activists imprisoned (imprisonment and restriction of freedom):

- (1) Aliaksandr Mishuk (BNP Vice-chair, chair at OJSC “Belaruskali”);
- (2) Aliaksandr Yarashuk (BKDP, chairperson);
- (3) Hennadz Fiadynich (REP, vice-chairperson);
- (4) Vatslau Areshka (REP, union newspaper editor);
- (5) Vasil Berasneu (REP, acting chairperson);
- (6) Artsiom Zharnak (SPM, chairperson at OJSC “Minsk Automobile Plant” – the management company of the holding “BELAVTOMAZ” (MAZ));
- (7) Vital Chychmarou (SPM, chair at OJSC “Minsk Electrotechnical Plant Named After Vi Kozlov” (METZ));
- (8) Aliaksandr Mialeshka (SPB, member of branch union council);
- (9) Andrei Khanevich (BNP, chairperson at OJSC “Grodno Azot”);
- (10) Uladzimir Berdnikovich (BNP, UCC “Remmontazhstroy”);
- (11) Uladzimir Zhurauka (Rabochy Rukh, BNP, OJSC “Grodno Azot”);
- (12) Andrei Paheryla (Rabochy Rukh, BNP, OJSC “Grodno Azot”);
- (13) Siarhei Shelest (Rabochy Rukh, BNP, OJSC “Grodno Azot”);

- (14) Valiantsin Tseranevich (Rabochy Rukh, BNP, OJSC "Grodno Azot");
- (15) Aliaksandr Kapshul (Rabochy Rukh, BNP, OJSC "Naftan");
- (16) Aliaksandr Hashnikau (Rabochy Rukh, BNP, OJSC "Belarusian Steel Works" (BMZ));
- (17) Ihar Mints (Rabochy Rukh, OJSC "Naftan");
- (18) Hanna Ablab (Rabochy Rukh, Belarusian Railway);
- (19) Siarhei Dziuba (Rabochy Rukh, Belarusian Railway);
- (20) Siarhei Shametska (Rabochy Rukh, CJSC "ATLANT");
- (21) Aliaksei Aliakseichyk (SPB, Republican Center for Children Oncology);
- (22) Aliaksandr Kandratsiuk (SPB, National Science Academy);
- (23) Maksim Senik (BNP secretary-treasurer at OJSC "Grodno Azot");
- (24) Dzianis Puchek (SPM, OJSC "Minsk Tractor Plant" (MTZ));
- (25) Aleh Kasila (BNP, OJSC "Krasnoselskstroimaterialy");
- (26) Andrei Shulhat (SPM, OJSC "Minsk Tractor Plant" (MTZ));
- (27) Yauhen Batura (SPM, OJSC "Minsk Tractor Plant" (MTZ));
- (28) Aliaksei Zabiran (BNP, OJSC "Grodno Azot");
- (29) Volha Barushka (SPB activist, Minsk Scientific and Practical Center);
- (30) Hanna Karneyenka (SPM, OJSC "Minsk Electrotechnical Plant Named After Vi Kozlov" (METZ));
- (31) Halina Smirnova (REP, Babrujsk, regional union coordinator);
- (32) Dzmitry Varanovich (SPM, OJSC "BELAZ" – Management Company of Holding "BELAZ-HOLDING");
- (33) Sviatlana Sakovich (SPM, OJSC "Minsk Tractor Plant" (MTZ));
- (34) Palina Sharenda-Panasiuk (REP);
- (35) Volha Brytsikava (BNP, chairperson, OJSC "Naftan");
- (36) Artsiom Parkhamovich (REP, activist, RUP "Beltelekom");
- (37) Alena Nazarava (REP, OJSC "Minsk Tractor Plant" (MTZ));
- (38) Aliaksandr Murauyou (REP);
- (39) Vital Halitski (SPM, OJSC "Minsk Electrotechnical Plant Named After Vi Kozlov" (METZ)).

List of trade union and labour leaders and activists released, but non-rehabilitated:

- (1) Siarhei Antusevich (BKDP, vice-chairperson);
- (2) Iryna But-Husaim (BKDP, accountant);
- (3) Yanina Malash (SPM, vice-chairperson);
- (4) Zinaida Mikhniuk (REP, vice-chairperson);
- (5) Yauhen Hovar (BNP, OJSC "Belarusian Steel Works" (BMZ));
- (6) Mikhail Hromau (SPM, union secretary);

- (7) Leonid Soudalenko (REP, labour lawyer);
- (8) Miraslau Sabchuk (SPM, OJSC “Minsk Tractor Plant” (MTZ);
- (9) Aliaksandr Varabei (SPM, OJSC “Minsk Tractor Plant” (MTZ));
- (10) Uladzislau Martsinovich (SPB, Minsk state medical university);
- (11) Siarhei Sliazhou (BNP, OJSC “Belarusian Steel Works” (BMZ));
- (12) Volha Belaziorava (BNP, OJSC “Grodno Azot”);
- (13) Vitali Siadliar (BNP, OJSC “Krasnoselskstroyaterialy”);
- (14) Ihar Povarau (BNP, OJSC “Belarusian Steel Works” (BMZ));
- (15) Tatsiana Yekelchik (SPB, activist, student of BSU);
- (16) Yahor Kanetski (SPB, activist, student of BSU);
- (17) Kasia Budzko (SPB, activist, student of BSPU);
- (18) Viktoryia Hrankouskaya (SPB, activist, student of BNTU);
- (19) Anastasiya Bulybenka (SPB, activist, student of BNTU);
- (20) Siarhei Sliazhou (BNP, OJSC “Belarusian Steel Works” (BMZ));
- (21) Uladzislau Martsinovich (SPB, Minsk state medical university).

2. Recognition of all information materials and paraphernalia of Solidarnast e.V. as extremist materials. The decision on inclusion of them into the Republican List of Extremist Materials was adopted by the court of the Central District of Minsk on 28 March 2024.

Solidarnast e.V. was founded by Belarusian trade union leaders and activists, who were forced to leave the country after the liquidation and repression of democratic trade unions in 2022. Solidarnast e.V. The organization provides humanitarian, informational and legal support to trade union members and labour movement activists.

The legal consequences of recognition of all information materials and paraphernalia of Solidarnast e.V. as extremist materials is their ban on the territory of Belarus and the basis for bringing to administrative responsibility under article 19.11 of the Code of the Republic of Belarus on administrative offences (hereinafter - the CAO) “Distribution, production, storage, transportation of information products containing calls for extremist activities or promoting such activities” all those interacting with the organization, including subscribing to its social networks and distributing materials. The possible charge is inter alia an administrative arrest up to 30 days.

3. In January 2024, Aliaksandr Yeudakimchyk (SPM leader) died after a long illness. Persecution for carrying out trade union activities and numerous administrative arrests had an extremely negative impact on Aliaksandr’s health, taking into account his age (68 years).

4. Other facts of persecution (during the reporting period or that was unknown before) in the forms of:

Initiation of new criminal cases and sentencing

4.1. Persecution of Leonid Soudalenko (REP activist, labour lawyer).

On 4 March 2024, a new criminal case under article 361-4 of the CC “Facilitating extremist activities” for his trade union activities was opened in absentia against Leonid. The possible

charges are restriction of liberty [“ограничение свободы”] for a term of up to four years or imprisonment [“лишение свободы”] for a term up to six years with or without a fine.

Due to well-founded fears of persecution, he was forced to flee Belarus and, therefore, cannot exercise his right to defence in this case: familiarization with the case materials and participation in the process is impossible outside of Belarus.

4.2. *Persecution of Volha Brytsikava (BNP leader and activist and former worker of OJSC “Naftan”).*

On 11 March 2024, the trial of Volha began behind closed doors. She was accused under article 130(1) of the CC “Inciting racial, national, religious or other social hatred or discord”.

On 5 April 2024, Volha was sentenced to three years of imprisonment. An appeal has been filed.

Additionally, a new criminal case has been opened against Volha on the basis of article 361(1) of the CC “Calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus”. The possible charges are restriction of liberty [“ограничение свободы”] for a term of up to five years or imprisonment [“лишение свободы”] for a term of up to six years with or without a fine.

4.3. *Persecution of Ihar Fiodarau (workers movement activist).*

Ihar was detained on 27 February 2022 and sentenced to two years of imprisonment under article 368(1) of the CC “Insulting the President of the Republic of Belarus” on 25 May 2022.

Persecution while serving a criminal sentence, expressed in torture, restriction of rights and psychological violence

4.4. *Persecution of Artsiom Zharnak (chairperson of the primary SPM organisation, former worker of MAZ who was sentenced to four years of imprisonment under articles of the CC: 342(1) “Organisation and preparation of actions that grossly violate public order, or active participation in them”; 361(3) “Calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus”; 361–1(1) “Establishment of an extremist formation or participation in it” on 13 October 2022).*

Administration of the Penal Colony No. 1 (Navapolatsk) artificially creates situations where Artsiom is subject to disciplinary sanctions:

- Artsiom has been deprived from short visits from 29 February 2024;
- In March 2024, Artsiom was placed in a punishment cell [“ШИЗО”] for 10 days;
- From April 2024: (1) Artsiom’s monthly purchase of food by prisoners in the camp store was deprived of 6 basic ones (according to the general regime), leaving 2 basic ones; (2) Artsiom was deprived of telephone calls with relatives.

4.5. *Persecution of Palina Sharenda-Panasiuk (REP activist who was sentenced to one year of imprisonment under articles of the CC: 411(2) “Malicious disobedience to the requirements of the administration of a correctional institution executing a sentence of imprisonment” on 10 September 2023 and under 364 “Violence or threat of violence against an internal affairs officer”, 369 “Insulting a representative of authority”, 368 “Insulting the President of the Republic of Belarus” on 9 June 2021).*

In March 2024 it was known about ongoing persecution of Palina by the administration of the Penal colony No. 24 (Zarečča): Polina stayed in the detachment after quarantine for about

2–3 weeks. At the end of January-early February she was thrown into a punishment cell [“ШІЗО”]. She appeared in the detachment only at the very end of February, looking very pale and thin. All this time, Polina was in the punishment cell [“ШІЗО”], probably for 20 days. At the beginning of March, Polina disappeared from the detachment again, but where exactly is unknown.

Since January 2024, there has been no contact with Palina. During this period, a lawyer was not allowed to see her three times.

On 19 March 2024, the UN Committee on the Elimination of Discrimination against Women (CEDAW) requested Belarus to urgently take temporary measures to protect Palina.

On 22 March 2024, State media (Belarus 1) broadcasted the video with Palina after the CEDAW request (it was mentioned in the video). Polina looked bad in the video and on her uniform there was a yellow tag, which in the colony discriminately identifies labour movement activists and political prisoners.

4.6. *Persecution of Siarhei Shelest (Rabochy Rukh, BNP Naftan activist who was sentenced to 14 years of imprisonment under articles or the CC: 188 “Defamation”, 356(1) “Treason against the State”, 361–1(3) “Creation of an extremist formation or participation in it” on 17 February 2023).*

In January 2024, Siarhei was transferred from the Penal Colony No. 15 (Mahiliou) to the Penal Colony No. 2 (Babruysk).

Administration of the Penal Colony No. 2 (Babruysk) artificially creates situations where Siarhei is subject to disciplinary sanctions:

- At the end of February 2024, Siarhei was placed in a punishment cell [“ШІЗО”] for 45 days;
- Siarhei is deprived from visits and parcels (only food parcels are allowed);
- On 1 May 2024, Siarhei was placed in cell-type premises (“помещение камерного типа”) which implies more severe restrictions on rights than punishment cell [“ШІЗО”].

4.7. *Persecution of Aliaksandr Mishuk (BNP Vice-chair, chair BNP Belaruskali who was sentenced to 2,5 years of imprisonment under article 361 of the CC “Calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus” on 15 November 2022).*

Administration of the Penal Colony No. 15 (Mahiliou) artificially creates situations where Aliaksandr is subject to disciplinary sanctions:

- In January 2024, Aliaksandr was placed in a punishment cell [“ШІЗО”] for ten days;
- In February 2024, Aliaksandr was placed in a punishment cell [“ШІЗО”] for ten days.

4.8. *Persecution of Aliaksandr Kapshul (Rabochy Rukh, BNP Naftan activist who was sentenced to 15 years of imprisonment under articles of the CC: 295(2) “Illegal acts with regard to firearms, ammunition and explosives”, 356(1) “Treason against the State”, 361–1(3) “Creation of an extremist formation or participation in it”) and his relatives.*

At the start of 2024, Aliaksandr was transferred from the Penal Colony No. 15 (Mahiliou) to the Penal Colony No. 2 (Babruysk) and then the regime for serving his sentence was tightened: he was transferred to the Prison No. 4 (Mahiliou).

Oksana Kapshul (Aliaksandr’s Kapshul former wife) was detained in January 2024 during mass detention in relation to trade unions and political activists and their relatives in Polotsk

and Novopolotsk. She was sentenced on 30 January 2024 for subscription on extremist materials under article 19.11 of the CAO "Distribution, production, storage, transportation of information products containing calls for extremist activities or promoting such activities"; on 29 February 2024 – under article 25.15(2) of the CAO "Violation of legislation on foreign gratuitous aid".

Administrative detentions and arrests

4.9. Persecution of Kyril Barstok (BNP, OJSC "Naftan").

Kyril was detained at the end of March 2024 and sentenced to 25 days of administrative arrest under articles of the CAO: 19.11 "Distribution, production, storage, transportation of information products containing calls for extremist activities or promoting such activities", 24.23 "Violation of the procedure for organizing or holding mass events".

4.10. Persecution of Alena Vinakurava (BNP, OJSC "Naftan").

Alena was detained on 23 January 2024 during mass detentions in relation to trade unions and political activists and their relatives in Polotsk and Novopolotsk.

4.11. Persecution of Eugene Mikhlovsky (BNP).

On 12 December 2023, Euheni was sentenced to 15 days of administrative arrest under article 19.11 of the CAO "Distribution, production, storage, transportation of information products containing calls for extremist activities or promoting such activities".

Mass detentions of workers on the enterprises during their working days with cooperation with administration of the enterprises:

4.12. On 15 March 2024 there were detentions of workers of PUE "Rinaplastik" (Shchuchin) in relation to the distribution of extremist materials.

4.13. On 31 January 2024 there were detentions of 5 workers of OJSC "Glassworks "Neman" (Neman Glass Factory) in relation to the distribution of extremist materials.

4.14. In January 2024 there were detentions of about 10 workers of OJSC "Shchuchinagrokhimservice" in relation to the distribution of extremist materials.

4.15. In January 2024 there were detentions of as minimum of 4 workers of enterprises in Motol.

Searches at the premises of trade unions and labour activists

4.16. On 8 January 2024, a search was carried out in Novopolotsk at the place of registration of Naftan strike participant Aliaksei Malinovsky.

(signed)

Sincerely, Acting Chairperson of the BKDP
Maksim Pazniakou



IV. Information and discussion on the application of ratified Conventions (individual cases)

The Committee has adopted short, clear and straightforward conclusions. Conclusions identify what is expected from governments to apply ratified Conventions in a clear and unambiguous way. Conclusions reflect concrete steps to address compliance issues. Conclusions should be read with the full minutes of the discussion of an individual case. Conclusions do not repeat elements of the discussion or reiterate government declarations which can be found in the opening and closing of the discussion set out in the Record of Proceedings. The Committee has adopted conclusions on the basis of consensus. The Committee has only reached conclusions that fall within the scope of the Convention being examined. If the Workers, Employers and/or Governments had divergent views, this has been reflected in the Committee Record of Proceedings, not in the conclusions.

Algeria (ratification: 1962)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Written information provided by the Government

The Government notes the comments of the Committee of Experts, which emphasize that Algeria regularly provides detailed information in reply to the observations made by trade unions, and in reply to the Committee's recommendations.

Articles 1 and 2 of the Convention

The principles of the Convention are enshrined in the Algerian Constitution of 2020 and the labour legislation, allowing trade union organizations to exercise their rights freely. The revised Constitution of 2020 reaffirms these principles, including protection against discrimination, freedom of expression, the right to organize and the right to strike.

The labour laws of 1990 set out the rights of representation, collective bargaining, workers' participation and the free exercise of the right to organize without discrimination. Moreover, Algeria has made significant progress in relation to social dialogue, collective bargaining and respect for fundamental labour rights, and it regularly complies with its reporting obligations in accordance with its international commitments.

With regard to the allegations of anti-union threats and dismissals affecting persons who claim to be affiliated to the Trade Union Confederation of Productive Workers (COSYFOP), it is important to note that this Confederation and its three affiliated organizations (the SNSTF, SNSAE and SNSCDPP) have ceased all trade union activities since 1991.

In its reports on the effect given to the recommendations of the Committee on Freedom of Association (communication No. 224 of 14 April 2024), the Government has regularly provided information on the COSYFOP and its affiliated organizations, indicating that they have never provided the necessary information for the assessment of their trade union representativeness or the renewal of their executive bodies.

As the complainants have not provided any proof of their status as members, these allegations are without legal standing. The Government therefore calls for the closure of all the cases related to complaints by the alleged trade union leaders and delegates of the COSYFOP.

Sections 133 to 147 of Act No. 23-02

In accordance with sections 133 to 147 of Act No. 23-02, the labour inspection services received 32 complaints from trade union delegates during the course of 2023, of which 26 were in the public sector and six in the private sector.

Following the registration of these complaints, the labour inspectorate undertook 32 investigations with employers, resulting in five warnings, three compliance notices, four violation reports and two situation reports.

The action taken by labour inspectors led to the retraction of four penalties imposed by employers, including the cancellation of a dismissal. Moreover, 24 complaints were found to be without merit by the labour inspectors responsible for the investigations. Sixteen other complaints were made by trade union delegates to conciliation offices, resulting in 15 reports of the failure of conciliation, and one complaint is still being processed.

Act No. 23-02: The protection of trade union leaders during the period of the registration of the union

Act No. 23-02 contains provisions protecting trade union leaders and members against discrimination and reprisals, thereby ensuring a conducive environment for their activities from the holding of the constituent general assembly of the union. It includes enforceable measures against any hindrance to the establishment or operation of a trade union. Any person who hinders these processes is liable to a sentence of imprisonment of between three and six months and a fine of between 50,000 and 100,000 Algerian dinars (section 156).

The Government is prepared to examine complaints by trade union delegates in accordance with the legislation that is in force and to engage, where necessary, in consultations with the social partners to improve trade union representativeness and protection.

Section 8 of Act No. 23-02: Protection against interference

Act No. 23-02, in section 8, prohibits any external interference in the functioning of trade unions, except in the circumstances envisaged in the law, in order to protect their independence and autonomy. The exception provided for in section 8 is related to section 49, which provides that gifts and legacies from external sources are only acceptable with the prior agreement of the administrative authorities. The authorities verify the origin, amount and compatibility of these contributions with trade union objectives.

Sections 8 and 49 therefore guarantee that unions operate in full independence and in accordance with the law, by ensuring the legitimacy of financial contributions and maintaining the trust of the members.

Section 69 of Act No. 23-02

In response to the observations by the Committee of Experts concerning section 69 of Act No. 23-02, it should be noted that the criteria of financial transparency and political neutrality are requirements newly introduced by the Act.

In this regard, the Government wishes to specify as follows:

- The criterion of financial transparency was introduced with a view to ensuring the robust and transparent management of the financial resources of trade unions, including the contributions made by their members.

Under the terms of sections 46 to 49 of the Act, the resources of trade unions include the contributions paid by their members, income from their activities, gifts and legacies, and subsidies by the State and local communities. This income must be used solely for the objectives of the trade union and in accordance with the respective legal provisions.

Sections 50 to 52 set out the requirement for them to maintain their accounts in accordance with the commercial standards in force and to submit annually to the authorities their financial balances certified by an auditor and the report on their activities, as adopted by the General Assembly.

Accordingly, in order to meet this criterion of financial transparency, unions are required to comply with the above directives and rules, which are intended to ensure the integrity and credibility of the unions in their function of representing workers. They favour transparency of financial governance and ensure the appropriate management of trade union funds by requiring financial reports and compliance with the accounting and managerial standards in force.

Furthermore, this criterion is intended to strengthen the trust of members in their representative organizations and also contributes to the prevention of potential conflicts and disputes, which have often characterized the management of many trade unions and been brought before the competent jurisdictions.

- With reference to political neutrality, this criterion is intended to prevent any partisan political influence within trade unions, with a view to maintaining their independence and their capacity to represent in an equitable manner the interests of all their members.

This political independence of trade unions guarantees that the decisions taken really reflect the collective interests of the workers, irrespective of their political beliefs and affiliation, while at the same time respecting the political and partisan freedom of choice of each member, as set out in section 12 of Act No. 23-02, which provides that “the members of the trade union shall be free in an individual capacity to join political parties”.

Accordingly, the criterion of financial transparency and political neutrality are intended to ensure that representative trade unions use their financial resources exclusively for trade union activities in accordance with their statutes. That ensures that no financial resources are used for partisan political action.

- With reference to the voting strength in occupational elections, it should be noted that this provision responds to a claim put forward for several years by the unions active in the public service.

Section 35 of Act No. 90-14 on the procedures for the exercise of the right to organize, which has now been repealed, provided that: “Workers’ trade unions with a membership of at least 20 per cent of the total number of employees covered by the statutes of those trade unions and/or a representation of at least 20 per cent on the participation committee, where the latter exists within the employing organization concerned, shall be considered to be representative in the same employer entity.”

However, this option could only be used in public or private sector enterprises, as this body (the participation committee), composed of elected staff delegates, was not present in administrative establishments.

Accordingly, section 69 of the new Act offers an advantage to trade unions which cannot meet the criterion of the unionization rate of 25 per cent of the total number of salaried employees covered by their statutes, by enabling them to obtain the status of a

representative union when they achieve the voting strength determined in the event of occupational elections in the employing organization (election of joint committees in public institutions and administrations).

The Government re-emphasizes that the draft text of Act No. 23-02 was subject to very broad consultation before being forwarded for approval.

In the first place, in 2022, a prior consultation was held with the trade unions registered at the national level, including 53 workers' organizations and 11 employers' organizations, with a view to gathering their proposals and views on the revision of the legal framework governing the exercise of trade union rights. A second consultation was then held with the most representative trade unions, which commented on the provisions of the Bill, with most of the comments being taken into account during its drafting.

The Government reiterates its commitment to inclusive and constructive social dialogue with a view to assessing the effectiveness of the measures introduced by law and improving the current legislation.

The Government takes due note of the observations made by the Committee of Experts and once again emphasizes that the draft text of Act No. 23-02 was subject to very broad consultation during all the stages of its drafting, adoption and promulgation.

That served to show that the exhaustive information requested through an electronic platform, provided exclusively by trade unions, makes it possible to achieve a better assessment, in a transparent manner, of the representativeness of a trade union.

With reference to the concerns raised, it should be noted that the information gathered is protected by law. It will in no event be shared with employers and cannot be used for the purposes of anti-trade union discrimination.

Renewal of the representativeness of trade unions

With reference to the number of reports received each year of refusal, renewal, and appeals and their outcomes, it should be noted that, as the Act is recent, and the majority of the mandates of trade unions have not expired, this information is not yet available.

Trade unions are currently engaged in the process of providing information for the assessment of their representativeness through the electronic platform, in accordance with Act No. 23-02 and Decree No. 23-359 of 17 October 2023, determining the procedures for the assessment of the representativeness of trade unions and the content of the statistical indicators of their membership.

Article 4 of the Convention: Promotion of collective bargaining

With reference to this recommendation, and in the event that the trade union does not have the information on which its representativeness is to be assessed, workers can elect their representatives directly for the purposes of collective bargaining and the settlement of collective labour disputes. Section 131 of Act No. 23-02 provides for protection against the dismissal or termination of these elected representatives.

Application of the Convention in practice

With regard to the provision of statistics on collective bargaining, the table below summarizes the evolution of the collective accords and agreements registered by the labour inspection services (2021–24).

Year	Enterprise agreements		Enterprise accords		Branch agreements		Branch accords	
	Number	Coverage	Number	Coverage	Number	Coverage	Number	Coverage
2021	46	12 369	436	336 636	–	–	–	–
2022	46	95 180	494	438 561	03	7 465	10	12 494
2023	82	168 860	406	932 331	08	20 585	47	10 419
2024	23	12 245	159	160 329	–	–	35	80 017
Total	197	288 654	1 495	1 867 857	11	28 050	92	102 930

Discussion by the Committee

Chairperson – I invite the Government representative of Algeria, the Director-General of Employment and Integration, to take the floor.

Government representative – I wish to affirm the Algerian delegation's full support in conducting the debates in a constructive manner, actively contributing to strengthening our Organization's supervisory body for the fair application of international labour standards.

Allow me at the outset to express my Government's surprise at seeing Algeria included in the list of individual cases when the Committee of Experts invited the Government to send its full replies in 2025. Algeria has constantly worked to strengthen workers' rights since it gained independence, by joining this Organization on 17 October 1962 and ratifying 45 international Conventions on the same date, of which eight are fundamental.

All of the Constitutions adopted by the country have enshrined the right to organize, from the provisions of the first Constitution of 1963. Articles 19 and 20 of this Constitution guarantee freedom of association, speech, public action and assembly, as well as the right to organize and the right to strike. These principles were reaffirmed in the 2020 revision of the Constitution, particularly in Articles 69 and 70, which include the principles of freedom of expression, assembly, association and the right to strike. In addition, the principles of the Convention are enshrined in the Algerian 2020 Constitution, and labour legislation allows trade union organizations to freely carry out their activities within the framework of the law.

It is thanks to these guarantees enshrined in the country's basic law and other legislation that workers exercise their rights, and have formed trade unions to defend their rights in the workplace and participate in social dialogue. Currently, the trade union landscape in Algeria comprises 166 trade union organizations, of which 100 are workers' and 66 are employers'. The rights of representation, collective bargaining, worker participation and the free exercise of the right to organize without discrimination have been enshrined in legislation since 1990.

Over the past five years, Algeria has undertaken major reforms of labour legislation and regulations to adapt to the significant changes and rapid developments in the world of work. In this context, two new Acts were enacted in 2023, both of profound importance: Act No. 23-02 on the exercise of the right to organize and Act No. 23-08 on the prevention and settlement of collective labour disputes and the exercise of the right to strike. These Acts represent a considerable change in the exercise of the right to organize and the right to strike, in line with the values and principles set forth in the country's Constitution and the international commitments arising from the Organization's Conventions ratified by our country, in particular

the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Convention No. 98.

The new Act No. 23-02 has introduced simpler and more flexible trade union registration procedures, with shortened processing times, and has enshrined the independence of these trade union organizations.

This new legislative framework dedicates a whole title to the protection of worker members of a trade union organization, protecting workers against all forms of discrimination and obstacles to the exercise of trade union rights.

Section 126 of Act No. 23-02 prohibits any decision that impedes the exercise of the right to organize, including decisions of dismissal or other disciplinary measures related to membership of a trade union organization or trade union activity.

As well as being able to freely join a trade union, this Act grants foreign workers and employers the right to hold leadership or administrative positions within the trade union organization.

The powers of the labour inspection services relating to protection of the right to organize, particularly the protection of workers and trade union representatives, have been strengthened by this Act, which also toughens criminal penalties against anyone who prevents trade union freedom.

With respect to reinforcing the mechanisms of social dialogue and collective bargaining, this Act has set out more efficient, consensual, balanced and effective mechanisms aimed at fostering a conducive climate for national economic recovery and the preservation of social peace. The new Act provides for measures that encourage the peaceful settlement of collective disputes by increasing the efficiency of conciliation, mediation and arbitration.

This new legislative framework was prepared and enhanced after consultation with some 64 trade union organizations in two stages, and drafted with the help of reputable experts and senior professionals in labour law, as well as with certain tripartite advisory institutions, such as the National Economic, Social and Environmental Council (CNESE) as a constitutional institution and the National Civil Society Observatory.

In addition, workers' and employers' organizations were also consulted during the examination of the Bills before Parliament in order to gather their views. These consultations took place in a spirit of good faith, trust and mutual respect, giving the trade unions sufficient time to express their views and discuss the texts carefully in order to improve their content.

In response to the observations and recommendations in the Committee of Experts' report, Algeria has made significant progress in the area of social dialogue, collective bargaining and respect for fundamental rights at work. It constantly fulfils its international obligations, including the submission of detailed reports by the set deadlines.

In response to allegations of threats and anti-union dismissals affecting organizations or persons reportedly affiliated to COSYFOP, it is important to note that this Confederation and its three affiliated organizations ceased all union activity in 1991. The Algerian Government regularly communicated information on COSYFOP and its affiliated organizations, pointing out that they never carried out any union activity. The organizations never provided the necessary information to assess their trade union representativeness or the renewal of their leaderships. As the complainant organizations did not provide any information proving their membership, these allegations are without any legal grounds. The Government therefore requests that all cases related to the complaints of alleged representatives or leaders of COSYFOP be shelved.

Concerning the implementation of procedures to protect employees against discrimination, the relevant statistical data of the labour inspection services show that 32 complaints were filed by union representatives in 2023. Further to the registration of these complaints, the labour inspectorate enjoys independence in conformity with Convention No. 81, ratified by Algeria, and launched 32 inquiries into employers' organizations, resulting in the issuance of five notices, three reports of refusal to cooperate, four reports of contraventions and two reports of offences. The steps taken by legally qualified labour inspectors led to the annulment of four decisions by employers to take disciplinary action, including the annulment of a decision of dismissal. Further, 24 applications were found to be without grounds and 16 further complaints were filed by trade union representatives with the conciliation offices, resulting in 15 reports of a lack of conciliation, while one complaint is still being processed.

With regard to the protection of union leaders and members during the union's registration period, the Act sets out provisions protecting them against discrimination and reprisals, thus ensuring a conducive environment for their activities as soon as the union's constituent general assembly is held. The Act includes punitive measures against anyone who impedes the establishment or functioning of a trade union organization. Any person impeding these processes is liable to imprisonment for three to six months and a fine of 50,000 to 100,000 dinars (section 156).

With regard to protection against interference, section 8 of Act No. 23-02 prohibits any external interference in the functioning of trade unions in order to protect their independence and autonomy. The exception therein refers to section 49, which stipulates that gifts and legacies from external sources are only acceptable with the prior agreement of the administrative authorities. This authority verifies that these contributions are in line with the union's objectives.

Regarding the criteria of financial transparency and political neutrality, these are requirements recently introduced by the Act being discussed, and on which the Government wishes to comment as follows: the criteria of financial transparency was introduced in order to ensure rigorous and transparent management of the financial resources of trade union organizations, and the integrity and credibility of trade unions in their representative function. These criteria aim to build members' trust in the representative organizations and help to prevent possible disputes or conflicts, which have often arisen in the management of many trade union organizations and been brought before the competent departments and jurisdictions. With regard to political neutrality, this aims to prevent any partisan political influence within trade union organizations, in order to maintain their independence and their capacity to represent the interests of all members equally. This political independence guarantees that the decisions taken by trade unions really do reflect workers' collective interests, irrespective of their political tendencies or leanings, while respecting the freedom of political and partisan choice of each member. Thus, the criteria of financial transparency and political neutrality aim to guarantee that trade unions utilize their financial resources exclusively for trade union activities in line with their statutes and ensuring that financial resources are not mobilized for activities associated with partisan politics.

With regard to voting strength in occupational elections, this measure responds to a claim put forward for several years by the trade union organizations active in the public service. Only enterprises in the economic sector could draw on this possibility, through the participative committee composed of elected staff representatives. Section 69 of the new Act therefore offers an advantage to trade unions which cannot meet the criterion of the unionization rate of 25 per cent of the total number of salaried employees covered by their statutes, by enabling

them to obtain the status of a representative union when they achieve the voting strength determined in the event of occupational elections. In response to the concerns raised about the platform dedicated to representativeness, it is important to note that the information collected through this digital platform is protected by law. It will in no circumstances be shared with employers and cannot be used for anti-union purposes. The extent of the information requested through this platform, which is gathered exclusively by the trade union organizations, allows for trade union representativeness to be better and more transparently ascertained.

With regard to the renewal of the representativeness status of trade union organizations, it should be noted that, given that this Act is recent and contains transitional measures up to 2 May 2024, it has been in force for almost a month, and also that the majority of trade union section mandates have not yet come to term, this information is not yet available.

As for the promotion of collective bargaining, in cases where a trade union organization does not have the information necessary to determine its representativeness, workers may directly elect their representatives for the purposes of collective bargaining and the settlement of collective labour disputes. Section 131 of this Act provides protection against dismissal or removal of these elected representatives.

With regard to the submission of statistics on collective bargaining, the Government has regularly provided the relevant data and, on 19 May 2024, presented the latest developments in the number of agreements and collective agreements registered by the labour inspection services from 2021 to 2024.

In conclusion, the explanations and information provided in response to the comments made clearly show that since independence Algeria has worked consistently to enshrine the fundamental principles and rights at work, and will not stray from the path it is on.

Worker members – This is the first time that our Committee has been called upon to examine the application of the Convention by the Algerian Government. Nevertheless, the issue of the violation of trade union rights in Algeria is far from unknown to us and our Committee has already addressed its findings to the Algerian Government on numerous occasions in previous years, most recently in 2019.

We also recall that the Committee of Experts has for many years highlighted the shortcomings of the Algerian legislation, particularly with regard to the protection of workers against acts of anti-union discrimination and acts of interference. In this context, the exercise of trade union freedoms by Algerian workers is effectively and durably compromised.

We take note of the adoption of Act No. 23-02 of 25 April 2023 on the exercise of right to organize. According to the Government, the Act would provide enhanced protection against acts of trade union discrimination, in particular by introducing a procedure for the worker subjected to discrimination to refer the matter to the labour inspectorate. In this context, labour inspectors have been granted enhanced prerogatives, in particular to conduct investigations and record infringements.

We also take note of the additional information sent by the Algerian Government in May 2024 that clarifies some of the new provisions of the Act. We note in particular that section 156 of the Act punishes obstruction to the formation or functioning of a trade union with a prison sentence of three to six months and a fine of 50,000 to 100,000 dinars. Nevertheless, in view of the numerous cases of anti-union discrimination regularly reported to the various ILO supervisory bodies, it is doubtful whether this provision will be applied in practice.

More generally, the legislation does not provide sufficient protection for workers. In this regard, we highlight the widespread employers' practice of dismissing the founding members of a trade union during its registration period, which in practice can take several years, without the latter benefiting from the protections afforded by the legislation against anti-union discrimination. Moreover, as highlighted by the high-level mission in 2019, certain enterprises and authorities excessively use judicial action against trade unions and their members. On the other hand, court rulings ordering the reinstatement of trade union leaders are yet to be given effect.

We recall that under Article 1 of the Convention, workers must enjoy adequate protection against all acts of anti-union discrimination in employment. Anti-union discrimination is one of the most serious violations of freedom of association since it can jeopardize the very existence of trade unions.

We urge the Government to adopt legislation, in consultation with the social partners, to strengthen the protection of workers against acts of anti-union discrimination, including during the period of registration of an established trade union. In this regard, we call on the Government to increase the penalties against employers who use anti-union strategies. We also call on the Government to improve and speed up administrative and judicial procedures to identify and remedy acts of anti-union discrimination. We further request the Government to look at ways to speed up the registration procedures of trade unions.

Finally, section 8 of Act No. 23-02, relating to protections against acts of interference, stipulates that gifts and legacies from external sources are only acceptable with the prior agreement of the administrative authorities. These authorities verify the origin, amount, and compatibility of these contributions with trade union objectives. We wish to recall that, pursuant to Article 2 of the Convention, workers' organizations must enjoy complete independence from employers in the exercise of their activities and that the public authorities must exercise extreme restraint with regard to any intervention in the internal affairs of trade unions. We urge the Government to remove this provision.

We note that the Committee of Experts expressed reservations about the conformity with the Convention of the provisions of Act No. 23-02 regulating the validation and maintenance of the status of representativeness of trade union organizations. In particular, it points out that this system could have negative effects on the development of industrial relations and collective bargaining in Algeria.

The Act defines in particular the criteria for the representativeness of a trade union organization. In addition to measuring electoral strength and the number of members, the Act stipulates that the financial transparency of accounts and political neutrality will also be taken into account. In this regard, we share the concerns of the Committee of Experts as to the impartiality and objectivity of these last two criteria.

We note the additional information sent to our Committee by the Government which provides some clarification. The criterion of financial transparency would aim to "ensure rigorous and transparent management of financial resources, including members' contributions, in order to ensure that they are used only for the objectives of the union, in accordance with the legal provisions". This vague and general wording could lead to interference by the authorities in the financial management of trade unions. As for the criterion of financial transparency, its objective and implementation remain unclear, to say the least.

We therefore echo the request of the Committee of Experts to consult the social partners on the modalities for the recognition of representativeness under Act No. 23-02, and to revise these criteria.

In addition, the Act imposes excessive conditions for the maintenance of the representative status of trade union organizations. The latter must obtain every three years a certificate issued by the administration after communication of information concerning their adhering members which, according to the Act, would make it possible to assess representativeness. This frequency seems excessive and likely to prevent the proper functioning of the trade unions.

Additionally, trade unions are legally obliged to provide the employer with information relevant to the criteria of representativeness, in particular the name and social security number of each member, the number and date of the membership card, and the contributions paid. This provision is also excessive and can lead to anti-union discrimination.

We consider that these new provisions constitute an infringement of the freedom of workers to form organizations without prior authorization, as well as undue interference in the internal affairs of workers' unions. We urge the Algerian Government to revise these provisions, in consultation with the social partners, in order to fully guarantee the rights of workers and trade unions, as protected by the Convention.

Finally, it appears that the legislation does not include provisions on the rights of minority trade unions. We reiterate the principle that where no union represents the percentage of workers required to be declared an exclusive bargaining agent, collective bargaining rights must be granted to minority unions, at least on behalf of their own members. We therefore call on the Algerian Government to adopt measures to this effect.

Employer members – The Employer members would like to thank the Government for the written and oral information shared with the Committee. Convention No. 98 is one of the ten fundamental Conventions of the ILO, which Algeria ratified in 1962. The Committee of Experts has made observations in this case six times since 1991, culminating in 2023. There was also a high-level mission that visited the country in May 2019. The Committee is examining this case for the first time.

By way of general context, we understand that Algeria is undergoing a reform process to modernize legislation on trade union status. In 2023, Algeria adopted two Acts in this regard, namely, Act No. 23-02, 25 April 2023, on the exercise of the right to organize and Act No. 23-08, 21 June 2023, on the prevention and settlement of collective labour disputes and the exercise of the right to strike.

We further note that these Acts actually came into force at the beginning of May 2024 and that the Committee of Experts raised concerns on the procedures and measures for protection against anti-union discrimination, and requested the Government to submit its comments in 2025. Notwithstanding the deadline granted to the Government to present comments on the implications of these Acts in respect of the effective recognition of the right to organize and collective bargaining, the Government was invited in advance of the indicated date by the Committee of Experts to provide us with comments on the issues at stake.

In its latest observations, the Committee of Experts requested the Government to take the necessary measures, on the basis of Articles 1, 2 and 4 of Convention No. 98, so that acts of anti-union discrimination are prohibited and effectively punished, that union representativeness is established objectively, and that collective bargaining is further promoted by the authorities.

In its response, the Government draws our attention to the following elements in particular: first, to the high-level mission which visited Algiers in May 2019 as part of the recommendations of the Committee relating to Convention No. 87, which extensively addressed the issue of anti-union dismissals. This situation is also being followed up by other ILO supervisory bodies. We further note the explanation for the impediment for COSYFOP and its affiliated trade union organizations, not being recognized as representative trade unions and as such, not being in a position to conduct collective negotiations.

Second, concerning the procedures for protection against anti-union discrimination, the Government provides explanations on the new procedure allowing a salaried worker, who considers him or herself to be the victim of an act of anti-union discrimination, to refer the matter to the labour inspectors, who now have enhanced powers to investigate and take further measures, including the referral to the competent courts if the employer refuses to comply.

Third, concerning the protection of trade union leaders and members against discrimination and reprisals during the procedure for recognition of a union, we understand that the Government is open to engaging in consultations with social partners to improve representativeness and union protection and overcome challenges exposed by the outstanding complaints of union delegates.

The Government provides explanations on the basis of the conditions of union representativeness, where political neutrality aims to prevent any political influence on union activities. It explains that this criterion must be understood in light of the historical context where Algerian unions, particularly in the 1990s, could not function independently. As for financial transparency, its aim is to ensure rigorous and transparent management of the financial resources of trade union organizations, including the contributions of their members. The accounts of unions must be certified by an independent and approved auditor, as is the case for any other organization. This obligation aims to ensure the integrity and credibility of unions in their function of representing workers.

Fourth, concerning the personal data of affiliates which must be transmitted in particular to renew the status of representative union every three years, the Government specifies that this data is encoded by the unions on a secure electronic platform and that under no circumstances can the employer access it. This platform is exclusively managed by the State, in absolute compliance with legislation on the protection of personal data. Therefore, the data cannot be a source of discriminatory decisions by the employer.

Finally, the Government provides a number of collective agreements and social agreements concluded since 2021 in sectors of activity and at company level.

The Employer members reaffirm the vital importance of the Convention for all ILO Member States, as a fundamental Convention. The right to organize and bargain collectively, for both employers and workers, is a prerequisite for ensuring the application of the ILO standards.

We insist that national laws and practices guarantee this fundamental right. Anti-union acts must therefore be punished severely and effectively by national legislation and practices. Governments must actively promote freedom of association and the right to bargain collectively by social partners.

The Employer members note that Act No. 23-02 of 25 April 2023 on the exercise of the right to organize raises some questions by the Committee of Experts where some challenges may require further action by the Government in the context of social dialogue. We observe,

however, and we trust that the Government is open to engaging in consultations with the most representative organizations of employers and workers to overcome challenges where they exist.

Therefore, the Employer members call on the Government to continue on the path of social dialogue and to honour the request of the Committee of Experts to initiate consultations with the most representative social partners. We further stress the need for the Government to respect and safeguard the representativeness of employers' and workers' organizations with a view to engaging in effective social dialogue. We call on the Government to strengthen the dialogue and collaboration with the General Confederation of Algerian Employers (CGEA), the most representative organization of employers. The CGEA can provide guidance and input, and constructively engage with the Government, with a view to overcoming any challenges that the effective implementation of the Acts Nos 23-02 and 23-08 may pose, and to ensuring compliance with the principles laid down in Convention No. 98.

Worker member, Algeria – I am speaking on behalf of the General Union of Algerian Workers (UGTA), which represents over 2 million workers. At the last congress of the UGTA in July 2023, a new leadership was elected which, as soon as it was established, introduced a policy of trade union unity and of active participation in the tripartite social dialogue that is being consolidated in the country.

This commitment by the UGTA is further illustrated by its active involvement in several projects dedicated to social dialogue launched by the ILO for countries in the region. This is particularly the case for the SOLiD project to strengthen social dialogue within the Southern Mediterranean region, and the SOLIFEM project dedicated to the transition from the informal to the formal economy. Furthermore, two consultants selected by the ILO to conduct missions linked to these two projects are officials from the UGTA.

Allow me to digress for a moment to give you some information before returning to the matter under discussion today. It is interesting to note that, during the period 2022 to 2024, the Algerian Government implemented major measures in favour of employees, particularly in terms of social benefits. I will summarize them in three brief points: the wages of public officials in Algeria were increased by 47 per cent over a period of two years between 2022 and 2024; minimum retirement pensions were increased by 33 per cent, covering both allowances and minimum retirement pensions; and unemployment insurance or unemployment benefits were established in the country which cover bonuses for jobseekers and which amount to 75 per cent of the guaranteed national minimum wage. I will end here and return to the matter at hand.

In 2023, two Acts were promulgated, namely, Act No. 23-02 on the exercise of the right to organize and Act No. 23-08 on the prevention of disputes and the exercise of the right to strike. On one hand, these two Acts represent a clear step forward as they now make it possible for workers from several sectors of activity to establish trade union confederations. However, on the other hand, some provisions of these Acts allow for restrictive interpretations that may, in practice, undermine the free exercise of the right to associate and organize, the independence of trade union organizations and the right to strike.

It is for this reason that the UGTA has requested the initiation of dialogue with the Government on the revision of these provisions, in a manner that better guarantees the right to organize for workers and strengthens inclusive social dialogue that is effective at all levels. The UGTA welcomes the positive response to its request from the highest authority in the country.

As part of its unified action, the UGTA, which was approached by the Confederation of Algerian Trade Unions (CSA), a group of 13 trade unions in the process of being formed, decided, together with the CSA, to set up a task force to develop common proposals for the amendment of provisions of the two aforementioned Acts and to submit the proposals to the Government and for dialogue.

The UGTA affirms that this unified action is not intended to be limited solely to the CSA, but rather remains open to all trade union organizations in the country, on the condition that the CSA has a genuine union presence on the ground, regardless of how far it extends. This action is the result of the UGTA's deep conviction that social dialogue at the national, regional and international level is an invaluable tool for resolving the issues faced by workers and countries.

Given the above, the UGTA expects genuine and constructive support from the ILO which must, in accordance with its founding and guiding principles, encourage all processes in its Member States aimed at reaching compromises through social dialogue, in order to strengthen freedom of association, the right to organize of workers and the right to collective bargaining.

The ILO must, from our point of view, and if needed by the social partners, provide technical assistance for the conclusion of this dialogue. We urge the ILO to refrain from taking measures that would hinder this dialogue instead of promoting it. The ILO must, in this regard, give priority consideration to the trade unions that have a genuine and effective union presence on the ground.

Our request is all the more justified given that the case of Algeria under discussion today was initially scheduled for the 2025 session of the Conference. We have ample time to give social dialogue every chance to succeed and to resolve the issue through dialogue.

Interpretation from Arabic: Another Worker member, Algeria – On behalf of the National Autonomous Union of Public Administration Personnel (SNAPAP), which has been active since 1990, I would like to express its astonishment at seeing Algeria included on the list of countries established on the basis of an erroneous report containing false information, especially concerning Act No. 23-02 on the exercise of the right to organize. I would like to assure you that we are cooperating fully alongside the other trade unions.

Concerning trade union restrictions, given that we are the second trade union central organization in Algeria, we represent all sectors of work, and we wish to assure you that dialogue and consultations have been established on a permanent basis between the social partners and the Government.

The incidents mentioned in the report were recounted by persons who have nothing to do with trade unionism. They have tried, on several occasions, to seize control of our trade union, SNAPAP, and to flout fundamental laws and the internal regulations of our trade union organization. We went to court and took legal action against these persons who usurped the legitimate leadership of the trade union. Following a series of legal proceedings before the courts of first instance and the High Court, we won the case.

The same group of persons also attempted to take control of the Autonomous National Union of Electricity and Gas Workers (SNATEG) and, after the Ministry of Labour published a list of registered trade unions, the same individuals tried once again to seize control of COSYFOP. The actions of these persons have no connection with the work of trade unions. They are trying to deceive international trade unions and to mislead the delegates of this

honourable and respectable Organization which is trying to ensure the exercise of the right to organize in accordance with international conventions and national legislation.

We therefore request the Committee to definitively close the discussion on Case No. 2153. This would send a positive signal to Algerian trade unionists and would show that the ILO does not tolerate fraudulent behaviour.

Employer member, Algeria – As the most representative and independent employers' organization in Algeria, we, the CGEA, note with great interest that the Government confirmed in its intervention that it has taken due note of the Committee of Experts' request to reply in 2025 to the questions raised in its report, and just examined by this Committee, and with which it aligns itself. My organization will work closely with the Government in preparing these responses in 2025, as requested by the Committee of Experts.

During his visit to Algeria and with the CGEA in September 2023, International Organisation of Employers (IOE) Secretary-General, Roberto Suarez, was received by the Minister of Labour. He emphasized the importance of further strengthening dialogue.

Recently, in April 2024, we also received a visit from the ILO Director-General, Mr Hounbo, at our Organization's headquarters in Algiers. During these exchanges between the Director-General and the President of our Confederation and my Confederation's governing board, we also talked about strengthening social dialogue with the CGEA.

The Government must also be recognized for submitting to social dialogue with the social partners the amendments to Act No. 23-02 of 25 April 2023 on freedom of association and Act No. 23-08 of 21 June on the prevention and settlement of labour disputes. This was confirmed by the employers' organization, CGEA, a member of the IOE.

It should also be noted that these new reforms, which come after 34 years, aim to strengthen the safeguards for the exercise of the right to organize in Algeria, along with other reforms initiated by the Government to modernize the economy and create decent jobs for our young people. As these are recent Acts, we will have to wait to see how they develop and are applied in practice before judging the impact of these new safeguards.

It would be fitting for the Committee to recognize this progress and encourage the Government to further strengthen dialogue with its social partners, improve the exercise of the right to organize in practice, and strengthen the independence of the social partners and the dialogue between them.

Another employer member, Algeria – I represent the Council for the Economic Recovery of Algeria (CREA), an employer organization as independent as our friends' organization, the CGEA. Beyond any technical input, we wish to align ourselves fully with the statement made by the workers' trade unions and our colleague at the CGEA and, in addition, I wish rather to show you a vision of the new Algeria because we have been speaking about events before 2019. The whole world knows that in 2019 Algeria was the scene of a great pacifist movement called the Hirak, which gave way to the introduction of a new Algeria that is being built with new reforms, new laws and, above all, with the whole population – trade unionists, authorities and others.

In the Algeria of 2024, there are two new words in the spotlight: the first is "consultation". Before 2019, there was very little consultation, or at least only among a few parties. Today, consultation has truly become a way for the Algerian State to engage with all institutions, civil society, trade unions and so forth. We were consulted widely on Act No. 23-02 (those who were consulted are resident in Algeria and, obviously, those who are not resident in Algeria cannot be consulted) and CREA made proposals concerning this Bill, some of which were accepted. I

wish to add that, when, in establishing the terms and conditions for the statutes, particularly with regard to women's representation – and excuse me, but as a woman this makes my hair stand on end – a trade union labels as “interference” the application of conditions for women's representation on governing boards – while today we are all working towards gender parity – then we are in favour of State “interference” when it is necessary to ensure women's representation on trade unions' governing boards.

The second point concerns the separation of trade union and political activities. Freedom does not mean anarchy, and freedom of association does not mean trade union anarchy. We need rules, we need directives to be able to effectively carry out our activities, be they political or trade union-related, with mutual respect.

Turning to foreign funding, as employers, we consider that the strength of a trade union lies in the strength of its members and that its financial independence begins first with its members' contributions. How can we explain that a trade union, a so-called workers' union, is demanding foreign funding? Why and what for? Where are its members' contributions? What about its financial independence? Thus, Act No. 23-02 does not prohibit foreign funding. It requires that these funds be identified and earmarked, and effectively allocated for a specific trade union activity. I think all countries worldwide act in this way. We currently live in a world in total upheaval and it is important for each of us, in our own country, to check that the foreign funds received are not used for ill-intentioned purposes. Algeria is a country that is really trying to establish an approach that is more transparent financially, and I think we need to support it in this.

Furthermore, with our employer and worker colleagues we are preparing the upcoming national tripartite meeting. We will advance and make new proposals to verify that all the criteria that apply to Algerian trade unions are aligned with the criteria applicable to international trade unions. But Algeria needs time to rebuild, please, because we need it, because this country is in the thick of development, because this country has an increasingly growing population, which needs jobs, employers who create jobs and employers who create new investments. So I really think Algeria should be left to rebuild itself, and the Committee of Experts should be requested, as all my Algerian colleagues mentioned earlier, to give us the possibility to provide updated replies. That is to say that, to speak of what happened in 2019 in 2024 gives me the impression that I am a little late, or have taken the train in the opposite direction.

Government member, Cuba – We thank the delegation of Algeria for the information providing elements on the exercise of freedom of association in the country and on collective bargaining, which demonstrates the willingness of the Government to maintain communication and cooperation with the ILO supervisory bodies, and the decision to honour its commitments. We highlight the information on the updating of standards since 1990 and more recently in 2020, particularly labour legislation. These updates contribute to the alignment of national legislation with international labour standards on matters such as protection against discrimination, freedom of expression and social dialogue.

As in other cases, we appreciate that the information provided by all parties must be examined in an impartial manner. It is also important to give equal value and consideration to the replies provided by the Algerian Government, the Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association.

We reiterate the importance of continuing to promote tripartism and respectful discussion in each country, as well as the spirit of dialogue and cooperation. We hope that the conclusions of this discussion will be objective, technical and balanced, and that the views and

information provided by the Algerian authorities will be taken into account, and properly assessed and weighed.

Employer member, New Zealand – Thematically, this case is about representativeness. In this regard it is concerning to note in the Committee of Experts' report an ongoing trend concerning acts of anti-union discrimination and interference against independent unions and their leaders and the contrasting perspective from the workers from Algeria. This contrast clearly needs some resolution. We appreciate that the Committee of Experts has asked for responses on a variety of questions by next year, so my comments are made in the spirit of encouraging effective dialogue between now and then. We accordingly support the request of the Committee of Experts that the Government provide its comments without delay in this regard so that effective social dialogue may take place with the social partners.

We also want to be clear about who the social partners are. The commonly accepted definition is "the most representative organizations of workers and employers".

In this light, the Government should indicate whether consultations have taken place or are envisaged to address the question of the protection of union leaders and members during the registration period of an established union. If not, the Government should initiate consultation of the properly representative social partners on the issue.

We also echo the call of the Committee of Experts for the Government to provide timely information on the renewal of the representative status of organizations, in particular to indicate the number of certificates provided each year, refusals of renewal, appeals and their results. Making changes is hard, and often there are obstacles. However, we see a real possibility for positive outcomes in Algeria; the key is effective social dialogue. And social dialogue is most effective when it involves the voices of the widest possible sections of the economy. We therefore urge the Government to use all the representative avenues available to it in this regard.

Worker member, France – Today, it is important to recognize the voice of the Algerian trade union leaders who have been forced into exile to escape persecution by the Algerian Government. The repression does not stop at the borders of Algeria. Several independent trade union leaders were forced into exile in Europe in order to ensure their safety and that of their families.

These leaders include the President of the Algerian Union of Industries (UAI), Hamza Kherroubi, General Secretary of SNATEG, Abdelkader Kouafi, and President of COSYFOP, Raouf Mellal. They had to leave their home country, not by choice, but to escape relentless persecution.

Unfortunately, the prominent trade union leader and president of SNAPAP and the General and Autonomous Confederation of Workers in Algeria (CGATA), Mr Rachid Malaoui, was not so lucky. Also forced into exile in France, he died in December 2023 in appalling conditions. His death was followed by another ordeal in terms of the difficulties experienced with the Algerian embassy in France to repatriate his remains. Rachid Malaoui now rests in Algeria, but the obstacles encountered in his repatriation underscore the harsh reality experienced by independent trade union leaders in Algeria.

In its interim report published in February 2024 (Case No. 3434, COSYFOP), the Committee on Freedom of Association adopted a firm stance by requesting the Algerian Government to ensure that Mr Mellal, Mr Kouafi and Mr Kherroubi are able to return to their country to carry out their trade union activities in a climate free from violence, pressure and threats.

This request is essential for the survival of the autonomous trade union movement in Algeria. The right to organize and the right to collective bargaining cannot exist without a climate of trust and security. This climate requires the return of the trade union leaders forced into exile in Europe, so that they can continue to fight for the rights of workers alongside their comrades in Algeria without fearing for their lives and safety.

Lastly, the support of the Committee is crucial to guarantee the right to organize and to collective bargaining in Algeria.

Interpretation from Russian: **Government member, Belarus** – We are grateful to the Government of Algeria for providing detailed information on this matter. We note Algeria's commitment to active engagement with the supervisory bodies of the ILO. We welcome the work of the Government to broaden the base of the legislative framework regulating collective bargaining and the exercise of the right to strike.

We note positively the measures implemented at the national level to prevent discrimination or infringement of workers' rights, as well as the prevention of unwarranted interference in trade union activities.

The information provided by the Government, which indicates the effective operation of the labour inspectors, merits our attention as it ensures the protection of workers' rights in practice.

With regard to Act No. 23-02, providing protection from external interference, we believe that such measures protect national interests and provide a stable internal political context. Taking such measures is an inalienable right of every sovereign country. Similar regulations exist in many Western countries.

We call on the ILO supervisory bodies to assess the situation objectively and impartially, and using reliable sources of information.

The Government's concern about information being provided to ILO supervisory bodies from individuals allegedly representing trade unions that ceased their activities more than 20 years ago is of some concern.

We call on the ILO to continue providing technical assistance to Algeria with a view to further progress in the protection of workers' interests and rights.

Employer member, Germany – Convention No. 98 is one of the ten fundamental Conventions of the ILO, which was ratified by Algeria in 1962. The German employers would like to stress the importance of States' compliance with the ratified Convention.

The Convention sets out principles on the right to organize and collective bargaining, for both employers and workers. The Convention provides, in Article 2, equal protection to workers' and employers' organizations against interference into the autonomous organization and running of their internal affairs.

It should be noted that Algeria has implemented the recommendations that were formulated at the end of the high-level mission of May 2019. The Act of 25 April 2023, relating to the exercise of the right to organize was preceded by a broad consultation of the social partners.

Three rounds of social consultations with over 60 social partner organizations concerning the criteria of representativeness, union discrimination, protection against reprisals, non-interference and collective bargaining autonomy enabled an in-depth discussion.

In its latest observations, the Committee of Experts asked the Government to take the necessary measures on the basis of Articles 1, 2, and 4 of the Convention so that acts of anti-union discrimination are prohibited and union representativeness is established objectively. It should be noted that the Committee of Experts asked the Government to reply in full to the present comments in 2025.

The employers call on the Government to provide the ILO with all the information requested by the Committee of Experts and to request technical assistance from the ILO to comply with the Convention.

To conclude, we encourage the Government to promote social dialogue and to intensify its consultations with representative organizations of employers and workers, with a view to applying the fundamental principles of Convention No. 98 in law and practice.

Worker member, Spain – I am speaking on behalf of the Spanish Trade Union Confederation of Workers' Commissions. According to the Global Rights Index 2023 of the International Trade Union Confederation, in general, the region of the Middle East and North Africa continues to be the worst region in the world in terms of workers' rights. The areas of conflict in the region have witnessed the destruction of the rule of law and, therefore, neither the rights of workers nor their fundamental freedoms can be guaranteed.

In other countries, as has already been discussed in the case of Tunisia by this Committee, a new Constitution was unilaterally adopted in July 2022, without consultation of the political parties or the social partners. This is a region-wide offensive that does not affect just one country.

As a result, last year, violations of the Convention occurred, and countries such as Algeria are unfortunately no exception to this offensive.

In Algeria, independent trade unions continue to struggle to obtain registration from hostile authorities, which severely hampers their ability to function effectively. There is also the issue of "cloning" of trade unions in the country.

Amnesty International's report, *The State of the World's Human Rights*, published in April 2024, shows how, in general, the Algerian authorities have stepped up the reduction of space for civil society, handing down convictions against activists, trade unionists, journalists and researchers for exercising their right to freedom of expression, and have shut down websites and ordered the closure of human rights associations.

The same report also indicates that, in May, Act No. 23-02 was promulgated, which restricted the right to form trade unions, allowing the authorities to reject applications by implementing vaguely worded provisions related to "national unity" and "national values and constants", and also enabling the authorities to dissolve a trade union on various grounds such as persisting in "illegal" strike action, and to fine any trade union that joins an international, continental or regional trade union organization without informing the authorities. Furthermore, it established prison sentences of up to one year and fines for those who received foreign donations or legacies without the prior approval of the authorities.

The situation in Algeria is very serious and reflects a worrying escalation of repression in Algeria. It is essential for the Committee to demand that the Algerian Government initiate a process of open and constructive dialogue between the Government and the trade unions alleging the violation of this Convention, and to ensure respect for the fundamental freedoms of all workers in Algeria.

Interpretation from Arabic: **Government member, Sudan** – The Government of Sudan aligns itself with the statement of Algeria and supports the reforms that Algeria has undertaken in implementing the obligations emanating from the ILO Conventions that it has ratified, namely Convention No. 87 as well as Convention No. 98.

Sudan values the full cooperation of the Government of Algeria with the ILO supervisory bodies by providing all the required replies and clarifications. It seeks to take into account the comments of the committees, especially the Committee of Experts.

Sudan also appreciates the measures taken by Algeria by adopting new legislation and gradually making amendments to its current labour legislation. Some amendments have already been implemented, which has contributed to enhancing the fundamental rights of workers and ensuring decent work conditions for employees and workers in the public and private sectors.

All amendments and new legislation that Algeria has adopted are in the interest of freedoms and in respect of the values and principles stipulated in the Constitution and international labour standards, especially those related to social dialogue.

Algeria has remained a pioneering country calling for non-politicization of the work of the Organization. It has benefited from its own experiences in the path of dialogue and the respect of fundamental labour rights. It has also made these experiences available to Member States in the region. Sudan appreciates Algeria's wish to also benefit from other comparative experiences and to exchange experiences with other countries in legislation related to union representation.

Sudan requests the closure of this complaint and the withdrawal of Algeria from the list of individual cases, as we believe that Algeria has played a major role in ensuring the implementation of labour rights and standards.

Employer member, Colombia -The Convention and the reiterated comments of the Committee of Experts refer to the need to implement protection measures against anti-union discrimination and interference, and the commitment to conducting effective consultations based on social dialogue, as a key tool for developing joint proposals among employers, workers and governments, in order to promote growth, peace and general well-being.

In this regard, to achieve genuine dialogue and, therefore, effective consultations, a climate of trust based on respect for employers' and workers' organizations is necessary.

We therefore call on the Government to restore the spaces for tripartite social dialogue with the social partners and to recognize the representatives of the CGEA as the most representative employers' organization.

The labour reform process that is being implemented in the country must be carried out in the framework of the re-establishment of social dialogue and through a work plan agreed on a tripartite basis which allows for progress to be made on the multiple challenges highlighted by the Committee of Experts.

Government member, Nicaragua – The Government of National Unity and Reconciliation of the Republic of Nicaragua recognizes the efforts and achievements of the People's Democratic Republic of Algeria regarding the application of the Convention, and its cooperation with the ILO supervisory bodies.

Nicaragua underscores that the political Constitution and laws of the Republic of Algeria establish a legal framework to protect the exercise of the right to organize, including protection against discrimination, freedom of expression and the right to strike.

We recognize that Algeria has made significant progress on collective bargaining and respect for fundamental labour rights, and regularly complies with its obligations to submit reports in conformity with its international commitments.

Regarding the comments by the Committee of Experts and on the implementation of the recommendations of the Committee on Freedom of Association, we welcome the information provided by Algeria, which has reiterated that the information submitted by the complainants has no legal basis.

In this respect, Nicaragua urges this Conference to act with impartiality, in a constructive spirit, and to promote cooperation among our nations, respecting the principles of sovereign equality of States and non-interference in internal affairs.

We commend the People's Democratic Republic of Algeria on its continued commitment to labour rights, in order to ensure the stability and social and economic development of the Algerian people.

Employer member, Spain – Regarding this specific case, the Spanish employers wish to highlight the importance of social dialogue as a factor of economic progress and social cohesion. Social dialogue is a key tool for achieving consensus that builds trust and leads to the application of policies that contribute to the establishment of favourable conditions for the creation of decent jobs, inclusive economic growth and sustainable development.

We encourage the Government of Algeria to pursue the path of social dialogue with the most representative employers' and workers' organizations in the country and to initiate effective tripartite consultations. We underscore the need for the Government to respect and safeguard the representativity of employers' organizations and, specifically, that of the CGEA, with a view to achieving effective social dialogue and solid progress towards the ambitious reform plan under way in the country.

Interpretation from Chinese: **Government member, China** – I thank the representative of the Government of Algeria for the detailed introduction and reply. We also carefully read the report of the Committee of Experts, as well as the additional information submitted by the Government. We know that the Government of Algeria has taken into account and considered seriously the comments made by parties and submitted detailed information and replies. It respects basic rights and is making progress. The labour inspection authorities are performing their duties diligently. Labour inspections are constantly being strengthened. Standards of transparency are being formed, tripartite consultation is being carried out and laws and regulations are being implemented. We appreciate the progress. We hope the Committee will adhere to the principles of objectivity and impartiality. We should listen carefully to the statement and information provided by the Government and be impartial. We should listen to the responses of all parties and take them into account in the conclusions. And we encourage the Committee to provide further technical assistance to the Algerian Government to strengthen its ability and improve its social and economic development.

Employer member, United States of America – Initially and importantly, we wish to reiterate our belief that national law and practice should guarantee those fundamental rights that are inherent in the Convention. The contours of Convention No. 98 and also Convention No. 87 are often discussed in the context of workers' groups; there is often a good and legitimate reason for that emphasis, but we must always recall that the protections of the Convention also apply with equal force to employers and their freely chosen and representative organizations. We wish to share our concern that effective and meaningful social dialogue has not been taking place in Algeria. We wish to reaffirm the most essential

importance of respect for the Convention by all ILO Member countries, as a fundamental Convention. The right to organize and bargain collectively for both employers and workers, is a prerequisite to ensuring that ILO standards are followed.

We thus call on the Algerian Government to take responsibility for fostering genuine social dialogue and follow the request of the Committee of Experts to initiate consultations with the most representative social partners. We further stress the need for the Government to respect and safeguard the representativeness of employer organizations and trade unions, which is the necessary precondition to effective social dialogue.

Government member, Türkiye – We believe that the Algerian Government's constitutional amendment in 2020, including protection against discrimination, freedom of expression, the right to organize and the right to strike, was an important step.

We also appreciate the Algerian Government's commitment to be ready to examine trade union complaints within the applicable legislation and, where necessary, to consult with the social partners to protect and promote representativeness and trade union rights.

We note the significant improvements provided by the new amendments in terms of financial transparency and political neutrality, as well as the protection of trade union leaders and members against discrimination. In particular, we believe that the financial transparency provisions will strengthen trade union members' trust in the organizations they represent, while at the same time mitigating conflicts within the many trade union organizations and reducing the number of cases brought before the courts.

We consider the political neutrality regulation to be very important in preventing political formations within trade union organizations, while at the same time preserving the independence of trade unions and their ability to fairly represent the interests of all their members.

The fact that the new Act came into force within the framework of negotiations with the social partners shows the importance given by the Government not only to its commitment to constructive social dialogue, but also to union representation within the scope of the development of the current legislative system.

Interpretation from Arabic: **Government member, Libya** – The State of Libya welcomes the reforms undertaken by the Republic of Algeria in implementing the obligations emanating from the ILO Conventions that it has ratified, namely Convention No. 87 and Convention No. 98.

Libya welcomes the enactment and the adoption by the Republic of Algeria of two new Acts in 2023, the first one on 25 April 2023. It is related to the exercise of the right to organize, and the principles and rules related to freedom of association. It enhances the protection of trade unionists and union representatives by adapting the procedures for intervention by the labour inspectorate and the judicial and administrative authorities against any arbitrary decision, particularly with regard to arbitrary dismissals of workers linked to their affiliations.

Algeria also adopted the Act on the prevention and settlement of collective labour conflicts and the exercise of the right to strike on 21 June 2023. This Act establishes more flexible mechanisms for social dialogue. Social dialogue should be consensual, balanced and effective for settling collective disputes with employers according to the new Act. The Act also encourages the adoption of measures for the peaceful settlement of collective disputes by strengthening the effectiveness of reconciliation, mediation and arbitration to create a social

environment based on dialogue, consultation, collective bargaining and legal procedures to respect the right to strike.

Libya welcomes the cooperation and continuous engagement of the Republic of Algeria with the ILO, the 2019 high-level mission and the Committee of Experts. We appreciate that it has submitted the required information and documents. The State of Libya calls for the Republic of Algeria to be withdrawn from the list of individual cases.

Employer member, Argentina – In this case, Algeria is being examined for non-compliance with ILO Convention No. 98. There is no doubt that this is a highly important Convention and is at the heart of this Organization.

It is essential for tripartite social dialogue to take place with employers' and workers' organizations which are independent, and which do not experience any interference by the State.

Algeria has provided information on the approval of recent standards regulating these matters. However, it is just as important for the approval, and the wording and spirit of these standards to be applied in practice. We therefore urge Algeria to maintain a mature social dialogue with the independent employers' and workers' representatives that are genuinely representative, and to ensure that there is no interference by the State, such as in the specific case of the employers' organization, the CGEA.

Interpretation from Arabic: **Government member, Egypt** – We welcome the statement by Algeria concerning the application of the Convention and the efforts made by Algeria to apply the provisions of this Convention. This shows to what degree Algeria is focused on implementing international labour standards. We have taken into account the constitutional reforms undertaken by Algeria, enshrining union organizations' legitimate rights. The Constitution, which has been reviewed, also now includes a certain number of rights and principles: freedom of expression, and freedom of organization and assembly, as well as the right to strike.

We followed very closely the progress made by Algeria in the area of social dialogue, collective bargaining and the respect of fundamental rights at work. Algeria is very much focused on ensuring that it meets these standards through the provisions of the Constitution. A new Act has been adopted containing provisions protecting trade union leaders and activists, protecting them from reprisals and discrimination. A certain number of trade union members have submitted complaints. There has been consultation among social partners to guarantee representativeness and the good functioning of trade unions. The Act contains requirements of political neutrality and financial transparency. These are essential in ensuring the effective and transparent functioning of these organizations.

We support Algeria in its efforts and encourage it to continue along the path of socially inclusive, constructive dialogue and to continue to improve the legislative framework and better apply international labour standards. We welcome the reforms that Algeria has undertaken to ensure conformity with the requirements of the Convention, and we hope very much that the Committee will take into account the progress that has been made.

Interpretation from Arabic: **Government member, Tunisia** – My country welcomes the positive interaction of the Algerian Government with the ILO supervisory bodies and thanks it for its renewed commitment to compliance with international labour standards.

We thank Algeria for providing information today and previously, and we also thank it for the explanations provided to the Committee of Experts. We draw your attention to the

promulgation of laws in 2023 and to those concerning the exercise of the right to organize and the prevention of collective disputes. This is a positive step, which demonstrates the extent to which Algeria is keen to improve its legislative framework in order to meet its national and international legal obligations.

The path pursued by Algeria is both collegial and participatory, which has enabled it to develop and adopt these laws, to draft legislation that defines the conditions under which trade union organizations must be formed and managed, and this also applies to the criteria for membership.

We also commend Algeria on the measures taken to strengthen trust between the social partners and to encourage the peaceful settlement of collective disputes. We once again encourage Algeria to continue its reforms and its national efforts to promote the rights of workers and the improvement of the working environment taking into account national priorities and the recommendations of the Committee of Experts.

Interpretation from Arabic: **Government member, Syrian Arab Republic** – The Syrian Arab Republic takes due note of the detailed information that has been provided by the Government of our brother country, Algeria, relating to the Convention.

We welcome the information which demonstrates that Algeria is applying the values and principles of this Convention, which are now enshrined in national legislation and in the Constitution, guaranteeing the exercise of union rights. A legislative reform has been undertaken to strengthen these rights and that is an excellent thing.

We note that Algeria is ready and willing to pursue a path of social dialogue together with the social partners and the support of the ILO. Algeria is responding consistently to questions from the Committee of Experts. We welcome these efforts, and we hope very much that the ILO and its committees will continue this constructive cooperation alongside the Government, factoring in the detailed information and explanations provided by the Government, bearing in mind that the Constitution and legislation do enshrine the principles of the Convention for the well-being of Algerian citizens and are very much in line with their interests.

Interpretation from Arabic: **Government member, Saudi Arabia** – My country has duly taken note of the information presented by the Government and we are grateful for the explanations provided. We are pleased with the progress that has been made in Algeria when it comes to the implementation of the obligations arising from the Conventions ratified by this country. We are also delighted to see that legal reforms have been adopted in the area of labour. We take a positive view, furthermore, of the social dialogue mechanism that has been put in place, which allows the country to resolve these conflicts via conciliation, mediation and arbitration. We are pleased with the efforts that have been made by Algeria which allow trade unions to exercise their right to strike as a last resort. They must first go through mediation, reconciliation and arbitration and this is guaranteed by the new legislation. We encourage these efforts to continue.

Government member, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela welcomes the statement delivered by the distinguished delegation of the People's Democratic Republic of Algeria with regard to the Convention.

It should be noted that the report of the Committee of Experts urged the country to create appropriate conditions for the registration of trade unions, thereby guaranteeing freedom of association and the right of workers to organize.

In this regard, we have noted the statement by Algeria, a country in which the principles of the Convention are enshrined in the Constitution and its labour legislation of 2020, which allows for trade union organizations to freely exercise their rights. The constitutional review of 2020 reaffirms these principles, including protection against discrimination, freedom of expression, the right to organize and the right to strike.

We welcome the fact that the Government of Algeria is committed to inclusive and constructive social dialogue, aimed at evaluating the effectiveness of the measures established by law and at improving the current legislative system.

Lastly, the Bolivarian Republic of Venezuela hopes that the conclusions of this Committee will be objective, balanced and impartial, in order for the Government of Algeria to continue to move forward and to strengthen its legislation so as to comply with the Convention.

Government member, Cameroon – We note the information provided by Algeria, which indicates that the Government is honouring its commitments with regard to the ILO and its social partners.

The labour Acts of 1990 enshrined the rights to representation, collective bargaining, and of worker participation, and the free exercise of the right to organize without discrimination. The revised Algerian Constitution of 2020 introduced provisions that reaffirm the principles including protection against discrimination, freedom of expression, the right to organize and the right to strike.

Respect for the rule of law is a civic duty throughout the world. The status of trade unionist or trade union leader should not exempt certain persons from this fundamental principle. Furthermore, any allegation or complaint without legal grounds should be declared unfounded. Labour inspectors perform the role of social regulators, the function of which is to either determine a party to a dispute, or to declare non-conciliation and initiate other proceedings.

Act No. 23-02 was the subject of consultation at several levels and stages before being submitted for approval, adoption and promulgation. This was a highly participatory approach which must serve as a reference as it is considered a good practice. It includes punitive measures against any impediment to the establishment or functioning of a trade union organization, and excludes any external interference in trade union activities. It should be noted that the criterion of financial transparency mentioned in the discussions is a governance procedure aimed at ensuring the rigorous and transparent management of the financial resources of trade union organizations, and ensuring the integrity and credibility of trade unions in their role of representing workers. It is also an effective mechanism to strengthen the trust of members in their representative organizations. The Act also provides that members of a trade union organization are free to join political parties individually.

Cameroon welcomes all these innovative government initiatives and invites the Office to take into account the progress achieved, and to ensure the safeguarding of tripartite dialogue in Algeria through mediation between parties. It invites the Algerian Government to pursue its commitment to inclusive and constructive social dialogue aimed at evaluating the effectiveness of the measures implemented by law, and to improve the current legal framework.

Government member, Zimbabwe – Algeria is a long-standing Member of the ILO and has, over this long history, endeavoured to comply with its obligations under ratified Conventions. Zimbabwe notes with appreciation the information provided by the Office that Algeria regularly provides detailed information in response to observations emanating from

trade union organizations and ILO supervisory bodies. This is a sign of good will and an indication of a country that is working towards giving full effect to ratified Conventions.

It is important to point out that the principles of the Convention are captured in the Algerian Constitution of 2020 and the labour law. These allow trade unions to exercise their right to strike and right to organize, and offer protection against discrimination. It is also important to note that complaints have been registered, investigations have been conducted in 32 cases and action has been taken on the findings.

In the case of protection of union leaders, the Government of Algeria has submitted that there is a legal framework in place in existing Act No. 23-02 to protect union leaders. The Government of Algeria has also indicated its willingness and availability to discuss challenges faced, and if deemed necessary, to initiate a review of this Act. We therefore encourage the tripartite partners to engage on this matter with the assistance of the Office in order to address challenges that are currently being faced.

Finally, Algeria has demonstrated a willingness to comply with the provisions of the Convention, has taken steps to rectify areas of concern and is working on giving full effect to the recommendations of the Committee of Experts. We therefore support Algeria's request to be given more time to comply and we urge the ILO to continue giving the tripartite partners technical support in this area.

Interpretation from Arabic: **Government member, Lebanon** – Lebanon welcomes the report that has been provided by Algeria, and we are grateful to Algeria for having set out detailed explanations that cover the efforts that have been made to align itself with international Conventions, in particular Convention No. 98 and Convention No. 87.

We wish to note Algeria's sincere efforts to put in place legislation that complies with international labour standards. In 2023, a series of new laws was passed that covers the resolution of collective conflicts, the right to strike and protection of trade union freedoms. We believe that this national legislation and policies will allow Algeria to create a climate that will lead to mutual trust and good governance for the country, which undertakes to comply with international Conventions. We see proof of this in, for example, the important adoption of a new Act that covers freedom of association and sets out a series of conditions for the establishment of trade union organizations to strengthen protection for trade union members.

Furthermore, social dialogue is essential in Algeria. Algeria continues to bolster the mediation and arbitration mechanisms, among others, that it has in place to ensure that they are effective, which will restore mutual trust among all stakeholders for peaceful solutions. In the general interest of Algeria and its social partners, we are once again delighted to see that concerted efforts have been made in a friendly atmosphere and that there is cooperation between the Government of Algeria and the ILO, in particular, the Committee of Experts and this Committee. We wish prosperity and success to Algeria.

Government member, Bangladesh – Bangladesh takes notes of the comments of the Committee of Experts which highlight that Algeria regularly provides detailed information in response to observations emanating from trade union organizations, as well as to the Committee's recommendations.

We would like to underscore that the review of the 2020 Constitution reaffirms the principles enshrined in the Convention, including protection against discrimination, freedom of expression, and the right to organize and right to strike. The 1990 social laws enshrine the rights of representation, collective bargaining, worker participation, and the free exercise of union rights without any discrimination.

Furthermore, Algeria has made significant progress in social dialogue, collective bargaining, and respect for fundamental rights at work, and it regularly fulfils its reporting obligations in accordance with the international commitments.

Bangladesh appreciates that the Government has regularly provided information on COSYFOP and its affiliated organizations, specifying that they have never provided the information necessary to assess their union representatives or the renewal of their governing boards.

The Government has submitted regular reports and supplementary reports or replies on the developments and accomplishments in the country's application of the Convention pursuant to the recommendations of the ILO.

Bangladesh believes that these actions demonstrate good faith and commitment to implement the recommendations. Bangladesh urges this august forum to recognize the commitment of the Government, and to support its action to ensure more progress and closure of the case. We would like to join voices with the request made by the Algerian Government.

Observer, Industrial Global Union (IndustriALL) – IndustriALL continues to follow with great concern the continuous criminalization of the right to organize and to perform trade union activities, including collective bargaining in Algeria. Furthermore, we are alarmed by the misapplication of the anti-terrorism laws against independent trade union leaders and members, including IndustriALL affiliates.

The backdrop of these concerns lies in the controversial labour law reforms. The new Act, which claims to enhance trade union activities and protect workers' rights, severely restricts workers' rights.

As highlighted by the report of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association on her visit to the country, severe restrictions have been imposed on the population over recent years and, as a result, independent civil society has been dismantled, political pluralism has been curtailed, and human rights defenders, independent trade union members, leaders, activists and journalists have been imprisoned or forced into exile.

It is imperative that the Government of Algeria act in full accordance with the decisions and recommendations adopted by the Committee on Freedom of Association, the Committee of Experts and this Committee.

The Government must respect Articles 1 and 2 of the Convention and ensure protection against acts of anti-union discrimination and interference relating to independent trade unions and their leaders. There are numerous cases of harassment and dismissals of union leaders and members, as already observed in the conclusions of the high-level mission to Algiers in 2019. It is unfortunate that no remedial or fair compensatory measures have been taken to address these violations. This is reflected in the failure of the labour inspectorate to act on the cases of anti-union discrimination and dismissals.

IndustriALL also expresses serious concern about the Government's interference in the legal system, vastly delaying court decisions ordering the reinstatement of union leaders. We call on the Government to ensure the protection of independent union members and their leaders during the period in which an established trade union is applying for registration. The Government of Algeria must remove any administrative obstacles that could impinge on the

development of industrial relations and collective bargaining, including the full respect of Article 4 of the Convention.

Expressing our solidarity and support for the Algerian free and democratic trade unions, we urge the Algerian Government to uphold international labour standards, respect the right to peaceful assembly and association, and ensure fair treatment of all workers, particularly for the members and leaders of the independent unions.

Observer, Public Services International (PSI) – I also speak on behalf of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). The Government, in the written information submitted to this Committee and its intervention during this session, has not referred to some of the most important aspects of this case, which involve the acts of interference prohibited by the Convention. In this respect, nothing has fundamentally changed since the high-level mission in 2019.

The first refers to the legal status of the situation of independent unions, which remains precarious, to say the least. The Government has refused to register unions such as the CGATA and has arbitrarily dissolved and cloned others, like SNATEG and SNAPAP, undermining their ability to function. In this very room we have a clone of these organizations. Please allow me to call to your attention and underline again the fact that SNAPAP is an affiliate of the PSI, but we do not know the person who took the floor in a previous intervention who is registered as representing SNAPAP within the Algerian workers' delegation. I can assure you he is not a member from our affiliated organization, and we take this as a provocation, a challenge and a clear message to this Committee and the ILO that the Government has the intention to continue with these practices, regardless of its obligations with the Convention and the recommendations of the supervisory bodies, for instance the Committee on Freedom of Association Case No. 2153.

Another important aspect is the atmosphere of fear and repression that persists. Over recent years the Government has sustained its attack on independent trade unions and democratic activists. One of the most alarming characteristics of this repression is the use of the terrorism-related charges against trade unionists. Let us not forget that the Government had broadened the definition of terrorism under section 87 *bis* of the Criminal Code, enabling the targeting of union leaders and activists in practice. This has led to frequent arrests and prosecutions of trade unionists on illegitimate grounds, including accusations of undermining national security and unity. These charges have not only led to arrests but also severe restrictions on legal defences, with lawyers being denied access to case files and facing prosecution themselves. This effectively criminalizes freedom of association, peaceful assembly and expression, which – we must stress – has been a very successful strategy to stifle dissent and activities of independent unions in the country.

Because of this, some of our colleagues requested and obtained asylum in Europe. To grant refugee status, fact-checking bodies from different countries analysed credible evidence and found it likely that the lives of these colleagues were at risk in Algeria.

When arrests, detentions, judicial harassment, restricted civic space, lack of fundamental freedoms and interference with peaceful activities of trade unionists become commonplace, this Committee has a critical role and it must ensure that the Algerian Government is held accountable for its violations of freedom of association.

Chairperson – We do not have more requests for the floor, so I now invite the Government representative of Algeria, to take the floor for his final remarks.

Government representative – It is with great pleasure that I take the floor to thank the speakers, the governments, workers and employers, those who supported my country, those who requested clarifications and those who requested that efforts be made.

The Government takes due note of all the comments made and thanks the parties that spoke. Algerian legislation on trade union rights reflects a genuine and total commitment to protecting workers' rights and promoting fair working conditions. It conforms with international labour standards and aims to balance the interests of the employers and the workers. It is in this spirit that the two new Acts, Act No. 23-02 and Act No. 23-08, as well as the seven implementing regulations enacted in 2023 for the two Acts, do not derogate from these principles.

Regarding social dialogue, it should be noted that Algeria's experience of the practice of social dialogue is rooted in all the Constitutions it has adopted. The Government and the social partners consult each other and exchange views at bipartite and tripartite meetings that have taken place for over 30 years. The Government is committed to social dialogue and consultation, which are the main forums for addressing the country's economic and social issues. Algeria's experience of social dialogue has been shared with African countries as part of an agreement signed with the ILO aimed at promoting South-South cooperation through the implementation of a programme to share Algerian experience in social dialogue and social protection.

Algeria affords particular importance to acquiring and improving knowledge regarding trade unions and labour law. To this end, this new legislative framework entitles trade union members to leave for training purposes. I also reiterate that the Government strictly ensures the protection of trade union representatives and workers against any arbitrary decision linked to their membership or performance of trade union activity. It does this through special procedures of the labour inspectorate competent in a given territory, and through the courts competent in upholding the rights of trade union representatives, particularly reinstatement in their post after dismissal or removal from a post and the employer's refusal to reinstate them, while preserving all the rights of which they were deprived during the period of dismissal or removal.

I also wish to make a few comments on the protection of trade union representatives, leaders and members during the registration period. The new Act sets out provisions protecting these persons from discrimination or possible reprisals during the period of establishment of trade unions, and provides for punitive measures against anyone who impedes the establishment or functioning of a trade union organization. It also provides for prison sentences and fines for persons who impede the establishment of trade union organizations.

Algeria attaches great importance to human rights, in their political, economic and social dimensions, and reaffirms its commitment to the respect of these rights. To this end, all Algerians, in accordance with the Constitution, notably article 49, can freely choose their place of residence and travel within the national territory. The right to enter and leave the country is guaranteed by the Constitution. Any restriction on these rights may only be ordered by a substantiated decision of the judicial authorities. In this respect, and as recalled several times by the Algerian Government, we note that all the accusations of arbitrary repression or prevention of the trade union activities of the persons cited in the report are unfounded, as we have noted that most of those actions fall under civil law and are related to complaints filed by individuals against the accused for defamation, attacks on these persons' private lives, or for

unpaid and unauthorized activities. So I think that the information already provided by the Government sheds further light to show that these accusations are unfounded.

The Algerian Government is also determined to continue its efforts to strengthen freedom of association and the effectiveness of protection mechanisms to combat anti-union discrimination and ensure the free functioning of trade union organizations strictly in line with the provisions of the relevant Conventions. To this end, with regard to the question of representativeness, it has put in place a digital, automated and secure platform, exclusively for access for trade unions and, in accordance with Act No. 18-07 on the protection of personal data; no authority or individual can manipulate, disseminate or transmit the data therein to another entity. I reassure you therefore that the data gathered from the platform is protected and cannot be shared with the employers or be used in acts of reprisal.

In addition, this new Act offers two possibilities for achieving representativeness: one through union membership and the other through the occupational elections to achieve electoral strength. This Act also guarantees that the non-representative trade union organizations continue to disseminate information and provide their views. The new Act, in addition to what has already been illustrated, aims to guarantee all the principles of the free exercise of the right to organize.

Lastly, I reaffirm the Algerian Government's commitment to constructive and inclusive social dialogue aimed at examining and improving the effectiveness of the measures established by the recent legislative system, the transitional provisions of which came to an end on 2 May 2024.

Another Government representative – I wish to draw the Committee's attention to the fact that Algeria ratified these fundamental Conventions in 1962, the year of its independence, which we wrested from the colonial power after 132 years of occupation. We are thus fully committed to human rights, to the extent that, for example, on 8 May 1945 in three regions in an authorized demonstration, 45,000 people were killed. That is to say that this historical past – this past full of sacrifices – has forged our commitment to human rights.

With regard to the free movement of persons abroad, in his lifetime, Rachid Malaoui – may he rest in peace – participated in discussion panels and television broadcasts in Algeria, and the cost of repatriating his body was borne by the Government. All the necessary procedures were respected.

Regarding persons residing abroad, there is no restriction to their free movement. They can enter and leave Algeria when they wish and how they wish. I wanted to provide the Committee with these details to show that we also respect human rights and that we are here to work for the promotion of these human rights.

Employer members – I would also like to thank the Government representatives for the information shared with us, as well as all the speakers who took the floor in this discussion. I think that simply the number of speakers who have taken the floor shows the interest that we all have in social dialogue, and the essence of the ILO.

One of the main missions of the ILO is to promote collective bargaining worldwide. This mission was set for it in 1944, in the Declaration of Philadelphia which is part of the ILO Constitution. Collective bargaining contributes to the establishment of balanced and fair working conditions and thereby contributes to social peace.

The Employer members welcome the willingness to take positive steps for the future. We take note of the continued commitment by Algeria to follow through with the conclusions and

recommendations from the high-level mission of May 2019. We further encourage the Government to continue effective action in the context of social dialogue and strengthen cooperation with the most representative trade unions and employers' organizations to overcome any outstanding challenges posed by the new legislation.

In conclusion, and specifically, the Employer members encourage the Government to:

- implement procedures for protection against any form of anti-union discrimination, intensifying the role of labour inspection if necessary;
- protect union leaders and members against any reprisals during the union recognition procedure and limit the duration of this procedure;
- avoid any interference in the functioning of trade unions;
- recognize and safeguard the representativeness of employers' organizations and trade unions and guarantee the application of objective criteria for union representativeness; in particular the representativeness of the CGEA shall be respected and preserved;
- guarantee confidentiality in the processing by the public authority of personal data of affiliates.

The Employer members invite the Government to provide the ILO with all the information requested by the Committee of Experts and to request technical assistance from the ILO to comply with the Convention.

I will end by specifying that we must, above all, strengthen the incentives for the social partners to organize freely, and negotiate freely and autonomously.

Worker members – We thank the Government of Algeria for its participation, as well as the contributions it has made. We also thank all the speakers in this discussion. Several speakers have shown us a new Algeria. We would like to believe it, but it seems clear that this new Algeria looks a lot like the old one. Our group expresses its concern at the many cases of anti-union discrimination and interference regularly reported to the various ILO supervisory bodies. These violations severely and durably compromise the exercise of the right to freedom of association by Algerian workers, and hamper the proper functioning of the trade unions. In addition, the current legislative framework does not contain the necessary guarantees of protection of the right to organize and bargain collectively, as prescribed by the Convention.

We therefore urge the Government to take, without delay, the necessary measures to give full effect to the Convention, particularly to:

- adopt the legislative provisions to strengthen protection of workers against acts of anti-union discrimination, including during the period in which an established trade union is applying for registration;
- ensure that penalties against employers who use anti-union strategies are dissuasive and effectively applied;
- improve and speed up the administrative and judicial procedures to identify and remedy serious acts of anti-union discrimination;
- revise trade union registration procedures in order to shorten the processing times which can currently take years;

- repeal the provisions of section 8 of Act No. 23-02 providing that gifts and legacies from external sources are only acceptable with the prior agreement of the administrative authorities;
- revise the criteria for trade unions' representativeness for the determination of their status as exclusive bargaining agent, ensuring that these criteria are objective, preestablished and precise so as to avoid any opportunity for partiality or abuse, in case controversy should arise;
- repeal sections 73(3) and (81) of Act No. 23-02, which constitute a breach of the freedom of workers to establish trade unions without prior authorization, and undue interference in the internal affairs of trade unions;
- adopt legislative provisions guaranteeing minority trade unions the right to negotiate at least on behalf of their own members.

These measures should be taken in consultation with the social partners.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While noting the Government's ongoing process to reform the national legislation on the right to organize and collective bargaining, the Committee expressed concern about the numerous allegations of anti-union discrimination and interference. It further noted that the Committee of Experts had asked the Government to report on the implications of the new legislation in 2025.

Taking into account the discussion, the Committee requested the Government to take all necessary measures, in consultation with the social partners, to:

- **strengthen cooperation with the independent social partners with a view to overcoming any outstanding challenge posed by the new legislation in order to provide the necessary guarantees for the protection of the right to organize and collective bargaining, in line with the Convention;**
- **adopt and effectively enforce legislation to strengthen the protection of workers against any forms of anti-union discrimination and acts of interference, including by intensifying the role of labour inspection;**
- **improve and speed up administrative and judicial procedures to identify and remedy acts of anti-union discrimination;**
- **ensure sufficiently dissuasive sanctions against anti-union discrimination;**
- **revise the procedures for registering trade unions in order to reduce the duration of those procedures and ensure that measures to protect union leaders and members against reprisals are effectively implemented during such procedure;**
- **avoid any act of interference with the functioning of workers' organizations and employers' organizations, including the General Confederation of Algerian Employers (CGEA), to preserve their full autonomy and independence;**
- **review the relevant sections of Act No. 23-02 with a view to ensuring the right to freely form workers' and employers' organizations to ensure that they set out precise, pre-**

established and objective criteria for the determination of employers' and workers' organization representativeness and that such criteria are effectively applied and ensure that employers' and workers' organizations are not prevented from receiving financial or other assistance by international workers' and employers' organizations;

- **guarantee the right for minority unions to bargain at least on behalf of their own members; and**
- **guarantee that personal data of employers' and workers' organization members received to assess the continued representativeness of the respective organizations is kept under strict confidentiality so as to discourage any acts of anti-union discrimination.**

The Committee requested the Government to provide a detailed report on the implementation of its recommendations and results achieved by 1 September 2024.

Government representative – I take this opportunity to thank all those who took part in the discussion on my country's application of the Convention: the social partners and Government representatives. My delegation takes due note of the Committee's conclusions.

This opportunity has enabled my delegation to present my country's achievements in the areas of social dialogue, collective bargaining and respect for fundamental principles and rights at work. It has led to constructive exchanges, as expressed by many of the speakers.

My delegation has openly provided all the necessary details and clarifications to the observations made in the Committee of Experts' report concerning the new legislative framework, namely the two Acts enacted recently in 2023: Act No. 23-02 on the exercise of the right to organize, and Act No. 23-08 on the prevention and settlement of collective disputes and the exercise of the right to strike.

Social dialogue, which is the cornerstone of this Organization, is guaranteed through the provisions of these two Acts. We will nevertheless closely examine the Committee's recommendations, which reflect the speakers' comments during the Committee's discussions of my country's case, in a social dialogue setting with national trade union and employer organizations and advisory bodies, as has been the tradition of my country's policy for several decades.

My delegation reiterates my country's commitment to give effect to the recommendations of the Committee of Experts and this Committee, and to continue to keep the ILO informed of the legislative developments in the exercise of trade union rights and the achievements in social dialogue with the social partners.

Lastly, Algeria will continue to fulfil its commitments to which it is bound as an ILO Member State as it is doing and has done since it won its independence 60 years ago.

Australia (ratification: 1969)

Employment Policy Convention, 1964 (No. 122)

Written information provided by the Government

The Government has provided the following written information as well as copies of the Secure Jobs, Better Pay Act, 2022, [the Closing Loopholes No. 2 Act 2024](#), and the Paid Family and Domestic Violence Leave Act, 2022.

Active policy designed to promote full, productive and freely chosen employment (Article 1)

The Government's vision for a stronger and more inclusive economy is set out in *Working Future: The Australian Government's White Paper on Jobs and Opportunities*, published on 25 September 2023. Informed by over 400 stakeholder submissions, the White Paper builds on the outcomes from the September 2022 Jobs and Skills Summit, which brought together unions, employers, civil society and governments to strengthen tripartism and constructive social dialogue.

The White Paper sets five ambitious objectives to achieve the Australian Government's vision:

- delivering sustained and inclusive full employment;
- promoting job security and strong, sustainable wage growth;
- reigniting productivity growth;
- filling skills needs and building our future workforce;
- overcoming barriers to employment and broadening opportunity.

Employment trends and active labour market measures

The Government has delivered significant employment and workplace relations policy reforms to address issues including insecure work, unemployment and underemployment.

Australia's employment service, Workforce Australia, commenced in July 2022. For people further from the labour market, including the long-term unemployed, Workforce Australia provides intensive case management delivered by employment service providers. Workforce Australia includes settings designed to assist the long-term unemployed, such as progress payments to incentivize providers to improve jobseekers' employability, and a bonus payment for providers when they assist a very long-term unemployed jobseeker into work.

The White Paper contains eight principles for reforming employment services so they support individuals to meet employment goals and provide pathways towards decent and secure work, including for First Nations people. Among other issues, the White Paper acknowledges the challenges faced by the long-term unemployed, including skill atrophy, loss of motivation and marginalization from the labour market.

On 14 May 2024, the Government responded to these issues in the 2024–2025 budget, announcing funding for improving employment services to better support the long-term unemployed and those with complex personal circumstances. This funding includes the Real Jobs, Real Wages initiative to support people at risk of long-term unemployment into secure work via a tapered wage subsidy over six months, and the WorkFoundations initiative to assist people with complex employment barriers to build work readiness, funding social enterprises and businesses to deliver paid employment placements with tailored, wrap-around supports.

Recent amendments to national industrial relations legislation have addressed insecure work. Under the Secure Jobs, Better Pay Act, 2022, job security was added to the objectives of the Fair Work Act, 2009, and the modern awards system, meaning Australia's workplace tribunal, the Fair Work Commission, must consider these matters when performing its functions. Fixed-term contracts, unless an exception applies, are now limited to two years (including renewals) or two consecutive contracts – whichever is shorter. This ensures employees are not kept on fixed-term contracts for roles that could be secure ongoing work.

Additionally, the Closing Loopholes No. 2 Act, 2024, introduced an interpretive principle providing that the terms “employee” and “employer” are determined by assessing the real substance, practical reality and true nature of the working relationship, in line with the ILO’s Employment Relationship Recommendation, 2006 (No. 198). This Act also legislated an objective definition of “casual employee”, so the practical reality of the employment relationship is relevant, not just the contractual description, and provided a pathway for eligible casual employees to choose to become permanent. This will particularly benefit women, who make up 53.1 per cent of casual workers.¹ Separately, the Act empowered the Fair Work Commission to set minimum standards for road transport workers and “employee like” platform economy workers, also providing these workers with a consent-based collective agreements framework and dispute resolution for unfair termination or deactivation.

Youth employment

The Government continues to support young people to gain work experience including through wage subsidies, observational work experience and volunteer work. In 2022, the Government strengthened Transition to Work – a targeted service to support disadvantaged young people at risk of an unsuccessful transition from school to work – through expanded eligibility criteria to target young people at risk, increases in the maximum time participants can receive the programme’s assistance (up from 18 to 24 months), stronger engagement mechanisms to enhance participation, and new performance frameworks for contracted providers.

Referrals to the Youth Jobs PaTH Internship programme were paused in July 2022 and the programme was abolished in September 2022, as the programme settings did not meet the Government’s expectations of fair and equitable pay for interns. The National Work Experience Programme, which had similar programme settings, was also abolished.

In the 2024–2025 budget, the Government announced the establishment of a “Commonwealth Prac Payment” to support eligible students of teaching, nursing and midwifery, and social work in higher education and vocational education and training (VET) to complete their placements. The new Payment will help ease the cost-of-living pressures experienced by many students when undertaking mandatory practicum placements as part of their degrees.

In considering future work experience policy and programmes, the Government has consulted widely with business, unions, individuals, employment services stakeholders and community organizations. The Employment Youth Advisory Group, with young people aged 16 to 25, also provides advice to the Government and shares insights on how young people are making the transition between education and work.

Women

Working for Women: A Strategy for Gender Equality, released in March 2024, outlines the Government’s vision for gender equality, with women’s economic equality and security a priority area of the Strategy. Core to driving gender equality is gender-responsive budgeting which puts consideration of issues that impact gender at the heart of policy design and budget decisions across the Government’s policies and investments.

¹ Australian Bureau of Statistics, “[Labour Force, Australia, Detailed](#)”, ABS website, Pivot Table EQ04, March 2024.

Workplace relations reforms have centred gender equality in workplace relations systems, improving equity, safety and economic security for women. These include banning pay secrecy clauses, prohibiting sexual harassment in connection with work, and strengthening access to unpaid parental leave and flexible work, helping parents to balance work and care. The Government has also introduced new protected attributes (personal characteristics that cannot be used as a basis for discrimination) in the Fair Work Act, 2009, including breastfeeding, gender identity, subjection to family and domestic violence, and intersex status.

In 2023, the Paid Family and Domestic Violence Leave Act, 2022, came into effect providing an entitlement to ten days paid family and domestic violence leave. This entitlement is applicable to all Australian employees including casuals, recognizing that women experiencing family and domestic violence are more likely to be employed in casual and insecure work. This measure followed Australia's ratification of the ILO's Violence and Harassment Convention, 2019 (No. 190).

In Australia there are various mechanisms which can result in wage increases, including work value cases, equal remuneration orders and the Annual Wage Review. The Government has established new expert panels in the Fair Work Commission to hear applications for pay equity and modern award matters in the Care and Community Sector. The addition of gender equality to the minimum wages and modern awards objectives in the Fair Work Act, 2009, significantly influenced the wage rise in the 2022–2023 Annual Wage Review. Australia's aged care workers have also been awarded increases of up to 28.5 per cent through a work value case. A key determinant in awarding this increase was the historical undervaluation of care work because of gender-based assumptions.

Elsewhere, amendments to the Workplace Gender Equality Act, 2012, have enabled the Workplace Gender Equality Agency to drive transparency and action by publishing the gender pay gap of employers with 100 or more employees. This occurred for the first time in February 2024.

Indigenous peoples

The Government remains committed to realizing the Closing the Gap targets designed to reduce disparities between First Nations people and the rest of the population in fundamental areas of life.

Workforce Australia operates across all non-remote areas in Australia to support First Nations participants into work. This includes 16 providers with Indigenous Specialist Licences, special provision for training and mentoring through the Employment Fund, and immediate eligibility for wage subsidies of up to 10,000 Australian dollars.

Reforms contained in the White Paper include ensuring services are designed and delivered in a culturally responsive and inclusive way that meets First Nations communities' needs, and boosting the participation of Aboriginal and Torres Strait Islander community controlled organizations, and community-based organizations, in the delivery of employment services.

The Government has provided funding to support the National Indigenous Employment and Training Alliance (NIETA), a group of First Nations organizations delivering employment and training services across Australia. NIETA was established to strengthen First Nations voices in employment policy, programme design and implementation, and shape further improvements to employment services and training supports to meet the needs of First

Nations people. The Government continues to support NIETA as a critical stakeholder in employment service reforms across both remote and non-remote areas.

The Government has committed to replacing the Community Development Program (CDP) with real jobs, proper wages and decent conditions – developed in partnership with First Nations people. As a first step, the Government announced a commitment to implement a new Remote Jobs and Economic Development Program (RJED), to start in the second half of 2024. The RJED will support people in remote communities to move into employment by funding meaningful jobs that communities want. Eligible community organizations will be funded to create new jobs to employ local people at least at the minimum wage and conditions.

As not everyone will be ready to enter employment or may require other support services, a remote employment service will still be needed. CDP services will continue through an extension of most CDP provider agreements until 30 June 2025 while RJED is scaled up and a new remote employment service is developed.

The Indigenous Skills and Employment Program (ISEP) is a new First Nations-specific employment programme that aims to connect First Nations people to jobs, career advancement opportunities, new training and job-ready activities. ISEP projects are designed with community and key stakeholders to ensure that activities respond to the local context, leverage opportunities and deliver sustainable employment outcomes.

In addition, the Government will invest 76.2 million Australian dollars over five years in a new employment programme to improve the transition from prison to work for First Nations people, building on the Time to Work Employment Service.

Participation of the social partners in the formulation and implementation of employment policies

The Government continues to meaningfully engage with a broad range of stakeholders and social partners on employment and workplace relations issues and policies. Government, employers and unions worked together at the September 2022 Jobs and Skills Summit, leading to the Employment White Paper. The Government also consults with social partners through regular sectoral and industry forums such as the National Construction Industry Forum.

As outlined in the White Paper, the Government is committed to designing and delivering employment services through collaboration with people, community and businesses, including social partners. The Government has demonstrated its belief in working with stakeholders, including social partners, through the recent design of the new voluntary pre-employment service for parents, the policy development of the WorkFoundations initiative, and the design of the new employment programme to improve the transition for First Nations people from prison to work. It remains committed to these projects, going forward.

In March 2024, the Government announced a Ministerial Advisory Board for Jobs and Skills Australia (JSA), an expert agency that provides independent advice on current and emerging labour market and workforce needs. Consistent with the commitment that the JSA will operate as a tripartite partnership, the Ministerial Advisory Board ensures a voice for social partners to address skills, labour market and workforce development needs. Moreover, the Government has established industry-specific Jobs and Skills Councils, bringing together employers, unions and governments in a tripartite arrangement to find solutions to skills and workforce challenges.

Consultation on employment and labour policies continues at the state and territory level. For example, the South Australian Skills Commission established ten Industry Skills Councils to

provide a mechanism for businesses, peak industry associations and social partners to discuss skills and workforce needs with local government.

The social partners were consulted in the preparation of this report.

Discussion by the Committee

Chairperson – I invite the Government representative of Australia, the Assistant Secretary, Economics and International Labour, Department of Employment and Workplace Relations, to take the floor.

Government representative – Australia acknowledges the important role of the Committee of Experts and this Committee within the ILO supervisory system. Ensuring the effective application of international labour standards is critical to achieving our shared objective of sustained and inclusive economic growth, full and productive employment and decent work for all.

The Government remains committed to meeting our obligations under the Convention and to working with social partners to ensure that employment policy in Australia supports a dynamic and inclusive labour market in which people have the opportunity for secure, well-paid jobs and where workers, employers and communities can thrive and adapt.

The information presented today, and the written information submitted to the Office on 20 May 2024, responds directly to the observations made by the Committee of Experts to Australia. The Australian Government looks forward with interest to receiving the Committee's conclusions.

Since 2021, the Australian Government has implemented significant new reforms to enhance employment policy, as our nation recovers from the impacts of the COVID-19 pandemic and adjusts to structural changes in our labour market.

In September 2023, the Government released its Working Future: the Australian Government's White Paper on Jobs and Opportunities. The White Paper articulates the Government's vision for a strong and inclusive economy and serves as a road map to meeting future labour market needs in Australia.

It draws on extensive stakeholder and community consultation, including outcomes from the tripartite Jobs and Skills Summit held in 2022, and among its objectives is a focus on delivering sustained and inclusive full employment.

To achieve this, the White Paper identifies strategic priorities for employment services reform in Australia, to support people into decent and secure work, and to overcome the complex barriers to workforce participation, particularly for those who have experienced entrenched disadvantage.

Turning now to the specific matters raised by the Committee or Experts and others, we will share some key developments since the last reporting period.

The Committee sought clarification as to how various issues including unemployment, underemployment and insecure work are considered and implemented in Australia's policymaking and implementation settings.

In 2022, the new employment service – Workforce Australia – commenced. It includes a digital service to support job-ready jobseekers, and an intensive case management service for jobseekers who require more tailored support to enter the labour market. This includes mechanisms designed to assist the long-term unemployed such as progress payments to

incentivize providers to improve jobseekers' employability, and a bonus payment for providers when they assist a very long-term unemployed jobseeker into work.

Enhancements to these settings were recently announced in the 2024–25 budget, reflecting further commitment and investment by the Government to creating meaningful and sustainable paid employment pathways.

The Government has also made significant amendments to our labour laws to strengthen workplace protections, job security and access to fairly paid work.

This includes the Fair Work Legislation Amendment (Closing Loopholes) Act 2023 aimed at strengthening a person's job security, pay and conditions, regardless of their employment status. Amendments relating to casual workers were enacted, introducing a fair and objective definition of casual workers in the Fair Work Act, and providing a clearer pathway for casuals to move to permanent employment should they choose to do so.

A further measure designed to address insecure work will commence on 26 August 2024, at which time the Fair Work Commission – Australia's national workplace tribunal – will be able to set minimum standards for employee-like workers and provide protection from unfair dismissal from a digital labour platform. Additionally, under the Secure Jobs, Better Pay Act 2022, the Fair Work Commission must now consider job security and secure work in its decisions.

The Committee also made observations in the context of the Convention with respect to population groups in Australia, including youth, women and indigenous Australians. Since this time, measures to enhance Australia's youth employment programmes have been introduced.

In 2022, the Government strengthened the Transition to Work service (TtW), the targeted service to support disadvantaged young people at risk of an unsuccessful transition from school to work. This included expanding the eligibility criteria for the programme to target young people with more complex barriers to education and employment, as well as increases to the maximum time participants can receive assistance through the TtW programme from 18 to 24 months. Likewise, stronger engagement mechanisms were introduced to increase participation, and changes to the performance frameworks implemented for the contracted providers.

In response to stakeholder feedback and reflecting the Government's own expectations around providing fair and equitable pay and conditions for interns, the Youth Jobs PaTH (Prepare, Trial, Hire) programme was abolished in October 2022. Increasing women's economic security has remained a national focus in Australia. Recent legislative and policy developments are aimed at ensuring women have access to safe, secure and fairly paid employment and centre gender equality in workplace relations systems. For instance, the Fair Work Act 2009 was amended to embed the principles of job security and gender equality in the Fair Work Commission's decision-making processes and ensuring they are given appropriate weight alongside other objectives, such as productivity and economic growth, throughout the workplace relations framework.

Gender equality has also been included in the minimum wages objective to ensure that equal remuneration, gender-based undervaluation, and gender pay gaps are considered in wage-related matters, including the Annual Wage Review. Other reforms include, but are not limited to, banning pay secrecy clauses, prohibiting sexual harassment in connection with work, and strengthening access to unpaid parental leave and flexible work helping parents to balance work and care.

We now turn to the Committee of Experts' comments regarding employment policies to support Australia's First Nations peoples. The Australian Government is striving to ensure that First Nations peoples have the opportunity to fully participate in employment and training and benefit from areas of economic growth and development across Australia, fostering self-determination and economic empowerment. The Government is committed to working in genuine partnership with First Nations peoples to ensure they have safe, ongoing and well-paid work with the skills needed for a sustainable future and full engagement in economic opportunities, fostering self-determination and economic empowerment. We will continue to implement the Closing the Gap priority reforms, including those that contribute to the economic empowerment of First Nations peoples in Australia. To stay on track in meeting this objective, the Government is implementing key employment reforms supporting First Nations Australians. Strengthening partnerships with First Nations peoples in policy development and the design of programmes which will enable employment and training policies to be effective in supporting the aspirations, needs and self-determination of First Nations peoples in Australia. Through Workforce Australia, employment services are delivered to First Nations participants across all non-remote areas of Australia.

First Nations consultation and collaboration is being strengthened by the National Indigenous Employment and Training Alliance (NIETA), a group of First Nations organizations delivering employment and training services across Australia. The new Indigenous Skills and Employment Program (ISEP) is a First Nations-specific employment programme that aims to connect First Nations people to jobs, career advancement opportunities, new training and job-ready activities. Projects are developed with the local community before implementing them, leveraging the strengths, interests and needs of local First Nations communities. A new Remote Jobs and Economic Development Program will be implemented later this year. Developed in partnership with First Nations peoples, this programme will support people in remote communities to move into employment by funding meaningful jobs, with proper wages and decent conditions.

Finally, we note the reflections of the Committee of Experts on the Australian Government's consultation with social partners in the development of employment policy. The Australian Government continues to meaningfully engage with a broad range of stakeholders and social partners on employment and workplace relations issues and policies. The outcomes of the 2022 Jobs and Skills Summit highlighted the value of tripartite collaboration at the national level. Regular sectoral and industry forums also enable consultation with social partners.

The recent design of the new voluntary pre-employment service for parents, the policy development of the WorkFoundations initiative, and the design of the new employment programme to improve the transition for First Nations peoples from prison to work, further illustrate our commitment to ensuring that the views of social partners are taken into account in the formulation of employment policy in Australia.

To conclude, Australia reiterates the view that we comply with our obligations under the Convention. We are confident that the combination of employment service programmes, labour laws and policies outlined today and developed in consultation with social partners and civil society, illustrate full compliance with the Articles of the Convention and its objectives. We look forward to hearing views shared during this discussion and the Committee's conclusions.

Employer members – Thank you to the Government of Australia for your oral and written information on the case which has been taken with good note. The Employer members stressed the importance of States' compliance with the Convention, a so-called governance or

priority Convention. The Employer members firmly believe that compliance with the Convention is critical to ensuring meaningful opportunities for both workers and business, and also to ensuring the broader effectiveness of the ten core ILO Conventions.

Australia ratified the Convention in 1969. This is the first time that this case has been heard at the Committee but 15 observations have been issued in the case, though I am not going to spend time going through each year. In addition, 11 direct requests have also been issued on this case but again I am not going to spend time identifying each year. This case also quite critically exists within the broader context of fundamental and extensive changes to Australia's governing labour and employment legislative scheme, which the Australian Government has taken note of in its observations. It is often instructive to review the text of the applicable Convention. Here, Article 1 of the Convention states, in the relevant part, that, and I am quoting here: "each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment" and that this policy "shall aim at ensuring that – (a) there is work for all who are available for and seeking work; (b) such work is as productive as possible; (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited".

The text and import of the Convention are fundamental to any meaningful analysis of this case. The text and import of the Convention highlight that we must assess here, first: whether and to what extent certain Australians are, or were, "available for and seeking work"?

Second, what it means to have such work be "as productive as possible," who should make that value judgement, whether so-called "non-standard" or "casual" work can legitimately be claimed to be insufficiently "unproductive" to run afoul of the Convention?

Third, whether "casual" or "non-standard work" actually reflects workers' free choice to employment in a job for which they are "well suited"?

Fourth, whether Australia has genuinely endeavoured to fulfil its obligations under the Convention, particularly as the impact of fresh and transformative laws and initiatives remain very much in flux?

These are complex and subjective questions that require and deserve a diversity of perspectives to meaningfully resolve.

Turning to the issues. The Committee of Experts has identified the following issues which I will address in turn.

First, the Australian Council of Trade Unions (ACTU) has observed that the Australian legal framework encourages the use of non-standard work arrangements. Although the ACTU also rightly acknowledges that these forms of employment can have legitimate purposes, it nonetheless avers that employers use these structures "to avoid the responsibilities associated with a permanent ongoing employment relationship" – I am quoting from the ACTU's observations.

Again, and there is more to say here, the Employer members believe that individuals' decisions to choose to be employed in so-called "casual" arrangements deserve significantly more credence. There are any number of legitimate and appropriate reasons for making these choices that do not provoke any concern under the Convention.

Moreover, we note that the Government has reported that, through its Closing Loopholes Act of 2024, it is endeavouring to interpret the terms "employee" and "employer" through the

practical realities of an applicable working relationship, and to define the term “casual employee” to focus on practical realities in lieu of applicable contractual language.

Next, the ACTU claims that the Youth Jobs PaTH programme fails to provide meaningful qualifications to participants, while also excluding them from protection under the occupational health and safety (OSH) legislation.

The Committee of Experts has, in its comment, done a good job of recounting the far more complex picture relating to youth unemployment in Australia, including certain other programmes that are directed at supporting young Australians. More broadly, and I think this is critical, the problem of youth unemployment is not specific to Australia, and it remains a complex problem in many other States.

Moreover, the Government has reported to this Committee that the Youth Jobs PaTH Internship programme was abolished in September 2022 because, per the Government: the programme “did not meet the Government’s expectations around fair and equitable pay for interns”. It would also appear, from the Government’s submission and its comments today, that other youth employment programmes have been implemented after due consultation with the social partners.

Next, the ACTU has claimed that women are over-represented in insecure and low-paid jobs. We note here with interest that the Australian Government has published *Working for Women: A Strategy for Gender Equality*, in March 2024, which outlines certain budgetary measures designed to facilitate women’s economic equality and security, along with outlining certain relevant legislative measures and, in particular, the Paid Family and Domestic Violence Leave Act.

We further note the Government’s submission describing its new expert panels in its Fair Work Commission for pay equity and modern award matters in the care and community sector, and other efforts to better ensure gender pay equity like amendments to the Workplace Gender Equality Act that have empowered the Workplace Gender Equality Agency to publish a gender pay gap of employers with 100 or more employees.

We welcome these developments as Employer members, but we, nonetheless, request that the Government continue providing information on policy and technical measures that are aimed at increasing both the employment quality and quantity of work for women at the national level.

With respect to First Nations peoples, the ACTU has also criticized the Community Development Programmes (CDP) for providing low-quality jobs.

For its part, both today and in its written submission, the Government has indicated an intention to replace the CDP with “real jobs, proper wages and decent conditions – developed in partnership with First Nations People” and to begin a new Remote Jobs and Economic Development Program (RJED) to start later this year as well as the Indigenous Skills and Employment Program (ISEP).

The Government has also pledged to invest \$76.2 million over five years to improve the transition from prison to work for First Nations peoples.

Again, we welcome these developments but the Employer members, nonetheless, request that Australia provide further detail on these issues.

Finally, the ACTU contends that the Government failed to consult it regarding employment policies. We note here, again, the Government’s substantial efforts to consult with a wide array of stakeholders, including an expert advisory panel comprised of employer, provider, and

welfare group representatives. We further take note of the Government's submission that, in March 2024, it announced a Ministerial Advisory Board for Jobs and Skills Australia, which has committed to operate in a tripartite fashion.

To the extent that the Committee here, nonetheless, believes that social partners have not been sufficiently consulted, we would align with a recommendation for the Government to better ensure that this specific consultation be conducted. We look forward to hearing the views of our groups on this case.

Worker members – This is the first time we are discussing this case regarding Australia's application of the Convention. In the observations of the Committee of Experts, the Government is requested to provide information on the following:

- on employment trends and active labour market trends, the use of non-standard work arrangements with no pathways to higher-quality jobs;
- on youth employment, the exclusion of youth employment programmes from the protection of OSH legislation, the failure of the Youth Jobs PaTH programme to provide meaningful qualification to participants, and potentially displacing wage-paying jobs;
- on the employment of women, the over-representation of women in insecure, low-paid jobs and the lack of adequate paid parental leave and affordable childcare options forcing women into part-time jobs;
- on indigenous peoples, the CDP and its provision of low-quality jobs to participants who identify as indigenous. The CDP workers are not classified as workers, receive wages well below the minimum wage and are not protected under OSH protections, annual leave or sick leave;
- the failure of the Government to consult the ACTU on matters of employment policies.

We thank the Government for providing additional information after the publication of the longlist which highlights the progress that has been made to addressing the issues raised by the ACTU in 2021, in line with the Convention.

We take note that, according to the Government, it published the Australian Government's White Paper on Jobs and Opportunities, on 25 September 2023, which took into account information received from over 400 stakeholder submissions. The White Paper also builds on the outcomes from the September 2022 Jobs and Skills Summit. The Summit brought together unions, employers, civil society and governments to strengthen tripartism and constructive social dialogue.

According to the Government, the White Paper sets five ambitious objectives to achieve the Australian Government's vision:

- (1) delivering sustained and inclusive full employment;
- (2) promoting job security and strong, sustainable wage growth;
- (3) reigniting productivity growth;
- (4) filling skills needs and building our future workforce;
- (5) overcoming barriers to employment and broadening opportunity.

According to the Government they have delivered significant employment and workplace relations policy reforms to address issues including insecure work, unemployment and underemployment.

Australia's employment service, Workforce Australia, commenced in July 2022. They provide people that are further from the labour market, including the long-term unemployed, with intensive case management delivered by employment service providers.

The White Paper also contains principles for reforming employment services, so they support individuals, including First Nations peoples, to meet employment goals and provide pathways towards decent and secure work.

Regarding challenges faced by the long-term unemployed including skill atrophy, loss of motivation and marginalization from the labour market, the Government indicated that it is providing funding for improving employment services to better support the long-term unemployed and those with complex personal circumstances.

The recent amendments to the national industrial relations legislation are also aimed at addressing the challenges posed by insecure work. Under the Secure Jobs, Better Pay Act, 2022, job security was added to the objectives of the Fair Work Act, 2009 and the modern awards system, meaning Australia's workplace tribunal, the Fair Work Commission, must consider these matters when performing its functions. The Closing Loopholes No. 2 Act, 2024 is also aimed at providing necessary safeguards to deal with insecure and precarious employment. The ILO's Employment Relationship Recommendation, 2006 (No. 198), provides useful guidance in this regard.

On youth employment, according to the Government, they continue to support youth to gain work experience including through wage subsidies, observational work experience, and volunteer work. In 2022, the Government strengthened the TtW – a targeted service to support disadvantaged young people at risk of an unsuccessful transition from school to work.

Regarding the Youth Jobs PaTH Internship programme, the Government indicated that it was paused in July 2022 and that the programme was abolished in September 2022, as the programme settings did not meet the Government's expectations around fair and equitable pay for interns. The National Work Experience Programme (NWEPP), which had similar programme settings, was also abolished.

According to the Government, it has announced the establishment of a "Commonwealth Prac Payment" to support eligible teaching, nursing and midwifery, and social work students in higher education and vocational education and training (VET), complete their placements which among others will also help ease the cost-of-living pressures experienced by many students when undertaking mandatory practicum placements as part of their degrees.

On the issue raised regarding working women, the Government stated that in March this year it released a Strategy for Gender Equality, which outlines the vision for gender equality, with women's economic equality and security as a priority area of the Strategy. The Government has also introduced new protected attributes in the Fair Work Act, 2009, including breastfeeding, gender identity, subjection to family and domestic violence, and intersex status. In 2023, the Paid Family and Domestic Violence Leave Act, 2022, which provides an entitlement to ten days paid family and domestic violence leave, was created. This entitlement is applicable to all Australian employees including casual workers, recognizing that women experiencing family and domestic violence are more likely to be employed in casual and insecure work. According to the Government, the measure followed Australia's ratification of the ILO's Violence and Harassment Convention, 2019 (No. 190).

In Australia there are various mechanisms which can result in wage increases, including work value cases, equal remuneration orders and the Annual Wage Review. The Government has established new expert panels in the Fair Work Commission to hear applications for pay

equity and modern award matters in the care and community sector. The addition of gender equality to the minimum wages and modern awards objectives in the Fair Work Act, 2009, significantly influenced the wage rise in the 2022–23 Annual Wage Review. Australia's aged care workers have also been awarded increases of up to 28.5 per cent through a work value case. A key determinant in awarding this increase was the historical undervaluation of care work because of gender-based assumptions.

There have also been amendments to the Workplace Gender Equality Act, 2012, which has enabled the Workplace Gender Equality Agency to drive transparency and action by publishing the gender pay gap of employers with 100 or more employees. This took place for the first time in February 2024.

Regarding indigenous peoples, the Government has expressed its commitment to realizing the Closing the Gap targets, designed to reduce disparities between First Nations peoples and the rest of the population in fundamental areas of life. The Government's White Paper contains measures to ensure services are designed and delivered in a culturally responsive and inclusive way that meets First Nations communities' needs and boosting the participation of Aboriginal and Torres Strait Islander community-controlled organizations, and community-based organizations, in the delivery of employment services.

We urge the Government to, as it has indicated, replace the CDP with real jobs, proper wages and decent conditions – developed in partnership with First Nations peoples.

Finally, we note that the Government has committed to continue to meaningfully consult and ensure the participation of the social partners in the formulation and implementation of employment policies.

The Convention is aimed at stimulating economic growth and development, raising levels of living, meeting workforce requirements and overcoming unemployment and underemployment, obliging each Member State to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

In applying the Convention, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, are to be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies. We appreciate that the Government is taking steps in this direction and welcome the efforts.

Employer member, Australia – It is the view of Australian employers that Australia complies with the Convention. I am surprised that Australia has been selected among the cases to be examined by the Committee of Experts, considering our view of compliance is shared by Australian workers and, of course, by the Australian Government.

A key point of difference we have with our Worker friends, however, is our view that Australia has consistently complied with the Convention. We did not share the views of the ACTU in 2021. My surprise that Australia is being examined today is not based solely on the shared view of compliance. The Committee need only look at Australia's recent employment trends and labour market measures. Unemployment in my country remains at around 4 per cent. Job vacancies remain high, almost double their pre-COVID levels, with employers struggling to find people with the right skills for unfilled positions. In trend terms, we are also seeing strong growth in full-time employment.

Employers are responding to labour and skills shortages by retaining workers where they can and offering more full-time employment to those with the right skills. While more can

always be done, Australian employers appreciate measures implemented by consecutive governments to boost the workforce participation of women, young jobseekers, the long-term unemployed, those living in regional communities, those with a disability and First Nations peoples. These policies help to promote full, productive and freely chosen employment, as required by Article 1 of the Convention.

I thank the Australian Government for the information it has provided to the Committee on recent actions it has taken in furtherance of the principles of the Convention. We are particularly encouraged by the establishment of Jobs and Skills Australia to provide independent advice on current, emerging, and future workforce skills and training needs. Operating as a tripartite partnership, both my organization, the Australian Chamber of Commerce and Industry (ACCI), and the ACTU hold key positions on the Jobs and Skills Australia Ministerial Advisory Board. This body is evidence that tripartism is alive and well in Australia, in compliance with Article 3 of the Convention, and is only just one such an example.

It is through such forums that we continue to push for greater support to be provided to the long-term unemployed and young jobseekers, particularly through investment in apprenticeships and other training programmes.

While we are broadly supportive of the efforts of the Government to boost workforce participation, Australian employers have significant concerns about the impact of its recent industrial relations changes. Recent changes to casual employment, to labour hire and to independent contracting make it harder for business to source the labour they need.

We urge the Government to take note of Article 1 of the Convention which refers to freedom of choice of employment and to recognize that diverse forms of work are desired by many workers for the flexibility they provide. In fact, flexibility is essential to boosting the workforce participation of many of the categories I have already listed, including women and young jobseekers in particular.

Worker member, Australia – I thank you for the opportunity to make an intervention on behalf of the ACTU. The ACTU is the sole peak trade union body in Australia, representing over 1.7 million workers. In 2021 we made a submission to the Committee of Experts highlighting our concerns that the Australian Government was not fulfilling its obligations under the Convention to pursue an active policy to promote full, productive, and freely chosen employment, including in consultation with the social partners. We raised the prevalence of insecure work, underemployment, and unemployment, and the lack of active labour market policies to address these problems, as a key reason Australia was failing to meet its obligations under the Convention.

Since we made our submission to the Committee of Experts, however, the previous coalition Government was defeated at a general election and the Australian Labour Party Albanese Government took office in May 2022. The new Government has undertaken a range of significant reforms in consultation with the social partners that have closed the loopholes that existed in Australia's industrial relations framework and in our view are in line with the Convention.

Secure jobs are critical to realizing decent work – workers need to have a secure, predictable income and hours of work in order to plan and enjoy a good quality of life and eliminate the vulnerabilities that create conditions for forced labour and the slippery slope of labour becoming a commodity – contrary to the Constitution of the ILO. The cost-of-living crisis makes addressing the rise of insecure work even more urgent – workers need reliable jobs so

that they can have reliable incomes and prevent a situation of highly unequal society that threatens social cohesion and harmony.

Work has become increasingly more precarious. New forms of work have emerged where millions of workers are now engaged outside of the protections that are meant to be afforded under the Fair Work Act – Australia’s principal industrial relations law. Our laws have not kept pace with the changing nature of work, and employers were increasingly restructuring, reorganizing, or using technicalities to avoid the responsibilities of a permanent employment relationship – and shift the costs and risks onto the worker.

The most prevalent form of insecure work in Australia is what is known as “casual employment” – a worker engaged on a casual basis is supposed to be someone who works irregular or unpredictable hours and with no firm commitment of future work. They have no paid leave entitlements and limited job security, and in return, a casual employee is supposed to receive a loading – usually 25 per cent extra pay – on top of their base rate of pay, and a partial right to decline requests by their employer to work. But even with the 25 per cent loading, permanent workers still earn 11 per cent more than casuals.

More than 2.7 million workers in Australia are engaged in casual work arrangements – or a little under one in four employees. Casual work is highly concentrated in lower paid, feminized industries – for instance in care and support work. Most casual workers are women, and 40 per cent of casual workers are between the ages of 15–24.

There is nothing casual about casual work, however, as the majority of casual employees work every week and have been in their job for over one year. The continual use of casual employment, where ongoing, regular work occurs, is a major contributor to the rising lack of secure employment in Australia. The former Government introduced a loophole that enabled an employer to call any worker a casual, even if they worked ongoing, regular hours.

The current Government, however, has recently undertaken a number of reforms to address the crisis of insecure work. These changes include:

- adding “job security” as a central objective of the Fair Work Act, meaning that Australia’s workplace tribunal, the Fair Work Commission, must consider the objective of job security when performing its functions.
- restricting the use of fixed-term contracts to two years or two consecutive contracts (whichever is shorter).
- legislating a definition of “casual employee” that takes into account the reality of the employment relationship and providing a pathway for a casual worker to convert to permanency.
- ensuring that labour hire workers receive the same pay as directly employed workers on agreements doing the same work.
- enabling “employee-like” workers engaged by a digital labour platform to be covered by minimum standards and allowing workers to challenge “unfair deactivations”.

There are a number of other reforms the Government has recently undertaken that are in line with the Convention, including measures to improve women’s workforce participation, such as:

- adding “gender equality” as a central objective of the Fair Work Act;

- strengthening the right to request flexible working arrangements and giving the Fair Work Commission additional powers to arbitrate over flexible work requests – which will enable women and parents to better balance work and care and improve their workforce participation;
- addressing women's safety at work by introducing a prohibition on sexual harassment in the Fair Work Act and strengthened protections against discrimination;
- measures to close the gender pay gap, including:
 - introducing multi-employer bargaining in female-dominated industries, such as aged care and early childhood education and care;
 - pay increases for aged care workers to account for the historic undervaluation of care work;
 - introducing superannuation on paid parental leave; and
 - prohibiting pay secrecy clauses in employment contracts that hide pay discrimination against women and giving workers the right to disclose their remuneration.

The Government has also taken action to address two other key issues we raised in our comments to the Committee of Experts regarding two exploitative employment programmes:

- They have abolished the Youth Jobs PaTH Internship programme which exploited young workers and displaced wage-paying jobs.
- They have committed to replacing the exploitative CDP, which was primarily targeted at Aboriginal and Torres Strait Islander peoples in remote areas, with a programme developed in consultation with First Nations peoples.

Finally, we note the actions the Australian Government has taken in line with Article 3 of the Convention, which requires Member States to consult with employers' and workers' representatives regarding employment policies. The Government undertook an extensive consultation process with the development of its employment White Paper which outlines a comprehensive employment strategy, building on the outcomes of the Jobs and Skills Summit held in 2022 that brought together the social partners and other stakeholders to discuss employment policy. A key reform in this area is the establishment of the tripartite, statutory body Jobs and Skills Australia to provide advice on workforce skills and training needs, with a Ministerial Advisory Board with representation from the social partners. We welcome this inclusive and consultative approach by the Government of Australia in this regard.

All of these measures will strengthen protections for workers and promote job security, but the full benefit of these reforms will take time. While noting the enormous progress made under this new Government, there is still more that must be done to progress towards the goal of full, productive and freely chosen employment for all, including:

- further action to eliminate the pay gap between Aboriginal and Torres Strait Islander workers and non-indigenous workers, and improve job security and employment rates for indigenous workers;
- further expanding and improving paid parental leave, and further steps to close the gender pay gap and remove barriers to women's workforce participation;
- abolishing youth wages and unpaid internships;

- increasing social security payments to ensure that jobseekers and others receiving social security are able to keep up with the rising cost of living and live in dignity.

Worker member, United Kingdom of Great Britain and Northern Ireland – Despite the vast geographical distance that lies between us, the world of work in the United Kingdom and Australia has many similarities. The Committee of Experts’ notes aspects of the 2021 ACTU observations that are familiar to workers in the United Kingdom: problems of insecure work, inequality, youth unemployment and the lack of meaningful consultation with social partners, are all issues my organization, the Trade Union Congress (TUC), has often raised. So, we have looked into this particular case with great interest.

We recognize the ACTU’s concerns that, in 2021, insecurity was a growing problem, leading to lower pay, underemployment and the lack of access to workers’ rights available to those with more secure employment. Insecure work affected 24 per cent of Australia’s workers. At the same time, youth unemployment was at a 30-year high, suggesting that casualization of work was having a deleterious effect on potential new workers attempting to enter the labour market. Access to the full range of rights was restricted for many women, with only 43 per cent of women in a full-time permanent job, with entitlements such as paid sick leave, which many workers in the group of industrialized market economy countries (IMEC) nations might take for granted.

Our own experience of insecure work shows that casualization – and in our context particularly zero-hours contracts, through which workers risk missing out on access to key rights and protections at work, lack income security and face lower rates of pay – often disproportionately affects women and minority groups and, especially, women from minority groups. It is therefore encouraging to see the range of initiatives brought in by the Australian Government since 2022 aimed at eradicating barriers to full-time, permanent work for women, such as the right to request flexible working hours, introducing better protections against sexual harassment and increasing pay transparency. The TUC is a strong advocate of pay transparency, including pay gap reporting not only on gender, but also race and disability, as a driver towards equitable pay.

Similar to Australia in 2021, the United Kingdom currently has a high persistent youth unemployment rate at around 15 per cent. Therefore, we will watch with interest to see if recent Australian Government policy reforms continue to drive lower rates in Australia, with rates having fallen from 13 per cent at the time of the ACTU report to under 10 per cent now. Young workers in the UK are also far more likely than other workers to be on zero-hours contracts, so Australian-style restrictions on casualization would also be of benefit at home.

As always, the presence of trade unions mitigates against inequality and exploitation, so we welcome the Australian Government’s moves to allow increased union access to unorganized workplaces and the right to represent the interests of potential members, allowing a huge increase in the number of workers who can benefit from unions’ proven track record of improving conditions.

Article 3 of the Convention states that “In the application of this Convention, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies.”

It is heartening, therefore, to see Australian initiatives like Jobs and Skills Australia, which are an excellent reflection of the Convention, as it does in the Government’s words take “a

tripartite approach with state and territory governments, industry, employers, unions and training providers, promoting a training system that meets the needs of employees, employers and the economy”.

Structured tripartite consultative mechanisms, which can make social partnership tangible and are fully able to positively impact conditions and ensure decent work, are always to be welcomed.

We live in a crisis of insecurity on both sides of our planet, and many places besides. Without the values enshrined in the Convention, including the preamble’s objective of “just and favourable conditions of work”, the world of work may continue to fragment and deliver poor outcomes for working people. The principles of social dialogue (underpinned, of course, by the freedom of association and the right to collective bargaining), can, through structured tripartite consultation and sectoral agreement, begin the process of addressing and reversing this trend. Efforts to end gender, race and disability-based pay disparities, and to equalize rights and conditions for workers on different types of contracts, will erode inequalities. And addressing youth unemployment and insecurity through serious efforts to boost skills and create decent jobs, rather than through schemes which rely on making young people work for nothing, would be welcome in both hemispheres.

The workers of the United Kingdom will continue to watch Australia with interest, and not a little hope for the future.

Worker member, Canada – Canada’s workers welcome the Australian Government’s updated information regarding recent steps taken to promote full employment and address insecure work, youth, women’s and indigenous employment and consultation with social partners on employment policy.

The Convention requires Member States to declare and pursue an active employment policy designed to promote full, productive and freely chosen employment, where each worker has the fullest possible opportunity to participate in the workforce, irrespective of sex.

Member States need to ensure that the employment policy has measures to ensure women’s workforce participation and economic equality. It is well understood that working women today, on average, earn less than men, have less job security and retire with less income. They are more likely to be doing more unpaid care and making sacrifices in their careers, to balance family and work. They are also more likely to be subject to sexual harassment, assault and violence, and treated less favourably on the basis of their gender.

We note the positive steps the Government has taken to address women’s economic inequality. In particular, I want to highlight the measures the Government has taken regarding gender-based violence and harassment in the world of work, which can be a key barrier to workforce participation. As such, governments must give consideration to measures to address gender-based violence and harassment, in order to fulfil their obligations under the Convention. We can see the interrelationship here, between Convention No. 190, which I note Australia ratified in 2023.

Measures Australia has taken, include reforms to the Sex Discrimination Act in 2022, which means that employers now must take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and sex-based harassment, hostile environments and victimization at work.

The Paid Family and Domestic Violence Leave Act came into effect in 2023, providing an entitlement to ten days paid family and domestic violence leave for all workers, and protections

against discrimination and increasing protections against workplace sexual harassment and giving workers a new way to deal with sexual harassment complaints, with the Fair Work Commission.

Workers in Canada, which also ratified Convention No. 190 last year, commend these initiatives as we also celebrate similar measures hard won to improve employment policy and protections for women in the workplace, including paid domestic violence leave.

We are currently urging the Government to address gaps in the protection against third-party harassment and violence, which is an escalating issue for women and gender-diverse workers in Canada. Journalists, hotel, restaurant and retail workers, nurses and other healthcare workers, teachers, education workers, public transportation workers and many others are impacted by third-party violence at work every day.

We urge both governments to undertake robust consultation, with social partners, to identify and close gaps in existing legislation and regulation.

Worker member, Finland – I am speaking on behalf of the Nordic trade unions. In pursuit of its objectives, the ILO has advocated for, adopted, and supervised international labour standards through a tripartite process for over a century. We note the good practice examples provided by Australia of a tripartite approach and consultation with the social partners since 2022 in the formulation and implementation of employment policies.

The principle of tripartism is the founding principle of this Organization. Yet, without actual realization of genuine tripartism in both law and in practice, the word has very little meaning. The concept also must have substantial, effective, and even actionable content. Excluding workers' organizations, that is, disregarding our views and not taking the obligation of social justice into account in economic or employment policymaking, is not only contrary to this Convention. It is contrary to the values of the ILO.

As expressed under the umbrella of the ILO supervisory mechanism on various occasions, tripartite consultations should, when these are adopted, cover not only questions on labour law in the strict sense of the term, but rather encompass general matters of public policy on labour, social and economic matters.

Reflecting these principles, and the Organization's own tripartite character, the effective recognition and promotion of tripartism is evident in all of the work of the Organization, including the Conventions. Without a question, this applies to the Convention as well. By virtue of Article 3 of the Convention, Member States are required to consult representatives of employers and workers concerning employment policies.

The principle of tripartism is fundamental and it is incumbent upon the Member States to enable and effectively ensure its realization. Genuine tripartism absolutely requires consultation to exist prior to establishing relevant policies. At the present moment, one could consider that circumstances in Australia have taken a turn for the better.

We note the good practice examples provided by Australia in the information they have provided to our Committee, of a tripartite approach and consultation with the social partners since 2022 in the formulation and implementation of employment policies. For example, the dialogue on employment policy at the Jobs and Skills Summit held in September 2022, and the subsequent White Paper on Jobs and Opportunities in September 2023, set out its employment policy, which we note has objectives in line with the Convention – in particular, are delivering sustained and inclusive full employment.

We welcome the Government consulting with social partners in the formulation and implementation of employment policies and encourage other governments to follow this example of good practice.

Tripartite consultations should, in all matters where applicable, such as those required by the Convention, form a part of the elements that are required for the Government to take its decision. This is only rational. Consultations beginning after a decision has already been taken cannot usefully involve any examination of conceivable alternatives that, in their very essence, could be characterized as being of tripartite nature. Sadly though, we still have to witness such practices on the global stage today, even in certain countries, where one might presume such issues to be long eradicated.

It is only when tripartism is not simply allowed, but promoted and encouraged, that it can truly flourish and be utilized to the full extent. We welcome the inclusive and consultative approach taken by the Government of Australia in this regard. Enabling, allowing, and encouraging genuine tripartism will lead to positive outcomes.

We call on the Government to continue to meaningfully consult and ensure the participation of the social partners in the formulation and implementation of employment policies.

Government member, New Zealand – The New Zealand Government notes the important obligation contained within the Convention for each Member State to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. New Zealand ratified this Convention in 1964. New Zealand acknowledges the Australian Government's awareness of previously raised issues relating to insecure work, underemployment, and unemployment. New Zealand supports Australia's objectives in implementing Workforce Australia in 2022, including settings to assist those further from the labour market, along with their legislative changes including to the Secure Jobs, Better Pay Act 2022 and the new Closing Loopholes Act 2024. We also note their increased funding in their 2024–25 budget for the Real Jobs, Real Wages and Work Foundations initiatives, to address these issues. Furthermore, New Zealand supports the Australian Government's intent in their strengthening and reprioritization of programmes to best address youth unemployment. We note their new *Working for Women: A Strategy for Gender Equality*, and range of associated workplace relations reforms to achieve women's equality and security, including their ratification of Convention No. 190. We recognize their commitment to reducing disparities between First Nations peoples and the rest of the population in fundamental areas of life, and the substantial moves they have made toward realizing this commitment. Finally, we note the range of consultation the Australian Government has undertaken with social partners in implementing employment-related initiatives. We have observed and commend Australia's positive working relationship with their employer and worker representative organizations in the ILO, in the spirit of tripartism.

Chairperson – There are no more requests for the floor, so I now invite the Government representative of Australia, to make her concluding remarks.

Government representative – The Australian Government has listened carefully to the interventions made today and welcomes the constructive comments.

I have outlined in my opening statement the range of measures that the Australian Government has already taken to address some of the matters that have been previously raised. These include in summary: reforming employment services, support to long-term unemployed people and young people, substantive reforms to the Australian workplace

relation system to strengthen protections for workers and deliver secure jobs and better pay, and implementing the Closing the Gap reforms to support the economic empowerment of First Nations peoples in Australia.

I have also mentioned the 2022 Employment White Paper, which the Government identifies as a road map for ensuring that Australians are the beneficiaries of the shifts under way in the economy and in our society over the coming decades. The White Paper builds on the Jobs and Skills Summit held in 2022 which brought together worker and employer representatives, civil society and governments to address shared economic challenges. It crystalizes the ambition for a dynamic and inclusive labour market in which Australians have the opportunity for secure, well-paid jobs in a country where workers, employers and communities can thrive and adapt.

I have also provided many examples of the Government's commitment to social dialogue and tripartite engagement. Today, we are particularly pleased to hear from our tripartite social partners, the ACTU and the ACCI. Constructive collaboration with our social partners has helped to make the reforms I have outlined today better and more sustainable. Their interventions reinforce, from an Australian worker and employer perspective, first-hand experience that the Government is firmly committed to the enduring principles and objectives that underpin the Convention.

To one specific point raised by the spokesperson of the Employer members, I would like to clarify the Government's legislative reforms to the definition of "casual employment". The core definition of "casual employment" remains unchanged: the absence of a firm advanced commitment to continuing and indefinite work. What has changed is an assessment of the practical reality of the relationship, not just the contract. Some workers are stuck in casual employment, without access to leave and entitlements, despite the way their work is becoming similar to permanent employees. Therefore, if after 6 months, or 12 months for an employee of a small business, the worker does not believe they meet the definition of a casual employee, they can request to move to permanent employment if they wish. Employers can still refuse an employee conversion notification if there are fair and reasonable grounds. For example, when the conversion would require a substantial change to the organization of work.

The amendments provide choice for the 32 per cent of casual workers in Australia who have regular working arrangements, mostly in female dominated sectors, including healthcare and social assistance, accommodation and food services and retail trade. I reiterate, however, that under these arrangements, no-one will be forced to convert from casual to permanent employment.

We are hopeful that the information provided by the Government ahead of today's hearing and during our opening statement, avails the Committee of any concerns present in the 2021, article 22, reporting cycle, noting the extensive reforms and policies implemented since this time. We remain at the disposal of the Committee for any further information that may be required.

Worker members – We thank the Government and all of those who took the floor. In this era of multiple crises including global, economic and climate crises triggered in no small part by the adoption of economic policies which produce outcomes contrary to the objectives of the Convention, including widening inequalities and associated social tension, the effort by the Government of Australia to respect the Convention in law and practice is well noted.

Work has become increasingly more precarious. New forms of work have emerged where millions of workers are now engaged outside of the protection of labour law, with all the dangers and vulnerabilities that come in its wake.

In this regard, we agree with the Committee of Experts, as they stated in the 2020 General Survey on employment protection, that “the principle of substantive equality includes the requirement that, over time, or after a certain period of time, all workers have access to more permanent and stable employment relationships”.

We note that the Government has taken a number of steps to address insecure work. Also, there have been measures adopted to improve women's workforce participation. The Government is also going ahead with measures on youth employment and that of First Nations.

In line with the Convention, the Australian Government should continue to develop and implement these measures, in consultation with social partners. This is central to ensuring that there continues to be an inclusive approach to economic and employment policymaking, and to sharing the positive results together.

Employer members – The Employer members wish to thank the various speakers who took the floor, and in particular the Government of Australia, for its interventions and the information it provided. We reiterate the importance of States' compliance with the Convention, and our belief that compliance with the Convention is critical to ensuring meaningful opportunities for both workers and business, and also to ensuring the broader effectiveness of the ten core ILO Conventions.

The Employer members recommend that the Government of Australia do the three following things: (i) continue providing information on policy and technical measures aimed at increasing both the employment quality and the quantity of jobs for women at the national level; (ii) continue providing detail about the nature of its efforts to support First Nations peoples in Australia's world of work; and (iii) to the extent that the Committee nonetheless believes that social partners have not been sufficiently consulted, the Government should better ensure that this specific consultation be conducted.

We count on the Government to timely provide the requested information and to adopt the measures.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

Taking the discussion into account, the Committee requested the Government, in consultation with employers' and workers' organizations, to continue to develop and implement employment policies in line with the Convention, including those aimed at increasing both the quality and quantity of jobs for women.

The Committee requested the Government to submit a report, including information on its ongoing efforts to support First Nations peoples in the world of work, to the Committee of Experts in accordance with the regular reporting cycle.

Government representative – Australia would like to thank the Committee for their conclusions on our compliance under Convention No. 122. Australia acknowledges and respects the important role of the Committee of Experts and this Committee within the ILO

supervisory system. Ensuring the effective application of international labour standards is critical to achieving our shared objective of decent work for all.

I hope the information presented in our verbal and written information on the significant new reforms implemented since the 2021 reporting cycle provided reassurance of Australia's commitment to, and compliance with, the Convention.

We will, of course, continue to work with social partners to follow up on the Committee's conclusions, especially as they relate to women and First Nations people.

Cambodia (ratification: 1999)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

Obstacles to trade union registration

- The Law on Trade Unions (LTU) was amended in 2020 after a series of comprehensive tripartite consultative processes with trade unions and employers' associations with technical support from the ILO. Among others, the procedures for registering a trade union or employers' association were simplified under this amendment.
- Before the adoption of the LTU in 2016, we had only 3,626 professional organizations that had been registered with the Ministry. But in 2017, that means one year after the LTU was adopted, we had 4,307 professional organizations, accounting for an 18.78 per cent increase. Following the amendment of the LTU in 2020, this number increased to 5,484, accounting for a 27.33 per cent increase. As of March 2024, we have 6,317 professional organizations, accounting for a 74.21 per cent increase, compared with the number of professional organizations before 2016. The statistics speak for themselves about freedom of association in Cambodia, and the concerns of one or two trade unions that resist change is not justified.
- Once again, Cambodia would like to resubmit its strong request for technical collaboration and support from the ILO to organize training for trade union federations and confederations on the registration processes so that they can further train their members. Meanwhile, the Ministry of Labour and Vocational Training (MLVT) has implemented three working shifts from 7 a.m. to 10.30 p.m., put some officials on standby during the weekend, and created a 24/7 hotline and telegram channels for workers and employers to check with the Ministry when they have any doubts or concerns relating to labour disputes and trade union registration.

Misclassification of collective labour disputes and the Arbitration Council (AC)

- Collective labour disputes and individual disputes are very clearly defined in the Labour Law. So, their determination is not subjective.
- When there is any labour dispute, the focus should be on how to settle it peacefully and quickly in a transparent and win-win manner so that industrial peace at the enterprise level could be restored, rather than who settles it.

- The MLVT has strengthened its dispute settlement mechanism, which resulted in an increasing number of disputes being settled by the Ministry.
- Below is the statistics of labour disputes settled by the Ministry:

1 Labour Dispute Settlement								
Individual Labour Disputes		2018	2019	2020	2021	2022	2023	As of April 2024
Number of cases	Case	417	571	552	695	681	818	378
Conciliated	Case	197	287	329	453	389	670	309
Non-conciliated	Case	163	254	182	182	227	120	42
Dismissed	Case	57	30	41	60	65	28	27
Collective Labour Disputes		2018	2019	2020	2021	2022	2023	As of April 2024
Number of cases	Case	163	257	247	154	225	187	82
Conciliated	Case	99	128	156	100	153	159	73
Non-conciliated	Case	61	123	86	48	68	28	8
Dismissed	Case	3	6	5	6	4	–	1
2 Arbitration Council								
		2018	2019	2020	2021	2022	2023	As of April 2024
Number of cases referred to the AC	Case	53	121	66	43	53	22	5
Issued the Arbitral Award	Case	41	83	53	35	41	16	2
Settlement through agreements	Case	12	38	13	8	12	6	1

- It is imperative to emphasize that the role of the Arbitration Council (AC) is not undermined by the decline in the number of disputes referred to this quasi-judicial body. In contrast, the Labour Law was amended in 2021 to extend the jurisdiction of the AC to hear individual disputes too. It is expected that the AC will be able to take on individual disputes by the end of 2024 or early 2025. By that time, there will be no more concern about the misclassification of collective labour disputes.
- The MLVT has had several meetings with the Arbitration Council Foundation (ACF) and other stakeholders regarding the provision of a new office location, strengthening the capacity of arbitrators, and the contribution to support the operation of the institution.
- In March 2024, the MLVT had a meeting with representatives of the AC and ACF to discuss the sustainability of the AC and ACF. It was agreed that both the AC and ACF would be institutionalized as state institutions. This development was welcomed by the Royal Government.

Police violence and arrest and imprisonment of trade union leaders

- If trade union leaders suffer from any violence, they are encouraged to make complaints to the competent authorities and the MLVT. However, trade unionists are also citizens, so they

shall also be responsible before the laws for their wrongdoings. In any circumstances, trade union membership cannot be construed as a shield for violating the law.

- In 2020 the Ministry, in collaboration with the Office of the High Commissioner for Human Rights and the Royal Police Academy of Cambodia, and with the support of the ILO, organized Training of Trainers (ToT) on the right to strike and peaceful demonstration for 120 police officers from various units of the National Police. After receiving this training, the trainers continued to train 550 police officers in their respective units. In addition, a series of drills with 161 participants were also conducted.
- The MLVT reiterates its strong request for technical assistance from the ILO to develop guidelines for police officers on how to handle strikes and peaceful demonstrations.

Persecution of union leaders for participating in peaceful strikes

- No trade union member in Cambodia has ever been arrested or persecuted for their participation in or organizing a peaceful strike. In contrast, conducting violent strikes by destroying public or private property, blocking factory gates to stop other workers from entering to work, blocking public roads, and violating health measures during the COVID-19 pandemic, is not a peaceful strike; it is a criminal offence under the criminal law because it violates the rights of others, especially the right to life. In this regard, the Convention provides no special privilege of impunity for trade unionists for such action. The legal action is consistent with the decision of the Committee on Freedom of Association (CFA) of the ILO, which states that “Penal sanctions should only be imposed if, in the framework of a strike, violence against persons and property or other serious violations of the ordinary criminal law are committed, and this on the basis of the laws and regulations punishing such acts”.

Progress on implementation of the direct contacts mission (DCM) 2022

- The progress on the implementation of the recommendations relating to the criminal charges against trade unionists involved in the 2014 demonstration, trade union registration, the Arbitration Council, criminalization and politicization of trade union activity, as provided in the 2022 direct contacts mission (DCM) report, are illustrated in this report.
- In respect of the recommendation on the collective bargaining agreement (CBA), the procedures for trade unions to receive the most representative status (MRS) to enable them to sign the CBA were simplified through the amendment of section 55 of the LTU. Following the amendment of this section, the number of MRS trade unions increased over time, from 525 MRS trade unions in 2019 to 624 MRS unions as of March 2024.

Murder of trade unionists

- We understand the concerns of all stakeholders on the need to conclude the ongoing investigations and to bring the perpetrators and instigators of these crimes to justice. However, we urge all stakeholders to understand that the case faces great practical challenges, especially when the victim’s family and the witnesses do not provide cooperation in the reinvestigation.
- Nevertheless, the National Commission on Reviewing the Application of the International Labour Conventions (NCRILC) ratified by Cambodia – a tripartite mechanism dedicated to resolving all concerns and requests related to the implementation of the International Labour Conventions ratified by Cambodia, including Case No. 2318 and Case No. 3424 – has

recently been modified through a decision dated 2 January 2024 under the new Government. The first meeting of the NCRILC was scheduled for 28 May 2024.

Criminal charges against trade unionists in relation to incidents during January 2014 demonstration

- In relation to the violence that happened in early 2014 on Veng Sreng Road, we would like to re-emphasize that such action was not a strike but a riot.
- The charges against the six trade union leaders who were involved with that riot were dropped by the Court of Appeals. Therefore, this case has been completely closed.
- For the remaining cases, on 27 April 2022, the Cambodian Labour Confederation (CLC) sent a letter to the MLVT providing information on eight pending court cases. However, based on the report from the Ministry of Justice, none of them were related to the exercise of legitimate trade union activities.
- Since early 2024, the MLVT has had four meetings with the CLC to revisit all pending court cases and non-court cases at the request of the CLC. It was agreed that the meeting shall be conducted consecutively once a week to expedite the processes.

Rights of civil servants and domestic workers to freedom of association

- Freedom of association in Cambodia can be exercised not only through the LTU, but also the Law on Associations and Non-Governmental Organizations (LANGO). Therefore, private teachers and domestic workers can exercise their freedom of association in accordance with the LTU, while state schoolteachers are free to form associations in accordance with the LANGO. The reason for the different legal framework governing freedom of association is due to the administrative system and the separation of powers of state institutions responsible for the registration of professional organizations.

Financial audit and maintenance of registration

- Relating to this concern, we would like to clarify that section 17 of the LTU was already amended to eliminate the requirement for trade unions to submit their financial reports to the MLVT; the financial report is only for their members and donors. Trade union members or donors can request an audit of the financial report. This requirement is not exceptional because trade unions are normally required by their donors to submit an audited financial report. It also does not contradict the decision of the CFA.

Right to elect representatives freely

- Regarding the requirement to be able to read and write Khmer for foreign workers who wish to become trade union leaders, we would like to inform the Committee that the amendments to sections 20 and 21 of the LTU were the result of tripartite consultations and agreements to address trade unions' concerns. This requirement is in line with the decision of the CFA which decided that "Requiring literacy for foreign workers to become trade union leaders and individuals in charge of administration is not contrary to Convention No. 87. Inequality occurs only when regulations require at least 60 per cent of trade union members to be able to read and write before they can form a union".

Dissolution of trade unions

- Regarding trade union dissolution, unlike in other countries, the MLVT does not have the authority to dissolve a trade union.
- On the other hand, under the amendment to the LTU, local trade unions can be dissolved only when the employer's obligations to the workers have been cleared. Obviously, this amendment was made to protect the interests of workers and unions when the enterprise is closed. The unions also welcomed the amendment. Moreover, when the enterprise is closed down, there will be no more workers working in that enterprise for the trade union to represent. It is therefore impractical to maintain a trade union when the enterprise has permanently closed down.

In a nutshell, Cambodia stands firm in its commitment to foster a conducive environment where freedom of association is upheld and safeguarded. With an aspiration to promote harmonious industrial relations, quarterly meetings between all trade union federations and confederations and the MLVT have been scheduled. Two meetings have already been conducted since late 2023.

Given the progress and dedication demonstrated, Cambodia respectfully requests the Committee to consider withdrawing Cambodia's individual case on Convention No. 87 from the list of 24 individual cases.

Discussion by the Committee

Chairperson – I invite the Government representative of Cambodia, the Secretary of State, to take the floor.

Government representative – First and foremost, I would like to extend my heartfelt congratulations to the Chairperson on his appointment. I would also like to make the following submissions to address the concerns of the Committee over the application of the Convention, as well as to provide the following updates on the progress in implementation of the recommendations of the direct contacts mission of 2022.

Regarding the long-standing Case No. 2318, the authority did the investigation and arrested the suspects immediately after the incidents happened, and all the cases had also gone through due legal proceedings.

Cambodia does not provide a place for impunity, and any attempt to promote it in Cambodia will be strongly resisted. For this reason, the Government has unreluctantly welcomed three ILO direct contacts missions – in 2008, 2017 and 2022, respectively, – to investigate Case No. 2318. During the missions, the delegates were given full support to meet with various stakeholders, including the tripartite constituents of the ILO, the victims' families and civil society organizations.

On the other hand, in response to the recommendations of the second direct contacts mission in 2017, the Government decided to establish in 2018 the National Commission on Reviewing the Application of the International Labour Conventions (NCRILC) ratified by Cambodia, which is a national tripartite mechanism replacing the Inter-Ministerial Committee for Special Investigation on Case No. 2318.

After revising the members in February 2024, the NCRILC had its meeting on 28 May 2024, last month, with the following results.

On the case of Mr Chea Vichea's murder, the National Police reaffirmed their commitment to foster cooperation with relevant stakeholders, including the victim's family, to expedite the reinvestigation and conclude the case although the reinvestigation faces a lot of challenges.

On the case of Mr Hy Vuthy, the National Police would seek support from the International Criminal Police Organization (INTERPOL) to search for the perpetrator who remains at large and bring him to justice.

For the case of Mr Ros Sovannareth, as the perpetrator Mr Thach Saveth has been convicted and is now serving his term in prison, my delegation would like to reiterate our request to the Committee to withdraw it from Case No. 2318.

Regarding the incident in early 2014, our position remains firm that that protest at the time was far beyond the strike definition of the ILO. It was actually qualified as a riot. On the other hand, as per our previous report to the Committee of Experts, the charge against six trade union leaders who were involved in the protest was dropped by the Court of Appeals. Therefore, this case has been completely closed. For other cases, the Cambodian Labour Confederation (CLC) provided information on eight pending court cases in a letter dated 27 April 2022 to the Ministry of Labour and Vocational Training (MLVT). However, after a thorough review by the Ministry of Justice, it was confirmed that none of those cases were related to the trade union activities. Nevertheless, since the beginning of 2024, the MLVT – which I myself represent – has engaged in four productive meetings with the president of the CLC to reassess all pending court and non-court cases as requested by the CLC. It was agreed that our meeting would be conducted once a week to expedite the reviewing process.

In respect of the right to strike, we would like to emphasize that the Government is committed to protecting trade unionists' rights to engage in lawful industrial action in accordance with the laws. In addition, there is a clear difference between lawful industrial action and criminal actions, and the court has sole discretion to make this judgement. Except for those who committed criminal actions, no trade unionist in Cambodia has ever been arrested or prosecuted for their legal actions. In this regard, we would like to remind the Committee that the Convention provides no special privilege of impunity to trade unionists for unlawful actions, I repeat, unlawful actions. This is confirmed by the decision of the Committee on Freedom of Association, which I would like to quote: "Penal sanctions should only be imposed if, in the framework of a strike, violence against persons and property or other serious violations of the ordinary criminal law are committed, and this, on the basis of the laws and regulations punishing such acts".

On legislative issues, my delegation would like to reiterate that several items of national legislation are in place to ensure that everyone, including public teachers, civil servants, and domestic workers, can enjoy their freedom of association. That legislation includes the Constitution, the Labour Law, the Law on Trade Unions (LTU), the Law on Common Statute of Civil Servants, the Law on Education, and the Law on Associations and Non-Governmental Organizations. Unless there is an express clause in the Convention specifying otherwise, we are not convinced that freedom of association must be exercised under one single item of legislation. We understand that law is just the means, not the goal. So, Cambodia provides a variety of means for workers, public teachers and civil servants to implement their respective freedom of association. Apparently, as of December 2023, there are 2,747 associations and 3,532 non-governmental organizations (NGOs), amounting to a total of 6,279 local associations and NGOs operating in Cambodia. Although public teachers and domestic workers cannot form trade unions under the Law on Trade Unions, they are free to form associations under

other legislation. We have the Cambodian Independent Teachers' Association (CITA) as evidence.

Regarding trade union registration, following the amendment of the LTU in 2022 after a series of comprehensive tripartite consultative processes with trade unions and employers' associations under technical support from the ILO, many concerns of trade unions have been addressed, including the simplification of procedures for registering a professional organization by allowing the trade union to register at the provincial department level, vocational training, shortening the registration period from 60 to 30 days, the elimination of the requirement to submit the audited financial report, and the appropriate process of trade union dissolution. No registration application has ever been rejected if the administrative requirements are fulfilled. Our Labour Law and the LTU allow workers to form as many trade unions as they want in one enterprise. Currently, there are on average four to five trade unions in one enterprise. This is, of course, very unique.

Evidently, the number of professional organization registrations keeps increasing even after the adoption of the LTU in 2016 and its amendment in 2020. As of March 2024, we have 6,317 professional organizations, accounting for a 74.21 per cent increase compared to the number of professional organizations registered before the adoption of this Law in 2016. The sharp increase in the number of professional organizations following the adoption and amendment of the LTU is an indisputable testament that workers and employers can freely form their respective professional organizations. The registration process is not an issue. So, the concern of a couple of trade unions that resist complying with the law is not justified.

Regarding the Arbitration Council (AC), as recommended by the direct contacts mission, we would like to report to the Committee that the Government is committed to strengthening labour dispute mechanisms through making an amendment to the Labour Law in December 2021 to extend the jurisdiction of the AC to also hear individual disputes in addition to the collective labour dispute. Following this amendment, a series of tripartite consultative workshops were organized to review the existing functioning and readiness of the AC to take the individual disputes. Moreover, the Government has a strong commitment in supporting the institutionalization of the AC as a more credible, transparent, and financially sustainable judicial body for settling labour disputes in Cambodia.

On the other hand, we would like to point out that under the latest Labour Law amendment, labour inspectors will be qualified as judicial police officers to ensure the enforcement of the Labour Law, including the binding arbitral award.

While taking all concerns into serious consideration, my delegation would like to bring to your attention that what happened in the last 20 years does not reflect the contemporary situation of freedom of association in Cambodia. If we look at the past while we live in the present, it does not make sense, so please look at the present. And if we look at the present, it is proven that there has been a lot of positive progress in Cambodia, in terms of protection and promotion of the rights of trade unions. The trade union movement is quite mature now, and we have adopted the dialogue approaches in our communication. In this regard, many bipartite and tripartite mechanisms have been established. For instance, the Labour Advisory Committee, the ILO-BFC Project Advisory Committee, the National Minimum Wages Council, etc.

More importantly, in this Seventh Legislature of the National Assembly, the Government is committed to continuing and further strengthening social dialogue. For this reason, the Ministry has made provision, as a priority in our Strategic Development Plan 2024–28, to hold quarterly meetings with all federation and confederation trade unions to discuss their

challenges. Meanwhile, the Prime Minister will continue to hold public meetings with workers, supervisors, and administrative managers in the garment, textiles, footwear and travel goods and bags sector – which is the most labour-intensive sector – to build a closer relationship with them so that the Government can address their needs in a timely manner. In this connection, we would like to report to the Committee that, in the Sixth Legislature of the National Assembly, our former Prime Minister had several meetings with workers, covering almost 1 million workers, and after the new Government was formed, the new Prime Minister continued this momentum, and from September 2023 to December 2023, the new Prime Minister had met with workers ten times, covering over 170,000 workers. Through those meetings, the Prime Minister has made a lot of recommendations to the Ministry to implement in order to improve the livelihood of workers, working conditions, and promote peaceful industrial relations, especially through the Government campaign entitled “One enterprise, one harmonious community”.

Moreover, to meet the demand for clarity and support regarding labour regulations, the Ministry has extended its operating hours from 7 a.m. to 10.30 p.m. on weekdays and set up standby services at the weekend and on public holidays, to continue to provide service to our workers even during the weekend and public holidays. We have also established a 24/7 hotline and dedicated telegram channels to assist workers, employers, and trade unionists with any queries, concerns or labour disputes.

To conclude, I would like to reassure the Committee that Cambodia remains committed to promoting, protecting, and adhering to all obligations stipulated in relevant instruments to which it is a party. In this regard, the collaboration and support of all relevant stakeholders, including the ILO, is indispensable.

Employer members – Thanks to the Government for those remarks which we have noted carefully. Cambodia is a country that has ratified this Convention, a fundamental Convention, in 1999. It has been discussed in this Committee eight times in the past, I will not go through the list of the years but the most recent was 2021. It has been the subject of numerous Committee of Experts’ observations, 16 of them, and the subject of three direct contacts missions, the most recent of which was in 2022.

This is a double footnoted case, designated as such by the Committee of Experts because they have concerns over and above those they would normally attribute to other cases, but sometimes it is hard to see how in fact they have made their judgement, but here the Committee of Experts noted the long-standing nature of the issues in this particular case, the lack of progress or its perceived lack of progress on a number of the issues, new allegations of serious violations and basic civil liberties essential to the exercise of freedom of association, including the arrest and detention of trade unionists and the absence of a Report from the Government for this years’ Conference.

A number of these issues are related to the right to strike, and here we remind the Employers’ disagreement with the Committee of Experts’ views concerning this Convention with regard to the right to strike and we wish to emphasize that neither the Convention nor any other ILO Convention contain rules on the right to strike and that the Government Group of the Governing Body confirmed their Position Statement in March 2015 that the scope and conditions of this right are regulated at the national level.

So turning now to some of the main issues, in relation to the murder of trade unionists, once again the Committee of Experts recalled its long-standing recommendation to complete the investigations into the murders of three trade union leaders in 2004 and 2007, and noted Government indications that investigations are underway but have been complicated by

various factors, including lack of cooperation of some of those affected and witnesses. The Employer members join with the Committee of Experts in urging the Government to bring the investigations to a conclusion, that said the Employers would also point out that it is not within the mandate of this Committee to reach conclusions on civil and criminal matters unless these are clearly related to freedom of association. Thus, the investigations should also address the question of whether the deaths were directly associated with the exercise of the right to freedom of association.

As regards the incidents during the January 2014 demonstrations, the Employer members noted the information provided by the Government to the effect that the action in question was in fact a riot, the charges against six of the trade union leaders involved were dropped by the Court of Appeals, that eight further cases were not related to the exercise of legitimate trade union activities and it is since early 2024 the Government has had four meetings with the Cambodian Labour Federation to revisit all appending cases and non-court cases.

However, there is still a long way to go. The Employer members urge the Government to continue to providing information on these processes and in particular on any verdicts issued in undertaking all necessary efforts to ensure that no criminal charges or sanctions are imposed in relation to the exercise of legitimate trade union activities.

On the broader front, there is a long-standing list of complaints regarding violence, intimidation, arrest and imprisonment of trade unionists for carrying peaceful industrial action. The Employer members condemn any such measures. However, addressing them, in this Committee requires that the matters complained of are breaches of the Convention and not instead matters of civil or criminal law. In that regard we note the comments from the Government, including indicating that no trade union member in Cambodia has ever been arrested or persecuted for participation or organizing a peaceful strike and that conducting violent strikes by destroying public or private property, blocking factory gates to stop other workers from entering to work, blocking public roads, violating health measures during the COVID-19 pandemic, was in fact criminal offence under the national law. Be this at it may, the slow or no progress in investigating the situation of arrested workers makes it difficult for this Committee to reach meaningful conclusions. Therefore, we urge the Government to expedite its investigations and report back by the next session of the International Labour Conference.

On the same topic, the Committee of Experts has drawn attention to the need to ensure that the intervention of the police should be proportionate to the threat to public order; competent authorities should receive adequate instruction and training to avoid excessive force when controlling demonstrations that might undermine public order.

We note that some training has in fact taken place. According to Government information provided to this Committee in 2020, the Ministry, with the support of the ILO, organized Training of Trainers (ToT) for 120 police officers from various units of the National Police and after receiving this training, the trainers trained 550 police officers in their respective units.

While this is praiseworthy, once is not enough, ideally such training should be incorporated in the general training given to the members of the law enforcement agencies. We therefore call upon the Government to continue providing information on its efforts to ensure that members of the law enforcement agencies receive adequate and ongoing training. We also note the Government requests for technical assistance from the ILO to develop guidelines for police officers on how to handle strikes and peaceful demonstrations and trust that the ILO will respond to this request.

Turning now to legislative issues. In relation to Article 2 of the Convention, the Employer members echo the comments of the Committee of Experts and their requests that the Government takes measures, in consultation with the social partners to ensure that civil servants, including teachers, who are not covered by the Law on Trade Unions, are guaranteed their rights under the Convention. The Employer members note from the Government that public sector teachers could exercise their freedom of association through the Law on Associations and Non-Governmental Organizations (LANGO), and they request the Government to indicate if and to what extent the rights under the LANGO respond to those under the Law on Trade Unions.

In relation to domestic workers and the workers in the informal economy, the Employer members request the Government to provide detailed information on steps to promote the effective enjoyment of their rights of freedom of associations. One of the problems here seems to be that the trade union law provides for enterprise union models which does not correspond to the employment situation of domestic workers. The Employer members consider that while it is difficult for domestic workers and workers in the informal economy to organize, due to the nature of their work, the legal framework should not be an additional obstacle.

In relation to trade union registration, this Committee in 2021 called upon the Government to ensure that workers are able to register trade unions. The direct contacts mission recommended that practical hurdles to the formation and functioning should also be addressed. We note that the latest Government information suggests that there has been a very increase in the number of trade unions from 3,600 plus in 2016 to 6,300 this year, over 75 per cent increase. This seems to conflict with the Committee of Experts' views that there are difficulties in registering trade unions, such a huge increase would suggest that there are very little difficulties. So, we suggest that the Committee of Experts takes into account this information in its next examination. In the meantime, we also call upon the Government to provide further relevant information on this issue.

With respect to the requirement for leaders and other senior staff of trade unions to be able to read and write, we note from the Government that these were the result of tripartite consultations and agreements to address the trade unions' concerns. We also refer to the Committee on Freedom of Association's view that said that requiring literacy for foreign workers to become trade union leaders is not contrary to the Convention. So again, we leave it to the Committee of Experts to examine these facts and reconcile them, but for our part we would like to say that literacy requirements should not pose problems for employers' organizations in practice.

Regarding the dissolution of the representative organizations in line with Article 3, it is for workers' and employers' associations to determine the rules of such matters, these should not be regulated by law. So, we agree with the Committee of Experts' request that the Government take the necessary measures to amend section 28 of the Law on Trade Unions and also to amend section 29 so that it is up to employers and associations own laws and bylaws to determine the regulation of procedures for dissolution.

Last, in relation to the independent adjudication mechanisms, we call upon the Government to provide information relating to how it is addressing the measures requested by the direct contacts mission in 2022. We note the Government's statement just earlier that it has made a number of steps in this regard, we commend these steps and urge them to continue.

By way of conclusion, we would recall that the 2022 direct contacts mission suggested the simplification of the road map and its progress report and full consultation with the social

partners and with the support of the ILO to identify priority areas for urgent action on the basis of those recommendations and therefore regular review of the adequacy of the steps taken should be conducted with all the parties involved.

These should include the measures taken to engage the social partners concerned and prioritizing areas for action with reference to all of the direct contacts mission's requests, setting our clear deliverables, responsible bodies and time frames.

Worker members – Last year we dealt with the case of Cambodia in relation to the Abolition of Forced Labour Convention, 1957 (No. 105), while this year we are looking at Convention No. 87. The violations of Convention No. 105 noted last year are not unrelated to the lack of compliance with the Convention that we are about to discuss. When the fundamental principles of freedom of association are not respected, all the rights and freedoms of workers are under threat. The examination of this case will be the perfect illustration of this.

Last year the Committee addressed a recommendation inviting the Government to implement the recommendations made regarding the application of the Convention following a direct contacts mission in March–April 2022. This mission had been recommended by the Committee following the last examination of the application of the Convention by the Government of Cambodia in 2021. The application of this Convention in Cambodia has been examined by the Committee no less than eight times since 2007. We align ourselves with the Committee of Experts and deeply regret that the Government has not sent any report. It is clear that the persistence and seriousness of the violations of the Convention in the country is a source of deep concern for the Workers' group. The environment in Cambodia is far from allowing the exercise of civil liberties, particularly of freedom of association. An anti-union climate prevails throughout Cambodia and numerous legal and practical obstacles to the exercise of freedom of association have persisted for far too long. The most serious consequences of this toxic environment include the murders of trade unionists in the country. The report refers to the murders of trade union leaders Chea Vichea and Ros Sovannareth in 2004 and Hy Vuthy in 2007. We are bound to regret that no full and independent investigation into these events has been conducted so far. As regards the National Commission on Reviewing the Application of the International Labour Conventions, it should be noted that it meets only once a year and does not appear to have been the source of decisive progress.

Workers who engage in collective action in Cambodia are frequently exposed to violence, intimidation, arrest and detention. The report of the Committee of Experts mentions the events that occurred in 2014 following peaceful demonstrations calling for an increase in wages. The trade unionists who took part on these events were subjected to criminal prosecution, a practice which is ongoing in Cambodia. While numerous recommendations made to the Government invite it to provide information on the proceedings in progress and to make a list of the trade unionists who are the subject of such proceedings in consultation with the union concerned, the Government has not sent any information on this matter to the Committee of Experts. There are still discrepancies between the list of judicial proceedings held by the trade unions and the list held by the Ministry of labour. The Government states in its written observations that weekly meetings have been held since the start of 2024 to review all the judicial proceedings under way. It will be important that the Government sends information on this matter to the Committee of Experts for examination. The reports refers to arrests of workers that occurred in the context of a labour dispute in the Phnom Penh region following the dismissal of more than 1,300 workers, and to practices of anti-union discrimination. These facts were also referred to the Committee on Freedom of Association, which urged the Government to ensure the immediate unconditional release of the trade unionists concerned.

According to our information, in early May this year the Supreme Court of Cambodia upheld the prisons sentences handed down to these trade unionists. The recurrence of incidents with law enforcement bodies is the sign of an environment that is not conducive to the exercise of civil liberties and freedom of association. The excessive use of force makes us fear that there is a lack of training for law enforcement bodies on these matters. It seems clear to us, as recommended by the direct contacts mission, that there is a need for clear instructions to ensure that the intervention of the police in cases of collective actions is proportionate to the threat to public order and that the danger of excessive violence is avoided.

Cambodian legislation contains a number of elements which are incompatible with the Convention. The legislation on trade unions does not apply to public servants, including teachers. It is difficult to apply to domestic workers and workers in the informal economy. The enterprise union model promoted by the Law on Trade Unions imposes requirements which are difficult to meet for the workers concerned. To date, the Government has not provided any information which shows to what extent the rights enshrined in the Convention are guaranteed for public officials, domestic workers and workers in the informal economy. The written information provided by the Government merely indicates that private teachers and domestic workers may have recourse to the Law on Trade Unions while public teachers can have recourse to the Law on Associations and Non-Governmental Organizations. No details are given of the measures taken to overcome these obstacles. The issue of the trade union registration procedure continues to pose problems. Even though the number of registered unions increased between 2016 and 2024, difficulties are still apparent in the registration procedure. Maintaining registration is also subject to obligations to undertake particularly burdensome financial audits, which can constitute disproportionate obstacles to the exercise of freedom of association.

The Committee of Experts indicated in paragraph 104 of the General Survey that the requirement to be able to read and write to be eligible for trade union office is incompatible with the Convention. However, Cambodian legislation provides that foreigners must be able to read and write Khmer to become trade union officers. The Government has not provided any written information on section 326 of the Labour Law under which the Ministry of Labour and Vocational Training (Ministry of Labour) is authorized to determine arrangements for a minimum service in the absence of an agreement between the parties. Penalties for serious misconduct can also be imposed on workers. We regret the fact that it is common practice to replace workers who engage in collective actions and to issue injunctions to prevent industrial action, even where the trade unions comply with all procedures. The role of the committee responsible for managing collective disputes must be clarified so that it does not restrict the legitimate right of workers' organizations to undertake collective actions to defend the interests of their members. Section 28(2) of the Law on Trade Unions provides for the automatic dissolution of a union in the event of closure of the enterprise. Section 29 of the same law also allows any person to call for the dissolution of the trade union before the court. However, it is for the union members, under union constitutions and rules, to decide on the dissolution procedure.

As regards the functioning of the Arbitration Council, we regret the refusal of the Ministry of Labour to authorize higher-level unions to represent or support their members in collective disputes. The classification of certain disputes also poses a problem since a number of disputes which were clearly collective disputes have been classified as individual disputes and consequently could not be handled by the Arbitration Council.

Employer member, Cambodia – It is regrettable that the Committee of Experts has called Cambodia to appear this year, even though we have made significant demonstrable progress.

We observed that the report of the Committee of Experts for 2024 sets out a substantial set of requests to the Government, including some incidents reaching as far back as two decades ago. Due to time limits and other practical considerations, we are not able to address each item of the report. Rather we wish to offer our views and observations at a high level and at the same time we will focus attention on certain cases raised in the report.

The conditions of the working environment and well-being of our workers today are different from the past. Employers have collaborated with government workers and other counterparts towards ensuring decent productive and sustainable work for all women and men in Cambodia. While we understand there is much work to be done to fully achieve our common vision and goals, we take pride in the recognition of our shared efforts and progress in the improvement and strengthening of the working environment and well-being of our workers.

Allow me to highlight just a small sample of achievements over the past years. The minimum wage for workers in the garment, footwear, and textile sectors, about 90 per cent of whom are women, has increased 19 times since 1997, and the minimum wage now stands at US\$204 per month. And we know that it is set annually by the negotiated tripartite process. Using the criteria as stipulated in Article 3 of the Minimum Wage Fixing Convention, 1970 (No. 131), the current minimum wage in Cambodia is higher than that of some comparable countries in the region, and furthermore the actual take-home pay of workers in 2024 exceeds US\$260 per month. Building the framework and expanding the coverage of national social security for the direct benefit of workers and their families including through the work injury scheme, the healthcare scheme and more recently the pension scheme, not to mention expanding social protection measures to mitigate the socio-economic impact of COVID-19 such as the wage subsidy scheme providing unemployment benefits to workers where business operation had been suspended during the pandemic. And strengthening and setting the standard for compliance with labour law and regulations as well as business and human rights principles, as recognized and reported by the ILO Better Factories Cambodia Programme.

We attribute this to employers being involved in improving knowledge and understanding of labour laws and standards, of good practice, and the improved capacity of the Ministry of Labour in introducing and enforcing labour law and regulation. We employers fully recognize the rights of trade unions to organize and represent their members. However, we remain concerned about the multiplicity of trade unions, their lack of representativeness and the fragmentation and the ongoing in-fighting among the trade unions that disrupt business operations and undermine the hard-won progress we have made in industrial relations. These problems persist in the landscape where the proliferation of trade unions marches unabated over the past years. As reported by the Ministry of Labour, the number rose over 70 per cent, to over 6,000 organizations in March this year compared to about 3,600 organizations back in 2016 when the trade union law was adopted.

We turn now to focus on some key specific issues set in the report in relation to the cases of murder of trade unionists. We share our views as follows: we condemn to the incitement of violence as well as any act of violence against any individual, including trade unionists; perpetrators of crime need to be brought to justice as warranted by Cambodia's national justice system. Regarding the case relating to the murder of Mr Chea Vichea, we recognize that the reinvestigation is very challenging for the competent authorities due to the large gap between the time the incident happened and the time the court ordered reinvestigation. Regarding the case relating to the murder of Mr Ros Sovannareth, we support the Government's request to review the matter due to the fact that the court has convicted the perpetrator and presently he has been put in prison to serve his term. We wish to draw the

attention of the Committee to the fact that the cases of the killings of Mr Chea Vichea and Mr Ros Sovannareth occurred in 2004 and Mr Hy Vuthy in 2007. While these cases are serious, we ask the Committee to consider not the defining the present-day state of freedom of association and industrial relations in Cambodia on the basis of cases that happened nearly two decades ago.

In relation to the arrested union leaders and activists we know that Cambodia recognizes the right to peacefully exercise industrial action, but committing unlawful acts such as violence during protests or other illegal acts is punishable by the laws of Cambodia. We call on the Government to provide reports regularly to the Committee of Experts on the status and progress of the key issue raised in the report to allow the said Committee to have the update and to avoid misunderstandings and to promote the better appreciation by the Committee of the national realities and tangible progress achieved in Cambodia. Despite the progress, there are ongoing challenges that employers and other social partners have to continue to deal with. We believe that the social partners in Cambodia will benefit from the technical support and expertise of the ILO. We hereby request the ILO to provide and increase their provision of its technical support to employers and other social partners in Cambodia with a view to strengthening and improving the state of industrial relations and sustainability of enterprises in Cambodia. The technical support should aim to enhance knowledge and understanding of not only the rights, but also the legal obligations of the social partners relating to freedom of association, collective bargaining, and sustainability of enterprises.

Worker member, Cambodia – I am the Secretary General of the Cambodian Confederation of Trade Unions (CCTU) and I will speak on the various issues as highlighted by the Committee of Experts such as the case of murders of trade unionists, criminal charges in relation to the January 2014 demonstration against trade unionists for carrying out peaceful industrial action, the application of trade union laws for civil servants and public sector teachers, domestic workers and the informal economy, trade union registration and the ILO direct contacts mission in 2022.

As for the case of murders of trade unionists, allow me to acknowledge the commitments made by the Government of Cambodia, particularly after participating in the discussion during the meeting of the National Commission on Reviewing the Application of the International Labour Conventions (NCRILC), ratified by Cambodia on 28 May 2024. We recognize the Government's efforts and hear all the difficulties, challenges and complexities of the cases. However, we share the view with of the Committee of Experts that the investigation and conclusion of these cases are needed.

Regarding the clarification on the completion of the case against the six trade unionists in relation to the incidents in January 2014, we have learned that the Government had provided legal assistance to those unionists. We encourage that this treatment should be applied to all cases concerning unionists.

On the protection of the rights of trade unionists to engage in peaceful industrial action, as these rights are not absolute, the Government should offer clear guidance and differentiation on the lawful exercise of industrial action to prevent confusion between legitimate industrial action and criminal offences. Related authorities should possess a clear understanding of their roles concerning legitimate industrial action and criminal acts to ensure that trade unionists can engage in peaceful industrial action without fear of reprisal. While we appreciate the Government's efforts to train police officers on the right to strike and peaceful demonstration since 2020, we urge the Government to expedite the development of guidelines on handling strikes and peaceful demonstrations for police officers as well.

We also thank the Government of Cambodia for providing legal support in pending court cases involving trade unionists, although these cases did not involve the exercise of trade union rights but rather criminal acts. We therefore urge the Ministry of Labour, workers and all in training and the Ministry of Justice to persist in their collaborative efforts to offer legal assistance in any remaining trade union cases before the court. It is imperative that the Government and employers respect and protect the rights of trade unionists to engage in industrial action without facing violence, intimidation, arrest, or imprisonment. Upholding these rights is essential for promoting a fair and just labour environment that respects the dignity of all workers and serves as a cornerstone for promoting harmonious industrial relations.

We take note of the progress made by the Government on the implementation of the Law on Trade Union's (LTU). We also note the Government's clarification that civil servants and public sector teachers can also exercise their rights under different legislation, including the Law on Associations and Non-Governmental Organizations (LANGO).

We appreciate the amendments to the LTU in 2020, in which we, as part of the tripartite constituents, actively participated in the stock-taking process of inputs during tripartite consultative processes. We are looking for a more effective implementation of that law through the dissemination of workshops on trade union registration. This will help raise awareness and understanding of the registration procedures, ensuring that all parties concerned can effectively exercise their rights to freedom of association.

We acknowledge the efforts and achievements made by the Government of Cambodia on the implementation of the recommendations provided by the direct contact mission in 2022, upholding freedom of association. We also take note of the challenges which require all parties concerned to work together in addressing them.

We also commend the Government for the recent launch of the Sixth Phase of the Decent Work Country Programme (DWCP) from 2024 to 2028, which is a result of continuous constructive dialogue among all stakeholders in Cambodia.

In conclusion, as we reflect on the progress and ongoing challenges relating to trade union rights in Cambodia, it is evident that dialogue is very important. The unions are committed to engaging in constructive dialogue and actions with the Government and the other social partners. We are dedicated to advancing the principles of freedom of association.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia**, the **Republic of Moldova** and **Ukraine**, and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote the universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States have been committed development partners of Cambodia, including through the "Everything But Arms" (EBA) arrangement under the EU's General Scheme of Preferences, granting duty-free and quota-free access to the EU market, contributing to sustained growth and job creation in the past decades.

The trade benefits granted under the EBA arrangement are subject to the condition that Cambodia respects core international principles, enshrined in core UN and ILO Conventions. Due to serious and systematic violations of human rights, especially the right to political participation and fundamental freedoms, as of August 2020, this preferential treatment has been partially suspended.

We deeply regret that the Cambodian authorities have not provided a report this year on the application of the Convention or on the progress made in respect of the recommendations of the direct contacts mission. The written information recently submitted by the authorities only addresses a few of the key concerns, and it does not reflect the reality on the ground.

We note with deep concern the new allegations of serious violations of basic civil liberties, including violence, intimidation, arrest and imprisonment of trade unionists, and we request Cambodia to report on these issues. We urge the authorities to stop the arbitrary arrest, detention and prosecution of trade unionists and to immediately release those detained for undertaking their legitimate trade union activity.

Regular training of police forces in relation to industrial and protest action remains crucial to ensure that peaceful industrial action is not repressed and to avoid the use of excessive violence. We take note of the request of Cambodia for technical assistance from the ILO to deepen and expand such trainings. We request the authorities to report on any next steps in this regard.

We also deeply regret the lack of information on serious long-standing issues, such as the investigations into the murders of trade union leaders in 2004 and 2007. In this regard, we urge the authorities to expedite the process of investigation and bring to justice the perpetrators and instigators of these crimes.

As regards the trade unionists still facing criminal charges in relation to demonstrations in January 2014, we urge the Cambodian authorities to review the list of pending cases with the unions concerned and provide detailed information on cases of criminal prosecutions.

The persistence of legal and practical obstacles to freedom of association is also particularly regrettable. We urge the Cambodian authorities to amend the legislation, in consultation with social partners, to ensure that civil servants, including public sector teachers, domestic workers and workers in the informal economy are guaranteed their rights under the Convention. We also encourage the authorities to address rapidly the numerous obstacles to union registration.

In addition, we echo the request of the Committee of Experts to the Cambodian authorities to amend relevant sections of the Law on Trade Unions and of the Labour Law, in consultation with social partners, regarding financial audit and maintenance of registration, the right to elect representatives freely, the right of workers' organizations to organize their activities, and the dissolution of representative organizations. We reiterate the importance of holding a comprehensive tripartite dialogue on the legality of the exercise of industrial action with a view to reviewing existing regulations.

We underline the need to ensure effective and independent adjudication mechanisms, such as the Arbitration Council, as a safeguard against impunity and as a means to protect workers' rights during labour disputes.

Last but not least, we strongly encourage the Cambodian authorities to implement all the recommendations arising from the ILO's direct contacts mission of 2022 and those of the ILO supervisory bodies to stop labour rights violations and embark on a constructive path of

reform. To this end, we expect the authorities to achieve progress in the development of the road map, in full consultation with the social partners and with the support of the ILO, to identify priority areas of urgent action with clear deliverables and time frames.

The EU and its Member States will remain closely informed of the situation in Cambodia.

Government member, Indonesia – I have the honour to deliver this statement on behalf of the **Member States of the Association of Southeast Asian Nations (ASEAN)**. ASEAN commends Cambodia's unwavering commitment and active engagement with the ILO supervisory mechanisms, particularly in the implementation of the Convention.

We recognize and commend the significant progress Cambodia has made thus far, through comprehensive tripartite consultations, in enhancing its legal framework and ensuring the effective implementation of relevant laws and regulations, particularly the Labour Law and Law on Trade Unions. The amendment simplifies the trade union registration process and eliminates trade unions' obligation to submit a financial report to the Government. These essential strides have led to an increasing number of registered trade unions, approximately 74 per cent from 2016 to 2024. Furthermore, greater maturity among the social partners has been fostered, enabling them to conduct their activities with increasing professionalism. These achievements highlight Cambodia's robust commitment to nurturing a conducive environment for the exercise of freedom of association, reflecting harmonious industrial relations within the Kingdom.

ASEAN appreciates Cambodia's efforts in promoting the freedom of association through its mechanism for receiving complaints on labour issues from the workers and employers, through various channels such as Telegram, Facebook, the 24/7 hotline and the extended working hours of labour-related government officials until 10:30 p.m. from Monday to Sunday.

ASEAN regards Cambodia's tripartism as a good practice in enhancing industrial relations and active engagement in social dialogue. The initiative of Cambodia during May Day that its Government accepts feedbacks to discuss and tackle all labour issues, including the freedom of association and related labour rights, which we may be regarded it as a concrete mechanism to foster social dialogue and tripartite partnership. We encourage Cambodia and its social partners to continue this dialogue process for ongoing promotion of freedom of association.

ASEAN notices the progress of Cambodia in promoting the rule of law and implementing obligations under ratified ILO Conventions, including freedom of association and related labour rights since 1999. Cambodia has proven that there has been no instance where trade unionists were arrested solely for exercising their union activities, but criminal charges were handled through legal proceedings by competent authorities against individuals who committed criminal acts.

ASEAN commends Cambodia for playing a leading role in working with stakeholders in the implementation of key ILO projects including Better Factories Cambodia, the Decent Work Country Programme and Global Deal initiative.

In light of the above-mentioned progress in the application of the Convention, ASEAN calls on the ILO and all international partners to support and engage with Cambodia to further nurture an environment conducive to the exercise of freedom of association and enrich harmonious industrial relations.

Government member, Cuba – We thank the Government of Cambodia for the presentation of supplementary information, and we note that the Government expresses the will to continue moving forward on tripartite social dialogue in the country and on work with

the ILO. This information and these statements show the Government's will to honour the commitments which it has assumed within this Organization.

We reiterate that the focus must be on mechanisms of cooperation and working together rather than mechanisms of coercion. In the analysis of any case, we must put the focus on negotiations, respectful dialogue, assistance and cooperation. Measures taken against the will of governments, far from promoting dialogue and cooperation, fuel confrontation. In conclusion, I reaffirm the importance of promoting tripartite dialogue and the search for consensus, both of them fundamental principles of this Organization.

Worker member, France – I am speaking on behalf of the French workers. The Australian workers also align themselves with this statement. So far, no steps have been taken to respond to the concerns of the direct contacts mission of 2022 concerning the systematic practice of the Ministry of Labour entailing the incorrect classification of collective disputes. Indeed, we observe a trend towards misclassification of labour disputes with the aim of avoiding recourse to the Arbitration Council. This practice is a source of great concern for the workers and trade unions.

If we refer to official statistics, we find that the number of collective appeals is unrealistically low. For 2023, these statistics indicate a remarkable increase in the number of individual cases channelled towards the Ministry of Labour and an 80 per cent decrease in the number of cases transferred to the Arbitration Council by comparison with the peak of 2019, and a 58 per cent decrease compared with 2022.

Since 2021, no sub-decree has been adopted to apply the extended mandate of the AC in relation to individual labour disputes, resulting in the absence of any solution to deal with the growing number of violations of freedom of association which have been wrongly classified.

It should also be emphasized that freedom of association cannot be exercised fully because of the current practice of non-reinstatement of trade unionists since the union is dissolved before it has secured its registration. Thus, while the registration of one trade union was in progress at the Ministry of Labour, the president of the union was dismissed and 15 leaders and members of the union were obliged to resign. The Ministry of Labour did not treat this matter as a case of anti-union discrimination and did not submit it to arbitration.

Access to a mechanism for the arbitration of labour disputes which is independent, effective and accessible and which enjoys the confidence of the social partners is essential for ensuring respect for the rights enshrined in the Convention and guaranteeing non-impunity.

In conclusion, I would like to recall three recommendations and concerns of the 2022 direct contacts mission:

- first, wrongful dismissals must be referred quickly to the Arbitration Council;
- second, any changes in the operation of the Arbitration Council envisaged by the Government must only take place after full, substantive consultations with all parties and actors concerned;
- third, urgent measures must be taken to recruit and train new arbitrators and the union federations and confederations must be able to represent their members without needing to obtain prior authorization from the Ministry of Labour.

We urge the Cambodian Government to implement the recommendations of the direct contacts mission as a matter of priority.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points. Switzerland is deeply concerned at the observations of the International Trade Union Confederation reporting a climate of repression with regard to trade unionists in Cambodia. Acts of violence and police repression, arrests and cases of arbitrary detention of trade union representatives are serious violations of the fundamental rights recognized by the Convention.

Switzerland condemns these acts and recalls that the workers must be able to fully exercise their rights to freedom of association and expression without any danger to their physical or psychological integrity. It calls on the Cambodian Government to conduct independent investigations into anti-union acts and to institute judicial proceedings against their perpetrators.

Numerous legislative, judicial and practical obstacles faced by workers are also a source of concern. These obstacles seriously restrict the full exercise of freedom of association. In this regard, the Swiss Government calls on the Cambodian Government to align its legislation to the provisions of the Convention and to ensure, in consultation with the social partners, its effective application. This is in order to ensure, in law and in practice, the effective enjoyment of freedom of association.

Switzerland also regrets the lack of information from the Cambodian Government on the application of the Convention, in particular on the measures taken in response to the recommendations of the direct contacts mission which took place in 2022. This lack of communication, combined with numerous repeated observations and direct requests from the Committee of Experts, has resulted in this case being discussed in the Committee today, for the eighth time in the last 15 years.

In view of the above, and in order to restore a climate of confidence between the Cambodian Government and the Cambodian social partners, Switzerland urges the Government of Cambodia to take all necessary steps to create an environment conducive to constructive social dialogue and to freedom of association.

Employer member, Indonesia – I am delighted to speak on behalf on the Employers' Association of Indonesia (APINDO). Freedom of association is an essential avenue for improving conditions of labour, establishing industrial peace and sustaining progress. We join Cambodia in reaffirming adherence and support for the Conventions on freedom of association and protection of the right to organize. We consider that Cambodia has set out important information and facts on the constant progress made regarding working conditions and the well-being of workers in Cambodia. We consider that Cambodia has established a strong and compelling case for its compliance with the Convention while also providing valuable contextual information and facts of the case, and underscoring the important point that analysis of the application of Conventions must be cognizant of different national realities and legal systems. As specific incidents raised in the report occurred around 20 years ago, we are sympathetic towards the challenge that Cambodia faces with regard to investigation into the cases. We commend the Government's commitment to continue providing updates to the ILO. We wish to add and highlight the value and effectiveness of the Member States' national systems to address important issues of interest. The system we have established for ourselves, including systems of social dialogue, whether formal or informal, tripartite or bipartite or context-sensitive, help to promote consensus, build better employment relationships and advance industrial peace, which ultimately benefits workers, employers and economic and social development in our countries.

Worker member, Japan – The ILO direct contacts mission in Cambodia in 2022 noted that there were still practical hurdles in trade union registration and certification for most representative status (MRS) in Cambodia, and they should be rapidly addressed. The mission also recommended ways to improve the transparency of the process and demonstrate the consistency of application.

We have heard from the Government informing this Committee of a rise in the number of registered unions and simplified registration procedure. In practice, many unions are faced with many practical hurdles. Approval is still subject to the discretionary power of the labour authorities. Thirty-three trade unions' registration applications filed since 2018 are still pending with the labour ministry for trivial mistakes made in the applications or missing documents. Among them, 20 leaders from 6 garment trade unions had been dismissed by the employer while their registrations filed in 2019 and 2020 were pending. There was no remedy by the administration with regard to their reinstatement.

In another case, the Ministry has been holding off the registration of two unions since 2019 on the grounds that one of its leaders' employment contract has been suspended - even though it is acceptable under the trade union's own statute and not prohibited under the Law on Trade Unions.

Another federation submitted for most representative status certification in two factories early this year. In the meantime, the company changed the name in the context of business registration and voided the union's application.

Workers urge the Government to register trade unions and certify MRS in a swift, fair and equitable manner, in accordance with the pointed recommendations of the ILO's direct contacts mission and the labour laws of the country.

Employer member, Philippines – I am speaking on behalf of the Employers' Confederation of the Philippines (ECOP). We consider that Cambodia has provided valuable information and facts concerning the progress on the working conditions and well-being of workers that have been achieved in the country regarding its implementation of the Convention.

We consider that Cambodia has been moving in the right direction with respect to its implementation of the Convention. It has taken measures on a continuing basis to investigate and process through judicial proceedings the listed cases of the killing of trade unionists. Despite the challenges of investigation into one of the cases that occurred almost two decades ago, Cambodia continues to press ahead with the investigation, which we view as an indication of Cambodia's commitment to discharge its duties under the Convention.

The approaches of the Government to build decent work and to adhere to its commitments on freedom of association for people in the country are notably commendable. We consider that the Government has established and has engaged actively in a great diversity of social dialogue mechanisms with trade unions, employers, and with the ILO, including ILO Better Factories Cambodia, to address the issues and challenges it is facing. We believe that the inclusive approach and the established mechanisms of social dialogue will provide valuable, numerous benefits to Cambodia as it continues to tackle the issues and challenges set out in the report.

Finally, information and understanding by the tripartite constituents are essential for effective implementation of the Convention. In this sense, we concur with the calls of the national employer of Cambodia for the ILO to increase its technical support to employers and

other social partners in Cambodia in order to strengthen the state of industrial relations and sustainability of enterprises in the country.

Worker member, Switzerland – The Committee of Experts has rightly expressed its deep concerns over the arrest and prosecution of trade unionists in Cambodia.

A classic recent example is that of Mr Chan, who was arrested on 14 February 2024 at his workplace, a shoe factory, and charged with “conspiracy to commit theft” for an incident that happened a long time ago, alleged by his employer. Mr Chan was elected as president of his union at his factory one month before the arrest. First, the factory management tried to talk him out of it. After failing to dissuade him from establishing a trade union at the workplace, Mr Chan received a threat through a colleague, that if he continued his union work and did not cooperate with the management, he would end up in trouble. Mr Chan has been put under pre-trial detention for three months, until today.

At the national trade union level, Mr Morm Rithy, president of the Cambodian Tourism and Service Workers’ Federation and vice-president of the Cambodian Labour Confederation, was arrested at the trade union office on 7 May 2024 following a verdict handed down earlier on the same day by the court in his absence. He was sent to prison immediately on conviction of incitement and “discrediting a judicial decision”. He was given a sentence of 18 months’ imprisonment for airing criticisms, two years ago, questioning unfair dismissals, detention, and anti-union discrimination practices against the trade union leaders of a casino company, and openly stated in a post on his Facebook live-page that he had “lost faith in the court’s decision”. Mr Rithy’s arrest and conviction does not seem to be a coincidence given the complaint he had filed recently against the same casino group.

These are just two examples to illustrate the serious threats of intimidation and harassment faced by labour rights activists in an environment where civil liberties and judicial independence are impeded.

Furthermore, workers report cases facing threats of dismissals for merely approaching trade union organizers at their workplaces or participating freely in trade unions. Given the poverty and high indebtedness of many workers’ families in Cambodia, losing their jobs means a grave threat to their households.

We urgently call upon the Cambodian Government to take all the necessary measures to ensure that all trade unionists detained for undertaking legitimate trade union activity are immediately released, and that workers can fully exercise their rights in line with the Convention.

Government member, United States of America – The United States remains deeply concerned regarding ongoing reports of violence against trade unionists and impunity for the perpetrators, as well as arbitrary arrest, detention and conviction of trade unionists for exercising their rights to freedom of association and peaceful assembly.

We are particularly concerned by the Cambodian Supreme Court’s decision of 3 May 2024 to uphold the conviction of trade union president Chhim Sithar, convicted along with eight other members of the Labor Rights Supported Union of Khmer Employees of Nagaworld (LRSU) after engaging in a peaceful strike in 2021.

We call for Chhim Sithar’s immediate release and urge the Government to take all necessary measures to stop the arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity.

We also urge the Government of Cambodia to take all necessary measures to address long-standing issues and fully implement the recommendations of the 2022 direct contacts mission, including:

- addressing practical hurdles to the formation, functioning and registration of trade unions, through a simple, objective and transparent process;
- revising sections 17 and 27 of the Law on Trade Unions, so that audits of financial statements and activity reports are only required in cases with serious grounds of impropriety by an organization; and
- repealing section 28(2) and ensuring that workers' or employers' organizations are only dissolved on the basis of their bylaws or by a court ruling.

We reiterate the supervisory bodies' recommendation that the Government review existing regulations and their application in practice and undertake any necessary measures to ensure that such regulations promote, respect and realize internationally recognized labour rights, including the rights to freedom of association and collective bargaining.

We emphasize the importance of the independence of adjudication mechanisms - including the important role of the Arbitration Council. And, in that regard, we note the conclusions of the direct contacts mission regarding the misclassification of disputes before the Arbitration Council preventing some complaints from being heard, such as the classification of termination of a trade union officer as an individual dispute, and the direct contacts mission's recommendation that dismissals of trade union leaders prior to or after the union's registration should be considered as a collective dispute.

We encourage the Government to work closely with the social partners to identify priority areas of urgent action based on the recommendations of the direct contacts mission and those of the ILO supervisory bodies with clear deliverables and time frames, to ensure accountability and transparency.

The United States remains committed to engaging with the Government to advance worker rights in Cambodia.

Interpretation from Chinese: **Government member, China** – I thank the representative of the Cambodian Government for the detailed information. We also carefully read the report of the Committee of Experts as well as the supplementary information by the Government.

Over the years, the Cambodian Government has cooperated and communicated with the ILO and its supervisory bodies, showing a positive attitude and playing a constructive role. We appreciate their efforts. We note that, with technical support from the ILO, Cambodia has amended the Law on Trade Unions after extensive consultations, simplifying the registration procedures and better protecting the interests and rights of workers. The Ministry has taken a series of measures to strengthen the dispute settlement mechanism.

No country under the rule of law allows anyone or any right to be above the law. Cambodia's Constitution explicitly guarantees civil rights, including freedom of association, and recognizes the rights of citizens to form and join trade unions. At the same time, it is stipulated that the exercise of these rights shall not violate the legitimate rights of others.

The Cambodian Government has earnestly fulfilled its obligations and ensured that its practices in all fields are in line with the provisions of the Conventions. We note that the Cambodian Government expects the ILO to continue to provide technical assistance.

The purpose of the ILO supervisory bodies is to assist its Member States in implementing their international obligations. We expect that this Committee will pay attention to the authoritative information by the Government, consider this case objectively and impartially, and reach a positive and constructive conclusion with the purpose of promoting better fulfilment of obligations.

We encourage the ILO Office to strengthen communication and exchanges with the Cambodian Government, provide more technical assistance and help them to better implement the Convention, so as to protect the interests of the workers and promote economic and social development.

Government member, Australia – The Australian Government is strongly committed to the multilateral system and the ILO as the only specialist tripartite agency of the United Nations that brings together governments, employers, and workers from across the globe.

We thank the Committee of Experts for their 2024 report. While we note with concern the allegations of non-compliance with the Convention, Australia welcomes ongoing cooperation on these issues with the Government of the Kingdom of Cambodia.

Australia works in partnership with Cambodia through our development programme to provide practical support to promote trade union and worker rights in Cambodia. For example, we support the ILO/Care International's Better Work Cambodia programme – specifically their focus on countering gender-based violence, and on factory workers through ActionAid to facilitate the decent work agenda.

Our statement at the United Nations Human Rights Council (10 October 2023) called on Cambodia to release detained human rights defenders and union leaders and drop the charges against them. During Cambodia's Fourth Cycle Universal Periodic Review on 8 May this year, we raised our concern about restrictions on civic space and on freedom of expression, association and assembly.

We continue to encourage Cambodia to ensure that laws and their implementation are consistent with international obligations, including by reviewing the Law on Associations and Non-Governmental Associations and the Law on Trade Unions.

We request the Cambodian authorities to take the necessary measures to address the concerns raised in this case and ensure that the fundamental rights of freedom of association and the right to organise are respected and implemented under the Convention's obligations.

Observer, IndustriALL Global Union (IndustriALL) - My organization represents nine sectoral unions, including textile and garment industries in Cambodia. There are still obstacles to the exercise of the right to freely join a union in the country.

The use of fixed-term contracts for anti-union purposes remains widespread and systematic. Labour law provisions on conversion of fixed-term contracts to permanent contracts or non-fixed-term contracts after two renewals within four years, under Decree 50, are not enforced. Non-renewal of fixed-term contracts remains the most convenient means to dismiss trade unionists and dismantle trade unions.

Data collected this year from 11 trade union federations in various sectors shows that at least 49 factories employing 34,000 workers failed to enforce the conversion of short-term contracts into permanent contracts. In addition, 630 elected trade union officers on fixed-term contracts were not rehired after having established a union.

Under the short-term contracts, many workers do not receive seniority bonuses or benefit from the enforcement of minimum wage regulations, and are at greater risk of discrimination,

harassment and dismissal if they join a union. They also suffer pregnancy-based discrimination, denial of maternity benefits and sick leave, and they often get fired for refusing to work overtime. The widespread use of short-term practices in factories exacerbates the difficulty of union organizing.

We expect the Government of Cambodia to address the observations of the Committee of Experts concerning numerous obstacles to union registration and certification processes, and threats and harassment against trade unionists.

In the meantime, from outside of the country, there is a huge effort to support the development of economic and social progress in the country.

On a positive note, I wish to share with the committee that IndustriALL and global brands sign legally binding agreements supporting collective bargaining and improvements in wages in the textile and garment industry in Cambodia. These ground-breaking binding agreements are currently being signed by major apparel brands and IndustriALL to support collectively bargained wages for garment workers in Cambodia.

This is a major step forward, the result of a collaborative process with brands, employers and unions in Cambodia, that puts in place legally binding commitments to support national collective bargaining. Global brands have legally committed to uphold their production volume in Cambodia and have committed to ringfencing labour costs to ensure higher item prices.

Employers and trade unions have been negotiating a template agreement to address improvements in industrial relations, wages and working conditions.

We call on the Government of Cambodia to take the necessary measures to ensure the full respect of freedom of association, in line with the recommendations of the Committee of Experts.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) – I speak on behalf of the IUF, with affiliates in 126 countries and representing over 10 million workers, to denounce the continued imprisonment of Chhim Sithar, the president of our affiliate, the Labor Rights Supported Union (LRSU) of Khmer Employees of Nagaworld. In May 2023, a court sentenced her to two years in prison. Five others were given sentences of one and a half years, and three were given one-year suspended sentences. Her imprisonment, alongside the legal charges against other union leaders, is one of the latest in a decade-long effort to bust the union at the hotel-casino.

Her imprisonment has been denounced by nearly every committee of the ILO supervisory system. This year, the Committee of Experts, referring to this case, “urge[d] the Government to ensure that all trade unionists detained for undertaking legitimate trade union activity are immediately released.” In October 2023, the Committee on Freedom of Association also “urged the Government once again to ensure the immediate and unconditional release of Chhim Sithar and to furnish all judicial decisions in the sentencing of the LRSU leaders and members.” And just last year, the Committee of Experts “expressed deep concern at the arrest and imprisonment of trade unionists and others for exercising their civil liberties and expressing different political views from that of the Government.” Further, the UN Office of the High Commissioner for Human Rights and several governments have called for her immediate release. Yet the Government remains unmoved.

Thus, the IUF has had no choice but to file OECD Guidelines complaints against the investment banks which have purchased bonds and stocks in the parent company of the hotel casino. And the investment banks are concerned. In the statement resulting from the

mediation with a bank, the parties agreed that “workers should be able to exercise the right to freedom of association, the right to bargain collectively, and to strike, without fear of reprisals.” Furthermore, “imprisonment resulting from strike action is never acceptable.”

Trade unions, governments, investors and civil society organizations are all watching, and we are looking to Cambodia to change course and return to compliance with international standards in respect of freedom of association. The IUF urges the Government to release Chhim Sithar immediately. The Government must also ensure that the workers at the hotel-casino are able to organize and conduct their activities in full freedom without interference from the Government or retaliation from the employer. There are urgent issues at the hotel casino which the union wishes to address through the collective bargaining process, including the union’s demand that more than 1,000 unfairly terminated union members be reinstated in their jobs. Workers in Cambodia deserve to freely access their right to organize and bargain collectively. We urge the Royal Government of Cambodia to ensure that these rights are protected.

Government representative – My delegation has taken due note of the views and comments made by distinguished delegates and speakers. The constructive comments and perspectives shared at the Committee will be conveyed back to Cambodia for serious consideration, aiming to further enhance the environment for the exercise of freedom of association, although some of the comments are not agreeable to us.

My delegation would like to provide reassurance that, in honouring our obligation under the Convention, we have consistently engaged closely with our social partners to promote the exercise of freedom of association and to sustain harmonious industrial relations with technical support from the ILO. My delegation wishes to reaffirm our commitment to continuing these collaborative efforts. Regarding the legislative issues raised during the discussion, my delegation wishes to emphasize that drafting process as characterized by a series of comprehensive tripartite consultations, allowing both employers’ and workers’ representatives ample opportunity to provide their input. Their contributions were carefully considered and balanced to ensure a fair approach. We reassure you that our processes are meticulously balanced and, with regard to that, no significant issue or challenge has been reported.

From the observations and comments from some speakers, we found that they did not refer to the latest amendment to our Law on Trade Unions (LTU). The concern was related to the old version of the LTU, therefore I would like to humbly request our speakers who are concerned about the legislation related to the LTU to refer to the latest version of our amendment for reference.

To support ongoing dialogue and address any concern, we have established multiple platforms where our social partners can voice their concerns and participate in further consultation, especially through the quarterly meeting with trade unions, which has so far been conducted twice since the beginning of the new Government in the Seventh Legislature of the National Assembly in September 2023. Further evidence is the adoption of the LTU in 2016 and its amendment in 2020. The three milestones were achieved through extensive tripartite consultation enriched by insight from ILO experts. These changes were pivotal in simplifying and streamlining the registration procedure for trade unions, significantly leading to the increase in the number of registered trade unions. As of March 2024, as recently reported, we have registered 6,317 professional organizations, 1,061 of which have been registered since the amendment of the LTU in 2020. Notably, since the amendment, the new registration rate has remained stable yet progresses, with 228 new professional organizations

registered in 2020, 262 new professional organizations registered in 2021, 268 new professional organizations registered in 2022 and 258 more registered in 2023. And from January to March 2024 alone, an additional 45 new professional organizations have been registered. This statistic not only demonstrates a robust landscape of professional organizations but also underscores our steadfast commitment to freedom of association. To address the concerns of a few trade unions – they still may complain about the difficulty in registration – my delegation would like to re-appeal through the ILO to provide technical support to the Ministry of Labour and Vocational Training in organizing capacity-building training for trade unions on the registration process.

As regards Case No. 2318, we fully understand the concerns regarding the need to conclude this long-standing case, but we would also like to urge other parties to take into consideration that the case is a bit challenging for us because the victim did not cooperate with the reinvestigation process. The situation regarding the location of the incident has already changed and some witnesses have disappeared, some of them have passed away, some have moved to live in other countries, and some also could not be found. Despite this obstacle, we remain committed to ensuring justice and accountability for the victims.

In respect of the right to strike, my delegation would like to reaffirm that Cambodia firmly upholds the constitutional right to strike, a commitment that is also reflected in our national law and adherence to international instruments. However, it is essential to recognize that these rights are not absolute and must be exercised within the boundary of legal frameworks, ensuring that they do not compromise public security or infringe the rights of others. These conditions actually conform to the principle of the Convention and other UN human rights instruments.

Regarding trade union protection, we remain firm that the principle of freedom of association does not provide a world for criminal activity committed purportedly under the guise of exercising labour rights. Our judicial processes are guided by principles of due process and independence, with decisions based also on evidence. We strongly support the fact that trade unionists should not be intimidated, arrested or prosecuted for their legal activities, I would like to repeat, for their legal activities. Yet, we are not convinced that they should be entitled to impunity for their illegal activities. None of us has the authority to decide the legality or illegality of trade union activity in any jurisdiction. The court has sole discretion to decide on the basis of the merits of the case and the prevailing laws. In this regard, the court decision in Cambodia is made, not based on who the perpetrators are but on what they have done. This stand is supported by the Committee on Freedom of Association, which agreed that adherence to legal statutes is mandatory. Additionally, Article 29 of the Universal Declaration of Human Rights reinforces our position by stating that - and I quote - "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." I would like to re-emphasize that no individual has been arrested or convicted solely for participating in union activities. Each citizen is subject to the law equally, with judicial action based solely on the nature of the criminal offence, irrespective of individual identity or affiliation. The principle of accountability is crucial in ensuring that union rights are not misinterpreted and result in impunity. This principle must be upheld.

This balanced approach highlights the independence of our executive, legislative and judicial branches, and reaffirms the Government's commitment to non-intervention in judicial proceedings. Through such merits, Cambodia continues to safeguard legitimate union rights

while also protecting the rights of others and maintaining national order and security. This ensures a stable and just environment where all parties can thrive.

With respect to the use of police during the strike, we would like to clarify that, like in other countries, the police force has the responsibility to ensure security and public order. In Cambodia, the police force does not take any action if the strike is peaceful but if the strike turns violent by blocking the public road and destroying public and private property, it is the role of the police to enforce the law to restore social order. However, to address this concern, we would like to repeat our strong request to the ILO to provide technical support to the Government in establishing guidelines for the police force in responding to peaceful strikes and demonstrations.

Regarding trade union dissolution, I would like to clarify that as of now no trade union has been dissolved, according to our statistics. The LTU provides that the trade union shall be dissolved only when the enterprise is totally closed and all benefits of workers are totally clear. Like the Labour Law, the LTU provides that the trade union at the enterprise is established to represent workers at the enterprise level. So when there is no such enterprise any more, it is not practical to require the trade union to continue to exist, because there is no worker to represent, there is no member, there is no employer. It is a question of whether we want quality or numbers with regard to trade unions. I believe everyone wants to have quality, not numbers. So it is not practical to suggest, to require, to request the trade union to continue to exist when the enterprise is totally closed and all worker benefits have been cleared, according to the law.

On the issue of the 2014 peaceful demonstration, I do not know how to define the word peaceful, when workers block the road at night and destroy private and public property. So I would like to suggest to the Committee to review the expression “peaceful demonstration” with regard to the incident which happened in early 2014.

Regarding civil and domestic workers, I would like to emphasize that Cambodia does not provide only one way for workers to form a trade union. We have many ways. Although civil servants and domestic workers are not entitled to set up or lead a trade union under the LTU, they have the right to form an association under the law. This is not against the Convention. If there is any clause in the Convention providing that the exercise of the right to freedom of association must be made under only one law, then Cambodia would consider rewriting the LTU to comply with that. But if there is no such requirement, what we want to have is trade unions or freedom of association. If you want to have trade unions, civil servants and domestic workers cannot form unions. But if you want to see only freedom of association exercised freely in the country, it should not be limited to only one law, as long as the law provides the right to exercise the freedom to form their own association or trade union.

With regard to financial audits, I would like to emphasize that the LTU, since the amendment, does not require trade unions to submit their financial reports to the Government any more and the financial audit can only be requested by their members or by their donors. The Government does not have the right to order the financial audit of the financial report of the trade union, it depends on their members or their donors, and this obligation is not exceptional. Every organization receives funding from donors and contributions from their members. They are accountable to their donors. If their donors require them to have the financial audit of their financial report, this is not unusual. So we do not understand why this is a problem because it is actually common practice. I believe even the ILO is also subject to financial audits when requested by donors. So it is not exceptional for the LTU to require the

financial report of the trade union to be audited when it is requested by their members or donors.

Regarding the Arbitration Council (AC), we keep receiving the same concerns but the situation is completely different. We appreciate that many countries raise issues about the AC. What we want to tell you is that the AC is in danger now because the funding from two donors, Sweden and USAID, will be over by the end of this year. And from January 2025, the AC will only have funding covering 15 per cent of total expenditure. So what will happen in the near future is that the Arbitration Council may die because there is no funding. So what we are talking about now is keeping the AC independent, but why do we not talk about its sustainability? To address this issue, just for your information, the Government had met with the AC several times and it was agreed that the Government will maintain our position to finance this traditional body, if there is no funding from any donor, to make it sustainable after the end of 2024. In regard to the independence of the Arbitration Council, I would like to emphasize that the Government understands that the value of the AC is its impartiality and its independence in its decisions. We will not compromise this value by just giving it financial support in order to take over its independence and impartiality, and this must be taken into account when we talk about the Arbitration Council.

Worker members – We reiterate our deep concern at the persistence of acts of violence committed against workers and the arrests of trade unionists in connection with their legitimate and peaceful activities. We regret that no serious, prompt action has been taken to investigate these acts and that the perpetrators have not been prosecuted and convicted for their crimes. It is time for the Government to conduct an inquiry into all the incidents of violence against workers and trade unionists which have been reported to it, into arbitrary detentions suffered by workers and their union representatives, and into the murders of the trade union leaders Chea Vichea, Ros Sovannareth and Hy Vuthy. The Government must guarantee that the peaceful exercise of freedom of association is not subjected to any form of repression in the country.

We have heard that acts of violence or destruction during collective actions are not exempt from the application of the law. What we denounce is the misuse by the authorities of criminal provisions to repress the legitimate and peaceful exercise of trade union activities covered by the Convention. And we cannot fail to notice that this is far too often the case in Cambodia. Many trade unionists are subjected to judicial prosecution. The most recent examples are the conviction and imprisonment of the president of the LRSU, Chhim Sithar. The same applies to the president of a union federation, Morm Rithy. The Workers' group expresses its wholehearted solidarity with them.

The Government needs to review all proceedings that are under way against trade unionists, in consultation with the trade unions concerned. All charges against trade unionists who have engaged in legitimate trade union activity must be dropped and all convictions must be overturned. The Government must take all necessary steps to ensure that such prosecutions and convictions do not recur in the future, especially by providing regular and systematic training for labour inspectors, officials responsible for the settlement of disputes, and also police officers. Guidelines for the police and for the handling of collective actions must be developed for the law enforcement bodies, recalling the need to guarantee the peaceful exercise of freedom of association.

The Government will ensure that all acts of anti-union discrimination are the subject of an investigation, that adequate reparations are provided for and that penalties that act as a deterrent are applied. We recommend that the Government amends the Law on Trade Unions,

so as to ensure the conformity of this law with the Convention. The Government will abolish the requirement of knowledge of Khmer for entry to trade union office. It will also repeal section 28(2) of the Law, which provides for the automatic dissolution of a trade union in the event of closure of the enterprise. It will also repeal section 29, which provides for the possibility for any person to request the court to dissolve the union. Lastly, sections 17 and 27 of this Law will also be reviewed so that disproportionate requirements are removed with regard to financial audits. We also ask the Government to take all necessary legislative measures to ensure that teachers, domestic workers, public officials and workers in the informal economy enjoy all rights deriving from freedom of association.

The Government will also examine with the social partners the possibility of enabling unions to be established by sector or by occupation.

The Government will put in place procedures for the registration of trade unions which are simple, objective and transparent, in particular by establishing an online database, removing practical obstacles to training and to the functioning of trade unions, by getting rid of all discretionary authority and by training Ministry of Labour officials. The Government will implement the road map which has been drawn up and will simplify procedures for monitoring its implementation, in consultation with the social partners. It will identify priority areas for action and will establish a time frame for achieving the established objectives.

The Government will send information to the Committee of Experts on the steps taken to amend section 326 of the Labour Law and will provide information on its application in practice.

It will be essential for the Government to review the rules that govern the exercise of collective action, especially by ending the current practice of replacing workers taking part in collective actions, and by ceasing to issue injunctions to prevent industrial action, even though the unions have complied with all procedures. The role of the committee responsible for the handling of collective disputes must also be clarified so that it cannot restrict the legitimate right of workers' organizations to carry out trade union actions to defend the interests of their members.

The Government will take steps to ensure that the Arbitration Council is an effective and durable institution in the settlement of collective disputes and that its decisions are binding and effectively implemented in law and in practice. New arbitrators will be recruited and trained, and union federations and confederations will be entitled to represent their members without prior authorization.

We think it important that the Government of Cambodia should request ILO technical assistance to implement the recommendations which the Committee will make to it. In order to be able to follow up on the situation next year, the Government should provide a full report to the Committee of Experts by 1 September 2024.

Lastly, the case of Cambodia has been classified as a double-footnoted case by the Committee of Experts on the basis of criteria which establish the seriousness of the situation. We have emphasized and heard, in the course of our discussions, the persistent nature of serious violations of the Convention in Cambodia. The ongoing climate of violence and impunity remains a source of deep concern for the Workers' group. For this reason we ask the Government to accept a high-level tripartite mission before the next session of the Conference.

Employer members – We have heard all the comments made by all the participants from the Workers, from the Governments and from a range of others and taken careful note of those. This is, as the Workers' spokesperson has just said, a long-standing case, and I think that we all accept that; the record shows that it has been heard and commented upon on many

occasions. But we are also talking about, not quite a statute of limitations, but there are some things that time passes by, and they become less of an appropriate focus than things that are happening now. As I said before, the long-standing nature of the case is one of the factors in its being labelled as double-footnoted this year. A lack of progress in the view of the Committee of Experts, new allegations of violence or repression of trade union rights and, I think, probably the most tellingly of all, the lack of a report for this year, were factors that I think weighed on the Committee of Experts' mind when it decided to double-footnote the case. That said though, when you look at the individual elements of those particular factors, apart from allegations of serious repression of trade unionists and their rights, a number of others have been looked at a number of times over the years and it is hard to see how they become more serious when the same effects continue to apply. So, just with that as a context, just going through some of the particular points that have been made, and I made the point earlier, that when we look at some of the instances or the allegations, it is very necessary to separate out what was done and who it was done by.

The fact that somebody who was arrested happens to be a trade unionist does not, of itself, make it definitive that that person was arrested because he/she was a trade unionist, and it is very necessary for us, as a Committee, to look at these facts in the light of whether or not we have the appropriate jurisdiction to look at these things. If, for instance, the person was arrested because they were throwing Molotov cocktails at a police line-up, then that, I would have to suggest, is not something that we would have the purview or mandate to examine. That is for the criminal court of the nation concerned. On the other hand, if that person is arrested purely and simply because they are standing on a podium in front of a gathering of otherwise peaceful trade union members, then that is a measure of suppression of freedom of association. So, these things are necessary to examine before this Committee picks up the reins and starts to examine it and I have to suggest that in a number of instances, including in this case, we are not that clear, we do not have enough of that information and we are therefore making comments on something which ultimately may not be in our purview.

So, again, a contextual note, when we look at the case of Cambodia, when we look at other cases that are before us, we really do need this, and so I do echo the Workers' request for more information. The Workers have made a long list of requests for information and I think that those, in the main, are valid, because what we need to do in this Committee is to make our judgements or our calls on a true representation of whether or not something is transgressing the Convention that we are examining.

When we look at the overall situation in Cambodia we have seen and we have heard instances of progress. We have seen the work being done by the Government in a range of areas and I touch particularly on the issue of the ability of the forces of law and order to distinguish between what is peaceful and what is not. For instance, the training that is required for the police and the law enforcement agencies when they are dealing with a public gathering. We note with pleasure that the Government has in fact taken some steps in this regard to train people. What we would like to see, and what we have not seen evidence of yet, is that this is an ongoing feature of the normal day-to-day duties and training of such agencies.

What we have heard is evidence of some events and some programmes that took place with a specific number of people that have been trained. What we would like to see from the Employers' side is that this sort of training and knowledge is imparted to people as a normal part of developing the skills as a law enforcement officer, so that they are constantly updated and equipped with the knowledge to make an informed judgement at the time they confront, for instance, a public gathering. With regard to the legal issues, there are a variety in listening to the Government in relation to, and I am sort of working backwards a bit here, in relation to

the dissolution of unions. One of the intriguing features about Cambodia is the prevalence of unions that are enterprise-based. In other words, one company, one set of workers, one union, one employer. That is not as common elsewhere in the world, and one of the things we need to appreciate in this Committee is that this not quite uniqueness, but this relatively unique feature of trade unionism is itself a factor in how some things work. I can certainly take the Government's point that a union goes because the enterprise in which its members sit has gone, but that too is not necessarily sufficient to justify a law that says that the union then automatically goes. Because it can happen that those workers can become associated with each other again under the guise of another employer, and the vehicle that has protected them in the past could easily be the vehicle that protects them in the future. I think there is a call for a review or appeal of the provisions that automate the process of dissolution. Instead, there is a need to reflect the requirement of the Convention that the affairs of trade union organizations and employers are for them to regulate, including dissolution. So those are the general points as far as the law is concerned. In relation to trade union registration, I think this is almost a comment back to the Committee of Experts in that their commentary that there continues to be difficulties with registration is not reflected in reality when you consider the vast expansion of the number of unions in Cambodia. That would suggest that registration there is almost too easy, because the rate of expansion, not just the numbers, would suggest that there are not as many obstacles as may be thought. That said, the direct contacts mission did make a recommendation that ways of simplifying the process be found, by all accounts some of the bureaucracy involved is perhaps more than might be efficient, but as a deliberate obstacle, there seems to be less evidence than would be suggested by reality. So we would ask that the Government work on the simplicity of the process and of course we would suggest back to the Committee of Experts that they review their views on that particular matter. Overall, the recommendations of the direct contacts mission to review and implement the road map and provide progress reports, this week has called for further reports on that by the reporting date for next year's Conference, which is 1 September this year. With all of that in mind, this is really a case where it should not have been a double-footnoted case, and I suspect that perhaps not reporting last year was the thing that tipped the balance. This is a case that has gone on too long, it has features that perhaps should be looked at in a different light, as I mentioned, the fact that we need to distinguish between what is peaceful and what is not. But all of those things together do not make this a case of serious deterioration, there is a case of frustration maybe, the fact that these things have gone on for so long, we have had the direct contacts mission in 2022.

It seems that there is a need to push the Government to get on with the things that have been recommended by the direct contacts mission, to get on with the things that they are already doing, and we have heard the evidence of the things that they have been doing, but with all of those things in mind, I think it is probably premature to call for something as clinical as a high-level tripartite mission, as that is a process which is typically reserved for situations where there are particular and serious issues that are clearly within the mandate of the Committee. While that may in fact be the case that the Government is unable to resolve some of these issues, I think in the light of the more recent mission that this would be a premature call.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed. The Committee also noted the conclusions and recommendations of the ILO Direct Contacts Mission to Cambodia, which took place from 28 March 2022 to 1 April 2022.

The Committee noted the long-standing nature of this case in the Committee and deeply regretted the lack of timely reporting by the Government on the application of the Convention to the Committee of Experts. Taking into account the discussion, the Committee urged the Government of Cambodia to:

- take all necessary measures to prevent the arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity;
- conclude the ongoing investigations into the murders of trade union leaders Chea Vichea and Ros Sovannareth (in 2004) and Hy Vuthy (in 2007) and expedite the investigations of all other allegations of violence perpetrated against trade unionists;
- review the list of pending cases related to the January 2014 demonstrations with the trade unions concerned;
- ensure that no criminal charges or sanctions are imposed in relation to the peaceful exercise of trade union activities and that trade unionists detained for undertaking legitimate trade union activity are immediately released;
- develop guidelines and provide regular and systematic training to all relevant public officers with a view to ensuring that legitimate trade union activity is not suppressed;
- take further appropriate measures to facilitate registration of trade unions through a simple, objective and transparent process;
- promote the effective enjoyment of the rights under the Convention by civil servants, including public sector teachers, and by domestic workers and workers in the informal economy;
- amend sections 17 and 27 of the LTU, so that audits to the financial statements and activity reports are only required if there are serious grounds for believing that the actions of an organization are contrary to its rules or to the law;
- amend the relevant provisions of the LTU to ensure that workers' or employers' organizations can only be dissolved on the basis of the procedures laid down by their statutes, or by a court ruling, and that the determination of the procedures for dissolution by members is left to the trade unions' or employers' associations own rules and by-laws;
- take appropriate measures to ensure that all trade unions have the right to represent their members in collective disputes in grievance proceedings at the enterprise level and the ministerial level, as well as before the Arbitration Council; and
- increase efforts to make the Arbitration Council an effective and sustainable institution in handling labour disputes.

The Committee called on the Government of Cambodia to provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Committee also requested the Government to fully implement the road map and simplify its progress report, in full consultation with the social partners and with the support of the ILO.

The Committee noted the willingness of the Government to cooperate with the ILO and invited it to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Government representative – My delegation has taken due note of the comments and recommendations made by the Committee. We will take them into serious consideration and make the utmost efforts to implement those recommendations as much as possible based on our prevailing laws and regulations and the international labour Conventions to which Cambodia is a party.

Allow me to take this opportunity to reaffirm Cambodia's commitment to promoting freedom of association through our Labour Law and the Law on Trade Unions, which offer better conditions than those of some countries in the region, and the ILO recommendations.

Having endured decades of civil war, Cambodia highly values its hard-earned peace and social stability. Peace is priceless and everything for Cambodia and its people. Therefore, we are determined to protect peace at all costs. In this connection, promoting the sustainable industrial harmony is indispensable. Protecting this peace and sustainable industrial harmony requires the joint efforts of the Government, the Employers, and the Workers.

Freedom of association does not shield criminal actions. Trade union rights cannot infringe the rights of others, as outlined in article 29 of the Universal Declaration of Human Rights. Cambodia adheres to this principle and considers workers' rights as human rights. Therefore, no trade unionists have been and will be prosecuted for legal activities, but illegal action will be addressed by law.

We are made to believe that trade union impunity has no place under Convention No. 87, which Cambodia upholds. As for the case of Mr Ros Sovannareth, I wish to emphasize that the perpetrator, Mr Thach Saveth, has been convicted and is now serving his term in prison. Therefore, my delegation would like to reiterate our request to the Committee to withdraw the Case No. 2318. Furthermore, there is no pending case in relation to the January 2014 riot, but if trade unions have information, they should submit it to the Ministry of Labour and Vocational Training. Otherwise, these concerns are just rumours.

In respect of the trade union dissolution, we would like to emphasize that our Law on Trade Unions does not grant the power to the authority to dissolve trade unions; only the court can do so. Our Law is better than the laws of some countries, where a trade union can be dissolved by the administrative authorities.

Regarding the Arbitration Council, we would like to re-appeal for financial support from the donors to keep this quasi-judicial institution running after the end of this year.

In a nutshell, Cambodia remains committed to collaborating with the social partners to strengthen industrial relations and looks forward to further technical assistance from the ILO.

Colombia (ratification: 1989)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

Written information provided by the Government

The Government respects and complies with the recommendations made by the ILO supervisory bodies. We therefore wish to first highlight that the Government's labour reforms

intended to promote dignified and decent work, currently being considered by Congress, include, inter alia, an approach that will ensure the social and labour inclusion of persons with disabilities, provisions relating to their right to work and regulations governing legal capacity, reasonable accommodations, non-discrimination, a private-sector recruitment quota and job stability.

The relevant draft legislation includes specific obligations for employers in relation to the removal of barriers, accessibility and the adoption of reasonable accommodations so that persons with disabilities may enjoy their right to work. In this respect, the main focus of the barrier removal strategy should be reasonable accommodations, which should be linked to the concept of universal design for efficiency and collective well-being in a differential approach for the inclusion of persons with disabilities.

Regulations that allow for the removal of barriers to employment for persons with disabilities will be introduced as part of the labour reforms, including:

- guarantees of the right to work and the legal capacity of persons with disabilities to enter into employment contracts;
- an obligation for employers to make the reasonable accommodations required by persons with disabilities to allow them to undertake their work and remain in employment;
- regulation of strengthened job security in relation to the termination of the employment relationship of persons with disabilities;
- non-discrimination measures to assist persons with disabilities in gaining access to, and remaining in, employment, and the establishment of a recruitment quota for persons with disabilities in the private sector: “Companies with between 50 and 100 employees must recruit or retain, as applicable, at least one employee with a disability; companies with 101 or more employees must recruit or retain employees with disabilities so that such persons comprise at least 2 per cent of their workforce”.

The draft legislation bases the protective environment on the greater job security enjoyed by workers with disabilities who are in employment relationships governed by contracts setting out their declared disabilities, reversing the burden of proof when discrimination is suspected. At the same time, it sets out specific obligations for employers to remove barriers so that persons with disabilities may enjoy the right to work.

New regulations

National Development Plan 2022–26

The Government has included in the National Development Plan a chapter on guarantees to bring about a world without barriers for persons with disabilities. The chapter recognizes that, historically, persons with disabilities have suffered social and institutional exclusion, both in law and as a result of limited access to public services, rights and State provision. Consequently, it proposes around seven actions in that regard: strengthening the National Disability System so that the services offered to persons with disabilities align adequately with the State’s commitments under the Convention on the Rights of Persons with Disabilities; education and employment as vital tools in developing the skills of persons with disabilities given their contribution to reducing poverty; accessibility for the social and productive inclusion of persons with disabilities; realizing equality before the law and guaranteeing access to justice; and designing strategies to empower persons with disabilities in terms of citizen, electoral and political participation, ensuring reasonable accommodations that enable their

participation. These actions are currently being planned and developed by the various ministries responsible, particularly the recently created Ministry of Equality and Equity, and it will therefore be possible to extend the documents and policies created in the coming months.

Decree No. 533 of 29 April 2024 represents a significant step forward, allowing the Ministry of Labour to introduce incentives for employers who recruit workers with disabilities in accordance with section 79 of Act No. 2294 of 19 May 2023. This programme, led by the Ministry of Labour, seeks to promote formal employment through financial incentives and remove barriers to access for specific groups.

The Decree aims to regulate incentives for the recruitment and retention of new formal jobs and is aimed at employers that create jobs employing new employees for at least six months. The Decree's provisions include a State contribution of 35 per cent of the statutory monthly minimum wage for the recruitment of persons with disabilities, thereby illustrating the affirmative action taken, with State funding, to create new jobs using a differentiated approach for persons with disabilities.

The Decree also provides for a contribution of 30 per cent of the wage when new workers aged between 18 and 28 years are employed formally, 20 per cent in the case of new female workers aged over 28 years and 15 per cent in the case of new male workers over 28 years. An additional 10 per cent will be granted where the new worker has not made social security contributions in at least the four months prior to the minimum six-month employment relationship required to receive the incentive.

Furthermore, the Government issued Presidential Directive No. 005 of 25 August 2023 with the aim of helping persons with disabilities lead decent lives with equal opportunities, free from exclusion and discrimination.

Similarly, since the issuance of Decree No. 2011 of 2017, there has been a significant increase in the recruitment of persons with disabilities in public bodies; while there were 1,192 public officials with disabilities when the Decree was issued, data from the Public Employment Information and Management System demonstrates that, in 2023, up to 31 December, 13,581 persons with disabilities were recruited or contracted by 913 public sector bodies, including 11,424 public officials and 2,157 contract workers.

More specific action

To date in 2024, the Ministry of Labour, together with the Administrative Department of the Public Service and the Public Employment Service (PSE), and with the support of strategic partners such as the National Institute for the Blind and the National Institute for the Deaf, has planned four regional training workshops for employment managers in local government. Those workshops took place virtually and sought to strengthen the support provided by the relevant bodies and help regulate recruitment quotas for persons with disabilities in public bodies at the local level.

The Ministry of Labour, in coordination with the Public Employment Service Unit and employment agencies, has managed the placement of around 12,808 persons with disabilities over the last four years. Placements were found for 3,959 persons with disabilities in 2022, rising to 4,265 persons with disabilities in 2023.

Moreover, the Ministry of Labour has provided training to public officials and the social partners.

The Government, through the Ministry of Labour, has undertaken promotional activities in conjunction with the National Disability System, the Administrative Department of the Public

Service, the Public Employment Service Unit and the National Training Service (SENA) with the aim of facilitating and gradually increasing the placement of persons with disabilities in the public and private sectors under the Labour Inclusion Model, with a focus on closing gaps.

Between 2020 and 2023, the Ministry of Labour participated in the implementation of 282 in-person, online and hybrid activities to promote the labour market inclusion of persons with disabilities, from which over 18,626 persons benefited.

A labour market inclusion strategy for persons with disabilities has been developed. The strategy aims to provide technical and operational capacity to the network of public employment service providers to ensure the adequate delivery of services for persons with disabilities and employers, thus allowing for the population to enter and remain in the workforce.

The Public Employment Service Unit has provided advisory services for employees of compensation funds on the labour market inclusion of persons with disabilities on the employability road map of the Public Employment Service Unit for the first and second levels of the employability road map.

During the implementation of the project financed by the International Organization for Migration and the United States Agency for International Development to strengthen management and placement services providing assistance to persons with disabilities and members of ethnic groups, five workshops were held for SPE providers, which focused on the provision of support by management and placement services for persons with disabilities belonging to ethnic groups.

An 80-hour workshop on Colombian sign language (levels I and II) was held with the participation of 23 SPE providers, and training and advisory services on web accessibility were provided to ten SPE providers. A toolbox was delivered with seven videos, five printed media documents in accessible format and three collections of recommendations, which strengthen the employment road map services for persons with disabilities, with a focus on members of ethnic groups.

A Colombian sign language course was delivered to SPE providers. The first online course was completed and was attended by 28 collaborators from the SPE provider network and two public officials from the SPE's citizen assistance group.

Furthermore, the SPE has made available to the network of providers an online course aimed at public officials with the aim of strengthening skills for the labour inclusion of persons with disabilities. A total of 831 persons enrolled on the course and, by November 2021, 580 trainees had been certified.

Through an online event, 23 employment centres from 11 SPE providers were recognized as being inclusive of persons with disabilities and for the effective implementation of changes to the employability road map for the provision of assistance to persons with disabilities under the labour inclusion model, with the focus on closing gaps and the labour inclusion model for persons with disabilities. The ABC guide to promoting the labour market inclusion of persons with disabilities in the SPE was developed, which was aimed at the SPE network of providers, employers, persons with disabilities and the general public, and which sets out the management and placement services, and the main tax benefits for hiring persons with disabilities.

The document annexed to the recommendations and guidelines for the provision of assistance to persons with psychosocial disabilities has been developed and delivered in the

context of the SPE employability road map with the aim of providing the SPE network of providers with recommendations and guidelines that promote assistance for persons with such disabilities.

Advisory services and support for business management were provided to promote the inclusion of persons with disabilities in the department of Caquetá, with the aim of fostering the employment of persons with disabilities. Forty employers participated.

The organization of a meeting with employers was promoted in the department of Meta, with the participation of the employment agencies, COFREM and APE SENA, the municipality of Villavicencio, the subcommittee for the labour market inclusion of persons with disabilities in the department, and the Ministry of Labour, as well as 13 employers.

An in-person meeting was held with employers in the Bogota Chamber of Commerce, at which the employability road map and the labour inclusion model were presented, with a focus on closing gaps. The meeting was held in coordination with the Presidential Council on Disability, the Ministry of Labour, the National Training Service, the Secretariat of Economic Development of Bogota, and seven public employment service providers from Bogota. Twenty five employers participated.

Advisory services were provided to 17 enterprises from the city of Bogota on the tax and financial benefits available for hiring persons with disabilities.

In 2023, assistance and training were provided on the National Care System, and discussions were held on basic concepts, the contents of the law and the priorities of the National Council for Economic and Social Policy (CONPES) regarding care and the adoption of the decree creating the Intersectoral Commission for the National Care Service.

Assistance was provided at the event “Business Roundtable and Inclusive Entrepreneurship”, which was held at the headquarters of the Kennedy Chamber of Commerce, where the progress of the district secretariats for social integration and economic development for groups requiring special attention was presented, with emphasis on the inclusion of persons with disabilities. The experience of the “Network for Inclusion”, led by the Bogota Chamber of Commerce, was discussed, and awards were presented to employers and entities that have worked actively on the labour and productive inclusion of persons with disabilities.

In coordination with the National Institute for the Blind, training was provided for the network of providers located in Valledupar, Armenia, Bucaramanga, Cali, Popayán, Soacha and Riohacha, on topics such as general information on visual impairment, disability certificates and tax benefits. Online training was also provided for the entire network of SPE providers on accessibility in digital environments, in which 134 public officials participated.

Furthermore, in coordination with the National Institute for the Deaf, the network of providers was strengthened through a workshop entitled “Learning about deaf culture: Generating inclusive care for the promotion of the rights of deaf persons”, in which providers from Fusagasugá, Girardot, Medellín, Cali, Santa Marta and Pereira participated.

Within the framework of the national public policy on disability, progress is being made with the process of reformulating the policy, with the participation in the development of the road map of social and institutional entities and forums working with persons with disabilities, carers and/or families.

In coordination with the population itself, networks have been created to disseminate information on the development of the process of the reformulation of the Public Policy on Disability and the stakeholders have been diversified, which include:

- persons with disabilities with the seven types of disability (physical, visual, cognitive, multiple, cognitive, psychosocial, auditive, deaf and blind);
- carers, family members of persons with disabilities who need a high level of support for their participation;
- children and young people with disabilities;
- organizations of and for persons with disabilities (formal or informal);
- organizations of carers of persons with disabilities (formal or informal);
- social movements for the defence of the rights of persons with disabilities;
- cooperatives of persons with disabilities;
- sports clubs for persons with disabilities;
- artistic groups of persons with disabilities;
- organizations, movements, communities and networks of women, carers of persons with disabilities, young people, victims of armed conflict, migrants, ethnic groups, lesbian, gay, bisexual, transgender and intersex social sectors, citizen watchdogs, university networks and rural populations.

As noted by the Committee of Experts, the Government is complying in both law and practice with the Convention.

Discussion by the Committee

Chairperson – I invite the Government representative of Colombia, the Deputy Minister of Employment and Pensions, who on an exceptional basis has been authorized by the Officers of the Committee to intervene remotely.

Government representative – First, I would like to thank you all for allowing me this opportunity to address you remotely, as my health means that it is impossible for me to make the journey and share with the Committee our reflections on the Convention.

In the first place, I would like to say that this intervention, in addition to being made in my capacity as Deputy Minister of Employment and Pensions, as kindly indicated by the Chairperson, is being made in my modest capacity as a citizen with disabilities, from which I can confirm and bear witness to the situation of persons with disabilities in relation to employment, which is the area covered by the Convention.

Since the last report was provided on compliance with the Convention, Colombia has been in the process of adopting a public policy which represents significant progress in the application of the Convention, in accordance with the guidance provided by the Convention and the Convention on the Rights of Persons with Disabilities of 2006, which Colombia has ratified and has been implementing through specific statutory legislation, as well as through measures combining active policies and a national employment policy, as called for by the Convention, for the integration of persons with disabilities into the world of work.

We cannot overlook the fact that it is estimated that there are currently around 1,000 million persons in the world with some type of disability, which corresponds to 15 per cent of the world population. Most of these persons are of working age. In Colombia, we have 3.5 million persons with disabilities. We have made progress on the methodology for the measurement of this population group with a view to being able to adopt public policies. More specifically, since 2021, the major integrated household survey, which is the methodology for measuring the unemployment rate in Colombia, has included disaggregated data to identify the employment possibilities, or not, of persons with disabilities, which indicate that 42.3 per cent of persons with disabilities have fewer employment opportunities than those who do not have disabilities.

Similarly, the Government of Colombia has endorsed the overall commitment to remove physical, attitudinal and communication barriers, which are the factors that impede them from benefiting from the right to work, and in particular from decent jobs in accordance with ILO guidance. Colombia aspires to remove those barriers. Colombia has implemented a series of policies so that no one is left behind, so that policies are designed and developed with the participation of persons with disabilities, and focus on the removal of barriers and on social inclusion.

Who are the persons whom we are targeting? Who are the persons with disabilities for whom the Government of Colombia, and indeed the world, is developing these policies? They are those who, during the period of the Inquisition were seen as persons deserving of criticism, as persons who merited judgement or assessment for their conduct, because they had surely done something for God to impose this punishment, and they were accordingly harshly treated. Humanity then moved towards a supportive approach, with the focus on the medical aspects of disability, in the belief that persons with disabilities are deserving of medical attention, an approach involving scientific adaptation of our situation, but still of isolation from the enjoyment of rights.

It is in this light that the Government of Colombia understands the social approach set out in this Convention and the Convention on the Rights of Persons with Disabilities, and it is adopting it and incorporating it into the design of public policies and rules with a view to modernizing the whole system of regulation and the design of interventions so that persons with disabilities merit support, based on a differentiated approach with the focus on social inclusion, in the present case in the world of work.

For this purpose, Colombia has adopted measures for the entry into work and reassignment of persons with disabilities, always focussing on the transversal principle of stability, within the context of the affirmative measures that are merited in the case of persons with disabilities.

We included all measures of reasonable accommodation in Act No. 1618 of 2013, which is the law that gives statutory expression to the whole policy of the removal of barriers in the country, and we have also moved forward with the inclusion of specific requirements for employers in relation to access to work based on the removal of barriers.

Colombia is currently at a special moment in the process of the adoption of social reforms for the modernization of our regulatory system which, unfortunately, is not sufficiently in compliance and accordance with international labour standards. With specific reference to this Convention, the Negotiation Commission on Wages and Labour Policies, which has met on at least 12 occasions, reached agreement (it was one of the measures agreed to by employers, workers and the Government) on the inclusion of a requirement for employment quotas for persons with disabilities in the private sector.

Colombia already has employment quotas in the public sector, as set out in Decree No. 2011 of 2017. Through tripartite dialogue, with the participation of employers, workers and the Government, we agreed in Colombia on the inclusion in the draft labour reform of a provision for the inclusion of employment quotas for persons with disabilities (one worker with disabilities in enterprises with between 50 and 100 workers, and 2 per cent in enterprises with over 100 workers).

We call on employers, and of course workers, who have supported us, and the Congress of the Republic, to bring safely to port this initiative of the labour reform, which adopts in domestic law all the parameters and requirements of the ILO standards ratified by Colombia.

This is a Convention that has been ratified by Colombia, and Colombia is undergoing a transition towards the adoption of public policies in our labour law, with specific quotas. We therefore call on employers to focus on this Convention by supporting the labour reform, not opposing it, and welcoming into the world of work persons with disabilities who are deserving of rights, deserving of the removal of physical, attitudinal and communication barriers as a key component of the response for the inclusion and transformation of the social approach to disability, governed by the guidance set out in Convention No. 159 and the Convention on the Rights of Persons with Disabilities.

Accordingly, the Colombian National Development Plan, a World Power for Life 2022–26, includes a specific provision, section 79, for the promotion through the Jobs for Life Policy of incentives for the recruitment of persons with disabilities.

Employment policy in Colombia includes initiatives for the recruitment of young persons, women and men over 18 years of age with disabilities. Through this policy, emphasis is placed on persons with disabilities and the provision of greater financial incentives to enterprises for the recruitment of persons with disabilities through a differentiated approach.

An incentive is offered of between 35 and 45 per cent of the minimum wage. If the person with disabilities has been off work or unemployed for four months, or has not been able to find a job, the 35 per cent incentive offered by the programme is increased by 10 per cent, which means an incentive of 45 per cent to promote their recruitment through the Jobs for Life programme, which is already being implemented under Decree No. 533 of 2024, and which will become operational from the end of June for the first two categories of employers who wish to participate, with the provision of incentives as an active policy for the recruitment of persons with disabilities.

Colombia has a specific policy of incentives through the Jobs for Life Programme for the recruitment of persons with disabilities. This involves a sufficiently robust budgetary effort in support of our policy, with 400,000 million pesos already allocated for the programme in support of this initiative, which is an active policy, and I believe it is pioneering at the global level, for the recruitment of persons with disabilities.

The labour reform has not only been developed and designed through tripartism, as invitations were extended through the so-called tripartism plus approach to concerned social organizations for the design of the labour reform, with support from the Employers' group and the Workers' group. On this, I want to be very clear: persons with disabilities participated and made proposals, and they were well received by employers and workers and, I insist, the Employers' group and the Workers' group.

The proposals made by organizations of persons with disabilities sought fundamentally to: (1) include in the Labour Code the specific requirement for employers to remove physical, attitudinal and communication barriers so that they are no longer an impediment to the

enjoyment of rights, and in this case the right to decent work; and (2) a relaxation of the guarantee of strengthened stability when a worker with disabilities is employed and the employer is aware of the situation, which is included in the contract and relaxes the presumption of discrimination in the event of termination, when the burden of proving discrimination in relation to termination lies with the worker, but there is no presumption of discrimination. This is a measure that was put forward by organizations of persons with disabilities, and was welcomed in particular by employers, while being accepted by workers and the Government, with a view to its inclusion in a specific statute. The development process was therefore not only tripartite, but also tripartite plus, for which reason we once again call on employers, workers and the Congress of the Republic to adopt this approach to the modernization of our rules, the modernization of the right to work as a key to improving rights, and as a key to harmonization with international standards. We, in the national Government, understand that these are international standards, standards that correct social dysfunctions, with the aspiration of remedying dysfunctions that are increasingly global and increasingly common in our society. Just as humanity transcends frontiers, so does the commitment to the inclusion of persons with disabilities in the world of work, in the context of the enjoyment of rights (in this case the right to decent work), as promised by the 1998 Declaration on Fundamental Principles and Rights at Work and the Political Constitution of Colombia, in article 25.

The positions taken up within the Congress of the Republic not to support the reform with the inclusion of the measures that I have just described are clearly a cause for concern, and are clearly related to the effect given to the Convention. However, the national Government is also promoting a reform of the system of protection for invalidity, old age and survivors for the citizens of the country.

In this pension reform, a reform of the invalidity, old-age and survivors' protection system, there are also differentiated measures. The solidarity pillar, through which cash transfers are made to adults in a situation of vulnerability, will also have a differentiated approach under which persons with disabilities will become eligible from the age of 55 (men) and 50 (women). The general population is eligible for the cash transfer benefits of the solidarity pillar from the age of 65 (men) and 60 (women). In recognition of the lower life expectancy of persons with disabilities, there is a differentiation measure in the Bill that is currently being examined by the Chamber of Representatives, the lower house in Colombia.

Similarly, the revision includes a modification of invalidity pensions and includes a second activity policy, that is for persons who are recognized as suffering from invalidity for the purposes of entitlement to a pension. Their situation cannot be reviewed if they engage in an activity different from the one in which they have been recognized as suffering from invalidity for the purposes of eligibility to a benefit, in order to ensure that such persons, if they engage in another activity, with another skill, are not penalized through the loss of the benefit. This is a situation that needs to be brought up to date in accordance with the draft legislation that we are bringing forward. And finally, there needs to be an improvement in the recognition rate for invalidity pensions.

All of these plans have been thought out and are focused on the recognition of our own differences. We all aspire to being treated equally, and to effect being given to the principle of equality set out in the Convention, which the Committee very rightly proclaims. But, as also recognized by the Convention, we all aspire to our own differences being recognized, as they are recognized in the Convention, in relation to the obligations that are incumbent upon us under the policies that we have developed.

I have given a very brief summary of the policy for the labour and pension reform, the Jobs for Life Programme, the National Development Plan, all the plans that we have for vocational training as a route to improving the employability of persons with disabilities, with emphasis on the work of the National Training Service (SENA).

I would like to conclude by urging everyone to support this process that is being led by the Government of Colombia, and which I consider can be seen as an example at the global level of commitment to the inclusion of persons with disabilities. We have persons in the national Government who have disabilities who are taking the lead on very serious public policies. And we have a very specific commitment to labour reform and pension reform, a commitment to life, to the differentiated approach and the support that is merited by persons with disabilities, more as citizens than in any other role that they can play in society.

Employer members – Colombia ratified Convention No. 159 in 1989 and, since then, the Committee of Experts has made three observations, in 2011, 2015 and 2023. It is the first occasion on which the Committee has discussed this case.

In the first place, we thank the Government of Colombia for the information provided to the Committee on the application of the Convention in law and practice. We find this information very promising, as is the commitment expressed by the Government representative. However, it is necessary to take into consideration the following shortcomings identified by the Committee of Experts.

With reference to Articles 2 and 3 of the Convention on the national policy and the vocational rehabilitation of persons with disabilities, respectively, the Committee emphasizes the fact that, despite the existence of a national policy, only 2.5 per cent of persons with disabilities are in formal employment or have an income equivalent to the minimum wage.

Taking into account the policies and measures reported by the Government, it is necessary to consider two issues.

First, the factors that are limiting the scope and effectiveness of the action taken, in contrast with the figures provided by the Administrative Department for Statistics, and in particular the procedures for the design and adoption of the policies described. In view of the persistence of shortcomings in the inclusion of persons with disabilities, the Employers echo the request made by the Committee of Experts for the Government to provide more detailed information on the manner in which it is ensured in both law and practice that adequate vocational rehabilitation measures are made available to all persons with disabilities and to supply updated information on the nature, scope and impact of these measures on the creation of opportunities on the formal labour market.

We also request the Government to continue its political and legislative efforts for the development of policies for the labour market integration of persons with disabilities by promoting their inclusion in the context of a regulatory framework that is conducive to the development of sustainable enterprises.

A substantive element of the Convention is the requirement to consult representative organizations of workers and employers. It is not clear from the written information provided by the Government that tripartite consultations were held in the various bodies involved in the design and implementation of the measures that have been reported, particularly at the level of the National Development Plan, as well as in relation to the detailed process of the formulation of the new disability and inclusion policy. Moreover, according to the report of the Committee of Experts, workers' organizations in Colombia have indicated that consultation

procedures have not been created for the discussion of policies affecting workers with disabilities.

The Government has reported in its written information, and has just reiterated this orally to the Committee, the existence of draft labour reform legislation which would include a social and labour inclusion approach for persons with disabilities, but nor is reference made in the written information to whether the views of the social partners were included in its development in any way. In this regard, we respectfully invite the Government to specify whether the 12 meetings referred to within the framework of the Negotiation Commission on Wages and Labour Policies were held to discuss the draft labour reform that is currently before the Congress of the Republic.

It hardly seems necessary to remind this Committee that the sustainability and effectiveness of labour market policies are closely related to effective consultation with the most representative organizations of employers and workers. This is especially true for the development of vocational rehabilitation and training measures, for which the social partners are the ones who can offer a comprehensive vision of the strategic skills needed in the labour market, the challenges and opportunities that arise and the measures that can best improve the employability of persons with disabilities. We therefore call on the Government to make every effort to ensure institutionalized and effective consultation with the social partners in the design, implementation, revision and follow-up stages of such policies, and more specifically to provide detailed information on the process of the formulation of the new policy on disability and inclusion.

We then need to consider the recommendations of the Committee of Experts in relation to Articles 7, 8 and 9 of the Convention on vocational training for persons with disabilities, services in rural areas and the training of qualified staff.

The Employer members note the information provided by the Government on the programmes and action taken to promote equality of opportunity and the elimination of segregated action for persons with disabilities in the field of education.

However, we also need to take into consideration the Government's statistics, according to which only 10 per cent of persons with disabilities are able to enter the formal education system, or of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which indicate that only 56 per cent of young persons with disabilities in Colombia between the ages of 15 and 24 are able to read and write. In the words of the Committee of Experts, this compromises the future of young persons with disabilities, especially in light of the technological transformations in the world of work.

In light of this data, we call on the Government to renew its efforts to collaborate with the social partners to ensure the participation of young persons with disabilities in the education system and in vocational training programmes, and to ensure inclusive access at the various levels, as well as the design of relevant curricula in consultation with the social partners which include technological skills and transferable skills, which are of strategic importance for the employability of young persons.

We also request the Government to provide detailed information on the policies implemented to promote access to the various levels of vocational training, the consultations held with the social partners, their outcome, the number of persons reached disaggregated by age and their impact in terms of access to formal employment, including information on rural areas and remote communities in the country, as well as the enterprises covered by the incentive policies implemented.

The Employer members reiterate our thanks for the information provided to the Committee and we hope that the strong commitment expressed by the Government will be translated into action based on dialogue to improve the inclusion and vocational training of persons with disabilities.

We reiterate our request for the Government to intensify its efforts for the development and implementation of policies for the inclusion and vocational training of persons with disabilities, with an improvement in the allocation of resources and guaranteeing that the views of the most representative organizations of employers are taken into account through institutionalized consultations at all the stages of the development, review and implementation of these policies. We also request the Government to provide detailed information on the implementation and results of the policies developed to remedy the shortcomings of compliance in law and practice.

Worker members – We thank the Deputy Minister of Labour of the Government of Colombia for the outstanding quality of the information provided to the ILO on the effect given to the Convention. It is only the third time in history that this Convention has been examined by our Committee. The two previous cases, in 2006 and 2013, were considered to be cases of progress.

The Government has demonstrated, based on specific figures and data, the importance that it places on training and employment generation for persons with disabilities.

We note with satisfaction the adoption in May 2023 of the National Development Plan 2022–2026 which, among other measures, provides guarantees of inclusive education and work for persons with disabilities. As reported to the Committee of Experts, they include a broadened range of institutional training programmes for inclusive and accessible work, initiatives to facilitate access to work for persons with disabilities in the public sector and the strengthening strategies for SPE providers to promote the employment of persons with disabilities.

The Government has also reported that funding has been provided for enterprise initiatives for by persons with disabilities. It should be noted that outreach activities have been conducted targeting employers and representatives of various national bodies, and enterprises have been advised on labour inclusion mechanisms and employment services for persons with disabilities.

The Committee of Experts has also received information from the Government on the development of a new disability and inclusion policy that envisages the adoption of measures to provide opportunities for the development of persons with disabilities in education and production.

The Government of Colombia has also reported that it has submitted to the Congress of the Republic a labour reform to ensure decent and dignified work. The reform includes an approach for the social and labour inclusion of persons with disabilities, provisions on their right to work and regulations on their legal capacity, reasonable accommodations, non-discrimination, a private-sector recruitment quota and job stability. We encourage the Government to adopt the reforms without delay.

We welcome the Government's initiatives and the action intended to give effect to the Convention, and we request it to continue providing updated information on the progress made in that regard.

Employer member, Colombia – We would first like to present some of the main labour market figures for persons with disabilities in the labour market in Colombia. Some 76 per cent of working-age persons with disabilities are outside the workforce, while informality among this group currently stands at 75.8 per cent.

Similarly, when we examine the education levels of persons with disabilities, we find that 41.6 per cent have completed basic primary education and just 5.1 per cent hold a university degree. These figures show a complex situation, in which persons with disabilities have been excluded from settings that are vital for their development, particularly in the world of work.

Moreover, a broader overview of the problem is provided by the World Bank calculation that unemployment among persons with disabilities in Colombia represents a loss of between 5.35 and 6.97 per cent of the country's gross domestic product (GDP).

This exclusion from economic and social life is often linked to misconceptions of persons with disabilities, including persistent stereotypes that perpetuate the cycle of poverty.

All of this highlights the urgent need to work in a tripartite context on public policy for vocational training to improve the employability of this population group.

Secondly, I would like to refer to the two types of action to which Colombian employers are committed with the aim of creating and promoting inclusive jobs: (i) the Inclusion Label Programme that verifies and endorses employers' corporate responsibility as inclusive organizations; and (ii) the creation of specific productive strategies that seek to promote the formal recruitment of persons with disabilities.

A specific example of this action is the Productivity Pact, an initiative involving around 1,700 companies across Colombia, some 30 per cent of which have so far recruited workers with disabilities. The business sector is also working in partnership with a public institution, the National Training Service (SENA), to provide vocational training for 1,116 persons with disabilities through some 106 technical and technological programmes.

Thirdly, the guide entitled "Beyond Disability: an opportunity for labour market inclusion", provides a road map to help companies identify the necessary steps for the development of successful inclusion processes.

These are just some specific examples of the action taken by the business sector to ensure the training and inclusion of persons with disabilities, demonstrating that employers are vital actors in the implementation of inclusive policies targeting this population group.

Thirdly, and also to conclude, after recalling the statistics on persons with disabilities and the examples of the action taken by employers, we reiterate the need for the Government of Colombia to work together with the most representative social partners to identify and overcome the most significant shortcomings.

We believe that this is the only way that, in both theory and practice, public policy will succeed in overcoming barriers, support successful labour inclusion processes and develop new incentives to increase the employability rate of this vulnerable group.

We must point out that, regrettably, in recent years neither we nor the other representative social partners have been consulted, thereby ignoring the need to take our views into account when developing a public policy on labour market inclusion.

In this regard, it has not gone unnoticed that the Government has referred, in its intervention and in the additional information sent to the Committee, to the chapter of the labour reform bill currently being examined in Congress that deals with the inclusion of

workers with disabilities. The Government's indication is particularly striking that this bill, which is currently before Congress, was the result of tripartite dialogue.

It must be clarified before the Committee that the dialogue to which the Deputy Minister referred during his intervention addressed a labour reform bill that was submitted in March 2023, which was not approved by the Congress and was therefore set aside. The examination of that bill ended in June 2023. The meetings of the Negotiating Committee on Labour and Wage Policies, to which the Deputy Minister referred, related to a previous and separate bill.

As employer representatives, we wish to emphasize that the most representative social partners were not consulted on the labour reform bill currently before Congress, as it was not submitted to the Negotiating Committee on Labour and Wage Policies, which is the natural setting for the tripartite dialogue envisaged in the Colombian Constitution. It therefore cannot be said that the bill currently under discussion includes the views of employers.

We want to emphasize that progress in the labour market inclusion of persons with disabilities is an objective that should unite employers, workers and, of course, the Government.

The call by the Committee for Colombia to give effect to instruments that extend protection for persons with disabilities and support their inclusion in the areas of education and work should come as no surprise to trade unions, particularly as the Committee of Experts based its conclusions on the comments and concerns expressed by their own trade union confederations, that is the observations made by the Single Confederation of Workers (CUT), the Confederation of Workers of Colombia (CTC) and the General Confederation of Labour (CGT).

Political ideology should not carry more weight than the defence of the rights of vulnerable groups, a cause that should bring us together as social partners in constructive dialogue.

There is no doubt that the employment of persons with disabilities strengthens their autonomy, and enables them to gain access to education, work and leisure pursuits, while allowing them to participate in economic growth and feel that they are playing an active and useful role in the society to which they belong.

On behalf of the employers of Colombia, we therefore once again call for tripartite dialogue to identify the way forward for the achievement of worthwhile objectives in this important area.

The provision of taxes for the health and pension systems, boosting the economy, improving poverty indicators and consumption all contribute to national economic growth.

Worker member, Colombia – On behalf of the workers of Colombia, I wish to inform this honourable Committee of our perplexity at the inexplicable inclusion of Colombia in the list of countries called upon to appear at this year's Conference at the request of the Employers. In the past, there were different circumstances surrounding violations of the fundamental labour Conventions, and the situation was very different. It is surprising that they have now managed to include our country for alleged non-compliance with the Convention.

It should be noted that the conclusions of the Committee of Experts relate to 2021, when the President of the Republic was Mr Iván Duque, a Government against which the trade union confederations, together with other social sectors and pensioners, led the "social uprising".

On this specific subject, we have to inform this Committee that the Government of change has been adopting inclusive measures for persons with disabilities, with the result that we have

jointly submitted a draft labour reform to the Congress of the Republic. Although this draft was discussed in the committee in a tripartite context, the employers did not submit any proposals of the kind that they are now making in response to the proposals put forward by the Government and the workers.

In the reform proposal we seek to strengthen the employment stability of persons with disabilities, including by prohibiting discrimination on the grounds of disability, together with initiatives to prevent dismissal by the employer and to eliminate harassment and violence in the workplace, while offering flexible working hours for workers with family care responsibilities and for carers of persons with disabilities.

In 2021, we commented on the non-compliance of previous Government's. However, we recognize that the current Government has shown political will to improve the situation of persons with disabilities, as set out in the National Development Plan, including guarantees for a world without barriers, and inclusive measures and other legislative initiatives, such as the labour reform that seeks to improve the working conditions of persons with disabilities and their vocational rehabilitation and employment. Recent figures from the National Department of Statistics show greater employment stability and a decrease in unemployment for persons with disabilities. Nevertheless, we reiterate that the figures cited by the Committee of Experts are not recent.

It is striking that, while the current Government is demonstrating its political will to comply with the provisions of the Convention, it is precisely the employers in our country who are opposing the implementation of these types of measures and related policies, as shown by their opposition to the approval of the current draft labour reform, which collapsed during the Government's first legislature, undermining the possibility of proposing improvements to the legislation.

However, this has not been their main interest, nor have they demonstrated their commitment in this regard, since in practice it is clear that most of them do not employ persons with disabilities and do not adopt support measures. Persons with disabilities there have to work in the informal economy and in self-employment, thereby endangering their right to a life under decent and fair conditions.

Not many years ago in Colombia, many workers were victims of violence, and we are now engaged in a collective compensation process, in respect of which we receive expressions of solidarity from employers, for which we are grateful. However, we are not aware of good practices for the inclusion of those who became disabled during the conflict. In this context, we must affirm that, on the contrary, most employers do not seem to be willing to include and respect employment for persons with disabilities, and therefore are failing to set an example on what they are calling for. We therefore invite them to comply with the provisions of this Convention, for example in relation to the employment stability of persons with disabilities, who in many cases are dismissed, in disregard for the specific protection afforded to them by the law and case law on employment protection.

The participation of Dr Iván Daniel Jaramillo in the Government as Deputy Minister of Labour and Pensions is a clear example of the progress that has been made in compliance with the Convention in this regard. Moreover, incentives have been made available for employers to recruit persons with disabilities in their enterprises, such as the provision of a subsidy of 35 per cent of the value of the minimum wage, and an additional 30 per cent for persons between 18 and 28 years of age. In addition, a presidential directive was issued in August 2023 that seeks to promote a decent life with equal opportunities and without any form of discrimination for persons with disabilities.

We must also recognize that, through the Ministry of Labour, training has been provided through the National Institute for the Blind and the National Institute for the Deaf, together with municipalities and local administrations, to facilitate the inclusion of people and their interaction in society. The Ministry of Labour has also been undertaking activities through the National Disability System and other public authorities, including the public employment service, the National Training Service (SENA) and the Administrative Department of the Public Service, to facilitate the employment in the public service of persons with disabilities. However, with rare exceptions, we are not aware of private employers promoting such social inclusion.

In conclusion, the current Government has been taking measures for the protection of the rights of workers with disabilities, which has seldom happened in the past, and we hope that it will continue to do so for the good of this vulnerable population group. We also hope that employers will set an example and approve policies for the employment of persons with disabilities and allow them the right to associate and negotiate the conditions of their jobs as a basis for the development of the right to a decent life for everyone.

In light of the above, as has happened before when the application of this Convention has been examined, it should be considered as a case of progress.

Government member, Mexico, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC) – We welcome the information provided by the Government of Colombia in relation to the comments made by the Committee of Experts on the Convention. We appreciate the information provided by the Government on the policies adopted to ensure a world without barriers for persons with disabilities, which include a system of incentives for jobs for life, the provision of between 35 and 45 per cent of the minimum wage for recruiting members of this group, in accordance with the national legislation adopted by the Government of Colombia.

We urge the ILO to continue providing technical assistance to the Government so that it can continue making progress in promoting the access to employment of persons with disabilities and continue the process of the adoption of the labour reforms that are currently before the Congress, setting out the requirement for the recruitment of persons with disabilities, based on the size of the enterprise.

Finally, we invite the Government of Colombia to continue to move forward with its strategy of removing barriers to inclusion in the world of work for persons with disabilities using the differentiated approach that it has adopted so far.

Employer member, Mexico – Firstly, we would like to thank the Government of Colombia for the information provided on this case. However, it is extremely important to focus on one crucial aspect, which is tripartite consultation and the pursuit of social dialogue.

We cannot overlook the following aspects of the Convention, which are of fundamental importance: (1) Article 1(2) provides that “each Member shall consider the purpose of vocational rehabilitation as being to enable” a person with disabilities “to secure, retain and advance in suitable employment and thereby to further such person’s integration or reintegration into society”; (2) Article 2 explicitly provides that each Member shall “formulate, implement and periodically review a national policy on vocational rehabilitation and employment” of persons with disabilities; and (3) Article 5 of the Convention provides that the “representative organisations of employers and workers shall be consulted on the implementation of the said policy, including the measures to be taken to promote co-operation and co-ordination between the public and private bodies engaged in vocational rehabilitation activities”.

These provisions lead us to make a number of observations, as access cannot be provided to suitable employment without listening to the most representative organizations of both employers and workers, as they are the ones who, in everyday life, are aware of the existing needs of employment sources.

Similarly, one of the most important measures to be taken to promote the inclusion of persons with disabilities is the adjustment of the respective national regulatory framework. This adjustment process should generate adequate social dialogue with a view to establishing a regulatory framework consistent with the needs of persons with disabilities.

It should also be recalled that the Government of Colombia, on 9 November 1999, ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which provides in Article 1 that “the term representative organisations means the most representative organisations of employers and workers enjoying the right of freedom of association” and in Article 2 that “Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations [...] between representatives of the government, of employers and of workers”. And although that Convention covers matters related to the activities of the International Labour Organization, it is a clear example of the importance of social dialogue through the most representative organizations.

Social dialogue is a means of harmonizing conflicting interests, and as both employers and workers are the main providers of goods and services, and creators of wealth, they are undoubtedly two important stakeholders in any market economy, according to a December 2023 analysis carried out by the International Organisation of Employers.

In light of the above, the Employers respectfully request this Committee to continue following this case to ensure that the Government of Colombia, at the earliest opportunity, has recourse to tripartite consultation to strengthen social dialogue and avoid continuing to be in violation of Conventions Nos 144 and 159.

Finally, merely drawing attention to the fact that persons with disabilities have historically been a vulnerable group that has suffered discrimination, and their undoubted need for an adequate legislative framework, should be sufficient in itself to encourage the holding of consultations so as to ensure the inclusion of all the necessary aspects and that nothing is left out.

Worker member, Costa Rica – The Convention seeks to promote inclusive policies and equitable employment opportunities, with the aim of integrating persons with disabilities into the open labour market, encouraging vocational rehabilitation measures that respond to their specific needs and eliminating barriers to their full participation in economic and social life.

According to the report, the Government has adopted measures, such as Decree No. 2011 of 2017 and Decree No. 392 of 2018, establishing employment quotas in the public sector and incentives for enterprises.

The National Development Plan 2022–2026 also includes measures for inclusive education and work, and a new inclusive disability policy is being formulated. The report also refers to the Productivity Pact, which has been implemented in collaboration with various entities and has benefited many enterprises. However, only 15.5 per cent of persons with disabilities have work and only 2.5 per cent are in formal employment. The public employment service has also implemented programmes for the labour market inclusion of persons with disabilities. Between 2018 and 2020, 12,255 persons with disabilities were registered and 4,852 were placed in employment.

With regard to the institutional framework, the report refers to the Disability Inclusion Council, which coordinates labour inclusion initiatives, and the National Training Service (SENA), which adapts its programmes to the needs of persons with disabilities.

The trade union confederations note that the measures taken have not had the desired impact due to educational barriers and misperceptions among employers. Continued efforts are required to improve opportunities in both the public and private sectors.

In its comments, the Committee of Experts considers that more information is required to adequately monitor the problem. For example, it requests the Government to continue its efforts in both the political and legal fields, including in relation to monitoring and the allocation of the necessary funding for the implementation of the measures taken to secure, retain and promote opportunities for persons with disabilities to find employment in the open labour market in the public and private sectors, including the measures targeting small and medium-sized enterprises. It requests the Government to provide more detailed information on how it ensures, in both law and in practice, that appropriate vocational rehabilitation measures are made available to all persons with disabilities and requests the provision of detailed information on the manner in which representative organizations of employers and workers and of persons with disabilities are consulted on the implementation and periodic review of the national policy for vocational rehabilitation.

In conclusion, the Committee would like the Government to intensify its efforts in collaboration with the social partners with a view to addressing the extremely low levels of participation by young persons with disabilities in the education system, and to continue providing updated information on the nature, scope and impact of the measures taken to promote non-discrimination, accessibility, and the establishment and development of vocational rehabilitation and employment services.

These requests for further information also include the measures taken to train rehabilitation officers and other qualified staff involved in vocational guidance, vocational training, placement and employment of persons with disabilities in the open labour market. The extensive information requested is, in our view, nothing more than recognition of the efforts being made in the country in relation to the issue addressed by this Committee.

Employer member, Honduras – We have had the opportunity to analyse this case relating to compliance by Colombia with Convention No. 159, which has been a matter of concern for the Committee of Experts based on a complaint by workers indicating that, according to statistics that we have been able to review, there is room for improvement in the opportunities that the State of Colombia is required to ensure for persons with disabilities.

It should be emphasized that it is the duty of States to develop public policies to promote equality of opportunity for everyone, but in the design of these policies, it is necessary to be able to consult the social partners.

We see that, in the case at hand, the main problem that has prevented the Government of Colombia from complying with the provisions of the Convention is the failure to hold effective consultations with the social partners for the design and implementation of public policy measures to ensure the rehabilitation and integration of persons with disabilities. We therefore request the Government of Colombia to allow the social partners to be part of the solutions to the problems that it is currently facing in giving effect to this Convention, as there can only be effective compliance with ILO Conventions where there is social dialogue and respect for the social partners.

Finally, we call for the conclusions to urge the Government to make every effort to ensure effective institutionalized consultation with the social partners in the design, implementation, review and monitoring of the public policies adopted to ensure compliance with the Convention and, more specifically, to provide detailed information on the process of the formulation of the new disability policy and the inclusion of the social partners, thereby guaranteeing an inclusive future in Colombia.

Worker member, Spain – This is a joint statement that I am making on behalf of the General Union of Workers (UGT) and the Trade Union Confederation of Workers' Commissions of Spain (CCOO). First, I wish to recall that this Committee is examining compliance with Convention No. 159, not Convention No. 144.

Workers with disabilities throughout the world suffer from greater discrimination at work, both in access to employment and in the performance of their work, as well as in any vocational rehabilitation that is required, including in cases where their disabilities are due to industrial accidents. We therefore welcome the concern of the Employer and Worker members with regard to compliance with Convention No. 159.

The report of the Committee of Experts makes repeated reference to the need for the Government of Colombia to provide information on the results of the policies implemented in relation to the Convention.

The report recognizes that since the Committee “last examined the application of the Convention by Colombia, the Government has taken various measures to promote the employment of persons with disabilities, including in the period immediately preceding the examination”.

We welcome the updated information provided by the Government of Colombia, which we have taken into account and examined. Analysis of this information leads us to the conclusion that the current Government has adopted many measures, including a chapter of the National Development Plan (PND) 2022–2026 on guarantees to bring about a world without barriers for persons with disabilities. The chapter not only recognizes the historical discrimination against persons with disabilities, but also proposes action in seven specific areas to promote their rights.

Decree No. 533 of this year, adopted only a month and a half ago, introduces a system of incentives for employers which recruit workers with disabilities. The workers of Colombia view this Decree very positively, and it will surely also be warmly welcomed by employers, as the programme initiated by the Ministry of Labour seeks to promote formal employment through incentives for employers.

The Presidential Directive of 2023 was issued with the aim of making progress towards a decent life with equality of opportunity, without exclusion or discrimination, for persons with disabilities.

In its report, the Committee of Experts also highlights the tax incentives introduced by the Government for employers that recruit persons with disabilities.

But clearly, and in light of the provisions of Article 5 of the Convention on the consultation of the representative organizations of employers and workers on the implementation of the national policy on vocational rehabilitation and employment of persons with disabilities, the most relevant initiative that should be noted is the labour reform promoted by the Government of Colombia.

Based on the assessment carried out by the workers, we know that the labour reform proposed by the Government includes specific obligations for employers, such as making the necessary accommodations required by persons with disabilities to be able to work and remain in employment, and a recruitment quota for enterprises which, depending on their size, have to recruit or retain either one person with disabilities or at least 2 per cent of the labour force.

Furthermore, under the proposed reforms, employers will be required to assume responsibility for removing barriers and ensuring accessibility, and for guaranteeing the employment stability of persons with disabilities.

The adoption of the labour reform in Colombia could therefore represent a significant step towards full compliance with Convention No. 159 and the decent work objectives on which the proposals, are based, as indicated by the workers' organizations, and as we hope will be endorsed by employers.

Close analysis of this case reveals promising signs. The Government of Colombia has provided information on the progress made in recent years and is also promoting a comprehensive labour reform that is supported by workers' organizations and includes specific measures that respond to the concerns of employers. As well pointed out by the Employer member of Colombia, political ideology should carry no weight when promoting a fundamental labour reform to improve labour regulation in general, and the application of this Convention in particular in Colombia.

Employer member, Costa Rica – This Organization has emphasized that, for all countries, irrespective of their level of development, the basis for the sustainable and growing promotion of prosperity, inclusion and social cohesion is the availability of sufficient jobs.

Work allows people to overcome poverty, and the route to growth and economic diversification is productive and decent employment. For this reason, the labour market inclusion of persons with disabilities has to be a priority and constant objective of our societies with a view to the eradication of any form of discrimination that is contrary to human dignity.

The report of the Committee of Experts requests the Government of the Republic of Colombia to develop policies and action with a view to promoting efforts for the creation of more job opportunities for persons with disabilities on the open labour market, in both the public and private sectors, including in small and medium-sized enterprises, with special emphasis on the employment of young persons. It also calls for the development of vocational rehabilitation services in urban areas and the most remote areas and communities in the country.

What we are calling for is that the development of any policy related to employment, and particularly the employment of persons with disabilities, is carried out within the framework of tripartite social dialogue. Social dialogue strengthens us as societies, and in enterprises and employers' organizations we have understood that, in order to go further, we have to travel together.

We have seen this in the case of Costa Rica, as a result of which, in recent times, we have managed to make progress in areas of transcendent importance, through tripartite dialogue, for example in the beginnings of the development of a national employment policy and the establishment of the fundamental pillars for the formulation of a national decent work plan, both of which will seek to promote fundamental principles and rights at work.

The employers of Costa Rica call on the Government, in collaboration with the social partners, who are strategic allies for the construction of a country which complies effectively

with national and international standards to offer more quality employment opportunities and remove the barriers that are preventing the integration of vulnerable groups. And we advocate all of this in our awareness of our responsibilities as enterprises in our society.

Worker member, Finland – I am speaking on behalf of the trade unions of the Nordic countries. A Convention by itself, without respect for the rights and obligations arising therefrom, is rarely a guarantee of anything. All international obligations also need to be complied with.

With the case under examination, that is Colombia, one cannot underline enough the significance of the expressions used by the Committee of Experts in its report. Also, no Convention is unimportant. These are legally binding instruments whether we consider them fundamental, governance or technical by nature. They form the basis of what the ILO Member States have taken upon themselves to respect. The principle goes far beyond this particular case of Colombia. We are speaking of the very fundamentals of the supervision of international obligations. In this sense, the follow up of a case by the Committee of Experts is naturally an integral part of this supervisory process and, in this case, the comments of the Committee of Experts in the report place strong emphasis on this function. Here, the Committee of Experts explicitly recognizes that the Government has taken various measures to promote the employment of persons with disabilities, which is exactly what should be done with respect to the Convention.

The measures taken by the Government of Colombia, such as the adoption of the National Development Plan and the adoption of Decree No. 21/77 of 22 December 2017 establishing the Disability Inclusion Council (CID) are more than welcome steps towards full conformity with Convention No. 159. Yet, the improvements driven by the current Government do not stop there. There are proposals on the way, such as the labour reform that demonstrates even further commitment to ILO Conventions and to the improvement of the regulatory framework of working conditions in the country. All these developments will present significant opportunities for all the social partners in Colombia in the near future.

Most importantly, however, all these measures are a concrete indication of the fact that Colombia has, as noted by the Committee of Experts, aimed for improvements of workers' rights by recognizing both obligations and rights arising from fundamental and other Conventions alike. While the work is far from done, indeed Colombia is currently acting as an encouraging example of both the willingness and ambition that are necessary for a better society and, ultimately, the full realization of workers' rights.

Observer, IndustriALL Global Union (IndustriALL) – My organization represents trade unions in the mining, energy and manufacturing sectors in Colombia. IndustriALL finds it difficult to understand why Colombia has been included in the list of cases for the examination of the application of Convention No. 159.

Our organization has not received any response from our affiliated unions. Naturally, we recognize and respect the case presented by the Employers.

However, this situation raises the question of whether this is the main problem in industrial relations and working life in Colombia. In this regard, I would like to highlight the realities on the ground in the sectors that we cover, so that they can be taken into account by the Committee.

Coal exports from Colombia account for 14 per cent of its total exports, and the country is now an important battleground for the principles of the just transition, as discussed at the Conference last year. The Government of Colombia has taken positive steps by committing to

a National Just Transition Strategy, which forms part of the country's green growth policy. This Strategy places emphasis on genuine social dialogue involving all the social partners.

In this regard, I would like to highlight certain examples in these sectors. There is a mining enterprise that initially suspended operations in the Calenturitas and La Jagua mines due to low coal prices. The enterprise then definitively closed these mines, resulting in the loss of thousands of jobs. Unfortunately, this closure also left a worrying legacy of violence and pollution, as three villages had to be relocated due to the environmental destruction.

It is shocking that there was no compensation plan for the environmental damage caused, let alone a just transition plan to help the workers and communities affected by the move away from coal.

Following the dismissal of the workers, the enterprise rehired them under subcontracts without engaging in any social dialogue with the workers.

Similarly, at another mine, the enterprise's contract with the Government ends in 2034, which could lead to the closure of the mine. Regrettably, the workers and their unions do not know what the future holds in store for them. It is crucial for workers to know when there is a plan for closure and how it will affect them, taking into account labour, community and environmental aspects. This also requires the genuine commitment of all the social partners to dialogue and action.

It is crucial for the social partners to give priority to industrial relations and to engage in meaningful social dialogue on urgent matters directly related to the situation on the ground.

As trade unions, we are committed to this cause. We appreciate and support the progressive social and labour policies of the current Government and we hope that employers will follow in this positive direction, taking into account the real situation in the country.

Chairperson – I see no more requests for the floor. I now invite the Government representative of Colombia, the Deputy Minister, to take the floor.

Government representative – Many thanks for giving us the floor once again, and for all your interventions, which we value and have listened to carefully.

We wish to reiterate our commitment to continuing along the road to compliance with the Convention in respect of the rights of persons with disabilities in accordance with the international and global approach.

Colombia, in addition to legislative measures to promote the employability of this population group, which faces additional barriers in access to the world of work, is committed to the design of institutional support. Act No 2297 of 2023 was proposed by this Government, under the leadership of the Ministry of Equality and the Vice-President, with the support of the Ministry of Labour and all the related institutions. The Act contains specific provisions to promote recognition of the rights of carers and support personnel for persons with disabilities.

Colombia is showing leadership, in addition to the whole approach to recruitment and adaptation through the removal of barriers for the inclusion of persons with disabilities, in the recognition of carers, whose role is essential for the inclusion and removal of barriers for persons with disabilities.

We are supporting the rights of carers and the right to be cared for. To a large extent, I am addressing you here today because there is a carer behind me who can help me into my wheelchair and attach my cannula, which allows me to move, who has brought me here and has made this conversation possible. This recognition is being pioneered in Colombia and we

are setting out a route for any system of regulation that promotes all the support policies that are required by persons with the various types of disabilities. Disability is evidently not always the same, as there are very many causes, very many reasons and very many visible and invisible measures, which are increasingly invisible, and that the Government of Colombia is committed to pioneering and implementing.

I would also like to appreciate very positively all the interventions. But I repeat that the policies that we have designed have been developed in accordance with tripartism, with employers, workers and the Government. Employers participate in the Board of the National Training Service, where they establish vocational training policies. We agree that training paths for persons with disabilities are key determinants in their access to employment.

The lack of knowledge of dialogue institutions is strange, as there are at least 12 of them. Between October 2022 and March 2023, when the labour reform was presented to employers, who are bringing this case before the Committee, when the same discussions are being held in the democratic institutions of the country, where the provisions of the new labour legislation are being discussed with the representatives of the people, on a text that incorporates all the international guidance of the ILO and of the various international bodies into our labour legislation. And we wish to offer genuine thanks for the participation and support of countries, including Spain, Chile, Mexico, the United States of America and Canada, which accompanied and can bear witness to the efforts at tripartite dialogue during the development of the reform. Tripartite plus dialogue was also held so that those affected by differentiated measures, the measures that are guiding the removal of barriers for persons with disabilities, could participate in the development of the policies. The Government of Colombia wishes to give special recognition to the importance of social dialogue and tripartism in the development and determination of the pathways to the improvement of employability through legal intervention and public policies initiated by the national Government.

The whole development plan was built up with the participation of organizations of persons with disabilities. Colombia does not cold shoulder the participation of the various employers' and workers' organizations in the various bodies for the development of public policies and regulation. Indeed, Decree No. 533 of 2024, which has been welcomed, as we are delighted to see, is designed to provide support to employers of between 35 and 45 per cent of the minimum wage to encourage the recruitment of persons with disabilities and to remove the physical, attitudinal and communication barriers which sometimes prevent their recruitment. And yes, we have included conditions. The worker has to be recruited for at least six months for the incentive to be payable, because in our understanding decent work is intimately related to stability, a transversal principle of the labour reform and of the recuperation of rights through the design and direction of the labour reform, which is undergoing parliamentary scrutiny in the lower house (the Chamber of Representatives of Colombia). The reform aspires to update, amalgamate and offer up for discussion the whole system of international regulations in contrast with the outdated Colombian Labour Code adopted in the 1950s, when such issues were certainly not prominent and disability was surely not seen from a viewpoint of support.

This transition to the social inclusion approach, the bio-psychosocial approach, is precisely the objective of a Government of change, and it is precisely through social dialogue and the participation of all parties that it will be possible to develop the best possible standards for our society.

This is a contract as a society rather than a mere labour reform, and we aspire as a national Government to the recognition by employers that their participation in the

Negotiation Commission was appropriate in over 12 meetings and that the debate is now being held in the forum that is the depository of the people's sovereignty in Colombia, namely the Parliament and the Congress of the Republic. We are also aware that hearings have been held there of representatives of academia, employers' and workers' organizations, but the decision lies with the Parliament, as the independence of the authorities is respected in Colombia.

Colombia is maintaining its intention to continue building and laying the basis for pathways for the transition of persons with disabilities to the world of work, but to a world of work with rights and to decent work.

I agree that we have high levels of informality, but precisely for this reason the objective has been established of inclusion through recruitment quotas for persons with disabilities in the public sector under Decree No. 2011 of 2017, and employment quotas in the private sector through the labour reform. These incentives for the recruitment of persons with disabilities with the accompanying social conditions can be a pathway that is pioneered at the global level as an example for the world to follow, for society to be welcoming, to give hope and to build the path for the integration of persons with disabilities in the world of work. It is often the case, and I know this from experience, that therapeutic care is provided with a view to labour market inclusion, and it is provided to value persons with disabilities as being worthy of and meriting participation in the productive life of our countries. For this purpose, the Government of change has to continue building the pathway, clearly with employers and workers, but also with persons with disabilities, because *nihil de nobis, sine nobis*, or nothing about us without us, because today we are united at the international level, in Europe, in Geneva, and the anthem for this continent, the melody that inspired the union of European peoples was written by a person with a disability. In May, we celebrated the 200th anniversary of Beethoven's Ninth Symphony, a composer who never heard this marvel that we have all heard, and who did not hear the ovation in the theatre in Vienna when he first performed the Ninth Symphony.

We, in the Government of change, understand disability as going beyond figures, which of course are of interest to us for the design and development of public policies by persons and citizens until they become law. We need them to be integrated, and thankfully, in addition to employer representatives, there were persons with disabilities and their organizations participating actively in the meetings so that development was not imposed on us, but with us.

Disability has to be seen as a gift. This is the objective of the Government of change, and is what has been left to us by Borges, one of the best Latin American writers, who was blind and taught his alter ego that the progressive loss of vision is like a slow summer evening.

This is the vision of the Government of change, thinking of each person, each citizen who deserves decent work, not only in terms of social and therapeutic measures, but also in relation to the social contract. This is a Convention that we recognize as being of great relevance and which requires commitment more as societies than governments, as humanity. That is why this meeting is so important and it is so important for us to transmit and leave before you the declaration and manifesto of the commitment of the Government of change led by President Gustavo Pérez Petro to develop policies with persons with disabilities as the centre of gravity of their construction, with employers, of course, and with workers. But democratic forums have already been open, and participatory forums have already had their say, and it is now going through the parliamentary process. The participation of employers, and of course of workers and the Government, cannot be disregarded in the project that we have submitted to the Congress. And this covers not only labour matters, I insist, but also pensions, because we

adults with disabilities live shorter lives and are therefore deserving of differentiated treatment.

I insist that women at the age of 50 and men at the age of 55 will be deserving of a transfer to unconditional solidarity to give them dignity in old age, through an old-age benefit that claims to repay in just proportions their contribution to society. But persons without disabilities will benefit from cash transfers from the age of 60 in the case of women and 65 in the case of men. As can be seen, there is differentiated treatment that is recognized and accepted by the Government, and we are absolutely convinced of the importance of the commitment of society, and of everyone, to a better old age for our persons with disabilities.

In addition, we are adopting a social approach that is changing and, by order to the Constitutional Court, we are updating all the legislation to ensure that it no longer refers to “invalids” or the “handicapped”, terms that are frequently used in the legislation, and which end up being burdensome in the terminology, which we want to update to “persons with disabilities”. “Handicap”, as I was taught by some of my English teachers, includes the word “cap”, with the connotation of going cap in hand for charity. This vision of assistance is what we are trying to change, to persons with disabilities who are deserving of having rights and duties, with a differentiated approach.

The report provided to the ILO sets out the progress and compliance by Colombia with the obligations set out in the Convention in relation to aspects such as employment quotas, the quotas included in the labour reform for the private sector, and all the reasons for our commitment as a society.

I insist that all the incentives and the whole design of the policy is directed towards and benefits employers, precisely by recognizing their efforts for the removal of barriers. And we know that there is a very strong cultural burden, which we are removing and which we have to be capable of removing as a society, because we cannot be left at a time of global economic recovery without the contribution of 15 per cent of the world's population to this recovery.

This commitment is recognized by President Gustavo Petro, who has given us instructions to include it in each and every policy.

We once again give thanks for this invitation and hope that we have provided satisfactory information in the report that was sent.

I would like you to close your eyes for a second and think about the anthem of the continent where you are today which, thanks to life and this wonderful meeting, was inspired by a person with a disability, who if he could hear us would say: “We persons with disabilities aspire to the removal of barriers, we aspire that the whole legislative and policy structure that we are developing, over and above its design and its success or failure, has our participation.” What would he say about all this if he could hear us? That he would be happy to participate in this development, that he would like to finish his Ninth Symphony, which he had been composing for 12 years. But that is another story because, although depressed by his deafness, he was capable of writing the most beautiful notes in history which have come to encapsulate European unity. These are the people we are working for, and it is to these people that we are sending the message, to employers, to workers of course, and to the national Government, in the hope that the Congress of the Republic will be capable of taking its place in history and will adopt these reforms to update the Colombian legislation of 50 years ago and adapt it to the humane standards that now prevail in society.

Worker members – We note the exemplary and valuable information provided by the Government, and all the valuable contributions that have enriched this discussion. As we stated

in our opening intervention, the Worker members applaud the initiatives and actions of the Government of Colombia to comply, in law and practice, with the provisions of the Convention. We request it to continue submitting updates on the progress made in its implementation.

Employer members – In our final considerations, the Employer members wish to thank the other delegates for their contributions and we once again express our gratitude to the Government of Colombia for the information provided to the Committee.

In the first place, I want to make a special point, as it is not acceptable to us that this case has repeatedly been referred to as an Employers' case. It is necessary in this regard to recall that, in accordance with the working methods of the Committee, all the cases examined by the Committee are selected by consensus by workers and employers.

After listening carefully to the statements made to the Committee by the Employer and Worker representatives of Colombia, we would like to be clear: we cannot accept this being treated as a case of progress. There is no case of progress when explicit complaints have been made for over a year that the existing tripartite social dialogue mechanisms in the country are not working, and that the consultations required by the Convention are not being held.

Consultation with civil society organizations, in what has been referred to as tripartite plus, does not in any way replace the requirement to consult the representative organizations of employers in their capacity as partners in the world of work, just as it does not replace the legislative examination of legal texts by the body that exercises legislative power in the country.

We therefore call upon the Government to engage in deeper tripartite social dialogue. We trust that the commitment expressed by the Government will be translated into the effective consultation of the representative organizations of employers and workers to reach agreement on strategic action and promote coordination between the public and private bodies engaged in vocational training activities, as set out in Article 5 of the Convention.

The Employer members reaffirm our commitment to the inclusion of persons with disabilities in workplaces and we emphasize the positive impact of work teams that are diverse in terms of both sustainability and productivity.

Greater participation in the labour market always results in improvements in the productive and social development of our countries. However, this can only be achieved in a sustainable manner, in the presence of public policies that level the playing field to enable the participation of persons with disabilities. Policies which ensure their access to education and vocational training, and which take into account the characteristics of the productive fabric and enterprises in each country, through the provision of support for the integration of persons with disabilities into the labour force.

These are the objectives of the Convention that is under examination.

In light of the characteristics of the case, the Employer members reiterate our request to the Government of Colombia to hold relevant consultations with the representative organizations of employers to ensure that their views are taken into account in the development and review of labour market policies and regulation.

We therefore request the provision of detailed information on the process of the formulation of the new policy on disability and inclusion, and on the social dialogue processes carried out in relation to the Bill on labour reform referred to by the Government.

In addition, we request the Government to renew its efforts, in collaboration with the social partners, to increase the participation of young persons with disabilities in the education

system and in vocational training programmes, and to provide detailed information on the policies implemented, the results achieved, the number of beneficiaries disaggregated by age, and their impact in terms of access to formal employment, as well as information on rural areas and remote communities in the country, and the number and characteristics of the enterprises covered by the incentive policies implemented.

Finally, we reiterate our expectation that the strong commitment expressed by the Government will be translated into coordinated and concerted action to improve the inclusion and vocational training of persons with disabilities with a view to promoting their access to productive and quality jobs, taking advantage of the opportunities that arise in the productive system of the country.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with satisfaction the Government's indication that it continues to develop, periodically review and implement a national policy on vocational rehabilitation and employment of persons with disabilities based on the principles of equality of opportunity and treatment and non-discrimination.

Taking the discussion into account, the Committee requested the Government to:

- **continue to ensure that social partners, persons with disabilities and representative organizations of persons with disabilities are consulted and their views are fully considered in the design, implementation and review of labour market policies and regulations, in line with the Convention;**
- **redouble its efforts, in collaboration with the social partners to continue to applying the Convention in law and practice.**

The Committee requested the Government to submit a report to the Committee of Experts in accordance with the regular reporting cycle on these measures.

Government representative – We thank the Committee for these very important conclusions that are being transmitted to the Government of the Republic of Colombia, for your interest in emphasizing the policy for the inclusion of persons with disabilities in the world of work and for having afforded us the opportunity to show the world what the Government is doing in Colombia, in focusing on the issues of labour and equality, through the National Planning Department and all the institutions of the Government, under the leadership of President Gustavo Petro, in order to welcome persons with disabilities into the world of work.

We take note of your observations, which we welcome and call on employer representatives. We have had meetings with the National Employers Association of Colombia (ANDI), with Teleformas, with chambers of commerce, with Corabastos, which groups together market segments, with the ANDI Foundation, with a view to the integration of the policy for the inclusion of persons with disabilities, as set out in Decree No. 5.33, issuing the National Development Plan, to reward employers that recruit persons with disabilities, although always giving centre stage to the development of the policy for persons with disabilities.

Nihil de nobis, sine nobis, nothing about us without us.

The economic recovery policy, the policy of leveraging, economic growth and social progress in our countries cannot leave aside 15 per cent of the population of the world.

We persons with disabilities can talk and are central to the development of active policies and employability policies. The citizenship passport that grants access to decent work has to be provided to persons with disabilities through the policies of the Government of change.

The Government of change has taken action and is already examining an advisory paper on economic and social policy for the integration of action, spaces for productive inclusion and employability of persons with disabilities.

Your conclusions are therefore welcomed by the Government of Colombia. The Republic of Colombia wishes to lead a global exercise of brotherhood, humanity and inclusion of persons with disabilities so that the 15 per cent of the world's population has access to the passport to citizenship that is decent work.

Ecuador (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

The Government has provided the following written information on 18 May 2024.

Ecuador ratified the Convention on 13 March 1967 and on this basis focuses on the following main aspects:

- Freedom of association: Workers and employers have the right to draw up their constitutions, elect their representatives, organize their administration and activities, and formulate their programmes.
- Protection of the right to organize: The Convention lays down principles to protect the right of workers to establish trade unions and participate in union activities without undue interference. On this basis, freedom of association in Ecuador is a subject of great relevance in the context of national labour legislation and policy. These include the right to organize, which is protected by international conventions such as Convention No. 87 and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The Labour Code also regulates the formation of trade unions, their rights and obligations, empowering the Ministry of Labour to register and activate these organizations.

In order to have clear internal standards which allow the free exercise of rights without any interference from the State, the Ministry of Labour issued Ministerial Decision No. MDT-2024-012, published in the Official Register on 24 February 2024, issuing the "Regulations on labour organizations with regard to the exercise of the right to trade union freedom and autonomy".

The Government has provided the following supplementary written information on 3 June 2024.

Article 154(1) of the Constitution of the Republic of Ecuador (National Constitution) provides that the duties of the Ministry of Labour are to direct public policies in its area of responsibility and to issue administrative decisions as required within its managerial function.

Consequently, the "Regulations on labour organizations" were issued via Ministerial Decision No. 130, regulating the establishment and registration of trade unions and their constitutions, as well as the procedures for the reform of constitutions and the registration of

the union executive committee in accordance with the provisions of the Labour Code. However, this legal instrument lacked provisions relating to second- and third-level organizations, and contained regulatory standards which were not consistent with the Labour Code. Hence it was essential to create machinery for the recognition and implementation of the rights granted to labour organizations.

This state ministry, on the basis of the commitments entered into by Ecuador which feature in international treaties and conventions, as well as recommendations of the ILO supervisory bodies and their main elements, in order to put the country in a position to honour its international commitments and comply with international standards relating to labour, trade union and universal social security rights, has even considered requests from trade unions.

Article 326(7) and (8) of the Ecuadorian Constitution establish the right to freedom of association, which must be complied with, especially as the international instruments which recognize it do not limit the right to freedom of assembly or association under any circumstances. Consequently, this state ministry, in observance of the National Constitution and Convention No. 87 ratified by Ecuador, which establishes the right to freedom of association and protection of the right to organize, issued Ministerial Decision No. MDT-2024-012 issuing the “Regulations on labour organizations with regard to the exercise of the right to trade union freedom and autonomy”. These Regulations incorporate requirements, guidelines, procedures and actions aimed at ensuring trade unions’ right to freedom of association and simplifying formalities so as to issue a timely response to users in accordance with the Labour Code.

On 9 May 2024, Executive Decree 255 (“Regulations on occupational safety and health (OSH)”) was published in the Official Register. The main objective of these Regulations is to promote a culture of prevention and protection with regard to OSH and strengthen its regulatory framework, through the implementation of public policies and actions enabling the reinforcement of OSH. These Regulations are applicable throughout the country and are binding on all public and private officials, employers and workers, including the armed forces and civic safety and public order entities, as well as paid homeworkers who are autonomous and not in a dependent employment relationship.

Accordingly, Ecuador has a regulatory framework which promotes the fundamental rights, health, safety and well-being of workers.

Lastly, the Government, through the Ministry of Labour, in accordance with the principle of good public administration, remains firm in meeting its obligations and handling requests from trade unions in a timely manner, providing its services in strict adherence to the principles of efficacy, efficiency, quality, hierarchy, devolution, decentralization, coordination, participation, planning, transparency and evaluation, in accordance with the requirements and procedures applicable to each case. Hence, on the basis of the provisions of article 326(7) and (8) of the National Constitution, and Article 3(1) and (2) of ILO Convention No. 87, trade union executive committees are registered, with respect for their freedom of association and their right to organize. This enables them to carry out the activities inherent to their institutional life in full autonomy, safeguarding legal certainty through the corresponding legal analysis, which includes verification of the basic requirements, and also through section 449 of the Labour Code and the legal authority of whoever convenes, legitimizes and certifies the election process.

Discussion by the Committee

Chairperson – I invite the representative of the Government of Ecuador, Ambassador and Permanent Representative of Ecuador to the United Nations Office in Geneva, to take the floor.

Government representative – The Government of the Republic of Ecuador thanks the Secretariat of the Committee for the assistance provided in ensuring the participation of the Ecuadorian delegation at this session with regard to the application of Convention No. 87 in our country.

Despite the complex situation faced by Ecuador because of the internal armed conflict, which is public knowledge, the Government has endeavoured to send updated information on the progress made regarding the requests for information from the Committee on Freedom of Association (CFA) and the Committee of Experts.

Irrespective of this information and the replies, I would like to begin my statement by pointing out that article 326(7) and (8) of the Ecuadorian Constitution expressly guarantees freedom of association, recognizing the right of workers to establish trade unions and associations and to join them freely.

Specifically, article 326(7) provides as follows: “The right and freedom to organize shall be guaranteed to workers, without prior authorization. This right includes that of forming trade unions, guilds, associations and other forms of organization, joining those of their choice and freely withdrawing from them. The right to organize is likewise granted to employers.”

Article 326(8) provides as follows: “The State shall encourage the creation of workers’ and employers’ organizations, pursuant to the law; and shall promote the democratic, participatory and transparent functioning thereof, with rotation of leadership.”

Furthermore, section 440 of the Labour Code provides that workers and employers, without distinction and without the need for prior authorization, shall have the right to constitute professional associations or trade unions of their choosing.

Article 441 establishes the purposes of labour organizations, whether professional associations or trade unions. These purposes are as follows: “(...) vocational training, culture and education whether general or applied to a specific branch of work, mutual support through the formation of cooperatives or savings banks; and any others aimed at the economic and social improvement of workers and the defence of their class interests”.

Other provisions of Ecuadorian labour legislation consistent with the principles of the Convention prohibit any form of discrimination against workers on account of trade union membership and establish mechanisms for the protection of the rights of trade unions.

On the basis of this regulatory framework, the Ecuadorian Government actively promotes social dialogue and the participation of the trade unions in the formulation of labour policies and decisions that affect the workers.

To this end, consultation and collective bargaining bodies have been established to address relevant subjects such as the creation of employment, the analysis of economic and labour trends and fixing of wages, through the National Labour and Wages Board, which holds ongoing meetings on a bimonthly basis with a view to facilitating dialogue between the parties and reaching greater consensus.

The inclusion of the trade unions in decision-making processes helps to strengthen democracy and ensure that labour policies are inclusive and representative of the workers’ interests.

However, in order to facilitate and strengthen the full exercise of these rights, the Ministry of Labour recently issued the “Regulations on labour organizations with regard to the exercise of the right to trade union freedom and autonomy”, via Ministerial Decision No. MDT-2024-012 of 24 February 2024. The purpose of these Regulations is set out in section 1, as follows: “(...) standardization of procedures for the establishment of workers’ organizations in general; approval, reform and codification of their constitutions; and registration of executive committees and other acts related to the judicial life of labour organizations within the legal powers conferred on the Ministry of Labour. In the application of these regulations, account shall be taken of the legal principles and doctrines which govern this matter such as freedom of association and trade union autonomy, and also minimum intervention and the absence of any interference in the internal life of organizations that would restrict their rights or hamper the legal exercise thereof (...)”.

These Regulations seek to guarantee the exercise of freedom of association and trade union autonomy in Ecuador, and to establish a detailed regulatory framework for the establishment, functioning and dissolution of trade unions. Through this instrument, and in accordance with the provisions of the Ecuadorian Constitution and international standards, including the Convention in particular, the Ecuadorian State brings clarity and transparency to procedures relating to the establishment of trade unions and labour federations and confederations. The application of the Convention also promotes internal democracy within these organizations by regulating electoral processes for the election of executive committees and by establishing mechanisms for the resolution of internal disputes, thereby guaranteeing an environment conducive to the full exercise of trade union rights and greater representativeness of the workers. The importance of these Regulations lies in their contribution towards strengthening the trade union fabric in Ecuador, facilitating the active participation of the workers in the defence of their interests, and in the construction of fair and equitable labour relations.

In addition, in order to handle formalities for labour organizations with greater and more effective diligence, Ministerial Decision No. MDT 2024-040 of 19 March 2024 was issued, whereby the implementation of decentralized procedures for labour and social organizations was delegated to the regional labour and public service directorates and labour organizations directorate. As indicated in the above-mentioned Ministerial Decision, the decentralization of procedures relating to labour organizations enables quicker and more direct access to formalities for labour organizations throughout the country, delegating the implementation of these procedures to the regional labour and public service directorates of the Ministry of Labour. In this way, there is less need for the organizations to go to the headquarters of the Ministry, thereby saving time and resources, as well as enabling the handling of these formalities to be geared to the specific needs and realities of each region, with the regional authorities having better knowledge of particular local features, providing a more personalized and efficient service to labour organizations.

Even though it is very early for evaluating the application of these Regulations, so far 520 procedures have been registered, of which 464 have been processed and the remainder are awaiting finalization.

It is also important to emphasize that these actions and developments in terms of standards and public policies relating to freedom of association and trade union autonomy form part of other, wider actions and policies of the Government aimed at the creation of new jobs, guaranteeing compliance with other workers’ rights and conformity with the actions of the “Development plan for a new Ecuador 2024-25” and efforts to achieve a deep and open

transformation in order to make improvements in the labour sphere involving the entry of young persons into the job market and the availability of inclusive work.

An example of this is the compliance of the Ministry of Labour with Constitutional Court ruling No. 141-18-SP-CC, which found that the constitutional rights of former outsourced workers of the Cervecería Nacional company had been violated and ordered the Ministry of Labour to determine the beneficiaries and the overall amount of earnings corresponding to the years 1990–2005. The total number of former outsourced workers was established at 2,626 persons, with total earnings amounting to more than US\$51 million, the payment of which was undertaken via the relevant administrative procedures in over 80 per cent of cases.

Another example of the Government's political will to fully honour its international commitments in labour matters through concrete actions is the recent holding of the 5th Ibero-American Conference of Ministers of Labour, which was held on 22 May 2024 as part of the 29th Ibero-American Summit of Heads of State and Government. This involved the participation of 23 countries represented by labour ministers and deputy ministers and labour ministry delegates from the region and also from the accredited diplomatic corps in Ecuador, in addition to four countries which participated online.

At the end of this Conference, a ministerial declaration was adopted for the promotion of youth employment and inclusive employment in Ibero-America, in which Ecuador together with the other countries of the region undertook to boost decent employability taking account of training, linkages with job opportunities and the necessary skills for entry into the job market and inclusion, including access to social security systems.

Moreover, through this declaration, the signatory countries agreed to recognize, value, redistribute and reduce care work done by young women and underlined the need to adopt comprehensive and differentiated public policies providing active support for employment, especially for young persons and groups in situations of vulnerability, and for indigenous and Afro-Ecuadorian groups.

In this regard, at the national level Ecuador adopted in December 2023 the Economic Efficiency and Employment Creation Act, which seeks to foster sustainable economic development and the creation of jobs for young persons through tax incentives, as well as providing training free of charge to strengthen occupational profiles and facilitate linkages with the job market by strengthening the public employment service in line with the Sustainable Development Goals of the 2030 Agenda.

Furthermore, as part of the efforts to improve timely access to work, from 20 December 2023 to mid-April 2024, some 150,050 employment contracts were registered in the various business and production sectors of the country for young persons in the 18–29 age group.

In addition, in order to promote the entry of women into the labour market under equal conditions, Ecuador has established, as part of the implementation of its obligations and public policies, the creation of equality plans, the *Sello Violeta* (violet seal) award as well as other awareness-raising and capacity-building tools to strengthen compliance with laws such as the Violet Economy Act, the Basic Act on Equal Pay for Women and Men and the Basic Disability Act, which establishes a compulsory 4 per cent quota for persons with disabilities.

At the regional level, the Government of Ecuador is seeking to increase cooperation mechanisms and exchanges of experience to facilitate access to new opportunities in the labour sphere and the development of joint projects, among other alternatives for workers and employers.

In this regard, next July, the Labour and Employment Promotion Minister of Peru and the Labour Minister of Ecuador will sign an interinstitutional cooperation agreement which will serve as the basis for the implementation of the 2024–25 work plan relating to the “Bi-national network for cooperation and international affairs”, promoting the exchange of knowledge and good practices, implementing joint actions to boost improvements in the areas of bilateral cooperation on labour and employment promotion, putting emphasis on inclusive youth employment, fostering social dialogue, facilitating dispute settlement tools through mediation, and working towards eliminating gaps and discrimination, with priority given to vulnerable groups.

In short, the approval and execution of the above-mentioned laws, public policies and programmes demonstrate the firm will of the Government of Ecuador to continue ensuring full compliance with the Convention and with promotion of freedom of association, protection of workers’ rights and the creation of employment. The actions taken by the Ecuadorian Government reflect a strong commitment to the principles established in this Convention and we are ready to continue collaborating with the ILO and other international actors to intensify these efforts even further and guarantee full respect for labour rights and to promote employment in Ecuador.

On the basis of this will and these commitments, I would like to finish by calling on the tripartite constituents to recognize the significant progress made by Ecuador in this sphere and to provide the assistance which, at the request of the Government and the social partners, is required to consolidate the results of this progress.

Employer members – Firstly, I would like to say that the very least that this Committee can do, in accordance with article 3(1) of the ILO constitution, is to remind the Government of its obligation to appoint a tripartite delegation to the Conference, an obligation which the Government has not fulfilled. In sending an exclusively governmental delegation, the Government deprives the country’s employers and workers of the right to be represented at the ILO’s highest decision-making body and to participate in its work. Without the participation of representatives of the Government, employers and workers, the Conference cannot function properly or achieve its objectives. The case is being examined by the Credentials Committee.

I will now begin my comments on the case with which we are concerned.

We thank the Government representative for his presentation and we note his statements on the scope of the “Regulations on labour organizations with regard to the exercise of the right to trade union freedom and autonomy” (Ministerial Decision No. MDT-2024-012). We hope that this will indeed contribute in practice to resolving the issues raised by the Committee of Experts and we will be happy to know how the aforementioned Committee evaluates these Regulations. At all events, we are aware that these provisions only give effect to certain aspects of those contained in higher laws, and it is the handling of this matter which is the subject of our discussions.

We will now comment on the various aspects of this case.

Here we have a long-standing case which has been examined on multiple occasions by the Committee, the last time having been in 2022. The Government has indicated that the political situation in the country has prevented the implementation of the direct contacts mission agreed upon in 2022. We trust that this mission will finally go ahead in practice very soon and achieve results, from now on with social dialogue at national level as its core

component. Regardless of the foregoing, we think it necessary to make specific reference to certain aspects, as follows:

Trade union rights and civil liberties. The Committee of Experts deplored the murder of Mr Sandro Arteaga Quiroz and we echo this stance. The judicial system must investigate the violent death of the secretary of the Union of Workers of the Manabí Provincial Government and punish those responsible, and do this within a reasonable period of time. We strongly condemn all acts of violence, especially when they result in the loss of human life, and we highlight the obligation of all States to guarantee that employers' and workers' organizations can freely exercise their legitimate rights under the Convention.

Excessive number of workers (30) required for the establishment of workers' associations and enterprise committees. Possibility of creating trade union organizations by branch of activity. As regards the restrictions established in the Ecuadorian Labour Code and the request of the Committee of Experts to amend the sections relating to these aspects, we agree with that Committee's approach that workers must be able to freely establish organizations of their own choosing and that a reasonable level of representativeness must be required in order to sign collective agreements.

As we have said previously, in similar cases and precisely in the discussion of this one in 2022, there is a need to underline the fact that the Committee of Experts recommends the revision of standards which refer to one of the institutions which incorporate the collective right to work, without entering into aspects relating to other such institutions. We understand that what is needed is a comprehensive review of all elements constituting the collective right to work so that the latter maintains its internal coherence.

As we have said previously and we reiterate, the amendment of one standard in isolation will always have repercussions on the others. So the reform needs to be comprehensive, otherwise the system will become dysfunctional.

The isolated assessment of the number of persons needed for forming a union seems limited since it does not address the criteria for representativeness in collective bargaining or in such a way that there would be an undesirable fragmentation of trade union organizations.

At any rate, the Committee of Experts' comments could serve as the starting point for a national tripartite discussion which, taking account of the collective bargaining culture – especially at enterprise level – which has existed in Ecuador, would create a consistent system of standards that responds to the wishes of workers who want to organize as a union, without any further requirements or obstacles and without discarding the representativeness needed to give authority to bargain collectively, thereby guaranteeing to the employers of the country a system that offers legal certainty and peaceful labour relations.

As regards the comments of the Committee of Experts regarding training and the representativeness of branch trade unions, it should be recalled that the standards that govern bargaining at the enterprise level would be difficult to apply directly to collective bargaining by branch of activity. As we have already said, tripartite dialogue should be the way towards drawing up a legislative proposal which addresses this sensitive subject appropriately.

As regards compulsory time limits for convening trade union elections and the requirement to be of Ecuadorian nationality to hold trade union office or for non-unionized workers to be elected to an enterprise committee, we call on the Government to respect the freedom of employers' and workers' organizations to organize freely in accordance with the Convention and we echo the comments of the Committee of Experts when inviting the

authorities to hold consultations with the social partners to establish a dialogue on the aspects that call for revision.

As regards the application of the Convention to the public sector, we urge the Government to provide any information requested by the Committee of Experts in order to cast light on the issues raised.

In conclusion, the Employers trust that the visit of a direct contacts mission to Ecuador as agreed in 2022 will actually take place very soon and the Government will avail itself of ILO technical assistance in order to align its labour legislation, in accordance with specific national features and in consultation with the workers' and employers' organizations.

Worker members – Firstly, as spokesperson of the Workers' group, I would like to express our vigorous rejection of the refusal of the Ecuadorian Government to register a tripartite delegation to participate in this Conference. This omission is not only serious in itself but since it relates to a case which will be examined by this Committee it is a direct affront to the ILO standards system.

The Ecuadorian Government was notified well in advance that this case might be examined by the Committee. However, it chose directly to ignore its international responsibilities and commitments, although in the end, and only after intense persuasion on the part of the ILO, the Government decided to take part. The refusal to register a tripartite delegation restricts in an unacceptable manner the right of the workers' and employers' representatives to participate in this Committee and at this Conference. Ecuador has shown blatant disrespect not only towards the ILO but also towards every delegate at this Conference, thereby undermining the integrity and effectiveness of the international labour standards system.

The Committee of Experts is spending time putting forward a series of important observations on law and practice relating to freedom of association and collective bargaining in Ecuador. We also discussed this at the 110th Session of the International Labour Conference in 2022. But regrettably there have still been no improvements made.

The Worker members regret that two years since the Committee, in the context of examination of the Convention, invited the Government to avail itself of technical assistance and accept a direct contacts mission, no progress has been made, and so we are obliged to return to discussing the enormous challenges to freedom of association faced by the workers in the country. Our group deeply regrets that no progress has been made in elucidating the facts of the murder of Mr Sandro Arteaga Quiroz, secretary of the Union of Workers of the Manabí Provincial Government, which occurred on 24 January 2022. This is an unacceptable situation and calls for immediate action on the part of the Government to ensure that justice is done for Mr Quiroz, his family and his friends.

The situation of insecurity in Ecuador has given rise to a considerable and very worrying increase in the number of complaints of violence against trade union leaders, including murders and threats. In this regard, the Workers' group expresses its concern at the implementation of new Executive Degree No. 730, ordering the armed forces to take action to suppress organized crime, since the wording thereof could enable it to be applied against any attempt at mobilization of the people or social activism.

The standards referred to this afternoon by the Government relating to trade union autonomy are clear evidence of interference in the trade unions, since the State does not grant autonomy to trade unions to self-regulate but merely recognizes them. Moreover, these standards do not provide a structural solution to the issues which I am about to describe.

For a number of years, the Committee of Experts has been indicating to the Government the need to amend sections 443, 449, 452 and 459 of the Labour Code to reduce the minimum number of members required for establishing workers' associations and enterprise committees, and to enable the establishment of primary-level trade unions which comprise workers from several enterprises.

We regret to note that despite repeated calls to bring the legislation into line with the Convention and the offer of technical assistance, the Government has not launched any process, in consultation with the social partners, to revise the sections relating to the number of workers needed to establish workers' associations and enterprise committees.

We observe that the major enterprises in the country only represent 0.5 per cent and so it would be impossible to form unions in over 90 per cent of production units. Apart from this, section 49 of the Labour Justice Act that would have amended section 459(4) of the Labour Code and removed the requirement of Ecuadorian nationality to stand for union office was declared unconstitutional. As a corollary to the declaration of unconstitutionality, the aforementioned section reverted to its original wording and imposes the requirement of Ecuadorian nationality to be eligible to be an officer of an enterprise committee.

Furthermore, the Committee of Experts had referred to the need to amend section 459(3) of the Labour Code, which provided that the role of officer of an enterprise committee may be filled by any worker, whether or not a union member, who stands for office.

Regrettably, the above-mentioned 2018 ruling of the Constitutional Court also affected the wording of this article, which reverted to its original wording, according to which there is no provision for non-unionized workers to be able to participate in enterprise committee elections.

An urgent matter for the workers in Ecuador which has been the subject of repeated observations from the ILO supervisory bodies relates to section 11 of the Basic Act reforming the legislation governing the public sector (Basic Reform Act), adopted in 2017, which establishes the right to organize for public servants. However, certain categories of public employees were excluded from that right, especially those under contract for occasional services, those subject to free appointment and removal from office, and those on statutory, fixed-term contracts.

Despite receiving repeated appeals, the Government has shown absolutely no political will to initiate a process of change. Such is the Government's omission that it has not even sent information to the Committee of Experts in relation to this request.

Lastly, the Committee of Experts has been drawing the Government's attention to the need to amend section 346 of the Basic Comprehensive Penal Code – which provides for imprisonment of one to three years for stopping or obstructing the normal provision of a public service – so as to prevent the imposition of criminal penalties on workers engaged in a peaceful strike.

Once again, the Government is failing to implement the recommendations of the Committee of Experts and is not making any progress in this respect.

The Worker members regret that despite the existence of a ruling handed down in 2021, which ordered the Ministry of Labour to register the Trade Union Association of Agricultural, Banana and Rural Workers (ASTAC) as a branch union, and also ordered the Ministry to adopt regulations for the registration of unions by branch of activity, the Ministry has not fully complied with the ruling, refusing to adopt regulations for the establishment of branch unions

and asserting that the ruling on the registration of ASTAC is only applicable between the parties and its legal effects do not extend beyond them.

The comment of the Committee of Experts should be recalled, that under the terms of Articles 2 and 3 of the Convention, workers must be able, if they so wish, to establish primary-level organizations at a level higher than the enterprise.

Lastly, we are bound to mention the decision concerning the administrative dissolution of the National Federation of Education Workers (UNE), which still awaits a definitive ruling eight years later. We note the Constitutional Court ruling of 12 July 2023 on this case. But we wish to reiterate the position of the Ecuadorian trade unions that the Government should revise its own acts and overturn the administrative act which dissolved the UNE, without a judicial order to that effect being essential.

With the passing of the years, violations of the Convention on the part of the Government are accumulating. The workers of Ecuador deserve to enjoy trade union rights. The Government should fulfil its international commitments and show a real willingness to apply our Committee's recommendations.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Montenegro, North Macedonia** and the **Republic of Moldova**, and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection, and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

Following the Conference Committee's conclusions in June 2022, the Government of Ecuador was invited to avail itself of technical assistance from the Office and was requested to accept a direct contacts mission. We note the Government's indication that it will resume talks with the ILO this year with a view to a possible direct contacts mission. We express our hope that swift progress will be made in this regard.

We note the allegations submitted by trade unions and the Government's partial reply, including on the alleged detention of demonstrators during a national strike in 2021, the remaining obstacles to the functioning of trade unions, and the possible repression of social mobilization or protests. We echo the call of the Committee of Experts to provide more information on these issues.

We note with regret that no progress has been made in the investigation of the murder in January 2022 of Mr Sandro Arteaga Quiroz, secretary of the Union of Workers of the Manabí Provincial Government. We strongly urge the Government to take the necessary actions without delay to ensure criminal prosecution and sentencing for this crime.

We take note of the serious restrictions on freedom of association and the right to organize in the private sector. We echo the Committee of Experts' call urging the Government to review several sections of its legislation, in consultation with the social partners. Several sections of the Labour Code need to be revised to reduce the minimum number of members required to establish workers' associations and enterprise committees, enable the establishment of trade unions organizations by branch of activity, remove the requirement of Ecuadorian nationality to be eligible to be an officer of an enterprise committee, and authorize non-unionized workers to participate in enterprise committee elections. We recall that trade

union elections are an internal matter for the organizations. For this reason, we also expect the amendment of the “Regulations on labour organizations” (Ministerial Decision No. 0130 of 2013), which provides for compulsory time limits for convening trade union elections.

We also note concerns raised by the Committee of Experts in relation to freedom of association and the right to organize in the public sector. Given the exclusion of certain categories of public employees from the right to organize, we urge the Government to bring its legislation into conformity to ensure that all workers, with the sole exception of the police and armed forces, are able to establish and join organizations of their own choosing. Moreover, we recall that no organization of public servants should be deprived of the essential means for defending the occupational interests of its members and request the Government to ensure trade union pluralism. The Basic Comprehensive Penal Code should also be amended in order to avoid the criminalization of social protest.

Regarding the dissolution of public servants’ associations, we urge the Government to ensure that the provisions of Decree No. 193, which maintain engagement in political activities as grounds for dissolution, are not applied to associations of public servants whose purpose is to defend the economic and social interests of their members. Finally, we echo the request of the Committee of experts to obtain additional information on the case of the administrative dissolution of the National Federation of Education Workers.

We encourage the Government to make progress in the adoption of specific, effective and time-bound measures, in consultation with the social partners, in order to bring the legislation into conformity with this fundamental Convention. The EU and its Member States remain committed to a joint constructive engagement with Ecuador.

Government member, Peru – I make this intervention on behalf of the **group of Latin American and Caribbean countries (GRULAC)**. We appreciate the information provided by the Republic of Ecuador regarding the observations made by the Committee of Experts on the Convention. In this regard, GRULAC takes note of the efforts of the Ecuadorian State to strengthen social dialogue in the country, including by issuing the “Regulations on labour organizations with regard to the exercise of the right to trade union freedom and autonomy”. These Regulations incorporate requirements, guidelines, procedures and actions aimed at ensuring trade unions’ right to freedom of association and simplifying formalities so as to issue a timely response to users in accordance with the Labour Code.

We value the recent adoption of the “Regulations on occupational safety and health (OSH)”, whose main objective is to promote a culture of prevention and protection with regard to OSH and strengthen its regulatory framework, through the implementation of public policies and actions.

We appreciate the information provided on the registration of the executive committees of trade unions, and encourage Ecuador to continue its efforts to undertake such registration, observing the principle of freedom of association and the right to organize, so that these executive committees can carry out the activities inherent to their institutional life in full autonomy, safeguarding legal certainty through the corresponding analysis, which includes verification of the substantive requirements, and also through section 449 of the Labour Code and the legal authority of whoever convenes, legitimizes and certifies the election process.

On the basis of the above, we encourage the Ecuadorian State to continue with the promotion of social dialogue and tripartism, as well as the efforts made to apply the Convention both in law and in practice. Lastly, we urge the ILO Office to continue providing technical cooperation for Ecuador.

Worker member, United States of America – American workers stand in full solidarity with Ecuadorian trade unions as they continue to face threats, violence and unjust dismissals for exercising their right to organize under the Convention. For several years, the Committee of Experts has repeatedly asked the Government of Ecuador to revise its Labour Code to remove several arbitrary restrictions on the right of workers to freely organize trade unions. The Committee of Experts has provided the Government with clear and specific guidance, but regrettably we are still waiting for the law to be amended.

This is an important case as the deficiencies in the Labour Code identified by the Committee of Experts go directly to the heart of the ability of workers to organize trade unions at both the enterprise and sectoral level. For example, the Committee of Experts has found that the existing requirement of a minimum of 30 workers to form a trade union is simply too high and constitutes an unreasonable obstacle to the formation of trade unions. Since the vast majority of Ecuadorians work in small and medium-sized enterprises with fewer than 30 employees, they are effectively denied the right to organize and bargain collectively.

In addition, the Committee of Experts has repeatedly asked the Government to lift the current ban on sectoral trade unions, which has been used by the Ministry of Labour to deny workers their right to organize and bargain at the sectoral level. Workers in the public sector are still denied their right to bargain collectively or take industrial action to defend their rights and economic interests. Taken together, these legal restrictions on the formation of trade unions are clearly intended to frustrate legitimate trade union activity and represent a clear violation of the Convention.

These violations are especially relevant as the Government of Ecuador seeks closer trade and investment ties with the United States. United States trade policy explicitly links access to our market to the adoption and enforcement of labour laws consistent with the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Accordingly, we call on the Government of Ecuador to accept a direct contacts mission as soon as possible and take action to revise its Labour Code to come into compliance with the Convention.

Worker member, Spain – I am speaking on behalf of the Spanish General Union of Workers (UGT) and the Trade Union Confederation of Workers' Commissions (CCOO). Firstly, I would like to lend my voice to the workers' and employers' repudiation of the Ecuadorian Government's refusal to register a delegation to participate in the Conference.

With regard to the content of the case under consideration by the Committee, it is important to recall that this Committee's task is to examine the content of the case, not to analyse the country's labour policy more generally. Like in 2022, Ecuador is once again under examination regarding its compliance with the Convention.

One of the aspects under consideration by the Committee is the Government's application of Article 2 of the Convention, specifically the possibility of creating trade unions by branch of activity. In this regard, regrettably, we must highlight the fact that the Ecuadorian Government continues to violate the provisions of this Article.

Although, as noted in the report of the Committee of Experts, the Government registered ASTAC as a branch union in accordance with a 2021 ruling, it continues to restrict the possibility of creating trade unions by branch for other organizations that have requested to do so.

Curiously, and contrary to the views expressed by the Committee of Experts and the Committee on Freedom of Association (CFA), the Ecuadorian Government bases its refusal to register branch unions on the surprising argument that its legislation does not allow for such

a possibility. This position constitutes an unacceptable attempt by the Government to justify its violation of the Convention.

This is demonstrated mainly by two issues summarized once again this year in the report of the Committee of Experts.

Firstly, the Ecuadorian Government has applied for an extraordinary protection order against the ruling, which remains pending in the Constitutional Court.

It is worrying that the Government has decided to apply for such an order against a ruling that has been considered by the Committee of Experts in its reports, and by this Committee in its recommendations, as progress in its observance of the Convention and after those bodies had urged it to provide information on its compliance.

In other words, the response of the Ecuadorian Government has been to do the opposite of what was recommended by the Conference Committee and by the CFA, adopting an unacceptable attitude to justify its non-compliance with the Convention.

The Ecuadorian Government seems to think, once again, that it can put forward arguments to justify violating a fundamental Convention. Clearly, and luckily, that is not how the ILO standards supervisory system works.

Secondly, as if lodging an appeal against a ruling that would improve compliance with the Convention were not bad enough, the Ecuadorian Government has refused to comply fully with that ruling by refusing to adopt regulations for the establishment of branch unions.

The seriousness of the Ecuadorian Government's refusal to comply with that part of the ruling is clearly reflected in the report of the Committee of Experts, which refers to the examination by the CFA in Cases Nos 3148 and 3437, where it "noted with regret that, despite its recommendations and follow-up by the Committee, both the national legislation and the practice of the Ministry of Labour still did not allow the establishment of primary-level unions comprising workers from various enterprises."

Lastly, to this history of non-compliance by the Ecuadorian Government we must add its ongoing failure to put in place the direct contacts mission requested by the Committee in 2022.

While the Government's repeated violation of Articles 2 and 3 of the Convention is serious in and of itself, the actions described, which run counter to the recommendations of the Conference Committee and the CFA, require this Committee to adopt the strongest possible measures to ensure that the Ecuadorian Government ceases its strategy of undermining the Convention.

Worker member, Uruguay – With regard to the report of the Committee of Experts, we would like to focus on the particular situation of the UNE, whose complaints were supported by Education International (EI) as well as national organizations. The background to this case is well known and involves clear contraventions of the Convention by Ecuador, and in this case of Article 4 in particular.

With regard to the facts on which the Committee of Experts has requested information, we can confirm categorically that the Government of Ecuador continues to violate Article 4 of the Convention and is ignoring the recommendations of the supervisory bodies regarding the administrative dissolution of the UNE.

The registration of the UNE with the Ministry of Education is the result of the efforts of its affiliates to restore its legal personality, not of a decision by the State to restore it. It should be noted that the Ecuadorian State does not recognize this new organization as a trade union, but

as a civil society organization, thereby limiting its trade union action. Because the UNE's legal personality has not been restored and another organization with a similar name, UNEE, has been created, the seized property has not been returned, and nor have all other consequences resulting from the administrative dissolution of the UNE been removed. This affects the organization's normal functioning because the seized property remains in the hands of the liquidation board, leading to the accumulation of debts with local governments, potentially resulting in confiscation of the property.

We agree with the comments made in this room with regard to the absence of a tripartite delegation to this Conference, and we add that we are deeply concerned at the Government representative's statement before this Committee. The seriousness of the reported facts means that there is an urgent need for all reports, which in general are divorced from reality, to be replaced with facts. The partial rectification of this rights violation resulted from the State's processing of the appeal lodged by the UNE, which was partially granted by the Constitutional Court, ordering the restoration of the UNE's legal personality by the Ministry of Education and the return of all its property.

Observer, Public Services International (PSI) – I would like to begin by expressing profound regret at the Government's poor attitude to the consideration of this case by the Committee. Its late request for accreditation, which prevented the social partners from participating in the Conference and in this Committee in particular, and above all its copying and pasting of legal provisions which it has attempted to pass off as additional information, demonstrate, yet again, its lack of commitment and seriousness in relation to the work of this Committee and compliance with the legal obligations arising from its ratification of ILO Conventions.

The Committee of Experts has also highlighted this behaviour. In its observation on Ecuador's application of the Convention it states that no measures have been adopted to follow up the conclusions of the previous discussion in 2022, and, in particular, no progress has been made as regards the direct contacts mission or the Office's proposed technical assistance. The Committee of Experts also regrets at various points in its observation the Government's failure to provide information on its application of the Convention in the public sector, obliging the Committee of Experts to repeat its previous observations.

I would also like to point out that this is the fourth consecutive Government that has appeared before the Committee to offer explanations. Some have even made promises, none of which have been kept by any of these governments, unfortunately.

We have been lodging complaints of blatant violations of public servants' freedom of association for almost 30 years, and we will keep on doing so, here and in other national and international forums, if necessary.

In that connection, and in line with the conclusions of the last discussion, we once again demand full respect for the Convention and compliance with the observations and recommendations of the different ILO supervisory bodies in this regard.

In particular, we demand respect for the right of workers, including public sector workers, to establish the trade unions of their own choosing and formulate their programmes; the launching of consultations with the social partners to reform the current legal framework to align it with the Convention; and the implementation of the road map presented in December 2019 by the ILO technical assistance mission, which remains relevant.

In summary, we hope that the conclusions in this case reflect once more the seriousness of the reported facts and the different governments' persistent ignoring of them.

Observer, International Trade Union Confederation (ITUC) – I am speaking before this Committee on behalf of the Ecuadorian Confederation of Free Trade Unions (CEOSL) as a delegate of our international umbrella trade union organization, ITUC, owing to the Ecuadorian State's failure to request official accreditation. We strongly deplore the systematic violation of the Convention in Ecuador. This case has been examined by the Committee of Experts 28 times in the last 34 years and has been examined by this Committee on four occasions in the last decade: in 2014, 2019, 2022 and now, in 2024.

On this occasion, the Government did not request accreditation for worker or employer delegates in an attempt to shirk its international obligations. No State should be allowed to take such action, which would set a regrettable precedent for this Committee and harm the efficiency of the standards system.

In the Committee's 2022 conclusions, the Ecuadorian State was urged to avail itself of technical assistance and to accept a direct contacts mission. It did not make use of either mechanism.

Currently, against a backdrop of a declaration of internal armed conflict – which we believe to be unconstitutional – the militarization of the country and the linking of any form of opposition to organized crime, organized workers are at risk. No progress has been made in the investigations into the murder of Mr Sandro Arteaga Quiroz, a trade union leader from Manabí, on 24 January 2022.

This context is made worse by long-standing restrictions, including:

- (i) the inability of public sector workers designated as “public servants” to establish trade unions or engage in collective bargaining; and
- (ii) the excessive number of workers required to establish trade unions and the impossibility of creating trade union organizations by branch of activity.

With regard to the latter point, we must point out that microenterprises make up 93.3 per cent of production units. These enterprises employ fewer than ten workers. The percentage of workers able to organize is therefore negligible if the number of workers required to establish a trade union is 30, if trade unions cannot be created by branch of activity and if the unionization of “public servants” is limited.

We estimate that collective bargaining covers less than 1 per cent of the economically active population.

To this, we must add a series of anti-union practices, such as the division of organizations, the creation of employers' organizations, and the persecution and harassment of trade union leaders and members, including through anti-union blacklists. In addition to imposing requirements not set out in regulations, the Ministry of Labour also causes arbitrary delays to the registration of new trade unions and union executive committees.

In response, and in the face of the State's continued failure to bring national regulations into line with the Convention, we as trade union organizations have drafted, debated and submitted to the National Assembly, a few days ago, a bill which would guarantee freedom of association and which incorporates the comments of this Committee and the Committee of Experts. We hope that the Ecuadorian State will seize the opportunity presented by the bill to meet its international obligations and guarantee workers' rights.

We ask this Committee to request the Government to establish a high-level commission to set out a road map for dialogue that addresses and resolves the aforementioned problems.

Observer, Confederation of University Workers of the Americas (CONTUA) – Without attempting to be original, and at the risk of repeating a phrase uttered in this very Committee two years ago when our group of workers came under a severe verbal attack by the then-Minister of Labour of Ecuador, we believe that this is a case in which we must adopt a strong, exemplary position to prevent non-compliant governments from dismissing our agreed conclusions.

As mentioned by my Ecuadorian colleague, we have dealt with Ecuador four times in the last ten years. In that time, coincidentally, there have been four governments of differing political persuasions, but all, absolutely all, failed to fulfil their commitments.

It could be said that Ecuador is guilty of serial non-observance of international labour standards. If that were not enough, this year it also wins the prize for the country most unwilling to honour its commitments to the ILO thanks to the delays, of which we are all aware, in the accreditation of its delegation, which also prevented the democratic inclusion of the social partners who are employers' and workers' official representatives in this discussion. This hinders the mission of the ILO supervisory bodies, and we absolutely cannot accept it.

My colleagues in the Workers' group have been forceful, and owing to the lack of time I will sum up the situation in a few sentences:

- The number of workers required to establish trade unions in Ecuador is very high in relation to the productive system, and this hinders and practically prevents unionization.
- This problem is exacerbated by the prohibition of trade unions by branch of activity, rendering collective bargaining almost impossible.
- Public sector workers in Ecuador are divided into "public servants" and "public workers". Public servants, who constitute the majority, are denied the right to organize, and I remind you that these are not officials in positions of trust.
- Anti-union practices are commonplace, namely the creation of company-controlled unions and the restriction and persecution of trade union leaders in a social context worsened by urban violence and drug-dealing gangs.
- The current transitional Government in Ecuador is pursuing the most aggressive labour reforms in the region, undoing historic labour gains. That said, the President of my country is willing to fight it for first place, with only the reining in of his unconstitutional decree by the Supreme Court of Argentina so far preventing him from doing so.

It only remains for me to recall, once again, that in the 2022 conclusions a direct contacts mission was agreed upon and that the Government has delayed such a mission for two years and has yet to accept one.

In that connection, I wish to inform the Committee that through Public Services International (PSI), a global trade union that has always expressed a critical position in this forum, and in an effort to seek dialogue, we agreed to a meeting with the Government in Ecuador. Our global leader headed a mission to the country in October 2022, only for the Government to cancel all the planned meetings after the mission had arrived, offering unacceptable excuses. We cannot allow such practices to be repeated.

We therefore request that our conclusions carry the force merited by the continued lack of compliance on the part of the Government of Ecuador.

Observer, International Transport Workers' Federation (ITF) – At the heart of the Convention is the unambiguous obligation of States to ensure that all workers, without

distinction whatsoever, have the right to establish and join trade unions of their own choosing. This obligation needs to be applied without discrimination of any kind based on occupation or the existence of an employment relationship.

As the Committee of Experts has noted, self-employed and informal workers in Ecuador do not enjoy trade union rights under the Labour Code. This is a clear violation of the Convention.

Workers in the country's wild-capture tuna fleet in the port city of Manta have been trying for years to legally constitute their union – the Sindicato de Marineros de Manabí. Ecuador has the largest tuna fleet in the Pacific Ocean and the second biggest tuna industry in the world. There are hundreds of active self-employed fishers on Ecuador's central coast. Yet, these fishers in Manta, who contribute massively to this billion-dollar national industry, are prohibited in law from exercising their trade union rights.

In a letter dated 27 January 2020, Ecuador's Ministry of Labour confirmed to the union that section 443 of the Labour Code does not recognize the freedom of association of self-employed workers. The letter also went on to cite the provisions of the Labour Code establishing the 30-worker threshold for trade unions at the enterprise level. So, essentially, even if these workers were classified as employees, they would still be unable to form a union and this is because generally each tuna vessel is registered as a single company. Fishers regularly change vessels, and the average number of crew is 21. Given the nature of the work, fishing contracts are by nature by trip, which is usually between 20 and 40 days. Fishers do not have permanent contracts so organizing by vessel simply would not work. There needs to be a more suitable model adapted to the reality of the industry.

Fishers have conditions of work that are different from those experienced by workers in other sectors. The fatality rate of fishers is typically several times higher than for other workers. Tragically, four fishers died in a vessel fire in Manta just two weeks ago. In April, a vessel observer was killed when two trawlers collided. This is an extremely hazardous occupation, and the proliferation of foreign-flagged fishing raises other concerns, including social protection coverage.

These fishers need and deserve a union to be able to bargain collectively – at the most appropriate level suitable to this most particular industry. This could include a form of sectoral bargaining.

We urge the Government to amend the Labour Code in line with the Committee of Experts' observations and our Committee's previous conclusions without delay to ensure that the fishers in Manta, and other informal and self-employed workers, can enjoy freedom of association in law and practice.

In the spirit of social dialogue and cooperation, the ITF would be happy to work with and assist the Government and the national social partners to rapidly bring about this necessary labour law reform.

Observer, Building and Wood Workers' International (BWI) – The issue of the application of the Convention in the private sector, tied to the fact that the Labour Code requires an excessive number of 30 workers for the establishment of workers' associations and enterprise committees, is one of the most significant barriers for workers to exercise their trade union rights in the sectors that we represent – construction, forestry and building materials – due to the widespread use of contractualization. Despite the fact that this Committee for several years presented a need to amend the Labour Code in such a way as to reduce the minimum number of members required to establish workers' associations and

enterprise committees and enable the establishment of primary-level unions comprising workers from several enterprises, no such actions have been taken. The current law means that the majority of construction workers working under subcontracted labour providers and forestry workers working under the various types of working groups do not effectively have any way to exercise their right to freedom of association. In addition, we want to support the emphasis that many in this room have placed on the need for the possibility of organizing through branch unions and that this must be guaranteed for all workers, including informal and self-employed.

Despite the 2022 development of registering the first branch union in the country, we are concerned that the legality of its registration is still pending in the Constitutional Court. We strongly reiterate our call in line with that of the Committee for the Government to take immediate action in consultation with the social partners to revise the sections of the law that today limit the workers' right to organize. This revision should include reducing the minimum number of members required to establish workers' associations and enterprise committees, and enable the establishment of primary-level unions comprising workers from several enterprises.

Observer, International Organisation of Employers (IOE) – We wish to make the following comments on the observations regarding the application and observance of the Convention's provisions in Ecuador.

In 2022 the Committee invited the Government of Ecuador to avail itself of the Office's technical assistance and requested it to accept a direct contacts mission. The country's situation at the time, including a change of government, and the security problems that we are currently experiencing mean that assistance has not yet taken place. We are confident that the Committee's request will be met in the near future so that, in consultation with the social partners, the observations put forward may be analysed and, as soon as possible, the agreements reached by the parties through tripartite dialogue are given effect.

In its report, the Committee of Experts deplored the murder of the secretary of the Union of Workers of the Manabí Provincial Government in 2022. While condemning that violent act, we support the request for the competent judicial authorities to make the necessary effort to clarify the circumstances surrounding this abominable crime and sanction the perpetrators with the full force of the law.

With regard to the Convention's application in the private sector, in its comments the Committee of Experts reiterates the need to amend sections 443, 449, 452 and 459 of the Labour Code in such a way as to reduce the minimum number of members required to establish workers' associations and enterprise committees. Here we must repeat what the employers of Ecuador have stated on numerous occasions: no Convention ratified by Ecuador contains any provision that specifies the minimum number of members required to establish a trade union. Consequently, the Committee of Experts' view that the figure of at least 30 workers "is disproportionate and unreasonable in view of the Ecuadorian business structure" is totally subjective, not based on any national or international regulatory provision and, worst of all, made without any understanding of the situation in the Ecuadorian business sector, the labour market or the difference between the formal and informal sectors in our country. In addition, the Committee of Experts has been informed that even if reforms were necessary in this regard, it would not be a matter of simply amending those four sections of the Labour Code. Indeed, it would not only be a question of changing the number of workers required to establish a trade union but also, and necessarily, of reviewing and changing the

entire framework surrounding collective labour law and collective bargaining, among others, and the ensuing consequences.

As we have stated repeatedly, the employers' position is that in labour regulations, for the purposes of collective labour and legal relations, it is vital that the parties' representatives are sufficiently representative and express unequivocally the majority view. This forum for dialogue and consensus cannot be undermined since it provides the necessary legitimacy for reaching agreements that are appropriate for the parties.

Therefore, we restate our continued openness to conversations on this matter via social dialogue at the National Labour and Wages Board of Ecuador, a national tripartite body to which I am one of the principal employer delegates. Just yesterday, at a session of that Board, we reached a unanimous agreement with the worker representatives on the establishment of two working groups, for the moment: one to address work and employment in general, which could include the matter at hand, and another to address the fundamental matter of vocational training for workers. They will meet in two weeks' time.

If necessary, the possible routes to reform in this area will be analysed so that any agreements reached can be translated into reforms which are approved by the public authorities but which must also, without fail, have the prior agreement of the social partners.

We believe that the Office can provide advice to assist and support efforts to undertake this dialogue and ensure that it leads to results applicable to the situation in Ecuador. While it is true that the analysis relates to freedom of association, to bring about any type of reform it is vital to first understand the real situation in the labour market in Ecuador – where four out of ten persons have adequate work – in order to gear the reforms towards job creation, respect for labour rights and harmonious relations between the parties.

Lastly, as has already been mentioned, between January and March 2024 the Ministry of Labour adopted ministerial decisions on these matters, including Ministerial Decision No. 012 issuing the "Regulations on labour organizations with regard to the exercise of the right to trade union freedom and autonomy". The purpose of that Decision is to establish rules for procedures relating to the establishment of workers' organizations in general, the adoption and review of their constitutions and the registration of their executive committees. These provisions are covered by the previously mentioned article 326(7) and (8) of the National Constitution (in line with the Labour Code, specifically sections 440 et seq.) and in accordance with the provisions of the Convention.

Chairperson – I now invite the representative of the Government of Ecuador, Ambassador, to take the floor for his concluding remarks.

Government representative – I would like to thank the Chair and other officers of this Committee for the attention that you have given to our statement. I would like to thank all persons present for the way in which they have listened to, and taken account of, the explanations given regarding the situation in Ecuador.

We note the statements which have been made today. They are important and we have clearly recorded the comments made by the Employer, Worker and Government representatives, and by all the representatives of civil society who took the floor, and obviously the views that all have expressed on the labour situation that exists in Ecuador.

We note the comments that have been made on the lack of representatives from the three groups, the lack of tripartite representation in the Ecuadorian delegation. Today we have sent a clear explanation to the Secretariat regarding the reasons why Ecuador, because of violence,

internal armed conflict and a serious economic crisis in the country, has limited its participation in these meetings of the International Labour Conference and of this Conference Committee.

I hope that these explanations will be understood. Ecuador is going through some difficult moments and for that reason only those already in Geneva representing the Ecuadorian Government, the Ecuadorian State at our country's Permanent Mission, have been able to be present.

We are grateful for the comments which have been made, we have noted all the opinions, and we will take great care to continue collaborating with the Conference Committee, with the Committee of Experts, with the ILO as a whole, in order to implement appropriate changes to the labour conditions referred to by the Convention. As we have said, Ecuador has made great efforts to ensure and maintain compliance with the provisions of the Convention.

I am officially available, here in Geneva, to respond to any other questions asked.

Worker members – I have noted attentively that the Government of Ecuador has taken note. We would be very happy if it not only takes note but also takes action.

Once again, we vigorously reject the refusal of the Ecuadorian Government to register a tripartite delegation for this Conference, something which violates ILO standards. This decision places unacceptable restrictions on the participation of workers and employers, once again showing, as I have said, disregard for the ILO and compromising the integrity of the labour standards system. It is one more example of Ecuador's systematic violations of fundamental labour standards and of the Convention in particular.

The Committee of Experts is taking time planning a series of important observations on law and practice with regard to freedom of association and collective bargaining in Ecuador. We also discussed this at the 110th Session of the Conference in 2022 but, regrettably, improvements have still not been made.

Two years after the Government, in the context of dealing with this Convention, was invited to avail itself of technical assistance and accept a direct contacts mission, no progress has been made, and today we are once again discussing the enormous challenges to freedom of association faced by the workers of the country.

In addition, the situation of insecurity in Ecuador has led to a considerable and very worrying increase in the number of complaints of violence against trade union leaders, including murders and threats.

For a number of years, the Committee of Experts has been emphasizing to the Government the need to amend various sections of the Labour Code to reduce the minimum number of members required for establishing workers' associations and enterprise committees, and to enable the establishment of primary-level unions comprising various workers from different enterprises, among other urgent legislative changes. We regret that despite the repeated calls to bring the legislation into line with the Convention and the offer of technical assistance to the Government, the Government has not launched any reform process.

The Government has failed to implement all these repeated recommendations and is not making any progress in this regard. The workers of Ecuador deserve to enjoy trade union rights. The Government must fulfil its international obligations and show a real will to give effect to the recommendations of this Committee.

In view of the above, the following points should form part of this Committee's conclusions on this case. Accordingly, we urge the Government to:

- make all the necessary efforts, as a matter of urgency and priority, to expedite and conclude all the investigations into the murders of trade union leaders, so that the instigators and perpetrators of the murders are identified and punished as soon as possible;
- guarantee full respect for the right of workers, including public servants, to establish organizations of their own choosing, for the collective defence of their interests, including protection against dissolution or administrative suspension, and the right to organize by branch of activity;
- ensure the registration of the UNE;
- give effect to the road map presented in December 2019 by the ILO technical assistance mission, whose points are still valid but have never been resolved;
- initiate a process of consultation with the social partners to reform the current legislative framework with a view to strengthening coherence and ensuring that all relevant legislation is brought into line with the Convention;
- amend sections 459(3) and (4) of the Labour Code so that they are fully aligned to the principle of trade union autonomy;
- amend sections 443, 449, 452 and 459 of the Labour Code to reduce the minimum number of workers required for creating workers' associations and enterprise committees, and to enable the establishment of primary-level trade unions comprising workers from various enterprises; and
- take the necessary steps to amend section 346 of the Basic Comprehensive Penal Code and, until such measures are taken, guarantee that the aforementioned section is not used to criminalize social protest.

We urge the Government to present to the Committee of Experts, before 1 September 2024, a report prepared in consultation with the social partners containing information on the application of the Convention in law and in practice, and also the measures taken to implement the conclusions in the present case.

Lastly, we urge the Government to accept an ILO tripartite mission and also a special paragraph.

Employer members – We have followed this discussion very closely. We trust that finally the Government of Ecuador will: firstly, investigate the violent death of Mr Sandro Arteaga Quiroz and establish the responsibility of the perpetrators, with the need to keep the Committee of Experts informed of progress in the case; secondly, take the necessary steps to bring its legislation into line with the Convention, from now on in consultation with the most representative employers' and workers' organizations in the country; thirdly, ensure that the direct contacts mission agreed upon since 2022 takes place as soon as possible; and, fourthly, avail itself of ILO technical assistance.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2022. In this context, it expressed concern that the

Government has so far not accepted a direct contacts mission or availed itself of ILO technical assistance, as previously requested by the Committee.

The Committee deplored the failure of the Government to register a tripartite delegation to the Conference and noted with concern the general anti-trade union climate prevailing in country which is not conducive to the free exercise and full enjoyment of the rights and freedoms set out in the Convention.

Taking into account the discussion, the Committee urged the Government of Ecuador to take effective and urgent measures to:

- immediately and effectively take the necessary steps to determine culpability and punish the perpetrators of the murder of Mr Sandro Arteaga Quiroz;
- prevent violence in relation to the exercise of trade unions' legitimate activities;
- ensure that trade unionists are able to exercise their activities in a climate free from violence, harassment and intimidation, and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;
- ensure that all workers, without distinction whatsoever, including self-employed and informal workers, have the right to establish and join trade unions of their own choosing in law and practice;
- amend, in full consultation with the social partners, the following legal provisions in order to bring them into line with the Convention:
 - sections 443, 449, 452 and 459 of the Labour Code which require an excessive number of workers for the establishment of workers' associations and limit the possibility of creating trade unions by branch of activity;
 - section 10(c) of Ministerial Decision No. 0130 of 2013 on compulsory time limits for convening trade union elections;
 - section 459(4) of the Labour Code which requires Ecuadorian nationality to be eligible for trade union office;
 - section 459(3) of the Labour Code which allows the role of an enterprise committee to be filled by any worker, whether or not trade union member;
 - section 11 of the Basic Reform Act which excludes certain categories of public workers from the right to form and join trade unions;
 - provisions of the Basic Reform Act which grant privileges to majority committees of public servants and deprives all other organizations of the possibility to defend the interests of their members; and
 - decree No. 193 which allows for administrative dissolution of public servants' unions;
- take all possible measures to register the National Federation of Education Workers (UNE) without delay.

The Committee requested the Government to provide information on progress made and results achieved on all of the above points to the Committee of Experts by 1 September 2024.

The Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Government representative – The Government of Ecuador thanks the Committee for the presentation of the report on the adoption of the conclusions on the individual case of Ecuador relating to Convention No. 87.

With regard to these conclusions, it should be noted that, as soon as the draft conclusions were known, my delegation requested that the report should record the fact that the Government presented, during the meeting and in writing, an explanation of the reasons why Ecuador was unable, on this occasion, to have a tripartite delegation from the capital.

The report on the dialogue held on 11 June with this Committee was duly forwarded to the Ministry of Labour via the Foreign Office in Ecuador with the request that the actions corresponding to its area of competence be taken, and also that the necessary coordination with other bodies and functions of the Ecuadorian State be undertaken as appropriate.

In the same way, the conclusions adopted by this Committee will also be transmitted immediately to the Ministry of Labour to give additional context to the above-mentioned report as appropriate.

Lastly, the Government takes the opportunity to reiterate its ongoing support and respect for the ILO, its principles and standards and for the Conventions which it has ratified, and it hopes to strengthen technical collaboration with a view to improving the implementation of its standards framework for the benefit of the whole population.

El Salvador (ratification: 2006)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Discussion by the Committee

Chairperson – I invite the Government representative of El Salvador, the Ministerial Office adviser, to take the floor.

Government representative – Chair, members of the Committee and other tripartite representatives present in the room, I convey a fraternal greeting from El Salvador. I also convey warm greetings on behalf of President Nayib Bukele and the Minister of Labour, Rolando Castro.

As a founding Member, we respect the international Conventions of the ILO, its Constitution and its supervisory bodies, which include this Committee. Accordingly, in view of the importance of this Committee, we have come to present our report on the effect given to the Convention.

In the first place, we wish to recall that El Salvador is undergoing a process of deep-rooted transformation. For decades, the country was buried under the scourge of crime and gangs. And whole generations suffered from the strife and violations caused by these groups.

By way of illustration, according to official figures, in 2015, the murder rate was as high as 106 murders for every 100,000 inhabitants, and for much of that time we were the most violent country in the world. This had a far-reaching effect on our social fabric, giving rise to family break-ups, irregular migration, worsening poverty, unemployment and informality. It

also had an important impact on culture, leisure and education. Generations of young persons were not able to continue their studies for security reasons and because they were recruited by these groups.

What I want to say is that in El Salvador, there were generations of children and young persons who did not know what it was to play freely in parks or to meet up with their friends in the street in front of their houses. Who did not know what it meant to visit their aunts and uncles or their grandparents, for fear of losing their lives.

Our society was so shaken by this problem that violence came to seem normal and we learned to survive with the permanent fear of being killed, suffering the death of a family member, a father, mother, child or brother or sister. The question always existed in the collective conscience of how many more generations we had to lose before El Salvador could overcome this problem. And let me tell you that the answer was never encouraging.

In El Salvador, we have grieved for the deaths of thousands of loved ones, young persons who were denied their future, girls who were humiliated with an overbearing barbarity that it would be difficult to describe in this forum. And we grieved for the deaths of trade unionists, workers and employers who were murdered by the gangs.

The Government of President Nayib Bukele has carried out a successful security plan, which has resulted in a dramatic reduction in delinquency and has reduced the murder rate to a minimum which places us as one of the safest countries in the hemisphere, which has allowed our population to breathe and to dream of being a free and prosperous country, with more and better jobs, and the full exercise of freedom of association and the right to organize.

In this context, it is very important for us to explain the situation in relation to the murders of Weder Arturo Meléndez Ramírez, who was employed by the municipality of San Salvador, and of Victoriano Abel Vega, who when alive was employed by the municipality of Santa Ana. As a State, we greatly regret both cases. Indeed, in the case of Mr Meléndez, it was the Government of El Salvador that lodged the complaint with the ILO, in our firm conviction that no murder of a trade unionist should go unpunished, for which reason we need international scrutiny to clarify the motives of the murder.

As we have indicated in our reports, there have already been results in the case. The investigations have found that the murder was carried out by members of gangs for reasons not related to his union activities. Based on the information gathered by the Office of the Prosecutor General of the Republic and the National Civil Police, we can inform you that exhaustive investigations have been carried out in both cases and we are now at the stage of being able to identify those responsible.

In the specific case of Mr Weder Meléndez, those involved were members of the revolutionary 18 gang. In the early morning of 20 October 2023, in a joint operation with the responsible authorities, 15 gang members were apprehended for the crime of aggravated homicide and unlawful association, including three persons accused of crimes committed in 2020 and 2021, with one of the cases being the murder of Mr Weder Meléndez. We will be providing the corresponding information to the Committee on Freedom of Association.

Every public policy has its pros and cons. The objective sought is the maximum social benefit. This commitment to security in the country has been carried out with the lowest number of civil and military victims possible, which has even given rise to surprise at the international level, but in particular has the support of the immense majority of citizens, who now see a safe environment. It is not us who are saying this, it is being said in the independent

survey carried out by think tanks with various ideological leanings, universities and other observers of public opinion.

Now concerns are focusing on the economy and the cost of living, which is entirely normal. Before, the principal concern was to guarantee the fundamental right to life. Now we are in a second phase of ensuring decent employment opportunities. In that regard, based on a renewed agreement with the people of El Salvador, the Government is embarking on economic measures.

The fact of having a safe country is making it possible to promote internal and external tourism, attract investment, reduce the security costs of enterprises and offer conditions of legal security for employers and workers.

This economic and social challenge requires the collaboration of all actors and sectors. It requires the active participation of employers, workers, civil society organizations and all the citizens of El Salvador. It also requires the support and assistance of international organizations, such as the ILO.

Fortunately, this Governmental call for unity has been heard and heeded by all sectors. The people as a whole, unions and employers' organizations have publicly expressed their support for the Government and the agreement to build a better El Salvador together.

We have accordingly promoted programmes to connect people who are seeking employment and persons who are in need of human talent, modernizing our public employment service and succeeding in placing thousands of workers every year.

Programmes have also been developed to support categories which face the greatest barriers to labour market access, such as single mothers, persons with disabilities, young persons in their first job and unemployed persons over 40 years of age.

We are implementing programmes of subsidies to finance the learning curve of these groups, such as an incentive for enterprises to recruit human talent from these groups. We have thousands of success stories from these programmes.

The national decent work prize has also been promoted and institutionalized to recognize good practices in giving effect to national and international labour standards. The philosophy of the prize is to establish it as a symbol of distinction for all enterprises, so that they all seek to achieve this standard, thereby promoting a culture of compliance with the law.

A national collective bargaining prize has also been introduced, which recognizes the capacity for dialogue between employers and workers for the establishment of better conditions of work, as collective bargaining is one of the primary expressions of freedom of association.

A process of institutional modernization has been promoted which has made it possible to standardize processes and bring services closer to their users through digital platforms, such as the opportunities platform, which is an important tool for the digitalization of services, such as employment placement, the registration of enterprises, the conclusion of individual employment contracts and internal work rules. Any person or enterprise can have access to our platform from anywhere in the country.

With a view to the protection of workers' rights, we have launched special inspection programmes for the verification of occupational safety conditions in the construction sector, where there has been a high compliance rate with the reports issued, and inspection in the delivery platform sector, thereby achieving social guarantees for the occupational safety of

workers. We have guaranteed the conditions of work of professional footballers and municipal employees, and we have ensured year after year the payment of the Christmas bonus.

Similarly, we have created the SOS Workers platform to receive complaints of harassment at work and ensure a response by a specialized team of trained inspectors, as well as from the general inspection service, which responds to all complaints through the various means available for this purpose.

We are about to launch a modern system of inspection with a view to ensuring, not only better conditions for inspectors, but also better facilities for employers and workers to manage their registers, comments and decisions.

We have taken action to combat irregular migration, knocking on doors and launching cooperative action with other countries, with recognition from various organizations.

At the national level, the El Salvador Pensions Institute has been created as a new institutionalized tripartite body that promotes compliance with international social welfare standards.

The Ministry of Labour has launched the design of the Labour Market Information System (SIMEL) as an important tool to give greater transparency to and democratize labour market data and to provide an evidence base for public policy measures. The SIMEL is a useful tool for employers, workers, universities, thinktanks and civil society in general.

We are grateful for ILO technical cooperation in the implementation of the SIMEL. This has made El Salvador into a regional reference point, as the first Central American country, and the second in Latin America, to have a labour information system which meets the standards of developed countries, as confirmed by the ILO.

This is only a sample of the progress achieved over the past five years in the field of labour. El Salvador is very committed to the ILO, as demonstrated by the recent ratification of five international labour Conventions. This had been a historical commitment to the working class and their ratification reflects the political commitment of our Government to international labour standards, which become a source of law to promote the development of better labour policies in the fields of social security, collective bargaining, maternity protection, occupational safety and health and the prevention of harassment and violence in the world of work. We have requested ILO technical cooperation for their application.

Freedom of association is respected in our country, as demonstrated by the existence of various mass manifestations or demonstrations of freedom of expression, in which the working class marched alongside other social movements without importance being given to the degree of affinity of the objectives pursued. These were not repressed or threatened in any way. Indeed, in its respect for freedom of association, the Government has provided a police presence to protect the safety of the participants, open their way along roads and enjoy the use of public spaces without any restrictions.

Moreover, taking into account the comments made concerning the period of validity of the credentials of trade unions, we have already indicated our intention to undertake a comprehensive reform of the Labour Code to extend its scope, and to review other trade union freedoms and rights which have been the subject of comments by the Committee of Experts. However, as it is not a rapid process, the Trade Union Office has been established. The Office has provided advice to unions on 12 278 occasions over the past year. In addition, 526 executive bodies of trade union confederations, federations and branches have been registered, of which 15 are for new trade union organizations, composed of six new

federations, two new confederations, six new unions and one new branch union, which demonstrates the growth in the trade union movement in the country. The credentials were issued in an average of five working days, which is a reduction from the ten or 15 days reported previously.

As a country, we express our openness to dialogue and cooperation with the ILO. We are aware of the challenges that are present. We therefore undertake to continue working to overcome these challenges, and we will make efforts to comply with the constitutional requirements of the ILO, ratified Conventions, and of course we undertake to continue reporting the progress made.

We are convinced that we now have a conducive environment to promote the generation of opportunities for and the welfare of our population, and we accordingly invite all the social partners to unite for this purpose.

Employer members – First, we would like to give thanks for the report provided by the Government to the Committee. Congratulations on the many changes. However, unfortunately, we note that none of the changes reported are related to the comments made by the Committee of Experts or the Conference Committee.

Nevertheless, and over and above the explanations provided, we are bound to express deep concern at the situation that is prevailing in the country, a situation that is reflected in a certain way in the report of the Committee of Experts, which continues to emphasize serious failures of compliance by the Government, now with regard to the application of this Convention.

El Salvador ratified the Convention in 2006, and although it is the first time that a case concerning compliance with this Convention has been discussed by the Conference Committee, the Committee of Experts has made observations on six occasions since 2009, and only in 2023 we were discussing in this room the various violations identified in the report of the Committee of Experts concerning the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), when reference was made to facts, omissions and circumstances that are clearly closely related to this case, that is with Convention No. 87, as recognized by the Committee of Experts, and which reveal an attitude of repeated incompliance by the Government, despite the intentions that it has expressed to comply fully and formally with the commitments taken on.

It is not out of place to emphasize that several of the facts related to this case were discussed in the context of the reports of the Committee of Experts on the failure to give effect to Convention No. 144, which have been discussed by this Committee on six occasions in 2017, 2018, 2019, 2021, 2022 and 2023, in which the issues were regrettably recurrent.

It is therefore relevant to recall some of the most pertinent conclusions formulated by this Committee at the Conference in 2023 in relation to issues related to freedom of association and action which amounts to acts preventing the lawful exercise of this right and interference that restricts or undermines it.

More precisely, at the beginning of those conclusions, as a first point, it urged the Government to immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated, in particular for the National Business Association (ANEP) and its members. We have not heard any explanations from the Government on these issues, which we truly regret.

In this regard, the Conference Committee has maintained that full “respect for civil liberties is an essential prerequisite for freedom of association” and that the rights conferred upon workers’ and employers’ organizations can only be exercised in a context of respect and the guarantee of civil and political rights, such as freedom of expression, the safety of persons and the rights of defence and due process, as guaranteed by the prohibition of arbitrary detention. We regret that up to now the Government, to the prejudice of these liberties, has not taken the action required by this Committee and has not, in consultation with the social partners, taken each and every measure that it was urged to adopt by this Committee in 2023. We therefore call for this request to be repeated with a view to their urgent and immediate implementation. We need to take advantage of the good will expressed by the Government to ensure that they are given effect.

In addition, we have to request the Government to provide detailed information indicating the measures adopted to ensure that other acts of hostility and interference are not repeated against workers’ and employers’ organizations, and very particularly against the ANEP and its member organizations and leaders, and that the freedom of employers is fully respected to establish organizations of their own choosing, organize their administration and activities and formulate the programmes without hindrance and without interference by the public authorities.

The Employers also place great emphasis on our concern that, after so much time, we are continuing to see an absence of progress in the investigation of murders of trade union leaders, the proposed reform of the Penal Code and, in general, the lack of compliance with the commitments entered into freely with this Organization. For this reason, it is necessary to send a direct contacts mission to ensure full compliance with the Conventions that have up to now been unjustifiably pending.

The Government has indicated that it is always ready to receive the support of organizations such as the ILO and this proposal goes along with the interest in compliance indicated by the Government, even though there has not been any progress in the measures adopted.

Merely to emphasize the relevance of this request, we wish to recall that the Government, in its statement last year, reaffirmed that it would be “unshakeable in [its] support for the principles of ILO standards”, so that the support of the Organization and its specialists will be key.

With regard to Articles 2 and 3 of the Convention, we echo the request made by the Committee of Experts and we urge the Government to adopt the necessary measures.

With reference to the comments of the Committee of Experts in relation to the right to strike, we make no comment. We recall our position on this subject and we ask for it not to be referred to in the Committee’s conclusions.

We note a series of violations that require urgent action. In particular, we call on the Government to make greater efforts and to make progress with the proposed legislative reform.

The Employers note the references made by the Government to a series of constitutional and legislative reforms, including a reform of the Labour Code which, according to what we are told, is under examination by the Legislative Assembly. In this regard, we request the Government to provide detailed information on the content and stage of the parliamentary examination of these reforms, as well as on the processes of consultation undertaken with the representative organizations of employers and workers.

We also take note of the references made by the Government to credentials and registers, but we nevertheless urge it, in consultation with the organizations, to take the necessary measures to revise the rules applicable to registration of the executive bodies in order to guarantee the right of organizations to be established freely.

We once again give thanks to the Government of El Salvador for the information provided and we emphasize our enormous concern at this case, in which the situations discussed on the basis of the report of the Committee of Experts have been continuing for a long time and require the Government's urgent attention, and follow up by this Committee and the other ILO supervisory mechanisms. Of greater importance, and indeed urgency, is for the Government to receive ILO technical assistance to strengthen its capacities and hold effective consultations with the most representative and independent employers' and workers' organizations.

Before ending, we would like to inform the Committee that we have noted other issues that reveal an attitude that is the contrary of the one indicated by the Government to us, of the unshakeable commitment to the values and principles of the ILO that it vaunts, a turn of phrase which makes us very calm. But there is no coherence between what the Government says and what is happening.

Thirty years ago, the El Salvador Institute for Vocational Training (INSAFORP) was created, which is tripartite in composition and financed through employers' contributions of 1 per cent of the payroll in the formal sector. This institution has recently been abolished by the Government, in December last year, and replaced by a new one, currently only under the management of the Government, without the involvement of the social partners. Even though employers' contributions are maintained, only 20 per cent of those resources will be used for training. This reveals a series of problems in itself, as the participation has been ended of workers and employers, and the proportion of funding assigned to aspects relating to training has been reduced.

I reserve the right to make certain additional comments in my second intervention.

Worker members – This is the ninth consecutive time that our Committee has examined a case from El Salvador. In the past nine years, we have analysed compliance with Convention No. 87 on two occasions, in 2015 and 2016, although with another Government.

In our last analysis of El Salvador, regarding issues related to Convention No. 144, the Workers' group noted some progress made by the Government. In particular, we welcomed the ratification of several ILO Conventions in response to demands from Salvadoran trade union organizations. Many of these positive steps were a consequence of the High-Level Tripartite Mission of the ILO that took place in May 2022. However, since then, we regret that several commitments made by the Government have not been fulfilled.

The Committee of Experts once again mentions the lack of concrete progress regarding the murder of union leader Victoriano Abel Vega in 2010. The Committee on Freedom of Association has also urged the Government and the competent authorities to make every effort to identify and punish those materially and intellectually responsible for this crime.

For several years, the Committee of Experts has requested the Government to take the necessary measures to review various constitutional and legislative provisions that do not comply with the Convention. Among the legislative changes recommended by the Committee of Experts are Articles 219 and 236 of the Constitution and section 73 of the Civil Service Law, which exclude certain categories of public servants from the right to unionize. Also, section 211 of the Labour Code establishes the need for a minimum of 35 members to form a workers' union.

Additionally, the requirement to be Salvadoran by birth to be a member of a union's board of directors hinders the organization of migrant workers, particularly in sectors where they are more present, such as the construction industry and agricultural work.

One of the greatest obstacles to the exercise of trade union freedom, and which has been the subject of conclusions by our Commission for several years, is the requirement established in the Labour Code that obliges workers' organizations to renew the composition of their boards of directors every 12 months. For many workers' organizations, the credential extension process lasts up to nine months, causing various hardships, including the inability to request labour inspections, not being authorized to collect union dues, the immobilization of their bank accounts, and even the inability to negotiate collectively.

The Committee on Freedom of Association has made specific recommendations regarding the excessive requirements for the registration and delivery of credentials to union executive councils, such as the submission of copies of unique identity documents and pay stubs to verify that board members are Salvadoran by birth or to verify the type of contract with the worker. But to date, none of these recommendations have been implemented.

The Government indicates that the aforementioned constitutional and legislative reforms, including a reform of the Labour Code, are under study in the Legislative Assembly. However, it is very concerning that the Labour Committee of the Legislative Assembly was dissolved on 1 June 2024, ten days ago. To date, it is not known which of the new committees will handle the issues that were previously under the jurisdiction of that committee. Therefore, any reform of the legislation or the Constitution that was with the dissolved committee could be shelved, as often happens in such cases.

At the June 2023 meeting, our Committee urged the Government to reactivate the full functioning of the Higher Labour Council and other tripartite bodies. In particular, it requested the Government to ensure the development and adoption of clear, objective, predictable, and legally binding standards to guarantee their effective and independent functioning, without any external interference.

However, according to information we have received from the country's social partners, the Higher Labour Council has not met since its session on 5 May 2022, when it was attended by the High-Level Tripartite Mission of the ILO.

Moreover, in other tripartite instances, such as the Salvadoran Social Security Institute, there has been no union representation since June 2023. The INSAFORP has been completely dissolved, and in its place, a new organization has been created with only Government representation.

The effective application of the Convention by El Salvador remains deficient. Serious legislative restrictions and practices continue to limit trade union freedom and the right of workers to organize. Excessive bureaucratic requirements and the lack of genuine social dialogue have hindered the development of a truly free and autonomous trade union environment.

Therefore, it is urgent for the Government to take concrete measures to eliminate these barriers and to ensure that all workers, without discrimination, can fully exercise their freedom of association rights.

Worker member, El Salvador – We thank the Government, workers and employers and the spokespersons of the respective groups for their reports and the positions that they have shared.

I am speaking today on behalf of the Trade Union Unity Confederation of El Salvador, the organization that brings together the vast majority of legally accredited trade union organizations, federations and confederations in El Salvador, which represent the authentic trade union movement and the comprehensive principles of trade unionism in El Salvador.

Firstly, the labour movement deplores the murder in 2020 of our colleague and trade union leader Weder Arturo Meléndez Ramírez, and we have asked the Government to clarify the circumstances of his death and ensure that the perpetrators are brought to justice. We would like to acknowledge the exhaustive investigations undertaken by the competent authorities which have resulted in the murderers being identified and subsequently detained. We hope that their roles in his murder will be determined in accordance with the law and sentences handed down in line with their crimes, and that the Government will monitor the case and ensure that it reaches a conclusion. We have the same hopes for the case of Victoriano Abel Vega.

In our view, this is representative of freedom of association in El Salvador. While we regret the historic level of endemic evil of the gangs in our country that claimed so many victims, including colleagues in the trade union movement, the security measures implemented in response are also strengthening the full exercise of freedom of association.

As the authentic trade union movement, we would like to recognize the manner in which the Government of El Salvador has confronted crime head-on, how it is liberating our country from the cancer of the gangs that for so many years brought pain and grief to the families of El Salvador. We are the ones who witnessed many of our work colleagues and family members die at the hands of the gangs, it was our worker colleagues who risked their lives day after day to go to work or to carry out their daily activities. The increase in security therefore principally benefits workers and their families, as well as society as a whole. It also provides a secure environment for trade union activity.

Proof of this is that on 1 May 2024, for the second consecutive year following the COVID-19 pandemic, we organized a mass march in memory of the martyrs who, throughout history, have given their lives to improve working conditions.

I wish to remind you, particularly the trade union representatives who have been here for many years, that this was not possible five or ten years ago due to the repression of the trade union movement. Back then, however, those persons who now claim that the situation is serious did not raise their voices to denounce what was happening. We would like to think that this was because they felt the same fear as us, and not because they sought to benefit personally.

We can confirm that currently in El Salvador there is respect for trade union activity, free from repression, allowing the trade union movement to participate in dialogue bodies to contribute to the country's economic and social development. It is therefore deeply regrettable that there are movements that promote hate speech both nationally and in the international community under the banner of trade unionism.

We wish to emphasize that, as the authentic trade union movement, we do not support the actions of a small group of trade unionists who have made death threats against public officials or those who have used intimidation for political and private purposes, which does not reflect trade union values. We believe that it is important to promote dialogue and partnership, and we therefore urge the Government to continue with the measures implemented in that regard.

Last year, in this very place, the representative of the Trade Union Unity Confederation of El Salvador highlighted the hypocrisy of the employer representatives, who were using and politicizing this forum. In our view, this has evolved from an inconvenience into a source of frustration, as private newspapers in El Salvador have published large numbers of reports of accusations apparently made by the trade union movement, but that are in fact voiced by a minority sponsored by the ANEP. The articles even report that there have been meetings with ILO bodies, but the authentic trade union movement has not been included in those forums. I therefore repeat our call from a year ago for the authentic trade union movement to be included in international discussion forums and those relating to El Salvador.

We welcome the acknowledgement of trade union work at the national level through the recognition of measures to promote decent work and collective bargaining.

We urge the Government to continue its strategy to secure economic growth focusing on employment generation. As the authentic working class, we will always focus on the progress of the most disadvantaged groups, and we are confident that an environment of security is a determining factor in promoting economic growth. We therefore encourage the representatives of employers who have yet to join those national efforts to leave party political interests to one side and give greater support for development.

We also ask the Government to ratify the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as we are committed to fighting for continuous improvements in the safety and health of our worker colleagues. At the same time, we appreciate the progress made in this area by employers in the construction sector who have taken heed of the workers' recommendations and requests, with a reduction in the number of accidents in this sector over the past year, thereby illustrating the will to respect workers' fundamental rights and regulate labour relations to bring about and maintain industrial peace.

We acknowledge the creation of the SIMEL, the first such system in Central America and the second in Latin America, which serves to democratize information and render it transparent, thereby contributing to decision-making.

We call on employers, workers and the Government to engage in ongoing dialogue in accordance with the principles of transparency, respect and mutual recognition in order to achieve the shared vision of improving working conditions for the workers of El Salvador, guaranteeing labour stability and freedom of association.

We call for the reforms of the current Labour Code to be promoted to ensure that the legal status of trade unions is recognized in a timely manner. We welcome the efficient delivery of credentials by the National Department of Social Organizations of the Ministry of Labour and Social Welfare as a result of the establishment of the Trade Union Office, the advice and guidance of which has assisted our trade union colleagues in receiving their credentials within five to ten days.

Honourable members of the Committee, on behalf of the Trade Union Unity Confederation of El Salvador I can say with certainty that, although there remain challenges in our legal framework, trade unionism in El Salvador is growing, with increasing numbers of trade unions, branches and federations joining us, which fills us with hope.

As worker representatives, we reaffirm our commitment to working together to create decent working conditions, thereby bringing about a better El Salvador, and we reiterate our urgent call on other trade unions, employers' organizations and the Government to refrain from political discourse that serves only to hinder concerted national action.

We also reiterate our fraternal request to international workers' organizations and ILO bodies to listen to the united trade union movement as a whole, rather than smaller representative bodies. Finally, we invite the Government and the ILO to agree on the technical assistance measures needed to address our requests and strengthen the positive progress that we have recognized.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the European Free Trade Association country, **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection, and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States stand with the people of El Salvador and are committed to strengthening our political and trade ties, as well as our important cooperation portfolio. The EU-Central America Association Agreement provides a framework for further developing our partnership, including through cooperation on trade, sustainable development and the effective implementation, in law and practice, of the fundamental ILO Conventions. Furthermore, we have established a Memorandum of Understanding on Bilateral Consultations, which will allow for intensified bilateral engagement and dialogue with El Salvador.

We note with concern the allegations brought forward by the ANEP concerning the defamation and intimidation of the organization and of its President. Despite the requests of the Committee on Freedom of Association and this Committee, which have already examined this issue in 2022 and 2023, continued interference by the Government with the organization is reported by the International Organisation of Employers in its submission of November 2022. We understand that open public hostilities against ANEP have ceased over the last year, nevertheless interference in the autonomy of the organisation continues. The previous acts of intimidation seem to have effectively diminished the role of the ANEP. We also note that no employers' representative has been accredited as part of the delegation of El Salvador. We request the Government to indicate which measures it has taken to re-establish an open dialogue with the ANEP and to stop interfering in its activities.

Regrettably, we note the lack of tangible progress in the investigation of the murder of trade union leader Victoriano Abel Vega, and the lack of information on progress in the investigation into the murder of Weder Arturo Meléndez Ramírez, despite the continued requests of the Committee on Freedom of Association. We call on the Government to deploy all necessary efforts to identify the instigators and the perpetrators and conclude the investigation. In this regard, we note the Government's proposal to reform the Criminal Code, with a view to improving the protection of freedom of association for trade union leaders and members. We echo the call of the Committee of Experts to provide information on the progress achieved on this matter.

We call on the Government to make meaningful progress on long-pending legislative reforms in order to amend several legislative and constitutional provisions, in consultation with the social partners, on all matters referred to by the Committee of Experts to abolish restrictions on freedom of association and the right to organize.

The Government indicates that several of the proposed constitutional and legislative reforms are under examination by the Legislative Assembly. The Government mentions the establishment of a Trade Union Office, which has facilitated the issuing of trade union credentials and registrations. We however echo the Committee's call to stop the delayed issuing of credentials for workers' and employers' organizations, including the ANEP. We furthermore encourage the Government to simplify the requirements for the registration of unions and as regards the prison sector to ensure the full recognition of the right to organize of workers. We note and welcome the commitment of the Government to undertake these reforms and its intention to continue engaging in dialogue with the social partners.

The EU and its Member States remain committed to a joint constructive engagement with El Salvador, with the aim of strengthening the Government's capacity to address the issues raised in the Committee of Experts' report.

Government member, Mexico – I am making this intervention on behalf of a large **majority of countries of the group of Latin American and Caribbean countries (GRULAC)**. We thank the Government of the Republic of El Salvador for the feedback provided in relation to compliance with the Convention. We appreciate the information provided on the investigation of the murder of trade unionist Mr Weder Arturo Meléndez and we encourage the Government of El Salvador to continue reinforcing measures for the legal protection of trade unionists in El Salvador.

We note the progress reported by the Government of El Salvador and we invite it to continue ensuring the legal security of workers and employers, and to bear in mind the provisions of the ILO Constitution and of its ratified Conventions in all the measures adopted at the national level.

We also give thanks for the information provided on the efforts made by the Government to make employment opportunities available to vulnerable groups and its commitment to give effect to the Conventions ratified in June 2022.

In light of the above, we welcome the commitment of the Government of El Salvador to the application of the Convention, and we encourage the ILO to continue providing technical cooperation to the Government of El Salvador.

Employer member, Colombia – First, it is important to take into consideration the fact that this is the seventh time that compliance by El Salvador with ILO Conventions has been examined by this Committee. Now it is Convention No. 87. Last year the Committee adopted a series of conclusions, but regrettably the most serious issues raised by the Employers have persisted.

In this regard, I would like to refer to two aspects of the case.

In its report on compliance with Convention No. 87, the Committee of Experts refers to Convention No. 144, and particularly Article 2, which sets out the commitment to hold effective tripartite consultations and is fundamentally based on social dialogue, which is an essential means of developing joint proposals by workers, employers and the Government.

We reiterate that it is of the greatest importance for consultations to be held in a context of good faith and trust, in which employers and workers are able to express their views, analysis and proposals to achieve true agreements and move forward in the quest to improve industrial relations through social dialogue. These consultations can only be carried out in respect of the freedom of employers' organizations, which requires the Government to recognize the ANEP as the most representative organization of employers in El Salvador.

Second, in relation to the representatives of workers and employers, it is important to emphasize that they have to be freely elected and be represented on an equal footing, as set out in Convention No. 87 and Convention No. 144 in Article 3.

The Committee of Experts has indicated repeatedly that it is for workers' and employers' organizations to determine the conditions for the election of their leaders, and that the authorities should refrain from any undue interference in the exercise of this right.

In view of the above, we note with concern that the Government, on the one hand, is continuing to disregard the ANEP as the most representative organization of employers in El Salvador and, on the other, has not accredited employers to participate in this conference, in disregard for the spirit of the ILO Constitution and thereby denying the right of the most representative organization of employers to nominate its delegates.

This violation forms part of an environment in El Salvador in which freedoms are denied, and particularly freedom of association.

In conclusion, we request the Government, in respect for and compliance with Convention No. 87, and with ILO technical assistance, to respect freedom of association and to recognize the ANEP as the most representative employers' organization.

Government member, Paraguay – In the first place, Paraguay recognizes the work carried out by the Government of the Republic of El Salvador in providing information on compliance with the Convention.

Paraguay also appreciates the efforts made and all the measures adopted to investigate the murder of the trade unionist Mr Weder Meléndez and urges the Government of El Salvador to continue guaranteeing the lawful protection of trade unionists.

We also welcome the progress described by the Government of El Salvador in aligning its action with the provisions of the ILO Constitution and ratified Conventions.

We further emphasize the information provided on the initiatives adopted for the provision of employment opportunities for vulnerable groups and the commitment to give effect to the Conventions ratified in June 2022.

Finally, we appreciate the commitment of El Salvador to give effect to the Convention and we encourage the ILO to continue providing technical cooperation to all Members to make progress in the application of the various Conventions.

Employer member, Honduras – As employer representatives, we are concerned at the direction in which social dialogue in El Salvador is heading, away from respect for the most representative employers' and workers' organizations, and the failure to acknowledge that social dialogue is the only mechanism that can contribute to legitimizing and strengthening democracy.

The ILO must promote institutionalized dialogue and social partnership to build consensus that facilitates a process of development with inclusion and social justice, based on the promotion of decent work for all. We therefore request respect for the right to social dialogue of the most representative organizations in El Salvador, and in this case the ANEP, an organization that has been excluded from the various tripartite consultation forums, such as in the recent case of the closure of INSAFORP by decree and the creation of a new vocational training institution without the involvement of employers' or workers' representatives.

In recent years, the Committee has been examining the case of El Salvador, without being able to note any progress in the functioning of social dialogue, where we continue to see the same violations of Convention No. 144, which I will list:

- (1) structures and processes for effective tripartite consultation have not been established, with the Government of El Salvador adopting an intentionally passive role, creating an uncertain political climate in terms of development and social progress policies;
- (2) a policy to discredit the ANEP has been implemented with the aim of weakening it as an organization;
- (3) the Government of El Salvador has failed to fulfil its obligation to consult the ANEP as the most representative organization of employers, thereby violating Article 5 of Convention No. 144.

For these reasons, we request the Committee to adopt effective measures to ensure respect for the independence of ANEP as the most representative organization of employers in El Salvador, thereby allowing it to participate fully in the various tripartite dialogue and consultation forums.

Worker member, Uruguay – The Committee of Experts has no option than to repeat in its report the same facts and failures to comply with international standards on freedom of association caused by the failings of the successive governments of El Salvador.

This long and repeated series of obstacles to the full exercise of freedom of association includes serious violations of the right to life and security, as well as legislative reforms that are announced but never implemented, resulting in a legal regime that significantly limits trade union activity.

There are provisions across the length and breadth of legislation, and in some cases in the Constitution itself, that raise unsurmountable obstacles to the development of trade union organizations.

We refer, for example, to the exclusion of some categories of public officials from the right to organize, the ban on workers joining more than one trade union, the need for at least 35 members to form a trade union, employers' certification of the employment status of the founding members of a union during the process of registration and the various ways in which the right to strike is limited.

We are also extremely aware of the arguments and promises surrounding the existence of a process of legislative reform that is never completed, and we know that the holding of tripartite meetings, such as at the Higher Labour Council and the National Minimum Wage Council, is always around the corner, but also always delayed.

This includes the observations of the Committee of Experts which take up the recommendations of the Committee on Freedom of Association on the excessive requirements for the registration of and issuing of credentials for union executive boards, such as the submission of copies of identity documents and payslips to verify whether executive board members are Salvadoran by birth or to verify their type of employment contract.

We note with concern the scant replies of the Government of El Salvador here, to this Committee, with regard to the subject under examination and the observations of the Committee of Experts in relation to the implementation of the Convention.

Freedom of association in El Salvador requires definitive affirmation giving effect to the commitments that the Government has set out in its reports and to the Conference Committee.

The trade unions will repay this recognition with democratic participation for the benefit of the country as a whole.

Employer member, Costa Rica – Costa Rican employers note with grave concern the case of the repeated violations of the Convention by the State of El Salvador.

This is a fundamental Convention, and, as indicated by the ILO itself, such Conventions are fundamental to the rights of human beings at work, irrespective of the level of development of individual Member States. These rights are a precondition for all the others in that they provide a necessary framework from which to strive freely for the improvement of individual and collective conditions of work.

These Conventions provide the foundations for the functioning of the international labour standards system. A society that does not promote social dialogue and does not ensure, at the domestic level in each country, the participation of employers and workers is not a full democracy and will not achieve equitable terms and conditions of employment or decent working conditions for the benefit of all.

Disregarding the role of the most representative organizations, whether of employers or workers, and forcing their members to give up their membership through the refusal of routine and special authorizations which are administered by public offices, and which are required by enterprises to function, such as construction, export, import, health and environmental permits, are coercive and abusive practices that are in violation of freedom of association as set out in the Convention.

Like the Committee of Experts, Costa Rican employers urge the Government of the Republic of El Salvador to refrain from its ongoing acts of hostility, intimidation and aggression and from interfering in the establishment and activities of employers' and workers' organizations, and particularly the ANEP.

Social dialogue and tripartism require the existence of solid and independent employers' and workers' organizations with technical capacity and access to the necessary information, political will, respect for the parties involved and the commitment of all to respect fundamental rights, including freedom of association. It is therefore important for the ANEP to be allowed to participate in the appropriate social dialogue forums so as to strengthen democracy, which will inevitably benefit the country's development.

Finally, we request the Government to reinstate the ANEP in tripartite dialogue forums as the most representative employers' organization in El Salvador.

Worker member, Mexico – I am speaking on behalf of the National Union of Workers of Mexico to comment on the persistent situation of the systematic violation of the Convention. One illustration is the requirement of 35 members to establish a union of workers in the public sector. The Committee on Freedom of Association has considered that a minimum of 20 members to establish a union does not appear to be too high, but that the requirement of a minimum of 35 is an obstacle to the establishment of unions and is not in accordance with the Convention, as it is in violation of the right to establish unions through the imposition of conditions that are difficult to meet.

It is absolutely unacceptable for the Government of El Salvador to continue delaying the delivery of credentials for workers' organizations, which is a practice that is in clear violation of the right to organize. This administrative obstacle not only prevents the effective operation of organizations in El Salvador, but also undermines their capacity to adequately represent and defend the interests of their members. By raising obstacles to the process of accreditation, it

is denying workers the fundamental right to associate and to organize freely, which is an essential pillar of any democratic and just society.

The Committee on Freedom of Association has repeatedly indicated that delays in the registration of organizations and excessive discretion by the competent authorities are serious impediments to the establishment of unions. These practices are a flagrant violation of the Convention, which guarantees the right to establish organizations without previous authorization. By persisting with these measures, the Government is not only disregarding international standards, but is also eroding confidence in institutions and violating the rights of workers by undermining the very basis of freedom of association.

And the requirement to be a national of El Salvador by birth to be a member of the executive board of a union constitutes discrimination on grounds of nationality against foreign nationals in relation to holding trade union office, which is contrary to the provisions of the Convention and is a situation that must not continue.

It is imperative for the Government to accept technical assistance to bring the domestic legislation into compliance with the principles of freedom of association and the right to organize. The harmonization of national laws with these principles is fundamental for the promotion of social dialogue. We therefore call on the Committee to urge the Government of El Salvador to take specific and proactive measures to take advantage of the technical assistance that is provided and ensure full respect for the principles of freedom of association and the right to organize.

Employer member, Mexico – The Employers' delegation of Mexico expresses deep concern at the action and behaviour of the Government of this country. It should be emphasized that El Salvador has been brought before the Committee on more than six occasions for various violations of Conventions, most recently in 2023 for Convention No. 144. It should also be emphasized that the Committee of Experts has made over nine observations since 2013, the most recent of which was in 2023.

It is important to note that in 2023 the Conference Committee urged the Government to immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated, in particular for the ANEP and its members.

It should be recalled that the 2024 World Report on human rights indicates that, in El Salvador, in relation to freedom of association and assembly, the Government was undermining the independence and effectiveness of trade unions. The Government has also imposed unjustified restrictions on the processes of the registration of unions and the accreditation of their officers, while the Government and its allies in the Legislative Assembly have systematically dismantled the system of democratic checks and balances.

It is clear that the Government took note of the High-level Tripartite Mission, which was accepted by the Government in May 2022. However, unfortunately, five ILO Conventions were ratified by El Salvador without consulting the most representative employers' organizations.

That is why we are calling for the inclusion in the Committee's conclusions of a repeat of the call for the Government to refrain from any aggression or interference in the establishment and activities of employers' organizations, and particularly the ANEP, to respect the full independence of the most representative employers' organizations and to ensure their full operation through social dialogue without any interference.

Employer member, Argentina – The employers from Argentina are grateful for the information provided to this Committee by the authorities of El Salvador. However, in view of the elements in this case, we are bound to express deep concern at the situation of serious breaches of compliance with the principles of freedom of association.

Despite the fact that it is the first year that the application of this Convention has been discussed by the Committee, we note with concern that measures have not been taken to give effect in the country to the recommendations made by the Committee in 2023 which, even though they related to Convention No. 144, are fully relevant to this case.

In its 2023 conclusions, the Committee noted with deep concern the multiple allegations of interference by the authorities in the appointment of employers' and workers' representatives in public tripartite and joint bodies, and urged the Government to immediately cease all acts of violence and intimidation and to refrain from any undue interference in the internal affairs of employers' and workers' organizations. These requests continue to be topical.

In this regard, it is necessary to emphasize that in the Conference Committee the position has been maintained that: full respect for civil liberties is an essential requirement for the exercise of freedom of association and that the rights conferred on workers' and employers' organizations can only be achieved in a context of respect and guarantees for civil and political rights, including freedom of expression, the security of the person and the rights to legal defence and due process, as a guarantee of the prohibition of arbitrary detentions.

We hope that the commitment expressed by the Government will be translated into the early implementation of the necessary measures to guarantee the cessation of all acts of violence, intimidation or any other form of aggression against persons or workers' and employers' organizations, and that measures will be taken to ensure that such acts do not reoccur, particularly in relation to the most representative employers' organization in the country, the ANEP, and its members.

We note the request made by the Government for technical assistance and we encourage it to work with the Office to follow up the recommendations made by this Committee to ensure the conformity of national law and practice with the Convention.

Employer member, Brazil – As you know, this is not the first time that this case has come before this Committee, or the Committee on Freedom of Association. The ILO has been examining the continuing contempt by El Salvador for the principle and fundamental right of freedom of association and the right to organize, particularly as it pertains to employers, for almost a decade.

Over the past 12 months, as part of its comments on Convention No. 144, the Committee of Experts and the Conference Committee have recognized that ANEP's rights as a representative of employers have not been respected in recent years. It has been highlighted that the situation remains broadly the same and has worsened in some respects.

It should therefore be emphasized that the 2024 report of the Committee of Experts, after summarizing the observations of the International Organisation of Employers that the ANEP continues to suffer from aggression and interference, contains an explicit request for an end to all acts of violence, threats and stigmatization against individuals or organizations to with a view to guaranteeing, in law and practice, freedom of association and the right to organize, which protects both employers and workers.

I reiterate: disregard for freedom of association and the right to organize is a matter of the utmost seriousness in the employers' view. Not for nothing are they fundamental labour principles and rights, meaning that there is an increasingly urgent need to resolve this persistent case of El Salvador.

There is therefore no doubt of the need for this Committee to adopt the necessary measures to restore and guarantee the independence of employers' representation in El Salvador. It is also necessary to restore the right of enterprises to exercise freely their right to association. We therefore understand that the ILO will continue to take action, while affording the case the necessary urgency, to restore respect and independence to the representatives of employers in El Salvador, and particularly the ANEP.

Employer member, Chile – Freedom of association, as envisaged in the Convention, is derived from the right to organize, and the related Conventions recognize and protect the rights of workers and employers. The Convention is clear in recognizing that States have to guarantee the exercise of freedom of association, without imposing arbitrary conditions or requirements for the establishment and functioning of workers' and employers' organizations.

The Committee concluded last year that in El Salvador there are multiple forms of interference by the authorities in the nomination of employer and worker representatives on tripartite and joint dialogue bodies. Regrettably, we have to say that this situation has not changed, and is prejudicial to the activities of the ANEP in its capacity as the most representative organization of employers in El Salvador.

There is also a point that should be emphasized, as it is not always heard: the work of employers' organizations is to promote free private initiative and the best possible conditions for the creation of more and better sustainable enterprises. In this regard, it is their duty to put forward proposals to the authorities that are in office to facilitate entrepreneurial activity and the generation of formal employment.

This is worth emphasizing as Governments sometimes think that employers' organizations engage in and promote political activities. In this regard, it should be specified that everyone has the individual right to hold political views, but that employers' organizations work on behalf of the general interests of their member enterprises, irrespective of whether the Government that is in office is on the left, the centre or the right.

Finally, it should be recalled that freedom of association is both positive and negative, because no person or enterprise can be denied the right to join a union or an employers' organization, but no one can be required to do so in order to be able to work or engage successfully in entrepreneurship. This is very important, because there can always be the temptation to create unions or employers' organizations that are close to the Government that is in office, which is in violation of freedom of association.

Finally, we call on the Government of El Salvador to take up once again as soon as possible dialogue with the most representative employers' and workers' organizations in the country, and to cultivate a genuine and sincere reunion between the various social partners with a view to rekindling the social dialogue that is required in El Salvador for the joint pursuit of the common good.

Observer, International Organisation of Employers (IOE) – I am speaking on behalf of the International Organisation of Employers, an organization that brings together independent employers' organizations from over 145 countries. As indicated in previous interventions, the case of El Salvador in relation to the violations of various Conventions has

been examined by the Conference Committee and the Committee of Experts for over eight years.

It is clear that the Government of El Salvador has committed and is continuing to commit acts of interference, threats and intimidation against the most representative employers' organization, the ANEP.

Ultimately, these acts have been channelled through direct threats to enterprises or the presidents of the member associations of the ANEP. They are required to withdraw their membership of the ANEP and they are even issued with threats against their assets.

The Committee of Experts continues to urge the Government, in consultation with the social partners, to take as soon as possible each and every measure that it has been requested to adopt by the present Committee with a view to ceasing hostilities.

This year, the ANEP has not been accredited to participate in this Conference. If the Government excludes the ANEP from tripartite representation in international meetings, what can happen on a daily basis at the national level is clear. However much the Government representative fills this Committee with words, the facts show that the ANEP continues to be excluded.

The Government of El Salvador claims improvements in individual security and political stability. We are convinced that there can be no sustainability without the rule of law and freedom of association, which is what we are examining in relation to this Convention.

Respect for freedom of association has to be ascertained irrespective of the colour or ideology of the Government, including in the case of Governments which are presumed to favour enterprise development. This is what makes us credible. Action that is so flagrantly and obscenely detrimental to the rule of law, the independence of the judiciary and freedom of association is not sustainable or compatible with the ILO's fundamental principles and rights. Anyone who wishes to examine in greater depth the situation in El Salvador barely needs to refer to all the various media reporting violations of freedom of expression.

Once again we consider this to be a case of concern and we urge the Government to adopt measures that respect the representativeness of the ANEP. Any measure adopted in this respect, I would like to emphasize, will have our constructive support.

Chairperson – There are no more requests for the floor. So, now I invite the Government representative to take the floor for his final remarks.

Government representative – We have taken note of the comments made by workers' and employers' representatives and Governments. Despite our knowledge of this Committee, we are surprised by the language used in their statements. In our case, we have come to provide our report with the best will to address and clarify the comments of the Committee of Experts. Nevertheless, despite noting that this openness is not shared by all parties, we will respond to the comments made here.

With reference to the progress made in the cases of the trade unionists, namely Victoriano Abel Vega and Weder Arturo Meléndez, I reiterate the information provided in my initial intervention.

With regard to Mr Meléndez, I have indicated that the Office of the Prosecutor-General of the Republic identified and captured those responsible, who were three members of the 18 revolutionaries gang, who are awaiting trial and, once the final judgement has been handed down, we will provide the relevant report to the Committee on Freedom of Association. We

consider that, in the context of the criminality experienced by the country, the current outcome is very significant.

On the other hand, in the same way as in the case of Mr Meléndez, exhaustive investigations have been carried out in the case of Mr Vega which, as I said early, are at the stage of the identification of those responsible with a view to bringing them to trial. It should be recalled that this case had been shelved by the judicial authorities and that it was precisely the present Government which requested its re-opening with a view to a prompt and final conclusion. In our respect for the separation of powers, and in our awareness of our duties, we will follow up the progress made.

With reference to the comments on the ANEP, we wish to emphasize that the action of the various employers' organizations is fully respected in the country, including that of the ANEP. This includes the free and independent election of its representatives. All of its leaders, in the same way as all citizens, are assured of the right to freedom of expression and association. This does not preclude the possibility of informing you of the real situation concerning the ANEP.

We are surprised by its proclamations and its allegations would appear to be eminently political, which is in the nature of the ANEP. I have here copies of the publications issued by the member organizations of the ANEP: the American Chamber of Commerce of El Salvador, the Chamber of the Textile Industry, the Chamber of the Construction Industry, the Corporation of El Salvador Exporters, the Pharmaceutical Industry, the El Salvador Association of Cattle and Dairy Industries, the Chamber of Commerce and Industry of El Salvador, the El Salvador Industrial Association, the El Salvador Coffee Association and the German Chamber of Commerce and Industry. All of these are affiliates of the ANEP and they all show support for the Government, and they have all shown their commitment to building a better country together.

The position of the ANEP is contrary to the sectors that it claims to represent, which therefore raises a reasonable doubt about its representativeness, and moreover, there are thousands of employers of all sizes and sectors who indicate that they feel safe. They previously suffered the death of their employees and enormous extortion. They express their support and commitment to benefiting from this forum for the generation of opportunities and entrepreneurship in the country.

It should be known in this Committee that the ANEP never denounced the situation at the international level during the 20 years of the ARENA Government, as they were the ones who took over the State.

During the ANEP governments, bipartite bodies were created and they never worried about including workers in those bodies. The considerations put forward by the ANEP correspond to its partial ideology which prevailed in the country at that time. It was its leaders who took the decisions within the Government, who placed in power and ejected presidents and ministers, and who decided which laws to approve and which would not be. It is simply the memory they have of other times that makes them wish to stay in the bodies under discussion, but for political, not entrepreneurial reasons.

Nevertheless, in awareness of its political nature, the ANEP can be active in our country and is fully respected and can do so in a climate of total security.

With regard to the need for labour reforms, this is a subject that is well known and we agree that the requirements for the establishment of unions need to be reduced, while extending the validity of credentials and reducing the procedures for their delivery, reducing

the number of workers required to establish a union and the possibility to belong to more than one union, among the other matters commented by the Committee of Experts.

We are aware that we have a Labour Code that dates from 1972 and no longer corresponds to the real situation in the world of work now. Moreover, it contains many heavy restrictions on the defence of workers' rights and prerogatives that were established by the groups holding power at the time. This is a challenge that requires broad discussion and consensus from all sides. We therefore invite them to contribute to this process of discussing the reform of the Labour Code, and we request ILO technical assistance for that purpose.

With reference to the dissolution of bodies and the creation of new bodies, this is in line with a process of the modernization of the State, which has all been undertaken following the procedures and bodies set out by law.

In relation to the accreditation of employers, it should be noted that the report has already been submitted to the Credentials Committee.

We note the broad interest displayed by Employers in this case. We therefore take advantage of the occasion to extend an invitation to our country to see the conditions through their own eyes. We also invite them to promote conditions for the generation of decent jobs, which is one of the main objectives that we have to pursue.

As time does not allow us to address individually all the comments made, we have taken note of them and we will prepare the corresponding reports to the ILO supervisory bodies, but not without first reiterating our request for ILO support and technical cooperation with a view to making progress in giving full effect to freedom of association in El Salvador.

Worker members – During previous sessions of our Committee, the Worker members acknowledged some progress by the Government, such as the ratification of several ILO Conventions in response to demands by trade union organizations. However, it is evident that these advances have been minimal and mostly symbolic, as many of the commitments made have not been fulfilled since the High-Level Tripartite Mission of the ILO in May 2022.

The Committee of Experts has repeatedly highlighted the lack of concrete action regarding the murder of union leader Victoriano Abel Vega in 2010. Despite repeated requests from the Committee on Freedom of Association for the Government to identify and sanction those responsible, no real progress has been made. I welcome the statement by the Government that this will be done in the short term. But let us hope.

Additionally, the Government continues to ignore recommendations to review constitutional and legislative provisions that exclude certain categories of public servants from the right to organize and hinder the formation of unions.

The requirement to renew union executive boards annually, established in the Labour Code, is a clear obstacle to trade union freedom. This is a very bureaucratic process, it can take up to nine months, sometimes five days, but also nine months, and this paralyzes union activity, it prevents requests for labour inspection, it blocks collective bargaining and the Government has ignored recommendations to eliminate these excessive requirements, demonstrating a lack of real commitment to freedom of association.

In June 2023, the Government was urged to reactivate the Higher Labour Council and other tripartite bodies with clear and objective standards. However, the Higher Labour Council has not met since May 2022, and other tripartite instances lack union representation. The recent dissolution of the Labour Committee of the Legislative Assembly in June of this year has

only aggravated the situation, leaving any pending legislative reform in limbo. What will happen to it?

So the lack of effective action and continuous legislative and practical restrictions demonstrate a worrying negligence by the Government in guaranteeing the trade union rights of Salvadoran workers.

And for this reason, we are compelled to reiterate some of the conclusions of previous sessions of our Committee.

We urge the Government to:

- (1) urgently and as a priority, dedicate all necessary efforts to expedite and conclude all investigations related to the murders of union leaders, so that those responsible, both material and intellectual, are identified but also sanctioned as soon as possible;
- (2) end delays in the issuance of credentials to workers' organizations;
- (3) ensure that all workers' organizations enjoy the rights and freedoms established in the Convention and that they are fully included in tripartite consultation and social dialogue;
- (4) reactivate, without delay, the full functioning of the Higher Labour Council and other tripartite bodies;
- (5) adopt without delay all necessary measures to repeal the legal obligation for unions to request the renewal of their legal status every 12 months;
- (6) develop a road map with determined deadlines to promptly implement all the recommendations made by the 2022 High-Level Tripartite Mission of the ILO and the Committee's recommendations related to the Convention.

Employer members – In our final considerations, we would first like to reiterate once again our thanks to the Government of El Salvador for the information provided to the Committee, and we say openly and sincerely that we hope that its commitment to the ILO will take the form of specific action and full compliance with the recommendations and requirements outlined.

I wish to refer to an example of the discrepancies that we observe between what the Government says and what it does. A simple example. The Government did not consult the ANEP on the nomination of the delegates to this Conference. What more can I say? Let us go on.

The Employers also wish to thank those delegates that have participated in this meeting and the contributions that they have made to the case. We echo the words of the Worker spokesperson, which clearly reflects the Government's failure to comply, which it has been demonstrating up to now, and we share the concerns expressed. The recommendations outlined by the representative of the Workers' Group are totally acceptable to us, and we therefore reproduce them.

We wish to add that the conclusions must refer to and replicate the conclusions adopted during the discussion in 2023 on Convention No. 144. In view of the links between the two cases, as outlined not only by myself, but as also specifically recognized by the Committee of Experts in its report.

It also appears to us to be necessary to lay down the following:

- (1) that following prior consultation between independent and representative organizations of employers and workers, it takes measures to ensure the definitive ending of any form

of aggression against persons or organizations in relation to the exercise of both lawful trade union activities and the activities of employers' organizations, their leaders and members, and to prevent this reoccurring in future. It must be guaranteed that there is no repetition of these and other acts of hostility and interference against the ANEP and its members and that the freedom of employers in relation to their organizations is respected. The political role that the Government representative attributes to the ANEP is outside this discussion. If, in the past, there were bodies that were only bipartite, it is a responsibility of the Government and cannot be attributed to trade unions or employers' organizations. The corresponding claims were undoubtedly put forward at the time. This absolutely does not justify at the present time a representative organization such as the ANEP from being sidelined and ignored.

- (2) immediately provides detailed information indicating the measures adopted to ensure that there is no repetition of these or other acts of hostility and interference and to guarantee respect for the freedom of workers and employers to establish the organizations of their choosing, organize their administration and activities and formulate their programmes without interference by the public authorities and free from the acts of aggression described above;
- (3) directs all its efforts as a priority at facilitating and concluding the investigations into the murders referred to above;
- (4) provides detailed information on the content and progress of the parliamentary examination of the reforms intended to ensure the harmonization of the national legislation with the Convention, including the proposed reform of the Penal Code and the consultation procedures with the social partners in relation to these initiatives and the results achieved; and
- (5) takes the necessary measures to revise the rules applicable to the registration of executive boards to guarantee in the right of organizations to be established and to elect their representatives in full freedom.

It is clear, as indicated by the Committee of Experts in its report, that the situation and corresponding violations of the Convention are intimately related to the discussion held in 2023 on Convention No. 144, as I have already noted. For this reason, we reiterate the demands set out by this Committee in its conclusions on that case. In this regard, it is necessary to establish a direct contacts mission.

We wish to make the explicit request to establish this direct contacts mission. It appears to us to be totally coherent with all of our concerns, with the interest expressed by the Government in complying with all of the commitments that have been taken on through the ratification of Conventions and the road map that must be developed for compliance with the commitments already assumed.

Committee's conclusions

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the allegations of ongoing violations of the Convention by the Government, including the absence of tangible progress in the investigations into the murders of trade unionists and reported acts of harassment against an employers' organization (ANEP).

The Committee also expressed concern regarding the allegations of interference by the authorities in the appointment of employers' and workers' representatives in public tripartite and joint bodies.

Taking the discussion into account, the Committee urged the Government, in consultation with independent and representative employers' and workers' organizations, to:

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated;
- re-ensure respect for the freedom of workers and employers to constitute the organizations of their choosing, organize their administration and activities and formulate their programme of action without interference from the public authorities;
- expedite and conclude the ongoing investigations into the murders of trade union leaders with a view to establishing the facts, determining culpability and punishing the perpetrators;
- provide detailed information on the content and status of the parliamentary process of the proposed reform to the Penal Code, the consultation processes with social actors that exist in relation to this initiative and the results obtained;
- expedite the processes of registration and issuing credentials to boards of directors to ensure the right of workers' and employers' organizations to form and freely elect their representatives;
- repeal the legal obligation for trade unions to request the renewal of their legal status every 12 months;
- reactivate, without delay, the Higher Labour Council (CST) to ensure the full participation of workers' and employers' organizations in social dialogue and tripartite consultation;
- develop a time-bound road map to implement without delay all recommendations made by the ILO high-level tripartite mission of 2022 and the Committee's previous recommendations relating to the Convention; and
- send information on the institutional change from INSAFORP to INCAF and ensure that it has a tripartite structure.

The Committee requested the Government to submit a detailed report on the implementation of the Convention in law and practice, with regard to all of the above matters, including information on the content and outcome of tripartite consultations, to the Committee of Experts before its next meeting.

Government representative – On behalf of the delegation of El Salvador, I note the conclusions adopted by the Committee.

I take this opportunity to indicate that El Salvador respects the ILO supervisory bodies. We are therefore grateful for this opportunity to provide information on the progress achieved in the implementation of the Convention. We also note the comments made by the social partners.

With reference to the progress made in the cases of the trade unionists, I wish to reiterate the significant progress achieved. I will do so slowly to facilitate interpretation.

We have repeatedly indicated that, with regard to Mr Weder Meléndez, the Office of the Prosecutor-General of the Republic, together with the National Civil Police, following exhaustive investigations, identified and captured those responsible, who were three members of the “18 revolutionary” gang, who are awaiting trial and that, when the final verdict has been issued, we will send the corresponding report to the Committee on Freedom of Association. Nevertheless, we consider that in the context of the criminality experienced by the country, the outcome achieved constitutes very significant progress.

Moreover, as in the case of Mr Meléndez, exhaustive investigations have been carried out in the case of Mr Abel Vega and, as I indicated, they are at the stage of the identification of those responsible with a view to their prosecution. It should be recalled that this case had been shelved by the judicial authorities and it was precisely the State of El Salvador which called for the case to be reopened. The objective is to ensure prompt and full justice.

In our respect for the separation of powers, and in our awareness of our duties, we will follow up the progress made. We are fully determined, as a State, that no death of a trade unionist will go unpunished.

With reference to the comments on employers’ organizations, we wish to emphasize that there is full respect in the country for the activities of the various employers’ organizations, including the free and independent election of their representatives. All their leaders, in the same way as all citizens, are assured of the right to freedom of expression and association.

For the rest, we accept the declaration and we undertake to give it due effect, taking into account our commitment to continue providing information on the progress achieved.

We reaffirm our unshakeable commitment to the principles and values of the ILO, for which reason we will continue to make progress in the achievement of decent work, placing emphasis on social dialogue with all partners and sectors. We are grateful in this process for the valuable cooperation and technical assistance of the ILO.

Eswatini (ratification: 1978)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

Firstly, it is noted from the report of the Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts), following its examination of the country’s article 22 report on the Convention, that the Committee of Experts already requested the Government to submit full information in response to its observations and direct requests outside the reporting period, in an out-of-cycle report, in 2025.

Secondly, the Committee on Freedom of Association has not as yet examined the report of the Independent Investigation Committee that was appointed to investigate the justification for the action of the police denounced by the International Trade Union Confederation (ITUC) in relation to the industrial actions of 2018 and 2019. Furthermore, the Committee on Freedom of Association was still to examine the report of the National Voluntary Conciliation process that was adopted by the Government and the Trade Union Congress of Swaziland (TUCOSWA)

on 15 September 2023 in relation to the complaints that were reported to the Committee on Freedom of Association by TUCOSWA.

Thirdly, the Government has availed itself of, and is already receiving, ILO technical assistance to address the recommendations contained in the report of the Independent Investigation Committee that was appointed to investigate the justification for the action of the police denounced by ITUC in relation to the industrial actions of 2018 and 2019, as detailed in the report of the Independent Investigation Committee. In the same vein, the Government has already availed itself of, and is currently receiving, ILO technical assistance to implement the recommendations contained in the report of the National Voluntary Conciliation process that both the Government and TUCOSWA agreed to act on last year in an effort to resolve a number of complaints reported by TUCOSWA to the Committee on Freedom of Association. As indicated in the covering letter to the report of the National Voluntary Conciliation process submitted on 25 September 2023, and the follow-up letter submitted by the Government on 25 January 2024, the Government requested the ILO to provide technical assistance with the development of a time-bound implementation plan, in order to ensure the effective implementation of the recommendations of the National Voluntary Conciliation process. This request was made in the spirit of paragraph 10, page 31, of the National Voluntary Conciliation report wherein the Government and TUCOSWA agreed that the implementation plan should have a monitoring and evaluation structure. The Office agreed to provide the requested technical support to the Government, in an endeavour to follow up on the reports of the national bodies and the comments of the Committee of Experts adopted following its examination of the country's article 22 reports in November and December 2023. Furthermore, in oral engagements between the Government and the Office, the reason given to explain why the technical mission requested by the Government in September 2023 had to be delayed until February 2024 was that, strategically, it would allow the mission to combine its technical assistance by addressing, not only the recommendations of the reports of the Independent Investigation Committee and the National Voluntary Conciliation, but also the comments of the Committee of Experts, following its examination of the country's article 22 reports on Conventions Nos 87 and 98).

Therefore, from 22 to 23 February 2024, a first technical mission, consisting of four ILO experts, one from the International Labour Office and three from the Pretoria-based Decent Work Technical Support Team for Eastern and Southern Africa, visited the Kingdom of Eswatini. A mission report prepared by the technical mission, and a table of recommendations (a draft implementation or action plan), were submitted to the Government and TUCOSWA on 2 May 2024. As indicated in the mission report, the technical mission met with the parties to the complaints and several institutions and other stakeholders, from among both the Government and the social partners, who would be involved in the implementation plan. A meeting was also held between the mission and the United Nations Resident Coordinator Office to discuss the country's context and the coordinated support to be provided to the Eswatini Government on issues of common interest. Finally, the mission met with the Minister of Labour and Social Security, the Honourable Phila Buthelezi, to report on the mission's findings. In its report, the mission indicates its appreciation of the opportunity for frank and open discussion with all interlocutors. The mission report contains a summary table of the outstanding issues, together with observations and the timetable for the examination by the ILO supervisory bodies and invites the parties to commit to drawing up a time-bound plan for follow-ups. This document would also serve as a road map for resolving outstanding issues relating to the complaints presented before the Committee on Freedom of Association. In this respect, the mission recalled that issues relating to legislative reform and acts of anti-union discrimination have also been dealt with by the ILO supervisory bodies, namely the Committee of Experts and the

Committee on the Application of Standards in the past. In its report, the mission indicates that it is convinced that the road map of action to follow up on the reports of the national bodies set up in relation to the reported complaints will help the Government and the stakeholders to take ownership of the policy and regulatory reforms. The mission is also of the opinion that the monitoring of progress relating to compliance with ratified international labour standards will enable all stakeholders to have a better grasp of the interlinkage of these reforms with comments made by the ILO supervisory mechanisms, supported by the Office's technical assistance, towards a peaceful and lasting social dialogue, in conformity with universally recognized freedom of association and collective bargaining rights. Finally, and in view of the magnitude of the tasks and topics that will fall to the Ministry of Labour and Social Security in ensuring proper follow-up to the road map and in reporting to the ILO supervisory bodies, the mission recommends that the Ministry set up a specific monitoring team, as it would benefit from reinforcements from other relevant institutions, in order to carry out its mission successfully. The table of recommendations attached to the mission report summarizes the outcomes and recommendations of the national bodies, namely, the Independent Investigation Committee and the report of the National Voluntary Conciliation process, as well as the comments of the Committee of Experts that were adopted by the Committee in its session held from November to December 2023.

The parties, namely, the Government and TUCOSWA, arranged a meeting for Friday, 17 May 2024 for the purposes of discussing the first technical mission report. Suffice it to underscore that this is the first technical mission activity, which both the aforementioned parties understood would be followed by a second technical mission to finalize and validate the implementation plan. The second technical mission will involve all institutions that have a role to play in the implementation plan, plus strategic political figures, in order to obtain political support, including the Cabinet and the Parliamentary Portfolio Committees for the Ministry of Labour and Social Security.

Moreover, it suffices also to recall that both national processes were pitched at the highest level by Government, as demonstrated by the fact that the Independent Investigation Committee was chaired by a Principal Magistrate, sitting with a panel of experienced industrial relations practitioners. The Government treats the findings of the Independent Investigation Committee in a very serious light and is committed to implementing them fully. In addition, the National Voluntary Conciliation process was chaired by the Judge President of the Industrial Court of Appeal who was selected by the agreement of both parties, namely, the Government and TUCOSWA; sitting with him were two senior Commissioners of the Conciliation, Mediation and Arbitration Commission (CMAC) including the Executive Director of CMAC. The Government provided full financial support, including travel, subsistence and hotel accommodation expenses to all members involved in the above-mentioned national processes, including the members of the National Voluntary Conciliation process, which was composed of seven officials or representatives from each side, that is, seven Government members and seven TUCOSWA members, the panel of Commissioners, as well as the secretariat, amounting to a total of 22 officials.

On the aspect of civil liberties and trade union rights, it was reported in the information supplied to the Committee of Experts in December 2023 that police investigations are ongoing to identify and punish the perpetrators of the civil unrest, which started in June 2021 and continued up to 2023. This unrest included the brutal killing of civilians, a senior prince from the royal family (who was brutally murdered and videotaped live pleading for mercy from his killers), police and public officers, and traditional leaders, including Mr Thulani Maseko. The Government submits that investigations are continuing earnestly, and that the net is closing

in on those perpetrators. By any yardstick, the investigations are credible and transparent. It is very unfortunate that in some matters, in particular that of Mr Maseko, police investigations and requests for interviews with people who are reasonably considered to have some information to assist the investigations, or who are in possession of electronic gadgets that are reasonably suspected to contain vital information that could assist in the investigations, are hampered by strong hostilities and non-cooperation by potential witnesses, including very close family members of the deceased (Mr Maseko). Nonetheless, the police investigations will not be dampened by the very strange tendencies and hostilities, coming even from people from whom the highest level of cooperation was anticipated, especially because the Government's reputational image continues to be tainted by the unfounded and disparaging theories circulating on various platforms, especially on social media. The outcome of these investigations will be furnished to the Committee of Experts in 2025, as requested.

On the issue of harassment in the education sector, which involves Mr Mbongwa Dlamini, the Government submits that this matter remains pending between the employee (Mr Dlamini) and the Teaching Service Commission (employer), in the light of the judgment delivered by the Industrial Court on 21 March 2024, which declared his purported dismissal from the teaching service to be null and void and set it aside. The Court ordered the Teaching Service Commission to start the disciplinary process afresh. The Government maintains that this is a pure disciplinary process relating to allegations of misconduct on the part of the worker, namely, unauthorized absenteeism for a prolonged period of time by the employee. This has nothing to do with Mr Dlamini's role as a leader of the Swaziland National Association of Teachers (SNAT). It should be recalled that SNAT is one of the oldest trade unions in the country and that it has a recognition agreement with the Government dating back over 40 years. The social partnership between the Government and SNAT has weathered so many storms that it can now be assumed that a mere disciplinary process against a SNAT official is an act of union bashing that seeks to derecognize SNAT. Once finalized, the Committee of Experts will be furnished with the outcome of the judicial appeals.

In respect of Article 3 of the Convention, the Government confirms that the ILO technical mission held in February 2024 was able to interview officials from the Ministry of Housing and Urban Development, as well as chief executive officers from the country's municipal councils. Gatherings continue to be convened in the country by interested organizations, including trade unions, under the terms of the Public Order Act of 2017, as read together with the supporting codes of good practice, without any impediment whatsoever. The most recent such gatherings have included the 1 May 2024 Workers' Day mass gatherings, to which the Government was also invited, and it did attend the May Day celebrations convened by TUCOSWA in Mbabane, the capital city of Eswatini, and by the Federation of Swaziland Trade Unions in Simunye town, respectively. Countless other gatherings and protest marches to deliver petitions to Government ministries have been held by trade unions in the country following the civil unrest without being denied their right to gather and associate. In respect of ongoing law reforms, in particular the Industrial Relations Amendment Bill, the Government is pleased to report that the ILO succeeded in finalizing its review of the Amendment Bill and submitted its Memorandum of Technical Comments in November 2023. Social dialogue discussions relating to the Office's Memorandum of Technical Comments are ongoing at the Labour Advisory Board (LAB). In this regard, the Government has availed itself of the ILO's financial and technical support which has been granted by the Office. A three-day residential meeting of the LAB has already been approved by the officers of the LAB, to be scheduled for 19 to 21 June 2024. The outcome of this process will be provided to the Committee of Experts in 2025.

We therefore appeal to all concerned that Eswatini be given a chance to implement the recommendations made by the national bodies, that is, the Independent Investigation Committee and the National Voluntary Conciliation, as well as those made by the Committee of Experts, and report progress in 2025, as requested by the Committee of Experts. The country has already availed itself of, and is receiving, ILO technical support in this regard.

Discussion by the Committee

Chairperson – I invite the Government representative, the Minister of Labour and Social Security, to take the floor.

Government representative – I bring to you, Vice-Chairpersons, and the representative of the Secretary-General of the Conference, warm regards from the Government and people of Eswatini. I also congratulate you on your appointment to chair the work of this Committee.

May I apologize up front that I will be slightly longer in this opening submission, but I have apportioned the time by reducing my last intervention so as to finally be within the total allocated time for my Government.

The last time my Government was called upon to provide information on the Convention to the Committee was during the 105th Session of the International Labour Conference in 2016. It is pleasing to report that most of the recommendations that were made by the Committee have been implemented in full, except for only one which remains pending. All the bills that the Government of Eswatini was requested to amend have been duly amended to be in conformity with the Convention and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The completed legislative reforms include the following pieces of legislation:

- The Public Order Act of 1963 which has been repealed and replaced by the Public Order Act, No. 12 of 2017.
- The Suppression of Terrorism Act, 2008 has been amended through the Suppression of Terrorism (Amendment) Act, No. 11 of 2017.
- The Prisons Act, No. 40 of 1964 has been repealed and replaced by the Correctional Services Act, No. 13 of 2017. Part XIII of the new Act provides for the right of Correctional Services staff or employees to form staff associations for the purpose of negotiating terms and conditions of service, including wages and hours of work, as well as to represent their members in any proceedings before their employer. As a result of this amendment, on 20 February 2022, the Eswatini Correctional Services Staff Association was duly registered by the Ministry of Labour and Social Security and its name entered into the register of labour market organizations.
- The Civil Service Order No. 16 of 1973 has been repealed and replaced by the Public Service Act No. 5 of 2018.
- A code of good practice for managing industrial and protest actions has been promulgated through Legal Notice No. 202 of 2015 to provide guidelines, procedures and responsibilities for protestors, the police, municipalities, and other relevant stakeholders before, during and after any industrial action or protest action. This was with the sole objective of promoting peaceful industrial and protest actions in the country as per the recommendations of the Committee.

- A code of good practice for managing public gatherings and events has also been promulgated through Legal Notice No. 201 of 2017 to provide guidelines, procedures and responsibilities to conveners, the police, municipalities, and other relevant stakeholders in respect of public gatherings, events, protest actions and strikes held in a public space. This was with a view to ensuring that freedom of association is exercised in an environment that is free of intimidation, promoting peaceful gatherings and protest actions and holding accountable any perpetrators of violence during industrial actions, public gatherings and events, in line with the recommendations of the Committee in 2016.
- The Police Service Act, No. 22 of 2018, repealing the Police Act No. 29 of 1957, has also been passed into law. The Police Service Act contains provisions which promote the exercise of the right to freedom of association without violence against workers, trade unions and employers in that it makes it a disciplinary offence for any police officer to unlawfully use or abuse authority, including making an unlawful, unnecessary, unjustifiable, or unwarranted arrest. This is contained in section 49 of the Act.
- The amendment of section 32 of the Industrial Relations Act to eliminate the discretion of the registrar of organizations when registering trade unions is still ongoing. By resolution of the tripartite Labour Advisory Board (LAB), this amendment process was delayed in order to give room for a comprehensive and holistic review of the whole legislation. This decision was informed by the realization that the Industrial Relations Act No. 1 of 2000 has been amended several times within a relatively short space of time since 2014: this legislation has already been amended four times, something that was observed to be quite anomalous for a piece of legislation that was enacted in the year 2000 and therefore has a lifespan of only 14 years.
- Moreover, the LAB observed that a number of other provisions of this Act needed to be reviewed in the interests of stakeholders, besides section 32. It was, therefore, unanimously decided that instead of continuing with piecemeal reviews of the Act, it was instead advisable to conduct a holistic review of this legislation in order to align it with the latest jurisprudence in labour law and trends in the labour market.
- It is pleasing to report to the Committee that the holistic review process of the Industrial Relations Act was completed by the LAB in October 2022, subsequent to which and by letter dated 24 November 2022, the Bill was submitted to the ILO for expert commentary.
- My Government is pleased to report that the ILO finalized its consideration of the Industrial Relations Amendment Bill and submitted its detailed Memorandum of Technical Comments in November 2023, and the memorandum was tabled before the LAB in its meeting held from 7 to 8 December 2023. Social dialogue discussions on the Office's Memorandum of Technical Comments are ongoing at the LAB. In this regard, we are happy to report to you that the ILO continues to provide financial and technical support to this law reform process. As a result, and through the support of the ILO, a three-day residential meeting of the LAB has already been approved by the officers of the Board to be held from 19 to 21 June 2024. The outcome of this process will be provided to the Committee of Experts in 2025, as requested.
- Lastly, and still in compliance with this Committee's recommendations made in 2016, the Government of Eswatini also warmly arranged and received the direct contacts mission sent by the ILO in April 2017.

Throughout the legislative process of amending and promulgating the above-mentioned laws, the social partners were consulted by the Government in line with the Committee's

recommendations of 2016. Moreover, through technical assistance received from the ILO, several workshops were held in the country in 2018 and 2019 with the objective of disseminating the code of good practice for industrial and protest actions, the Public Order Act and the code of good practice on gatherings. Participating in these workshops were the police, union leaders, employers, members of parliament and municipalities, among others.

The need for resuming these workshops has been restated by the recommendations of the Independent Investigation Committee which was appointed to investigate the justification of the action of the police denounced by the International Trade Union Confederation (ITUC) in relation to the industrial actions of 2018 and 2019 as detailed in the report of the Independent Investigation Committee. The Independent Investigation Committee, which was appointed through Legal Notice No. 183 of 2019, was chaired by a Principal Magistrate and a panel of experienced labour law practitioners, one of whom is now a judge of the Industrial Court of Eswatini.

The Independent Investigation Committee, appointed at the request of the Committee on Freedom of Association, submitted its final report to the Government on 1 June 2023 and, by letter dated 11 June 2023, the report was transmitted and brought to the attention of the Committee on Freedom of Association. The Committee on Freedom of Association is yet to examine this report.

In its report, the Independent Investigation Committee made findings that the organizers of gatherings and public protests do not comply with the provisions of the prevailing legal instruments on gatherings and industrial actions and highlighted the compliance gaps. On the basis of these findings, the Independent Investigation Committee therefore proceeded to recommend training for all players involved in organizing public gatherings, including the police, trade union leaders and marshals.

In its lengthy and well-written report, the Independent Investigation Committee made 11 solid recommendations to ensure that freedom of association can be exercised in a climate free of intimidation and without violence against workers, trade unions and employers. These recommendations are due to be taken into account and included in the implementation plan which the Government and the Trade Union Congress of Eswatini (TUCOSWA) have already begun developing under the technical assistance of the ILO.

The Government has already availed itself of, and is currently receiving, ILO technical assistance to implement the outcomes of the National Voluntary Conciliation report that both the Government and TUCOSWA agreed to embark upon in 2022 and finished in September 2023 in an effort to resolve a number of complaints that had been reported by TUCOSWA to the Committee on Freedom of Association. As could be seen from the covering letter to the report of the National Voluntary Conciliation process submitted on 25 September 2023, coupled with the follow-up letter submitted by the Government on 25 January 2024, the Government requested the ILO to provide technical assistance in developing a time-bound implementation plan in order to ensure effective implementation of the outcomes of the National Voluntary Conciliation process.

This request was made in the spirit of paragraph 10, page 31 of the National Voluntary Conciliation report wherein the Government and TUCOSWA agreed that the implementation plan should have a monitoring and evaluation structure. The ILO gladly agreed to provide the requested technical support to the Government in an endeavour to follow up on the reports of the national bodies and the comments of the Committee of Experts adopted when examining the country's article 22 reports in November and December 2023.

In fact, in oral agreements and engagements between the Government and the ILO, the reason for delaying the technical mission to February 2024 was strategically to allow the mission to combine its technical assistance by addressing not only the recommendations of the reports of the Independent Investigation Committee and the National Voluntary Conciliation, but also the comments of the Committee of Experts following its examination of the country's article 22 reports on Conventions Nos 87 and 98.

Therefore, from 22 to 23 February 2024, a first technical mission visited the Kingdom of Eswatini. A mission report prepared by the technical mission, and a table of recommendations were submitted to the Government and TUCOSWA on 2 May 2024. As indicated in the mission report, the technical mission met with the parties to the complaints and several other institutions and stakeholders, from among the Government and the social partners, who would be involved in the implementation plan. A meeting was also held between the mission and the United Nations Resident Coordinator Office to discuss the country's context and the coordinated support to be provided to the Eswatini Government on issues of common interest. Finally, the mission met with myself to report on the mission's findings. The mission report contains a summary table of the outstanding issues, together with observations and details of the timetable for the examination by the ILO supervisory bodies and invites the parties to commit to drawing up a time-bound plan for follow-ups. This document would also serve as a road map for resolving outstanding issues relating to the complaints presented before the Committee on Freedom of Association.

In its report, the mission indicates that it is convinced that the road map of action to follow up on the reports of the national bodies set up in relation to the reported complaints will help the Government and the stakeholders to take ownership of the policy and regulatory reforms. The mission is also of the opinion that the monitoring of progress relating to compliance with ratified international labour standards will enable all stakeholders to have a better grasp of the interlinkage of these reforms with comments made by the ILO supervisory mechanisms, supported by the Office's technical assistance, towards a peaceful and lasting social dialogue, in conformity with universally recognized freedom of association and collective bargaining rights. In view of the magnitude of the tasks and topics that will fall to the Ministry of Labour and Social Security in ensuring a proper follow-up to the road map and in reporting to the ILO supervisory bodies, the mission recommends that the Ministry set up a specific monitoring team, as it would benefit from reinforcements from other relevant institutions in order to carry out its mission successfully.

Having received the mission report on 2 May 2024, the parties were already working on making arrangements to have a meeting where they would jointly go through the mission report, in particular by checking any missing recommendations or outcomes from the reports of the national bodies, as well as populating the last two columns of the draft implementation plan in terms of fixing timelines and expected results, accordingly. Other pressing commitments from both ends could not allow the Government and TUCOSWA to secure time to discuss the first technical mission report before departure to this Conference. Otherwise, earnest attempts were made and having considered all dates in May, both parties mutually considered that it was impossible to secure time before departing for the International Labour Conference. Other dates will obviously be considered immediately after the Conference.

Suffice it to underscore that this is the first technical mission activity, which both the aforementioned parties have understood will be followed by a second technical mission to finalize and validate the implementation plan.

It remains important to recall that both national processes were pitched at the highest level by the Government, as demonstrated by the fact that the Independent Investigation Committee was chaired by a Principal Magistrate, sitting with a panel of experienced industrial relations practitioners, one of whom is now a judge of the Industrial Court. The Government treats the findings of the Independent Investigation Committee in a very serious light and is committed to implementing them fully. In addition, the National Voluntary Conciliation process was chaired by the Judge President of the Industrial Court of Appeal who was selected by the agreement of both parties; sitting with him were two senior Commissioners of the Conciliation, Mediation and Arbitration Commission, an independent labour dispute resolution institution in Eswatini, established by Industrial Relations Act, No. 1 of 2000. The Government provided full financial support to the process, catering for all expenses, including those of members of the National Voluntary Conciliation process which was composed of seven officials or representatives from each side.

In the previous two annual meetings of the Southern African Development Community (SADC), Ministers of Labour and Employment and Social Partners, otherwise known as the SADC Employment and Labour Sector (SADC ELS), which is held under the auspices of the SADC (that regional integration structure has a robust agenda where we discuss even the status of implementation of international labour standards among the SADC Member countries), my Government is on record as having demonstrated the highest level of openness to engage with our social partners even at a regional level, by extending an invitation to the Southern Africa Trade Union Coordination Council (SATUCC) on two consecutive occasions, for engagements on the issues that were contained in the SATUCC report as presented to the meeting. We also requested the ILO to assist in ensuring that that meeting take place.

As observed by the ILO technical mission, the relations between the Government and our social partners are very healthy. The massive gains obtained from the optional voluntary conciliation process are evidence of a healthy social partnership. Having already availed ourselves of, and while already receiving, ILO technical assistance, we should be allowed to resolve any emerging issues at a national level as part of the action plan that is being developed to implement the outcomes of the national bodies, coupled with the comments of the Committee of Experts.

On the issues bordering on civil liberties and trade union rights and the issue of alleged harassment in the education sector involving the president of SNAT, I must hasten to state that I am afraid to enter into the merits of these matters, especially the SNAT president disciplinary matter and the Sticks Nkambule matter, because these are still pending in court. Mr Mbongwa Dlamini is challenging his dismissal by the Teaching Service Commission, which was issued in August, last year. Otherwise, the employer has instituted disciplinary proceedings against him based on charges of perennial unauthorized absenteeism. The outcome of this disciplinary process is still being contested by the parties in court and we have been advised that the date set to argue the review application that has been filed by the Teaching Service Commission is 26 June, this year, ten days from now, at the High Court of Eswatini.

The same applies to the Sticks Nkambule matter: he was charged *nomino officio* for contempt of an order of court issued by the Industrial Court of Appeal on 9 December 2022 under Case No. 398 of 2022, declaring an industrial action he had called with his union for 13 and 14 December 2022 to be unprocedural and therefore unlawful. They violated this order of court by proceeding with the unlawful strike action despite the existence of a valid court order, and the Government instituted contempt of court proceedings against Mr Nkambule and the union. This matter has not been finalized and is still pending in court. Mr Nkambule is

legally represented by a competent admitted attorney in the court proceedings. The Government is not aware of the reasons why Mr Nkambule is now in hiding.

For us, our system of law does not allow other forums to adjudicate or commentate on the merits or demerits of a matter that is still pending in court under the principle of sub judice, lest you find yourself to be in contempt of court. It suffices, however, to mention that these two issues in particular have not as yet been officially brought to the attention of the Government by our social partners, as requiring our engagement and resolution, I guess, that is simply because of the same reason that these matters are still pending in court.

As I conclude, allow me to point out that the discussion of Eswatini by this Committee is rather premature in light of the elaborate magnitude of what the Government has done since 2016 and continues to do even at this present moment, in consultation with the social partners, in an effort to improve the implementation of the Convention.

Worker members – This is the 16th time that the Committee has examined the application of the Convention by the Government of Eswatini. Our latest examination was in 2016. Since then, the environment for the exercise of trade union rights in the country has severely deteriorated. In the last three years, in particular, the Government has further increased its repression against workers and has suppressed democratic freedoms and civil liberties. The Workers' group expresses its deep concern at the prevalence of anti-union violence and state repression in Eswatini where trade union leaders and human rights activists are persecuted and murdered.

The Workers' group mourns the death of Thulani Maseko, a human and trade union rights lawyer. From 2012 to 2015, Thulani Maseko defended the rights of TUCOSWA following its deregistration by the Government. Subsequently, he provided legal advice to the Eswatini trade union movement. He was also Chair of the Multi-Stakeholder Forum that represented progressive groups working for democracy in Eswatini following the banning of political parties. Thulani was shot dead in front of his family on 21 January 2023 at his home in Manzini. We recall that, in 2015 and 2016, the Committee discussed the unjust imprisonment of Thulani Maseko, who had been sentenced to a two-year prison term in March 2014 for having criticized the judiciary while acting for TUCOSWA in court. In 2009, Thulani had already been charged with sedition for his May Day speech. Despite the threats and persecution of the authorities, Thulani Maseko continued his fight for democracy and workers' rights through dialogue. Thulani's brutal murder was widely condemned by the global community. Despite calls, including from the SADC governments, for investigations into his death, to date, no arrest has been made. Thulani's family are under surveillance. It appears that Thulani's death was orchestrated by the instigators to have a chilling effect on human and labour rights. Combined with the current repression on trade unions, we are deeply concerned that an environment of fear is taking hold. We call on the Government of Eswatini to take immediate measures to investigate, prosecute and convict the perpetrators and instigators of this crime. Justice must be done for Thulani Maseko's memory and for his family.

The climate for the exercise of labour and trade union rights in Eswatini is dangerous. Persecution, threats and physical attacks of trade unionists are common practice, leaving them no choice but to flee the country. Sticks Nkambule, Secretary-General of the Swaziland Transport, Communication and Allied Workers' Union (SWATCAWU), was forced into exile after being the victim of an assassination attempt on 28 December 2022. The day after, armed police raided his village and harassed his family. His crime was to call for a "job stay-away" to demand better working conditions. The Government did not stop there, on 11 January 2023, his name was published by police as a wanted person for alleged criminal conduct. He now faces a

baseless contempt charge, while the staff of the union he belongs to are under constant surveillance by the police who regularly raid their offices.

In January 2023, Mbongwa Dlamini, President of the Swaziland National Association of Teachers (SNAT), was also forced into exile after receiving death threats. Since his election as union president, Mbongwa has been persecuted by the authorities. In April 2022, his home was attacked by security forces with live bullets. Following a call for a strike by his union, the authorities harassed him with misconduct charges, leading to decisions of suspension of pay and transfer. Despite a decision of the Industrial Court dated May 2023, the authorities have still failed to pay him and have appealed the court decision. He has now been dismissed from his duties by his public employer, the Teaching Service Commission.

The Teaching Service Commission is now threatening the Secretary-General of SNAT, Mr Lot Mduduzi Vilakati, for defending the president and SNAT members. In addition, in 2023, the Government stopped the collection and remittance of trade union fees for SNAT members and refused a check-off system for SNAT's newly recruited members, in a bid to reduce the membership of the union below the required threshold so that it can deregister the union.

Civil liberties in Eswatini have been drastically curtailed by the authorities, and workers are prevented from exercising their right to peaceful assembly, a fundamental freedom. Trade union gatherings and protest actions were banned by the Government in October 2021. Despite a court ruling lifting the ban in 2022, the Government of Eswatini continues to prohibit and ruthlessly crack down on gatherings and protests. In July 2023, the Government allegedly relaxed the ban and allowed municipal councils to issue permits for gatherings not exceeding ten people. This excessive limitation is a clear violation of the right of trade unions to organize their activities, as protected by Article 3 of the Convention. We recall that under the Public Order Act, 2017, gatherings of not more than 50 people are permitted without notice requirements, a number which is already extremely low. This new limitation virtually annihilates the capacity of trade unions to organize gatherings. The situation is akin to an undeclared state of emergency.

Furthermore, security forces deployed around the country use brutal force against citizens and workers. More than 80 people are reported to have lost their lives because of the police crackdown on protests demanding democracy and wage increases. In their 2024 comments, the Committee of Experts recalled that the rights of workers' organizations can only develop in a climate free of violence, threats and pressure, and that it is for the Government to guarantee that these rights can be exercised normally. We echo the Committee of Experts' call and urge the Government of Eswatini to take all necessary measures to ensure, in law and practice, that trade unions fully enjoy the right to hold public meetings enshrined in the Convention, and therefore to repeal any text the application of which would considerably limit the possibilities of trade unions to hold large-scale public meetings to defend and advance the rights and interests of their members.

We further note with deep concern the pervasive anti-union climate fostered by the authorities in Eswatini and its stifling impact on the capacity of trade unions to freely function and carry out their activities. In November 2022, armed security forces disrupted a TUCOSWA workshop and confiscated participants' mobile phones and laptops. The teachers' union, SNAT, continues to be the victim of a union-bashing campaign as the State attacks the union, including through disciplinary sanctions against leaders, union members and officers, police surveillance and the vilification of SNAT members in the media.

The Worker members strongly denounce the state repression and escalating physical violence and threats against workers and their representatives and the curtailment of

democratic freedoms in the country. We are deeply concerned that the climate of fear and violence maintained by the authorities is aimed at preventing workers and trade unionists from exercising their rights. The Government of Eswatini must put an end to the ongoing intimidation, extrajudicial killings, threats of arrests, raids and unprovoked brutal beatings of workers and trade unionists. We reiterate that workers and trade unions calling for democracy is in line with the legitimate expectations of the Government's obligations under the Convention. We urge the Government to engage in meaningful dialogue with trade unions to address the pressing issues that face the country.

Employer members – This case is about the application in law and in practice of the fundamental Convention No. 87 by Eswatini, which the Government ratified in 1978. This is a long-standing case before the Committee in which the Committee of Experts has made observations 25 times since 1990 and has been discussed by the Committee 15 times since 1996, the last examination being in 2016.

We thank the Government for the written and oral information submitted, which we have noted. The Committee of Experts has made several observations in this case, and I will go through them.

The first observation relates to civil liberties and trade union rights, especially alleged anti-union repression involving serious allegations of persecution and murders of trade unionists and excessive violence against strikers that increased in 2022 and 2023, with allegedly more than 80 people reported to have lost their lives because of police crackdowns on protests demanding democracy and wage increases. In this respect, the Committee of Experts requested the Government to provide copies of court decisions against public transport workers who were charged with assault during the protests, as well as information on the outcome of police investigations into alleged violence by the security forces during protests.

The second observation relates to harassment in the education sector, where the Committee of Experts noted with deep concern the serious allegations of violations of trade union rights in the education sector, in particular against the Swaziland National Association of Teachers (SNAT), including its President, Mr Mbongwa Dlamini, who allegedly faced harassment through dismissal from work, as well as threats to his life. The complaints include allegations of a concerted effort by the Government to undermine and possibly deregister SNAT.

The third observation relates to a ban on trade union gatherings by administrative order. The allegations are that the Ministry of Housing and Urban Development's October 2021 administrative order effectively suspended the laws regulating gatherings by limiting the number of people who may demonstrate or march together to deliver petitions in urban areas and towns. Although the Government countermanded the administrative order by raising the limit of gatherings to ten people, the number still fell short of the permitted 50 people under the terms of the Public Order Act of 2017.

The fourth area of observation relates to police violence against industrial actions. The Committee of Experts took note of the findings of the Independent Investigation Committee into allegations of police violence against peaceful industrial actions made in September 2018 and September 2019. The Investigation Committee had made recommendations including: (i) training of lower-ranked police officers, the union leadership and marshals, and the public at large in trade union rights and the handling of industrial actions; (ii) that both the police and union leadership should commit to upholding the law during industrial actions and develop a culture of cooperation; (iii) that video recording of industrial actions should be considered for

review purposes; and (iv) that an independent monitor (whether an individual or an organization) should be involved in the preparation of, and during, the industrial action.

From the Government's written and oral information, the Employer members note the various encouraging developments in this case:

First, the Government and TUCOSWA agreed during 2023 to submit to a national voluntary conciliation process to address the various complaints submitted to the Committee on Freedom of Association, which also formed the basis of some of the Committee of Experts' observations on anti-union repression.

Second, the Government requested and is receiving technical assistance from the ILO to address the various concerns and observations. Both the report of the National Voluntary Conciliation process and the report of the Independent Investigation Committee will be considered to generate a time-bound implementation plan, with ILO technical assistance.

Third, the ILO technical mission visited the country in February and delivered its report to the parties on 2 May this year, with a draft action plan.

The Employer members commend both the Government and the trade union federation in their demonstrated cooperation at national level and encourage the Government to continue social dialogue with the social partners to resolve the outstanding concerns.

Where trade union rights, including the right to gather in large numbers to protect or promote the occupational interests of their members, are unduly limited by administrative action, the Employers encourage the Government to remove such administrative action or take appropriate measures to protect such rights.

With regard to the codes of good practice and legislation on protests and industrial action, which aim to ensure proper management of these actions and prevent confrontations and violence between protestors and members of the law enforcement agencies, we encourage the Government, in collaboration with social partners, to disseminate these as part of its capacity-building strategy for all relevant stakeholders. We also encourage the Government to expedite the ongoing police investigations into the violence and deaths that occurred between 2021 and 2023 and to provide all outstanding information to the Committee of Experts as requested in 2025. Finally, we encourage the Government to continue with the ILO technical assistance to finalize all outstanding matters.

Worker member, Eswatini – On behalf of the workers of Eswatini, I concur with the opening statement of our spokesperson. Having faced a series of sustained attacks since 2018, our federation filed a complaint to the Committee on Freedom of Association on 22 March 2022 which is recorded as Case No. 3425. The Committee recommended to the parties to undertake a national voluntary conciliation process.

TUCOSWA reaffirms its belief in dialogue as the only means to resolution of any challenges related to compliance with the international labour standards set out in various ILO Conventions. The Trade Union Congress never hesitated to take the opportunity for a voluntary mediation process as was presented as an option by the Committee on Freedom of Association. The National Voluntary Conciliation process was, however, not smooth sailing and it nearly collapsed, as the Eswatini Water Services, a state-owned enterprise, was refusing to release the Deputy President of the Federation, Mr Nicholas Nkomondze, to attend the voluntary conciliation meetings despite his name being gazetted in a legal notice as part of the Federation's representatives. To date, he is denied release to attend any Federation activities as his employer alleges not to recognize the Federation. The mediation was concluded in July

2023. No resolutions were found on fundamental complaints that threaten the very existence of trade unions and the rights guaranteed by the Convention. The issues are as follows:

The administrative instruction issued by the Minister of Housing and Urban Development on 21 October 2021 prohibiting municipal councils from issuing compliance certificates remains in force. In the administration of that order only three persons were permitted to gather in a public place. During the mediation process, the Minister in a press statement alleged to be relaxing the instructions by communicating that the municipal councils can now permit only ten persons to assemble. On 2 November 2023, the Federation took part in a gathering organized by its affiliate, the Swaziland Democratic Nurses Union, to deliver a petition on the acute shortage of medical drugs in hospitals. The union had followed all the requirements of the Public Order Act and under the terms of the Act the gathering was legal. The police, however, violently dispersed the gathering claiming that the gathered people exceeded the ten prescribed by the Minister. Many workers were injured and hospitalized.

Ms Maureen Nkambule, the then Secretary-General of the Swaziland Electricity Supply, Maintenance and Allied Workers Union (SESMAWU), an energy union organized in a state-owned enterprise, remains dismissed for allegedly allowing herself to be interviewed by the media on matters pertaining to the activities of the union.

Cases of union officials who had long been abandoned by state prosecutors were resuscitated in response to our mediation demand that they be quashed, as they were victimization cases. Mr Mcolisi Ngcamphalala, Deputy Secretary of SNAT, was isolated from a group of people in Manzini city as he was going to a union meeting, arrested and charged with jaywalking.

Mr Kwazi Simelane, a Chairperson of the Federation's Young Workers Forum was seriously assaulted by the police in Manzini for wearing the Federation's beret and was later charged for allegedly singing an inciting song. These cases were not prosecuted for more than two years until revived when they were raised during the mediation. The union officials are, to date, being prosecuted without finalization of their cases.

The President of SNAT, Mr Mbongwa Dlamini, an employee of the Government, remains dismissed notwithstanding court judgments declaring his dismissal null and void.

Officials of the Amalgamated Trade Union of Swaziland (ATUSWA) were assaulted by members of another union favoured by the employer as they were recruiting workers. The police, instead of arresting the perpetrators of the violence, arrested the ATUSWA officials and they went through a prolonged and very costly exercise defending themselves only to be acquitted by the courts in April 2023. Notwithstanding that finding, the perpetrators of the violence were never arrested for their criminal activity.

Over 400 workers who were retrenched by a wood and pulp multinational company were not paid their terminal benefits in accordance with an existent collective agreement, despite numerous parliament select committee resolutions which found that they were unfairly treated. Another parliamentary select committee was established and finished its work in August 2023. Parliament was, however, dissolved in September without having adopted the report.

Ms Xolile Mnisi Sacolo, Chairperson of the Limkokwing branch of the National Workers Union of Higher Institutions (NAWUSHI), was wrongfully dismissed without a hearing after she approached the Industrial Court to intervene on a predetermined disciplinary action clearly targeting her as a union official on claims that she was causing a delay on the hearing, notwithstanding her constitutional right to approach the court for redress on such matters.

The conduct of dismissing trade union officials without affording them an opportunity to be heard has become prevalent. Even in the case of the SNAT President, Mbongwa Dlamini, it was the same: he was dismissed without a hearing.

All the cases were mediated and remain unresolved at the mediation. There are no processes that have been put in place even for resolution in the near future. Any claims that may be designed to insinuate that there are internal processes for their resolution would be misinformation.

Meanwhile, the Secretary-General of SWATCAWU, Mr Sticks Nkambule, is now living in exile in neighbouring countries, following the issuance of a warrant for his arrest. He was individually targeted for a collective decision of his union which had sanctioned an industrial action in defence of the occupational rights and interests of its members.

It is important to state at this stage that there was never a gathering that was convened by the Federation or its affiliates which had not followed the law. The police brutality against public sector workers in October 2022 occurred despite the fact that they were carrying a certificate of compliance issued by the municipal council of Mbabane. This was before the ban which happened in the same month. The workers were brutalized whilst they were inside buses where tear smoke canisters were thrown inside the bus and the workers were beaten and shot at with rubber bullets. They never at any point and stage burned tyres, blocked the roads or engaged in any violent or disorderly act as they were ambushed by the police before they disembarked and were brutalized.

The space for the operation of independent trade unions and the exercise of their rights in Eswatini is generally clouded with fear of reprisal. The numerous incidents, I have mentioned above, and those mentioned by our spokesperson, make it clear to the Committee that our Government is violating the Convention.

Employer member, Eswatini – As I take the floor I do so on behalf of Business Eswatini, which is an apex private sector representative body of employers in the country. Together with their workers under TUCOSWA, Business Eswatini is responsible for over 90 per cent of the private sector contribution to the national gross domestic product. The Government and TUCOSWA have been, and still are, viable and indispensable social partners with whom Business Eswatini have achieved incredible feats.

Not too long ago, the Trade Union Congress and Business Eswatini convened a landmark bipartite jobs summit to dialogue on how we can leverage our partnership in order to expand the footprint of businesses in the country and create the jobs desperately needed by our people. In the same meeting, challenges standing in the way of progress were identified and a formal report prepared and subsequently submitted to the Government for scrutiny. In the same report was an express request for a full tripartite dialogue to advance the resolutions of the bipartite dialogue between labour and the private sector. However, while awaiting the Government's response to the request, Business Eswatini proceeded to convene a fruitful business-to-Government engagement a few weeks ago, the aim of which was also to mitigate issues that stand in the way of attracting investments and creating jobs. I highlight the aforementioned achievements in order to demonstrate to this house that tripartism in Eswatini is still alive and well, and that there is a conducive space for open dialogue and constructive engagement.

There are only two sides to a story precisely because the third is always overlooked. And I appreciate the privilege today to be the third voice that bears witness to these things. Let me say this up front though, on behalf of the employer community in Eswatini, we respectfully

request that this Committee consider the substantial progress made by our Government and social partners in upholding the principles of the Convention. To this end, we wish to underscore the following points for your special consideration:

- (1) The context of 2021 and 2022 events: The issues at the core of the complaints today arise mainly from the events of 2021 and 2022, a period marked by unprecedented social unrest and the COVID-19 pandemic. These events conspired to create unprecedented challenges for all social partners in Eswatini, the deleterious effects of which continue to impact us to this day as a business community.
- (2) During the social unrest, the scale of which was unparalleled in the long and peaceful history of the Kingdom, many businesses suffered incalculable losses due, for example, to arson attacks and looting, costing employers millions of US dollars in rebuilding efforts.
- (3) This situation was exacerbated by the prolonged pandemic, during which employers continued to pay salaries despite lockdowns and business closures. During the same period the private sector funded vaccination logistics for private sector employees and, as a result, many lives were saved as workers received the protection they desperately needed.
- (4) Mitigation measures: it took considerable effort from both the Government and social partners to make significant strides. In response to these crises, however, the Government showed its zeal to support affected businesses and workers via various intervention processes, as measures were eventually taken to restore law and order.
- (5) Dialogue mentioned earlier: Business Eswatini and TUCOSWA or, alternatively, workers' and employers' federations, jointly convened the inaugural bipartite dialogue on jobs, which we sense has significantly contributed to the restoration of industrial harmony, at least at enterprise level. The ILO was on the ground to witness this ground-breaking concept of which both federations are still most proud.
- (6) Commitment to constructive dialogue: both the Government and social partners have shown a strong commitment to constructive dialogue to resolve issues by participating in the inaugural voluntary conciliation. Through this process, the social partners have been able to settle a number of issues, including consulting employers on the implementation of recommendations. Business Eswatini acknowledges that there are outstanding issues that were not completely resolved in this process owing to time constraints and other unforeseen exigences or disruptions, but we strongly believe that, from the commitment shown by both parties to date, more time to engage and dialogue will definitely yield positive outcomes.
- (7) Legal reforms: it would be blatantly remiss of Business Eswatini to dispute the Government's commitment to legal reforms, in collaboration with the social partners. We have seen the implementation of the decent work priorities for Eswatini which were agreed upon in tripartite forums. These include important legislation, such as the Industrial Relations Amendment Bill of 2022, the Employment Bill of 2023, the Occupational Safety and Health Policy of 2023, and other ongoing reforms, all of which bear the fingerprints of active participation by all social partners.
- (8) Utilization of ILO technical assistance: As the Minister has said, the Government has utilized the ILO's technical assistance and is making credible efforts in addressing issues identified by the Committee of Experts and the Committee on Freedom of Association, with a clear road map and an implementation plan in place.

In light of the above, as I conclude, we therefore believe without an inkling of a doubt that the ongoing efforts, and particularly the commitment demonstrated by all stakeholders in Eswatini, deserve recognition and support. It is on these grounds that I, on behalf of Business Eswatini, hereby move that we allow for progress to continue uninterrupted – but only expeditiously this time around, without the additional pressure of international scrutiny, whose peripheral ramifications could potentially attract unintended consequences on economic development and the country's external trade relations.

Interpretation from Portuguese: **Government member, Angola** – The Government of the Republic of Angola, on behalf of all **Southern African Development Community (SADC) Member States**, and in its capacity as the Chairperson of the SADC employment and labour sector, takes note of the issues brought to the attention of the Committee concerning the application by the Kingdom of Eswatini of the Convention.

As the Committee is aware, the SADC has a very vibrant and robust tripartite structure within which governments and social partners deliberate on a range of employment and labour issues, including the implementation of international labour standards at country level. We are pleased to inform the Committee that this mechanism has consistently been utilized to deliberate on all issues of interest to our tripartite constituents, including finding solutions to contentious issues.

In this context, during the SADC Ministers of Employment and Labour and Social Partners meeting held in March 2024 in the Republic of Angola, the Government of the Kingdom of Eswatini informed the tripartite constituents of the steps being taken through dialogue at the country level to address various issues of concern to workers relating to the Convention. The Government also made a commitment to work very closely with the regional trade union organization in the SADC, the Southern Africa Trade Union Coordination Council (SATUCC, to address these issues.

We are very encouraged by the Kingdom of Eswatini's response to the Committee. It has reiterated its continuing willingness to receive technical assistance from the ILO and to work with the ILO supervisory bodies to fully meet its obligations under the Convention.

We urge the Committee, therefore, to recognize the commitment and strides made by the Kingdom of Eswatini and hereby request the Office to continue strengthening the capacity of the constituents in the country and at the regional level to resolve any outstanding issues of concern through social dialogue.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia**, the **Republic of Moldova** and **Ukraine** and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

We are deeply concerned about the serious allegations regarding the deteriorating state of trade union rights, the excessive violence of the police forces against gatherings and marches organized by trade unions, the persecution, harassment and death threats against union leaders, and the murder in January 2023 of Mr Thulani Maseko, a human rights and trade union rights defender. We recall that the rights of workers' and employers' organizations can

only be exercised in a climate free of violence, threats and pressure. We underline the importance of investigations and appropriate convictions in order to combat impunity and we ask the Government to report on these issues. We echo the request of the Committee of Experts to the Government to provide copies of the court decisions against the five public transport workers charged with assault, as well as information on the outcome of the police investigations.

We also note with deep concern the serious allegations of violations of trade union rights in the education sector. Alongside the Committee of Experts, we request the Government to provide comments about the acts, denounced by trade unions, of anti-union discrimination, harassment and death threats towards Mr Mbongwa Dlamini, President of SNAT, now in hiding outside of Eswatini, and the threats against the Secretary-General, Mr Lot Mduduzi Vilakati.

We note that the alleged Government actions to weaken SNAT are understood by the trade unions as leading to increased intimidation, a decrease in SNAT membership, an increase in conflicts and grievances in schools, incapacitated leadership leading to a fear of assuming union positions, and low turnout in union activities. Therefore, we urge the Government to indicate any measures taken to enable SNAT to develop its activities in the education sector without threats against its leadership or interference and to provide information about the present status of Mr Mbongwa Dlamini.

We are concerned about the information from trade unions on suspension of the laws regulating gatherings by an administrative order of October 2021 of the Ministry of Housing and Urban Development, which extended the ban on demonstrations, marches and petition deliveries and we regret that trade union gatherings remain banned in Eswatini. We urge the Government to take all necessary measures to ensure, in law and in practice, that representative organizations fully enjoy the right to hold public meetings, and therefore to repeal any text limiting considerably the possibilities of representative organizations to hold large-scale public meetings.

We welcome the ILO technical assistance provided to the Government regarding police violence against industrial actions. While we acknowledge the tangible measures taken by the Government in 2022 and 2023, we expect the Government to take additional measures without delay, in consultation with the social partners, for the dissemination of codes of good practice so that trade union rights to engage in protest and industrial action are indeed protected, both in law and practice. We encourage further technical assistance from the ILO in this regard.

We request the Government to report fully on the progress made and to provide information on violations identified and penalties imposed regarding disciplinary action against abuse of power by members of the police.

We note that a first technical mission took place in February 2024 and we encourage the Government to further engage with the ILO in order to address all the outstanding issues regarding freedom of association. The EU and its Member States will continue to closely monitor the situation in Eswatini.

Government member, Canada – I am speaking on behalf of **Canada** and the **United Kingdom of Great Britain and Northern Ireland**. We thank the Government of Eswatini for the recent information provided on the implementation of the Convention. We have been deeply concerned about reports of the deteriorating state of trade union rights and allegations of violence during gatherings and marches organized by trade unions. We were profoundly saddened by the loss of life of at least 43, and possibly more than 70 individuals, involved during civil unrest in 2021 and 2022, including members of the trade union movement, and

remain concerned that the deaths of most of those killed during this period are unresolved to this day. We were likewise shocked by the assassination of Mr Thulani Maseko, an advocate of peaceful engagement and protest. We are dismayed that no arrest in connection with the murder of Mr Maseko has been made to date, and we trust that the investigations currently under way are comprehensive, transparent and objective and will be concluded expeditiously. We are nevertheless encouraged by the Government's substantive recent cooperation with the ILO to address the past and present observations of the Committee of Experts and the Committee on Freedom of Association, including through technical assistance and several missions, and the recent development of a road map. We will give the road map our thorough consideration as soon as it becomes available.

To realize fully the recommendations of the Committee of Experts, as well as Eswatini's Independent Investigation Committee and National Voluntary Conciliation, we encourage the Government of Eswatini to develop further its engagement and dialogue with social partners, and continue its close collaboration with the Office, including by availing itself of additional technical assistance, in order to promote the trust and cooperation that will most effectively serve the interests of Eswatini.

We welcome the fact that the Government has already committed to supply information concerning several outstanding issues to the Committee of Experts in 2025. We sincerely hope that the Government's next report to the Committee of Experts will not only highlight the progress made in resolving long-standing disputes but also identify further steps to ensure that all workers and employers across the Kingdom of Eswatini may exercise the rights accorded to them under the Convention.

Government member, Zambia – As the Zambian Government is taking the floor for the first time since you started presiding over the affairs of this Committee, I wish to join the previous speakers in congratulating you on your election as Chairperson of this Committee that undoubtedly forms the bedrock of the effective regulatory mechanism for international labour standards. Zambia also wishes to extend its warmest regard to the entire Office.

The Government of the Republic of Zambia undoubtedly appreciates the fundamental role that the Committee of Experts continues to play in formulating its annual report which ultimately forms the basis for the sittings of this Committee. To that end, Zambia notes the information supplied by the Kingdom of Eswatini relating to the various observations and recommendations of the Committee of Experts on the Convention.

Zambia has also noted that the Kingdom of Eswatini had availed itself of, and is receiving, technical assistance from the ILO to address the recommendations contained in the report of the Independent Investigation Committee. Zambia has equally observed that the report of the Independent Investigation Committee, which was appointed to investigate the justification for the action of the police denounced by ITUC in relation to the industrial actions of 2018 and 2019, has not been examined by the Committee on Freedom of Association.

However, Zambia applauds the commitment by the Kingdom of Eswatini to develop, with the assistance of the ILO, a time-bound implementation plan aimed at ensuring effective implementation of the outcomes of the National Voluntary Conciliation process.

In essence, the efforts being made by Eswatini underscore its commitment towards upholding tripartism to enhance the protection of workers while acknowledging that there is scope to progressively resolve the challenges on implementation of ratified Conventions through home-grown solutions.

In conclusion, Zambia salutes these efforts and implores the ILO to continue to avail itself of the support requested in this regard.

Worker member, Nigeria – I take the floor to inform the Committee how the Public Order Act of 2017 is used to infringe trade union rights in Eswatini and that it should be reformed, as the Committee has agreed and concluded several times in the discussion of Eswatini.

The Public Order Act, 2017, is an Act which regulates the conduct of gatherings and is applied in a manner that impairs the exercise of rights guaranteed by the Convention. The Act purports to generally guarantee the right to assembly. However, it takes away, through various limitations, the exercise of that right. I will give an example. Section 3(1) guarantees the right of persons to gather. However, section 3(2) prohibits a gathering in any building in which a national or local representative organ of State is situated or within a 100-meter radius of such a building, unless written permission has been obtained from a Principal Magistrate. A national or local representative organ of State is not defined: it is left to the discretion of the police.

The National Commissioner of Police and the municipal councils command arbitrary powers to disallow public gatherings under the veil that the workers and people's gathering will compromise peace, order and security.

Under section 9(2) of the Act; the Commissioner of Police is given the powers to prohibit an intended gathering, whether or not such a gathering is in compliance with this Act, if the National Commissioner has reason to believe that the gathering will endanger the maintenance of public order and public safety. This is the provision most often used by the police to prohibit trade union gatherings, as the police would not even give the reasons for their belief that public order and safety would be compromised, as they would claim that issues of security are not for public consumption and not subject to discussion.

Despite the fact that section 9(9) requires the police to provide reasons for their prohibition of a gathering, this has never happened since the enactment of the Act in 2017. All the prohibitions of gatherings were carried out arbitrarily, with impunity and most unfortunately with violence to the always peacefully gathered workers.

In our country, Nigeria, any known entity, including trade unions, that wants to organize a civil gathering, simply has to inform the relevant agencies, including the police, who are required to provide security to protect the crowd and the process. Of course, this situation in Nigeria was won through sustained dialogue and demand for reform to rid the country of colonial and autocratic rules and practices that gag and undermine citizens' participation in democracy and governance. We urge the Eswatini Government to genuinely commit to the reform of the Public Order Act 2017.

Government member, Mozambique – It is our understanding that the Government of the Kingdom of Eswatini has already been requested by the Committee of Experts to report out of cycle in respect of this Convention, with the expectation of submitting responses to the Committee's comments in 2025. The Government is committed to providing this information within the stipulated deadline, which shows the Government's commitment to fulfilling its obligations in this regard.

The report of the Independent Investigation Committee on the police action denounced by ITUC regarding industrial actions has not yet been examined. It would be reasonable to wait for its analysis to allow us to reach firm conclusions about the situation in the Kingdom of Eswatini. Even before that, the Government and TUCOSWA are committed to include the recommendations of that report into the implementation plan that is being developed to implement the outcomes of the National Voluntary Conciliation report.

According to the information provided, the Government has already availed itself of, and is receiving, technical assistance from the ILO to implement the recommendations of the Independent Investigation Committee and the National Voluntary Conciliation process by developing an implementation plan with defined deadlines. The ILO's first technical mission took place from 22 to 23 February 2024, resulting in an initial technical mission report and a table of recommendations delivered to the Government and TUCOSWA on 2 May 2024.

The Government and TUCOSWA show that they are committed to discussing the report of the technical mission after the Conference, leading us to understand that the steps taken by the Kingdom of Eswatini go towards openness and commitment in fulfilling their obligations.

Furthermore, the Kingdom of Eswatini at the level of the SADC region demonstrates the opening of social dialogue with the Southern Africa Trade Union Coordination Council (SATUCC) on labour issues and their commitment to the implementation of international labour standards.

Finally, we understand that the Kingdom of Eswatini is committed to continuing to work with the ILO and all social partners to implement the recommendations made by national bodies and the Committee of Experts, whose progress will be reported in 2025, as was made known to us.

Worker member, Costa Rica – The case concerns violations of Convention No. 87 in Eswatini, which as we know is one of the fundamental Conventions of the ILO, establishing fundamental rights and principles, which are minimum values applicable and enforceable for all countries regardless of their level of development.

The Committee of Experts has previously reported on this case, including observations by ITUC, TUCOSWA and global unions, denouncing the use of various forms of violence by the Eswatini security forces against peaceful trade union protests in 2018 and 2019, including threats, arrests, beatings, shootings, intimidation of trade union leaders and the refusal of enterprises to recognize trade union activity.

The detail of the cases of violence is truly overwhelming.

Previous reports indicate that the Government has set up an Investigation Committee to address the situation of police violence, and has developed specific regulations to reduce violence by the police force.

However, the current report of the Committee of Experts reiterates the many observations received from national and international trade union organizations, which highlight the alarming increase in violence and repression against various trade union leaders and demonstrators.

Worryingly, they indicate that between 2022 and 2023, police repression led to the deaths of more than 80 people during protests demanding democracy and better wages.

The report refers to the murder of Mr Thulani Maseko, a human rights and trade union lawyer, who was brutally shot dead on 23 January 2023 at his home. To date, no one has been arrested in connection with his murder, thus highlighting a high degree of impunity.

Other trade union leaders have also been intimidated through death threats and harassment, including Mr Mbongwa Dlamini, President of SNAT.

Most alarmingly, however, the Government's response to the serious acts of violence mentioned is that they were in response to riots and looting that have reportedly been ongoing

since June 2021. According to the Government, the police used the minimum amount of force necessary to restore order during the protests.

The seriousness is such that it affects the rule of law and basic human rights guarantees. This is a case of extreme and serious violations of the Convention and of human rights in general by the Government of Eswatini. In conclusion, it is hard to imagine in this Committee a case of such disregard for human and trade union rights, and urgent measures are required to prevent this truly chaotic situation from continuing.

Government member, Malawi – Malawi has taken note of the information provided by the Kingdom of Eswatini on the efforts being made regarding the implementation of the provisions of the Convention. We note the tremendous efforts by the Kingdom of Eswatini relating to legal reforms and the voluntary reconciliation process aimed at resolving the issues at hand, after the appearance in the Committee on the same Convention in 2016.

Malawi would like to applaud the ILO for providing technical assistance to Eswatini to ensure that the recommendations made by the Committee on Freedom of Association and the 2016 conclusions of the case made by this Committee are implemented.

However, we feel that the Kingdom of Eswatini and its social partners should have been given adequate time following the submission of the mission report in May 2024 to implement the recommendations made through the time-bound road map.

Worker member, Ghana – I take the floor to address the grave violations of human and trade union rights in Eswatini, with a Government that has been systematically dismantling the Convention. The persecution and excessive violence against unionists and activists have reached a critical level, particularly in the years 2018 to 2023. It is reported that more than 80 individuals have lost their lives due to police crackdowns on protests demanding democracy and fair wages.

What I see in this matter is an entrenched systematic culture of violence and impunity promoted by the Government of Eswatini. I say this because this is not the first or second time that Eswatini has appeared before the Committee. The records of the Committee show that this is the 16th time Eswatini is under discussion for the same Convention.

This Committee is not the only one that has been making interventions: several governments, human rights organizations and the SADC's Extra-Ordinary Organ Troika Summit of Heads of State and Government on 31 January 2023 condemned all killings and damage to property in the Kingdom of Eswatini and urged the Government of the Kingdom of Eswatini to urgently initiate the process of the national dialogue and urged all stakeholders in the Kingdom of Eswatini to remain calm and participate peacefully in the national dialogue. We have not heard of any meaningful dialogue so far.

The African Commission on Human and Peoples' Rights, in its resolution of 11 June 2023, "calls on the Government of the Kingdom of Eswatini to refrain from any form of victimization, harassment, intimidation and targeting of human rights defenders, political parties, protesters, pro-democracy leaders and campaigners through the arbitrary use of the police and security forces".

The Government has attempted to justify its actions by claiming that the protests were not peaceful, citing incidents of looting and arson. However, these justifications fly in the face of the overwhelming evidence of disproportionate and brutal responses by state forces. The so-called "minimum force" applied has resulted in the loss of lives and severe injuries, far beyond what can be considered justifiable.

In conclusion, I passionately implore the Committee to hold the Government of Eswatini accountable and ensure that it adheres to its international obligations under the Convention. I hope that this is the last time we will have an Eswatini case on the Committee and hope to see a democratic and prosperous Eswatini.

Government member, Namibia – My delegation has taken note of the Committee’s report and information provided by the Government of Eswatini. The Government’s commitment to give effect to the recommendations of the Committee of 2016 is noted. To this end, most of the recommendations of the Committee have been implemented and resulted in the amendment of several pieces of legislation to conform with both Conventions Nos 87 and 98.

The Memorandum of Technical Comments was submitted towards the end of 2023 by the ILO on the Industrial Relations Amendment Bill. The Government of Eswatini, through its social dialogue institution, namely the Labour Advisory Board, has commenced discussions on the ILO Memorandum of Technical Comments. We have confidence that the outcome in this regard will be communicated to the Committee of Experts within the deadline provided for by the Committee.

As part of its effort to ensure that trade unions render service to their members, the Government accorded preferential treatment to the public sector union, namely SNAT, for its Executive Secretary to be seconded on a full-time basis in the office of the union for the duration of his or her term.

The incidents that occurred from June 2021 to 2023 resulted in the brutal killing of civilians, a senior prince from the royal family, police officers, and traditional leaders, including Mr Thulani Maseko, a human rights lawyer. We commend the Government’s determination to ensure ongoing credible and transparent investigations and that arrests are continuing to be made of the perpetrators.

In conclusion, Namibia appreciates the continuing efforts and concrete measures made by the Government to implement the recommendations of the Independent Investigation Committee and the National Voluntary Conciliation report and trusts that the Government of Eswatini will provide a progress report to the Committee of Experts in 2025.

Interpretation from German: **Worker member, Germany** – I speak for the German trade unions. Our colleague, Thulani Maseko, was killed. He was a lawyer who worked actively for the rule of law and democracy. He defended TUCOSWA against the State when the registration was withdrawn by the authorities. When he was killed, he was a Chairperson of the Multi-Stakeholder Forum, which sought to set itself the task of common discourse for positive change in Eswatini. On 21 January 2023, Thulani Maseko was brutally killed. He was shot in his very own house right in front of his wife and children. In the hours before the death, the King of Eswatini declared, and I quote, that “critics should not complain if mercenaries then killed them”. The African Union, the SADC, the European Parliament, and the High Commissioner for Human Rights of the United Nations all together vehemently condemned the cowardly killing of Thulani Maseko, and the death has still not been clarified today. To date, no one has been brought to justice. Quite the opposite has happened. His widow, Tanele Maseko, is being defamed and harassed by the state authorities. The killing of Thulani Maseko is a clear example of the wave of state violence; it is a case of the daily violence. In the last two years, more than 80 people have been the victims of brutal crackdowns by the police, and only because they fought for democracy and living wages for their colleagues. Particularly horrific on this note was the attack against a bus of activists with tear gas. Those who sought to escape were shot with live ammunition. Countless trade unionists have had to leave the country and, to date, live

in exile. Trade union rights are human rights. Those who fight for legitimate wages should never be met with violence. The Committee of Experts explicitly states in its report that a climate free of violence and threats and pressure – this is a prerequisite for the Convention and social dialogue.

We call on the Government of Eswatini to stop violations of the right of workers to organize. There must be an end to the violence and the repression. Furthermore, we call on the Government to conduct an independent, transparent investigation into the murder of Thulani Maseko. And finally, we ask that the Government seriously undertake dialogue with the various social partners in Eswatini to create a peaceful climate and find common solutions.

Government member, Zimbabwe – We align ourselves with the statement delivered by Angola on behalf of the SADC. Zimbabwe has followed the discussion on the application of the Convention by the Kingdom of Eswatini. We take note of the information provided by the Government and the submissions of both the Employers and Workers that have been made today. Zimbabwe welcomes the progress that has been reported and would like to encourage the continuation of sustainable dialogue in respect of areas that still need to be addressed. This is in view of the fact that the SADC, Ministers of Employment and Labour Sector (ELS) and the social partners received an update on the case of Eswatini in respect of its application of the Convention at its annual meeting in April this year, held in Lubango, Angola. The SADC ELS urged the tripartite partners to continue working together for the resolution of outstanding issues, with the engagement of the regional body of workers, the Southern Africa Trade Union Coordination Council (SATUCC). At the same meeting, ministers and social partners noted that SATUCC is committed to continue working with governments and employers' organizations and it is in this same spirit that we encourage the continuation of social dialogue.

It is Zimbabwe's considered view that the tripartite partners should be afforded an opportunity to implement the outstanding issues that have been raised by the ILO supervisory bodies. We take note of the development of a road map for the implementation of these recommendations and call on the ILO to deepen its support to Eswatini. The tripartite partners should be allowed time to engage and collectively work on solutions to the challenges being faced.

Worker member, United Kingdom – I also speak on behalf of Dutch trade unions. Going back through the comments on Eswatini of both the Committee of Experts and this Committee over the years, I reached 2014 before I found one that did not express concern over violence against trade unionists. Five times since then, including this year, violent repression of trade union activities has been at the heart of Eswatini's egregious failures on the Convention. And, with deep concern, I note the situation is getting worse, not better.

In 2015 the Committee called for the release from prison of Thulani Maseko, a lawyer for the Eswatini trade union congress, TUCOSWA. Those of us who believe firmly in the positive influence of the Committee can only be dismayed by the news in this year's report of his horrific murder in 2023 and the lack of any prosecution. Mr Maseko was not alone. For example, police violently dispersed a peaceful protest at Luyengo, and in the process shot and killed Mr Sabelo Dlamini, leading to questions in the Parliament of the United Kingdom as to whether Eswatini was fit to be a member of the Commonwealth.

Torture and brutality are likewise tools of the State. As we have heard, police shot tear-gas canisters into a bus carrying workers to a protest, forcing the workers to jump out the windows to escape the gas, a hazardous process compounded by the police shooting at them with rubber bullets and hitting them with batons as they did so. Workers from the agricultural union SAPAWU, also heading to a protest, had their bus waylaid by army personnel, and were

forced to drive to a secluded area where the 50 workers were then viciously beaten with sticks and sjamboks – a kind of heavy leather whip. As they were brutalized, they were forced to denounce their own trade union federation.

In 2021, following a Government attempt to stop the union gathering to deliver petitions to the Prime Minister, the Chair of TUCOSWA's youth federation was assaulted in public by the police for wearing a union t-shirt, leaving him hospitalized. The police later charged him for, according to reports, singing an inciting song.

As one goes further back in the Committee records, the Committee of Experts' concerns about violence resume. It is a persistent and appalling reflex by an authoritarian State by which the very existence of independent trade unions appears to be treated as an affront to be violently challenged. But as the 2012 report notes, the "rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations."

Eswatini has been falling woefully short of this standard for years and seems as far away from compliance as it has ever been. I hope the Committee can finally convince the authorities to take their responsibilities seriously as members of this house and act in both law and practice to free trade unionists from the threat of violence.

Government member, United States of America – We thank the Government of Eswatini for providing additional information to this Committee in response to the recent observations of the Committee of Experts.

The United States is deeply concerned by the reports of violence, persecution, harassment and death threats against independent trade unionists. We are particularly concerned by the excessive use of force against gatherings and marches organized by trade unions, and we reiterate our call for transparent investigations into the 2023 killing of Mr Thulani Maseko, a human rights and trade union rights defender. We regrettably note Government inaction in cases where investigations concluded abuse against trade unionists.

We urge the Government to ensure that authorities charged with maintaining law and order receive adequate instructions on the proportional use of force to manage public gatherings. We also urge the Government to conduct investigations on reported trade union violence in an independent and credible manner.

We acknowledge the tangible measures taken by the Government in 2022 and 2023 to investigate the matters previously raised by the unions and to seek corrective measures. We particularly note the creation of the National Voluntary Conciliation process that was adopted by the Government and TUCOSWA, and the ongoing ILO technical assistance. We urge the Government to engage with the ILO and to fully implement the recommendations made by the ILO technical mission.

The United States remains committed to engaging with the Government to advance workers' rights in Eswatini.

Worker member, Senegal – I am speaking on behalf of the workers of West Africa. We commend the quality and relevance of the work of the Committee of Experts. We have also noted the replies of the Government of Eswatini. However, we express our bitterness and deep concern about the deteriorating situation of trade union rights in Eswatini, particularly with regard to freedom of association.

We have noted several cases of violations of freedom of association and, unfortunately, the Government has not taken any tangible or appropriate measures to remedy this troubling

situation. On the contrary, measures are regularly taken to weaken the trade union movement. Some examples include:

- the increase in cases of excessive persecution and violence against trade union officials;
- impeding the exercise of freedom of association by refusing to admit new members recruited by SNAT;
- the dismissal of Mbongwa Dlamini, President of SNAT, from his teaching post;
- the forced exile of Sticks Nkambule, Secretary-General of SWATCAWU;
- On 30 August 2023, tear-gas canisters and rubber bullets were fired at a peaceful gathering of a number of members of the Swaziland Nurses Association, who were calling for high-quality public healthcare.

This violence is compounded by smear campaigns against trade unions and bans on trade union and civil society demonstrations. The situation with regard to trade union rights is of great concern and requires urgent and tangible measures. We urge the Government of Eswatini to respect, in law and practice, the obligations arising from the ratification of this Convention, in particular by:

- ending persecution and violence against trade union leaders and their members;
- recognizing in practice the freedom of workers to join the trade union of their own choosing;
- reinstating members removed from union registers;
- authorizing trade union demonstrations;
- respecting and protecting freedom of expression and association; and
- establishing genuine social dialogue with the social partners to promote peace, social harmony and socio-economic development.

Government member, Cameroon – Cameroon notes the Committee of Experts' report, particularly the comments made on the case of Eswatini concerning the application of the Convention.

The Government of Eswatini has taken a number of conciliation and appeasement measures with the national trade union organizations. A National Voluntary Conciliation process, agreed on 15 September 2023 by the Government and TUCOSWA, has been established and is under way. The Government has requested, and is already receiving, ILO technical assistance to implement the recommendations contained in the report of the Independent Investigation Committee set up to examine the justification for the police action denounced by ITUC in relation to the industrial actions of 2018 and 2019 and to implement the recommendations contained in the report of the National Voluntary Conciliation committee, which the Government and TUCOSWA agreed to implement last year with the aim of resolving a number of complaints made to the Committee on Freedom of Association by TUCOSWA.

The ILO's technical assistance involves the preparation of a time-bound implementation plan. This plan is steered by a monitoring and evaluation mechanism, and is intended to ensure the implementation of the recommendations of the National Voluntary Conciliation process and to follow up on the reports of the national bodies and the comments of the Committee of Experts adopted during the examination, in November 2023, of the country's reports under article 22. The Government's commitment and spirit of conciliation are to be commended.

A technical mission comprising four ILO experts visited the Kingdom of Eswatini in February 2024 and produced a report with a table of recommendations which was submitted to the Government and TUCOSWA on 2 May 2024. In its report, the mission indicates that it is convinced that the road map for the follow-up of the national bodies' reports, drawn up in relation to the submitted complaints, will be useful to the Government and stakeholders in taking ownership of the policy and regulatory reforms. The mission is also of the opinion that monitoring progress in compliance with ratified international labour standards will enable all stakeholders to better understand the links between these reforms and the comments made by the ILO's supervisory mechanisms.

A second technical mission is planned, involving a broader participatory approach. The Government takes into account the findings of the Independent Investigation Committee and is committed to their full implementation. Furthermore, the National Voluntary Conciliation process is chaired by a senior judge of the Industrial Court of Appeal, who was selected by mutual agreement of the parties. The Kingdom has requested and is already benefiting from ILO technical assistance. In this regard, the ILO would like to ensure that social dialogue is safeguarded through continued mediation between the parties.

Cameroon appreciates the Government's commitment to social justice and invites all parties concerned to give Eswatini the opportunity to implement the recommendations made by the national authorities.

Worker member, Norway – I am speaking on behalf of the trade unions in the Nordic countries. The report from the Committee of Experts once again raises strong criticism of the authorities in Eswatini. This is in line with the convincing and severe facts presented by many other credible sources and institutions on workers' rights in the country.

I find it appropriate to mention that, in the annual ITUC Global Rights Index of 2023, Eswatini was categorized as one of the world's worst countries in terms of workers' rights. On Wednesday, the ITUC report for 2024 will be released, and it will not be surprising if Eswatini is once again high on the list of countries with serious violations of fundamental rights for workers. The report of the Committee of Experts provides a detailed review of grave violations of the Convention. We find it extremely worrying that trade union activists have been killed. This is simply unacceptable. We all have a responsibility to act.

From the Nordic side, we would like to highlight the challenges facing women who are engaged in trade union work. Women involved in trade union work experience high levels of violence and other forms of intimidation and threats. This requires an immediate and effective response by the Government. We demand that the Government place the issue high up on their agenda in deeds, not just words, and provide sufficient resources to implement laws and policies that seek to guarantee the safety of women engaged in union activities. We also encourage the authorities in Eswatini to seek inspiration from other countries where gender-balanced and well-functioning tripartite cooperation contributes to economic prosperity and social security for all.

Our call is clear. We appeal for an immediate end to all forms of repression against trade union leaders, men and women alike. We ask that the authorities immediately respect the ILO's Conventions. And we demand that the authorities contribute to the protection of all the brave women involved in trade union work in Eswatini.

Worker member, Botswana – I am speaking on behalf of the workers in Botswana (the Botswana Federation of Trade Unions (BFTU) and the Botswana Federation of Public, Private & Parastatal Sector Unions (BOFEPUSU)). As the report of the Committee of Experts states, the

events unfolding in Eswatini have been noted with great concern. For us as the workers of Botswana, we have noted and observed these events with great sadness. Any State that calls itself a democratic State must guarantee its citizens an environment that respects human rights, fundamental freedoms and in which the will of the people is freely exercised. This, unfortunately, is not what we see in Eswatini. The continued repression of workers' rights to associate and express themselves is a cause for concern. The persecution and murders of trade unionists and the excessive violence against strikers that increased in 2022 and 2023, with allegedly more than 80 people reported to have lost their lives because of police crackdowns on protests that demanded democracy and wage increases can never and should never be left unchallenged.

We can never speak of democracy and leave out justice, as it is a key principle in a democratic society. The brutal killing of Thulani Maseko, where to date no arrest has been made, is a clear example of a lack of justice in society. There is no justice for Thulani Maseko as a victim of murder and, most importantly, there is no justice for his wife who remains with the trauma and no closure. Justice for Thulani is what we must demand and we hereby do so, from the Government of Eswatini. And this justice, we couple it with the demand for accountability.

The ILO Committee on Freedom of Association has held on many occasions that a system of democracy is fundamental for the free exercise of trade union rights. Furthermore, the Committee emphasized the importance of the principle affirmed in 1970 by the International Conference in its resolution concerning trade union rights and their relation to civil liberties, which recognizes that the rights conferred upon workers' and employers' organizations must be based on respect for those civil liberties which have been enunciated in particular in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, and that the absence of these civil liberties removes all meaning from the concept of trade union rights. It cannot be correct and acceptable that in a democratic society, in the twenty-first century, there could be people in exile for fear of arrest just for having divergent views with the ruling elite.

We call on the Government of Eswatini to guarantee and restore the rights of workers in that country, allow them the freedom to associate and, most profoundly, allow them to respectfully have divergent views from those of their Government where such arises. That is what democracy is all about and that is how social justice can be achieved.

Observer, International Transport Workers' Federation (ITF) – I was sitting just a few rows behind from here when the Committee examined this case in 2015. I can still remember the impassioned plea to our Committee by Thulani Maseko's wife calling for the release of her husband, the renowned trade union and human rights lawyer, who had been sentenced to a two-year prison term simply for having criticized the injustice a worker had faced through the judiciary. That year, the Committee unambiguously called on the Government to unconditionally release Mr Maseko who had merely exercised his rights to freedom of speech and expression. Mr Maseko was subsequently released, but only after he completed his entire sentence. Chairperson, as you have already heard, Mr Maseko is no more. He was brutally shot at his home last year. As we mourn Mr Maseko's death, it is our duty to continue his fight for the protection of the right to freedom of association in Eswatini.

On 12 and 13 December 2022, the ITF-affiliated SWATCAWU called a "job stay-away", with demands to improve working conditions and the release of jailed political leaders. A few weeks later, on 28 December 2022, Mr Sticks Nkambule, the Secretary-General of the union survived an assassination attempt. No perpetrators have yet been identified. On 29 December 2022, a

team of heavily armed state forces led a militia-style raid on his home and village, but Mr Nkambule was able to evade the ambush, and has been forced to remain in exile since. These are the reasons he was forced to flee. On 11 January 2023, Mr Nkambule was declared a “wanted person” in a spurious contempt of court charge. Since his forced exile, the SWATCAWU union office has come under constant surveillance. Armed police regularly enter the premises.

We have also received reports of state security personnel entering bus terminals with a view to conducting surveillance on trade union members. This is no way for trade unionists to conduct their activities in full freedom.

Just as the previous speaker did, I also have to recall the International Labour Conference resolution from 54 years ago. Indeed, the absence of these civil liberties removes all meaning from the concept of trade union rights protected under the Convention.

The Government of Eswatini must refrain from the violent treatment and harassment, including judicial harassment, of trade unionists. The Government must release, quash convictions and drop all charges against individuals, including Mr Nkambule, for having exercised legitimate trade union activities.

Observer, Education International (EI) – I am speaking on behalf of SNAT. The President of SNAT, Mr Mbongwa Dlamini, whose name has already been mentioned a number of times, should have been speaking here this evening. Unfortunately, despite submitting a request at the beginning of May, he was not granted a visa to come and explain to the Committee the plan to destroy SNAT, a democratic trade union. The anti-union harassment of Mbongwa Dlamini and Secretary-General Lot Vilakati is widely mentioned in the Committee of Experts’ report. Mbongwa Dlamini has been subjected to harassment since he became involved in the union in 2016, and particularly since he became president of SNAT in 2018. On 21 September 2022, his teaching salary was withdrawn. The disciplinary measure mentioned by the Minister concerns an absence authorized by the school’s management to take part in lawful union activity. Despite a positive decision by the Industrial Court on 8 May 2023, Mr Dlamini has not been reinstated as a teacher and has not received his back pay. The authorities have disregarded the court ruling. Worse still, on 30 August 2023, he was dismissed by the Teaching Service Commission. On 21 March, the Eswatini Industrial Court ruled in favour of the teacher-unionist. The authorities are therefore refusing to follow two court rulings in favour of the trade unionist, and have even lodged an appeal.

A number of speakers have also referred to Mbongwa Dlamini’s forced temporary exile in 2023 due to a threat to his physical integrity when the authorities mounted a smear campaign against the teachers’ union. Since his rapid return to the country, the authorities have refused to allow the SNAT President to meet anyone from the Ministry of Education, the Ministry of Public Services or the Teaching Service Commission. He is also prohibited from taking part in the joint negotiating forum.

After petitioning the Ministry for the reinstatement of the SNAT President, Secretary-General Lot Vilakati received a letter from the Ministry of Education threatening to cancel his union leave.

Harassment of union leaders, smear campaigns against the union in the media, refusing to register new members, pressure on temporary teachers of not renewing their contracts if they join the union and refusing to increase union dues: that is how the authorities are weakening a union that was negotiating for its members in a difficult context. Despite a steep

decline in membership from 14,500 to 10,800 teachers, SNAT continues to work for democracy and workers' rights in Eswatini.

Observer, IndustriALL Global Union (IndustriALL) – My organization represents two unions from Eswatini, namely ATUSWA and SESMAWU, which organize thousands of workers in the energy, mining, textile, and garment sectors. IndustriALL remains deeply concerned about ongoing violations of freedom of association and other fundamental trade union rights in the country. Some employers are not honouring recognition agreements with trade unions, despite unions fulfilling legal membership requirements. Workers are being denied their lawful right to form and join trade unions, the right to peaceful assembly and protest is being undermined; and workers are being terminated unfairly.

Trade union leaders face huge challenges. Former SESMAWU Secretary-General, Ms Maureen Nkambule, for example, was unfairly terminated from a state-owned utility company. Ms Nkambule was initially suspended, together with other workers, and charged for organizing a strike. She challenged the suspension in the Industrial Court in 2021 and won the case. The Court ruled that the suspension was unfair because the employer failed to give her a fair hearing. However, she was again later dismissed, and is again taking the dismissal to the Industrial Court, which is yet to issue the court dates when the matter will be heard.

Another case is related to Mr Wander Mkhonza, the Secretary-General of ATUSWA. His house was petrol bombed in 2022 during a strike of textile and garment workers. Several workers were injured as the police used violence to disperse the workers. These actions were meant to intimidate and weaken the trade unions. However, the unions launched Industrial Court challenges and approached the Conciliation Mediation and Arbitration Commission to have their disputes with employers resolved.

In some instances, the employers used strategies to out-finance unions through delaying tactics and appeals to drag on court processes. This had the effect of depleting scarce union resources through legal fees.

Furthermore, the Government has used disproportionate force to disperse striking workers. Over 80 pro-democracy protesters, including workers, have also been killed by law enforcement agencies, while several were injured.

Therefore, IndustriALL calls on the Government of Eswatini to:

- respect and facilitate democratic spaces for the people of Eswatini to make their demands through protests;
- stop gross human rights violations and the use of excessive and lethal force against protestors by the police and the army;
- ensure law enforcement providing safety and security take place without harming or injuring unarmed civilians;
- facilitate an investigation into the death of civilians as demanded by trade unions and civil society organizations;
- respect and implement the recommendations of the Committee of Experts.

Observer, Building and Wood Workers' International (BWI) – In solidarity with our fellow trade unionists in Eswatini, we make this intervention to address the escalation of violence, persecution and murders of trade unionists and workers during their right to take industrial action and the state of the mentioned initiated conciliation process. The extreme development has continued despite the clear recommendations made by the Committee on

Freedom of Association regarding Case No. 3425 of 2022. These include, among others, establishing a National Voluntary Conciliation process.

Unfortunately, when the conciliation process was held between February and July 2023, the Government showed a lack of both will and commitment to the process. Despite 15 issues being agreed upon and referred to the relevant Government bodies for resolution, one year after the referral, there has been no resolution of any of the identified issues.

We want to underscore the importance of the conditions presented by this house as crucial for effective social dialogue and which also needs to be present for any conciliation process. This includes:

- the political will and commitment to engage in good faith in a dialogue on the part of all parties;
- strong, free, independent representative workers' and employers' organizations, together with trust, commitment and respect by the Government for the autonomy of these social partners.

The Committee on Freedom of Association has also established the principle that "the rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for the governments to ensure that this principle is respected".

The Government's attacks on the trade union and the ban on trade union gatherings are stark evidence that the necessary conditions for conciliation are absent in Eswatini.

We therefore support the Committee on Freedom of Association's call for the Government to take measures without delay that the trade unions' rights to engage in protest and take industrial actions are protected, both in law and in practice. We also want to reiterate the need for the Government to identify and impose penalties pursuant to violations of the national legislation on disciplinary actions against abuse of power by members of the police and security forces.

Chairperson – I invite now, the Government representative of Eswatini, the Minister of Labour and Social Security to make his concluding remarks.

Government representative – First of all, let me appreciate the words of support and encouragement that we have received. Many have spoken in support of what we have been trying to do as a Government, in trying to abide as much as possible, to the Convention which we have accordingly ratified.

In the same vein, let me express my dismay at the information that is appearing in some of the submissions that have been presented before the Committee. Let me just put on record that gatherings are open, they are not banned as some of the submissions have indicated, it is a pity that it appears workers do not want to seek permission when they want to meet from a number of 50 to above, because that is basically for their own protection and safety. This is what is contained in the Public Order Act, which was amended in 2017, amending a 1963 Order and it is in place. Its enforcement is to ensure that they are safe, their gatherings, well in order and they are all protected.

The case of Thulani Maseko has been highlighted here. Between 2021 to early 2023 we lost quite a number of people, including chiefs, including law enforcement officers. It is not just a secluded case to one trade union player. So, investigations are ongoing as the Government has been giving reports to that effect. It is unfortunate that some of those that

are very close to Mr Maseko, some close family members to the late lawyer, are evasive with information, which is one of the reasons why they are taking too long for this case to be concluded. But nonetheless, it is an ongoing process. On behalf of the Government that may also extend open hands to the Committee to say, if it is possible, and if it pleases the Committee, a team of experts can be sent to the country to verify some of the serious allegations that have been raised here by some of the speakers.

As I am presenting before you today, not even one protester died in a protest action for wages as it has been mentioned. Not even one trade unionist is in jail as we speak today. Not even one trade unionist has been killed by the Government as of today. But nonetheless we are willing to accept teams which may come and verify some of these issues that have been raised here. There is the issue of Mr Sticks Nkambule – some people say that he is in exile. Mr Nkambule is in the country; his case is ongoing in court. Just last week, together with all public sector unions, we had a fruitful meeting with the Prime Minister, after meeting our office as the Minister of Labour executive on the ground.

And let me also mention that we just recently had celebrated May Day. We were invited by the trade unions, and the Government attended with the Prime Minister. Unfortunately, we could not be given a platform to engage with them and we were hurled at with stones and bottles. That is, well, the kind of reception that you sometimes receive when you try to engage, when you try to extend an olive branch. But nonetheless, let me also indicate that as Government, we are not aware of any assassination attempt on Mr Nkambule, as it has been mentioned here. We just know that there is a pending case before court, just to answer after defying a court order because we strongly believe that being a unionist does not mean you are immune to law. You have to respect court processes as a court order had been defied, that is why there is a case that is pending for him to answer.

The Government of the Kingdom of Eswatini is committed to ensuring that to work together with all our social partners in making sure that more especially for the Convention we are as compliant as possible. Let me also indicate that there have been a lot of talks and misconceptions in various forums about Eswatini. It is one country which I can probably say is democratic. I am a product of that democracy. I am elected directly by the people to which I am accountable to. It is my third term in office, and I am not ashamed to say it is a democratic country. Who can say they have the best democracy? In what form does it come? In different forms. We are one democratic State which is fully committed to ensuring that we are compliant with all laws which we have ratified as a country, just like the Convention. There have been allegations that the Government stopped remittance of trade union fees for SNAT members. We are the Ministry responsible for registration and deregistration. We have not made even a single attempt to that. The Committee is welcome to send a team to come and verify some of these serious allegations that have been put forth before it.

With regard to gatherings, they are open, and there is law and order for which those participating need to follow. There is no harassment of trade union activists. Some of the union leaders are part of political parties and they are political activists. During the unrest period, there were instances where political gatherings were hidden under the banner of unionism. It has been alleged that some workers were tear-gassed in the past, nothing of that sort happened. The Government or the police have never thrown tear gas to a bus full of workers. People were restricted to movement during that period due to COVID-19 regulations and to unrest restrictions. But some were defying the restrictions that were put in place. And unfortunately, the Government has some law enforcement agencies who work with them in trying to restore law and order, but it is no case against workers specifically.

In a nutshell, I just want to reiterate our commitment to ensuring that we work together with all our partners, there is a reconciliation process, a voluntary conciliation process, which is in progress. There is an implementation plan which we are working together with our partners which we are pleading that is given the room to get to its finality and then maybe if there are any underlying matters which need consideration, we can work on that. Yes, we agree there are some pending issues, one or two, which we have been working on with our social partners. So we are pleading with the Committee to please allow us time to conclude this process which you have allowed us to embark on and if there are any issues that will be raised, we are more than ready to sit down and engage and find lasting solutions. So that may be my presentation for now, and we are more than ready to receive any guidance from the Committee and any other players who have been assisting us over time, mainly the ILO, on all our issues.

Employer members – We take this opportunity to thank the representative of the Government of Eswatini for both the written and oral information shared with the Committee. We also thank all the speakers who took the floor for contributing to the discussion of this case.

Given the ongoing processes in the country, the Employers recommend that the Government to do the following in order to achieve conformity with the Convention:

- (1) Conclude the road map to implement the recommendations of the Independent Investigation Committee and the National Voluntary Conciliation processes.
- (2) Expedite the outstanding police investigations into the violence and killings that took place between 2021 and 2023.
- (3) In consultation with social partners, disseminate the codes of good practice and legislation to prevent violent confrontation during protests and industrial action to relevant stakeholders.
- (4) Submit all outstanding information to the Committee of Experts in 2025.

Worker members – We thank the Government of Eswatini for its participation and the information provided. We also thank all the delegates who took part in this discussion.

The Workers' group reiterates its deep concern at the increasing state repression and escalating physical violence and threats against workers and their representatives and the curtailment of democratic freedoms in the country.

We note that in September 2019, an Independent Investigation Committee was appointed to give effect to the recommendation of the Committee on Freedom of Association to initiate an independent investigation to determine the justification of the violent police crackdown against peaceful industrial actions, which had been denounced in September 2018 by TUCOSWA and ITUC. We take note of the recommendations of the Independent Investigation Committee, which include, inter alia, the provision of training activities for lower-ranked police officers, marshals, and the public at large on trade union rights and the handling of industrial actions.

We further note that the Government benefited from the technical assistance of the Office regarding the handling of industrial action and public gatherings organized by trade unions. In this context, the Government adopted and disseminated the code of good practice for industrial and protest actions and the code of good practice on gatherings, as a capacity-building strategy of the various stakeholders on how to manage industrial and protest actions, in order to minimize unwarranted confrontations between protestors and members of law enforcement. But given the increased violence of police and security forces during gatherings

and demonstrations organized by trade unions in recent years, we can only observe that the dissemination of these codes of good practice has had virtually no effect and that workers and trade unionists organizing or participating in gatherings are still at high risk of being beaten up and arbitrarily arrested.

Furthermore, we note that in the context of a complaint before the Committee on Freedom of Association submitted by TUCOSWA in 2022, the Government and the trade union agreed to voluntary conciliation, which occurred between February and July 2023. Despite this agreement, the Government has failed to engage in meaningful dialogue with the union and most of the issues raised by the union remain unresolved. Meanwhile, state attacks against TUCOSWA have continued.

The state of human and trade union rights in Eswatini is deeply worrying. We have submitted here today evidence of harassment and violence against trade unionists and a lack of engagement of the Government with trade unions. We urge the Government to respect its obligations under the Convention and abide by the observations and conclusions of the ILO supervisory bodies which so far have remained a dead letter.

We specifically urge the Government to take immediate measures to investigate, prosecute and convict the perpetrators and instigators of crimes against trade unionists, including the murder of Thulani Maseko.

We urge the Government to refrain from any acts of interference in the activities of trade unions, including TUCOSWA, SNAT and SWATCAWU, and to cease its anti-union smearing campaign.

We urge the Government to refrain from any acts of intimidation, harassment, threats or physical, violent attacks against trade union leaders and members, including the SNAT President and Secretary-General, Mbongwa Dlamini and Lot Mduduzi Vilakati.

The Government must guarantee the safe return home of all trade unionists living in exile, including the Secretary of SWATCAWU, Sticks Nkambule.

We urge the Government to remove all restrictions on trade union gatherings and protest actions. The Government must withdraw all criminal charges pending against trade unionists and workers arrested during these protests.

We urge the Government to adopt and implement effective measures to provide training to police and security forces, municipal councils and the judiciary on trade union rights and the peaceful handling of industrial actions.

We urge the Government to engage in meaningful dialogue with trade unions to address the pressing issues and violations they face.

We welcome the invitation that the Minister of the Government of Eswatini made to this Committee just now for a direct contacts mission. We request the Government to submit its full report on the measures taken to implement the Committee's conclusions and on all outstanding information requested by the Committee of Experts by 1 September 2024. Finally, we request this Committee to include its conclusions in a special paragraph of its report.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with deep concern the deteriorating state of public order and its negative impact on trade union rights in the country as well as a culture of impunity for the perpetrators of crimes against trade unionists.

Taking into account the discussion, the Committee urged the Government to take effective, urgent and time-bound measures to:

- refrain from the violent treatment, intimidation or harassment, including judicial harassment, of leaders and members of trade unions in the education sector conducting lawful trade union activities, including the Swaziland National Association of Teachers (SNAT) President and Secretary-General Messrs Mbongwa Dlamini and Lot Mduduzi Vilakati;
- release, quash convictions and drop all charges brought against individuals for having exercised lawful trade union activities and ensure the safe return home of all trade unionists living in exile, including the Secretary-General of the Swaziland Transport, Communication and Allied Workers' Union (SWATCAWU), Sticks Nkambule;
- conduct without delay independent investigations into: (i) alleged instances of intimidation, harassment or violence, including the murder of Mr Thulani Maseko and the persecution of Mr Mbongwa Dlamini, with a view to determining culpability and punishing the perpetrators and instigators of these crimes; and (ii) investigate violence and interference by the police in lawful, peaceful and legitimate trade union activities and hold accountable those responsible;
- ensure that employers' and workers' organizations, including the Trade Union Congress of Swaziland (TUCOSWA), the SNAT and the SWATCAWU, are given the autonomy and independence they need to fulfil their mandate and represent their members;
- repeal any administrative orders or legislative provisions that have the effect of prohibiting or restricting the right to freedom of assembly of trade unions and ensure in practice that trade unions fully enjoy the right to hold public meetings as enshrined in the Convention, including by training police and security forces, municipal councils and the judiciary; and
- address the findings of the Investigation Committee and the National Voluntary Conciliation and implement the planned sensitization campaign on the codes of practice in full consultation with the social partners and with the technical assistance of the ILO.

The Committee requested the Government to submit a detailed report on the measures taken and progress achieved with regard to the above recommendations, including all outstanding information requested by the Committee of Experts by 1 September 2024.

Government representative – Obviously at this stage it only remains for me to extend my wealth of appreciation to you, your Vice-Chairpersons and Madam Corinne Vargha, who represents the Director-General in the work of this Committee, for the courtesy which you reserved me. I have taken due note of the conclusions of your Committee, and I wish to state that the Government of Eswatini came here with a spirit of positively engaging with this Committee and demonstrate the bounds being made at a national level to implement the Convention. We are engaged with you in an honest conversation because we have ratified the Convention and must be soon to be implementing it. We are not in a fighting mode and shall

never be. We are therefore not resistant to the conclusions that your Committee has since deemed appropriate. I want to say, on record, that my Government accepts these conclusions and shall endeavour to implement them together with our social partners. We need them in this journey, and we plead for constructiveness and honesty with each other. We would like to avail ourselves of the Office's continued technical assistance which has already been provided for anyway.

Gambia (ratification: 2000)

Minimum Age Convention, 1973 (No. 138)

Discussion by the Committee

Chairperson – I invite the Government representative of Gambia, First Secretary of the Permanent Mission of the Republic of the Gambia to the United Nations Office and other international organizations in Geneva, to take the floor.

Government representative – Gambia has ratified Convention No. 138 which specifies a minimum age for admission to employment, setting it at 14 years. However, there are proposals put forward to bring it down to 12 years from other sectors. The ratification occurred on 4 September 2000, and the Convention is currently enforced in Gambia.

Additionally, Gambia ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), which addresses the worst forms of child labour, on 3 June 2003. These ratifications demonstrate Gambia's commitment to promoting decent work for young people and safeguarding their rights. Last year, the Ministry of Trade and Employment developed a child labour policy, followed by a cabinet information paper that will be subsequently presented at the National Assembly for consideration.

In our effort to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons, our Labour Act states that children under the age of 18 cannot work. They are only permitted to do light work.

Gambia is making a lot of effort to ensure that children under the age of 18 are not engaged in employment. This has also been captured in our Children's Act.

The challenge that Gambia is facing concerns the domestic sector but, as part of the progressive measure to ensure that all sectors are protected, the Labour Act 2023 has covered the issue of domestic workers.

This has given the Government the opportunity to monitor children working in the domestic sector to ensure that they are not subjected to labour and sexual exploitation. These are the new developments regarding Gambia as we strive to ensure that we implement issues regarding the Convention. We hope to ensure that all efforts are undertaken to ensure the full implementation of this Convention, and we hope that we will be able to make all efforts to produce the highest possible impact, as far as Gambia is concerned.

Employer members – The objective of the Convention under discussion today is the effective abolition of child labour, which is understood as work that poses a danger to the health, safety or morals of children, or work that interferes with compulsory education or for which children are simply too young.

It is our duty to protect the rights of children and their well-being, and to protect them from child labour, and it is imperative for States to comply with this Convention which requires countries to set a minimum age for admission to employment and to establish national policies for the elimination of child labour.

Gambia ratified the Convention in 2000. The Committee of Experts made two observations on this case, in 2019 and 2023, and today is the first time that we are discussing in this Committee the application of the Convention by Gambia. We regret that the Government has not provided updated information on this case with regard to the application of the Convention in law and in practice.

The observations of the Committee of Experts indicate serious shortcomings in Gambia's compliance with the Convention which must be addressed.

Firstly, in relation to Article 2(3) on compulsory education, the Committee of Experts requested the Government to provide information on legal provisions on compulsory schooling in Gambia. To this end, the Government replied that, as part of the revision of the current Children's Act of 2005, a provision will be introduced to establish an age of completion of compulsory schooling that will be in line with the minimum age for admission to employment or work. However, this is a request that has been made since 2009, and the regulation has not been brought into line with the provisions of the Convention.

The Employer members echo the request of the Committee of Experts for the Government to adopt, without delay, measures to ensure that the revision of the Children's Act introduces compulsory schooling until the minimum age of admission to employment or work, of 14 years, in accordance with Article 2(3) of the Convention.

The Employer members wish to highlight here that education is key to eradicating child labour. It is well-known that compulsory education and child labour interventions are mutually reinforcing. Furthermore, there is a clear correlation between greater access to education and the reduction of the number of children engaged in work.

Secondly, the observations of the Committee of Experts concern Article 6 on vocational training and apprenticeship. The Employer members regret that, in practice, the issue of minimum age for admission to apprenticeship remains unresolved, insofar as the Labour Act still does not include it in sections 78 and 79 that regulate apprenticeship. This means that the minimum age for admission to apprenticeship is currently 12 years of age in the informal economy under sections 50 and 51 of the Children's Act, and that there is no minimum age for apprenticeship in the formal economy, pursuant to the Labour Act of 2007.

Child labour is work that undermines the well-being of children and jeopardizes their education, development and future livelihood. Two ILO Conventions – the Convention under discussion and Convention No. 182 – provide the framework for national legislation to establish clear limits on what is and is not acceptable. Not all work carried out by a person under the age of 18 is considered child labour. It is necessary to take into account not only age but also working conditions and type of work. Young people should be able to obtain decent work, but still need protection. The ILO, in its numerous investigations on child labour, has placed an emphasis on the prevalence of the engagement of children in work and its correlation with the minimum age for access to employment.

We consider that it is insufficient for the National Steering Committee on Child Labour to have made recommendations in this respect, as indicated by the Government, and that more effective action is required. The Employer members therefore support the request of the Committee of Experts for the Government to adopt the necessary measures to ensure the

establishment, by law, of a minimum age of admission to apprenticeship of at least 14 years, both in the formal and informal economy.

Thirdly, the Committee of Experts makes observations on Article 7 of the Convention with regard to light work. Article 7 of the Convention requires Governments to establish national laws regulating the engagement of children aged 13 to 15 years in light work. Light work for children aged 13 to 15 years is only permitted when it is not likely to be harmful to their health or development, and when it is not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes, approved by the competent authority or their capacity to benefit from the instruction received.

In reply to the request by the Committee of Experts, the Government once again stated that it would increase the minimum age for light work from 12 to 14 years in accordance with the forthcoming amendments to the Labour Bill and the Children's Bill. The Government also indicated that the forthcoming amendments would address types of activity, number of hours and conditions in which light work can be carried out.

The Employer members echo the Committee of Experts' request for the Government to adopt measures, without delay, to ensure that the revision of the Children's Bill and the Labour Bill introduces minimum standards on light work for children under the age of 14 years.

Lastly, with regard to Article 9(1) on penalties and labour inspection, the Employer members note the serious lack of staff and material resources to effectively conduct routine inspections, and the support provided by the ILO in terms of training and capacity-building for labour inspectors.

The Employer members echo the Committee of Experts and urge the Government to strengthen its measures to ensure that labour inspectors are properly trained and possess the necessary resources to detect cases of child labour. These measures, however, will not be sufficient, effective or sustainable if they are not implemented together with strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that drive or lead to the exploitation of children.

We are aware of the intense activity of the Office regarding the prevention and eradication of child labour. We encourage the Government to avail itself of ILO technical assistance in order to apply effective strategies to ensure compliance with the provisions of the Convention following timely and effective consultation with the social partners.

To conclude, we wish to point out that, in order to achieve target 8.7 of the Sustainable Development Goals on ending child labour in all its forms, it is necessary for all governments, employers' and workers' organizations, and the ILO itself, to continue to work conscientiously.

Worker members – Firstly, allow me to express my personal regret and the regret of this Committee's Worker members at the absence of the Workers' delegate from Gambia who, despite making a number of requests to the Government, never received a response regarding his accreditation and was therefore unable to take part in this important discussion. We cannot overemphasize the need to ensure the tripartite participation of delegations in the International Labour Conference in general and therefore in this important body, the Committee, in accordance with the provisions of the Constitution and the Standing Orders of the Conference.

Combating the economic exploitation of children is at the heart of the ILO's mandate. This has been a key concern of the ILO since its establishment. In 1919, the first standard governing the minimum age for admission to employment in industry was adopted. Over the years,

international standards on the minimum age have proliferated in a number of sectors. It was in 1973 that the Convention, intended to be cross-sectoral, was adopted.

This instrument calls on Member States to pursue a national policy designed to ensure the effective abolition of child labour. Establishing a minimum age for admission to employment implies:

- guaranteeing and ensuring that children are able to attend school;
- regulating the forms of economic activity in which they are permitted to engage; and
- protecting their health and safety.

This Convention enshrines the profound conviction of the ILO's constituents that childhood should be a period of life devoted to children's physical and mental development, not a period spent working at an early age.

Like virtually all of our Organization's Member States, Gambia has also ratified the Convention. The application of the Convention by Gambia was the subject of observations by the Committee of Experts in 2019 and 2023, but has been the subject of repeated direct requests since 2009. The case is now before our Committee.

According to ILO statistics, the proportion of children aged between 5 and 11 years engaged in economic activity was 17.3 per cent in 2018 in Gambia, or nearly one child in five. The proportion of children aged between 12 and 14 years engaged in economic activity was 12.8 per cent in 2018.

UNICEF's 2022 poverty report indicates that nine out of ten children live in poverty in Gambia. In addition, while article 30 of the Gambian Constitution recognizes the fundamental right of children to education, UNICEF figures indicate that only 78 per cent of children attend primary school. Although this rate is a sign of measured progress over the previous decade, the education system still has major bottlenecks that prevent it from providing high-quality service, according to the 2022 UNICEF report. Preschool education is underdeveloped, both in terms of curricula and in terms of laying a solid foundation for lifelong learning. In addition, more than 20 per cent of school age children are out of school.

There is undoubtedly a strong link between education and the minimum age for admission to employment. Depriving children of the opportunity for education and training severely damages their prospects and increases their likelihood of entering the world of work permanently and prematurely. Compulsory schooling is the most effective way of protecting children from the risk of child labour.

It is therefore essential that compulsory schooling is introduced at least until the minimum age for admission to employment. According to the Committee of Experts' report, the Government indicates that a provision setting an age of completion of compulsory schooling, aligned with the minimum age for admission to employment or work, will be introduced in the framework of the revision of the current Children's Act, 2005. We therefore understand that, up to now and since 2009, there has been no provision setting an age of completion of compulsory schooling. It is essential to bring Gambian legislation into line with the provisions of the Convention at the earliest opportunity.

In relation to apprenticeships, and while Article 6 of the Convention also provides that the minimum age for admission to apprenticeship is 14 years, it is regrettable to note, as pointed out by the Committee of Experts, the lack of harmonization of key provisions including those in the Children's Act, 2005, and the Labour Act. Sections 78 and 79 of the Labour Bill, which

regulate apprenticeships, do not set a minimum age for admission to apprenticeship. The same applies to sections 50 and 51 of the Children's Act, which set the minimum age for admission to apprenticeship at 12 years, but only in the informal economy, not in the formal economy, which causes confusion, especially as the minimum age set for the informal economy remains too low.

The Government indicates that the National Steering Committee on Child Labour has made recommendations to raise the minimum age for apprenticeships in the informal economy and to set it in the formal economy, and that the minimum age of admission to apprenticeship will be considered in the Labour Bill in parallel with the review of the Children's Act, with a view to aligning the provisions of the two laws. We trust that these reforms will be implemented quickly.

As regards light work, it is positive that the Government is planning to set the minimum age at 14 years and to determine the types of activities, the number of hours and the conditions in which light work may be undertaken by children. These details will be included in the Labour Bill and the Children's Bill. Once again, this is merely a stated intention by the Government, which should be acted upon without delay.

Article 9 of the Convention provides that the competent authority shall take all necessary measures, including appropriate penalties, to ensure the effective enforcement of the provisions of the Convention.

However, the Committee of Experts' report indicates that, according to the statistics communicated by the Government for the first quarter of 2022, the labour inspectorate conducted only seven inspections in the greater Banjul area and 28 inspections in the rest of the country, and did not conduct any inspections in the second quarter of 2022.

These are alarming figures, which can be explained by the glaring lack of staff and resources in the country's labour inspectorate. Under such conditions, it will be difficult to ensure the effective application of the law in the country if the labour inspectorate is so lacking in staff and resources.

The Government should make it a priority to strengthen the labour inspectorate in order to combat child labour more effectively in the country and ensure compliance with the Convention in practice. The Government itself acknowledges the need for further technical assistance in this regard, and we are confident that the Office will meet this request.

Government member, Switzerland – Education, through its essential role of transferring knowledge and skills, contributes to the personal and professional development of every individual. This is especially true for young children.

Switzerland therefore notes with interest the information provided by the Government that legislative revisions are under way to bring the minimum age of completion of compulsory schooling into line with the minimum age for admission to employment, as defined by the Gambian authorities, at 14 years. As regards light work, the Government should define, in consultation with the social partners, the conditions under which such work may be carried out.

In view of the many forthcoming legislative changes, Switzerland requests the Government to provide the Committee of Experts with information on the new laws adopted in a timely manner. To ensure that these legislative reforms are applied effectively and have a tangible impact in combating child labour, the labour inspectorate will play an essential role. In this regard, Switzerland notes with concern the low number of inspections carried out in the

country in 2022 due to the lack of available staff and material resources. Switzerland therefore calls on the Government to take the necessary measures to increase the number of labour inspectors and the resources available to them to carry out inspections. Finally, Switzerland encourages the Government to make use of ILO technical assistance and trusts that this will help to promote the application of the Convention in law and practice.

Worker member, Togo – I am speaking as a representative of the workers of Togo. The Committee of Experts has made pertinent observations and recommendations on the application of the Convention by Gambia, which require the Government's attention. While we recognize the moderate progress achieved in the Government's efforts to combat child labour and to protect children's rights in general, significant challenges remain, requiring immediate and robust action to protect our children and ensure compliance with the Convention.

In Gambia, children are exploited in commercial sexual activity, often as a result of trafficking, and are subjected to forced begging. Boys are sent to Qur'anic teachers, or marabouts, to be educated, and are sometimes forced to beg, sell on the street or engage in farm work. Children also work in hazardous conditions, for example shovelling white sand in coastal mines for the construction industry. These practices are not only exploitative, they are also deeply damaging to the physical and psychological well-being of our children.

In 2022, Gambia took steps to combat the worst forms of child labour. The Government signed a memorandum of understanding with Nigeria to step up efforts to combat trafficking in women and children. This partnership is crucial, as it facilitates the sharing of vital information and the coordination of efforts to combat human trafficking. The Government has also opened four centres to help survivors of sexual violence and trafficking, including children, by providing them with essential services such as legal aid, healthcare and psychological support.

However, the effective application of the law remains a major challenge, as the Government admits in the report. The labour inspectorate is woefully understaffed and underfunded. It is also essential to build the capacity of law enforcement agencies by providing comprehensive training on child labour, including commercial sexual exploitation, forced labour and the use of children in unlawful activities. Ensuring that penalties for child labour violations are applied consistently will also act as a deterrent to potential offenders.

Although the National Agency against Trafficking in Persons (NAATIP) has made progress, including by increasing its funding and carrying out awareness-raising activities, it remains dependent on international support. The National Agency's ability to investigate and prosecute cases of child trafficking is hampered by inadequate resources and insufficient training of law enforcement officials on the worst forms of child labour. The coordination of processes for applying child labour legislation must be improved. The National Coordination Committee on Child Labour, intended to oversee the application of the law and prosecutions, is largely inactive. The reinstatement of this committee and its effective functioning are essential for a coherent and comprehensive approach to combating child labour.

Gambia's social programmes to combat child labour are also lacking in scope. Programmes such as the child protection shelters of the Department for Social Welfare and conditional cash transfers to Islamic religious schools need to be scaled up and made fully operational. The Government must ensure that these programmes cover all children at risk, including those working in farming, domestic work and street activities. Furthermore, barriers to education, such as inadequate infrastructure, lack of transport and the cost of schooling, need to be removed in order to reduce children's vulnerability to exploitation.

In conclusion, while Gambia has achieved moderate progress, much remains to be done. By closing legislative loopholes, ensuring adequate funding and resources for law enforcement agencies, improving coordination and developing social welfare programmes, we can protect our children from the worst forms of child labour. Our collective commitment to these efforts will safeguard our children's future and ensure compliance with the Convention.

Worker member, Uganda – I take cognizance of the observations of the Committee of Experts with reference to Article 2(3) of the Convention on compulsory education, Article 6 on vocational training and apprenticeship, Article 7 on light work and Article 9(1) on penalties and labour inspection. I therefore wish to reiterate my support for the Committee of Experts' observations as follows:

Child labour remains a global challenge that is mainly attributed to poverty. Aristotle also said that "poverty is the parent of revolution and crime", and hence the dire need to combat child labour anywhere. Child labour presents itself with various ever-changing complexities that then require multifaceted approaches to best deal with it and its consequences.

In most developing countries, many young men and women who face difficulties are actually compelled to engage in child labour practices and early marriages for survival. This then poses other serious challenges as we have witnessed with the rise in young parenthood.

This, therefore, calls for inclusive, continuous and regulated efforts and strategies for consistent awareness creation and capacity building for stakeholders to eliminate child labour in Gambia, among other countries.

One of the measures the Government must take is the inclusion of stakeholders, that is trade unions, employers' organizations, civil society organizations, community leaders and donor communities to assist the Government so as to best implement this Convention.

It is important to note that trade unions could play a role in assisting the Government, but I am informed that one of the trade leaders has failed to attend this Conference because the Government refused to facilitate or support him. This attitude by the Government shows that it does not have a culture of inclusiveness in its actions, programmes and policy development.

In conclusion, I wish to urge the Government to undertake the following: first, the Government should engage in consultations with the tripartite social partners and other stakeholders to review all the legislation that is mentioned by the Committee of Experts so that they can bring it into conformity with the Convention; and secondly, the Government should also mobilize resources so as to address the root causes of child labour in Gambia.

Worker member, Zimbabwe – It is quite important to note that the Committee of Experts' report has raised four critical issues in respect to which the Government, to date, has not provided satisfactory responses. These issues concern: Article 2(3) of the Convention which deals with compulsory education for children; Article 6, which addresses issues about vocational training and minimum age for apprenticeship; Article 7 on the minimum age for light work; and Article 9(1) which requires the establishment of penalties and a system of labour inspection.

The Committee of Experts has been raising these matters since 2009, requesting the Government to set up a legal framework that sets out an age of completion of compulsory schooling that is aligned with the minimum age for admission to employment of 14 years of age as per the Convention, and the revision of the Children's Act. We note that the Government has nothing to show despite several observations from the Committee of Experts..

Regarding the observation on vocational training and apprenticeship, the Committee of Experts also noted with regret that the Government has nothing to show again. The issue of setting a minimum age for apprenticeship is not even addressed in sections 78 and 79 of the Labour Bill. Furthermore, the Children's Act of 2005 remains the substantive law that provides for a minimum age of 12 years for the informal economy, which is way below the 14 years required by Article 6 of the Convention, and there is no minimum age set for the formal economy.

We also note that the Constitution of Gambia, 1996, then revised in 2018, provides that children under the age of 16 years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous. We note that the interference with their education is continuing in Gambia and is likely to be hazardous. We also take note of the harmful practices to health that it causes, even to their physical, mental, spiritual, moral or social development. However, the Government still has a lot to do to comply with its own Constitution and this Convention.

The Government ratified this Convention on 4 September 2000 and its obligations deriving from the Convention have existed since 3 September 2001. The cumulative period of non-compliance is about 22 years. This shows a serious violation of the Convention, and we continue to urge the Government to remedy the shortcomings in the law and improve the practice to save its children. Children remain important in each and every country. Therefore, it is obligatory for the Government to make sure they protect and serve the children in Gambia.

Worker member, Eswatini – In its sitting in Durban, in the Republic of South Africa, the 5th Global Conference on the Elimination of Child Labour recalled that the 2030 Agenda for Sustainable Development had set a target to end child labour in all its forms by 2025. We are left with only six months until 2025.

The Government can, however, still put in place measures towards achieving this development target. Decent work for all, including women, in all their diversity, and adequate income for adults, inclusive well-performing education systems, and adequate social protection systems are essential for child labour elimination and for protection against poverty, which is the main cause of child labour.

Education is a human right, and providing children with universal access to free, compulsory quality basic education is important to ensure that human beings reach their full potential, so that socially excluded children and adults have greater opportunities to lift themselves out of poverty. The Government is encouraged to recognize children's capacity to form their own views and their right to effectively participate and express their views freely in all matters affecting them. Policies must be put in place for businesses to contribute to the elimination of child labour by carrying out due diligence in their operations and supply chains and ensuring responsible and sustainable business practices that address the root causes of child labour. The Government must reinforce the effective implementation of national laws, regulations and policies on child labour and by strengthening the capacity of law enforcement bodies, labour inspectorates, child protection and education services, and other relevant authorities.

Measures must be taken to increase efforts to formalize the informal economy, and to extend the coverage of labour laws, particularly in agriculture, where most child labour occurs.

The elimination of direct and indirect barriers to quality compulsory education for girls and boys, such as distance, cost, safety, security and gender- and disability-specific barriers, by eliminating fees, as appropriate, promoting universal scholarships and school feeding, and

ensuring no one is excluded from quality education by taking into account the particular needs of children in the most vulnerable situations, including those with disabilities and marginalized children, is essential for the eradication of child labour, even through minimum-age setting. I urge the Government to seriously take strategic measures without further delay.

Worker member, South Africa – The Government has made minimal advancements to eliminate child labour. I have taken note of the Government's admission that enforcement of the law remains a challenge in the country, as well as the issues concerning labour inspection to detect cases of child labour. The Committee of Experts expressed its concern about the seven inspections carried out in the greater Banjul area and the 28 in the rest of the country during the first quarter of 2022, with no inspections in the second quarter. The Government also admitted its failure to provide adequate resources to the Inspectorate Unit of the Labour Department, as well as human resources. The Committee of Experts noted the difficulties and urged the Government to take the necessary measures in the provision of resources to the Department of Inspections.

The Government should not hide behind the scarcity of resources as an excuse. The lack of resources does not dispense the Government's obligation under the Convention. The Government should adopt measures to improve its resources. That is its responsibility.

There are reports of children being subjected to the worst forms of child labour including, but not limited to, commercial sex exploitation and street begging perpetuated by some religious schools and tourists, as the country is a tourist destination and, due to poverty, children end up being exploited.

I urge the Government to take, without delay, the following measures:

- (1) ratify the Labour Inspection Convention, 1947 (No. 81), for greater protection of children;
- (2) strengthen labour inspection facilities and systems to ensure compliance with labour laws and standards, thereby protecting the rights and safety of children;
- (3) ensure that sanctions for non-compliance are enforced and are a deterrent to potential offenders, in order to stop the practice;
- (4) increase educational awareness among communities and schoolchildren and parents about the detrimental effects of child labour.

Lastly, we advise the Government to consider visiting our country and have an information-sharing meeting with our Government and its social partners.

Worker member, Belgium – This fundamental ILO Convention aims to effectively abolish child labour by setting a minimum age for admission to employment and introducing national policies to abolish child labour. While some modest progress has been achieved in terms of school enrolment rates, there remain many difficulties in properly protecting children against forced labour, particularly in the tourism sector where children are sexually exploited, in farming, through forced begging or domestic work.

Article 9 of the Convention requires States to take all necessary measures, including appropriate penalties, to ensure the effective enforcement of its provisions.

In Gambia, sections 47 and 48 of the Labour Act provide for prison sentences and fines for violations of child labour regulations. However, despite repeated direct requests by the Committee of Experts since 2009, we have very little information on the number and nature of violations recorded by labour inspectors, or on the number and nature of penalties imposed.

As already mentioned, in its 2023 observation, the Committee of Experts indicated that, according to the statistics communicated by the Government for the first quarter of 2022, the labour inspectorate conducted only seven inspections in the greater Banjul area and 28 inspections in the rest of the country. No inspections took place in the second quarter of 2022. This situation is truly worrying.

In view of the scourge of child labour, it is crucial that the Government take all the necessary measures to adapt and strengthen the labour inspection services through commitments and additional resources. It is also important to continue efforts to train inspectors on child labour matters in order to improve their ability to detect and deal with such cases.

In accordance with the ILO's guidelines on labour legislation, the law on minimum age must be applied together with effective penalties and all other necessary measures in the event of violation of child labour provisions. These penalties must target all persons responsible for the illegal employment of minors (employers, parents, guardians) and must be sufficiently dissuasive. They must cover the criminal, civil and administrative spheres, and be differentiated according to the seriousness of the offence. It is also important that children have access to legal protection and remedies, for example by being represented by a trade union. Finally, children who work under the required age, if in an illegal activity, should not incur any penalty.

It is therefore essential that resources and strategies are put in place so that the Gambian judicial system can effectively prosecute offenders, protect victims and combat impunity, in accordance with the principle of the rule of law. We urge the authorities to do their utmost to ensure that child labour is detected, and that effective and dissuasive penalties are applied against the perpetrators.

Chairperson – I can see no more requests for the floor, so now I invite the Government representative of Gambia to take the floor for his final remarks.

Government representative – I thank all the individuals that reacted to Gambia as we strive to implement the Convention. All recommendations and points are well noted. The role of our Mission will be now to escalate some of these issues critically with our Government to ensure that the critical recommendations that are vital to our efforts are duly addressed. So, we will escalate this to the Government.

We regret that the Government delegation that was supposed to come is not here. We just had this information very late, and we offer our apologies, but we will try to ensure that, although we have registered some level of progress regarding the Convention, we still continue to strive for further progress. The recommendation that we should explore technical assistance with the ILO will also be taken into account. All recommendations will be taken on board, and I thank everyone.

Worker members – I would like to thank all the speakers on this case, and in particular the Government representative for the information provided to the Committee and for demonstrating the Government's willingness to press ahead with legal reform and the implementation of the Convention. Gambia's children are the country's future. They must enjoy their right to education and to an environment conducive to their development and the fulfilment of their potential, in accordance with the provisions of the United Nations Convention on the Rights of the Child. This will enable them to make a significant contribution to the social and economic development of the country. Guaranteeing them a basic education

means keeping them out of employment by scrupulously observing the provisions of the Convention.

The Government must make combating child labour a national priority in order to achieve SDG target 8.7. To this end, protecting children from the risk of child labour, through a multi-dimensional policy, is vital. We have noted a number of shortcomings in Gambian legislation. The Government will, or at least must, ensure that these shortcomings are overcome.

We support the Committee of Experts' recommendations to the Government, starting with its plans to amend the legislation to introduce a minimum age for admission to employment or work. The same applies to completing the draft amendments to the Labour Act and the Children's Act to raise the minimum age for admission to apprenticeship in the informal economy and to introduce a minimum age for admission to apprenticeship in the formal economy. Finally, the last legislative amendment required is to set the minimum age at 14 years and to determine the types of activities, the number of hours and the conditions in which light work may be undertaken by children.

As of today, and even when these legislative amendments have been made, Gambian children should also be able to count on the enforcement of these regulations. Alongside the support measures to be implemented in tandem with the legislative amendments, the enforcement of these regulations will require stronger inspection services. This strengthening requires an increase in the staff, material resources and budget allocated to the labour inspectorate, as well as adequate training for labour inspectors to improve their ability to detect cases of child labour. The Government has indicated its willingness to receive ILO technical assistance. We welcome the constructive spirit shown towards remedying the remaining shortcomings in the application of the Convention. For this reason, like the Committee of Experts, we recommend that the Government seek ILO technical assistance to implement the recommendations to be made by our Committee.

Employer members – In our final remarks on this case, the Employer members would like once again to express their regret at not having been able to receive, in advance, additional information from this Committee. However, we welcome the information provided orally today by the Government and trust in the willingness demonstrated to address the recommendations highlighted here. We also thank all the delegates for their participation and ideas.

In general, we share the concerns expressed by the Committee in this case and encourage the Government to take, without delay, appropriate measures to effectively introduce compulsory schooling until the minimum age for admission to employment or work of 14 years, in conformity with Article 2(3) of the Convention.

Increasing access to a basic, free, compulsory and quality education is crucial to reduce child labour, and both are interrelated objectives.

The legislation on the minimum age for access to work can only be effective if children are required to attend school. Children who do not have access to free and compulsory education are at a greater risk of early entry into the informal labour market, where they are usually obliged to work in hazardous and exploitative conditions.

Furthermore, child labour is a significant obstacle to achieving education for all. Children who do not attend school are at a much greater risk of becoming engaged in work.

It is also paramount for the Government to adopt the necessary measures to ensure the establishment, by law, of a minimum age for admission to apprenticeship of at least 14 years,

in both the formal and informal economy, and to introduce minimum standards on light work for children under the age of 14 years in the revision of the Children's Bill and the Labour Bill.

In light of the discussion, the Employer members also would like to recommend that the Government step up its efforts to ensure that labour inspectors are properly trained, have the necessary resources and are able to detect cases of child labour, and that the Government guarantee that standards providing for penalties, in the case of violation of provisions on the engagement of children and young people in work, are applied effectively.

We insist that, in addition to these measures, it is essential to implement strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that drive or result in the exploitation of children.

Lastly, the Employer members encourage the Government to continue to work with the Office, which is already supporting the country, in its efforts to bring its legislation and practice into line with the Convention, and to ensure the protection of children in Gambia.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern the high incidence of child labour in the country and the numerous gaps remaining in legislation.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures to:

- **effectively introduce, as soon as possible, compulsory schooling up to the minimum age for admission to employment or work of 14 years;**
- **ensure that a minimum age for admission to apprenticeship of at least 14 years is established by law in both the formal and informal economy and that the types of activities, the number of hours and the conditions under which children under 14 years can carry out light work are introduced in the revision of the Children's Bill and the Labour Bill;**
- **intensify its efforts to ensure that labour inspectors are adequately trained and resourced to be able to detect cases of child labour;**
- **ensure that regulations providing for sanctions in case of violation of provisions on the employment of children and young persons are effectively enforced;**
- **implement strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that lead to or result in the exploitation of children; and**
- **continue to work with the ILO with a view to bringing legislation and practice in line with the Convention.**

The Committee requested the Government to continue to avail itself of ILO technical assistance to ensure full and expedited implementation of the Convention in law and practice.

The Committee further requested the Government to provide a detailed report on the measures taken to implement the above recommendations before 1 September 2024.

Government representative – The Government of Gambia acknowledges receipt of the conclusions from the Committee and duly noted all the measures put forward. The Government recognizes the importance of the Convention, and it will make all efforts to ensure the full implementation of the Convention. We also took due note of the various concerns raised by countries, employers and workers. The Government will ensure that it will fully address all the concerns raised and will utilize ILO technical assistance to ensure the effective implementation of the Convention. We will also work with the ILO regarding legislation and other matters. Gambia hopes that the conclusions agreed here will continue to have a relevance beyond the original composition and that the concerns raised will be watered up to produce the highest possible effect.

Georgia (ratification: 1993)

Equal Remuneration Convention, 1951 (No. 100)

Written information provided by the Government

The promotion of decent working conditions for all Georgian workers irrespective of their sex has always been a top priority for the Government. To this end, Georgia has made remarkable progress in ensuring gender equality at work and promoting women's economic empowerment through legislative amendments and policy reforms. The promotion of equal pay for equal work started with the creation of a legislative basis. The latest amendments to the labour legislation outstandingly strengthen the legal framework for the protection of the labour rights of Georgian workers. Amendments include the adoption of the principle of equal pay for equal work, the definition of harassment in the workplace (including sexual harassment) as a form of discrimination, and a definition of sexual harassment. Discrimination in employment and precontractual relations (including when posting a job vacancy and at the selection stage), and in professional activities is prohibited.

Apart from the Labour Code of Georgia, all the main legislative acts of Georgia include clauses prohibiting all types of discrimination. In addition, there is a special law against discrimination, namely, the Law on the Elimination of All Forms of Discrimination adopted on 2 May 2014. The purpose of the Law is to eliminate every form of discrimination and to ensure equal rights for every natural and legal person under the legislation of Georgia, irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics. This Law is of paramount importance for the development and well-being of Georgian society. The Law includes the definition of direct and indirect discrimination and has introduced the concept of multiple discrimination and the prohibition of supporting or encouraging discriminatory actions.

The amendments of 19 February 2019 to the above-mentioned Law further specify the sectors and relations where discrimination is prohibited. Namely, the legislative changes address both procedural and substantive issues: the deadline for appealing to the court has been extended for individuals, the mandate of the Public Defender of Georgia has been strengthened and sexual harassment has been regulated. According to the Law, the concept of equal treatment shall also apply to:

- (a) employment and precontractual relationships, including:

- (a.a) selection criteria and recruitment conditions, access to career development promotion, professional hierarchy at all levels and irrespective of the branch of activity;
- (a.b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- (a.c) employment and working conditions, including dismissals and pay;
- (b) membership of, and involvement in, an organization of workers or employers, or any organization whose members carry on a particular profession, including the benefits provided by such organizations.
- (c) social protection and healthcare, education and the provision of goods and services, including:
 - (c.a) social protection, social security, social benefits, and others;
 - (c.b) healthcare services;
 - (c.c) access to education;
 - (c.d) access to and supply of goods and services, which are available to the public (including living space).

To promote the employment of Georgian citizens, the Government established the State Employment Support Agency under the Ministry of Internal Affairs. The promotion of employment and an active labour market policy (ALMP) as a measure to promote employment is one of the top priorities of the Georgian Government. The Government has been implementing an ALMP since 2015, which includes training and retraining, as well as employment support for various groups, including people with disabilities, women and young people, vocational counselling consultations, and career guidance. Women are a top priority when implementing employment support programmes. All the employment services are free of charge; the source of financing is the State budget.

The national labour and employment policy strategy envisages means of promoting gender equality and women's participation in the labour market and entrepreneurship. The Labour Code encourages a work-life balance for both parents. Higher standards of maternity leave and parental leave that can be used by both parents have been introduced. In addition, the Labour Code provides that women who are breastfeeding infants under the age of 12 months may request an additional break of at least one hour a day. The Code also provides for additional unpaid parental leave of 12 weeks until the child turns 5. Additional parental leave may be granted to any employee who actually cares for the child. It should also be noted that the Labour Code guarantees the rights of a legal representative or supporter of a person with a disability who may, in addition to rest days, enjoy an additional paid rest day once a month, or agree on working time other than that provided for by the internal labour regulations. The Code also guarantees access to training. After the end of a period of maternity leave, parental leave or newborn adoption leave, at the request of the employee, the employer shall ensure that the qualifications of the employee are upgraded if this is necessary for the performance of the work under the employment agreement, and does not impose a disproportionate burden on the employer.

The Code introduces the notion of part-time employment. The Code provides for the protection of part-time workers from discrimination based on their status. Namely, part-time employees shall not be treated in a less favourable manner than comparable full-time employees solely because they work part-time, unless different treatment is justified on objective grounds. The employment agreement with an employee shall not be terminated because of the employee's refusal to transfer from full-time to part-time work, or from part-

time to full-time work, unless the employer has the right to terminate the employment agreement with the employee, subject to the relevant preconditions.

Following the large-scale labour law reform, a fully-fledged Labour Inspection Office has been in place since 1 January 2021. As per the Law of Georgia on Labour Inspection, among others, the Labour Inspection Office is entitled to supervise the implementation of standards related to the prohibition of discrimination in labour relations, including precontractual relations. This includes investigating allegations of discrimination, identifying instances of discrimination and applying relevant administrative measures, if confirmed. Since its creation, the institutional development of the Labour Inspection Office has been constantly ongoing, meaning that two regional offices have been opened, the budget and number of inspectors have increased, and labour inspectors are being trained and retrained, among other developments. In order for the Labour Inspection Office to increase action and ensure effective oversight, a new special division dealing with workplace discrimination, the prohibition of sexual harassment and gender equality issues has been created. During the reference period 2021–23, the Labour Inspection Office identified 144 cases of discrimination, with 120 concerning precontractual relations and 14 concerning ongoing or terminated employment. Additionally, one confirmed case of sexual harassment and two cases of employer inaction were identified. Moreover, during the mentioned reference period, unhealthy or hostile work environments were identified in 15 business entities, affecting both current and terminated employment relations. Furthermore, 57 cases of gender-based discrimination were identified, both in precontractual and current or terminated labour relations.

The Labour Inspection Office prioritizes raising awareness of workers' rights. Since 2021, it has conducted over 250 information meetings, with more than 100 focused on recent legal changes to labour rights. To further educate the public, the Labour Inspection Office has produced 29 videos, including four specifically on preventing discrimination in the workplace. These resources, along with various manuals (four on discrimination topics), are available on the website of the Labour Inspection Office (lio.moh.gov.ge), Facebook and YouTube. Article 4 of the Organic Law of Georgia, the Georgian Labour Code, provides that "employers shall ensure equal remuneration for female and male employees for equal work performed".

To effectively implement the equal pay for work of equal value principle, a proper methodology for employers, and the Labour Inspection Office, is of utmost importance. To this end, since 2021 UN Women has been supporting Georgia in developing the methodology used to calculate equal remuneration. Currently, with the support of UN Women, work on two documents is under way, namely a methodological document on the principle of equal remuneration in labour relations and detailed instructions or guidelines on the prevention, detection and response to unfair remuneration. This will help close the gender pay gap and ensure equal pay for equal work. The National Statistics Office of Georgia (GEOSTAT) analyses adjusted gender pay gaps, which consider various factors beyond gender. This data helps to monitor progress towards equal pay. The adjusted gender pay gap takes into account the demographic (age, education, marital status, place of residence – region/type of settlement, etc.) and job characteristics (economic activity, occupation, etc.) of the individuals. The adjusted gender pay gap is calculated using a regression model for the employed population aged between 15 and 64 years. Since the current statistical survey of enterprises and organizations contains very poor information on individual and job characteristics, the calculation of the adjusted gender pay gap data in the Labour Force Survey is used, covering more than 15,000 respondents quarterly. The adjusted gender pay gap has been launched by GEOSTAT, with the technical assistance of UN Women since 2021. The recent statistics on the gender pay gap in Georgia are available on the GEOSTAT website.

In addition, the Tripartite Social Partnership Commission's action plan outlines various topics for discussion through social dialogue, leading to tripartite decisions. These include further improvements to labour legislation, the feasibility of ratifying specific ILO Conventions, such as those relating to wage policy (minimum wages), and unemployment insurance. Therefore, the Government acknowledges that gaps may still exist and expresses its commitment to working with the social partners to promote decent working conditions for all men and women, free from discrimination.

Discussion by the Committee

Chairperson – I invite the Government representative of Georgia, Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, to take the floor.

Government representative – On behalf of the Government of Georgia, I have the honour of presenting the measures that the Government has undertaken towards gender equality and equal remuneration for men and women and of introducing future steps planned to decrease the pay gap in the country. In my address, I will also consider the observations raised by the Committee of Experts.

Until 2013, Georgia had the most unregulated labour legislation, with no enforcement mechanisms in place for the Labour Code. It resulted in many inequalities in the labour market, including in unequal remuneration for men and women. Over the last couple of years, Georgia has made significant progress in adopting legislative changes and implementing policy reforms to foster gender equality and encourage the economic empowerment of women. Georgian law and policy have been improved to promote gender equality, to prohibit all forms of discrimination towards women and girls and to encourage women's participation in the political, economic and social spheres in the country. Promotion of equal pay for equal work started by creating a legislative basis. The latest amendments to the labour legislation outstandingly strengthen the legal framework for the protection of labour rights of Georgian workers. Amendments included the adoption of the principle of equal pay for equal work and the definition of harassment in the workplace (including sexual harassment) as a form of discrimination. Also, discrimination in employment and precontractual relations, and in employment and professional activities is prohibited.

Apart from the Labour Code of Georgia, all legislative acts include clauses prohibiting all types of discrimination. In addition, we have a special law against discrimination, namely, the Law on the Elimination of All Forms of Discrimination, adopted in 2014. The purpose of the Law is to eliminate every form of discrimination and to ensure equal rights for every natural and legal person under the legislation of Georgia, irrespective of race, skin colour, language, sex, age, citizenship, or other characteristics. Besides, the Law includes the definition of direct and indirect discrimination and has introduced the concept of multiple discrimination and the prohibition of supporting or encouraging discriminatory actions. The amendments of 2019 to the mentioned Law further specified the sectors and relations where discrimination is prohibited regarding both procedural and substantive issues: the deadline for appealing to the court was extended to individuals; the mandate of the public defender of Georgia was strengthened; and sexual harassment was regulated.

According to the above-mentioned Law, the concept of equal treatment should also apply to:

- (a) employment and precontractual relationships, including:

- (i) selection criteria and recruitment conditions, access to career development promotion, professional hierarchy at all levels and whatever the branch of activity;
 - (ii) employment and working conditions, including dismissals and pay;
- (b) membership of, and involvement in, an organization of workers or employers, or any organization whose members carry out a particular profession, including the benefits provided for by such organizations;
- (c) social protection and healthcare, education, and supply of goods and services, including:
 - (i) social protection, social security, social benefits and others;
 - (ii) healthcare services;
 - (iii) access to education.

In order to promote the employment of Georgian citizens, the Government established a legal entity, the State Employment Support Agency. The promotion of employment and active labour market policy is one of the top priorities of the Georgian Government. The Government has been implementing the policy since 2015, which includes training and employment support for different groups, including persons with disabilities, women and young people, and consultations and career guidance. Women are a top priority when implementing employment support programmes. All the employment services are free of charge, the source of financing being the State budget. The National Labour and Policy Strategy envisages issues of promoting equality and women's participation in the labour market and entrepreneurship.

The Labour Code encourages a work-life balance for both parents. Higher standards of maternity and paternal leave that can be used by both parents have been introduced. Apart from that, the Labour Code determines that women who are breastfeeding infants under the age of 12 months may request an additional break of at least one hour a day. The Labour Code also provides for additional unpaid parental leave for 12 weeks until the child turns 5. Additional parental leave may be granted to any employee who actually takes care of the child. The Labour Code guarantees access to training, namely, after the end of a period of maternity leave, parental leave, or newborn adoption leave, upon the request of the employee. The employer shall ensure that the qualifications of the employee are upgraded if it is necessary for the performance of their work under the employment agreement, and does not impose a disproportionate burden on the employee. The Labour Code introduces the notion of part-time employment. The Code provides for the protection of part-time workers from discrimination based on their status: namely, part-time employees shall not be treated in a less favourable manner than comparable full-time employees solely because they work part time, unless the different treatment is justified on objective grounds. An employment agreement shall not be terminated because of the employee's refusal to transfer from full-time to part-time work, or vice versa, unless the employer has the right to terminate the employment agreement according to the relevant preconditions.

In 2023, the Parliament of Georgia adopted the National Concept Document on Women's Economic Empowerment. The framework concept was created with the active support of the United Nations Development Programme. The document aims to establish a framework for women's economic empowerment, taking into account the specific challenges of gender equality in Georgia, which includes interventions at the individual and public levels both in private practices and at the level of State institutions.

The process of creating the document was preceded by conducting interviews with the main actors and stakeholders of economic development in the country to identify the main

challenges and opportunities in the direction of women's economic empowerment, and the development of a desk study which gathered the main economic characteristics around the seven drivers of women's economic development and Sustainable Development Goals. It was within the framework of the research that the current trends were identified:

- women constitute the majority of the poor population and this trend is, unfortunately, increasing;
- families of single women are the poorest and the cycle of poverty also passes onto their children;
- due to gender inequality, it is more difficult for women to escape poverty than men;
- in the case of Georgia, gender inequality in labour market participation results in about 11.3 per cent loss of gross domestic product (GDP) per capita.

The National Concept Document on Women's Economic Empowerment is related to the priorities defined by the new Georgia–European Union (EU) Association agenda, which should ensure the political association and economic integration of the country. The concept also echoes the implementation of point 9 of the 12 recommendations of the European Union: consolidated efforts to enhance gender equality and fight violence against women. However, the concept contains an important note regarding equal pay. Since 2021, Georgia has been a member of the Equal Pay International Coalition. Membership of this Coalition is important as Georgia has the opportunity to share best international practices to ensure equality in the labour market and women's economic empowerment. A record of this same content about equal pay can be found in the State Concept on Gender Equality.

In addition, as already mentioned, the Labour Code of Georgia provides for the principle of equal pay for equal work. Therefore, it is important to promote actively the implementation of the measures.

According to the data of the National Statistics Office of Georgia, the unadjusted pay gap in recent years was as follows: 2018, about 35 per cent; 2019, about 36 per cent; 2020, about 32 per cent; 2021, about 31 per cent. But I would like to add that the National Statistics Office of Georgia implemented a methodology for calculating the adjusted gender pay gap in 2021. The statistics based on this methodology are a bit different and look as follows: in 2020, the pay gap was about 21 per cent; in 2021, also about 21 per cent; in 2022, about 23 per cent, so much less than in the case of unadjusted data.

One of the tried-and-tested methods for women's economic empowerment is to employ them in a high-paying sector, such as innovation and technology. For this purpose, Georgia also joined the Generation Equality Forum held in Paris in 2021. The event was held with the support of UN Women and the French Government, and its purpose was to voice specific commitments from the international community to achieve progress in gender equality. In this context, Georgia became a member of two coalitions and undertook commitments to achieve progress in the following directions: gender-based violence, and technology and innovations for gender equality. To ensure the smooth fulfilment of the obligations, a monitoring group was created at the initiative of the Gender Equality Council. An internal action plan was created, the addressees of which are the relevant departments, agencies and institutions. Active work is being carried out, both on the implementation of the action plan and on the monitoring of the performed activities.

The Gender Equality Council conducted a thematic enquiry on women's participation in the shadow economy, and the impact of COVID-19 on their activities within the framework of

the Rule of Law Programme of the United States Agency for International Development. The paper identified the main needs related to women's involvement in the shadow economy. Within the scope of the thematic enquiry, 16 recommendations were developed, including an obligation to sign contracts for employers and the creation of minimum working conditions for employed persons, as well as promoting women's involvement in pension accumulation schemes. The thematic group studied practices and experiences in other countries in this regard; recommendations were developed taking them into account and sent to the relevant agencies.

Encouraging the formalization of the economic activity of women employed in the shadow economy – by raising women's awareness and overcoming stereotypical attitudes – is one of the main aims defined in the National Concept Document on Women's Economic Empowerment. In 2022, the Gender Equality Council carried out a thematic enquiry on access to financial resources for women and girls within the framework of the parliamentary oversight function. The representatives of State institutions, the banking and financial sector, civil society, and donor organizations were involved in the research process and presented their opinions.

The assessment identified a number of gaps that still exist and recommends amending legislation and introducing certain policies. To highlight some of them, I would like to draw your attention to specific recommendations: introducing paternity leave through legislative changes; creation of a gender-sensitive working environment; and improvement of gender statistics. The Civil Service Bureau is working on the improvement of the practice of collecting gender-related statistics. In this regard, gender indicators have been identified which will ensure that the Civil Service Bureau analyses gender-related situations in the civil service, and implements a human resources management policy based on gender analyses.

As to enforcement, I would like to once again inform the Committee that, following the large-scale labour law reform, a fully-fledged Labour Inspection Office has been in place since January 2021. The Labour Inspection Office is entitled to supervise the implementation of standards related to the prohibition of discrimination in labour relations, including precontractual relations. This includes investigating allegations of discrimination, identifying instances of discrimination, and applying relevant administrative measures if confirmed.

In the reference period of 2021–23, the Labour Inspection Office identified more than 100 cases of discrimination, 120 concerning precontractual relations and 14 concerning ongoing or terminated employment. Additionally, one confirmed case of sexual harassment and two cases of employer's inaction were identified.

Apart from the above-mentioned steps that have been taken, I would like to highlight the importance of social dialogue in ensuring a decent working environment, and inform the Committee that the Tripartite Social Partnership Commission's action plan outlines various topics for discussion through social dialogue, leading to tripartite decisions.

In conclusion, the Government of Georgia reiterates its unwavering commitment to working with social partners to ensure decent working conditions free from discrimination for all men and women.

Worker members – This is the second time that our Committee has examined the application of the Convention by the Government of Georgia. In its first examination in 2018, our Committee requested the Government to undertake a number of actions, including:

- ensuring that national legislation expressly commits to the principle of equal remuneration for men and women for work of equal value in consultation with the social partners;

- implementing effective enforcement and detection mechanisms to ensure that the principle of equal remuneration for men and women for work of equal value is applied in practice; and
- taking steps to raise awareness among workers, employers and their organizations of the laws and procedures available in order to allow them to avail themselves of their rights.

Six years later, the Government has yet to take some concrete measures to give full effect to these conclusions.

In its 2024 observation, the Committee of Experts noted that the principle of equal remuneration for men and women for work of equal value is not properly reflected in the legislation: neither the Labour Law, nor the Law on Public Service entitle workers to equal remuneration for work that is entirely different but nonetheless of equal “value”.

We recall that legal provisions that are narrower than the principle laid down in the Convention hinder progress in eradicating gender-based pay discrimination. Therefore, we urge the Government of Georgia to amend the Labour Law and the Law on the Public Service, in cooperation with the social partners, in order to give full legislative expression to the principle of “equal remuneration for men and women for work of equal value”.

Furthermore, in line with Article 3 of the Convention, we stress the importance of elaborating techniques and methodologies to measure and compare objectively the relative value of the jobs performed. We recall that, because men and women often perform different jobs that may be valued in different ways by societies, a technique to measure the relative value of jobs with varying content is critical to eliminating discrimination in the remuneration of men and women.

Secondly, we take note of several policy initiatives adopted by the Government of Georgia to address gender inequalities, including the adoption of the State Concept on Gender Equality in December 2022 and the National Concept Document on Women’s Economic Empowerment in March 2023; the 2022–24 Action Plan and communication strategy; and its participation in the Equal Pay International Coalition since 2021. We also note that the Civil Service Bureau started a Gender Impact Assessment of the Civil Service Law to reveal gender inequities in professional development and in work-life balance and pay gaps. In this framework, wages and pay arrangements within the civil service will be analysed to find and address gender discrimination. Finally, we note that a working group was created to conduct a thematic enquiry into the rights of women in the informal economy and the impact of COVID-19 and that this working group issued 29 recommendations.

Despite these efforts, results are slow to materialize, as in most sectors of activity there has been little to no improvement in reducing the gender pay gap.

More specifically, the gender pay gap still stands at 23 per cent. Despite representing 52 per cent of the population, only 40.5 per cent of women participate in the labour market. Furthermore, there appears to be a discrepancy between women’s levels of education in Georgia and their access to gainful employment: 57.9 per cent of unemployed women have obtained higher or secondary vocational education.

This lack of progress has been observed by the United Nations Committee on the Elimination of Discrimination against Women which expressed its concerns, in its 2023 conclusions, regarding the widening gender gap, despite economic and income growth.

We recall that, to achieve effective equality, it is essential to identify the structural inequalities that disadvantage women and exclude them from acceding to the labour market

and to quality jobs, or from enjoying decent work, such as vertical and horizontal occupational segregation and their over-representation in non-standard forms of employment. These include stereotypes about the respective roles of men and women in society, their capabilities and aspirations. Alongside these stereotypes, other phenomena that perpetuate gender inequalities at work need to be addressed, such as the gender remuneration gaps and access to managerial positions, leadership and decision-making roles. The unequal distribution of unpaid care work and its links to motherhood and family responsibilities remains, in this regard, one of the key elements to be addressed, as it is the main reason for women remaining outside the labour force.

We call on the Government of Georgia to take measures to effectively address the persisting horizontal and vertical segregation prevailing in the country, in particular the underlying causes of inequalities in remuneration, such as occupational gender segregation into lower-paying jobs or occupations or positions without career opportunities, including through targeted vocational training, occupational quotas, incentives and awareness-raising activities. We also call on the Government to regularly review wages in sectors in which women are concentrated and to raise the minimum wage, which was last fixed 25 years ago, in 1999.

Finally, we take note of the observations of the Committee of Experts regarding the extension of the mandate of the labour inspectorate in 2020 to enforce the prohibition of discrimination. It appears, however, that in 2021–22, out of 5,295 inspections carried out, no violations regarding equal remuneration were found. Similarly, the courts have reported no cases regarding equal pay between men and women.

We echo the observation of the Committee of Experts that, when no cases or complaints are being lodged, it is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in, or absence of practical access to procedures, or fear of reprisals. We call on the Government to take measures to review existing complaint mechanisms so as to ensure that procedures are easily accessible, effective and speedy. We also request the Government to train and raise awareness of labour administration staff, the judiciary and the general population on the principle of the Convention.

Employer members – The Employer members have taken note of the information provided by the Government and would like to thank the representative for the explanations.

Georgia ratified the Convention in 1993. The Committee of Experts made observations on this case in 2018, 2020 and 2023. Today is the second time after 2018 that the Committee has examined the application of the Convention by Georgia.

From the outset, the Employer members want to highlight the importance of the Convention, which is one of the ten ILO fundamental Conventions, which has received 174 ratifications.

The Employer members would like to recall that Article 2 of the Convention requires that States must ensure the application of the principle of equal remuneration for men and women workers for work of equal value to all workers. We would also like to highlight that, according to Article 4, States shall cooperate, as appropriate, with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of the Convention.

The case consists of three parts:

The first is about the national legislation on equal remuneration for work of equal value. In its recent report, the Committee of Experts stressed that the principle of equal remuneration for men and women for work of equal value is not properly reflected in the national legislation.

They argue that neither the Labour Law, nor the Law on the Public Service entitle workers to equal remuneration for work of equal value. In its written report of 23 May 2024, the Government argued that the latest amendments to the labour legislation “outstandingly strengthen the legal framework for the protection of the labour rights of Georgian workers”. They mentioned that amendments include the adoption of the principle of equal pay for equal work. Furthermore, reference was made to the special law against discrimination, the Law on the Elimination of All Forms of Discrimination. The Employer members have taken note of this development. However, we would like to mention the Committee of Experts’ indication that the principle of equal remuneration for men and women for work of equal value is not properly reflected in the legislation. Therefore, we urgently ask the Government to provide more detailed information on the recent developments and to report back to the Committee of Experts. Furthermore, we recommend that the Government amend the labour legislation, in cooperation with the representative employers’ and workers’ organizations, in order to implement the principle of equal remuneration for men and women for work of equal value.

The second part of this case deals with the measures taken by the Government. The Employer members note that several activities have been undertaken by the Government:

- In 2021, Georgia joined the Equal Pay International Coalition.
- In December 2022, the Government adopted a State Concept on Gender Equality.
- In March 2023, it developed a National Concept Document on Women’s Economic Empowerment.
- A subsequent 2022-24 action plan and communication strategy were developed.

In its statement of 23 May 2024, the Government argued that the national labour and employment policy strategy envisages means of promoting gender equality and women’s participation in the labour market and entrepreneurship. For example, the Labour Code encourages a work-life balance for both parents and introduces the notion of part-time employment. However, it should be noted that the Committee of Experts observed in its recent report that there has been little to no improvement in reducing the gender pay gap, despite economic and income growth. Therefore, the Employer members ask the Government to provide detailed information on the specific measures taken to improve the situation on the ground and to provide detailed and comprehensive statistical data on the number of men and women unemployed, disaggregated by economic sector and occupational level. We would also like to recall that the Committee of Experts already requested the Government to step up its efforts to address the underlying causes of inequalities in remuneration.

The third part of this case is about enforcement. In 2020, the Labour Inspection’s mandate was extended to enforce the prohibition of discrimination and section 78 of the Labour Code established sanctions for violating the provision of equal remuneration for equal work. Since 1 January 2021, a Labour Inspection Office has been in place. The Labour Inspection Office is entitled to supervise the implementation of standards related to the prohibition of discrimination in labour relations. This includes investigating allegations of discrimination, identifying instances of discrimination and applying relevant administrative measures, if confirmed. However, the Committee of Experts noted in its latest report that from 2021 to 2022, out of about 5,295 inspections carried out at 2,767 workplaces, no violations regarding equal remuneration were found. Furthermore, courts have reported no cases regarding equal pay between men and women. In its recent report of 23 May 2024, the Government pointed out that during the 2021–23 reference period, the Labour Inspection Office identified 144 cases of discrimination, 120 concerning precontractual relations and 14 concerning ongoing or

terminated employment. The Employer members have taken note of the ongoing developments, especially that two regional offices have been opened, the budget and number of inspectors have increased, and labour inspectors are trained and retrained. However, we ask the Government to provide detailed and comprehensive information on its efforts to train and raise awareness on the principles of the Convention.

We welcome the expressed commitment of the Government to work with the employers' and workers' organizations to promote decent working conditions for all men and women, free from discrimination.

To conclude, we ask the Government to effectively consult and cooperate with the representative employers' and workers' organizations concerning all measures and initiatives they take with regard to the application of the Convention.

Worker member, Georgia – It is my honour to speak on behalf of the Georgian Trade Union Confederation (GTUC). Despite a number of significant reforms carried out in Georgia with the participation and involvement of the GTUC in recent years, gender inequality in Georgia remains a challenge.

It should also be noted that recently, in April of this year, the Parliament of Georgia abolished the gender quotas established in the Electoral Code, which is another step backwards on the road towards ensuring gender equality. To this day, stereotypes associated with women in leadership and decision-making positions are still deeply rooted in society.

Since there is an imbalance and inconsistency between family responsibilities and work, women are affected by pregnancy, birth and childcare. Gender inequality is clearly visible in official statistics. According to GEOSTAT, the Georgian Department of Statistics, women comprise 52 per cent of Georgia's population, only 40.5 per cent of working-age women participate in the labour market and we have a 22 per cent gap between the economic activity of men and that of women. It is also important to note that the level of education of women is not properly reflected in their economic activity. Indeed, 57.9 per cent of unemployed women have completed higher or secondary vocational education. This is accompanied by a noticeable gender division of professions and a wage gap. According to the World Bank, more efficient use of the economic resources of women in Georgia, in particular eliminating gender inequality in the labour market, will lead to an increase in GDP of 11.3 per cent.

Today, the gender pay gap is an important issue in terms of women's economic activity. According to statistics from 2022, the gap between the average salary of women and men in Georgia was 31.7 per cent. This wage gap is decreasing, although the decline has slowed in the last three years. According to GEOSTAT the adjusted wage gap in Georgia, according to statistics from 2022, was 23 per cent. As mentioned many times before, wages are traditionally lowest in areas where the largest number of women are employed and concentrated.

In 2018 the Committee considered Georgia's case because of its non-implementation of the Convention, and, as a result, Georgia took some steps during the labour reforms of 2020, introduced several changes to labour legislation and also introduced one article into the Labour Code, article 4, according to which employers are obliged to provide equal pay for men and women for equal work. Unequal pay is already considered as one form of discrimination. Starting from 2021, control of this issue, also covering the pay gap and discrimination in general, has been entrusted to the Labour Inspection Service.

The Labour Code does not have any additional provisions regarding the rules for calculating remuneration, institutional transparency of the above and/or other similar aspects.

In another law, also on the public service, we have a definition in article 57 according to which the remuneration system for public servants is based on the principles of transparency and fairness, which imply equal pay for equal work.

As we see from both definitions which we have in the Labour Code and in the Law on the Public Service, both contain a legal flaw and do not comply with the Convention, which refers to work of equal value, not equal work in general as it is in our national legislation. It also does not address any specific mechanism for women and men to receive equal pay, as there is currently no methodology to guide employers to define “work of equal value.” As a result, this only adds a declarative value to the specified normative mechanism and cannot be presented as an effective mechanism.

As we know, the Convention provides a definition of “equal remuneration for work of equal value”, which is different from the Georgian standard and not only implies equal remuneration for persons working in the same position, but also evaluates the work of persons employed in different positions and compares these values against each other. Thus, according to the ILO standard, within an enterprise (or any organization), the value of work performed in all positions must be assessed, and work of equal value must be paid equally.

Without a methodology for assessing equal work, it is difficult, if not impossible, to enforce the obligation to pay equal pay for work of equal value. In the future, we also should take into consideration that the wage gap will also create a gender gap in pension provision, so a pension gap, because Georgia switched to an accumulative pension scheme several years ago.

Therefore, it is not surprising that neither the court nor the Labour Inspection or Public Defenders Office has a single case where the issue of the gender pay gap is considered; all three institutions which are dealing with non-discrimination cases and the pay gap have had not one single case, even until today.

To eliminate wage inequality, it is also necessary to define in legislation a decent minimum wage and collect and analyse wage data. Also, control over the implementation in practice of the principle of equal pay for work of equal value should be carried out through control bodies.

It should be noted that the GTUC has repeatedly put forward an initiative on a decent minimum wage for consideration by the Tripartite Commission and the Parliament as well, but to no avail.

Therefore, the Government needs to make appropriate steps in legislation and practice in order to implement the Convention and also implement all recommendations of the Committee of Experts from the past years.

In particular, in consultation with social partners, the following steps should be taken: (i) defining the term and principle of equal pay for work of equal value in labour legislation, both in the Labour Code and in the Law on the Public Service; (ii) creating a methodology for assessing/measuring the value of work; (iii) creating and implementing effective rules for pay transparency systems; (iv) ensuring maternity protection according to international labour standards; and (v) ratifying the ILO Minimum Wage Fixing Convention, 1970 (No. 131), to establish a minimum wage that takes into account the economic factors of workers and their families, including the current level of economic development, based on social dialogue, and a mechanism for the annual adjustment/revision of the minimum wage.

We do hope that the Georgian Government will make further progress in the process of implementing ILO Conventions and international labour standards and will adopt the relevant

legislation and take steps as already provided in the recommendations of the ILO Committee of Experts.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro** and **North Macedonia**, and the European Free Trade Agreement country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of ILO fundamental Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States granted Georgia candidate status in December 2023 on the understanding that Georgia takes relevant steps in the area of the proper functioning of democratic institutions and reforms related to justice and the rule of law. Since 2016, an association agreement between the EU and Georgia is in force, and together we have been deepening political association and economic integration with the European Union, including through a commitment to respect and implement the internationally recognized core labour standards, as embodied in the ILO fundamental Conventions.

We acknowledge that in recent years, Georgia has adopted important reforms of its labour legislation, including key amendments to the Labour Code in 2020, which, among others, introduced the principle of equal pay for equal work. However, despite the requests of the Committee of Experts and the conclusions of the Conference Committee on the Application of Standards of 2018, the principles of equal remuneration for men and women for work of equal value is not properly reflected in the legislation. In line with the observations of the Committee of Experts, we encourage the Government to amend labour legislation to include the principles of “equal remuneration for men and women for work of equal value” and to revise relevant sections of the 2015 Law on the Public Service to include the concept of “work of equal value”.

We welcome that Georgia has developed several instruments to reduce the gender pay gap and promote equal remuneration, such as the National Concept Document on Women’s Economic Empowerment and the Gender Impact Assessment of the Civil Service Law. The country has also joined the Equal Pay International Coalition and adopted in 2022 the State Concept on Gender Equality, which aims to eliminate all forms of gender-based discrimination.

We however note that despite these and other measures, horizontal and vertical segregation persists in the country. The EU and its Member States encourage the Government to increase its efforts to address unequal remuneration and provide additional information on the measures taken within the framework of the previously mentioned instruments. Regarding the Gender Impact Assessment of the Civil Service Law, we echo the call of the Committee of Experts to provide a summary of its findings, as well as to continue providing to the Committee gender-disaggregated data on employment in the country.

As regards enforcement, we welcome the continued development and capacity-building of the Labour Inspection Office, tasked, among others, with the investigation of allegations of discrimination and the organization of awareness-raising trainings. We also note, from the Government’s information, the establishment of a special division to investigate workplace discrimination and sexual harassment. Despite these measures, the Committee notes that in the 2021–22 period, the Labour Inspection Office did not find any violations related to equal remuneration. Moreover, the additional written information submitted by the Government

does not develop on whether the trainings organized by the Labour Inspection Office included components on equal pay.

In line with the General Survey of 2012, we would like to recall that when no cases or complaints are being lodged it is a likely indication of a lack of an appropriate legal framework; lack of awareness of rights; lack of confidence in, or absence of practical access to, procedures; or fear of reprisals. We encourage the Government to provide more information on measures taken to organize awareness-raising trainings for various categories of State officials, workers and employers, and on the accessibility and availability of existing complaint mechanisms.

We welcome the Government's recognition that gaps may still exist in their legislation and the commitment to collaborating with the social partners to ensure decent work for all. The EU and its Member States are ready to cooperate constructively with Georgia with the aim of strengthening the Government's capacity to address the issues raised in the Committee of Experts' report.

Worker member, Belgium – The Committee of Experts noted in 2023 that across all economic activities, women earn 69 per cent of the average male salary, a wage gap of 31 per cent. In some sectors, women's salaries are half those of men. That is the result of persistent horizontal and vertical segregation in the labour market.

This striking wage gap owes to a series of factors. The perpetuation of gender stereotypes in education leads a high proportion of women and girls to study in fields seen as "feminine". Consequently, they are limited to poorly paid jobs and sectors such as education and social care and are employed mainly in the informal economy as care assistants, nannies or cleaners.

Even if they have a higher level of education than men, women undertake a disproportionate amount of household tasks and childcare, which are unpaid. They are also often subject to discriminatory social norms.

These conditions prevent them from gaining professional experience and hinder their access to training, which also has an impact on their salaries.

It is therefore vital to close the gap between women's and men's levels of economic activity, particularly by endeavouring to ensure a better division of domestic tasks. An equal wage for work of equal value would encourage women to increase their involvement in economic activities and would certainly influence family decisions. There is also a need to combat gender stereotypes that channel women into less well-paid areas of training and sectors of activity.

In particular, we would like to highlight the impact of gaps in social protection on poverty among women. Inequality and labour informality lead to a reduction or deprivation of the rights to work, decent working and living conditions, and social protection. This is particularly flagrant when it comes to pension rights and the inequalities suffered by women throughout their professional lives that expose older women workers who are in the most precarious position to poverty.

There are also many problems in relation to maternity protection. Issues surrounding maternity allowances in the private sector remain an acute problem since it is still up to employers to decide whether to provide maternity pay beyond that granted by the State. In practice, legislation leads women employees to return to work as soon as possible in order to earn a wage, violating their right to maternity protection. Moreover, given that their low salaries and insufficient financial resources do not allow them to pay for childcare, women are

often forced to leave their jobs to look after their children. Lastly, the Labour Code does not afford protection against dismissal following the expiry of maternity leave in the private sector.

In order to reach minimum standards of maternity protection in Georgia, including ensuring that women and their children can stay in proper conditions of health and with a suitable standard of living, it is vital that the Government ratifies the Maternity Protection Convention, 2000 (No. 183).

Specific measures should also be adopted to grant informal economy workers access to jobs in the formal economy, enabling them to benefit from social guarantees and labour rights protection.

In conclusion, reforms to social protection systems can alleviate inequalities and help extend social protection coverage to women excluded from it and at risk of poverty. This requires appropriate non-contributory social protection schemes such as base pensions, sufficient maternity allowances and adequate minimum unemployment benefits in order to combat inequality and poverty.

Worker member, Sweden – I am speaking on behalf of the Nordic trade unions in Sweden, Finland, Norway, Denmark and Iceland. Georgian labour law fails to capture the concept of “work of equal value” which is a breach of the Convention. Georgia has a gender pay gap of a staggering 31.7 per cent, the global average being 20 per cent, and I might add that in Sweden we have 10 per cent, so a lower number is possible. To close the pay gap, the Government of Georgia needs to adapt labour law to the Convention and then make sure that employers apply the law.

In 2021–22, labour inspectors in Georgia visited 2,767 workplaces, and they did not find any violations regarding equal remuneration. And this in a country where the gender pay gap is 31.7 per cent. This suggests that labour inspectors need to receive training on equal pay for work of equal value.

Gender pay gaps have a multitude of reasons, and all of them must be addressed in order to close the gap. What Georgia has in common with many countries in the world is a segregated labour market where you traditionally will find female workers in sectors with low wages and male workers in sectors with high wages. Even when the work is of equal value it is not paid equally.

As parents we can encourage our sons and daughters to make educational and professional choices outside of gender stereotypes, but we need the Government to have legislation in place that takes into account the concept of “work of equal value”. The Government should also work with incentives and awareness-raising activities; this includes encouraging girls to study in science, technology, engineering and mathematics (STEM) programmes at university. Currently only 16 per cent of graduates from STEM programmes are women.

In Georgia, as in many other countries, women are now better educated than men. Despite this fact that more women than men have received a higher education, the pay gap is still 31.7 per cent. In Georgia, having a Y chromosome really pays off.

The Nordic trade unions call upon the Government of Georgia to amend the labour legislation to capture the concept of work of equal value, to give adequate training to labour inspectors and to work with incentives and awareness-raising activities in order to help the young to choose a profession in spite of existing stereotypes.

Observer, Building and Wood Workers' International (BWI) – Various measures could be applied to close the gender pay gap and ensure equal pay for equal work in compliance with the ILO Convention. One such measure is to set a decent minimum wage. Georgia's private sector minimum wage was, as mentioned by a previous speaker, updated in 1999 and currently stands at 20 laris, which is equal to US\$7.50 per month. This makes it one of the lowest monthly minimum wages in the world.

It is unlikely that anyone in Georgia earns 20 laris per month, but instead Georgia's median wage was 1,040 laris, which equals US\$390, in 2022. However, it gives employers a powerful tool to manipulate workers when a fixed part of the wage is secured at the minimum wage level and the rest is paid as a bonus.

An extremely low minimum wage does not allow for an effective and equal wage system in the country. Low-paid sectors stagnate as low-wage sectors for decades. Women's segregation by industry and occupation locks them into economic activities with lower earnings. Often, female jobs are underappreciated and under-remunerated compared to work of equal value performed by men when determining wage rates. This violates the key concept of the Convention, which defines equal value as equal or identical work in equal, identical or similar conditions or different kinds of work that, based on an objective criterion, are of equal value.

The conclusions of the ILO expert meetings on wage setting and living wages of this year established, as has been done many times in this house, that collective bargaining and statutory minimum wages, through tripartite social dialogue, should be the proper modality for setting and adjusting wages. However, the wage-setting method aimed at achieving this should also ensure gender equality and non-discrimination and that wage policies and wage-setting mechanisms should promote gender equality, equity and non-discrimination.

We hence argue that adjusting the minimum wage to allow for a decent standard of living for workers and their families will be instrumental in reducing the gender pay gap in the economy.

Therefore, we call on the Office to provide technical assistance to the social partners in Georgia to establish an effective mechanism for increasing the minimum wage, to close the gender pay gap in Georgia, as well as to reach a wage level that is necessary to afford a decent standard of living for all workers and their families.

Chairperson – I can see no more requests for the floor, so now I invite the Government representative of Georgia to make her concluding remarks.

Government representative – I do not really have much to add for the moment. The fact is that we have done much, and we have to do more. We definitely do understand that there is a difference between equal remuneration for equal work and equal remuneration for work of equal value. But the issue is that we have to elaborate and implement relevant methodology regarding the assessment of work of equal value, to have clarity in the understanding of its content and procedure, and currently we are working on it. In conclusion, I would like to thank the ILO for its permanent interest and support to Georgia.

Employer members – The Employer members would like to thank the Government of Georgia and the various speakers who took the floor for their interventions and information provided of which we fully have taken note.

We reiterate the importance of the Convention as one of the ten fundamental Conventions with a very high ratification rate. We welcome signs of the Government's

willingness and expressed commitment to improve the situation concerning the application of the Convention and ask the Government to report on the progress being made.

We recommend that the national authorities effectively consult and cooperate with the representative employers' and workers' organizations. Specifically, we recommend that the Government:

- First, further amends the labour legislation, in cooperation with the representative employers' and workers' organizations, to implement the principle of equal remuneration for men and women for work of equal value.
- Second, take further measures to implement the Convention and to provide information on the progress achieved in this regard.
- Third, provide detailed information on specific measures taken under the framework of the Equal Pay International Coalition, the State Concept on Gender Equality, the National Concept Document on Women's Economic Empowerment and the associated 2022–24 Action Plan.
- Fourth, continue to provide statistical data on the number of men and women employed, disaggregated by economic sector and occupational level.
- Fifth, provide information on efforts to train and raise awareness. Finally, provide information to the Committee of Experts before its next meeting on the issues discussed and measures taken.

Worker members – We thank the Government of Georgia for its participation and its remarks. We also thank all the delegates who took the floor.

We take note of the persisting gender pay gap and the structural horizontal and vertical segregation prevailing in the country which prevent women from accessing higher-paying jobs and from fully participating in the labour market.

The Government must take proactive measures, in cooperation with the employers' and workers' organizations concerned, to give full effect to the provisions of the Convention, in line with the comments of the Committee of Experts.

More specifically, we call on the Government to amend the Labour Law and the Law on the Public Service, in cooperation with the social partners, in order to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.

We request the Government to take measures in cooperation with the social partners to effectively address the persisting horizontal and vertical segregation prevailing in the country, in particular the underlying causes of inequalities in remuneration, such as occupational gender segregation into lower-paying jobs or occupations or positions without career opportunities, including through targeted vocational training, occupational quotas, incentives and awareness-raising activities.

We also request the Government to elaborate techniques and methodologies to measure and compare objectively the relative value of the jobs performed in line with Article 3 of the Convention. Guidance and technical assistance from the ILO could be sought in that regard.

Noting that the gender pay gap still stands at 23 per cent, we urge the Government to regularly review wages in sectors in which women are concentrated and to raise the minimum wage, which was last fixed 25 years ago in 1999.

In addition, we request the Government to take measures to implement effective enforcement and detection mechanisms. The Government should also review existing complaint mechanisms so as to guarantee easily accessible, effective and speedy procedures to workers. We further request the Government to train and raise awareness of labour inspectors, judges, lawyers, public officials, workers, employers and their organizations, as well as the public, on the principle of this Convention.

Finally, we request the Government to regularly collect and analyse statistical data on the number of men and women employed, disaggregated by economic sector and occupational level, as a useful basis for policymaking. We call on the Government of Georgia to accept a technical advisory mission.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

Taking into account the discussion, the Committee urged the Government to take effective measures, in consultation with the representative employers' and workers' organizations, to:

- amend the Labour Law and the Law on the Public Service in order to give full legislative expression to the principle of "equal remuneration for men and women for work of equal value";
- effectively address the persisting horizontal and vertical segregation prevailing in the country, including through targeted vocational training, occupational quotas, incentives and awareness-raising activities;
- regularly review wages in sectors in which women are concentrated;
- implement effective enforcement and detection mechanisms;
- review existing complaint mechanisms so as to ensure that procedures are easily accessible, effective and speedy;
- provide detailed and comprehensive information on its efforts to train and raise public awareness on the principle of the Convention;
- regularly collect and analyse statistical data on the number of men and women employed, disaggregated by economic sector and occupational level; and
- provide the Committee of Experts with any outstanding information it requested.

The Committee invited the Government to avail itself of ILO technical assistance.

Guinea (ratification: 1961)

Abolition of Forced Labour Convention, 1957 (No. 105)

Written information provided by the Government

The Government communicated the following written information and a copy of Decree No. 2016/309/PRG/SGG of 31 October 2016 establishing the prison regulations, Act No. 2015/009/AN on preserving the public order and Act No. 2005/013/AN of 4 July 2005 issuing regulations for associations in Guinea.

The Guinean legal framework provides a solid basis for the protection of persons against labour exploitation and strictly prohibits forced or compulsory labour in all its forms. This prohibition is contained in the provisions of the Transitional Charter, the Criminal Code and the Labour Code. In this connection, the Government notes the recommendations of the Committee of Experts to continue providing information on any criminal penalty handed down for violations of the provisions of Act No. L/2005/013/AN establishing the system of associations (under section 37 of the Act), and, where possible, on the acts giving rise to these convictions. It undertakes to send a copy of any new legislation amending the Act establishing the system of associations to the Committee of Experts as soon as it is adopted.

The Government notes the recommendations of the Committee of Experts to take the necessary measures to ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations. The Government indicates that with regard to the abolition of punishments involving compulsory prison work, section 38 of the Criminal Code provides for three types of alternative punishment for such offences, namely a fine paid daily, community service and reparations. Community service, which involves performing work for the benefit of the community as a whole, is explicitly set out in the draft to ensure that such work is not akin to punishment by forced labour as prohibited by Guinean law and the Constitution.

Section 44 of the Criminal Code provides that a sentence of community service may not be applied to a person who refuses to serve it or who does not attend the hearing. The person involved is reminded of their right to refuse, after being declared guilty and the determination of the sentence. However, the Government insists that the Committee's recommendations will be taken into account within the framework of the reform undertaken by the Government. The reform processes started by the transitional authorities provide for the adoption of a new Constitution and an overhaul of the political system, which will undoubtedly lead to a revision of the Charter of Political Parties. The Government informs the Committee that the sentences issued in accordance with the above-mentioned provisions very often concern the organization of or participation in unnotified or banned demonstrations. Prison sentences of 4 to 18 months are often handed down. There have been no court proceedings based on the provisions of the Criminal Code referred to by the Committee of Experts and, as a result, no sentences have been issued by invoking these provisions. The Government will keep the Committee informed of any future developments in this regard.

With regard to press offences, no such offence has been sentenced with compulsory prison labour. It should be noted that compulsory prison labour is no longer authorized in accordance with the provisions of the 2016 Criminal Code. Lastly, with regard to section 660 of the Criminal Code and sections 30 and 31 of Act No. 91/02/CTRN establishing a Charter of Political Parties, to date there have been no court proceedings on the basis of these provisions and therefore no sentence has been handed down in this area. The Government will keep the Committee of Experts informed of any future developments in this regard.

Discussion by the Committee

Chairperson – I invite the representative of the Government, the Minister of Labour and the Civil Service, to take the floor.

Government representative – It is an honour for me, on behalf of the Government of Guinea, to take the floor before the Committee that you have the important responsibility of

guiding. I thank you for giving me the opportunity to present and defend Guinea's position in the face of the allegations that provisions of the Convention are violated in the execution of prison sentences imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations. These accusations, which tarnish the image of my country, are entirely baseless. By way of background, since gaining independence Guinea has participated in all United Nations human rights bodies. As such, as a member of the ILO since 1959, it has ratified all the Conventions linked to fundamental principles and rights at work, including the Forced Labour Convention, 1930 (No. 29); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); and the Domestic Workers Convention, 2011 (No. 189). These ratifications demonstrate my country's respect for human rights.

Guinea has made efforts to adopt measures to align its national legislation with international labour standards. To that end, it has revised its Criminal Code to remove sentences involving hard labour and has included in the draft labour code, which is under review, provisions that prohibit labour exploitation. The observations of the Committee of Experts that are the reason for our appearance before this Committee relate to non-respect for the provisions of Article 1 of the Convention. It should be noted that my country ratified the Convention on 11 July 1961, four years after the Convention's adoption by the ILO, three years after gaining independence and two years after joining the Organization, thereby demonstrating its will to adhere to the principles and regulations established to protect individual well-being and to apply them, whatever their category.

In its observations, the Committee of Experts refers to several provisions of national legislation providing for prison sentences involving compulsory labour under Decree No. 247 of 20 September 1972 concerning the establishment and structure of the prison administration and Decree No. 624 of 13 November 1981 supplementing Decree No. 247 of 1972. Firstly, I would like to inform the Committee that the Decrees to which the Committee of Experts refers, and which form the basis for these allegations, were abrogated in 2016 by means of Decree No. 309 establishing a legal regime for prisons. I note that a copy of that Decree was submitted to the Committee of Experts on 20 May 2024. It is important to highlight that the adoption of Decree No. 309 led to significant improvements in conditions of imprisonment for convicted persons in Guinea. Contrary to Decree No. 247 of 1972, the new legislation removed any possibility of compulsory labour in prisons. For all prisoners, from remand prisoners to those who have been convicted, the regulations set out the manner in which sentences must be executed and the related conditions. Firstly, article 14 of Decree No. 309 provides that remand prisoners are not required to undertake prison work in Guinea, but they may, if they wish, request to work. Secondly, article 22 of the Decree indicates clearly that convicted persons must be encouraged to participate in devising their own sentence plan as part of ongoing dialogue. Procedures are also established to regularly revise prisoners' individual plans, with their participation. This is a process of co-construction with detainees, according to their wishes.

Furthermore, it should be highlighted that sentence plans drawn up with the participation of convicted persons must involve, where possible, work, education, preparation for release and other activities, as is done in so-called great democracies. In other words, prison

regulations in Guinea provide for the devising of a sentence plan with each detainee. Plans should focus in particular on the assistance to be offered to convicted persons, the possibility of working, access to training or advanced training and preparation for release.

Article 112 of the Decree provides that the work to which convicted persons are assigned may not be considered a sanction or punishment, but a means to allow them to prepare for reintegration into society. Moreover, it provides that, to the extent possible, detainees must be able to choose the type of work that they wish to undertake. Article 113 provides that the working day must not exceed eight hours. Detainees do not work on Sundays or public holidays. This means that, in Guinea, not only do convicted persons have the freedom to choose whether to work or not during their sentences, the work that they undertake is also regulated.

This demonstrates how no element of law or fact can justify the allegations that the Convention's provisions are violated in Guinea. With regard to the request of the Committee of Experts to ensure that no sanctions involving compulsory labour may be imposed, under the application of certain criminal provisions, on persons who express certain political opinions or who express views ideologically opposed to the established political, social or economic system, I am pleased to inform the Committee that, as indicated in our last report on the application of the Convention, no prison sentence involving compulsory labour has been imposed on any individual. I am comfortable saying that: I have been involved in political struggles in my country for ten years.

Firstly, no aspect of the provisions of the Criminal Code to which the Committee of Experts refers imposes compulsory labour on persons convicted of crimes concerning insults or defamation against public administration bodies or public employees, unlawful assemblies or prohibited gatherings. The sentences handed down for such violations are either prison sentences or fines that do not involve compulsory or prison labour. Next, it should be stressed that forced or compulsory labour is prohibited by our laws and the Transitional Charter, and by article 4 of the Labour Code, which provides that forced or compulsory labour is banned in Guinea. I reiterate once more that no prosecutions have been brought and, therefore, no sentences handed down on the basis of the provisions of the Criminal Code mentioned by the Committee of Experts. Clearly, the violation of an established regulation by any individual is sanctioned, but it should be noted that the Guinean legislative framework provides a solid foundation for protecting the fundamental rights of all individuals against labour exploitation and strongly prohibits all forms of forced or compulsory labour. This principle is embodied in the Transitional Charter, article 8 of which provides that fundamental rights and freedoms are recognized and their exercise by citizens guaranteed in the conditions and forms set out in law.

With regard to the application of sentences, the Criminal Code provides for ancillary and complementary penalties, which are added *ipso jure* to main sentences. A list of such penalties has been drawn up and does not include, in any form, penalties involving forced or compulsory labour for prisoners. The authorities ensure that detention conditions and the treatment of persons deprived of liberty adhere to national law and international standards.

To conclude, I would like to note that no sentence involving forced labour is applied to detainees in Guinea in general, including persons convicted for expressing opposition to the established system. I therefore respectfully request that the members of the Committee reconsider Guinea's summons.

Employer members – The Employer members thank the Government for their oral and written information on this case. The Employer members emphasize the importance of

governments' compliance with the Convention which, as a fundamental Convention, requires special attention.

From the outset, the Employer members wish to stress their deep commitment towards the eradication of forced labour and the great importance attached to the Convention. We are firmly convinced that no relevant stakeholder should turn a blind eye to any such practices, especially if they are planned, conducted or tolerated by central authorities.

We would like to start off by providing some background information and context. The Republic of Guinea joined the ILO in 1959. It has ratified a total of 62 Conventions, including nine fundamental Conventions, three governance Conventions, and 50 technical Conventions. Of the 62 Conventions that have been ratified, 52 remain in force. The Republic of Guinea ratified the Convention in 1961. The Committee of Experts has provided observations before on the Government's compliance with the Convention, most recently in 2018 and 2023.

We also note that the Committee of Experts has made direct requests from 2005 to 2023 to the Government regarding the Convention. The Employer members understand that the ILO is not currently providing technical assistance to the Republic of Guinea in relation to forced labour issues. We note, however, that a mission to the Republic of Guinea was undertaken in May 2024 to draw up a new Decent Work Country Programme, which includes a standards component. The mission also included training for members of the National Council for Social Dialogue (CNDS).

This year is the first time that the Committee has examined the Government's application of the Convention.

The Committee of Experts' comments specifically relate to issues regarding the Republic of Guinea's compliance with Article 1(a) of the Convention. Countries who have ratified the Convention commit, under Article 1(a), to protecting those who engage in peaceful activities related to freedom of political expression and freedom of the press from punishment by way of compulsory labour, including through prison sentences.

The comments of the Committee of Experts highlight two specific issues regarding the Government's compliance with Article 1(a) of the Convention.

Firstly, the Committee of Experts refers to several provisions of the Republic of Guinea's national legislation imposing punishments involving compulsory labour for the commission of certain protected activities that fall within the scope of Article 1(a) of the Convention. Secondly, the Committee of Experts takes note of a recent order by the transitional Government that prohibits demonstrations that likely compromise social peace and public order, specifying that any breach of this order would result in legal consequences.

The Employer members will now address these two issues in further detail.

With respect to the first issue, the Employer members note the observations of the Committee of Experts on the national legislative provisions imposing punishment involving compulsory labour on persons who peacefully hold or express political views or otherwise hold or express views that are ideologically opposed to the established political, social or economic system.

The Committee of Experts refer to a list of these acts or behaviours outlined in national legislation. Examples of these acts or behaviours include defamation; organizing an unauthorized demonstration; participating in an unauthorized demonstration; organizing a meeting on a public thoroughfare; insulting the Head of State, officers of the law, the national

anthem or the national flag; founding, directing or administering a political party in violation of the law; and directing, administering, or reconstituting a dissolved political party.

The Employer members also note the information provided by the Government which indicates that no prosecutions have been brought on the basis of any of the provisions in the national legislation noted in the Committee of Experts' observation and that no press-related offences have been punishable by compulsory prison labour.

The Employer members recall that compliance with ILO fundamental Conventions must be both in law and in practice. Therefore, while the Government appears not to have enforced these laws in practice, the national legislative provisions noted by the Committee of Experts, by law, are not compliant with Article 1(a) of the Convention. As such, they do not protect against punishment, by way of compulsory labour, those who peacefully hold or express political views or those who hold or express views ideologically opposed to the established political, social or economic system.

The Employer members strongly encourage the Government to provide the Committee of Experts with the requested information relating to any convictions for the offences outlined in the national legislative provisions noted in the Committee of Experts' comments, including the alleged acts or behaviours underlying those convictions.

With respect to the second issue, the Employer members note the comments of the Committee of Experts regarding the decision of the transitional Government of 13 May 2022 prohibiting any demonstrations that are likely to compromise social peace and the proper development of Government activities. The decision specified that any breach would result in legal consequences.

The Employer members also note the comments of the Committee of Experts recalling a letter from the United Nations High Commissioner for Human Rights to the President of the Republic of Guinea expressing deep concern about the large number of demonstrators arrested, as well as an August 2022 decision dissolving the National Front for the Defence of the Constitution, a coalition including political parties and civil society organizations.

The Employer members note the commitment provided by the Government to undertaking a substantive reform of national legislation to potentially limit the scope of the application of the legislative provisions noted earlier. This undertaking was first noted by the Committee of Experts in its 2023 observation on the Republic of Guinea's compliance with the Convention, and no additional information with respect to this review has been noted in the Committee of Experts' observation this year. The Employer members strongly encourage the Government to commit to its undertaking to review the legislative provisions noted by the Committee of Experts in its report.

Worker members – Our Committee has been led to examine for the first time the Government's application of the Convention, which is a fundamental Convention that enjoys one of the highest ratification rates, with 178 ratifications, and that Guinea ratified in 1961, as confirmed by the Minister. The Convention forms part of the ILO Declaration on Fundamental Principles and Rights at Work and states that employment relationships should be freely chosen and free from threats, as well as requiring Member States to eradicate forced labour.

The Worker members note the comments of the Committee of Experts that identify several provisions in Guinean legislation that allow prison sentences involving compulsory labour to be handed down for acts or behaviour through which persons express views opposed to the established political, social or economic system. Participation in an undeclared or unauthorized demonstration also falls under these provisions.

The Committee of Experts highlights that these activities fall within the scope of application of Article 1(a) of the Convention, which provides that “[e]ach Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour... as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.”

The criminal provisions in question constitute, quite simply, the criminalization of language, of mere words and of acts expressing dissident political views, in violation of the Convention.

We recall that, by decision of 13 May 2022, the transitional government prohibited any demonstration on public thoroughfares likely to compromise the social peace – and we note the generalized nature of that concept – and the proper development of the activities in its calendar, specifying that any breach of this order would entail legal consequences against the perpetrator(s). Moreover, the freedom of the press has been under attack since 2022, leading to the closure of some media outlets, with others forced to put workers on indefinite leave owing to the ongoing restrictions.

Against a backdrop of highly restricted civil liberties, there are concerns that these provisions are being implemented with the aim of silencing the opposition, particularly trade unions. Restricting trade unions’ scope of action means dangling the sword of Damocles over them by criminalizing strike action, which is covered in Article 1(d) of the Convention which prohibits the adoption of such measures as a punishment for having participated in strikes.

The international community has already stated its concerns at the deterioration in civil liberties in Guinea. In a letter addressed to the President of the Republic on 15 August 2022, the United Nations High Commissioner for Human Rights expressed her deep concern at recent developments in the human rights situation in the country, referring to a large number of arrests of demonstrators, including members of the political opposition and civil society. The High Commissioner also referred to a decision of the Government of 9 August 2022 aimed at dissolving the National Front for the Defence of the Constitution (FNDC), a collective of opposition political parties, trade unions and civil society organizations, which had initiated demonstrations.

The deterioration in the human and trade union rights situation in Guinea is obvious and has only worsened since 2022.

We recall that on 19 January 2024 Sékou Jamal Pendessa, Secretary-General of the Guinean Press Professionals’ Union (SPPG), was arrested and sentenced to six months’ imprisonment, three of which were suspended, and a fine of 500,000 Guinean francs.

His arrest came after his union, on 18 January 2024, called for protests against the media restrictions imposed by the Government since May 2023. Demonstrators who gathered at the Press House on 18 January 2024 were physically assaulted and arrested for participating in an “unauthorized assembly”, before being released.

We note with concern that, during his six weeks in prison, Sékou Jamal Pendessa was subject to hard labour. He was finally released on 28 February 2024 by the Conakry Court of Appeal after three days of strikes and street protests.

The freedoms of peaceful assembly, association and expression are fundamental pillars of democracy that must be defended and protected at all times. Workers must be allowed to

express their views on the country's economic situation without fear, intimidation or imprisonment.

We call on the Government to adopt the necessary measures to ensure that no sentence, including prison sentences, that may involve compulsory labour can be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations.

We note the process of legislative reform initiated by the Government. We call on it to review its legislation according to the guidance of the Committee of Experts in order to ensure that the provisions of the Criminal Code and of the Act of 23 December 1991 establishing a charter of political parties are in compliance with the Convention.

Worker member, Guinea – Since its accession to the ILO in 1959, the Republic of Guinea has ratified several ILO Conventions, including Convention No. 105 in 1961. This commitment has resulted in the adaptation of national legislation in general, and labour legislation in particular, through the Labour Code of 1960 and the Labour Codes of 1988 and 2010. However, these historic achievements by the First Republic, which have been respected to a large extent by the successive governments in power, are currently under threat from administrative and judicial practices that seriously undermine the rights of workers, particularly in the press sector.

In this context, several media outlets have been suspended by the High Authority for Communication, which wrote to the General Director of television company Canal + Guinée on 6 and 9 December 2023 to request him to stop broadcasting by Djoma FM and TV, Espace FM and TV, and Évasion FM and TV, channels available with the Canal + Guinée package, for “national security reasons”. On 12 December 2023, another distributor, StarTimes, announced the cancellation of Djoma TV, Espace TV and Évasion TV on the same grounds.

These repressive measures were denounced by the trade union movement through various statements that have failed to shake the administrative authorities from their determination to silence all dissonant voices, despite the multiple calls for the fundamental rights of citizens to be respected, in particular freedom of expression and demonstration, which are all recognized by the Transitional Charter drafted by the National Committee for Reconciliation and Development.

The Guinean trade union movement takes this opportunity to reaffirm its concerns and fears regarding the direction that the decisions of the transitional Government are taking with respect to the exercise of the profession of journalism in the private sector.

Today, there are hundreds of Guinean families who have been hit hard by the closure of private radio stations and television channels, despite the fact that these stations and channels have enabled the recruitment of many young jobless graduates, affected by unemployment and underemployment, while contributing to the education of citizens on democratic values, social peace and harmonious coexistence.

The trade union movement denounces the conviction of our comrade the Secretary-General of the SPPG, who, in addition to being arrested and detained for over one month, received a suspended sentence of three months' imprisonment.

The trade union movement takes this opportunity to express its profound gratitude to all trade union organizations around the world for their full support with a view to upholding the rights of the press in Guinea.

It particularly wishes to thank the International Trade Union Confederation (ITUC) and its African regional branch, the Organization of African Trade Union Unity (OATUU) and the ILO for the various efforts made to further the aspirations of the Guinean trade union movement in its quest for social justice, freedom and democracy.

In the face of the numerous challenges that threaten to undermine the social achievements made at such a high price, often through bloodshed, during Guinea's years of upheaval, the trade union movement appeals strongly to the ILO to provide sustained support to ensure the fulfilment of the Republic of Guinea's commitments, freely undertaken through the ratification of ILO Conventions, in particular Conventions Nos 87, 98 and 105, and all other Conventions concerning human rights.

Lastly, the Guinean trade union movement reaffirms its long-standing commitment to a framework of constructive and sustainable social dialogue, the foundations and instruments for which now exist in Guinea thanks to the establishment of the CNDS with a multi-dimensional remit, particularly with regard to prevention, advice and management in the case of collective labour disputes for all sectors of activity nationwide.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Montenegro, North Macedonia**, the **Republic of Moldova** and **Ukraine**, and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States have been committed development partners of Guinea, including through the "Everything But Arms" (EBA) arrangement under the EU's General Scheme of Preferences, granting duty-free and quota-free access to the EU market, resulting in sustained growth and job creation in the past decades. The trade benefits granted under the EBA arrangement are subject to the condition that Guinea respects core international principles, enshrined in core UN and ILO Conventions.

We note with concern the Committee of Experts' indication that several provisions of national legislation provide for prison sentences involving compulsory labour for activities within the scope of application of the Convention.

We also take note that in August 2022, the United Nations High Commissioner for Human Rights expressed deep concern at recent developments in the human rights situation in the country, referring to a large number of arrests of demonstrators, including members of the political opposition and civil society. The Committee of Experts also referred to the Government's decision aiming at the dissolution of a collective of opposition political parties, trade unions and civil society organizations, which had held demonstrations.

We note that the Government states in its report that no convictions have been handed down on the basis of the provisions referred to by the Committee of Experts. Moreover, the Government indicates that although no measures have been envisaged to limit the scope of these provisions, it will undertake a substantive reform to this end. We also take note of the written information recently submitted by the Government, in particular the affirmation that the Guinean legislative framework provides a solid basis for the protection of human beings against labour exploitation and strictly prohibits forced or compulsory labour in all its forms.

In line with the Committee of Experts, we request the Government to take the necessary measures to ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations.

In this regard, we echo the hope of the Committee of Experts that the provisions of the Criminal Code and of the Act of 23 December 1991 establishing a charter of political parties will be reviewed in accordance with the Convention. We therefore expect that in the framework of the reform undertaken, the Government will either clearly restrict the scope of the mentioned provisions to situations connected with the use of violence or incitement to violence, or repeal penalties involving compulsory labour to ensure that their application in practice does not lead to the violation of the Convention.

Finally, we request the Government to provide information to the ILO on any conviction handed down under the above-mentioned provisions, on the acts giving rise to the convictions, as well as on the penalties imposed for participating in demonstrations on public thoroughfares.

The EU and its Member States remain committed to a joint constructive engagement with Guinea to address the issues raised in order to comply with the Convention.

Government member, Switzerland – Switzerland expresses its deep concern regarding the provisions of Guinean legislation that establish prison sentences involving compulsory labour. Against a backdrop of deteriorating human rights marked, inter alia, by a high number of arrests of demonstrators, political opponents and members of civil society, these provisions can be applied to punish persons who have expressed their opposition to the established political, social or economic order.

In this regard, Switzerland would like to recall that freedom of opinion and expression, and freedom of assembly and association, are fundamental rights that must not be trampled. Furthermore, in accordance with Article 1 of the Convention, the exercise of these freedoms – for example, during peaceful protests – must not result in prison sentences involving compulsory labour.

While expressing its deep concern, with regard to both the legislative framework in force and the repression of Guinean demonstrators and opponents, Switzerland hopes that the broad reform undertaken by the Government will lead to significant legislative amendments. The Government must ensure that, in close consultation with the social partners, future legislative provisions will be in full compliance with the standards guaranteed by the Convention. Lastly, Switzerland also calls on the Government to communicate actively with regard to any measure taken or progress made in this respect.

Worker member, Senegal – I am speaking on behalf of the workers of Senegal in order to offer our support and solidarity to the workers of the Republic of Guinea with regard to the application of the Convention in their country. We wish to welcome the remarkable work carried out by the Committee of Experts on the matter.

We note the information provided by the Government, in particular on the proposed reform of the legal framework. It is important to underscore, however, that despite the commitments undertaken, the situation regarding freedom of expression and association continues to deteriorate, which could lead to prison sentences involving compulsory labour in accordance with Decrees No. 247/72/PREG of 20 September 1972 concerning the establishment and structure of the prison administration and No. 624/PRG/81 of 13 November

1981 supplementing Decree No. 247/72/PREG, and the Criminal Code of 2016. Our concern is all the more justified given that the Government is restricting civic space and stepping up the number of arrests of trade union leaders who may be subjected to compulsory labour if the current legal framework is not amended.

Recently we witnessed the arbitrary arrests of journalists, including the Secretary-General of the SPPG, Sékou Jamal Pendessa, for having called for demonstrations against the restrictions affecting the internet and the media in Guinea. An endless list of violations of the right to freedom of expression and peaceful assembly demonstrates the willingness of the authorities to bring the opposition to heel. Those who protest against such violations are arrested and detained arbitrarily. The Government is threatening to withdraw the accreditation of trade union organizations involved in unauthorized protests, even though all protests have been prohibited since May 2022 in Guinea. Trade union leaders are accused, through smear campaigns, of acting on behalf of political actors or civil society.

Furthermore, articles 363 to 366 of the Criminal Code regarding defamation and insult constitute a genuine threat to the freedom of trade union leaders. Given the current situation in the Republic of Guinea, it is necessary to request, as a matter of urgency, the Government to take measures to ensure the freedom and safety of workers, while complying in law and in practice with the Convention. In our view, this will mean:

- stopping all arrests and harassment of trade union leaders and members;
- ceasing the smear campaigns against trade union organizations;
- respecting trade union freedom, freedom of association and freedom of expression;
- implementing a genuine policy of social dialogue with the social partners with regard to addressing the concerns of the world of work;
- cooperating with the social partners to reform the legal framework, taking the necessary measures and abolishing all sentences involving compulsory prison labour.

Government member, Cameroon – Cameroon has taken note of the comments on Guinea contained in the Committee of Experts' report. We welcome the fact that the Government has duly noted the allegations against it in relation to the application of the Convention. The Government has committed to adopting the necessary measures to ensure that no sentence involving compulsory labour, particularly in the context of a prison sentence, the expression of political opinions or a peaceful protest in ideological opposition to the established system, is actually applied.

Some provisions of the Criminal Code, in particular article 38, establish three types of alternative sentences for offences: day fines, community work and compensatory penalties. Community work, which consists of carrying out work for the benefit of the community, is applied in many countries, although it has often been abused. The Government maintains that community work is strictly supervised to prevent it from being equated with hard labour, which is prohibited by national laws and the Constitution.

Article 44 of the Criminal Code establishes that community work cannot be imposed on accused persons who refuse or are not present at the hearing. The person concerned is reminded of their right to refuse after the conviction is issued and the penalty has been set.

Guinea is committed to applying the recommendations of the Committee of Experts though a series of reforms based on the adoption of a new Constitution and the revision of the political system.

Furthermore, public protests must be carried out in compliance with the law in order to avoid any abuse or manipulation of opinion.

We also invite the Government to avail itself of ILO technical assistance for its proposed legislative reform and in order to conduct participatory, structured and constructive social dialogue among the tripartite constituents.

Worker member, Botswana – I will be speaking on behalf of the workers of Botswana under the two federations: the Botswana Federation of Trade Unions (BFTU) and the Botswana Federation of Public, Private and Parastatal Sector Unions (BOFEPUSU).

We take note that Guinea did indeed ratify the Convention in 1961. However, 63 years after ratification, there are still laws or provisions of the law that permit work to be exacted from persons under the menace of penalties in Guinea.

The Decrees of September 1972, and November 1981 and the Criminal Code of 2016 are clear examples of such laws. Our emphasis is not on the statistics on the number of cases in which these laws have been applied and created victims; rather, their existence in legislation in Guinea is the main worry.

What is even more worrying is that they are prone to abuse and subjective in nature. To give an example, one can be charged for what may be termed insulting behaviour towards the Head of State, officers of the law, the national anthem or the national or a foreign flag. The question then is: how do we arrive at agreeing on what constitutes an insult? On one extreme, the laws are, or can be, used against any demonstrations in the country. We note the response of the Government to the Committee of Experts' report that there have been no convictions by virtue of the said laws or provisions, but we are aware of the arrest, detention and subsequent conviction of Sékou Jamal Pendessa, the Secretary-General of the SPPG, on 19 January 2024.

We take this time to implore the Government to look into repealing such laws and conform to the dictates of the Convention, as stated in the report. Further, we implore the Government to engage in social dialogue with all the social partners in this process of review.

It is only through social dialogue that this process of review can be meaningful and reflect the needs and aspirations of all. A meaningful social dialogue in line with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) is what we desire and, most importantly what the process itself requires.

Finally, we want to offer our solidarity to the labour movement in Guinea in their quest for these law reforms which have the potential to harm their freedom to express themselves freely and associate without any fear.

Worker member, Philippines – Our solidarity to the workers of Guinea. The Worker members of the Philippines take the floor to stress the urgent need for the Government to strengthen its labour inspection regime, especially regarding its obligations under the Convention, which was ratified in 1961.

Forced labour is a severe violation of human rights and an affront to individual dignity and freedom. Article 1, paragraph (a) of the Convention explicitly prohibits prison sentences involving compulsory labour as punishment for expressing political views or views opposed to the established political, social or economic system.

Despite this, several provisions in Guinea's national legislation still impose prison sentences involving compulsory labour for such activities. This is unacceptable and must be addressed immediately.

A country can only claim to be genuinely committed to combating forced labour if it has a robust labour inspection system. In Guinea, the current state of the labour inspection regime falls short of the standards under the Convention.

While it was reported that the Government significantly increased the budget for labour inspections in 2022 to over 15 times the 2021 budget, the labour inspectorate continued to maintain only a single vehicle and provided insufficient resources for fuel, restricting the labour inspectorate's ability to conduct labour inspections. The number of inspectors decreased from 167 in 2021 to 159 in 2022. Despite the budget increase, it remains unclear where the additional funds were allocated.

Article 2 of the Convention requires each member that has ratified the Convention to take effective measures to secure the immediate and complete abolition of forced or compulsory labour. A robust labour inspection system in Guinea must be reinforced with sufficient human resources. The number of inspectors should be increased to ensure comprehensive coverage across all sectors.

They must be well-trained to identify and address instances of forced labour, and they should be empowered to conduct thorough investigations without fear of retribution.

In 2022, it was reported by the United States Department of Labor that the labour inspectorate conducted inspections in Conakry, Boke in Lower Guinea, and Siguiri in Upper Guinea. The sectors inspected included mining, education, health and auto garages. However, inspections were uneven and irregular. There was no evidence that the Government conducted inspections in the agricultural sector, where child labour is known to be rampant. Information is wanting on the number of child labour violations found, penalties imposed and penalties collected.

The Government's commitment to reforming the laws within the framework of state restructuring is commendable, but words must be translated into tangible actions. The Committee of Experts expects Guinea to provide detailed information on any convictions handed down and the acts that led to such convictions. Transparency and accountability are critical in this regard.

Likewise, public awareness and education are crucial for an effective labour inspection system. The Government should amplify and broaden awareness campaigns, focusing especially on vulnerable populations and employers. These campaigns should educate citizens about their rights and the legal consequences of forced labour. Additionally, awareness efforts should reach the security sector, which often hinders people's freedom of expression. Expanding these initiatives can empower individuals and create a more informed and vigilant society against labour exploitation.

Actions, not promises, will measure Guinea's commitment to the Convention. A robust labour inspection system is crucial. We urge the Government to take immediate steps to reinforce its labour inspection regime, eradicate forced labour and uphold the rights and dignity of all individuals.

Chairperson – I can see no more requests for the floor, so now I invite the distinguished representative of the Government to take the floor for his concluding remarks.

Government representative – I would like to begin by recalling Article 1 of the Convention, which reads, and I quote: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour: (a) as a means of political coercion or education or as a

punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilising and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination.”

I think that this must be recalled to ensure that our discussion remains on the subject of the comments of the Committee of Experts on the use of forced labour in our country. As I recalled in my previous statement, reference is being made to certain laws that are no longer in force in Guinea. The Decree of 1972 has been abrogated, as has the Decree of 1981. The provisions of Decree No. 305 replace all the provisions of the Decrees of 1972 and 1981. We should not spend time on legislation that is no longer in force in my country. In terms of respect for fundamental rights, I would like to highlight our robust legislative framework, which forms a very solid foundation for the protection of human beings from labour exploitation. That legislation strongly prohibits all forms of forced or compulsory labour, which is no longer imposed in Guinea. To demonstrate our conviction and our compliance with all international human rights instruments, I would like to point out that Guinea has ratified the main international and regional legal human rights instruments, including the Universal Declaration of Human Rights of 1948; the International Covenant on Civil and Political Rights of 1966; the International Covenant on Economic, Social and Cultural Rights of 1966; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984; the Committee on the Elimination of Discrimination against Women of 1979; the Convention on the Rights of the Child of 1989 and the African Charter on Human and Peoples' Rights of 21 October 1986. Today, we have a Constitution, the Transitional Charter, that strengthens these international commitments of the State in the area of human rights protection.

In addition to this Transitional Charter, Guinea has an array of legal instruments that protect human rights, such as the current Criminal Code, which revokes all the provisions of the various codes that preceded it and the Code of Criminal Procedure. The Civil Code, moreover, complies fully with all international human rights instruments. The Government has established a national committee to combat trafficking in persons. I would like to acknowledge the EU, which has funded the implementation of this programme, thereby facilitating the setting up of a mechanism for operating procedures relating to the referral, identification, guidance and care of victims of trafficking in Guinea.

Forced labour is one of the practices linked to trafficking in persons. This all serves to illustrate the country's institutional legal provisions that promote respect for human rights. With regard to the institutions responsible for promoting social dialogue, Guinea has been successful in recent years in establishing the National Social Dialogue Council to strengthen social dialogue and promote it among actors, that is, the tripartite constituents: the Government, trade unions and employers. The Council is currently operational and resourced.

Freedom of association is intertwined with the history of Guinea. It was the trade union movement that gave Guinea its independence. Guinea could never challenge the exercise of trade union rights. The first President of Guinea was a trade union leader. If you look at the table of countries that have ratified the Convention, Guinea is among the first. We joined the ILO one year after our country gained independence. I am sharing all this information to stress our political will to respect human rights and the exercise of trade union rights in our country. Today, we are one of the few countries that support trade union organizations, which are included in the annual national development budget so as to afford them State funding for the implementation of their action plans, with the aim of improving working conditions and also engaging in dialogue with the different tripartite constituents. I recall that Guinea does not

impose forced labour, in any form. Reference has been made to particular events relating to journalists; it is true that the journalist Mr Pendessa was arrested.

We are a country, we are a Republic; there are laws. We cannot do whatever we want just because we have liberty, just as I cannot leave this room and start doing whatever I want. I must respect your liberties. We have regulations that monitor trade union activity, political activity, civil society activity and the activity of social actors. As our trade union colleagues in the room know, the current Government is making great effort to respect, and ensure respect for, these types of regulations. Turning to the media: there are currently more than 20 private radio stations in Guinea. We have around ten national television stations in operation. But a radio station that has been set up still has rules to follow. You are signing up to terms of reference. When you violate those terms, which are a standard requirement in all countries, you receive the relevant sanctions, and that is what is being imposed today. There are two or three media outlets that are subject to these sanctions.

At the institutional level, it should be noted that we have an authority responsible for regulating the sector which applies disciplinary measures, rather than criminal measures. We have the High Authority for Communication, which questions journalists and media organizations that violate regulations. Arbitration must take place, and, in most cases, journalists recognize the error of their ways. Mechanisms are established through dialogue and consultation to ensure that order is restored. This allows mechanisms to be put in place to strengthen skills and professionalization in the media. Beyond that, I would like to recall one fact: we have spoken about the closure of radio stations. Press organizations are aware. They themselves recently decided, and you can find this on the internet, that a self-regulatory body should be established, because there is misconduct. Do not forget that Guinea is working to ensure internal stability, but also subregional stability. We border the Sahel. Subregional stability in West Africa depends on the peace and stability guaranteed in Guinea. For that reason, we must not allow a journalist, or any actor, including government actors, to commit acts that create instability in the country and instability in the subregion.

Guinea respects all the principles of fundamental rights, Guinea respects all principles in line with international human rights instruments, but we are a well-run republic, and we require all actors to respect republican principles. I will conclude my remarks by assuring you that Guinea will continue its reforms. I am sure, after all the statements made, that each speaker has noted that we have a legislative framework that abolishes forced labour, that abolishes compulsory labour. We commend all those speakers who have recognized the efforts under way at the government level. On that note, I reiterate Guinea's call for the ILO to continue to support it in strengthening its legislative and institutional framework, strengthening social dialogue – as I stated a short while ago, we have a National Social Dialogue Council – and strengthening its capacities so that the Council can further promote social dialogue for the benefit of human rights and the improvement of working conditions. Once more, please accept that Guinea does not today impose forced labour or compulsory labour.

Worker members – The Worker members repeat their concern at the deteriorating situation of human and trade union rights in Guinea, as reflected in several reports. Demonstrations on public thoroughfares have been prohibited since 13 May 2022. Press organizations are attacked and forced to close. Civil liberties are heavily curtailed, and all acts of opposition are swiftly repressed by the authorities.

We also note with concern and worry the conviction and imprisonment of the SPPG Secretary-General, Sékou Jamal Pendessa, who was subjected to hard labour during his

detention. We must take into account the comments of the Committee of Experts, in a direct request in a similar case adopted in 2019 and published at the 109th (2021) Session of the International Labour Conference, on the impact on the application of the Convention of criminal sanctions involving compulsory work. The Committee of Experts recalled that the Convention does not only protect persons who express political views from sentences of forced labour, but it also prohibits in general the imposition of compulsory labour on such persons. This is the case when persons who express political views are given prison sentences and national legislation also provides for compulsory labour in prisons.

In this context, which we consider to be repressive, we note that criminal law in Guinea contains provisions that run contrary to Article 1(a) of the Convention, which covers prison sentences involving compulsory labour; these sentences may be imposed for acts or behaviour through which persons express views or oppose the established political, social or economic system or for participating in an undeclared or unauthorized demonstration.

It is vital to ensure that no one is punished through forced labour for having expressed political views or participated in peaceful demonstrations. The State must create the material and institutional conditions required to give full effect to the prohibition of forced labour, in law and in practice, starting by updating its legislation and aligning it with the fundamental Conventions, particularly the Convention at hand, that is, Convention No. 105.

The Government has confirmed that some Decrees – at least two – have been abrogated. We call on the Government to give full effect to the comments of the Committee of Experts and to review, without delay, articles 363 to 366, 629 to 637, 658 to 660, 662 to 665 and 689 to 703 of the Criminal Code and articles 30 and 31 of Organic Act No. 91/02/CTRN of 23 December 1991 establishing a charter of political parties. We also call on the Government to accept a direct contacts mission.

Employer members – The Employer members remind the Committee that the Convention is a fundamental Convention and, therefore, requires special attention and consideration by the ILO, governments, workers, and employers. The Employer members emphasize the importance of prohibiting punishment, by way of forced labour, of persons who hold or express political opinions or who hold or express opinions that are ideologically opposed to the established political, social or economic system. The Employer members recommend that the Government:

- take necessary measures, including through a review in consultation with employers' and workers' organizations, of the related legislative provisions to ensure that no person is punished, by way of compulsory labour, for holding or expressing political views or views ideologically opposed to the established political, social, or economic system;
- provide the Committee of Experts with the requested information on any convictions for the offences outlined in the national legislative provisions noted in the comments of the Committee of Experts, including the alleged acts or behaviours underlying those convictions;
- request to avail itself of technical assistance from the ILO to address legislative gaps through tripartite consultations and to build capacities within the Government.

We trust that the Government will provide the requested information by 1 September and adopt the measures indicated by this Committee in a timely manner.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the deterioration of trade union rights in the country.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures, in consultation with the representative employers' and workers' organizations, to:

- quash the convictions brought against Sékou Jamal Pendessa, Secretary-General of the Guinean Press Professionals' Union (SPPG);
- ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations;
- take necessary measures, including through a review of the relevant provisions of the Criminal Code and of the Act of 23 December 1991 establishing a charter of political parties in order to restrict the scope of these provisions to meet the requirements of Article 1(a) of the Convention; and
- provide information on (i) any convictions handed down under the above-mentioned provisions, including the alleged acts giving rise to the convictions and the penalties imposed; and (ii) specific penalties imposed for violating the prohibition on demonstrations on public thoroughfares.

The Committee invited the Government to avail itself of ILO technical assistance to address the issues identified and to report the requested information by 1 September 2024.

Government representative – The Government of the Republic of Guinea thanks the delegates who participated in the examination of the individual case on our country with regard to the criticisms of the Committee of Experts concerning the alleged violation of certain provisions of the Convention. The Government notes the failure to take into account certain efforts made to comply with the Convention. The Republic of Guinea, which is constantly striving to bring its national legislation into conformity with international labour standards, notes the recommendations made by members of the Committee, governments and social partners following the examination of this case. It commits to taking measures to provide all the information requested by the Committee by 1 September 2024. The Government wishes to avail itself of ILO technical assistance in order to continue to honour its commitments regarding the application of labour standards.

Japan (ratification: 1965)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

(i) Right to organize of firefighting personnel

From 18 January 2019 to 26 June 2023, the Ministry of Internal Affairs and Communications (MIC) held regular consultations with the employees' side, in response to the summary of the Chairperson.

The 11th consultation, held on 26 June 2023, entailed substantive consultation on the ambulance system during the COVID-19 pandemic. At this consultation, the MIC explained that the number of firefighters, including ambulance team members and ambulance vehicles, had been consistently increased over the past years, even during the COVID-19 pandemic and the Government has taken financial measures to strengthen both, and that the Fire and Disaster Management Agency (FDMA) introduced effective methods at the fire department headquarters in order to reduce the burden on ambulance team members. The FDMA regularly takes measures to digitize, expedite, and facilitate ambulance services by utilizing the Individual Number Card and to promote the timely and appropriate use of ambulances. The employees' side stated that they would continue exchanges on the issues of firefighters in coordination with the MIC.

On 1 January 2024, a large-scale earthquake (the 2024 Noto Peninsula earthquake) occurred in Ishikawa Prefecture, and a total of 4,919 units of 211 headquarters from 21 prefectures converged on the disaster area on the instructions of the Commissioner of the FDMA, saved lives and transported the victims, in cooperation with the police and Self-Defense Force. In Japan, a disaster-prone country where large-scale earthquakes and other disasters occur frequently, a unified command and integrated actions with related organizations are required to ensure prompt and effective disaster response.

With regard to the Fire Defense Personnel Committee (FDPC) System, the MIC has conducted a survey reflecting the employees' side's opinion to understand the operational status of the FDPC, and found improvements on many points. For further improvement, the MIC notified fire department headquarters across the country of elements to note about the operation of the FDPC.

(ii) Right to organize of prison staff

(1) As stated in the previous reports, a prison officer has the duty to incarcerate persons sentenced to imprisonment, accused, suspects and those sentenced to death in penal institutions. Further, a prison officer, being granted the authority to investigate crimes in penal institutions and to arrest inmates, controls judicial police work in penal institutions and, in addition, is permitted by law to carry and use a weapon, just like police officials. In view of the purport of Article 9 of the Convention, therefore, prison officers are considered to be included in the "police" as mentioned in the Article. Regarding the Government's view above, the Government acknowledges that this is recognized by the ILO's Committee on Freedom of Association in its 12th Report and 54th Report as well.

In cases where any emergency occurs in a penal institution, the institution is required to promptly and properly bring the situation under control by force, if necessary, in accordance with the direction and supervision of the officer who has the highest rank of all personnel at the site. The personnel of penal institutions in Japan work together to respond to such an emergency situation. It is not appropriate to give the personnel of penal institutions the right to organize, because it poses a problem for the appropriate performance of the above-mentioned duties and proper maintenance of discipline and order in penal institutions.

(2) Based on the views stated in subparagraph (1) above, the personnel of penal institutions are not entitled to the right to organize. However, based on the observations in the report of the Committee of Experts in 2018, the Government created new, and expanded the existing, opportunities for the personnel of penal institutions to express their own opinions on their working environment. Specifically, as stated in the report submitted by the Government in 2023, the Government has been continually organizing meetings for exchanging views between executives of each regional correction headquarters and general staff members and holding annual conferences of Penal Institutions for Female Prisoners, in order to solve its unique challenges.

Furthermore, since June 2003, “consultation services for staff”, which accept anonymous consultations/complaints, have been introduced at the Correction Bureau, regional correction headquarters and the Training Institution for Correctional Personnel. In May 2023, in addition to further improving the working environment and promoting work–life balance among staff, the Government widely informed staff about not only consultation services within the correctional organizations, but also the various services provided by external organizations such as the National Personnel Authority (NPA), by setting up a “Strengthening Consultation Period”, aimed at intensively accepting suggestions from and consultations with staff. Since 1 April 2024, the Government has been assigning mental health counsellors to all penal institutions in order to enhance mental health measures for correctional staff who work in unique environments involving stress, and to ensure their psychological safety in the workplace. As stated in subparagraph (1), the personnel of penal institutions are not entitled to the right to organize. However, the Government is seeking to improve their workplace environment through various measures including those that are not stated above.

(iii) Public service employees

The basic labour rights of public service employees of Japan are, to some extent, restricted, due to their distinctive status as “servants of all citizens” and the public nature of the functions they are required to perform, in order to guarantee all citizens’ common interests. Instead, they benefit from the NPA recommendation system and other compensatory measures. The Government, taking a basic position of respecting the NPA recommendation system, drafts bills, which are deliberated in the Diet, and then revises remuneration. These compensatory measures have ensured that the working conditions of national public service employees are appropriate. The Supreme Court of Japan judged that guarantees made by the NPA recommendation system and other related measures have been established as a system and administered as compensation for certain restrictions on their basic labour rights (judgment made by the Grand Bench of the Supreme Court on 25 April 1973).

In order to perform such compensatory functions properly, where a recommendation is made by which remuneration and other working conditions of national public service employees will be brought into line with the general conditions of society, the NPA examines the general conditions of society and carries out surveys on working conditions, such as

remuneration in the private sector. The NPA has established a Deputy Director-General for Employee Organizations' Affairs and a Counsellor to hear opinions from employee organizations. In making recommendations about working conditions of officials to the Diet and the Cabinet, and enacting, revising, or abolishing the Rules, the NPA hears employee organizations' opinions or requests through meetings and reflects these in its recommendations as far as possible.

The NPA listened to and exchanged opinions with employee organizations at 186 official meetings in 2023 (100 meetings were held before recommendations and reports were drafted from January to August).

The Government, taking a basic stance of respecting the NPA recommendation system, reviews decisions regarding national public service employees' remuneration from the viewpoint of national administration in general, and has submitted, to the Diet, the Amendment Bill of the Act on Remuneration of Officials in the Regular Service concerning the revision of remuneration. Thus, laws are revised swiftly.

As was also taken into consideration in the conclusions of the Conference Committee in 2018, there are various issues concerning measures for the autonomous labour-employer relations system, including that "negotiation costs will increase, which may lead to some confusion" and that "prolonged labour-employer negotiations may affect execution of operations".

In addition, as reported in the previous reports of the Government, the Amendment Act of the National Public Service Act, enacted in April 2014 was formulated on the premise of the current situation, in which a part of the basic labour rights of national public service employees is restricted, and does not provide measures for an autonomous labour-employer relations system.

The reason for this is that, in light of the fact that the four civil service reform related bills, which provided for the establishment of an autonomous labour-employer relations system, received various opinions from the public and were subsequently abolished, and in light of the changes in the situation and environment since then, there are a wide range of issues that have yet to be understood by the public. This situation remains unchanged today. For these reasons, the Government believes that the measures for an autonomous labour-employer relations system are an issue that should be carefully examined while continuing to exchange opinions with employee organizations in Japan.

The Government has exchanged views annually with individual employee organizations at various levels, from ministers to officials in charge, on various cases including the autonomous labour-employer relations system according to the situations at the time each year, including in spring and after the NPA recommendations are issued. The topics include: remuneration; part-time employees; work-life balance; and matters related to the autonomous labour-employer relations system, such as in the spring period, and the handling of the NPA recommendation after its issue. In addition, based on requests from employee organizations, opinions are exchanged on individual measures, including the improved treatment of part-time officials such as "eliminating gaps regarding working conditions including remuneration, allowances, and leave", "prohibiting so-called 'termination of employment'", and "introducing a permanent employment conversion system similar to that in private sectors" as well as improved treatment of female national public employees such as through "expanding recruitment and promotions" and "preventing various types of harassment".

Also, as for the basic labour rights of local public service employees, based on the examination of national civil service reform that is stated in the Government's report in response to the Conference Committee's conclusions on the application of the Convention, the Government will carry out careful examinations regarding measures for local public service, and listen to the opinions of related organizations.

Discussion by the Committee

Chairperson – I kindly invite the Government representative of Japan to take the floor.

Interpretation from Japanese: **Government representative** – On behalf of the Japanese Government, I would like to present our basic position concerning the observations of the Committee of Experts.

Firstly, I would like to explain the local Government officer, especially the fire defence personnel. The fire defence in Japan doesn't have the right to organize, as is also the case with police officials, because for the purport of Article 9 of the Convention they are considered to be included in "the police" under the Article due to the historical background, natural and social environment and its duties. The recognition that the fire defence in Japan plays a similar role to the police remains unchanged to this day, given its development of being, historically, a part of police and the duties based on legislation. Moreover, in 1965, Japan ratified the Convention, based on the Committee on Freedom of Association conclusions, which had shown twice, that this matter causes no problems in the application of the Convention, regarding the firefighting services in Japan as "certain services assimilated to the police". In response to the conclusion adopted by this Committee in 2018, we have held 11 consultations with our social partners about the view of the Government that firefighters are considered to be included in the police, et cetera, and have deepened our understanding of each other's arguments. We will continue to promote dialogue and to strive for mutual understanding.

Japan is one of the most disaster-prone countries that approximately 20 per cent of the world's earthquakes of magnitude 6.0 or greater occur in, around of, and approximately 10 per cent of the world's active volcanoes exist in. That is why a high-level of service discipline is essential for fire defence in Japan to protect the lives, bodies and properties of citizens. Once a disaster occurs in Japan, firefighting units from all over the country converge on the disaster area as Emergency Fire Response Teams and are put under duty of response to disasters under a unified command by the direction of the Commissioner of the Fire and Disaster Management Agency (FDMA), in a very close relationship with the police and the self-defence forces. Actually, at the time of the 2024 Noto Peninsula Earthquake, which occurred in Ishikawa Prefecture on 1 January 2024, a total of 4,919 units of 211 headquarters from 21 prefectures sequentially converged on the disaster area by the direction of the Commissioner of the FDMA, rescued lives and transported the victims, and were put under extremely high-skilled and dangerous duty of response to the disaster at the forefront in a very close relationship with the police and the self-defence forces. We fully respect such dedication of fire defence personnel, and current status that they are working in a very close relationship with the police and self-defence forces should be recognized.

Next, I would like to mention that as an alternative for the right to organize, the Fire Defense Personnel Committee System has taken root. The role of it is to deliberate opinions submitted from fire defence personnel and utter opinions to the fire chief about the results of deliberation. This system is introduced by the amendment of the law based on the top-level agreement between the Minister of Internal Affairs and the Commissioner of the All-Japan Prefectural and Municipal Workers Union (ICHIRO-RENGO), in June 1995 as the solution which

can gain a national consensus, and is fully functioning to resolve problems related to working conditions.

The Fire Defense Personnel Committee System, while more than a quarter of a century has passed since its establishment, is set up by all fire department headquarters and held at least once each fiscal year by all. It has deliberated on about 5,000 opinions each year recently, from fire defence personnel. It has deliberated on approximately 140,000 opinions in total since its establishment, and about 40 per cent of these opinions have been decided as “appropriate to be implemented” by the Committee. In addition, about 50 per cent or more of them have already been realized. Those opinions are in urgent need of the fire defence personnel such as requests for countermeasures for harassment and establishment of Epidemic Prevention Work Allowance, which is paid to ambulance team members and others engaged in work to deal with COVID-19. It clearly shows that the Fire Defense Personnel Committee System contributes to the realization of their demands.

In addition to the fact that the Fire Defense Personnel Committee is fully functioning, we also would like to stress that the Government of Japan has tried to improve the current system. In order to create an environment in which fire defence personnel can more easily submit their opinions, the implementation policy about the Fire Defense Personnel Committee System was revised in 2005 and, based on the conclusions of this Committee, in 2018. Based on the results of the survey that we have conducted reflecting the employees’ side’s opinion to understand the operational status of the Fire Defense Personnel Committee, we notified fire department headquarters across the country of things to note about the operation of the Fire Defense Personnel Committee System to discuss actively on the Committee and to ensure transparency of its procedures. As the results of these measures, we found out the improvements in many points.

We will continue to understand the operational status of the Fire Defense Personnel Committee and improve its operation through dialogue with the related organizations including social partners, and JICHIRO-RENGO.

The personnel of penal institutions, who are national government officials, are not granted the right to organize either, as is also the case with police officials. This is because, for the purport of Article 9 of the Convention, prison officers, who constitute most of the personnel, are considered to be included in “the police” as stipulated in the Article for the following reason. The reason behind this is that prison officers conduct judicial police work in penal institutions and they are permitted by law to carry and use a weapon, just as the police officials. In cases where an emergency occurs in a penal institution, it is required to work together in order to bring the situation under control promptly and properly by force, if necessary, in accordance with the direction and supervision of the highest-ranking personnel at the site. Therefore, giving the right to organize to the personnel of penal institutions will pose a problem for appropriate performance of the above-mentioned duties and proper maintenance of discipline and order in penal institutions.

In this regard, aiming at furthering and defending the interests of the personnel of penal institutions, the Government newly created and expanded the opportunities for them to express their own opinions on the working environment, which is based on the observations on the report from the Committee of Experts in 2018. Specifically, as stated in the report submitted by the Government in 2023, the Government has been continually organizing meetings on exchanging views between executives of each regional correction headquarters and general staff members, and holding annual conferences of penal institutions for females, in order to solve its unique challenges.

In addition, since June 2003, “consultation services for staff”, which accept anonymous consultations and complaints, have been introduced into the Correction Bureau, regional correction headquarters and the Training Institution for Correctional Personnel. In May 2023, to further improve the working environment and promote the work–life balance among staff, the Government widely informed the staff about not only such consultation services within the correctional organizations but also the various services provided by external organizations such as the National Personnel Authority (NPA), by setting a “strengthening consultation period”, aimed at accepting suggestions and consultations from the staff. Furthermore, since 1 April 2024, the Government has been assigning mental health counsellors to all penal institutions in order to enhance mental health measures for correctional staff who work in its unique environments involving stress and to ensure their psychological safety in the workplace. The Government will continue to implement those various initiatives to further and defend the interests of them.

Finally, I would like to address the basic labour rights of public service employees. In the latest report of the Committee of Experts, Japan has received the comments on the basic labour rights, in particular the right to industrial action, of public service employees. However, the question of whether the right to strike is protected under the Convention is currently referred to the International Court of Justice and its proceedings are in process. We should refrain, therefore, from discussing the issue with the assumption that the right to strike is protected under this Convention.

Now, I will explain the basic labour rights of national public employees. The basic labour rights of the national public employees of Japan are, to some extent, restricted. However, they benefit from the NPA recommendation system and other compensatory measures. Specifically, remuneration, working hours, leave, and other working conditions of the national public employees are modified as follows:

- The NPA provides recommendations to the Diet, which is comprised of representatives of the Japanese public, and the Cabinet.
- In response to the recommendations, the Government drafts the bills to modify working conditions, and the Diet deliberates and passes them.

The NPA independently makes its own judgements and decisions on the NPA recommendation system and other affairs under its jurisdiction as a third-party neutral to employers and employees. As for remuneration levels in particular, after carrying out nationwide fact-finding surveys on the remuneration of national public employees and employees at private offices, the NPA makes the recommendations basically for the purpose of balancing the remuneration level of national public employees and private sector employees by filling the gap in their remuneration through hearing the opinions both from employers and employees and precisely comparing the remuneration of national public employees with that in the private sector every year.

In response to the NPA recommendation, the Government, taking a basic stance of respecting that system and hearing opinions from employee organizations, has drafted the bills, which are deliberated by the Diet, and revised remuneration. Over the past decade, for example, the Government has revised remuneration in accordance with the NPA recommendation, and base pay and bonuses have both been increased each year, except for 2020 and 2021, when the remuneration in the private sector had been affected by COVID-19. This has been the long-standing method to revise remuneration of national public employees since the 1960s. Therefore, the functions of the NPA, which includes providing compensatory measures for restricted basic labour rights, are maintained.

The Government is confident that the working conditions of public service employees are appropriately maintained through the aforementioned process, where the bills submitted in response to the recommendation from the NPA, a neutral and third-party organization, are deliberated at the Diet.

There are currently various concerns and opinions regarding the autonomous labour–employer relations system, including that “negotiation costs will increase, which may lead to some confusion” as well as that “prolonged labour–employer negotiations may affect execution of operations”. In light of the fact that the bills, which provided for the establishment of an autonomous labour–employer relations system, received various opinions from the public and were subsequently abolished, and in light of the changes in the situation and environment since then, there are a wide range of issues that have yet to be understood by the public. Therefore, the Government needs to continue careful examination of the issue.

Additionally, the Government of Japan makes efforts to communicate with employee organizations by holding regular consultations, which generally cover a wide range of topics, including not only remuneration but also working hours and vacation time. Also, high-level meetings with the Minister in charge are arranged at those consultations. Therefore, the Government believes that these consultations function effectively as a channel for dialogue with employee organizations.

In addition to regular consultations, when establishing or revising a national public employees working system, it is customary to carefully explain and exchange opinions with employee organizations beforehand. For instance, in the process of making a law in force in 2023 which gradually raise the mandatory retirement age for national public employees from age 60, a total of 25 meetings were held to exchange opinions. Further, in 2023, when the law regulating working hours for national public employees was amended to expand the application of the flexitime system, there was an example where consultations with employee organizations were held during the course of drafting the bill.

The Government of Japan shall continue to have social dialogue with employee organizations, including through consultations on the working conditions.

I have explained the basic position of the Japanese Government. Also, the Government will report information concerning these matters as much as possible, taking into consideration the latest observation of the Committee of Experts. It would be grateful if the ILO would respect the view of the Government and the circumstances unique to our country and wait and see the conclusion of the domestic consultations in Japan.

Worker members – This is the ninth time we are discussing the Government’s application of this fundamental and enabling Convention. I will focus my intervention on what, in our view, is at the heart of this long-standing issue of the right to organize for firefighters and other public and local service employees.

Japan ratified the Convention in 1965, and at least since 1973, our Committee has been seized with this matter, so for already 50 years, that is half a century. From the outset, we are bound to state that Japan is not one of those Member States of the ILO who persist in antagonizing social partners, attacking their independence or, for that matter, disregarding the role or guidance of the Committee of Experts, on the contrary. But on this very fundamental issue, we must express our deepest disappointment that the right to organize for firefighters and others in public service remains unresolved. In 2018, our consensual recommendations as a Committee, called on the Government, to: (i) hold consultations with the social partners at the national level on the view of the Government that firefighters are considered police and

how this view corresponds to the application of the Convention and provide information on the outcome of this consultation; (ii) consider, in consultation with the social partners, what categories of prison officers are considered part of the police, thus exempted from the right to organize, and those categories that are not considered part of the police, and having the right to organize; and, finally, (iii) develop a time-bound action plan together with the social partners in order to implement these recommendations and report to the Committee of Experts before its next meeting in November 2018.

For years, nothing has happened. The Government has not implemented any of this. In addition to denial of the rights of firefighters, the rights for local service employees have deteriorated since the change of legislation in April 2020. We deplore this fact. More concerning is the fact that the Government continues to hold on to justifications for the exclusion of firefighters and other public servants from exercising the right to organize which does not hold water.

As the plain language of Article 9 of the Convention indicates, not even the police or armed forces are automatically exempted from the Convention. The extent to which the guarantees provided for in the Convention applies to them, shall be determined by national laws or regulations. So clearly, it is a matter of the extent of the application of the guarantees in the Convention that is at stake here, not an outright exclusion from its coverage.

In Japan, firefighters are not police or army, and therefore, the idea that the Japanese Government can just categorize firefighters or other public servants as police or having a command or rank structure or are gun-holding personnel, in an effort to exclude them from the guarantees provided by the Convention is arbitrary and inconsistent with the scope of the Convention. Unless we are wrong, and the Japanese Government can tell us, the basic functions of the Japanese police include, for example, the authority to investigate crimes, the authority to make arrests, and the carrying and use of weapons for these purposes.

Firefighters do not have these powers. They are emergency workers and to that extent peace officers. This is the same for a majority of prison officers.

As we speak, labour standard inspectors, who are authorized to investigate crimes, have the right to organize, and narcotics agents, who are authorized to carry and use weapons, also have the right to organize.

So, if you actually look at what these public servants do in reality instead of their titles or the ranked system in which they work, there is no doubt that firefighters and prison officers are not military or police. We must be forthright, that the way the Government is treating these categories of workers for purposes of the right to organize is discriminatory.

The Government cannot just call any group as they wish in order to deny them the right to organize. The justification for any limitations on this enabling right must find its grounds in article 9 of the Convention.

The burden for justifying any such limitation is on the Government not the workers. In the absence of this justification, the default position should be that, in accordance with their legitimate expectation, firefighters and public servants can form or join a trade union of their choice with any necessary limitations arising from their functions.

In giving consideration to the reality of the workers, we invite the Government to recognize that during the spread of the COVID-19, the personnel involved in emergency services showed a high sense of mission and a high level of professionalism to protect the lives of patients without regard for the risk of infection to themselves and their families. The idea

that these colleagues will be less patriotic or professional if they exercise their right to organize cannot be further from the truth and the reality. Their professionalism only increased their popularity among the population and created a real leverage for the improvement of their rights. The sad part is that the sanitary crisis during the COVID-19 pandemic led to worsened working conditions for emergency personnel and in particular the ambulance services. And despite clear proposals, gathered from the first-responder firefighters, their organization was unable to engage with management on urgent remedial measures in the absence of a system where labour and management could cooperate.

Ironically, the organization voluntary formed by the firefighting personnel and ambulance workers have handled issues regarding equipment and working conditions since 1977 but without any right to negotiate or to be consulted by management because their right to organize has not been recognized.

The report of the Committee of Experts indicates that the Fire Chief's Association oppose the recognition of the right for ordinary firefighters because of fears that they will disrupt organizational order. This fear is obviously unfounded.

The Government has also provided information regarding the use of the Fire Defense Personnel Committee System, even during the Covid-19 crisis which enabled the review of about 5,000 opinions per year, of which 40 per cent are considered appropriate for implementation. But clearly, soliciting opinions and having the right to be consulted or to negotiate with is not the same. Where one has a right, it cannot be treated as a mere extension of courtesy. Based on their experiences with extreme emergency transport difficulties, these workers are stressing the necessity of labour–employer relations in the context of the right to organize so they can bring matter to the table of discussion and be taken seriously and to prepare for the next infectious disease crisis.

We are at pains to reiterate that the use of fact-finding and opinion surveys can complement but not replace the right to organize for workers.

As workers, we are determined that this fundamental and enabling right is treated as sacrosanct. It has taken too long for the Government to address our concerns, in this regard. Fifty years of requesting and waiting, half a century but still the Government has not provided any reasonable justification in line with the Convention. We must begin to consider very serious measures to protect the exercise of this right.

Employer members – This case concerns the application in practice of fundamental Convention No. 87 in Japan. Japan ratified the Convention in 1965. And since then, the Committee of Experts has made observations 24 times and this is the eighth time this Committee is discussing the case, the last being in 2018.

We would like to thank the Government of Japan for the comprehensive information they shared with the Committee today. At the outset, we would like to recall that some of the legislative issues referred to in the Committee of Experts' observations are related to the right to strike. We would like to recall our firm conviction that neither Convention No. 87 nor any other ILO Convention protects the right to strike. The Government group of the Governing Body confirmed in March 2015 that: "The scope and conditions of this right are regulated at the national level." We also believe that, in view of the pending International Court of Justice advisory opinion proceedings, the Committee of Experts should have refrained from referring to the right to industrial action in its comments, both to protect the integrity of the International Court of Justice proceedings and to demonstrate its own neutrality in relation to these proceedings.

The Employer members would like to comment on three issues identified in the Committee of Experts observations:

We take note of the information provided by the Government supporting its view that firefighting personnel in Japan is assimilated into category of police, given its historical development, as well as the nature of their duties.

The Government pointed out that Japan is one of the most disaster-prone countries. Firefighting services in Japan have a key role to play in the management of these disasters and their functions therefore extend beyond firefighting in the traditional sense. When the large-scale earthquake occurred this year, thousands of firefighters' units from all over the country were on duty to respond to the disaster in close relationship with the police and the self-defence forces. The Government stresses that a high level of discipline is essential for firefighting staff and that the granting of the right to organize may disrupt organizational order and affect the functioning of the service during wide-scale disasters.

The Government also explains that, when it ratified the Convention in 1965, it did so on the basis of earlier decisions of the Committee on Freedom of Association which saw no problem in considering the firefighting service in Japan as a service assimilated to the police. The Employers would point out here that there has been much confusion recently about the mandate of the Committee on Freedom of Association, which has no competence in supervising and interpreting Conventions, including Convention No. 87. Nevertheless, the Committee of Experts should have taken into account that the Government relied on the validity of the Committee on Freedom of Association decisions and ratified the Convention in the belief that its interpretation of firefighting services as part of the police was correct.

The Government, in its report, also referred to the Fire Defense Personnel Committee System which is meant to identify and resolve problems related to the working conditions of fire defence personnel. This system was introduced by amendment of the law based on an agreement between employers and workers, and is widely accepted. We understand that the system has been rolled out nationwide and has already contributed to the improvement of many work environments. We also note that the Government makes continuous efforts to further improve the system.

The Committee of Experts on the other hand finds that the implementation policy of the Fire Defense Personnel Committee remains distinct from the recognition of the right to organize under Article 2 of the Convention. Accordingly, the Committee of Experts repeats its expectation that there will be further progress towards ensuring the right of firefighting personnel to form and join an organization of their own choosing to defend their occupational interests.

The Employer members believe that things may not be as straightforward as the Committee of Experts suggests. While the only possible exceptions to the scope of the Convention concern the police and the armed forces, these terms do not always have exactly the same meaning in the national context. It may be argued that both terms are synonyms for situations that are of fundamental importance for the internal and external security of a State, and thus for areas that fall within the core area of national sovereignty which the Convention did not want to interfere with. From this point of view, it can be argued that the firefighting service in Japan, which is responsible for dealing with natural disasters, is of similar importance for the protection of people's lives, health and property as the police in a narrower sense, given the frequent natural disasters in Japan. One could further argue that the reasons in favour of excluding the police and armed forces from the scope of the Convention apply equally to the fire service in Japan. Against this background, the Employers appreciate the Government's

efforts to pursue an approach that combines compliance with the requirements of the Convention as well as with its specific national needs. We encourage the Government to continue on this way, in close consultation with the social partners. In doing so, the Employers suggest to the Government, to seek further guidance and ideas from good practice in other countries with similar systems and needs.

The second area of observation relates to the right to organize of prison officers. We also take note of the Government's submission that, in Japan, prison officers conduct duties as judicial police officers stipulated in the Code of Criminal Procedure. Prison officers are also permitted by law to carry and use a weapon just as police officials. The Government further reiterates that, "in cases where any emergency occurs in a penal institution, it is required to bring the situation under control, by force if necessary; therefore, granting the right to organize to the personnel in penal institutions could pose a problem for the performance of their duties and maintenance of discipline and order." In view of this, we note that the Government argues that prison officers in Japan should be considered to be included in the "police" in the sense of Article 9 of the Convention.

In terms of compensation for the right to organize, the Government reported that, since 2019, it granted expanded opportunities for the personnel of penal institutions to express their opinions in the eight regional correctional headquarters across the country. Moreover, in 2022, sessions took place partly online with the participation of 222 general staff members (from 75 penal institutions). In these sessions, the participants were able to exchange opinions on various topics including improvements in the work environment, staff training and reduction of the workload. The Committee of Experts, on the other hand, expresses the view that these initiatives remained distinct from the recognition of the right to organize under Article 2 of the Convention. Consequently, the Committee of Experts urged the Government to take the necessary measures, in consultation with the social partners and other stakeholders concerned, to ensure that prison officers, other than those with the specific duties of the judicial police may form and join an organization of their own choosing to defend their occupational interests.

The Employer members, here too, would like to put on record their recognition for the Governments' continuous commitment to make progress and to find ways of implementation that both meet the requirements of the Convention and its specific needs is the way to go. The Employer members encourage the Government to continue its efforts in this regard, in close consultation with the social partners. Similar to what we proposed for the firefighter issue, the Employers suggest to the Government, to seek further guidance and ideas from good practice in other countries with similar needs and systems.

The Employer members further take note that the Committee of Experts urges the Government to engage in consultations with the social partners and other stakeholders concerned to ensure that public service employees fully enjoy their basic labour rights.

The Government reports in this regard that, while the labour rights of public service employees in Japan are to some extent restricted due to their status, they benefit from the NPA system and other compensatory measures. The NPA system, which was approved by the Supreme Court of Japan in 1973, examines the general conditions of society and carries out surveys on working conditions, such as the remuneration in the private sector. Before making its recommendations about working conditions, the NPA also hears employees' organizations' opinions or requests through meetings.

As regards measures for the autonomous labour-employer relation system, referred to in the 2018 Committee's conclusions, the Government reports that there have been various

issues. Moreover, the Amendment Act of the National Public Service Act of April 2014 did not provide for such measures as understanding by the public was not yet achieved. The Government considers that the autonomous labour–employer relations system needs further careful examination while the exchange of opinion with employee organizations is continued.

The Employer members recognize the efforts of the Government and the NPA to organize and conduct continuous dialogue with social partners on the autonomous labour–employer relations system. We consider that these consultations are helpful in exchanging opinions and gathering information on a wide range of issues. While the Employer members encourage the Government to continue on this way, they understand that a time-bound action plan on measures for the autonomous labour–employer relations system, as requested by the Committee in 2018, may not be appropriate, given the complexity of the issues involved.

Finally, we ask the Government to report on its progress by 1 September 2024 to allow the Committee of Experts to review further developments in 2025.

*Interpretation from Japanese: **Worker member, Japan*** – First of all, regarding the legal system of labour relations for public service employees, which is in violation of Conventions Nos 87 and 98, the Government of Japan has totally failed to respond to any of the requests of the Committee of Experts and the Committee on Freedom of Association made over many years. It is with extremely grave concern that I bring to the attention of this Committee that the Government has even closed the path to finding a solution to this matter.

When the individual review was conducted in 2018, the conclusions of the Chairperson of the Committee, identified five issues and called on the Government “to develop a time-bound action plan together with the social partners in order to implement its recommendations.”

However, despite the fact that six years has passed since then, the Japanese Government continues its unjust and deliberate negligence by stating “we continue to carefully consider how we will respond to the requests of the Chairperson.” The Government has also stated “we are also exchanging views with JTUC–RENGO on how to respond to the requests in the Chairperson’s conclusion”, although in reality they are taking no such action. In order to shed light on the unjust stance of the Japanese Government, I would like to describe the actual situation and assessment of the five issues pointed out in the Chairperson’s conclusions of the Committee in 2018.

First, I would like to discuss “the consideration of the autonomous labour–employer relations system through consultation with social partners.” The Japanese Government points out that it “has been exchanging views with employee organizations,” but this is completely false. Thus far, the Government has only revealed its views if and only when requested by the organizations and has shown no willingness to take the initiative on such consultations. Moreover, for over ten years, since 2014, the Government has maintained the insincere stance of repeating the same response, and I quote “due to a wide range of issues, we will consider the matter carefully while exchanging views in good faith.”

The second issue is “the formulation of a plan to improve the functions of the Fire Defense Committee through continuous labour–employer consultations.” The Fire Defense Committee system was put into effect in 1996, and nearly 30 years have passed since then. In recent years, it has become clear that the system is a mere formality, with the Ministry of Internal Affairs and Communications Fire and Disaster Management Agency issuing a notification to request that local fire department headquarters make improvements in the operation of the system. The system clearly differs from collective labour–employer relations under the right to organize, and its limitations have become extremely clear.

The third issue is “consultation with social partners at the national level on the Government’s view that firefighting personnel are considered to be police and how that view fits with the current state of application of the Convention.” Based on the 2018 conclusions of the Chairperson of the Committee, I recognize that this is the only issue on which concrete discussions are taking place. Having said so, the Japanese Government’s report to the Committee of Experts, issued four months after the Chairperson’s conclusion, stated “Japanese firefighting personnel need to pay full attention to the fact that there is no problem in the application of the Convention as it is regarded that there is “a certain part of their duties that should be considered to be the same as the police,” and we will hold discussions with the labour side during exchanges of opinions.”

In other words, since the Japanese Government has been conducting consultations on the premise that “firefighting personnel are the same as the police,” the consultations have been limited to an exchange of each other’s arguments. I would like to point out that unless the Government changes its stance, namely, the premise that firefighters are denied their right to organize, no further progress can be expected from these consultations.

The fourth issue is the “consultation and review with social partners on categories of prison officers that are considered to be part of the police and whose right to organize is denied, and categories that are not considered to be part of the police and thus have the right to organize.”.

Due to the unfair inaction of the Japanese Government on this issue, as pointed out in the statement of the representative of the Employers at the 2018 Committee, not only has there been no progress whatsoever, even the first steps are yet to be taken.

At the same time, Japan’s prisons are undemocratic workplaces in which the right to organize is denied. Incidents of violence against inmates by staff, something that should never happen under any circumstance, have occurred, since the 2018 conclusions of the Chairperson of the Committee. The turnover of young prison staff and officers is also significantly higher than in other occupations.

I would like to express a strong protest for the fact that, despite this, the Japanese Government has deliberately denied the existence of social partners with whom it should be consulting on and considering these matters, as requested in the conclusions of the Chairperson of the 2018 Committee, thereby denying the idea of consultation itself.

The fifth issue is the “consultation and review with social partners on whether the NPA procedures provide neutral and prompt mediation and arbitration.”

The Japanese Government emphasizes only the number of meetings between the NPA and the employee organizations to simply hear opinions that are not really consultations. Furthermore, the Japanese Government insists on the compensatory measures in Japan’s Supreme Court verdict of 50 years ago. Based on its unilateral evaluation that the functions of the NPA have been adequately fulfilled, the Government maintains its stance of refusing to engage in discussion or review of the NPA’s procedures.

Thus far, I have reported on the Japanese Government’s stance and responses regarding the actual situation and assessment of the five issues pointed out in the 2018 conclusions of the Chairperson of the Committee, six years ago.

I am aware that the Committee of Experts and the Committee on Freedom of Association have already drawn universal and firm conclusions on all five of these issues.

However, I once again draw the attention of the Chairperson and the entire Committee to the fact that the Japanese Government has continued to intentionally avoid taking action in accordance with the 2018 conclusions of the Chairperson of the Committee.

I would like to add, that with regards to the public service employee labour–employer relations system, the establishment of basic labour rights is extremely meaningful in that it would allow the participation of employees and labour unions in the administrative management.

“Trade unions represent employees directly engaged in administration,” and given that they “have insights regarding the entire administration from the accumulated experience of employees in workplaces,” it would be extremely useful to have their involvement.

It would be possible to utilize these insights to provide higher quality public services through labour–employer negotiations. I believe that this is the significance and good sense underpinning labour–employer relations systems in which basic labour rights have been implemented in all countries around the world, with the notable exception of Japan.

It would follow therefore, that restrictions on the basic labour rights of public service employees in fact have a negative impact on the management of the administration and these restrictions are hindering public service employees from approaching their duties with wisdom and with passion.

In conclusion, in view of the responsibilities and obligations of the Government of Japan vis-à-vis the international community and vis-à-vis the ILO, I would like to request that, in examining this case, the Committee discuss and reach firm conclusions that will lead to a sincere response from the Japanese Government that they will take sincere steps toward a fundamental and thorough solution to the issue of the basic labour rights of public service employees in Japan.

Employer member, Japan – I speak on behalf of the Japanese employers regarding this case on the effective implementation, in law and practice, of the Convention in Japan. We thank the Government of Japan for their comprehensive information shared with us in this sitting.

First of all, we would like to stress that Japanese employers’ organizations support the Government of Japan’s report on the Committee of Experts’ observations regarding the application of the Convention sent in 2021. We note that here there is no difference in the Government’s position today.

Before I turn to the main issue of this case, I wish to recall discussions in previous years on the issue of the Committee of Experts making observations regarding the right to strike in the context of the Convention. It is not necessary to repeat the employers’ position at length, I will limit myself to noting that in 2015 the Governments’ group position has been that the right to strike is to be regulated at the national level. We agree with this and note the national level regulation of the right to strike in Japan.

Concerning the present case, the contentious issues on the Japanese Governments’ ratification of the Convention relates to compensatory measures for the basic labour rights of firefighting personnel, prison officers and civil servants, including national civil servants.

First, I would like to discuss the situation of firefighting personnel and prison officers in Japan. As highlighted by the Government of Japan on multiple occasions, unlike other countries, Japan frequently faces natural disasters including huge earthquakes and tsunamis. For this reason, we consider that it is appropriate for the Government to treat firefighting

personnel like police, for the purpose of effectively coordinating their actions to protect peoples' lives, health, and property when crisis occurs.

On the other hand, it is undisputed that it is extremely important to improve the working conditions and benefits of firefighting personnel and prison officers, taking into account the realities of their workplaces. For this reason, it is extremely important that there are continuous exchanges of views within the Fire Defense Personnel Committee and also the regional correction headquarters. Furthermore, we note the importance for the Government to address the concerns of the firefighting personnel and prison officers to the extent possible.

In this regard, the Government of Japan claims that it is making further amendments to its operational policy in light of the 2018 Committee of Experts' comments, but the workers repeatedly argue that such efforts are inadequate. From the other view, the Japanese employers regret this situation has persisted for so long.

Therefore, the Japanese employers would like the Japanese Government to provide detailed information on the Fire Defense Personnel Committee System and the exchange of views with prison officers and the efforts of the penal institutions for females, in particular on the various measures and improvements the Japanese Government has implemented for firefighting personnel and prison officers that they are convinced and satisfied with. It is important to share with Japanese workers and management materials that show that they are satisfied with the various measures and improvements that have been implemented by the Japanese Government, and to hold regular discussions at tripartite forums between Government workers and employers in Japan.

Next, I would like to address the issue concerning civil servants, including national civil servants. Japanese employers' organizations support the Japanese Government's view that the National Personnel Authority (NPA) recommendation system is a compensatory measure to regulate the basic labour rights of public servants in our country. This system has traditionally worked well thus far.

Regarding the autonomous labour-employer relations system, it should be noted that not only the draft law amendment stipulating measures for an autonomous labour-employer relations system was repealed, but the public comments on the draft law amendment conducted by the Japanese Government between 2010 and 2011, also showed that there is not sufficient understanding and support for the autonomous labour-employer relations system from the public. In order for the system to be implemented in Japan, it is essential to gain the understanding and also support from the public.

The Japanese employers therefore call on the Japanese Government to continue promoting dialogue with social partners, including exchanging views to ensure that the NPA recommendation system is properly implemented.

To conclude, this is the eighth time that the Committee has discussed this case. We strongly hope that there will not be a ninth discussion.

Worker member, New Zealand – I am representing the New Zealand Council of Trades Unions and it is in my experience as the National Secretary of the New Zealand Professional Firefighters Union that I intervene to dispel the misunderstandings of those opposed to Japan's firefighters exercising their right to organize.

Firefighters put their quality and quantity of life on the line every time they respond, protecting and serving the community. It takes a special person to walk into fire, crawl into confined spaces during powerful aftershocks, perform complex rescues at the risk of exploding

vehicles and to continue to respond knowing they are being exposed to carcinogens at every fire, and trauma on almost every shift. Their dedication and service to the public does not diminish when they become a union member. The right to organize is a positive outcome for the firefighting profession and the public they protect.

Globally, we can provide many examples where it was only through the advocacy of the firefighters' union that safe staffing levels and systems were implemented. The community is better protected with sufficient firefighters arriving faster, well-trained and qualified, armed with the necessary equipment to perform whatever task it takes to rescue and protect.

Fire services are emergency services and must be able to react and adapt effectively and efficiently. The current Japanese Fire Defense Committee is a process that does not provide a mechanism for implementation of change such as improvement in working conditions and duties under urgency. At the height of the COVID-19 pandemic, the Japanese emergency services were stretched beyond their limit with the Fire Defense Committee unable to meet the challenges of the ever-changing response environment with urgency.

In comparison, in New Zealand, the union and the employer worked constructively to implement the necessary changes to protective equipment and response procedures. The changes were implemented seamlessly and accepted immediately by the firefighters as they knew changes were agreed with their health and safety held paramount. The right to organize does not detrimentally interfere with incident control or the duties on the incident ground. The involvement of unionized workers in developing the training and qualification programmes enhances the command structures.

There are significant differences between police and firefighters. Firefighters are protectors, not enforcers and their duties and authorities are founded on that important difference.

And I would just like to remind the hall that New Zealanders are also very prone to large-scale events, extreme weather events, earthquakes, cyclones and therefore the New Zealand firefighters are responding in a very similar context to that of the Japanese firefighters.

The refusal to grant firefighters their right to organize is to deny them their right to actively participate in matters directly impacting their health, safety and well-being. It denies their rightful place in enhancing the emergency's response provided to their communities. The Japanese firefighters have been excluded from this right for 76 years. They must be afforded their fundamental rights in accordance with the Convention now.

We implore the Committee to take every available action to ensure that the Japanese Government implements this fundamental right to organize for the health, safety and well-being of Japanese firefighters and the communities they serve.

Employer member, Brazil – Discussions on the extension of freedom of association and the right to organize are among the most important in terms of such fundamental principles and rights at work. Their importance is reiterated by the number of cases under discussion in the debate of the Committee of this year. There are nine. Not to mention the existence of a specific Committee just to deal with such issues, the Committee on Freedom of Association. The information presented today at the CAS reiterates the importance of the topic. They also reiterate, in line with what the Committee on Freedom of Association has already decided, that the unquestionably fundamental freedom of association and the right to organize are not absolute and unlimited. In this sense, I see that the Convention itself in its Article 9 makes it clear that there is reasonableness in some cases, especially with regard to the armed forces and the police, for limits to be defined in the internal laws of each country in accordance with

the reality of the countries. Also, Convention No. 98, which although is not subject to the present case also deals with the right to organize, in its Article 5, establishes that the extent to which this right will be extended to the armed forces and the police will be determined by national legislation. It is worth saying, the Committee on Freedom of Association itself has already recognized the regularity of the limitations to freedom of association and the right to organize when examining exactly the case of prison staff in Japan.

Therefore, I understand as reasonable and proportional that there are limitations on freedom of association and the right to organize in exceptional cases, such as the armed forces and police, categories in which it is possible for countries to frame, according to their specific reality, professionals from the fire department and those from prison establishments due to the very nature of their activities. Of course, the continuous dialogue between the public administrations of each country and the professionals essential for the security of each nation must be sought and deepened, as it seemed to us to be the case, as it is unquestionably necessary and important. And this is independent of the limitations to freedom of association. In this way, I pray that the mentioned dialogue suitable to the reality of the country can continue.

Worker member, Republic of Korea – I would like to address the absence of the right of firefighters to organize in Japan. Since 1973, the Committee of Experts has examined their exclusion and considered that this is not compliant with the Convention. In its report this year, the Committee of Experts continue to urge the Government of Japan to: “fully grant the right to organize and collective bargaining to firefighters”. The Committee expects the continuing consultations between the Government and trade unions would lead to progress.

The Japanese Government’s claim that granting firefighters the right to organize would negatively impact their duties is utterly unfounded. On similar ground, the firefighters in the Republic of Korea had not been able to organize, form or join a trade union. The restrictions on such rights were upheld by the Constitutional Court decision handed down in December 2008. However, as part of the process of ratification of the Convention, the Korean National Assembly adopted a legislative amendment to uplift these restrictions in December 2020, as a first step towards observing the Republic of Korea’s obligations under the Convention.

Aligning domestic laws with the ratified ILO Conventions is a commitment and an obligation of Member States.

By now, their right to organize has been granted to firefighters in the Republic of Korea. This has had no adverse effect whatsoever on their duties. My fellow workers had illustrated similar experiences in their countries.

We reiterate the comment of the Committee of Experts that job performance is entirely distinctive from the right to freedom of association of firefighters, which is the subject matter of examination concerning compliance under the Convention.

We deeply regret that the Government and the Fire Chiefs’ Association of Japan are holding on to the same argument for decades to deny the firefighters from enjoying the rights protected under the Convention. This argument that firefighters forming into trade unions would critically hamper life-saving rescues and operations does not have reasonable grounds compared to the experiences of their counterparts in Member States, including the Republic of Korea where their right to organize has been respected and enforced.

Firefighters all over the world pose, first and foremost, a profound sense of duty to protect lives and properties. The Japanese Government’s speculative arguments on the negative impacts of unionization of the firefighters are disrespectful of the mission and professionalism

upheld by the firefighters. Such arguments are nothing but mere excuses of the Government's lack of commitment to implementing their obligation under the Convention.

Employer member, Republic of Korea – I am here today to convey my solidarity with the Japanese Government's efforts to respect the freedom of association in its country. To begin, I would like to stress that, unlike the Republic of Korea, Japan is a country that often experiences natural disasters, including tsunami and earthquakes, due to its unique geography. Accordingly, the Korean Employers acknowledged that the Government of Japan has adopted specific laws that are specifically adapted to the national circumstances in Japan.

Furthermore, the Korean Employers take note of the measures that the Government of Japan has taken towards addressing the issues on firefighters and prison officers, including civil servants and local officials. The Government's recent actions demonstrate its commitment to establishing an environment that facilitates the free association of these workers.

Moreover, the Korean Employers consider that it is imperative to recognize that the Government is not the sole entity responsible for implementing these changes. In order to guarantee the success of these initiatives, it is imperative that workers and other stakeholders take concrete actions. The Japanese tripartite stakeholders should collaborate to accomplish a shared objective that is governed by mutual trust, respect, and good faith. Genuine social dialogue should be prioritized, with transparency and consensus-building as the guiding principles. Stakeholders can guarantee that their concerns are fully investigated and that the appropriate measures are implemented by participating in a dialogue-based approach.

In conclusion, the Korean Employers hope that the Government of Japan will continue its efforts to safeguard and advance freedom of association and to provide information to the Committee of Experts in a timely manner.

Worker member, United States of America – My remarks will focus on the Government of Japan's long-standing policy of denying the employees of correctional facilities their right to organize under the Convention.

Over the past 70 years, the Japanese Government has provided various justifications for its refusal to grant correctional workers their right to organize. Upon examination, none of these withstand scrutiny and it is past time that they provide these workers with their fundamental right to organize a trade union.

For decades, the ILO supervisory mechanisms have rejected Japan's attempt to claim that all corrections employees are "police officers" and thus exempt from the Convention's guarantee of freedom of association.

It is particularly regrettable that Japan has deliberately denied the existence of social partners and ignored the Committee of Experts' recommendations including the request of the Chairperson of this Committee in 2018 that they "consider, in close consultation with the social partners, which categories of prison staff could be considered part of the police – and therefore exempt from the Convention – and which could not."

The Committee of Experts has also rejected Japan's claim that simply because some correctional officers are authorized to carry firearms in the course of their duties, that they must be considered as part of the police or armed forces. The Government of Japan has also advanced the argument that providing correctional employees with the right to organize would be too dangerous and might undermine discipline and order at penal institutions. However, this argument is easily dismissed by the fact that many ILO Member States provide their prison officers and other corrections employees with the right to organize with no

apparent effect on public safety or order in correctional institutions. For example, in the United States, prison guards enjoy the right to organize trade unions, and this has enhanced, not weakened, the safety and security of our penal institutions. Indeed, unions representing correctional officers and employees in the United States have been instrumental in addressing issues of understaffing and poor working conditions in both minimum and maximum security facilities.

It is simply outrageous that the Government of Japan continues to ignore the clear recommendations of the ILO's supervisory mechanisms to reform its unsupportable blanket denial of freedom of association to correctional workers, firefighters, and other categories of public servants. It should immediately recognize the right of correctional employees to organize to have a voice in the workplace, free from any restraint from management. Doing so should be seen as the one and only measure that would improve their closed work environment, providing them a fair, open and democratic one.

Worker member, Italy – I take the floor on behalf of the Italian trade union confederations (Italian General Confederation of Labour, Italian Confederation of Workers' Trade Unions, Italian Union of Labour), and the British federation of trade unions, the Trades Union Congress, the French Trade Union Confederation, the German Trade Union Confederation, representing together more than 22 million workers.

The Committee of Experts noted with deep concerns the observations from the Japanese Trade Union Confederation (JTUC-RENGO) regretting the Government's long-standing reluctant position on the reform of the autonomous labour-employer relations system, and the failure to initiate consultations with the social partners, in particular the lack of will to reconsider the NPA mechanism.

According to that, more than 3 million Japanese public servants do not have the right to bargain or conclude collective agreements at the local or national level, and have only a defective and unilateral consultation process without any possibility of involving workers bodies. Their wages and working conditions are set by law and/or regulations, based on the recommendations issued by the NPA.

The effects of COVID-19 imposed an economic contraction in the private sector and, in response, the NPA's recommendations in 2021 called for lowering national public servants' salaries. Due to political circumstances, including the schedule for elections, there was not enough time to take the legal measures to implement the salary change that year. As a result, the 2021 revision of salaries of national public servants was applied the following year, in June 2022, bringing anxiety, doubt and misunderstanding among staff who had been struggling with COVID-19 restrictions in their daily work.

The pandemic, with its severe socio-economic impact, has shown once again that such a mechanism is dysfunctional as a compensatory measure and inadequate in times of social crises to ensure an autonomous industrial relations system or to improve working conditions and wages in the public sector.

In Italy, Legislative Decree No. 165/2001 defines the general rules on representativeness and organization of work in public administrations and enables the negotiation process at all levels for establishing wage and working conditions. Unlike in Japan, more than 3 million Italian public servants are subject to the regulation set out in national collective agreements, signed by the most representative trade unions and the Agency for the Negotiation Representation of Public Administrations (ARAN).

In the United Kingdom, there are multiple, distinct pay review bodies for the public sector, including different committees for pay in hospitals, prisons, schools and the civil service. The bodies are not – despite their official designation – independent, as the Government sets budgetary limits on what they can recommend, nor does the Government have to accept their recommendations. But neither do the unions representing the workers have to accept the Government's decisions, sometimes leading to new negotiations. Union negotiating, for example leading to the 2023 public sector pay awards, can significantly improve the budgetary limits set by the Government, and the Government's acceptance of the recommended pay increase.

Chair, in the light of the critical defects and limitations in the NPA illustrated so far, that demonstrated that this mechanism is an obstacle to genuine enforcement of rights under the Convention, Italian, British, French and German workers demand as follows.

As requested by reports of the Committee of Experts over the last years and this Committee's conclusions in 2018, we urge the Japanese Government to start a consultation process with social partners in order to review the NPA system and introduce a new system to ensure neutral and prompt mediation and arbitration, in addition to guarantee that public service employees fully enjoy their basic labour rights.

Observer, Educational International (EI) – I will focus my statement on the rights of education workers. Public teachers, everywhere including in Japan, request a commitment from public authorities to promote and realize their rights at work through an institutionalized and autonomous labour-employer relationship. While their right to collective bargaining is recognized, public teachers' unions cannot conclude collective agreements.

One issue that should be addressed through collective agreement is overtime and burnout. Overtime is a grave issue for teachers in Japan. On average they accumulate 81 hours overtime each month in junior high schools and 59 hours in elementary schools. The 1971 Act on Special Measures concerning Salaries and Other Conditions for Education Personnel of Public Schools does not permit extra work allowances except for certain limited work such as out-of-school training, school events, staff meetings and emergency disasters. However, the Act provided for a 4 per cent adjustment for overtime hours in teaching, which was limited to eight hours a month. And I recall, on average, teachers in Japan, work 81 hours extra every month.

In 2022, excessive burdens pushed over 12,000 junior high school teachers and over 6,500 elementary teachers to be on absence leave of over 1 month for mental related illnesses. The excessive workload and mental pressure are pushing workers away from a career in teaching. Staff shortage is acute. A survey from the Ministry of Education in 2021 highlighted that 2,065 positions in teaching were vacant. Shortages increase every year, leaving tens of thousands of children without a teacher.

Teacher shortage is one of the reasons why the United Nations called for a summit on the teaching profession; 59 strong recommendations emerged from this summit dealing among others with social dialogue and the well-being of teachers. Recommendation 15 requests Governments to ensure that teachers and their organizations can engage in social dialogue, including collective bargaining, on policy dialogue, on all matters affecting the profession. This UN recommendation, endorsed by the ILO and UNESCO, is another international instrument supporting the claim for the working conditions in the education sector to be improved through collective agreements.

Observer, Public Service International (PSI) – I would like to focus my intervention on the establishment of an autonomous labour–employer relations system for national public service employees in Japan.

In June 2008, Japan enacted the National Civil Service System Reform Basic Act which included a significant measure: a clause stating that “the Government shall take measures to implement an autonomous labour–employer relations system” in the public sector. This was a clear demand from the Diet, Japan’s legislative body, for the Government to not just “consider”, but to materialize these measures.

In 2011, the Government submitted a related bill to the Diet, but regrettably, it was scrapped without deliberation. Since then, the Government’s response has been a repetitive catch phrase, a mantra, that “there is a wide range of issues which we will consider carefully” This response has been the status quo for over a decade.

When the case of Japan on the Convention was discussed in this Committee, in 2018, its conclusions pointed out the lack of meaningful progress in taking necessary measures regarding the autonomous labour–employer relations system, and more specifically requested the Government to examine carefully this measure in consultation with the social partners. However, six years have passed and as noted by the Committee of Experts, no concrete examination has been made.

The Government’s inaction is not only a disregard for the will of the Diet, representing citizens of Japan, but also a neglect of its obligations under the Convention, which Japan voluntarily ratified in 1965.

This attitude reflects an attempt to evade its responsibility while hoping the workers concerned will forget about the issue. The Government has made claims that the “benefits and costs” of granting public service workers the right to enter into agreements require careful consideration. However, the rights of working people should not be judged purely in monetary terms. The Bill submitted to the Diet in 2011 stated that an autonomous labour–employer relations system is “an agile, flexible system that grants new rights to clerical employees to enter into agreements, abolishes third-party recommendation systems such as the National Personnel Authority, and allows workers and employers to determine working conditions autonomously”. This system can be established simply and clearly. The constant delay by the Government is intolerable given its obligations at both domestic and international levels.

This case is one of the oldest, if not the oldest, in this Committee. For five decades, Japan has failed to honour its obligations under the Convention, a cornerstone of international labour rights. This prolonged inaction is deeply concerning and unacceptable for a nation that prides itself on democratic values and the rule of law.

We urge Japan to immediately rectify this egregious neglect and align its practices with its international commitments, reaffirming its dedication to the principles of justice and equality for all workers.

Chairperson – I can see no more requests for the floor, so I have the honour to give the floor to the Government representative of Japan.

Interpretation from Japanese: **Government representative** – I would like to explain our basic position again after the statement made by the other representatives.

First of all, I would like to reiterate the particularity of fire defence in Japan. The fire defence personnel in Japan do not have the right to organize because “the services in which they engage are to be assimilated to that of the police”, and for the purport of Article 9 of the

Convention, they are considered to be included in the “police” as stipulated in the Article. In other words, fire defence in Japan has a history in that it has been a part of the police, and once a disaster occurs in Japan which is one of the foremost nations frequently hit by disasters, the fire defence personnel are put under duty of response to disasters in a very close relationship with the police and the Self-Defense Forces.

Our country has experienced several large-scale disasters, like the Great East Japan Earthquake in 2011, the 2016 Kumamoto Earthquake, the northern Kyushu heavy rain in July 2017, 2018 West Japan heavy rain and this year, 2024, the Noto Peninsula Earthquake, etc., so we fully respect such dedication of the fire defence personnel who are put under extremely high-skilled and dangerous duty of response to the disaster at the forefront under a unified command on each occasion. Under the situation where earthquakes and tsunamis that are expected to cause devastating damage over a wide area including Tokyo, such as the Nankai Trough megathrust quake and Tokyo inland earthquake, are expected to occur at a fairly high probability in the near future, the current status that they are required to work in a very close relationship with the police and Self-Defense Forces should be recognized.

Moreover, I would like to mention again the effectiveness of the Fire Defense Personnel Committee System which is the alternative of the right to organize. Through the system, about 40 per cent of the opinions which have been deliberated were decided as “appropriate to be implemented” by the Committee and about 50 per cent or more of them have already been realized. Those opinions are urgent needs of the fire defence personnel, such as requests for countermeasures for harassment, establishment of the Epidemic Prevention Work Allowance, which is paid to ambulance team members and others engaged in work to deal with COVID-19, and equipment to prevent them from harmful COVID-19 infections. The Fire Defense Personnel Committee System was introduced as the solution which can gain a national consensus based on the agreement between the Government of Japan and the employees’ side. We will continue to appropriately understand the operational status of the Committee of each fire department headquarters and work to improve its operation with related organizations, including social partners, JICHIRO-RENGO. In order to deepen mutual understanding regarding fire defence, including the Fire Defense Personnel Committee System, we continue to have social dialogue with social partners regularly and to strive for communication.

The Government would like to reiterate the peculiarity of the prison officer. The Government repeats that the prison officers, who are national government officials, are not granted the right to organize as is also the case with police officials. This is because, for the purport of the Convention, prison officers are considered to be included in “the police” as stipulated in Article 9 of the Convention. The reason behind this is that prison officers have the duty of incarcerating persons sentenced to imprisonment in penal institutions; and they are responsible for controlling judicial police work in penal institutions, such as investigation of crimes and arrests of inmates; as well as being permitted by law to carry and use weapons, just as police officials.

Aiming at furthering and defending the interests of the personnel of penal institutions, the Government will continue to implement those various initiatives introduced at the beginning.

As I mentioned at the beginning, we should refrain from discussing the right to strike at this point. In any case, compensatory measures for the restrictions on basic labour rights of the national public employees function properly. There are various concerns and opinions regarding the autonomous labour-employer relations system, and a wide range of issues that have yet to be understood by the public. Therefore, the Government needs to continue careful

examination of the issues. The Government shall continue to strive for mutual understanding and to have social dialogue on various themes including the autonomous labour–employer relations system with the social partners including employee organizations.

Employer members – Once again, the Employer members would like to thank the speakers who took the floor on this case to contribute to our discussion. We would also like to thank the Government of Japan for their participation in our discussion and for providing information for us to consider in our assessment of the case. We thank them for the explanations that they have given, especially on the national context which will give us insights for our assessment. So, in that context, the Employer members would like to ask the Government to continue social dialogue with the social partners at the national level on the issues identified and to report on its progress by 1 September 2024 to allow the Committee of Experts to review further developments in 2025.

Worker members – We thank the Government of Japan for their statement, and we also thank all those who intervened.

Since the Employers' group has reiterated its position on the right to strike, the Workers' group feels compelled to reiterate its own, as referenced during the opening sitting of our Committee. There has been a difference in opinion on the right to strike. We nevertheless found a *modus operandi* in 2015, ten years ago, and the referral of the question by the ILO Governing Body to the International Court of Justice should not affect it and therefore the functioning of our Committee in this regard. Also, the references made to the 2015 statement of the Government group in this discussion are one-sided and do not reflect the statement of the Government group read as whole. Moreover, our debate here is not about the right to strike, but about the right of firefighters and other public and local service employees to organize.

Getting back to this case, it is said that the first organized emergency services in the world began in Vienna in 1881. I am sure other emergency services were also operating in other parts of the world unknown to the recorder. Be that as it may, since then, emergency services have been established as institutions all over the world. Although there are differences in some or all of these, it is assumed that firefighting organizations are responsible for emergency services in many countries and cities. So, we are concerned that the views expressed here by the Government of Japan harbour a core misconception – as if the mere fact of being an emergency worker exclude one from the right to organize or that as soon as one exercises the right to organize, all professional ethics and disciplines is thrown out of the window.

As we said in the opening speech, this is not the case. The right to organize is sacrosanct but not absolute. There can be limitations on the exercise of the right, as one employer said, but there is no automatic exclusion from the right to organize. The Convention is clear, I quote: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation ..." that is Article 2 of the Convention, and I quote again Article 9 of the Convention: "The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations."

The report of the Committee of Experts stated in 1973 that "The Committee does not consider that the duties of firefighting personnel are of such a nature as to justify the exclusion of this type of worker under Article 9 of the Convention concerning the military and police. The Committee therefore hopes that the Government will take appropriate measures to ensure that the right to organize is also recognized for this type of worker." So, the Workers are on solid

ground here. The Government must justify the non-recognition of their right to organize, otherwise you must allow its exercise without further delay.

In conclusion, we must highlight that in June 2019, as part of the ILO Centenary, the House of Representatives and the House of Councillors of the Japanese National Diet unanimously passed and adopted the resolution concerning Japan's further contributions to the International Labour Organization on the commemoration of the Centenary of its foundation. This was an important moment in the relationship between Japan and the ILO.

The resolution recalled that "Japan, as one of the founding members of the ILO holding a titular seat in the ILO Governing Body as one of the states of chief industrial importance since 1954, has played a leading role in promoting ILO's activities, not only in Japan but also elsewhere in the world, and that our continued contribution is strongly expected by the international community." The resolution further states that "we hereby reconfirm the leading roles of Japan to be played within the ILO, and express our commitment to make our utmost contributions to pursuing and achieving the principle and objectives of the ILO in cooperation with the Member States throughout the world, leading to the development of the ILO in the next 100 years."

The resolution pointed out that Japan "must make additional efforts toward ratification of the remaining unratified fundamental Conventions" and "... must make additional efforts with the international community to ensure the sincere implementation of ratified Conventions" as a specific issue.

We welcome the commitment by Japan to ensure sincere implementation of ratified Conventions. This commitment must surely include Convention No. 87 and the right to organize.

At the moment, we call on the Government, in consultation with social partners, to adopt a timebound road map and action plan as soon as possible and submit the road map and action plan to the Committee of Experts by the end of September 2024. The road map and action plan must provide the pathway to resolving this matter by 2026.

We are at a loss why the Government has not, as part of its national consultations on this matter, sought information and advice from the ILO. We urge the Government of Japan to do so without delay and so to avoid a tenth discussion of this case because the eighth discussion took place in 2018 to correct one of the employers, and this year we have already the ninth discussion, he was hoping that that would never take place.

Given the fundamental and enabling nature of the right to organize under the Convention and the persistent refusal, without reasonable justification, to ensure that firefighters and other public servants not performing core police or military duties can fully exercise and benefit from the protections guaranteed under the Convention, this case merits a special paragraph. Without such a serious step, the right to organize will be emptied of all meaning.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2018.

Taking into account the discussion, the Committee requested the Government, to consider, in line with the Convention and in consultation with employers' and workers' organizations:

- further improvements of the status and labour conditions of firefighters;
- what categories of prison officers are considered part of the police, thus exempted from the right to organize, and those categories that are not considered part of the police, and having the right to organize;
- with regard to public service employees:
 - ensure that the National Personnel Authority (NPA) procedures guarantee effective, impartial and speedy conciliation and arbitration procedures;
 - continue to examine carefully the autonomous labour-employer relations system and seek solutions to the various obstacles to it, in line with the Convention; and
- review the Local Public Service Act and any other related legislation to ensure that local public sector workers enjoy the rights and guarantees set out in the Convention.

The Committee requested the Government to submit a report to the Committee of Experts on progress achieved on all of the above matters by 1 September 2024.

Interpretation from Japanese: **Government representative** – On behalf of the Japanese Government, I would like to express our opinions in response to the conclusion.

Regarding the right to organize of the fire defence personnel, the Government would comprehend the operation of the Fire Defense Personnel Committee System as an alternative to granting the right to organize and work to improve its operation with related organizations including social partners.

Regarding the right to organize of the personnel of penal institutions, the Government will strive to achieve the furthering and defending of their interests by implementing and expanding various initiatives such as organizing meetings on exchanging views between executives of each regional correction headquarters and general staff members.

Regarding the autonomous labour-employer relations system, there are various concerns and opinions and a wide range of issues that have yet to be understood by the public. Therefore, the Government needs to continue careful examination of the issue. The Government continues to strive for mutual understanding with the social partners, including employee organizations.

Kazakhstan (ratification: 2001)

Labour Inspection Convention, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Written information provided by the Government

In accordance with the Laws of the Republic of Kazakhstan "On Ratification of the Convention concerning Labour Inspection in Industry and Commerce" (No. 81) and "On Ratification of the Convention concerning Labour Inspection in Agriculture" (No. 129), adopted in May 2001, labour inspection is mandated to be under the supervision and control of the central Government. Since 1993, a state labour inspectorate has been operational in

Kazakhstan, in line with these Conventions' provisions. As per section 191 of the Republic of Kazakhstan's Labour Code, state labour inspectors are tasked with enforcing compliance with labour legislation. This enforcement takes the form of inspection and preventive control, involving visits to the control subjects, as stipulated by the Entrepreneurship Code of the Republic of Kazakhstan. The inspections are carried out through on-site visits to the inspected entity in accordance with the approved checklist, which contains 38 items and fully covers the requirements of the labour legislation.

In 2023, labour inspectors conducted 6,927 on-site inspections of compliance with the labour legislation. It should be noted that 173 inspections were carried out on a scheduling order and 6,754 inspections were carried out on the basis of applications received. As a result of these inspections, 10,370 violations of labour legislation were identified, 4,369 orders to eliminate the identified violations were issued, and 2,401 administrative fines were imposed for a total of 401 million tenge. At the same time, since 2023, control subjects have failed to comply with 82 orders of labour inspectors in due time, including 63 in 2023 and 19 in 2024. In accordance with section 462.3 of the Administrative Offences Code of the Republic of Kazakhstan, 31 administrative fines (2023) were imposed on control subjects for failure to comply with the instructions on the protocols of labour inspections by judicial authorities and 11 materials are under consideration in court (10 materials in 2024 and 1 material in 2023).

In the course of the performance of the duties imposed on state labour inspectors to comply with the labour legislation, there were facts of obstruction on the part of inspected entities in the conduct of inspection activities, expressed in the failure to provide the documents requested by inspectors. At the same time, in each case, the response measures stipulated by the legislation were taken, in the form of bringing the subject of control to administrative responsibility. Thus, in 2023, 56 cases of obstruction of state labour inspectors in the implementation of state control were identified. Administrative fines totalling 12.8 million tenge were imposed on these cases. In the first four months of 2024, 17 similar cases were identified, as a result of which employers were imposed administrative fines for the amount of 4 million tenge. Concurrently, since the beginning of 2023, there have been no cases of bringing state labour inspectors to disciplinary responsibility under section 50(12) of the Law on Civil Service of the Republic of Kazakhstan. Meanwhile, the moratorium on inspections of micro and small enterprises ended on 1 January 2024. Since then, state labour inspectors have conducted 2,366 inspections nationwide, uncovering 3,144 violations. These inspections led to 1,409 instructions issued to employers and 1,780 administrative fines totalling 178 million tenge. As of 1 April 2024, there are 276 units of state labour inspectors in the staff of local labour inspection bodies.

It should be noted that the experts of the ILO in 2018 conducted an audit of the labour inspection activities of the Republic of Kazakhstan, which resulted in recommendations to strengthen the role of labour inspection by transferring it to the subordination of the central executive body. In this regard, a draft Law on Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Improvement of Safe Labour Conditions and Protection of Labour Rights of Employees has been prepared within the framework of which the following issues are considered:

- transfer of state inspection from local executive bodies to the Ministry of Labour and Social Protection of the Population (MLSPP);
- empowerment of state labour inspectors to conduct inspections without prior notice in the field of safety and labour protection at dangerous production facilities.

As of today, the proposal to transfer state labour inspection from local executive bodies to the Ministry has been approved by the President of the Republic of Kazakhstan. The MLSPP is carrying out preparatory work to establish a separate state labour inspection committee with territorial subdivisions in the regions. A detailed action plan for the establishment of a state labour inspection committee in the Ministry has been developed and is being implemented.

In compliance with Article 20 of Convention No. 81 and Article 26 of Convention No. 129, the MLSPP is working on a comprehensive annual report on the work of labour inspection for 2023. This report will be submitted to the ILO as a mandatory requirement. Furthermore, the Ministry regularly prepares the National Review of Occupational Safety and Health in the Republic of Kazakhstan in the framework of cooperation with the Subregional Office for Eastern Europe and Central Asia of the ILO in accordance with the “Methodological Guidelines for Compilation of the National Review of Occupational Safety and Health”. The recent national review was published in 2023, which covers the years 2020–22, with statistical information. In addition to these efforts on an ongoing basis, the Ministry systematically publishes, in the media, information on the work of labour inspection in monitoring compliance with labour legislation.

Discussion by the Committee

Chairperson – I kindly invite the Government representative of Kazakhstan, Vice-Minister of Labour and Social Protection of the Population, to take the floor.

Interpretation from Russian: **Government representative** – Allow me to express gratitude for having this opportunity to take the floor today on behalf of the Republic of Kazakhstan at this meeting of the Committee. Our Government attaches great importance to issues of application of labour standards, and we are of course grateful for the support and partnership that has been shown to us on an ongoing basis by the International Labour Organization (ILO). We acknowledge the importance of the ratified Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and we take note of the comments expressed by the Committee of Experts with regard to the current situation in Kazakhstan and the actions of the state labour inspectorate.

I would like to dwell first on the topics which are the subject of the current consideration. Firstly, with regard to the moratorium on state labour inspection activities, I should indicate at this point that the moratorium brought in by presidential decree on 1 January 2020 was aimed at improving the conditions of development of small businesses and only affected small businesses. This moratorium was extended until the end of 2022. I should indicate here that the state oversight system has three forms. General checks are one of them, preventive controls with visits are another, and this moratorium only affected this second form of inspection – namely preventive controls with visits. Accordingly, limitations were imposed on that type of preventive control in the micro and small enterprise arena. According to the statistics of 2023, over 6,000 checks were carried out and, of those, a little over 100 were to this type of business. Accordingly, the number of visits to small enterprises was clearly limited. All the other inspections at the request of the trade unions and workers themselves are aimed at protecting the health and life of workers, and there were no limits imposed on that form of inspection, so as to uphold the labour rights of our Kazakh workers. Over the period covered by the moratorium, 22,000 inspections were carried out and some 12,000 violations were found. Some 13,000 warnings were handed out, with a total sum of 1.2 million tenge in administrative fines imposed, meaning that the inspectorate was operational and carrying out its functions fully. At the current time, there are no longer any limitations on these two types

of inspections. As of 1 January 2024, the moratorium has been fully lifted. This is the first issue I would like to address.

Secondly, regarding the regulatory backdrop for direct inspections, we currently have two oversight systems in place. The first is, of course, control in the form of an internal audit, and the second, what is known as public controls initiatives by trade unions. More than 18,000 such checks have taken place and more than 24,000 technical inspections are in operation. I turn now to the state labour inspectorate. As such, it discharges state functions, carrying out a significant number of inspections. This is ongoing. We are also working to enhance the operation of our labour inspectorate with the introduction of an automated system to identify dubious, suspect workplaces where violations could take place, with an IT system that enables us to decide where to undertake inspections with the data in hand. This enables us to react and take corrective measures if necessary. We take note of all the comments as to the need for a fuller mandate to be given to labour inspectors to undertake unscheduled inspections at their own free initiative. I will return to this when it comes to our regulatory framework. With regard to investigations of accidents, there are no limitations at all on them, with the relevant investigations being undertaken in specific cases. In terms of the number of preventive inspections, this is defined based on the degree of risk of workplaces, with measures to review this and to ensure more often that inspections are carried out at the relevant time and place. We are also planning to improve the risk assessment system such that labour inspectors are able to identify and prevent risks in the workplace, and to rapidly react. This would include conveying cases to the judicial and law enforcement bodies. With regard to direct oversight, the state labour inspectorate is being strengthened by all means possible from our part. In 2023, 1,505 cases were transmitted to the law enforcement authorities, and 150 criminal cases were launched as a result. With regard to bad faith employers who were not applying the rules, over 2,300 checks were carried out. In addition to that, numerous violations were uncovered with some 1,400 warnings issued and significant fines imposed, in addition to certain numbers of cases being transmitted to the law enforcement authorities. In addition, with the oversight system, measures are being taken to introduce the Vision Zero approach to accident prevention, and we have 580 enterprises now involved in this Vision Zero programme. More than 18,000 works councils have been established and operate at enterprises. We have brought about changes to the Labour Code in order to ensure general coordination of work to apply and enforce labour standards in the workplace. At the same time, we have put in place vertical oversight on building sites. A total of 3,214 enterprises have committed to implementing special occupational safety and health standards, while also putting in place systems of risk assessment.

Employers also have access to an online labour consultancy system to enable all employers to undertake a self-check on compliance with labour legislation, with more than 13,000 employers already accessing the system and using it. With regard to the comprehensive analysis of labour inspection work and accountability under Conventions Nos 81 and 129, we have an annual report which is discussed in the tripartite commission under the Prime Minister, with information broadcast in the media and to global labour inspection bodies. With regard to legislation, I can tell you that the Parliament is currently debating relevant legislation, with social partners involved in this discussion. In addition, a number of changes are anticipated. The main one of these is the transfer of labour inspection powers from local authorities to a direct, vertical control structure deriving from the Ministry of Labour and Social Protection of the Population, and in the coming months there will be a single body, a labour inspection system with local sections covering the entire territory, with the material and technological tools to make this change happen. For our labour inspectorate, we hope that this Bill has already been adopted by the Lower House of Parliament, and will also be approved by

the Upper House and signed by the Head of State into law. In addition, as part of work to enhance our legislation, we are making efforts to define the relevant accountability and responsibility of the parties in the event of accidents, with clear-cut instructions for medical organization, labour inspection, the identification of accidents in the workplace and support for potential victims of accidents, also, probably, defining powers in the healthcare sphere, as well as guidelines for assessing the degree of injury of workers. All of those regulations are being considered by the Lower House of Parliament at the current time. In addition, all of those issues are subject to ongoing review with our social partners, and we would like to express our immense gratitude to the ILO for its support. I can tell you that in fact, today, we have signed with the ILO a road map on support for true decent work in the Republic of Kazakhstan. This has been signed by all our social partners, some of whom are here today. This includes five key areas of work, for joint work, and one of the key areas is a safe and healthy workplace, to be achieved through overcoming shortcomings in labour inspection. This is to be implemented in the coming years and we hope that we will be able to achieve notable results. As part of this, we will of course reassess our existing legislation and practice once again, ensuring that it comes into line with the provisions of Conventions Nos 81 and 129. We trust that we will receive ongoing technical support from the ILO in order to improve and harmonize our domestic legislation on labour inspection with the Conventions. I should once again like to assure the Committee that the Government of Kazakhstan will take all steps to overcome the problems that have been identified and ensure that our legislation is in line with ILO standards. We will work in close cooperation with the ILO and all other interested parties in order to improve conditions of labour and to protect the rights of workers.

Worker members – Our Committee’s attention has often been focused on examining the Government of Kazakhstan’s compliance with Convention No. 87. The situation regarding respect for trade union freedoms in Kazakhstan has always been of concern to us all. Numerous initiatives are nevertheless under way to resolve the problems of compliance noted in this respect.

The situation of respect for trade union freedoms is certainly not unrelated to the situation of respect for Conventions Nos 81 and 129 in the country. An environment conducive to the exercise of freedom of association would certainly enable progress to be made in many areas of work, including labour inspection. Labour inspection plays a fundamental role in ensuring decent working conditions for workers. It is therefore essential to provide the inspection services with all the necessary means to function optimally and ensure the protection of workers. It has come to our attention that, in this regard, the capacities of labour inspection in Kazakhstan have been decreasing, with today only 225 labour inspectors for the whole country.

This is the first time that our Committee is examining the application of these Conventions in Kazakhstan. The Committee of Experts has made a number of observations which point to failures to comply with these Conventions.

The most troubling of these is the moratorium on inspection services in Kazakhstan, which was in force until 1 January 2024. The problem of a moratorium on inspection services, while apparent in the case of Kazakhstan, is nevertheless endemic to the region. We fear that this moratorium could be reintroduced at some point, as we have sadly already seen in another country of the region after examination of its case before our Committee.

However, the Committee of Experts’ 2019 general comment on Convention No. 81 recalls that any moratorium imposed on labour inspection is a serious violation of the Convention.

Such a moratorium considerably weakens the inherent functioning of labour inspection, to the detriment of decent work and the protection of workers' rights.

More specifically, the moratorium in Kazakhstan applied to labour inspection in private and public enterprises that fall into the categories of micro and small enterprises, with a few exceptions provided for in very restrictively enumerated cases. Furthermore, on the basis of the Entrepreneur Code, the Government is empowered to suspend state supervision and control of private commercial entities for a certain period.

It also appears that when the labour inspectorate receives complaints, its intervention is not in practice decisive in bringing about a rapid, effective and appropriate solution to the subject of the complaint. For example, the observations of the Trade Union of Workers in the Fuel and Energy Complex (TUWFEC) show that the labour inspectorate has only been able to help complainants formulate their complaints for submission to the court, and to write to employers about the need to comply with labour legislation, without this having any legal consequences as regards the infringements found.

In addition to this moratorium, labour inspectors suffer from other limitations and restrictions to their powers.

The first of these is the requirement for labour inspectors to register scheduled inspections 30 days in advance, and unannounced inspections 24 hours in advance, with the Public Prosecutor, who has the right to refuse registration. It is regrettable to note that the Government has given in to the Public Authority for Enterprises and employers' representatives, who have refused to implement the measure to allow workplace inspections without prior warning, even though this measure was provided for in the Action Plan to guarantee safety at work.

Another important restriction on the power of labour inspectors is the strict definition of the frequency and types of inspection possible in the country. The maximum inspection frequency is determined according to the risk identified by the risk assessment and management system. Different risk-based categories of employers are defined on the basis of that system.

The minimum inspection frequency is also defined according to those risk-based categories. However, no minimum inspection frequency has been set for low-risk employers. Employers in this risk category are thus not subjected to scheduled monitoring and inspection activities.

Despite the revision of the Entrepreneur Code at the end of 2022, it still contains restrictions on the powers of labour inspectors, particularly as regards their ability to carry out inspection visits without prior warning, their free initiative and the scope of the inspections they can carry out. Only the conditions set out in the established checklist may be subject to verification and preventive control.

Another important restriction is that laid down in section 12 of the Entrepreneur Code, which allows employers to deny the inspection by officials from state control and supervision bodies. This right to deny is likely to render ineffective the provisions on penalties for obstructing the work of officials from the state inspectorate and other state supervisory and control bodies. Labour inspectors who take control initiatives that go beyond the strict framework of regulations governing the organization and conduct of inspections are liable to disciplinary action. Other provisions stipulate that inspections carried out without prior warning and without respecting the prescribed notice period are considered invalid.

It is also stipulated that labour inspectors may not impose immediate penalties if they discover infringements during preventive inspections. In such cases, they can only issue a warning. Similarly, rapid reaction measures can only be taken in cases identified by law and for violations of items on the inspection checklist.

However, the Conventions stipulate that, with certain exceptions, persons who violate or neglect to observe the legal provisions whose application is subject to the control of labour inspectors, are liable to immediate legal action, without prior warning, and that it is left to the discretion of labour inspectors to issue warnings or give advice rather than initiate or recommend prosecution, and that labour inspectors are authorized to take measures to eliminate defects in installations, fittings or working methods which they may have reasonable cause to consider a threat to the health or safety of workers. In that regard, we are of the view that labour inspection should have the capacity to act upon signals received from workers or their representatives about occupational hazards they are facing. If the labour inspectorate had been more responsive, many of the particularly serious accidents that have occurred recently in Kazakhstan could have been avoided.

We also note with concern that no annual report on the activity of the labour inspection services has been transmitted to the ILO since the ratification of the Conventions in 2001.

All these elements constitute serious breaches of Conventions Nos 81 and 129, and the Government of Kazakhstan will have to ensure that its legislation and practice comply with those Conventions.

Employer members – The Employer members have taken note of the information provided by the Government and would like to thank the distinguished representative for the explanation provided.

Kazakhstan ratified Convention No. 81 and Convention No. 129 in 2001. The Committee of Experts made observations on this case in 2015, 2021 and 2023. Today is the first time the Committee is examining the application of Conventions Nos 81 and 129 by Kazakhstan. From the outset, the Employer members want to highlight the importance of Conventions Nos 81 and 129, which are governance Conventions that have received 150 and 57 ratifications, respectively.

The case consists of five parts. The first is about the moratorium on labour inspections. The moratorium had been in place since January 2020 and applied to labour inspections for micro and small enterprises. It should be noted that practice had shown that the introduction of the moratorium did not affect large and medium-sized enterprises, where inspections have been carried out. Furthermore, the moratorium on inspections for micro and small enterprises is no longer in force. It ended on 1 January 2024.

Since then, according to information provided by the Government on 20 May 2024, state labour inspectors have conducted 2,366 inspections nationwide, uncovering 3,144 violations. These inspections led to 1,409 instructions issued to companies and 1,780 administrative fines. As of 1 April 2024, there are 276 units of state labour inspectors in local labour inspection bodies.

The second part is about other restrictions on inspection powers. The Committee of Experts noted in its recent report that restrictions on the powers of labour inspectors established by the Entrepreneur Code of 2015 are still in force. These limitations affect, inter alia, the ability of labour inspectors to undertake inspection visits without previous notice and the free initiative of labour inspectors.

The Committee also noted that labour inspectors are liable to disciplinary proceedings if they fail to respect the provisions in relation to prior notification of the inspection to the subject of control, or if the deadline for such notification is not respected.

In its recent written report from 20 May 2024, the Government informed the Committee that a draft Law on Amendments and Additions to Certain Legislative Acts on Improvement of Safe Labour Conditions and Protection of Labour Rights of Employees has been prepared. It would empower state labour inspectors to conduct inspections without prior notice in the field of safety and labour protection at dangerous production facilities. However, in this regard it should be noted that the proposal to transfer state labour inspection from local executive bodies to the Ministry has been approved. The Ministry of Labour and Social Protection of the Population is carrying out preparatory work to establish a separate state labour inspection committee with subdivisions in the regions.

A detailed action plan for the establishment of a state labour inspection committee in the Ministry has been developed and is being implemented. However, we ask the Government to provide further detailed information on restrictions on the powers of labour inspectors and to take the necessary initiatives to bring the laws into conformity with Article 12(1) of Convention No. 81.

The third part is about adequate penalties. The Committee of Experts noted limitations imposed by the Entrepreneur Code with respect to the powers of labour inspectors to ensure the effective application of legal provisions. In particular, the Committee noted that the Code provides that, in cases of violations identified in the course of preventive inspections, inspectors are obliged to issue a warning without the possibility of initiating proceedings. According to information provided by the Government on 20 May 2024, in 2023, labour inspectors conducted 6,927 on-site inspections. A total of 173 inspections were carried out on a scheduling order and 6,754 inspections were carried out on the basis of applications received. As a result of these inspections, 10,370 violations of labour legislation were identified, 4,369 orders to eliminate the identified violations were issued, and 2,401 administrative fines were imposed.

The Employer members ask the Government to provide further detailed information about limitations imposed on the power of labour inspectors with regard to penalties. Furthermore, we ask the Government to take the necessary measures to ensure that labour inspectors do not encounter undue obstruction while performing their duties.

The fourth part is about the right to deny the inspection. The Committee of Experts argued that the Entrepreneur Code includes a provision that provides for the right of companies to deny the inspection by officials from state control and supervision bodies. It requested the Government to take the necessary measures to ensure that labour inspectors do not encounter undue obstruction while performing their duties. The Employers' group has taken note. We request the Government to provide detailed information on the issue and on the number of cases in which inspectors have been denied access to workplaces.

The fifth part of this case is about reporting. The Committee of Experts noted that since the ratification of the Conventions in 2001, the ILO has not received an annual report on the activities of the labour inspection services. According to Article 20 of Convention No. 81, the central inspection authority shall publish an annual general report on the work of the inspection services under its control and copies of the annual reports shall be transmitted to the ILO within a reasonable period after their publication and in any case within three months. The Government announced that the Ministry of Labour and Social Protection of the Population is working on a comprehensive annual report on labour inspection activities for

2023. They stated that this report will be submitted to the ILO. The Employers' group welcomes this development. We ask the Government to walk the talk and to submit an annual report to the ILO in accordance with the respective time limits.

To conclude, the Employer members welcome the expressed willingness and shown commitment of the Government. We encourage and ask the Government to effectively consult with the representative employers' and workers' organizations concerning all measures and initiatives they take regarding the application of Conventions Nos 81 and 129.

*Interpretation from Russian: **Worker member, Kazakhstan*** – I am grateful to the ILO for ensuring that the issues relating to Convention No. 81 can be discussed today. The fact that we are on the short list gives us the opportunity to broaden horizons and exchange practices, learn best practices from other States, and take on board the methods of working mechanisms of the ILO.

I will dwell on the compensation model under the labour protection system and the occupational safety and health concept and, in addition, the centralization of labour inspection with a single state inspectorate and transfer paths from the local authority. Here it is important to note that this is in line with Convention No. 81 and to avoid any potential negative influence at the local level on labour inspection.

As of 1 January 2024, the moratorium on inspections of micro and small enterprises has been lifted. It is important to note that this will not affect the inspection system based on complaints. Further work will be ensured to assess the remit of inspectors, as promoted by the trade unions. That said, problems do remain in terms of the numbers of labour inspectors and the powers that they have, which are highly limited under the Entrepreneur Code.

There are currently only 245 inspectors, and this means that they do not have the possibility to fully discharge their functions. The requirements of the Entrepreneur Code curb their powers with a ban on registered inspections. These have to be registered with the authorities and the employers need to be informed. I trust that we will be able to work in the coming times on this issue, bringing about substantive changes to the legislation. This is important to us. We need to ensure that this will be done within the framework of social dialogue and partnership, bearing in mind the opinions of trade unions.

The Federation of Trade Unions will, as it has done before, continue to work to ensure safety in the workplace on the basis of specific assumptions. People should not be killed or injured at work. You should not die as a result of trying to earn a living in a workplace, and any improvement in occupational safety and health is something that we will of course always welcome. We look forward to future cooperation with the ILO and the necessary technical assistance to this end.

*Interpretation from Russian: **Employer member, Kazakhstan*** – I would like to first and foremost thank the ILO for its cooperation and support. We take note of the recommendations of the Committee in recent years and the steady progress made in social dialogue in Kazakhstan. I am a delegate of the employers of Kazakhstan, I represent their interests on behalf of the national Confederation of Employers. Our confederation has been recognized by the ILO as an independent employers' organization. This independence is a core value of ours in our work. With our social partners we work at the practical level of social dialogue at the national and regional levels.

I would now like to move to a set of comments on the Committee of Experts' remarks on the application of Conventions Nos 81 and 129. In order to enhance the development of micro and small enterprises, a moratorium was imposed as of 1 January 2020 on preventive controls

with visits for this type of enterprise. Practice has shown that over this period the moratorium had no effect on large and medium-sized enterprises where periodic inspections continued. Of course we are guided by and welcome international labour standards and partnership with social partners and the ILO. We are making efforts to implement best practices, and this includes the standards covered in Conventions Nos 81 and 129 but at the same time, as an employers' organization, we are always in favour of ensuring balance. As such, when it comes to taking important decisions, we should take into account all aspects including the willingness and ability of state bodies to implement standards under the Conventions. We consider that the limited powers of inspectors could lead to both positive and negative consequences. Statistics also indicate this.

During the period of the moratorium, we saw that there was a positive impact on the subjects being inspected. There was a more than twofold reduction in the number of inspections in 2023 compared to 2019, while there was almost a 70 per cent increase in numbers of small businesses in existence. With this in mind, I think we need to move towards a more effective way of implementing ratified Conventions. Results can be seen in this regard also, for example, as of 1 January 2024, when there was a full lifting of the moratorium, with no further restrictions currently in force on the work of labour inspectors.

Turning to the comments on the limited powers of labour inspectors when it comes to the Entrepreneur Code, I would like to say that, at the current time, preventing violations and the rationale for observance by businesses is set up by law, with priority attached to enforcement rather than compliance. This is a frequent trend in Kazakhstan but particularly in labour. We want to move towards a more preventive approach, but if there are repeated violations, fines may be applied as well as criminal proceedings if necessary. In line with the Entrepreneur Code, the labour inspectorate may undertake a preventive control, followed by an unscheduled visit with a further inspection, if necessary, but this may take place only with 24 hours warning in certain instances.

Pursuant to the law, inspections may not be refused. In addition, we have seen that ever more violations have been uncovered by inspections, with more than 10,000 in 2023. We, as Employer representatives, consider that things are going in the right direction and that there needs to be gradual change. If we want to radically expand the powers of state labour inspectors, then we need to think through the right system of checks and balances, since failing to do this properly could lead to a curb on entrepreneurial activity and an increase in the administrative burden.

There is a need to ensure, as we implement the Conventions, that the social partners are borne in mind. This has been seen, for example, in the transfer of powers from local to central level. We consider that this is another positive step forward. I would also like to note that, as part of the work between the ILO and the social partners, a road map was signed to promote decent work in the Republic of Kazakhstan. In this road map, there are five strategic areas: labour protection, social protection, employment, social dialogue and tripartism. We consider the joint work with the ILO on this road map will enable us to improve our position vis-à-vis the comments issued by the Committee of Experts.

In conclusion, I would underscore that in our work we are guided by the ideas of tripartism where all partners work together in harmony and in a responsible way. Only in this way will it be possible to ensure civilized dialogue to the interest of all. We, for our part as Employers, are committed to this and we will put all our efforts and resources into these endeavours.

Government member, Belgium – I have the honour to speak on behalf of the **European Union and its Member States**. The candidate countries, **Montenegro** and **North Macedonia**,

and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We actively promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The European Union and Kazakhstan signed an Enhanced Partnership and Cooperation Agreement in 2020, advancing and strengthening cooperation with the country in key policy areas such as trade and investment, sustainable development, economic cooperation and employment and social affairs.

We note with concern that the moratorium on labour inspections for private and state-owned micro and small enterprises introduced in January 2020 was further extended until January 2024. We deplore that, based on information from national trade unions, none of the complaints related to violations of labour rights in agriculture were inspected due to the moratorium. While we acknowledge that, according to the recently submitted information from the Government, the moratorium ended in January 2024 and that since then around 2,300 inspections have been conducted, we would be interested to know the reasons leading to the Government introducing this moratorium, which is a serious violation of the ratified labour inspections Conventions Nos 81 and 129. We also call on the Government to ensure that inspectors can conduct labour inspections as often and as thoroughly as necessary.

We note that the Entrepreneur Code prescribes prior registration of inspections with the Public Prosecutor's office, which can refuse registrations. Moreover, the Entrepreneur Code contains provisions that limit the free initiative of inspectors and their ability to conduct inspections without prior notice. We echo the Committee of Experts' call on the Government to take the necessary legislative measures to ensure that inspectors can undertake inspections without prior notice and conduct any examination they deem necessary. Moreover, following the revocation of section 197 of the Labour Code, we request the Government to indicate to the ILO whether inspectors are entitled to conduct inspections at any time of the day and night.

Concerning the frequency of labour inspections, we note that according to the International Trade Union Confederation (ITUC), there is no minimum frequency of inspections established for low-risk employers, who are therefore not covered by scheduled monitoring activities. In line with the Committee of Experts, we urge the Government to take the necessary measures to ensure that risk assessment criteria do not limit the powers of labour inspectors.

We remark that section 151 of the Entrepreneur Code stipulates that labour inspectors are not allowed to undertake inspections on elements that are not included in the inspection checklist, and that, according to section 156, inspections are considered invalid in the absence of a prior notification to the concerned workplaces. Based on information from the Government, a draft law on safe labour conditions that would permit unannounced inspections is under consideration. However, we note that this provision would only apply to dangerous production facilities. As requested by the Committee of Experts, we ask the Government to revise the above-mentioned sections in line with Conventions Nos 81 and 129.

We also note that according to the Entrepreneur Code, in cases where violations are detected during preventive inspections, labour inspectors are obliged to issue a warning and cannot initiate proceedings, and that rapid response measures can only be adopted in the cases identified by the law and for violations of items included in the inspection checklist. In line with the Committee of Experts, we request the Government to take the necessary

measures to allow inspectors to initiate legal proceedings without previous warning and to provide information on the changes made on this matter.

Recalling that the Entrepreneur Code allows for employers to refuse inspections, we request the Government to take measures to ensure that the work of labour inspectors is not unduly obstructed.

We are concerned that no annual reports on the activities of the labour inspectorate have been received by the ILO since the ratification of both Conventions. We therefore welcome the Government's indication that the Ministry of Labour and Social Protection of the Population is preparing a comprehensive annual report on the work undertaken by labour inspectors in 2023. We encourage the Government to make this a regular practice and to transmit the reports to the ILO.

The European Union stands ready to support Kazakhstan with the aim of strengthening the Government's capacity to address the issues raised and meet its obligations under the ratified Conventions.

*Interpretation from German: **Worker member, Germany*** – I speak on behalf of the German Confederation of Trade Unions. In its Centenary Declaration of 2019, the ILO once again confirmed that labour inspection, as outlined in Conventions Nos 81 and 129, is a cornerstone of the ILO's strategy for a people-friendly future of work. This approach focuses on the rights and needs of workers, their protection and their health. The Committee of Experts, in its 2019 general observation on these Conventions, established that several ILO Member States, particularly those in Eastern Europe and Central Asia, have adopted laws and decrees that contradict Conventions Nos 81 and 129 and undermine the proper functioning of labour inspection systems. Unfortunately, the Government of Kazakhstan has also suspended comprehensive labour inspection by decree. This moratorium was in force from January 2020 until 2024 and affected micro and small enterprises.

We welcome the fact that the Kazakh Government has not extended the moratorium on labour inspection and has brought itself into line with the legal requirements of Conventions Nos 81 and 129 since then. However, in the past, we have seen examples of countries who have reintroduced such a moratorium. For example, Tajikistan, only months after its case was discussed here in the Committee, suspended labour inspection, against the recommendations. We call on the Government of Kazakhstan to refrain from any moratorium in the future and instead, in legal and administrative terms, ensure legal inspection and that inspectors can carry out their work to ensure that the occupational safety and health of all workers in Kazakhstan is guaranteed. Because, although the moratorium has expired, as was stated, there are other serious problems. As reported by the Trade Union of Workers in the Fuel and Energy Complex (TUWFEC), in many places there have been no consequences for enterprises responsible for occupational safety and health infringements. Moreover, in the area of agriculture, no inspections are carried out, although many complaints have been submitted to the labour inspection authorities. Furthermore, the powers of labour inspectors are restricted. The Kazakh Government must adapt its national law so as to ensure that inspectors can carry out their work as frequently as they so choose, and as thoroughly as is necessary, to ensure that the Conventions are upheld. We would like to emphasize the following: the hushing up of occupational accidents, wage arrears and labour disputes by enterprises must end. To this end, equipping the labour inspection authorities is essential. According to our information, there are only 225 state inspectors for the entire country.

We call on the Government to take more steps to improve labour inspection. Firstly, this means preparing a draft law, ensuring that the unions are involved in this; secondly,

centralizing labour inspection; and thirdly, putting together an action plan. We call on the Government to continue these positive steps and to send reports to the ILO. At the same time, we call on the Kazakh employers to support these positive developments as well. The aforementioned Action Plan to Ensure Safe Work has not received support from the Employer representative. For us it is very clear: there should be no lobbying against occupational safety and health. The desire for profit must not take precedence over occupational safety and health.

Government member, Azerbaijan – The Azerbaijani delegation would like to thank the Government representative for providing replies to the questions raised by the Committee of Experts on the application of Conventions Nos 81 and 129. We welcome the progress made by the Government in responding to the recommendations made by this Committee. We appreciate the process initiated to amend labour legislation in order to ensure the protection of workers. Kazakhstan is party to the international legal instruments on labour inspection and duly fulfils its international obligations in good faith. It should be noted that, through their work in providing guidance and information by conducting inspections, the labour inspection services monitor the situation of fundamental rights in respect of labour relations and work conditions and consequently play an important role in the enforcement of those rights.

My delegation welcomes the relevant information provided by the Government representative in the context of the efforts to ensure effective labour inspection and to ensure that workplaces are inspected as frequently and as thoroughly as necessary, particularly in relation to occupational safety and health. We welcome the decision taken by the Government to transfer state inspection powers from local executive bodies to the Ministry of Labour and Social Protection of the Population, as well as the initiative to empower state labour inspectors to conduct inspections without prior notice in the field of safety and labour protection at dangerous production facilities. The measures outlined by the Government representative demonstrate Kazakhstan's efforts to give full effect to Conventions Nos 81 and 129. We appreciate the Government's provision of detailed information and statistics on labour inspections under various laws and regulations regarding working life. We also take note that the Government is working closely with the ILO to ensure that the legislative reforms are consistent with ILO Conventions, and we note the openness to addressing the comments of the supervisory bodies. We encourage the Government to continue working closely with the ILO to follow up on the Committee of Experts' recommendations. Finally, my country believes that issues relating to the general improvement of working conditions should be addressed as part of constructive and mutually beneficial dialogue with all actors, including representatives of employers and trade union organizations. The Azerbaijani delegation commends Kazakhstan on the results obtained to date and encourages the Government to continue working to strengthen the capacity and resources of the labour inspection services, in line with the national legal system and the international labour instruments in force.

Interpretation from Russian: **Worker member, Russian Federation** – The Workers' delegation of the Russian Federation thanks the Government of the Republic of Kazakhstan for the information provided. The Committee of Experts' report notes significant problems in the practical implementation of Convention No. 81. One of the main factors hindering the preventive role of the labour inspectorate in Kazakhstan is, of course, the highly limited set of powers of the inspectors. The remit for inspections after action is agreed is subject to agreement by the Public Prosecutor in the event of direct complaints, and this leads to the refusal of inspections and ineffective work. The number of labour inspectors in Kazakhstan stands at 225; bearing in mind that there are more than 9 million people in the labour market, this is a twofold deficit in comparison with what is provided for in Article 10 of Convention No. 81. In addition, the labour inspection services are based in the main urban areas, and this

gives rise to problems in the major industrial and agricultural areas of the country, particularly the more remote ones, as inspectors cannot react rapidly. In addition to this, they are subject to the powers of local authorities in violation of the Convention. The financing of inspection comes from local budgets. This can lead to a dependent relationship as well as influence from local authorities or employers, which we have seen, for example, in the numerous unfounded refusals to register trade union sections in the oil and energy complex, making it difficult for workers, effectively, to realize freedom of association due to refused registrations, and this has led to a very negative result. There is a need, as we have seen, for reforms through legislation broadening the powers of the labour inspectorate such that it covers, and has a real impact on, all areas of life of work, including trade union rights. We should note that an effective state policy on labour inspection and protection directly depends on the implementation of the rights of workers, including independent trade union membership, as well as the establishment of collective bargaining. As such, we hope that the Government will continue its work to define the next steps for the proper implementation of the conclusions of the Committee on Freedom of Association and will ensure that proper oversight and enforcement of labour rights will take place.

Government member, Kyrgyzstan – The Kyrgyz delegation expresses its gratitude to the Government of Kazakhstan, employers and trade unions for providing comprehensive information on the efforts and measures taken to comply with international labour obligations.

We commend Kazakhstan for adopting the “Concept of Safe Labour for 2024–30”, which aims to enhance the safety and well-being of workers. A key component of this concept is to bolster worker protection by improving the activities of the state labour inspectorate. To increase the effectiveness of control and monitoring in labour protection, preventive inspections by the state labour inspectorate will be conducted only at enterprises where there is an objective risk to workers’ life and health. This risk will be identified not manually, based on previous inspections and the type of activity of the enterprise, as it is currently done, but through the application of digital technologies. To facilitate this, a unified automated information system has been implemented to provide accurate data on occupational risks at workplaces. In conclusion, we sincerely thank Kazakhstan for its commitment to constructive dialogue with the ILO and encourage the continuation of active engagement with ILO bodies for the common good.

Government member, Turkmenistan – Turkmenistan welcomes the distinguished delegation of the Republic of Kazakhstan and expresses its gratitude for the detailed information on the current situation related to the implementation of Conventions Nos 81 and 129, as well as the related recommendations of the Commission of Experts. At the outset, we would like to note the efforts made by the Government of Kazakhstan to ensure decent working conditions through consistent scheduled and spot inspections on the basis of applications received.

At the same time, it is important to note that there are dozens of times more spot checks – based on appeals or complaints – than planned ones. This is a good indicator of the State’s response to these issues.

We also would like to highlight the measures taken by the Government of Kazakhstan to improve legislation, in particular concerning safe labour conditions and the protection of the labour rights of employees. It once again demonstrates the commitment of Kazakhstan to its obligations to promote decent work. We believe that the aforementioned state labour inspection committee planned to be established within the Ministry of Labour and Social Protection of the Population will give an additional impetus.

In conclusion, Turkmenistan wishes the Government of Kazakhstan a successful discussion.

Interpretation from Russian: **Government member, Belarus** – We thank the delegation of Kazakhstan for the detailed information on the question under consideration. We welcome the progress achieved by Kazakhstan in implementing the recommendations of the Committee of Experts, as well as the Kazakh Government's commitment to partnership with the International Labour Organization.

We note the efforts of the Government of Kazakhstan to ensure the functioning of the state labour inspectorate, which monitors compliance with workers' fundamental rights and working conditions. The information provided on the number of checks carried out in 2023, as well as the violations uncovered, speaks to the effectiveness of the work of this institution. In line with ILO recommendations, a decision has been made to transfer the functions of labour inspection from local bodies to the Ministry of Labour and Social Protection of the Population. In addition, the state labour inspectorate has been given powers to undertake unannounced inspections at potentially dangerous facilities. This will serve to further improve the general effectiveness of the oversight system and enforce the legislation in practice.

We believe that employers' and workers' organizations should, guided by tripartism, provide assistance to the Government in its efforts to improve working conditions both in industry and in agriculture. We call upon the ILO to continue to provide technical assistance to the Government of Kazakhstan in order to ensure further progress in protecting the rights and interests of workers.

Government member, Türkiye – We welcome the Kazakh Government's initiative to establish a more effective and coordinated, as well as separate, labour inspection system under the relevant Articles of Conventions Nos 81 and 129.

We appreciate the process initiated to amend labour legislation, especially the empowerment of state labour inspectors to conduct inspections without prior notice to ensure the protection of workers at dangerous production facilities. We are confident that the Kazakh Parliament will enact the necessary amendments in this respect as soon as possible.

It is worth noting that the visionary conceptual framework document, which covers the next seven years, will lay the groundwork for a more institutionalized and effective functioning of the Kazakh labour inspection system and will serve to increase the level of protection of workers using a proactive approach.

The implementation of a unified automated information system by the Kazakh Government, which will ensure its operation in the light of stable and up-to-date information, should be considered a very important development by the Committee of Experts.

The measures outlined by the Kazakh Government within the constructive and mutually beneficial dialogue with all stakeholders demonstrate Kazakhstan's efforts to give full effect to Conventions Nos 81 and 129. We encourage the Government to continue working closely with the ILO to follow up on the Committee's recommendations.

Interpretation from Arabic: **Government member, Saudi Arabia** – The Kingdom of Saudi Arabia welcomes the progress achieved by the Republic of Kazakhstan in response to the recommendations made by the Committee of Experts. We welcome the relevant information provided by the Government in the context of its efforts to ensure regular, comprehensive and effective inspection of workplaces, especially in relation to occupational health and safety.

We note that the Government is working closely with the ILO in order to make sure that its legislative reforms are consistent with ILO Conventions, and that it is open to address the recommendations and observations of the supervisory bodies. We affirm that all measures related to ensuring good conditions at work should be addressed through constructive and effective dialogue with all stakeholders.

In conclusion, we commend the results achieved so far and we encourage the Government to continue its efforts to strengthen the capacities and resources of the labour inspection services in line with the national legal system and applicable ILO instruments.

Government member, China – We appreciated the detailed presentations by the representative of the Government of Kazakhstan. We have carefully reviewed the report by the Committee of Experts as well as the supplementary materials submitted by the Government to this Committee.

The Government is taking steps to move the national labour inspection functions from regional to national institutions. They are planning to establish a specific road map and to set up a national labour inspection committee within the Ministry of Labour and Social Protection of the Population. The Parliament of Kazakhstan is also drafting relevant legal amendments. In 2023, labour inspectors conducted nearly 7,000 on-site inspections under labour laws, including around 200 routine inspections and over 6,700 inspections upon request. These inspections uncovered over 10,000 violations of labour laws resulting in enforcement actions and other administrative fines.

It is commendable that the Government has issued the “Concept of Safe Labour for 2024–30”, continuously strengthening the implementation of labour inspections and enhancing worker protection. The Government is also leveraging digital technologies, alongside traditional methods, to effectively identify subjects for inspection based on past inspection records and on the nature of business operations. To achieve these goals, Kazakhstan is implementing unified automated information systems to promptly capture occupational risk data in workplaces. These efforts, measures and achievements should be acknowledged and encouraged by the Committee.

We support the ILO Secretariat and its regular supervisory mechanism in strengthening communication and exchanges with the Government, continuously promoting mutual understanding and cooperation. We also support the provision of relevant and technical assistance to the Government as needed to help them improve their compliance capacity and further promote their economic and social development.

Government member, Pakistan – We recognize the Republic of Kazakhstan for its comprehensive response to the questions raised by the Committee of Experts on the application of the Conventions. We acknowledge the progress made by Kazakhstan in addressing the recommendations of the Committee of Experts and welcome the initiative to amend labour legislation to further enhance the protection of workers. Pakistan welcomes the decision to transfer state inspection to the Ministry of Labour and Social Protection of the Population and empower inspectors to make unannounced inspections in high-risk workplaces. These measures demonstrate Kazakhstan’s commitment to effectively implement the Conventions. We acknowledge the ongoing collaboration with the ILO to ensure that legislative reforms align with international standards, and the openness to address concerns raised by the supervisory bodies. We encourage this continued partnership to further address the Committee’s recommendations. We believe that continuous and constructive dialogue with all stakeholders, including employers and trade union representatives, is crucial for further improving working conditions.

Government member, United States of America – We thank the Government of Kazakhstan for providing additional information to this Committee in response to the recent observations of the Committee of Experts. We welcome the fact that the moratorium on labour inspections at small and medium-sized enterprises was allowed to expire on 1 January 2024. We note with concern, however, that restrictions on unannounced workplace inspections remain in place. These restrictions may leave violations and abuses of workers' rights undetected.

We note in particular that the Entrepreneur Code limits inspectors' ability to undertake inspections without prior notice; to conduct self-initiated inspections, and to undertake labour inspections as often and as thoroughly as is necessary. Unannounced inspections are crucial to ensure employers cannot conceal labour rights abuses, change usual working conditions, prevent a witness from being present, or make it impossible to carry out an inspection. Limitations on self-initiated inspections and on the frequency of inspections undermine an effective risk-based inspection framework by preventing inspectors from effectively targeting enforcement efforts or monitoring the compliance of recidivist employers. While Kazakhstan's Administrative Offences Code provides for monetary penalties for enterprises that impede the work of inspectors, as of January 2023, the statutory maximum of these penalties was insufficiently dissuasive.

The stakes of labour law compliance can be life and death, as seen in the tragic loss of 46 workers' lives at a mining company on 28 October 2023. In the 30 years prior to this tragedy, at least 180 workers lost their lives in the same company's facilities in Kazakhstan, despite complaints from workers to the labour inspectorate that went unresolved. Government restrictions on labour inspections impeded inspectors' ability to properly ascertain and address dangerous conditions, prevented a follow-up inspection for at least one year, and imposed nominal penalties for labour rights abuses that failed to result in meaningful corrective action. We also note that restrictions on freedom of association in Kazakhstan have limited workers' ability to effectively address severe safety concerns in the workplace, especially in the mining and extractive sectors.

We urge the Government to take measures to ensure that penalties for labour rights abuses are sufficiently dissuasive and enable labour inspectors to undertake labour inspections as often and as thoroughly as necessary.

We note with interest the Government's draft law that, among other things, empowers state labour inspectors to conduct inspections at dangerous production facilities without prior notice. We hope this change, if and when passed, will help effectuate inspections in practice.

We join the Committee of Experts in urging the Government to bring its laws into alignment with the Conventions.

The United States remains committed to engaging with the Government to advance worker rights in Kazakhstan.

Observer, Building and Wood Workers' International (BWI) – As representatives of workers in the construction industry, one of the most hazardous sectors, we are deeply troubled by the constraints imposed on the labour inspectorate through the Entrepreneur Code as amended in 2022. These limitations directly impact the safety and well-being of our workers.

Kazakhstan witnesses over 2,600 workplace accidents annually, with more than 240 resulting in fatalities. Among the various sectors of the economy, after the mining sector, the construction industry has the highest number of casualties, representing 10 per cent of

these fatalities. A robust labour inspectorate is not just a necessity, but a life-saving mission for workers. It is, therefore, imperative that Kazakhstan's national legislation aligns with the provisions of the Conventions we are discussing here today.

The role of labour inspections in monitoring and improving the application of occupational health and safety regulations, among other things, is not just important, it is instrumental in addressing the high level of fatalities and acting as a preventive function. Unfortunately, as the report by the Committee of Experts presents, the labour inspections do not have the liberty or the capacity to fulfil these functions in Kazakhstan today.

Most concerning for us are the limitations set on the labour inspectors' ability to act in conformance with national health and safety laws. It is instrumental for labour inspectors to take immediate action on findings, ensuring that they, rather than only acting as an instrument to help complainants prepare statements of claims to the court, instead are empowered to take measures with immediate executory force and initiate legal proceedings without previous warning.

Finally, we are seriously concerned about the reports of cases where employers deny inspectors access to workplaces and about local government interference in labour inspectors' reports. Hence, we want to emphasize the importance of the Government taking the necessary measures, including protections, to ensure that labour inspectors do not encounter undue obstruction while performing their duties.

In conclusion, we reiterate the Committee of Experts' recommendation for the Government to urgently initiate reforms, to support the inherent functioning of labour inspection systems and to protect workers' fundamental right to a safe and healthy working environment.

Chairperson – I can see no more requests for the floor, so I now invite the Government representative of Kazakhstan, the Vice-Minister, to take the floor for his final remarks.

Interpretation from Russian: **Government representative** – First of all, allow me to express my gratitude to our social partners and to all of those who offered recommendations aimed at bolstering the labour inspection system in the Republic of Kazakhstan, as well as enhancing the role of our social partners in that endeavour.

I will take all of these remarks in no particular order. We have heard from our social partners and certain countries that Kazakhstan is a country that has faced shortcomings. I think people are well informed about this, but that said, and in view of the tragedies that took place in some workplaces last year, there have been checks carried out and the necessary response has been given by the Government. I should underscore, therefore, that the general trend in terms of workplace accident and injury is positive. The related decisions have been taken, and the Government has adopted and implemented the "Concept of Safe Labour for 2024–30", on which we will now work in more detail with our social partners.

With regards to specific recommendations, in addition to what I said in my opening statement, we have in place a unified labour inspection system in Kazakhstan. We have heard that the inspectorate is limited in its remit. However, the labour inspectorate has a full mandate to uncover violations and to ensure the accountability of employers who are not doing what they should be. If such violation is found, a warning may be issued. This is a state document issued in the event of a violation. If that warning is not heeded, the employer may be subject to administrative responsibility and a fine may be issued. When it comes to administrative responsibility, we have essentially two avenues. The first is a warning. This is for a first violation,

and is part of the system of administrative responsibility. The second is a fine. These are administrative fines, applied by the labour inspectorate.

We are currently undertaking an analysis of the application of our legislation. The penalties that currently exist in our regulations do not always necessarily have a preventive effect among employers who are not respecting the law. However, we are actively working with specialized committees and legal commissions in this regard, in order to update our legislation. We hope to strengthen administrative penalties, make them more severe and ensure that those found responsible for administrative offences can be issued a warning first and then a sensible fine. State officials who may be influenced may also be subject to administrative responsibility. Section 4 of the Administrative Offences Code covers occupational safety and health, and we intend to broaden its scope, with further penalties for such administrative offences, such as failure to comply with measures to protect the life and health of workers. All of these proposals are currently being considered by specialist commissions within the Ministry of Justice, and we hope that the relevant decisions will soon be agreed upon and the relevant actions taken by the Government. With regard to the limited remit of the state labour inspectorate, there are certain limitations that do need to be observed in view of the legislation. Hindrance of the work of inspectors has been reported. There were around 50 cases reported last year, and when they were uncovered, relevant administrative actions were taken. So far this year, 17 similar cases have been uncovered and all relevant administrative actions have been taken. I once again underscore the fact that a review of the national occupational safety and health standards is taking place with the social partners. It will be published and will cover the work of the state inspectors, and will result from the work of the relevant tripartite committee. We will, of course, be delighted to convey the outcomes of the work of this tripartite committee to the ILO, this reporting being on an ongoing basis, as per our obligations under the Conventions.

Overall, we intend to further systematize our work. This began in December last year with the inclusion of key definitions. This includes our national labour inspectorate, with proper monitoring of its work and of the operation of certain branches of industry, which have not always been fully covered by labour inspections, including agriculture. In terms of action to be taken in the coming years, we intend to introduce a new labour protection model with an integrated assessment of labour conditions in specific workplaces. This is something we have already started to do in relation to certain specific enterprises, in order to compile a full set of information on the risks associated with those workplaces.

Furthermore, all enterprises that have been subject to assessment in terms of working conditions will receive accreditation from the relevant inspection. This is something that we intend to work on together with our social partners. We also want to develop a systematic approach to the collective and personal protection of workers, to be worked on with our specialist labour protection institutions.

These measures are part of our work to digitally map our workplace landscape and assess the risks that may exist in specific workplaces and with regard to specific workers in each of our country's enterprises.

In addition, we intend to make it more economically viable for employers to increase the level of labour protection through various changes to be made to accident insurance. We will fully redesign our training system for labour inspectors under the aegis of the Ministry, including technical labour protection inspectors, with the establishment of a single training centre responsible for umbrella coordination and skills development and training for the inspection services.

We are currently working with the National Office of Statistics to review our statistics gathering and reporting system. The remaining challenge concerns gathering reliable statistics, in terms of internal checks undertaken by employers, trade unions and the national labour inspectorate.

Over the next two years, we plan to take into account a comprehensive range of information that will enable us to improve the situation in terms of occupational safety and health for workers, while also improving financial conditions for employers and strengthening working conditions and entrepreneurship, for the purposes of the social and economic development of our country. I wish to assure you once again that Kazakhstan will make every effort to ensure that it is operating in line with the Conventions.

Employer members – The Employer members would like to thank the Government and the various speakers who took the floor for their interventions and information provided of which we fully have taken note.

We reiterate the importance of both these governance Conventions. We welcome signs of the Government's willingness and expressed commitment to improve the situation concerning the application of the Conventions.

We recommend that the national authorities effectively consult the representative employers' and workers' organizations. Specifically, we recommend the following:

- First, the Government should provide further detailed information on restrictions and limitations on the powers of labour inspectors.
- Second, the Government should take the necessary initiatives to bring the laws into conformity with Article 12(1) of Convention No. 81 and take measures so that labour inspectors do not encounter undue obstruction while performing their duties.
- Third, the Government should provide detailed information on the number of cases in which inspectors are denied access to workplaces and the grounds for such denial.
- Fourth, the Government should submit an annual report to the ILO in accordance with the time limits of the Conventions.
- Finally, the Government should provide information to the Committee of Experts before its next meeting on the issues discussed and measures taken.

Worker members – We would like to thank the Government for the written and oral information it provided, and the participants for their contributions.

As we have already had occasion to say in our introductory remarks, labour inspection plays a fundamental role in the practical realization of decent working conditions for workers, including the realization of their right to freedom of association and to a safe and healthy working environment. It is therefore essential to provide inspection services with all the resources they need to function optimally and to ensure the protection of workers.

To function optimally, labour inspection services obviously need human and material resources, but they also need a legal framework that enables them to carry out their functions in the best possible conditions. It is of outmost importance that the Government of Kazakhstan engages in social dialogue with the social partners in order to improve the functioning of the labour inspectorate.

We highlighted the insufficient number of labour inspectors in Kazakhstan and urge the Government to recruit a sufficient number of labour inspectors and to provide them with

sufficient material, financial and operational resources, such as training and skills development, taking into account the specific needs of the country, in order to ensure the proper functioning of the labour inspectorate.

We also took note of the audit of the activities of the labour inspectorate of Kazakhstan conducted by the Committee of Experts in 2018. We would recommend strengthening the role of labour inspection by transferring it to the subordination of the central executive body, which will be provided with sufficient resources, including human resources, and providing information to the Committee of Experts on the measures taken in this regard. We welcome the information provided about the draft law to address some of the issues in focus that would also recentralize and reintegrate labour inspection under the Ministry of Labour and Social Protection of the Population. We expect this will be followed by the necessary practical steps in close cooperation with the social partners.

During the discussion, we noted that the legal framework applicable to labour inspection services in Kazakhstan is far too restrictive, depriving labour inspectors of the powers they need to fully carry out their duties. The Government of Kazakhstan should lift these restrictions as soon as possible.

We therefore recommend that the Government of Kazakhstan repeal all legal provisions permitting the introduction of a moratorium on labour inspections by presidential decree and take no steps in the future to reinstate a moratorium on inspection services.

The Government will ensure that labour inspectors can carry out labour inspections as often and as carefully as is necessary to ensure the effective application of legal provisions, in accordance with Article 16 of Convention No. 81 and Article 21 of Convention No. 129. To this end, the Government shall:

- take the necessary legislative measures to give labour inspectors the power to visit workplaces without prior warning, and to carry out any examinations, tests or investigations they deem necessary;
- indicate whether inspectors are now empowered to carry out inspection visits at any time of the day or night, following the repeal of section 197 of the Labour Code and section 147(2) of the Entrepreneur Code;
- take the necessary steps to revise section 141 of the Entrepreneur Code, which provides for the frequency and types of inspections that are permitted depending on the degree of risk determined by the risk assessment and management system, so that labour inspectors can carry out labour inspections as often and as thoroughly as necessary to ensure the effective enforcement of the relevant legal provisions;
- take the necessary steps to ensure that risk-assessment criteria do not restrict the powers of labour inspectors or the performance of labour inspections;
- revise sections 151 and 156 of the Entrepreneur Code and section 50(12) of the Law on Civil Service to ensure that investigations carried out by labour inspectors are not limited in scope or invalidated, and that no penalties are imposed on labour inspectors who exercise more extensive control than is permitted by law;
- take the necessary steps, including the revision of legislation, to ensure that labour inspectors are empowered to take immediately enforceable measures and are able to initiate legal proceedings without prior warning;

- take the necessary measures to ensure that no acts of undue obstruction are committed against labour inspectors in the performance of their duties, including the repeal of section 12 of the Entrepreneur Code, which still provides for the right of employers to refuse inspection by officials of state supervisory and control bodies;
- take the necessary steps to draw up and publish an annual report on the activities of the inspection services and forward it to the ILO.

The Government will ensure that it provides all the information requested by the Committee of Experts in its observation and that it also provides all the information on the measures taken to implement the recommendations to be made by our Committee by 1 September 2024.

We also recommend that the Government of Kazakhstan accept the visit of a technical advisory mission before the next session of the International Labour Conference.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern various issues relating to the effective functioning of the labour inspection system in the country due to numerous restrictions to the powers of labour inspectors such as prior authorizations needed to conduct an inspection, limitations on the number of inspections to be conducted, limitations to the measures labour inspectors can take when confronted with hazardous working conditions and limitations to the scope of the inspections.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures to:

- **recruit a sufficient number of labour inspectors and provide them with sufficient material, financial and operational resources in order to ensure the proper functioning of the labour inspectorate;**
- **strengthen the role of labour inspection by transferring them to the subordination of the central executive body as recommended by ILO experts in 2018;**
- **ensure that labour inspectors can carry out labour inspections as often and as carefully as is necessary to ensure the effective application of legal provisions, in line with the Conventions;**
- **amend sections 144(3) and (4), 156 (2), 144(13), 144-1, 144-2, 145, 146, 143(3) and 151 of the Entrepreneur Code in order to ensure that labour inspectors are empowered to make visits to workplaces without previous notice, and to carry out any examination, test or enquiry which they may consider necessary;**
- **indicate whether inspectors are now empowered to undertake inspection visits at any time of the day and night following the repealing of section 197 of the Labour Code and section 147(2) of the Entrepreneur Code, in line with the Convention;**
- **amend section 141 of the Entrepreneur Code in order to ensure that labour inspectors are able to undertake labour inspections as is necessary to ensure the effective application in line with the Conventions;**

- **revise section 50(12) of the Law on Civil Service and sections 151 and 156 of the Entrepreneur Code in order to ensure that investigations carried out by labour inspectors are not limited in scope or invalidated, and that no penalties are imposed on labour inspectors authorized by law;**
- **amend sections 136, 144-1 and 144-2 of the Entrepreneur Code to ensure that labour inspectors are empowered to take measures with immediate executory force and are able to initiate legal proceedings without previous warning, where required;**
- **ensure that labour inspectors do not encounter undue obstruction while performing their duties, including by amending section 12 of the Entrepreneur Code; and**
- **ensure the establishment and publication of an annual report on the work of the inspection services containing all the subjects listed under Article 21 of Convention No. 81 and Article 27 of Convention No. 129 and to transmit it to the ILO.**

The Committee requested the Government to report to the Committee of Experts by 1 September 2024 on the measures taken to implement the Committee's recommendations and to provide all outstanding information requested by the Committee of Experts.

Government representative – Our Government attaches great importance to the issue of the application of labour standards, and we are grateful for the support and partnership that has been shown to us on an ongoing basis by the ILO. We respect the system and the ILO supervisory bodies.

We reaffirm our commitment to ensure full implementation of ratified Conventions Nos 81 and 129, and we are grateful for the opportunity to share the information on the progress made with regard to the implementation of these Conventions.

We have taken note of all the conclusions and the Government will take all steps to address the issues that have been identified. We will work in close cooperation with the ILO and the social partners in order to improve conditions of work and protect the rights of workers.

Lao People's Democratic Republic (ratification: 2008)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Written information provided by the Government

On 17 May 2024, the Government provided the following written information.

The Government would like to express its deep regret for failing to provide responses to the questions made by the Committee of Experts under the Convention. In this regard, the Government has worked in collaboration and consultation with its tripartite partners and relevant sectors in the preparation of the report.

Articles 1, 2 and 3 of the Convention. Protection of workers against discrimination. Legislation. Scope of application

In the Ministerial Decision on Domestic Workers No. 4369/MOLSW, article 25, section 5, prohibits any direct or indirect discrimination against domestic workers.

The Law on Government Officials No. 74/NA of 2015: article 4, State Policy for Public Servants, section 1: “The State considers the work of public servants as important and promotes through the implementation of policies as defined in the law, creating all conditions for public servants of all genders and ethnicities based on their actual abilities to receive political development, thinking, ethics, upgrading of specialized knowledge and skills”; as well as article 5, Fundamental Principles of Management for Civil Servants, section 6: “There is equality between men and women and promotion of the advancement of women in all ethnic groups.”

The Constitution of Lao People’s Democratic Republic (Revised) No. 63/NA, dated 8 December 2015, provides in:

- Article 35. Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.
- Article 37. Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs.

The Law on Lao Women’s Union 2013 and the Law on Preventing and Combating Violence against Women and Children No. 56/NA dated 23 December 2014 were adopted to progressively achieve the equality of both genders. Furthermore, any violent act against women and trafficking in women are criminalized under the Penal Law, particularly article 177, which stipulates that any person who discriminates against any women, or who keeps any women separate from, prevents or restricts the participation of any women in a political, economic, socio-cultural or family activity, based on gender, shall be punished by imprisonment of from one year to three years and shall be fined from 1 million to 3 million Lao kip.

The Law on Preventing and Combating Violence against Women and Children 2014, article 20, provides that the “Promotion of the advancement of women and gender equality is one of the measures of the State to ensure women and men have the same values and equal opportunities in politics, economy, education, society and culture, family affairs, national defence and security, and foreign affairs, as provided in the Constitution and laws”.

Article 1(1)(a). Prohibition of discrimination

(i)(ii) (now article 143(9)). The Government will take the Convention into consideration for incorporating it into the next revision of the Labour Law.

(iii)(i) The prohibition based on discrimination which is stated in the Labour Law concerns both employment and occupation because there are no separate definitions given. Employers are prohibited from discriminating by article 143, while workers are covered by article 144, even though it does not specifically mention discrimination.

(ii) Article 96 of the Labour Law. Female employees have the right to employment and professions in every sector that do not conflict with the law, including production, business and management, and may participate in training, labour skills improvement and the provision of expertise. Female employees shall receive a salary or wages equal to those of male employees, except for some forms of work that have negative effects upon the reproductive health of women, which must be protected in every case.

Discrimination based on sex. Sexual harassment

(i)(ii)(iii) Currently, articles 86 and 143 of the Labour Law specifically cover this issue. The Government will take the Convention into consideration to incorporate it into the next revision of the Labour Law.

If there are cases of sexual harassment in employment and occupation, they go to a dispute resolution mechanism, including labour, under the relevant regulations and laws.

(iv) Article 83(4). From the labour perspective, apart from protecting their interests through the termination of their contract, workers can refer their case to the labour management authority and the Labour Court to seek other benefits.

(v) Article 141(4) (now article 143(4)). From the labour perspective, workers can protect their interests through the termination of their contract and receive compensation, and/or refer their case to the labour management authority and the Labour Court to seek justice.

Article 1(1)(b). Additional grounds of discrimination

In addition to the Labour Law of 2007 and 2014, there is also the Ministerial Decision on the Permission of Foreign Employees Working in Lao People's Democratic Republic No. 3667/MoLSW, dated 27 September 2023. Under article 8, the rights of foreign employees are the following:

- (1) receive payment or wage and other benefits in accordance with their contract and the legislation;
- (2) protection of their rights and benefits, in accordance with the laws and regulations of Lao People's Democratic Republic;
- (3) become affiliated with the social security in accordance with the Law on Social Security;
- (4) ability to transfer their remittances and belongings which are legal back to their country;
- (5) access to relevant sources of information;
- (6) travel within Lao People's Democratic Republic as permitted;
- (7) change workplace based on the conditions and relevant regulations;
- (8) seek remedy or the possibility to make their case concerning rights and benefits to the relevant authorities; and
- (9) exercise the rights set out in the relevant laws and regulations.

Article 4. Activities prejudicial to the security of the State

The Constitution of Lao People's Democratic Republic (Revised) No. 63/NA, dated 8 December 2015:

- Article 39. Lao citizens have the right to work and engage in occupations which are not contrary to the laws. Working people have the right to rest, to receive medical treatment in times of illness, [and] to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the laws.
- Article 43. (Amended) Lao citizens have the right and freedom to believe or not to believe in religions.

This report was written in consultation and with the full agreement of the employees' representative organization (Lao Federation of Trade Unions) and the employers' representative organization (Lao National Chamber of Commerce and Industry).

On 21 May 2024, the Government provided the following supplementary information.

Article 1(2) of the Convention. Inherent requirements

Article 33, section 3, of the Labour Law of 2014 is not intended to discriminate against foreign workers, because the reserved jobs are related to the unique art and culture of Lao PDR. The list of occupations reserved for Lao citizens is still in the process of consultation with the relevant sectors to create legislation defining the reserved list of occupations for Lao citizens. The Government has applied a list of types of businesses reserved for Lao citizens under the Lao Standard Industrial Classification of all Economic Activities No 1328/MoIC, dated 13 July 2015 (as amended).

Article 2. Equality of opportunity and treatment between men and women

The Government has been stepping up its efforts to promote and develop relevant legislation by implementing the Law on Gender Equality No. 77/NA, dated 28 November 2019, article 12.

- (i) The measures taken in the framework of the Women's Development Plan (2021–25) are specified in Chapter VII, sections 1 and 2, of the Implementing Guidelines for the 2nd National Action Plan to Prevent and Eliminate Violence against Women and Children over a five-year period (2021–2025) No. 206/NCAWMC, dated 29 September 2021; the National Strategy for Gender Equality (2016–2025), in section II, chapter III; and the National Action Plan for Gender Equality, in chapter II, section 2.3 (2016–20).
- (ii) The specific provisions which relate to the prohibition of discrimination in employment and occupation are included in chapter II, article 8, of the Law on Gender Equality No. 77/NA, dated 28 November 2019.
- (iii) The Amending Committees of the Labour Law plan to evaluate the implementation of the Labour Law (2014) in order to improve and continue research in consultation with the relevant parties to take the issue into consideration.
- (iv) According to the third Labour Force Survey Report in Lao PDR, 2022, there are 2.475 million people employed, including 1.1 million women, in the public and private sectors; and in the informal economy, there are 2.1 million people employed, including 990,000 women. However, the data on participation in education and vocational training has not yet been provided by the related sector (Ministry of Education and Sports).

Equality of opportunity and treatment irrespective of religion and ethnicity

In conformity with article 22 of the Constitution (amended 2015) No. 63/NA, dated 8 December 2015, the State has made great efforts to narrow the gap between ethnic groups by focusing on the implementation of the national education policy in order to strengthen the Lao people with regard to decent citizenship, qualifications, knowledge and careers, as well as to actively develop national education to improve its quality and create opportunities and conditions for people to receive education throughout the country, especially people in rural areas, ethnic groups, women, children, the underprivileged and people with disabilities. In addition, the Decree on Ethnic Groups No. 207/GoV, dated 20 March 2020, article 4, states that

the State does not allow any act and behaviour which leads to any discrimination within and between ethnic groups.

Persons with disabilities and older workers

Based on the implementation of the Law on Persons with Disabilities, the Party – Government – has applied the Decree on Endorsement and Publication of Policies, Strategy, and the National Action Plan for Persons with Disabilities No. 539/GoV, dated 12 December 2020, as well as the Strategy of Social Protection. According to the statistics on disabilities, of the total population of 6.4 million in the country in 2015 aged 5 years and older, there are 160,881 persons with disabilities, of whom 80,115 are women. The types of disabilities are visual (78,175 persons, including 40,753 women), hearing (71,667 persons, 37,826 women), physical (75,506 persons, 40,640 women), memory loss (69,743 persons, 38,891 women), self-care (63,665 persons, 35,226) and communication (54,964 persons, 29,732 women). For the resolution of discrimination in employment and occupations against persons with disabilities, the implementation is based on the Law on Employment No. 37/NA, dated 17 July 2023. Article 5 pledges that the right of access to employment and information on the labour market and the workforce should include the disadvantaged, and persons with disabilities who are able to work.

Article 5. Special measures. Women

The measures taken are only limited to maternity protection based on occupational safety and health risk assessments and the protection of mother and child. They do not constitute obstacles to the employment of women, or their access to posts with career prospects and responsibilities.

Enforcement

The Government promotes equality without discrimination, as set forth in article 8 of the Constitution. The Labour Inspectorate has not found or received any complaints in regard to cases of discrimination.

Discussion by the Committee

Chairperson – I would like to extend my heartfelt congratulations to you, Chair, on your election as the Chair of this Conference. My congratulations also to the International Labour Organization of which Lao PDR has been a Member since 1964. Chair, the comment to which the Government of Lao PDR is invited to respond today is an observation of the Committee of Experts on the application of the Convention which Lao PDR ratified in June 2008.

At the outset, the Government of Lao PDR would like to express its deep regret regarding the submission of the responses to the observation on the Convention made by the Committee of Experts. In this regard, allow me to begin with:

Observation No. 1. Protection of workers against discrimination. Legislation. Scope of application. Let me assure the Committee that Lao PDR is fully committed to promoting the fair and decent employment and occupation as well as undertaking all efforts to ensure decent work is in all workplaces. The Ministerial Decision on Domestic Workers was adopted, which specifies, in article 25, the prohibition of any direct or indirect discrimination against domestic workers. In addition, the 2015 Law on Government Officials indicates, in article 4 on state policy for public servants, that, “The State considers the work of public servants as important and promotes through the implementation of policies as defined in the law, creating all conditions

for public servants of all genders and ethnicities based on their actual abilities to receive political development, thinking, ethics, upgrading of specialized knowledge and skills”, and states, in article 5 on fundamental principles of management for the civil servants section, that, “There is an equality between men and women and promote the advancement of women in all ethnic groups”. In this connection, the Constitution of Lao PDR (revised in 2015), in article 35, provides that Lao citizens are all equal before the law, irrespective of their gender, social status, education, beliefs and ethnic group. Article 37 also states that citizens of both genders enjoy equal rights in the political, economic, cultural and social fields, and in family affairs. Besides, the Law on Preventing and Combating Violence against Women and Children (2014) and the Law on Lao Women’s Union (2013) were adopted to progressively achieve the equality of both genders.

Furthermore, any violent act against women and trafficking in women is criminalized under the Penal Law, and particularly article 177 stipulates that any person who discriminates against any women, or who keeps any women separate from, or prevents or restricts the participation of any women in a political, economic, sociocultural or family activity, based on gender, shall be punished by imprisonment from one year to three years. In the Law on Preventing and Combating Violence against Women and Children, article 20 also provides that promotion of the advancement of women and gender equality is one of the measures of the State to ensure women and men have the same values and equal opportunities in politics, economy, education, society and culture, family affairs, national defence and security, and foreign affairs as provided in the Constitution and laws.

Observation No. 2. Prohibition of discrimination. The Government will take the Convention into consideration for incorporating its contents into the next Labour Law revision. The prohibition based on discrimination which is stated in the Labour Law concerns both employment and occupation because there are no separate definitions given. Employers are prohibited by article 143 with regard to discrimination, while workers are prohibited by article 144, even though it does not specifically mention discrimination. According to article 96 of the Labour Law, female employees have the right to employment and professions in every sector that do not conflict with the law and female employees shall receive a wage equal to that of male employees.

Observation No. 3. Discrimination based on sex. Sexual harassment. Currently, there are articles 86 and 143 of the Labour Law specifically set for this issue. The Government will take the Convention into consideration for incorporating it into the revision of the Labour Law. If there is a case of sexual harassment in employment and occupation, it will enter a dispute resolution mechanism based on the relevant regulations and laws. Additionally, article 83 from the labour perspective, aside from protecting their interests through termination of contract, workers can refer their case to the labour management authority and the Labour Court to seek benefits and justice. Also, under article 143, workers can protect their interests through termination of contract and receive compensation and refer their case to the labour management authority and the Labour Court to seek justice.

Observation No. 4. Additional grounds of discrimination. The Government of Lao PDR has applied, alongside the Labour Law of 2007 and 2014, the Ministerial Decision on the Permission of Foreign Employees Working in Lao PDR (2023), in which article 8 on the rights of foreign employees states that these are legally entitled to: (1) receive payment or wage and other benefits in accordance to their work contract and the law; (2) receive protection of their rights and benefits in accordance with the laws and regulations of Lao PDR; (3) become a member of a social security scheme in accordance with the Law on Social Security; (4) transfer their remittance and other belongings which are legal back to their original country; (5) have access

to the relevant sources of information; (6) travel within Lao PDR as permitted; (7) change workplace based on the conditions and relevant regulations; (8) seek remedy or make their case, concerning rights and benefits, to the relevant authorities; and (9) exercise the rights given by the relevant laws and regulations.

Observation No. 5. Activities prejudicial to the security of the State. I would like to reiterate that the Government, at all times, promotes fair and decent employment and occupation. The Constitution stipulates, in article 39, that Lao citizens have the right to work and engage in occupations which are not conflicting with the law. Working people have the right to rest, to receive medical treatment in times of illness, to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the law. Article 43 provides that Lao citizens have the right and freedom to believe or not to believe in religions. Chair, to further ensure social justice advancement and decent work promotion without any discrimination, the Government has been accelerating the implementation of the National Social Protection Strategy (NSPS). The Strategy aims to: promote and improve the implementation of social protection policies; contribute to human capital development; and contribute to the goals and objectives of other relevant sectoral and socio-economic development plans. To achieve these, the Strategy sets its vision until 2030 of achieving, for the Lao people, access to basic social protection services, consisting of health insurance, social security and social welfare.

Besides, the continuation of the Decent Work Country Programme for the period 2022–26 is another good work that brings sustainable benefits to workers, employers and national citizens. It also supports the implementation of decent work elements in the 9th National Socio-Economic Development Plan as well as contributing to the long-term realization of the Lao PDR's Vision 2030, the National Sustainable Development Goal Roadmap, and to relevant national laws, policies, strategies and plans. This further aligns with the ILO Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.

In conclusion, the Government of Lao PDR reaffirms its commitment to continuing to observe and implement the ratified Conventions through close consultation with tripartite partners and relevant stakeholders. In this regard, Lao PDR would like to take this opportunity to request the Committee, the ILO, all international development partners and social partners to acknowledge the Government of Lao PDR's constraints and its efforts to achieve fair and decent employment and occupation, and to end discrimination in employment and occupation.

Let me end by expressing my sincere gratitude to the Committee in advance for its advice in these matters and assuring it of Lao PDR's fullest cooperation so we can end the case of discrimination in employment and occupation once and for all.

Employer members – I thank the Government of Lao PDR for its oral and written information on this case.

The Employer members stress the importance of States' compliance with the Convention. Convention No. 111 is one of the fundamental Conventions of the ILO and, as such, should be given special attention. This fundamental Convention aims to guarantee human dignity and equality of opportunity and treatment for all workers, by prohibiting any discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin in employment or occupation.

By way of background, Lao PDR joined the ILO in 1964 and has ratified a total of 12 Conventions including seven fundamental Conventions, one governance Convention and

four technical Conventions (three of which remain in force). Lao PDR ratified the Convention in 2008. We note that the Committee of Experts has provided three observations on this case, namely in 2018, 2020 and 2023.

We understand that the ILO does not currently have projects, nor technical assistance in place focused on implementing the Convention in Lao PDR. However, the ILO, through the support of the United States Agency for International Development (USAID) is supporting the Government to increase net income and productive employment, among other things, in rural areas through the Rural Employment Promotion Project.

Today is the first time that the Conference Committee examines the Government of Lao PDR's application of the Convention.

Turning to the issues in this case, countries that have ratified the Convention have committed to implementing a national policy of equality, with a view to eliminating discrimination in the world of work, and to reporting on their compliance with this important commitment.

The Committee of Experts has identified four main concerns with Lao PDR's compliance with its commitments in this case.

First, the scope of application of protection of workers against discrimination provided for under Articles 1, 2 and 3 of the Convention, namely the application of such protection to domestic workers and civil servants.

Second, the protection against discrimination in employment and occupation on all the grounds set out in Article 1(1)(a) of the Convention, namely the protected ground of sex, and relatedly, the extent of protection against sexual harassment in employment and occupation.

Third, the protection against discrimination based on additional grounds of discrimination in accordance with Article 1(1)(b) of the Convention, namely protection against discrimination on the basis of nationality, age or socio-economic status in this case.

And fourth, the extent to which laws prohibiting activities considered to be prejudicial to the security of the State, including "propaganda activities", do not, in practice, result in discrimination in employment and occupation on the basis of political opinion, subject to and in line with Article 4 of the Convention.

On the first issue, the Employer members note the comments of the Committee of Experts on the apparent exclusion of civil servants from the application of Lao PDR's Labour Law of 2014. The Committee of Experts also noted that, by requiring domestic workers to "comply with the working contract", that law excludes them from protections of the Labour Law. Recalling that the principle of the Convention applies to all workers, the Committee of Experts asked the Government to indicate how civil servants and domestic workers are protected against discrimination in employment and occupation, and to identify the specific provisions that protect civil servants from discrimination in employment and occupation on the grounds set out in the Convention.

The Employer members also note the Government of Lao PDR's response, according to which the Government adopted a Ministerial Decision on Domestic Workers on 2 November 2022. The Government points to article 25 which prohibits any direct or indirect discrimination against domestic workers, though it has not identified the applicable grounds of protected discrimination.

It also points to the Law on Government Officials of 2015, article 4 of which creates all conditions for public servants of all genders and ethnicities based on their actual abilities to

receive political development, thinking, ethics, upgrading of specialized knowledge and skills. It further points to article 5 on the fundamental principles of the management for civil servants, section 6 of which provides for equality between men and women and promotes the advancement of women in all ethnic groups.

Furthermore, it notes that the Constitution of Lao PDR contains broad protections against discrimination for all citizens before the law, and points to specific laws that prohibit violence against, and the trafficking of, women, including the restriction of their participation in economic activities based on their gender, which, it notes, were adopted in order to progressively achieve equality for both genders.

The Employer members note, however, that it appears that there could remain certain gaps in coverage for civil servants and domestic workers with respect to Articles 1, 2 and 3 of the Convention. The Employers therefore ask the Government of Lao PDR to:

- first, take the necessary steps to ensure that the Ministerial Decision on Domestic Workers is aligned with the Convention by expressly listing the grounds for prohibited discrimination in accordance with Article 1(1)(a);
- second, to take the necessary steps, in consultation with employers' and workers' organizations, to bring its local laws into conformity with the Convention by ensuring that the various protections against discrimination extend to civil servants under local law.

On the second issue, the Committee of Experts took note of the Government of Lao PDR's statement that a new provision protecting gender equality in the workplace was introduced in the Labour Law of 2014, though it also noted that the Government did not provide information on the content of this new protection in its report. The Committee of Experts thus noted with concern that the Government of Lao PDR does not appear to have taken any steps to bring its legislation into conformity with the requirements of the Convention to protect against discrimination in employment on the basis of sex.

The Government indicated in its submissions that discrimination against workers is implicitly protected by article 144 of the Labour Law. It also points to article 96 as enshrining the rights of female employees to employment and professions in every sector that do not conflict with the law, among other things.

Despite the indication by the Government that it intends to amend its Labour Law of 2014 through the Labour Development Plan, the Employers note that currently existing laws do not appear to provide for universal prohibition of discrimination on the basis of sex in employment and occupation.

The Employer members also take note of the concern raised by the Committee of Experts that the Government of Lao PDR did not reply to its previous requests regarding the extent of its protections against sexual harassment, instead merely indicating that it intended to amend its Labour Law.

We note that the Government, in its submissions, said that, if there are cases of sexual harassment in employment and occupation, those cases will enter a dispute resolution mechanism. It also noted that, in addition to withdrawing their labour and seeking compensation, workers can refer their cases to labour management authorities and the Labour Court to seek other benefits.

The Employer members, however, urge the Government to take the necessary measures to clearly define, prevent and prohibit sexual harassment in both employment and occupation,

and to ensure that protections for victims of harassment are provided for in legislation and in practice.

We also ask the Government of Lao PDR to take the necessary steps, in consultation with employers' and workers' organizations, to ensure that the Labour Law expressly prohibits discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention, including sex, and to provide the necessary information to the Committee of Experts on the progress achieved in this regard.

The Employer members also ask the Government to provide information on the application in practice of article 83(4) of the Labour Law and article 141(4) which prohibit employers from violating the personal rights of employees, including in cases of sexual harassment.

On the third issue, the Committee of Experts previously noted that the Labour Law no longer prohibits discrimination based on nationality, age or socio-economic status – all grounds that were previously included in the Labour Law of 2007.

The Government of Lao PDR, for its part, responded by pointing to the Ministerial Decision on the Permission of Foreign Employees Working in Lao PDR, which contains limited rights for foreign workers. It has not identified any applicable existing prohibitions with respect to age or socio-economic status.

The Employer members welcome the amendments introduced to ensure certain equality between foreign workers. However, we note that the Government has not provided information in respect of age and socio-economic status in employment and occupation, and therefore asks the Government to take the necessary steps, in consultation with employers' and workers' organizations, to ensure that its domestic legislation affords equal protection against discrimination on the grounds of nationality, age and socio-economic status.

On the last issue, the Employer members observe that, in 2011, the Committee of Experts noted that the Penal Law of 2005 set out broad prohibitions on activities considered to be prejudicial to the security of the State. We notice further that, since then, the Committee of Experts has asked for information on the practical application of such provision. We note in this year's observations, the Committee of Experts expressed concern that, in response to its various requests, the Government has reiterated its statement that there is no such information.

However, the Employer members would urge the Government to collect the requested information on the practical application of the Penal Law and to provide it to the Committee of Experts.

Worker members – This is the first time that the Conference Committee has examined the application by Lao PDR of the Convention, which was ratified in 2008. Since its first comments in 2011, the Committee of Experts has been pointing out a number of shortcomings in the national legislation protecting workers against discrimination in employment and occupation. The Government has so far failed to remedy these gaps.

More specifically, the national legislation fails to give effect to the key tenets of the Convention. It does not clearly define direct and indirect discrimination and it does not expressly prohibit discrimination for each of the seven grounds set out in Article 1(1)(a). The legislation is also unclear as to whether it concerns both employment and occupation and whether it applies equally to employers and employees.

We recall the obligation of the Government under the Convention to ensure that discrimination in employment and occupation is prohibited with respect to all the grounds of discrimination laid out in Article 1(1)(a) and to adopt clear and comprehensive definitions of what constitutes discrimination.

We further note from the Committee of Experts' report that significant legislative gaps remain in the protection of workers against sexual harassment, and that in the absence of information from the Government, it remains unclear whether the 2014 Labour Law, which is the central piece of national legislation on the protection of workers against discrimination, fully gives effect to the Convention with regard to additional grounds of discrimination, including nationality, age and socio-economic status.

Regarding the personal scope of the 2014 Labour Law, we note that domestic workers and civil servants are excluded from it. While noting that the Government refers to specific regulatory texts which could provide the same guarantees to these two categories of workers, we note with regret that the Government fails to provide information on the content of these provisions.

In the absence of a clear legislative framework supporting equality and non-discrimination, it needs to be shown how such rights are ensured for excluded groups of workers. We recall the obligation of the Government under the Convention to ensure and promote the application of the principles of the Convention to all workers, both nationals and non-nationals, in all sectors of activity, in the public and private sectors, and in the formal and informal economy.

We are particularly concerned by the persistent failure of the Government to clarify the scope of article 117 of the 2017 Penal Law previously article 65 of the 2005 Penal Code. Article 117 establishes a broad prohibition of activities considered to be prejudicial to the security of the State, including propaganda activities. We recall that, under this provision, any person conducting propaganda activities and slandering Lao PDR, or circulating false rumours causing disorder by words, in writing through print, newspapers, motion pictures, videos, photographs, documents or electronic media, or other means which are detrimental to Lao PDR or for the purposes of undermining or weakening State authority, shall be punished by one year to five years of imprisonment and shall be fined from 5 million to 20 million kip.

Since 2011, the Committee of Experts have stressed the risk that this provision results in discrimination in employment and occupation on the basis of political opinion and have asked the Government to take measures to ensure that workers are protected against discrimination on the basis of political opinion. So far, the Government has failed to provide any information on this point.

The 13-year silence on this matter has done little to reduce our fears. We recall once again that, under the Convention, national legislation must cover political opinion as a prohibited ground of discrimination. This implies protection of all workers in respect of the activities of expressing or demonstrating opposition to established political principles and opinions. We urge the Government to ensure that no provision in the domestic legal order can be used to discriminate against workers for their political opinion.

Finally, we note that the Government has adopted several national plans and programmes aimed at promoting gender equality, fostering equality of opportunity and treatment in education for all ethnic groups and increasing access to employment for persons with disabilities and older workers.

While these policy initiatives constitute a positive step taken by the Government to give effect to the Convention on several prohibited grounds of discrimination, we recall that, under Article 2 of the Convention, the Government must declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of at least all the grounds set out in Article 1(1)(a).

We regret that the Government provides no information regarding the adoption of a comprehensive national policy, and that it gives very little information on the implementation of its plans and programmes and the concrete results achieved.

We acknowledge the statement that the Government has just provided to the Committee today. However, the Government has still not provided clarification on all of the requests that were raised by the Committee of Experts.

We urge the Government to adopt and implement, in full cooperation with the social partners, a comprehensive national equality policy. We also request the Government to provide detailed information on the concrete impact of the ongoing plans and programmes on the reduction of inequalities and discrimination in employment and occupation in Lao PDR.

Worker member, Lao People's Democratic Republic – Please accept my sincere apologies for not being able to attend the Committee in person.

Discrimination stifles opportunities, wasting the human talent needed for economic progress, and accentuates social tensions and inequalities. Combating discrimination is an essential part of promoting decent work.

I will speak on several issues as commented by the Committee of Expert in its report, such as the legislation, prohibition of discrimination, the Penal Law and our efforts to eliminate discrimination.

In Lao PDR, as in many other countries, a lack of formal protection for domestic workers has been a long-standing concern of human rights and trade union organizations. Domestic work is frequently not perceived as “employment”.

Domestic workers, as in many other countries, endure very poor working conditions, including underpayment of wages, long working hours, inadequate privacy and lack of safety and health conditions. Furthermore, domestic workers – whether national or migrant – have limited bargaining power, and often cannot complain about abusive conditions.

In this regard, we believe that the Government should work in collaboration and consultation with the social partners and the relevant sectors to strengthen the protection of domestic workers. Furthermore, we support the amendments of labour law that respect fundamental principles and rights at work derived from ILO Conventions and Recommendations, including this Convention.

The Law on Government Officials No. 74 of 2015: Article 4 on state policy for public servants, section 1, provides that: “The State considers the work of public servants as important and promotes through the implementation of policies as defined in the law, creating all conditions for public servants of all genders and ethnicities based on their actual abilities to receive political development, thinking, ethics, upgrading of specialized knowledge and skills”.

On this matter, we share the view of the Committee that specific provisions under the Law on Government Officials that protect civil servants from discrimination in employment and occupation set out in the Convention are needed.

We, trade unions, will work with the Government and other sectors to continue our efforts to promote gender equality through legislation and national policies. This includes the effective implementation of the Law on Gender Equality and regular review of its impact, in consultation with the social partners, and the development, implementation and monitoring of targeted policy measures, including in the framework of the Women's Development Plan 2021–25. These measures should be designed and monitored in full consultation with the social partners.

In relation to the prohibition of discrimination, we noted that the Government will take the Convention into consideration in the next revision of the Labour Law. We urge the Government to ensure that any amendments of the Labour Law 2014 are in conformity with the spirit and the letter of the Convention. More importantly, the social partners must be properly consulted.

The Lao Federation of Trade Unions (LFTU), as the representations of workers in the country that protect and defend workers' rights, have distributed and disseminated various documents and publications to our members, union officials and union leaders related to the elimination of discrimination in respect of employment and occupation.

We also have educated LFTU members on Lao labour law and its regulations, such as the Law on Prevention and Combating Violence against Women and Children, Law on Lao Women's Union, Law on Social Security Law, Ministerial Decision on Domestic Workers, and Law on Government Officials, international labour standards. We also negotiated for collective bargaining for better workers' protection in the country and to ensure the elimination of discrimination in various aspects.

Apart from the abovementioned, we have worked in close collaboration with social partners to implement various activities in ensuring the respect for human and trade union rights in the country.

Concerning the implementation of the Penal Law, we believe that the Government should ensure that this provision does not result, in practice, in discrimination based on employment and occupation.

Finally, we support the speech of the Government and strongly believe that the Lao Government will continue its effort to eliminate discrimination in respect to employment and occupation in full consultation with the social partners.

Employer member, Lao People's Democratic Republic – I speak on behalf of the Lao National Chamber of Commerce and Industry (LNCCI). I am honoured to express our strong support for the Government's Strategic Framework and National Plan of Action for the Decent Work Country Programme. We also commend the ongoing efforts to improve relevant labour laws and regulations concerned.

Tripartite collaboration, involving social and development partners alongside the Government, plays a crucial role. By actively participating in discussions and implementing strategies, plans and activities, we can collectively strengthen decent work practices, address concerns, and disseminate best practices throughout the business sector. Effective information sharing, for instance, empowers businesses to promote better workplaces and combat workplace discrimination.

The Government's focus on promoting investment aligns with our commitment to enhancing social dialogue. We believe this dialogue is key to effectively implementing and

enforcing laws and regulations related to core International Labour Organization Conventions, including this Convention.

The LNCCI recognizes its role in this process. We actively provide our members, including those operating in the informal economy, with guidance on labour law and social security regulations. This empowers them to run profitable businesses, integrate into the formal sector, and adopt best practices in business management, skills development, and social responsibility.

Employers go beyond mere tripartite participation. We play a critical role in guiding our members on labour law, social security regulations and relevant conventions. This ensures adherence to the fundamental rights of workers, promotes equality and non-discrimination, and ultimately contributes to the well-being of workers and their families. Additionally, the LNCCI collaborates with development partners to conduct training programmes, strengthen our member base, and actively promote gender equality, reskilling, and upskilling within the workplace.

In closing, on behalf of the LNCCI, I extend our sincere gratitude to the ILO for its ongoing financial, technical, and other forms of support to Lao PDR. We particularly appreciate the focus on strengthening the tripartite mechanism and promoting social dialogue for the implementation of the Decent Work Framework.

Thank you once again for your support and collaboration with development partners. We look forward to working together toward a common goal.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia** and the **Republic of Moldova**, and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection, and fulfilment of human rights, including labour rights. We promote the universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States have been committed development partners of Lao PDR, including through the “Everything but Arms” (EBA) arrangement under the EU’s General Scheme of Preferences, granting duty-free and quota-free access to the EU markets, contributing to sustained growth and job creation in the past decades. The trade benefits granted under the EBA arrangement are subject to the condition that Lao PDR respects core international principles, enshrined in core UN and ILO Conventions.

Concerning the protection of workers against discrimination, we note the Government’s adoption of a Ministerial Decision on Domestic Workers in 2022, in order to extend protection against discrimination to this category of workers. We encourage the Government to provide information on the content of the Ministerial Decision to the Committee of Experts to ascertain that the decision is fully compliant with the principles set out in the Convention. Recalling that the Labour Law of 2014 excludes civil servants from its application, we encourage the Government to provide further information on the provisions protecting civil servants from employment discrimination.

We note the inclusion of a new article in the Labour Law of 2014 that provides for equality between foreign workers and Lao workers, and we request the Government to provide more information in this regard, including on the measures taken, in consultation with the social

partners, to maintain the same level of protection against discrimination based on nationality, age or socio-economic status as previously contained in the Labour Law of 2007.

We welcome the inclusion of a new article on gender equality in the Labour Law of 2014, and the planned amendment of the Law, as indicated in the Government's Labour Development Plan 2026–30 and in the supplementary information provided ahead of the International Labour Conference. We are, however, concerned that the legislation remains non-compliant with the Convention, and therefore urge the Government to clearly define what constitutes discrimination under the Labour Law and explicitly prohibit discrimination on at least all the grounds set out in Article 1(1)(a) of the Convention. We also ask the Government to provide additional information on the content of the new article 96 on gender equality.

Concerning sex-based discrimination and sexual harassment, we note with concern the continuing lack of provision of information by the Government to the Committee of Experts and we urge the Government to take the necessary measures to define, prevent and prohibit sexual harassment in employment and occupation and to ensure adequate sanctions and remedies.

We also highlight that, under current legislation, the sole remedy available to victims of sexual harassment is the possibility to resign. We stress that this measure is not sufficient or adequate to protect victims of sexual harassment. In line with the Committee of Experts, we call on the Government to amend the labour law accordingly. In addition, we would ask the Government to provide information on the application in practice of provisions allowing workers to end their employment in the event of sexual harassment and of provisions which prohibit employers from violating the personal rights of employees.

Lastly, we note with concern that the Penal Law of 2017 prohibits a range of activities considered to be detrimental to the security of the State, including so-defined propaganda activities. We also regret that the Government's lack of information on this matter. Recalling that the Committee of Experts has been raising this issue since 2011, we request the Government to provide information on the steps taken to ensure that this legislation does not, in practice, result in discrimination in employment and occupation based on political opinion.

Going beyond the case in point, we appreciate that Lao PDR ratified, in 2022, the two new fundamental ILO Conventions – the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) – and we look forward to their effective implementation.

We recall the importance of the fundamental ILO Conventions not yet ratified by Lao PDR, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Abolition of Forced Labour Convention, 1957 (No. 105), along with the governance Convention on labour inspection, the Labour Inspection Convention, 1947 (No. 81).

The ratification and effective implementation of these Conventions, together with other Conventions on human rights, the environment and good governance, will constitute a prerequisite for Lao PDR to apply to become a beneficiary of the Generalised System of Preferences Plus trade scheme with the EU, once the country graduates from its least developed country status.

The EU and its Member States remain committed to a joint constructive engagement with Lao PDR with the aim of strengthening the Government's capacity to address the issues raised in the Committee of Experts' report.

Government member, Indonesia, speaking on behalf of the Association of Southeast Asian Nations (ASEAN) Member States – We took note of the report of the Committee of Experts and the comprehensive updates by the Lao Government. The ASEAN Member States commend Lao PDR's firm commitment to and active engagement with the ILO supervisory mechanism, particularly in the implementation of the Convention.

We acknowledge and appreciate the progress made by Lao PDR. These notable signs of progress include comprehensive tripartite and national labour committee consultations, in enhancing its legal framework and ensuring effective implementation of relevant laws and regulations, particularly the Constitution of Lao PDR, Labour Law, Lao Women's Union Law, Government Officials Law and other related laws including the decrees related to the rights, the protection of workers against discrimination. Furthermore, the Government would also incorporate the Convention into the next revision of the Labour Law.

ASEAN members appreciate Lao PDR's efforts in promoting the rights and the protection of workers against discrimination including the critical matters related to the rights of workers through its mechanism under the Tripartite and National Labour Management Committee, which has been created from the national to the local level. We, ASEAN Member States, notice the progress of Lao PDR in promoting the rule of law and implementing obligations under ratified ILO Conventions, including the protection of workers against discrimination and related labour rights.

ASEAN members would like to commend Lao PDR for playing a leading role in working with stakeholders in the implementation of related ILO Conventions and the supported projects, the Decent Work Country Programme, and the Global Deal initiative.

In light of the above-mentioned progress in the application of the Convention, ASEAN members call on the ILO and all international partners to support and engage with Lao PDR to further nurture an environment conducive to the exercise of protection of workers against discrimination and enrich harmonious industrial relations.

Interpretation from Russian: **Government member, Belarus** – We thank the Government of Lao PDR for the detailed information submitted on the issue under consideration. We welcome the commitment of Lao PDR to cooperation with the ILO supervisory bodies, and we also welcome the progress made in implementing the Convention at the national level.

We note the comprehensive insertion into the legislation of the country of provisions that are focused on eradicating all kinds of discrimination in labour and employment. In particular, we note measures that have been undertaken, taking due account of national conditions and practice, and that are intended to advance the principles of gender equality to protect the rights of women on the labour market.

Further, we commend the efforts made by the country to extend equality of opportunity to older persons, and also those living with disabilities, when it comes to employment. We applaud the active interaction of the Government with the social partners in giving effect to decent work country programmes in accordance with ILO Conventions.

We call upon the ILO supervisory bodies to take due account of progress made by Lao PDR in eradicating all types of discrimination and to reflect appropriately the work done by the Government in the conclusions of those supervisory bodies.

However, we do have to state that it is our view that the recommendations made by the ILO supervisory bodies to make changes to the Penal Law are not fully in line with the provisions of the Convention. They do not have a direct link with ensuring that labour

standards are respected, and they go beyond the mandate of the ILO. In fact, this is something that could be used by third parties as an attempt to interfere within the domestic affairs of Lao PDR. We call on the ILO to continue to provide technical assistance to Lao PDR in order to make further progress in protecting the rights and interests of workers.

Employer member, Cambodia – I am offering this statement to support Lao PDR and its endeavour to safeguard and advance the equality of opportunities, employment and occupation for its citizens under the purview of Convention.

Despite the constraints it is facing, it is commendable that the Government relentlessly pursues the creation and promotion of fair and decent employment and equality of opportunities for its citizens, including by embracing and continuing the executions of the ILO Decent Work Country Programme and in partnership with the ILO and other stakeholders.

We observe that the Government of Lao PDR has expressed its intention and commitment to make necessary updates to its national labour legislation in order to bring it into better alignment with the Convention, and this constructive attitude should be duly noted and welcomed by the Committee.

And we also note that Lao PDR ratified the Convention in 2008, making it one of the most recent countries, if not the latest country to have ratified the Convention. “Better late than never”, as the saying goes, and the courageous attitude of Lao PDR should be encouraged. It is important to take this fact into account and we view that a more appropriate and suitable solution that will benefit Lao PDR is the provision of expert technical support and guidance and, in this respect, technical support and guidance of the ILO has played a pivotal role in strengthening and enhancing the implementation of ILO Conventions and the Recommendations by Member States. We therefore strongly support the Government to seek the technical support and guidance from the ILO to help it achieve the desired objective.

We also view that Lao PDR will gain valuable benefits by providing reports regularly to the Committee of Experts to promote appreciation and understanding by the Committee of Experts of its national realities, the challenges and constraints it is facing as well as the progress that has been achieved.

Worker member, Republic of Korea – The Labour Law of 2014 provides for gender equality in the workplace in the new article 96, and equal pay for equal work between foreign and Lao workers in article 69. The Law provides for protection from discrimination against pregnant women and new mothers in recruitment and termination of employment in articles 87 and 100 and prohibits direct and indirect discrimination by employers against employees based on marital status, gender discrimination or HIV infection in article 143(2). The Law defines “discrimination in the workplace” as “all actions by the employer that hinder, are biased, or limit opportunity for promotion, and confidence on the part of the employee” in article 3(28).

As the Committee of Experts pointed out, it is still unclear whether the legislation is fully in conformity with the Convention.

First, the Law fails to expressly prohibit discrimination on at least all the grounds set out in Article 1(1)(a) of the Convention.

Secondly, “discrimination in the workplace” is defined in a narrow way and fails to encompass various types of discrimination that workers can expect to experience in the workplace, such as discrimination in wage, in-kind payment and benefits, in opportunities for reskilling and upskilling, in personnel placement, and in retirement.

Thirdly, due to the lack of definition of “direct” and “indirect” discrimination, it would make it difficult to introduce the special measures provided for in Article 5(2) of the Convention.

Without proper information on reality, it is difficult to examine how the Government enforces the Law effectively. However, according to the limited information available, gender gaps continue to persist in Lao PDR. According to the UNDP, although almost equal to men in labour market participation, women’s average monthly income is just 77 per cent of that of men, and women are over-represented in low-skill occupations and spend a disproportionate amount of time on unpaid family and care work. Just 21.9 per cent of Members of Parliament are women and the number is even lower at subnational levels. Women’s share of the labour force in the formal economy is very low, only 15 per cent according to the Labour Force Survey of 2016–17. Many women still join the informal sector and lower skills industries such as retail and services, which means they are not entitled to relevant employment benefits and social protections.

In conclusion, I hope the Committee is able to discuss the implementation of the Convention by Lao PDR with more concrete information on how the laws are implemented in practice, provided by the social partners as well as by the Government in the future.

Government member, Viet Nam – I would like to align myself with the statement delivered by the distinguished delegate of Indonesia on behalf of the ASEAN Members States. Viet Nam took note of the Committee of Experts’ report and the comprehensive updates communicated by the Lao Government on the application of the Convention. Viet Nam commends the commitment and progress that Lao PDR has made in the promotion of workers’ rights and protection of workers against discrimination through the implementation of the Convention. Particularly, we welcome the Government of Lao PDR’s continued efforts to strengthen its legislative framework to address discrimination at the workplace on all grounds, including the effort to incorporate the Convention into the next revision of the Labour Law. It is also appreciated that all these efforts are conducted through comprehensive Tripartite and National Labour Management Committee consultations.

We also applaud Lao PDR’s efforts to enhance access to vocational and skill training for people, including through the Decent Work Country Programme supported by the ILO, forming a firm basis to prevent discrimination at workplaces. We welcome Lao PDR’s constructive engagement with the ILO supervisory mechanisms and call on the ILO and international partners to continue their support and engagement with Lao PDR for further strengthening the protection of workers against discrimination and the implementation of the Convention.

Worker member, Singapore – On behalf of the Singapore National Trades Union Congress, I wish to address the continued discrimination based on gender still taking place in Lao PDR, and I urge the Government to strengthen its Labour Law of 2014 to address these concerns.

Based on research conducted by the Association for Development of Women and Legal Education in 2017, involving views from workers in the garment factory, restaurants and state enterprises in Lao PDR, women faced as high as 90 per cent chance of sexual harassment, either verbally or physically, in the workplace.

The same Association conducted further research in 2023, and it is alarming that the newer research findings showed that, while over 50 per cent of the employee respondents have experienced sexual harassment in their life, and over 30 per cent have experienced it in the workplace, most companies do not organize any form of training about sexual harassment.

Needless to say, most companies also do not have a workplace harassment policy, a code of conduct or proper grievance handling.

We need to have very clear and substantive legislative guidance and measures in workplaces to prevent breeding grounds for the occurrence of all types of sexual harassment, such as unwelcome sharing, offensive materials and remarks, sexual comments and also invasions of personal space, overt sexual touching, unwanted non-sexual touching, following or threatening and flashing.

This is unacceptable and should be addressed immediately. We need to ensure that every worker has a safe working environment and is not subjected to such treatment.

The Lao social partners, especially the Government and employers, should join the Lao trade unions and collectively take a serious stand against sexual harassment through a range of laws that guard against various forms of sexual harassment, including workplace sexual harassment. We join the call for the Lao Government to comply with the ILO request for updated information and work with the ILO to strengthen the new measures, together with the social partners.

Interpretation from Chinese: **Government member, China** – We have read the detailed presentation by the representative of the Government, and we have carefully reviewed the report of the Committee of Experts and the supplementary materials submitted by the Lao Government to the Committee.

We have noticed that the Constitution and laws have clear provisions for protecting workers from various forms of discrimination. The Government also plans to include relevant provisions of the Convention on the prohibition of employment and occupation discrimination, sex discrimination and sexual harassment in the next revision of its Labour Law.

The Government also plans to deal with relevant issues through appropriate dispute resolution mechanisms with the protection of the law. We have noticed that the Lao Government has continuously strengthened its efforts to promote the implementation of the Law on Gender Equality, formulated various development plans, comprehensively protected women and children from violence and prohibited gender-based employment and occupational discrimination.

The country has resolutely prohibited ethnic discrimination, focusing on implementing national education policies and gradually narrowed the gap between different ethnic groups. The Government has continuously improved peoples' living standards, educational level and professional development ability, and protected the rights and interests of the disabled and older workers. The Government has earnestly complied with the Convention in light of its actual development situation and has made certain achievements and progress, so we highly recognize and appreciate these achievements.

We hope the ILO secretariat can strengthen its communication with the Lao PDR Government and provide appropriate technical support.

Worker member, New Zealand – I am the New Zealand Council of Trade Unions' representative, and I will use this opportunity to discuss the Lao PDR 2017 Penal Law and how it is used to suppress complaints of discrimination. Article 224 of the Penal Law does provide that discrimination against women is punishable by fine, re-education and imprisonment. Article 117 punishes with prison terms from one to five years and significant fines for anyone who is deemed to be conducting propaganda activities and slandering Lao PDR or distorting the guidelines of the Party and policies of the Government, by circulating false rumours or

causing disorder by words, which are detrimental to Lao PDR or are for the purpose of undermining or weakening State authority.

Various international organizations report that the Government is stepping up its use of the powers under this legislation to punish people considered dissidents solely based on their use of social media and other outlets to publicly expose serious human right breaches.

The Amnesty International Annual Report released this year, highlighted the attacks on human right defenders in Lao PDR with arbitrary detention, enforced disappearance and killings.

The US Department of State Bureau of Democracy, Human Rights, and Labor 2023 Report on Human Rights Practices, found significant human rights issues and included credible reports of arbitrary or unlawful killings, including extrajudicial killings, cruel, inhuman, or degrading treatment or punishment by government officials, arbitrary arrests or detentions, serious problems with the independence of the judiciary, serious government corruption, serious government restrictions on domestic and international human rights organizations, extensive gender-based violence, including domestic or intimate partner violence, sexual violence, and child, early and forced marriage and prohibiting independent trade unions.

The report acknowledged the existence of legislation prohibiting direct or indirect discrimination by employers against employees based on sex and providing for equal rights for women and men including equal pay for equal work, but stated that the Government did not enforce the law effectively, resulting in ongoing discriminatory behaviour keeping women in subordinate positions and denying them equal access to education and employment.

We are requesting that the Committee and the ILO use their supervisory mechanisms to intervene through diplomatic channels to give effect to the necessary changes to ensure the Convention is properly implemented to have genuine and effective application for women workers without fear of retribution and retaliation.

Government member, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela has noted the statement by the Government representative of Lao PDR. We recognize the efforts made by the Government of Lao PDR to promote a national policy of equality and non-discrimination in employment.

We are aware that the fight against discrimination is arduous and complex.

The Government of Lao PDR has developed a body of legal standards that establish tools to incorporate the standards set out in the Convention.

We therefore consider that the recommendations on adapting the legislation to the provisions of this Convention correspond in this respect.

In this regard, the Government of the Bolivarian Republic of Venezuela recognizes the progress made and encourages the Government of Lao PDR to continue to develop sound and successful social policies to support the working population, and to continue to strengthen its legal framework and institutional mechanisms.

Employer member, Indonesia – I am making the statement here with the support of the fellow members of the ASEAN Confederation of Employers (ACE). Non-discrimination in respect of employment and occupation is a cornerstone of the decent work concept, and we join Lao PDR in re-affirming adherence and support for non-discrimination in the workplace.

Concerning Lao PDR's case on the Convention, we consider that Lao PDR has set out a strong and compelling case for its compliance, while also providing valuable contextual

information. This case also underscores that the effective implementation of the law and regulations require social dialogue (bipartite and tripartite) to promote decent work and non-discrimination.

We value the effectiveness of Member States' national systems to address important issues of interest, and consensus building as it contributes to the advancement of industrial peace which ultimately benefits workers, employers and economic and social development in our countries.

Interpretation from Russian: **Government member, Russian Federation** – We have carefully read the observation from the Committee of Experts with reference to the implementation by Lao PDR of the Convention. We note the substantial progress that has been made by the Government in giving effect to obligations that are foreseen under that Convention. We highly commend the efforts focused on combatting discrimination including in terms of guaranteeing labour rights. In that context, we note the work of the Tripartite and National Labour Management Committee and the establishment of that committee has enabled us to see an increase in the level of social protection in the country. Also, we commend the progress made in terms of the legal regulation of labour relationships within Lao PDR. This is a positive dynamic that is shown, for instance, by the fact that the Government intends to incorporate provisions of the Convention directly into the national labour legislation. We are convinced that Lao PDR will continue to combat labour cooperation in close cooperation with social partners. We therefore call upon the ILO to work constructively with the tripartite partnership that exists within Lao PDR. This would include providing technical assistance to all interested parties.

Government member, Cuba – We thank the Government of Lao PDR for the submission of additional information, and we note that Government expresses its willingness to advance tripartite social dialogue in the country, which is working with the ILO, in particular with regard to the implementation of the Convention. This information and reasoning show the willingness of the Government to honour its commitments undertaken in this Organization.

The Government of Lao has provided information on the implementation of legislation in recent years focused on the protection of labour rights and of workers against discrimination in employment. Such actions include the establishment of the Tripartite and National Labour Management Committee. This is very important information that should be assessed appropriately.

We reiterate that mechanisms of cooperation and collaboration should take precedence over mechanisms of coercion. In the analysis of any case, we must favour the path of negotiations, respectful dialogue, assistance and cooperation.

We invite the ILO to collaborate with Lao PDR to continue to foster an environment conducive to the protection of workers against discrimination, and to enrich labour relations in general.

The measures taken against the will of governments, far from promoting dialogue and cooperation, prolong confrontation and do not have the desired results. Therefore, it is important to maintain respect for tripartite dialogue and consensus building, which are both fundamental principles of this Organization.

Chairperson – I can see no more requests for the floor. Now I invite the Government representative of Lao People's Democratic Republic for his concluding remarks.

Government representative – We listened carefully to and take note of the advice, comments, recommendations, as well as suggestions from all interventions in this session today with regard to the observation of the Committee of Experts on the Convention by Lao PDR.

It is observed that all interventions are constructive and practical in nature. The comments and recommendations are taken into account and will further serve as guidance in improving and enhancing our ongoing efforts in the realization of obligations under the Convention.

It is recognized that discrimination in employment and occupation is clearly an unacceptable practice in all nations and that it also needs immediate resolution. In this regard, I would like to reiterate that Lao PDR has been strictly enforcing the Labour Law, other related laws and regulations as well as working in collaboration with social partners and stakeholders to prevent all forms of discrimination.

However, poverty eradication has long been an integral part of Lao PDR's national policies and priorities. The Government has emphasized its strong commitment and undertaken its utmost efforts to graduate from the least developed country status for over a decade, and the Government has recently adopted a new poverty graduation strategy entitled "Lao PDR Smooth Transition Strategy for LDC Graduation in 2026 and beyond". Additionally, the country's line agencies concerned are still facing challenges and difficulties such as technical expertise, legal advice and financial resources in fulfilling our obligation under the ILO Conventions and other related instruments. We therefore would like to call on the ILO, international communities, social partners and stakeholders to continue providing us the assistance and support.

In this connection, I would like to assure the Committee that the Government is fully committed to the Convention and other related instruments, including at the regional level. For instance, ASEAN labour-related frameworks to ensure that fair and decent employment and occupation exist in all workplaces and assure the Committee that discrimination in employment and occupation is eliminated or ended in all workplaces.

Last but not least, I would like to conclude by expressing my sincere appreciation to the Committee of Experts for the observations. My thanks also go to all Governments, ASEAN Member States, representatives of workers' and employers' organizations and others for their constructive interventions and support extended to the Government of Lao PDR in this regard.

Worker members – We would like to thank Lao PDR for its remarks and also thank all the speakers who took the floor.

We note that, 16 years after ratifying the Convention, the Government has yet to take the necessary steps to bring its legislation into conformity with the instrument. We note in this regard the Government's indication that it intends to amend the 2014 Labour Law through the Labour Development Plan 2026–30. Therefore, we urge the Government to take immediate steps to review its national legislation to: clearly define direct and indirect discrimination; expressly prohibit discrimination at least for the seven grounds set out in Article 1(1)(a); clarify whether the relevant legislation concerns both employment and occupation and whether it applies equally to employers and employees; ensure that domestic workers and civil servants enjoy the same protections and guarantees as other workers; ensure that no provision in the domestic legal order can be used to discriminate against workers for their political opinion; define, prevent and prohibit sexual harassment in employment and occupation including, both, quid pro quo, or blackmail, and hostile environment sexual harassment; and provide for adequate sanctions and remedies.

Furthermore, we urge the Government to adopt and implement, in full cooperation with the social partners, a comprehensive national policy for equality of opportunity and treatment for at least for all the grounds laid out in Article 1(1)(a) of the Convention.

While taking due note of the financial constraints of the Government, we recall that the Convention is a fundamental Convention and that the Government should make every effort to give it full effect. We also request the Government to provide detailed information on the concrete impact of the ongoing plans and programmes on the reduction of inequalities and discrimination in employment and occupation in Lao PDR.

Employer members – The Employer members thank the various speakers who took the floor and notably the Government of Lao PDR for the information provided and for its interventions. We remind the Committee that the Convention is a fundamental Convention which therefore requires special consideration by the ILO, Governments, Workers and Employers.

Our position in this case aligns with the recommendations of the Committee of Experts. The Employer members stand against discrimination in the field of employment and occupation. The Employer members urge the Government to take the necessary steps, in consultation with employers' and workers' organizations where applicable, to ensure that its labour law and other domestic legislation and ministerial directions are aligned with the Convention, namely:

- (1) ensuring that protections against discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention are captured including the protected ground of sex and ensuring that these protections extend to domestic workers and civil servants;
- (2) ensuring that its domestic legislation affords equal protection against discrimination on the basis of nationality, age and socio-economic status with respect to all aspects of employment and occupation; and
- (3) providing information to the Committee of Experts on the progress achieved in this regard including information with respect to the application of such prohibitions against discrimination in practice.

The Employer members also urge the Government to collect information on the practical application of the prohibitions of activities considered to be prejudicial to the security of the State and to provide such information to the Committee of Experts to ensure that, in practice, such laws do not result in discrimination in employment and occupation based on political opinion.

We count on the Government to provide the requested information by 1 September and remind it that, if needed, it can request ILO technical assistance with a view to implementing the above-mentioned recommendations in a timely manner and ensuring full implementation of the Convention both in law and in practice.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern, that 16 years after the ratification the Government has yet to take the necessary steps to bring its legislation fully into conformity with the Convention.

Taking the discussion into account, the Committee urged the Government, in consultation with employers' and workers' organizations, to take effective measures to:

- clearly define direct and indirect discrimination in law;
- clearly define, prevent and prohibit sexual harassment in both employment and occupation and ensure that protections and adequate remedies for victims of harassment are provided for in law and practice;
- ensure that the Ministerial Decision on domestic workers is aligned with Convention No. 111 by expressly listing the grounds for prohibited discrimination in accordance with Article 1(1)(a);
- ensure that the prohibitions of discrimination contained in Article 1(1)(a) apply to civil servants and that those protections as contained in the Labour Law and related legislation cover both employment and occupation;
- amend the Labour Law (2014) to expressly prohibit discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention, including sex; and
- provide information on the application in practice of (i) section 83(4) of the Labour Law, which allows a worker to bring an end to the employment contract in the event of sexual harassment; and (ii) section 141(4), which prohibits employers from violating the personal rights of employees, including with respect to cases of sexual harassment.

The Committee requested the Government to provide a detailed report on the measures taken to implement the Convention in law and practice, notably the above-mentioned recommendations, and progress achieved before the deadline of 1 September 2024.

Government representative – We, the delegation of the Government of Lao People's Democratic Republic, have listened carefully to the conclusions and take note of all concluding advice, comments and recommendations made by the Committee.

It is obvious that solving the discrimination against employment and occupation is complicated and the resolution needs collective actions from relevant stakeholders, particularly social partners. In this regard, the Government of Lao People's Democratic Republic requests active and full participation and involvement of the social partners in the development of the legislation and its enforcement.

The Government, however, reaffirms the Committee that it will play its full leading roles in resolving the discrimination on employment and occupation through following up and applying the advice, comments, and recommendations provided by the Committee in the conclusion. In this connection, the Government urges the ILO, international development partners and international social partners to continue providing the assistance and support to the relevant national counterparts in resolving the discrimination on employment and occupation. We also encourage the ILO country office to play a more active role in communicating and collaborating with the Government and the tripartite institutions to provide a more effective technical guidance and advice.

Lastly, may I take this opportunity to express our sincere gratitude to the Committee for the conclusion on this case. We also would like to thank those who have contributed with their

comments, advice, recommendations and suggestions on this case. We wish the Committee and colleagues to stay healthy and have a safe journey home.

Mexico (ratification: 1952)

Equal Remuneration Convention, 1951 (No. 100)

Written information provided by the Government

In Mexico, equality for women and men is set out in article 4 of the Political Constitution of the United States of Mexico. In respect of labour, article 123(A)(VII) provides that equal wages shall be paid for equal work, without any discrimination. This provision reinforces the right to decent work, including work that respects the human dignity of workers. With reference to the requirement of equal wages for equal work, this is set out in section 2 of the Federal Labour Act. Accordingly, conditions of work based on the principle of substantive equality between women and men cannot be lower than those set out in the law, and have to be proportional to the importance of the services provided and equal for equal work, while differences and/or exclusions cannot be established on grounds of ethnic origin or nationality, sex, gender, age, disability, social condition, health conditions, religion, opinion, sexual preference, pregnancy, family responsibilities or civil status, as set out in section 56 of the Act.

The establishment of the general minimum wage and occupational minimum wages is agreed through negotiations and agreement between employers, workers and the Federal Government, which are members of the Council of Representatives of the National Minimum Wage Board. This process is undertaken while ensuring compatibility between the requirements of the labour legislation and the economic and social conditions of the country, thereby promoting equity and justice between production factors in a context of respect for the dignity of workers and their families. The proposals that the Government of Mexico makes to the social partners in respect of wages are based on technical studies which assess for their determination the economic branch or activity, and the profession, occupation or trade concerned and, in the case of wage increases, the impact of previous increases on inflation, employment, poverty, the gender gap and the macroeconomic environment.

The reduction of the gender wage gap is a Government commitment, as set out in the Sectoral Labour and Social Welfare Programme 2020–24 which, in priority objective No. 3, proposes to recover the purchasing power of minimum wages and incomes in order to improve the quality of life of workers, particularly in action point “3.1.5 Contributing to the reduction of wage gaps in some categories of the occupational minimum wage system in order to improve the purchasing power of women and youth”, within the context of strategic priority 3.1. In this regard, Mexican labour policy is based on bodies such as the National Institute of Statistics and Geography which, in its biennial survey, entitled “National Survey of Household Income and Expenditure”, provides information on fluctuations in various areas related to the income and expenditure of Mexican households, based on the publication of their occupational and socio-demographic characteristics. Among its indicators, since 2016, it has regularly published the relationship between the average income received by men and women, which allows the measurement of its evolution.

In the context of the new minimum wage policy, over the past five years, the increase in the minimum wage has reduced the gap between women and men and has supported wage equality. This is due to a higher increase in the average wages of women in comparison with the increase for men, as a higher proportion of women than of men have benefited from

minimum wage increases. The latest available data, from March 2024, shows that women workers insured by the Mexican Social Security Institute saw an annual increase of 5.9 per cent in their average wages, compared with an average of 5.1 per cent for men, or a difference of 0.8 percentage points in favour of women. When compared with the beginning of this six-year period, the average wages of women have increased by 22.6 per cent and those of men by 20.5 per cent (a difference of 2.1 percentage points). The rises in minimum wages between 2019 and 2024 therefore reduced the wage gap by 27.7 per cent at the municipal level in the formal sector. The impact has been greater in municipalities in which the poorest women are resident, where the gender wage gap fell by 63.8 per cent. It was also found that the increase of 20 per cent in the minimum wage in 2023 led to an increase in the average wages of formal women workers covered by insurance, who benefited from wage rises that were 0.3 percentage points higher than those of men in the Northern Frontier Free Zone (ZLFN) and 0.6 percentage points in the rest of the country, resulting in a reduction in the wage gap of 0.5 per cent in the ZLFN and 0.6 per cent in the rest of the country.

When taking into consideration both formal and informal workers, based on the data of the National Survey of Occupations and Employment, it can be seen that the average wage of women has increased by 14.1 per cent and that of men by 13.0 per cent (a difference of 1.1 percentage points). Based on data from the National Survey of Household Income and Expenditure, the hourly wage gap in 2018 was 12.5 per cent, compared with 12 per cent in 2022, or a reduction of 0.5 percentage points. In contrast, the gender labour income gap (which includes income in addition to wages, such as bonuses, shares in enterprise earnings, overtime pay, commissions and tips) was 18.1 per cent in 2018 and 14.6 per cent in 2022, representing a reduction of 3.4 percentage points. The National Minimum Wage Board, within the context of its mandate, has followed fluctuations in the gender wage gap through studies and reports, with a view to continuing to promote a minimum wage policy which has a positive effect on the reduction of wage gaps, particularly for women with the lowest earnings.

With reference to the Mexican Standard on Labour Equality and Non-Discrimination, the Government of Mexico provides the information and tools to workplaces to promote the exercise of the labour rights of workers, such as worthy and decent work, equality of opportunity and treatment, non-discrimination and labour inclusion, among others, which make it possible to address, prevent and eradicate labour discrimination. The measures adopted to ensure its application include criterion No. 7, entitled "Guaranteeing equality of wages and the provision of staff benefits and compensation", with a view to ensuring that workplaces have the information to establish criteria for the evaluation of jobs with a view to fixing and raising wages, without gender discrimination. Other elements include the list of jobs, categories, wages by sex and the allocation of compensation and other financial incentives in addition to those set out by law, based on transparent procedures determined by the workplace. These elements have to be established through an evidence-based process, that is documents that identify wage equality, including manuals and operating documents and/or procedures, guidelines, guides for the allocation of compensation based on performance assessment, all of which are disaggregated by wages, categories and sex. The procedures undertaken within the framework of the Standard include internal hearings and supervision, which are overseen and undertaken by both the workplace and by certifying bodies outside the Federal Government, in accordance with the applicable provisions.

With regard to progress in the revision of the Standard, it should be recalled that the Interinstitutional Council for NMX-025, composed of the Secretariat for Labour and Social Welfare, the National Institute of Women and the National Council for the Prevention of Discrimination, already has earlier work undertaken with similar aims during the presentation

of the draft Standard on Labour Equality and Non-Discrimination to the Office of the Secretary for the Economy. The principal purpose is the establishment of the requirements to ensure that public, private and social workplaces, irrespective of their sector and size, integrate, implement and execute, within the context of their management and human resources procedures, practices that are free from violence, with wage equality between men and women, and without discrimination, and which promote the comprehensive development of women and men workers. With a view to completing the formal transformation of the NMX into a Standard, it is necessary to follow certain relevant normative procedures which form part of this process, including issuing the Regulations of the Act on Quality Infrastructure, which will set out the specific rules on the basis of which the Interinstitutional Council of the NMX will implement the change in this procedure.

Finally, it should be emphasized that, with a view to improving the quality of the labour environment in Mexico and ensuring compliance with national and international labour standards, on 8 March 2024, the Secretariat for Labour and Social Welfare submitted the Protocol for Labour Inspection from a Gender Perspective. The Protocol is a tool that provides guidance on the normative scope and action available to the labour authorities for the establishment of the criteria governing inspection at the workplace. The key indicators envisaged by the Protocol include the verification of wage equality between men and women, the existence of measures to prevent and combat violence and sexual harassment, as well as safe conditions of work for pregnant and nursing women. The implementation of equality and non-discrimination policies are also covered by the internal rules of workplaces. The inclusion of the gender perspective in labour inspection will make it possible to assess the situation in relation to compliance with the labour rights of women and men, and give visibility to the needs and specific action required to ensure for all women workers the effective exercise of their labour rights from a gender perspective. It will also make it possible to observe gender gaps in labour conditions with a view to the adoption of the relevant inspection measures to promote their reduction. Moreover, it is hoped that the accumulation of strategic information on labour inspection will be used to take decisions, such as the adoption and implementation of measures to ensure progress towards gender equality in the effective exercise of the labour rights of men and women.

Discussion by the Committee

Chairperson – I invite the Government representative of Mexico, Head of the Labour Policy and Institutional Relations Unit, Ministry of Labour and Social Security, to take the floor.

Government representative – I will begin this intervention by recalling Mexico's commitment to the International Labour Organization, the standards supervisory system and the Conventions ratified by our country.

As of now, of the 191 Conventions adopted by the ILO, Mexico has ratified 82, and 10 of the 11 considered to be fundamental.

During the present administration of President Andrés Manuel López Obrador, Mexico has made substantial progress in compliance with its commitment to the elimination of discrimination in employment and occupation.

In this area, which is related to the Convention, that was ratified by our country in 1952, the Government notes that the Committee of Experts has noted on occasion the efforts made to reduce the wage gap and has noted with interest the initiatives taken by the legislative authorities to strengthen those efforts.

In consideration of this, as well as the labour reforms and the direction taken by public policy for the dignity and well-being of workers in our country, our attention is drawn to the fact that the individual case of Mexico is being examined by the Committee today.

Nevertheless, we see this as an opportunity to exchange information on the most relevant achievements and future challenges in the implementation of the commitments taken on by the Government in relation to the Convention.

As will be indicated below, the achievements are quantifiable, have been assessed and have largely been achieved through tripartite social dialogue and coordination between the various Government authorities and levels.

These results can be set out under three headings: legislative reforms, public policies and voluntary mechanisms promoted by the Government.

In that order, we will first describe the reforms adopted to the national legislation to promote equal remuneration.

As from 2019, Mexican labour legislation has endorsed full respect for the human dignity of workers and prohibits discrimination. Among other conditions, it guarantees access to a remunerative wage and respect for the collective and individual rights of workers.

In 2021, the requirement was established that the minimum wage shall be sufficient to meet the normal material, social and cultural needs of a family, and added that the annual adjustment of the minimum wage rates shall never be below the inflation rate, which has a direct impact in terms of improving the remuneration of workers.

A policy was also adopted of the gender perspective, equality and non-discrimination so as to ensure that, under equal conditions, perceptions are the same for women and men in the public service.

In 2022, provisions were included in the General Act for equality between men and women, and in 33 federal, general and secondary legislative texts guaranteeing access to the same possibilities and opportunities in the use, control and benefits derived from enterprise assets, services and resources, and in decision-making.

It should be noted that, although measures have not been finalized to give full legislative expression to the principle of equal remuneration for men and women for work of equal value, as set out in the Convention, the recent changes in the labour legislation reflect the Government's commitment to the implementation of the principle of non-discrimination in employment and the elimination of gender gaps, and more specifically the wage gap.

This is demonstrated by the fact that dialogue is still active in Mexico to promote progress in the achievement of substantive equality in the labour market. The dialogue has resulted in an initiative for the reform of 13 laws, which has been approved by the upper chamber, and its full approval by the Congress will be sought during the second legislative period, thereby giving full expression in the national legislation to the provisions of the international instrument that we are discussing today.

This reform initiative will strengthen the existing legislation in Mexico on equality of remuneration, as already indicated, and also the principle set out in article 123 of the Constitution and sections 2 and 86 of the Federal Labour Act, which provides that "wages shall be equal for equal work, without taking the sex of the worker into account", and discrimination is prohibited on grounds of gender for worthy and decent work.

Moreover, as indicated earlier, the Government is adopting public policies and developing activities to promote the achievement of worthy and decent work, and the elimination of gender gaps in the labour market.

Both the National Policy for Equality between Women and Men, and the National Programme for Equality between Women and Men, the establishment of gender units in Government institutions and the earmarked federal budget have promoted the inclusion of the gender perspective and equality and non-discrimination in the work of the three Government authorities and orders.

In accordance with the guiding principle of the National Development Plan “not to leave anyone behind, not to leave anyone outside”, the specific needs have been addressed of vulnerable groups from a human rights and gender intersectionality and transversality perspective.

The Government is therefore convinced that, to democratize the world of work, women must occupy central positions in the leadership of trade unions. For that reason, as part of the labour reform in relation to labour justice, freedom of association and collective bargaining, in 2019 the requirement was introduced for the executive bodies of trade unions, when first established or upon renewal, to comply with proportional gender representation.

Through the promotion of women’s participation in collective bargaining, the election of their representatives, reporting and the inclusion of the gender perspective in the life of trade unions, the development of labour is guaranteed under just and equitable conditions with a view to the elimination of gender gaps.

Similarly, during the present administration, there has been a progressive and historic increase in the minimum wage, year after year, which has had a substantive positive effect on reducing the remuneration gap between men and women.

Since 2019, general and occupational minimum wages have undergone responsible and sustained increases.

Through these increases, the minimum wage has recovered 116 per cent of its purchasing power at the national level, and 226 per cent along the northern border, benefiting workers with the lowest earnings and their families. Mexico is at the head of the world list of increases in the minimum wage.

It is important to recall that the minimum wage rate is agreed through negotiations and agreement between the representatives of employers, workers and the Federal Government. This process is carried out in a manner that ensures coherence between the provisions of the national legislation and the economic and social conditions of the country, therefore facilitating equity and justice between the factors of production, in a context of respect for the dignity of workers and their families.

The proposals that the Government makes to the social partners in relation to wages are based on technical studies evaluating the economic branch or activity, the occupation or trade and, in the case of wage increases, the impact of past wage increases on inflation, employment, poverty, the gender gap and the macroeconomic situation.

Those who have most benefited from this minimum wage policy are women:

- Women registered with the social security system have seen their average wages rise by 5.9 per cent a year.

- Between the end of 2018 and now, the average wages of women have increased by 22.6 per cent.
- The increases in minimum wages between 2019 and 2024 had the effect of reducing the gender wage gap by 27.7 per cent at the municipal level in the formal sector, and it should be emphasized that the impact has been greater in municipal areas where the poorest women live, where the gender wage gap has fallen by 63.8 per cent.
- The gender gap in income from labour, which includes income in addition to wages, such as the Christmas bonus, shares in enterprise earnings, overtime pay, commissions and tips, fell by 3.4 percentage points.
- The increase in minimum wages has also resulted in a decrease in the working poor to the lowest level since 2007.
- Of the 5.1 million people who escaped poverty between 2018 and 2022, some 4.1 million can be attributed exclusively to the increases in the minimum wage.

On the other hand, with a view to improving the quality of the labour situation in Mexico and ensuring compliance with national and international labour standards, on 8 March this year a Protocol was submitted on labour inspection from a gender perspective.

The key indicators covered by the Protocol include the monitoring of wage equality between men and women, the adoption of measures to prevent and address violence and sexual harassment, as well as safe conditions of work for pregnant and breastfeeding women.

Moreover, the implementation is reviewed of equality and non-discrimination policies in the internal rules of workplaces.

The inclusion of the gender perspective in labour inspection will make it possible to assess the situation in relation to compliance with the labour rights of women and men, and to give visibility to the specific needs and action to be taken to guarantee the effective exercise of the labour rights of women and men.

It will also make it possible to observe gaps in labour conditions for reasons of gender with a view to the adoption of inspection measures with a view to closing such gaps.

The integration of the gender perspective in labour inspection will make it possible to assess the situation of compliance with the labour rights of women and men, and provide visibility to the needs and specific action to be taken to ensure the effective exercise of labour rights from a gender perspective.

Finally, we refer here to voluntary measures promoted by the Government, and particularly Official Mexican Standard NMX-025 on Labour Equality and Non-discrimination, the System for the accreditation of good labour practices and decent work and the efforts made at the state level to reduce the wage gap.

Official Mexican Standard NMX-025 on Labour Equality and Non-discrimination covers public, private and social workplaces with a view to the integration, implementation and execution, in their human resources management processes, of labour equality and non-discrimination practices. Among the requirements for certification are guaranteeing equality of wages, representation and compensation.

As of May 2024, a total of 652 workplaces had been certified, benefiting 975,049 workers, of whom 54.6 per cent are women. This data can be viewed in the National Register of

Workplaces Certified under the Standard, which demonstrates the continuing certification of workplaces.

The Government is continuing to work on the revision of the Standard, based on the adaptation of the measurement methodology used in the United Kingdom of Great Britain and Northern Ireland, which has been shared with Mexico, with a view to the measurement of the wage gap using a practical and simple methodology and the development of strategies and action to narrow the wage gap in organizations.

Furthermore, during the present administration, a system has been developed for the accreditation of good labour practices and decent work, which allows workplaces to declare their level of compliance with labour standards, including equality and non-discrimination, to be certified in relation to practices which go beyond the legal requirements and to receive support for the implementation of occupational safety and health management systems. For its development and implementation, a conceptual link was developed with other international standards, such as ISO 26 000 and World Bank Performance Standard 2.

In Mexico, efforts are also being made at the state level to promote and provide incentives for the implementation of practices and policies that promote a reduction in the wage gap through responsible labour labels.

In summary, the Government has taken multiple substantial forms of action in accordance with the Convention. With these results and those to come, Mexico is seeking to ensure in practice that women and men receive equal remuneration for work of equal value and that discriminatory practices are eliminated at the workplace. In this regard, we hope that the Committee will recognize in its conclusions that the progress described constitutes a case of progress in the application of the provisions of the Convention.

Finally, we should emphasize that, since it was confirmed that the case of Mexico would be examined by the Committee, we have approached the social partners, within the context of the Conference, to hear their concerns and to ensure that they are used as inputs to guide the Government's future action.

In this regard, as a further demonstration of Mexico's commitment to the ILO and its standards supervisory system, and our belief in social dialogue, we welcome the exchange of views in the Committee today and the possibility of ILO technical assistance.

Employer members – In the first place, we wish to thank the Government for the written and oral information provided on compliance in law and practice with the Convention. In line with usual practice, we wish to provide contextual information to assist in understanding the case.

This is the first occasion on which this case has been examined by the Committee. Mexico ratified the Convention in 1952, and the Committee of Experts has made observations on this subject on ten occasions, with the latest observations being made in 2023, in which note was taken of the Government's reports and the observations made by employers and workers.

Before looking more closely at the comments of the Committee of Experts, we wish to place emphasis on the importance of the Convention as one of the ten fundamental Conventions. The Convention requires States to promote and, in so far as is possible, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. In this regard, it is important to bear in mind the provisions of Article 4, which sets out the requirement for States to cooperate "as appropriate with the

employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention."

For the Employers, compliance with this Convention is of the greatest importance for the promotion of equal remuneration for men and women, and also to retain and attract talent, contribute to sustainable development and gender equality in the world of work.

In this specific case, it should be noted that the Committee of Experts refers to the application of Articles 2 and 3 of the Convention, which establish the principle of equal remuneration for men and women workers, and the objective appraisal of jobs.

In the first place, the Committee of Experts noted that section 86 of the Federal Labour Act provides that there shall be equal pay for equal work performed in the same post, the same working day and conditions of efficiency.

The Committee of Experts has recalled in this respect that the legislation should not only provide for equal remuneration for "equal", "the same" or "similar" work, but should also address situations where men and women perform different work that is nevertheless of the same value.

In this regard, the Committee of Experts considers that this provision is not adequately reflected in Mexican legislation. More specifically, in 2020, the Committee of Experts requested the Government to take measures to give full legislative expression to the principle of equal remuneration for men and women for work of equal value. In view of the above, the Employers consider it necessary to assess compliance with these Articles of the Convention in light of the whole legislative framework in Mexico.

Mexico has much legislation on the subject, which would appear to have accurately transposed the provisions of the Convention. This is seen in the first article of the Mexican Constitution (the Chapter on human rights and their guarantees), which prohibits any discrimination on a series of grounds, including gender. Similarly, article 4 provides that "Women and men shall be equal before the law", and article 123 specifies that "there shall be equal pay for equal work, without taking into account sex or nationality".

The constitutional framework in Mexico is sufficiently broad to give the most solid guarantees against any type of discrimination on grounds of sex, including wages.

Mexico also has the Federal Labour Act, which provides in section 2 that: "men and women workers shall enjoy substantive and material equality in relation to the employer", and that substantive equality "consists of access to the same opportunities, taking into consideration the biological, social and cultural differences between women and men". Section 3 of the Act provides that labour is not a commercial commodity and requires "recognition of the differences between men and women with a view to achieving their equality before the law.

For this reason, the Employers consider that Mexican legislation broadly sets out the requirement of the Convention and that it promotes equality of opportunity for men and women. Nevertheless, much remains to be done in practice for the implementation of the Convention, particularly in relation to wage equality.

According to recent information, women who work are at a clear disadvantage in respect of men, since their annual average income is 54.5 per cent lower, the third highest gender wage gap in the 37 countries that are ILO Members in the region.

According to the global gender gap index 2023, wage disparity is the second worst condition assessed in Mexico for women. In general terms, the country is in 33rd place in the

global ranking which covers 146 economies. However, in relation to wage equality for similar work, it is in 117th position.

We wish to emphasize that it is not sufficient for the Government to ratify standards and include them in the legislation, if there is no effective implementation in practice giving specific and measurable results.

Second, in the recent comments made by the Committee of Experts, the Government has been requested to provide information on progress in the reform of Mexican Official Standard NMX-025 and the measures adopted for its enforcement. In this regard, we thank the Government for the information provided on the progress of the draft Standard on Labour Equality, which has still not yet been submitted to the Secretariat for the Economy, and we recall the importance of ensuring effective consultation with employers and workers for the development of a proposal that reflects genuine social dialogue.

As maintained in this Committee, the sustainability and effectiveness of labour market policies are dependent on the effective consultation of the representative organizations of employers and workers.

Finally, we recognize the abundant legislation in Mexico for the application of the Convention and the measures adopted by the Government to achieve its implementation in practice.

In particular, we note with interest the statistical information provided to the Committee. We call on the Government to make greater efforts to give effect to the Convention in practice and to continue making progress in the reduction of the wage gap between men and women.

We also request the Government to ensure that the legislative amendments and reforms that are proposed are developed through social dialogue and consultation of the most representative social partners, and to continue with the compilation of statistical data and the reinforcement of labour inspection.

Worker members – We thank the Government for the information provided to the Committee. This is the first occasion on which we have examined a case concerning Mexico in relation to the Convention. The last time we examined a case concerning the country was in 2018, in relation to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

We note the information provided by the Government on the approval by the Senate and the referral to the Chamber of Deputies of the draft Decree to reform 13 laws on wage equality, including:

- section 86 of the Federal labour Act to recognize “equal remuneration for work of equal value”; and
- section 6 of the General Act on the access of women to a life free from violence, to include in economic violence “the receipt of a low wage for equal work or work of equal value”.

Although these legislative reforms have the potential to remedy the current deficiencies in relation to the Convention, the necessary changes have not yet materialized.

Labour relations in Mexico are currently based on the principle of “equal wages for equal work”, without taking into consideration the “value of work” as a crucial factor in the determination of remuneration.

This principle is set out in the Constitution, especially in article 123(A)(VII), which envisages the principle as a guarantee for the protection of wages, and provides that “equal wages shall be paid for equal work, without taking into account sex or nationality”.

However, this provision is limited to guaranteeing similar remuneration for “equal” work, without specifying what is meant by equality, and without recognizing that gender must not influence the wage rate.

The Federal Labour Act, which fills out the minimum rights set out in the Constitution, specifies what is meant by equal work in section 86, which provides that: “there shall be equal pay for equal work, performed in the same post, the same working day and conditions of efficiency”.

It should be noted that there has not been any modification of the wording of section 86, for which reason the “value of work” is still not taken into consideration in the determination of wages.

We know the importance of the concept of work of equal value for the ILO, and I quote literally:

The “principle of equal remuneration for work of equal value”, as set out in the Preamble to the ILO Constitution, is not the same as equal remuneration for equal work. Equal remuneration for the same work limits the application of the principle of equal remuneration to work carried out by two or more persons in the same type of work and in the same enterprise.

The concept of equal remuneration for work of equal value is broader and includes situations in which men and women perform different jobs. With a view to determining whether different types of work are of the same value, work can be assessed through the application of a method of evaluation”.

Based on a literal interpretation, the Federal Labour Act is in line with the Constitutional principle of “equal wages for equal work”. However, an interpretation that takes into account the principles of the Convention would offer greater protection for men and women workers, with the wording adapted more precisely to set out the scope of the principle of equality, in line with international standards and allowing the inclusion of the “value of work” in its daily application.

Lack of knowledge of what is implied by work of equal value is very general, including employers, workers’ organizations and, regrettably, also the courts. However, as I have said, up to now no binding criteria have been adopted which faithfully reflect the provisions of the Convention.

The most common criteria for the establishment of the similarity of jobs are working hours and efficiency, even though we know that different work can have equal value irrespective of skill, effort, responsibilities and conditions of work.

Moreover, the labour authorities do not provide appropriate advice, nor do they apply these criteria in the annual determination of minimum wages or the salaries of public officials, as indicated in the Equal Remuneration Recommendation, 1951 (No. 90).

The inclusion of the specification “work of equal value” in the legislation and in the practical application of the principle of equality would make it possible to improve conditions for the effective reduction of the wage gap between men and women. And, even though the Government indicates that this gap has narrowed, analysis is still needed of the behaviour of the gap at a more disaggregated level than that set out in the Mexican report.

It is crucial that efforts are made for the introduction of the necessary changes to ensure the effective application of the Convention in Mexico.

Employer member, Mexico – Many thanks to the Government for the information that it has provided to the Committee in relation to the comments made by the Committee of Experts in its latest report. These comments amount to no more than a paragraph, which appears on page 750 of the Spanish version.

We note with interest the reference to article 123 of the Constitution which, by the way, dates from 1917 and was the first to elevate social guarantees linked to work and social welfare to constitutional status. Before the Convention under discussion had even been drafted, the Constitution contained protection for equal remuneration, with article 123(VII) providing that “there shall be equal pay for equal work”. Just a few years later, the words “without taking into account sex or nationality” were added.

Clearly, such protection is guaranteed by law, specifically in the Federal Labour Act, to which previous speakers have referred. I wish to emphasize, however, that the Act sets out a series of protections. First, decent work is addressed in section 2, which provides emphatically that there shall be no discrimination on grounds of ethnic origin, nationality, gender, age, disability, social condition, health, religion, migratory situation, opinion or sexual preference, or civil status, as can be read in that provision.

Moreover, section 5 provides that any condition that requires workers to give up the rights or prerogatives granted to them by the legislation shall have no legal effect and shall not hinder their enjoyment or exercise of such rights. This is an extremely important guarantee which is implemented in my country.

Lastly, section 86 echoes the Constitution, with the updated text establishing that “there shall be equal pay for equal work performed in the same post, the same working day and conditions of efficiency”.

It must therefore be recognized that my country’s constitutional and legal provisions are aligned with the protections granted by the Convention. I would even go so far as to say that the Mexican texts are clearer than the Convention with regard to equal remuneration protections.

It is likely that the Committee, unaware of this background or circumstances, was struck by the proposed reform to the Federal Labour Act submitted to Congress that incorporated literally the idea of “work of equal value”, in line with the Convention, without noting that such reforms are not truly necessary. We believe that the text currently in force fits with the Convention’s objectives. However, everything can be improved, although I repeat that in this case we at least do not believe it to be essential. What is required, in any case, is the effective implementation of the existing provisions.

We cannot ignore the fact that in Mexico, as in all other countries of the world, there is a wage gap affecting women. However, and although public policies have been introduced to reduce the gap, we must recognize that the gap is linked mainly to the informal economy, in which approximately 56 per cent of my country’s economically active population are engaged. Therefore, rather than legislative amendments which, as we have seen, may not be indispensable, what is required is the continuation of the action taken to close the gap and the redoubling of efforts to implement effective policies on the transition to formality, which would undoubtedly have an impact on closing existing wage gaps, among other areas.

Given the circumstances, we believe that note should be taken of the report provided by the Government and of the legal situation in relation to the content of this Convention, and the Government should be encouraged, in consultation with the country's most representative social partners, to make progress in developing effective policies that address the causes and roots of these wage gaps. Of course, we commend the Government's request for technical assistance from the Office. We know that the Office can play a significant role in solving these problems through technical assistance, which we also welcome.

Worker member, Mexico – I am speaking on behalf of the National Union of Mexican Workers (UNT-MÉXICO) to report on the ongoing situation with regard to the principle of “equal pay for equal work” and its application, since this principle is not compatible with the Convention because the legislation does not include the principle of the value of work.

Although the 2019 labour reforms made progress on the independence of freedom of association and collective bargaining with participation in decision-making and the democratization of labour regulated by the Constitution and by international conventions, such as the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Violence and Harassment Convention, 2019 (No. 190), the major outstanding issue is the implementation of these reforms through adequate social dialogue that includes continuous and ongoing consultation with the most representative workers' organizations.

At the same time, we emphasize the Government's failure to comply with the Convention, which includes its inadequate reporting mechanism, as we have encountered difficulties on several occasions in dealing with issues arising from the mechanism implemented by the Government.

We would like to indicate that the Government has yet to adopt legislative measures to fulfil the Committee's recommendations on ensuring wage equality not only for the same work, but also for work of equal value.

The failure to regulate the principle of work of equal value permeates the Mexican judiciary's current restrictive interpretation, which draws solely on the concepts of the working day and productivity, omitting factors such as care work, skills, responsibilities, effort and working conditions, which should be considered irrespective of job titles and free from gender stereotypes, among other elements that are essential in determining the true value of work. For that reason, legislative harmonization should include the reform of article 123(A)(VII) of the Constitution, which provides that “there shall be equal pay for equal work, without taking into account sex or nationality”, and not be limited to section 86 of the Federal Labour Act, which provides that “there shall be equal pay for equal work performed in the same post, the same working day and conditions of efficiency”.

Moreover, it is a matter of concern that there are no indices, statistics or measurements to determine wage gaps by occupation and gender in Mexico, and especially that the labour authorities do not provide suitable guidance on the subject or use job evaluation criteria when fixing annual minimum wages for the various occupations and trades in the private sector or the wages of public officials, as indicated in Recommendation No. 90.

It is vital that the rights and benefits established in collective labour agreements are fully compatible with human rights related to work, equality and non-discrimination, as well as the principle of work of equal value.

In the private sector, a mechanism has been established to determine minimum and occupational wage increases under the auspices of the National Minimum Wage Board

(CONASAMI), a body that, although tripartite, lacks rules on equal membership and the chairperson.

This means that women do not enjoy constant representation and are unable to ensure that the determination of wages and the value of work includes a gender approach and considers the necessary indices and factors.

Although the CONASAMI has made gradual and significant increases to minimum wages over the past six years, that has not led to a closing of the wage gap, as the minimum wage, as its name suggests, establishes the minimum that workers can receive. The only requirement applicable to employers is that they pay at least that minimum amount, and they can make distinctions that allow some workers to earn more.

In addition, without the existence of real inspection to ensure that all workers receive the same amount for similar work, and the fact that wage increases in some workplaces are linked to productivity or earned through overtime, higher wages become inaccessible to women in view of their family responsibilities or lack of vocational training.

Similarly, it is essential that factors such as the date of commencement of employment are not taken into consideration when establishing the collective labour contract and the applicable benefits. Making such aspects determining factors enshrines discrimination and the renunciation of labour rights, and they should not therefore be taken into account.

There is an urgent need for a new labour inspection process, which should make use of tools and instruments that allow trade unions and workers to lodge complaints and the labour inspectorate to effectively investigate and sanction any violation of labour rights. In this regard, we would like to inform you that, since the constitutional reform of 2016, minimum wages have been removed as a reference for various prices, procedures, fines, taxes and benefits. This was intended to increase the purchasing power of minimum wages by gradually clawing back the loss accumulated over more than 40 years.

This change was a significant part of our country's economic policy to improve the living conditions of millions of workers. However, more than eight years later, we find ourselves in a complex situation. Even though minimum wages in Mexico have seen increases above the annual rate of inflation, this progress has had a worrying collateral effect in the form of the stagnation of wages fixed by collective bargaining.

In general, these wages have not increased at the same pace as inflation and have even, alarmingly, fallen below the minimum wage. Each year, the CONASAMI issues a decision setting general and occupational wages.

The decision for 2024 provides for a rise of 20 per cent in the minimum wage, comprising a 6 per cent increase, plus a separate increase of 27.20 Mexican pesos, or US\$1.90. This is a set amount intended only to help restore the purchasing power of the minimum wage, but which cannot be used as a reference for the determination of increases to other wages in the labour market, including contractual wages.

This restriction, which applies to both the public and private sectors, is a direct obstacle to increases to contractual wages through collective bargaining. It has had a striking effect on public universities in Mexico, where contractual wages have not risen in proportion to the general minimum wage. In addition, the reduction in the higher education budget has exacerbated the situation, as there has been no significant change to the education budget over the past decade.

In the private sector, outsourcing has resulted in workers who lose their jobs and are taken over by contracting enterprises receiving lower remuneration than workers who are covered by collective agreements.

This is leading to systematic discrimination that is in contradiction to the principles of decent work, such as the right to receive a remunerative wage and to collective bargaining. This systematic violation of labour rights is a disincentive to trade union membership and collective bargaining, and creates a paradoxical situation in which it appears to be more beneficial not to have a collective labour contract.

We must recall that Recommendation No. 90 suggests several measures to raise the productive efficiency of women workers, as a means of facilitating the application of the principle of equal remuneration for men and women workers for work of equal value. These include promotion, equality of facilities for vocational guidance, vocational training and placement, and the provision of social services that meet the needs of working mothers and women with family responsibilities.

Although the current Government has provided significant support to the feminist agenda, there has been little promotional action or information on the wage gap and the proper application of the principle of equal remuneration, or on mechanisms to render it binding. And there is no national care system, which ensures not only that women are continuing to provide most care, and in so doing giving up work and work opportunities, and the possibility of achieving better positions and pay.

Although Mexico has seen a historic transformation with the election of its first woman President, who will have majority support in the legislature, there is an urgent need for ILO technical support to improve genuine and effective social dialogue between the Government, trade unions and employers.

It is necessary to create an annual database using an appropriate methodology as a means of guiding the necessary constitutional reforms and legislative amendments and the design of institutions that are capable of determining the value of work and upholding the principles of the Convention and of Recommendation No. 90.

Government member, Chile, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC) – We appreciate the information provided by the Government of Mexico on the measures promoted to achieve substantive equality between women and men on the labour market, and specifically to ensure equal remuneration.

We take note of the congruence between the legislative changes promoted in recent years and the public policies on labour matters implemented by the Government of Mexico for the achievement of a reduction in the gender wage gap and the recovery of the purchasing power of minimum wages, with a positive impact on women.

We observe with interest the actions aimed at verifying compliance with labour legislation in relation to the provisions of the Convention, and particularly the recent launch of the Protocol on labour inspection with a gender perspective.

We also take note of the development and promotion of the various voluntary instruments to foster a working culture aimed at guaranteeing equality of opportunity and treatment, non-discrimination and labour inclusion.

We urge the Government of Mexico to continue its efforts, social dialogue and coordination between authorities and levels of Government to ensure that the principle of equal remuneration is adopted in all economic sectors and activities.

Finally, GRULAC urges the ILO to provide the assistance that, at the request of the Government and the social partners, is required to consolidate the results of the progress described by the Government of Mexico.

Employer member, Argentina – The Employer members of Argentina thank the Government for the information provided and its commitment to complying with the Convention that we are discussing.

First, we wish to highlight the importance of the Convention as a fundamental Convention and our firm commitment to wage equality between women and men.

In particular, we believe that in this case it is necessary to emphasize the importance of the provisions of Article 4 of the Convention on the duty of States to cooperate as appropriate with employers' and workers' organizations for the purpose of giving effect to its provisions.

We note that the Government has provided information on the preparation of a number of legislative amendments intended to integrate the principle of gender equality into the national legislation, and the mechanisms for the supervision and revision of public policies.

We have listened carefully to the information provided by the Government on social dialogue forums with employers' and workers' organizations to define the various measures promoted, and we request it to provide further information on the manner in which it is cooperating with employers' and workers' organizations in this regard.

We encourage the Government to make its best efforts at the national level to further close the wage gap between women and men in practice and to ensure effective institutionalized consultation with the social partners on the design, implementation, review and follow-up of such policies as a means of ensuring the design of effective and balanced strategies.

Worker member, Peru – I am speaking on behalf of the workers of the Autonomous Workers' Confederation of Peru. The right to receive equal remuneration is related to the prohibition of discrimination, as set out in international standards. The Convention, which was ratified by Mexico in 1952, regulates the principle of equal remuneration for work of equal value, not work that is identical. The Government has had more than 70 years to implement the Convention through its national legislation. Section 86 of the Federal Labour Act provides that "there shall be equal pay for equal work performed in the same post, the same working day and conditions of efficiency".

As we can see, this regulation places conditions and restrictions on the principle, limiting it to a matter of working days and efficiency rather than the value of the work itself. Legislative harmonization with the provisions of the Convention is therefore required.

In addition, it is important to note that the conditions imposed by this provision particularly affect women, who often become mothers during their working lives and do not work full time when they take the leave to which they are entitled, and do not therefore have the same productivity as others because they are temporarily away from work. That is to say, the fact of exercising their rights as working mothers can be prejudicial to their remuneration.

Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women requires States to implement temporary special measures aimed at accelerating de facto equality between men and women. In this regard, States are not therefore expected to refrain from taking action or to remain neutral in relation to the gender wage gap, but on the contrary to create the necessary conditions to resolve any situation of inequality that may arise.

The Government should therefore undertake studies of wage gaps in accordance with the provisions of the Convention in order to identify and rectify wage discrimination and determine the real value of work.

For that purpose, the Government could adopt legislation with a view to achieving target 8.5 of the Sustainable Development Goals, which focuses on equal pay for women and men for work of equal value, for which it can count on the technical assistance of the ILO.

Lastly, we welcome the Government's confirmation of the Protocol on labour inspection with a gender perspective, which should have been the subject of consultation with the constituents. Such a document cannot be drafted by the Government alone, but must be agreed upon following dialogue and the exchange of views to ensure that it is more effective in practice.

Furthermore, we believe that the inspection system must be strengthened, not only through texts, but also through the recruitment of a sufficient number of labour inspectors. Moreover, if there is a specialized protocol, a body should be created that is specialized in equality and non-discrimination to verify compliance with national and international standards.

An inspection system with sufficient numbers of inspectors. In 2020, there was one inspector for every 160,000 workers, four times lower than the number recommended by the ILO. That year, there were a total of 400 inspectors. With regard to inspection, there is much work to be done in these areas, and we need the political will, budget and desire to improve, and what better in that regard than social dialogue?

Worker member, Spain – This is a Convention of which the genuine application depends on the whole Mexican population, as the principle of equal pay for men and women for work of equal value concerns the country as a whole, not just women. We all, women and men, gain when progress is made on equality in a country, whether in Mexico, Spain or Costa Rica.

Fairness in remuneration concerns us all: Governments, employers and workers. Violence against women, whether physical, psychological or financial, is a global scourge. And anyone who uses it for anything other than its eradication deserves the greatest contempt.

Mexico has one of the widest wage gaps of the countries of the Organisation for Economic Co-operation and Development (OECD), at around 35 per cent. Furthermore, and as in many other parts of the world, Mexican women are engaged in work and sectors that are worse paid than those of their male colleagues.

As well we know in Spain, and as has been mentioned, for the elimination of the wage gap, it is first necessary to undertake a detailed study based on data disaggregated by gender, economic activity, age, occupational category, benefits, working hours, as well as figures for undesired part-time work.

The Mexican trade unions have made enormous strides in the area of equality, as has the Government, to which I will refer later. The figures however show that it is employers who have done the least. Certification of adherence to the Mexican Standard on Labour Equality and Non-Discrimination, which is voluntary, and could include this data, is a good example. We are surprised to see that, of the 604 certified workplaces, only half are private, which provides a good picture of the true interest of the private sector. Only 300 private workplaces in Mexico have decided to take the principle of "equal pay for work of equal value" seriously.

When the Government, in accordance with Article 4, as just recalled by the Employers, calls on employers to combat discrimination, it seems that they do not know, and do not want

to know, what is happening, or why, or what work and jobs are carried out by the women and men in their workforce. In short, Mexican employers do not want, voluntarily or as an obligation, official statistics, including a list of jobs and all the forms of remuneration, as set out in Article 1 of the Convention.

Curiously, when employers need to make mass redundancies, it seems that they have undertaken such studies and know perfectly well the jobs carried out by each worker, the bonuses that they receive, and have full information on the workforce.

I said at the outset that we must fight for equality, and the weak participation by employers in this initiative makes it clear that we need to make progress on legislation, not just voluntary measures, to secure the commitment of employers.

As we have seen, the Government has adopted some measures, although they are insufficient. It has adopted impressive increases to the minimum wage, which is received by more women than men, and any increase in the minimum wage leads to an immediate improvement in the living conditions of millions of women.

But more is needed because, despite the increases in the minimum wage, the reality shows, for example, that there is no equal pay for men and women in teaching and administrative roles in the education system, who undertake work of equal value.

Mexico is about to have the first woman President in a North American country. This is a unique opportunity to do things differently after years of companies failing to pay men and women equally for work of equal value, despite the Government's struggle to bring an end to such discrimination.

I therefore urge this Committee to call for technical assistance, and I encourage the new President to promote collective bargaining to pursue the legal mandate set out in section 153-K(XIV) of the Federal Labour Act and amend the restrictive constitutional and legal provisions so that Mexico is in full compliance with the Convention.

Employer member, Costa Rica – First, the employers of Costa Rica would like to thank the Government for the information provided to this Committee on its compliance with the Convention.

As our spokesperson has indicated, the Employer members emphasize the enormous significance of the Convention, an instrument that seeks to ensure that the principle of equal remuneration for men and women workers for work of equal value is applied to all workers.

The Convention is one of the so-called fundamental Conventions which, as the Office itself points out, are “fundamental to the rights of human beings at work, irrespective of the level of development of individual Member States. These rights are a precondition for all the others in that they provide a necessary framework from which to strive freely for the improvement of individual and collective conditions of work.”

Our societies must make firm progress towards closing gender gaps in the world of work. We need to promote reforms to the legal framework and adopt the public policies necessary to avoid discrimination against women in the world of work, within the framework of tripartism and social dialogue.

We believe that the Mexican legislation affords a suitable and reasonable level of protection for the principle of equal remuneration since, as has been noted previously, the Constitution itself guarantees equality before the law for men and women and, more specifically, provides that there shall be equal pay for equal work, irrespective of sex or nationality.

The Government has also provided information on the progress made in the review of Mexican Official Standard NMX-025 and other legislative and administrative measures that, in our view, demonstrate progress in the implementation of the Convention.

In conclusion, we urge the Government to pursue its efforts to strengthen the legislation, and particularly to achieve better and more effective implementation in practice, always within a framework of direct consultation and dialogue with the most representative social partners.

Worker member, Honduras – We note that, after six years, Mexico has once again been included on the short list for this Committee. It is vital that the Committee reminds the Mexican Government that by freely choosing to join the ILO, it has accepted the principles and rights set out in the ILO Constitution and the Declaration of Philadelphia, committing itself to meeting its general objectives, including freedom of association, collective bargaining and the fundamental principle of equal remuneration.

In accordance with Article 2 of the Convention, the principle of “work of equal value” must be applied by means of collective agreements. We recognize that in Mexico there has been progress in the legal provisions respecting collective bargaining. Nevertheless, the 2019 labour reforms were undertaken without due social dialogue or consultation of workers. This is reflected in various aspects, such as the failure to implement legislative measures intended to ensure compliance with the Committee’s recommendations.

Women in Mexico face significant barriers in access to management and senior management positions, which contributes to wage inequality. Posts with more responsibility, which are better paid, are often held principally by men. A 2022 OECD study found that just 10 per cent of directors of finance and 21 per cent of directors in enterprise legal departments have been women. And it should not be forgotten that women are predominantly occupied in sectors such as education, health and social work where, significantly, wages are traditionally lower than in sectors such as engineering and information technology, which are dominated by men.

The lack of transparency in Government wage policies and the scarcity of data disaggregated by gender make it difficult to identify and eradicate wage discrimination and to determine the real value of work. Unless mechanisms able to monitor and report on wage differences are put in place as a matter of urgency, the violations of the Convention will persist and it will not be possible to address them effectively.

The limited Constitutional provision addressing this principle dates from 1917, and it is therefore worrying that 72 years after the ratification of the Convention, Mexican legislation has not included the principle of “work of equal value”, and even more worrying that the comments in the report are limited to acts of good faith and secondary reforms.

Observer, Confederation of Workers of the Universities of the Americas (CONTUA) – I am speaking on behalf of CONTUA with reference to the level of commitment of Mexico to compliance with the requirements of the Convention, which was adopted in 1951 and immediately afterwards, the next year, ratified by Mexico.

In this regard, we wish to start by recognizing the progress that has been achieved in social policy in Mexico over the past six years, which is undoubtedly reflected in the major election achieved by the recently elected President Claudia Sheinbaum, who will be the first woman in history to achieve such high office, and who has announced during her election campaign a policy of open arms to the trade union movement. We welcome her election and trust that she will honour her commitment.

The ILO Conventions on wages make up a comprehensive system that seeks to guarantee labour justice and equity throughout the world. Of these Conventions, we draw attention to Convention No. 100, which is under examination, as well as the Minimum Wage Fixing Convention, 1970 (No. 131), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Convention No. 100 provides for equal remuneration for men and women workers for work of equal value, thereby directly addressing the issue of wage discrimination on grounds of gender. Convention No. 131 promotes the fixing of adequate minimum wages, thereby ensuring that all workers receive remuneration that enables them to live with dignity, while Convention No. 111 combats discrimination in employment and occupation, including wage discrimination, on any grounds, including race, religion, political opinion and national extraction.

These Conventions do not operate in isolation. Together, they form a cohesive system which addresses various aspects of remuneration and equality at work. While Conventions Nos 100 and 111 are focused on the elimination of wage gaps and discrimination, Convention No. 131 ensures the existence of a minimum level of wages for all workers. This overall approach allows for fuller and more effective protection of labour rights, thereby promoting a just and equitable labour environment.

It is based on this overall vision of the standards system that we can make specific observations. In the countries in our region, there are major social deficits, injustices and inequalities, which in some cases affect very important categories of persons, despite the existence of national and international standards which require action to meet these needs.

In view of the above, we call on the Government to take urgent action to address the situation of university workers in Mexico.

Over and above the significant achievements in the application of policies which have resulted in increases in the minimum wage in Mexico, the contractual wages of university workers have not risen at the same pace, which has resulted in there currently being over 45,000 university workers with wages that are below the constitutional minimum.

This group of workers, who we have the honour of representing in CONTUA and Public Services International, are the only ones in the country in the public and private sectors who are in this situation. It is for this reason that we have been urging the allocation of the necessary budget to at least bring these workers level with the minimum wage rate set in Mexico, as a basis, of course, for reaching the right level.

We are calling on the Government representative here to establish an urgent dialogue round table to resolve this situation by granting dignified wage conditions for our colleagues.

Chairperson – I can see no more requests for the floor, so I now invite the Government representative of Mexico to deliver his concluding remarks.

Government representative – We give thanks for the views and positions expressed by the groups of the three ILO constituents in relation to this case. We have taken note of each of the views and positions expressed.

As we indicated in our first intervention, our Government has maintained a constant dialogue on this important subject with the representatives of workers and employers in Mexico, before and during this Conference. Our relations with them are close and our communication is constant.

The subject of equal remuneration is one of many themes in the world of work on which the three groups engage in dialogue and reach agreements, always respecting our differences and independence.

As you will have noted throughout the Conference, in this and other Committees, the workers, employers and Government of Mexico participate actively in dialogue, negotiations, drafting and amendments. The Mexican delegation demonstrates in the ILO a vigour and spirit of dialogue of which we are sincerely very proud.

With regard to the Convention, we wish to reaffirm six points that appear to us to be central on its application in Mexico and objectives for the future.

First, with regard to the Mexican national legislation, the labour legislation in Mexico has been reformed progressively to ensure that the application of the principle of equal remuneration at work is respected and given effect. This was said in the first intervention and the representatives of employers and workers have so indicated clearly and in detail.

We are convinced that, through continued dialogue on the path to be followed to give effect to the provisions of the Convention, we will be able to reach agreement on the next steps to be taken in the reform of the legislation. This will include the initiative to reform the Federal Labour Act and other provisions, which has already been approved in Congress in part, with a view to greater harmonization with the Convention.

Second, in relation to the reduction of the gender wage gap, we have described the manner in which the wage policy of the administration of President Andrés Manuel López Obrador, which is unprecedented in our country, has made a significant contribution to the reduction of the gender wage gap.

We have provided hard statistics on this. To repeat a fundamental fact, we noted that between 2019 and 2024 the gender wage gap was reduced by 27.7 per cent at the municipal level in the formal sector, and in municipal areas where the poorest women are resident, it fell by almost 64 per cent. This is the practical situation with regard to the wage gap in our country. Moreover, this achievement has demonstrated in practice that an increase to the minimum wage does not cause inflation or unemployment.

The data provided, from the National Survey of Employment and Occupation, as well as various surveys carried out by the National Minimum Wage Board, demonstrate the importance attached by the Government of Mexico to substantive equality between men and women, and more specifically in relation to remuneration.

It is important to recall that President López Obrador recently submitted to Congress a reform initiative to set out at the constitutional level the requirement to increase the minimum wage each year above the inflation rate.

Third, in relation to labour inspection from a gender perspective, we are aware that the efforts undertaken will have to be reinforced with monitoring of compliance with labour legislation. It is for that reason that labour inspection is being transformed. Over the past five years, inspection activities have been strengthened through the improvement of the tools available based on a new perspective which makes safeguarding the rights of workers and compliance with labour legislation central to the role of inspection.

Inspection is currently undertaken using all available technological, normative and information resources.

With regard to the content of the Convention, through the Protocol on labour inspection with a gender perspective, as we indicated previously, we will be able to analyse the current

situation of the gender gap in employment, which will enable us to identify needs and specific action to be taken jointly with our social partners.

Fourth, with reference to voluntary action, progress has been made in Mexico in the strengthening and promotion of the framework of labour legislation to ensure that work is worthy and decent. Similarly, we will continue to promote a labour culture of knowledge and respect for human and labour rights with a focus on shared responsibility. This will be done through various voluntary mechanisms that will be adopted to enable both workplaces and those who are responsible for assessing the level of compliance with labour legislation to determine relevant areas and take the corresponding action. The example to which we referred previously, Mexican Standard No. 025, has led to clear and quantifiable progress, as indicated earlier. Tripartite discussion will continue on the development of this Standard to expand its scope, including the possibility of converting it into binding legislation.

On the other hand, dialogue will continue with state governments on existing mechanisms with a view to exploring areas for collaboration. And we will also continue the broad dissemination campaigns of labour rights, which have been initiated by the current administration, while at the same time promoting closer collaboration between employers and workers and guidance, legal advisory and training services.

Fifth, I would like to inform you that the ILO recently approached the Government of Mexico to invite it to join the Equal Pay International Coalition (EPIC), considering that our country is in compliance with nine of the eleven criteria adopted for membership by countries.

Although we have not yet joined the Coalition, Mexico's possible membership would offer an opportunity to strengthen the national gender and labour agendas, and to maximize the progress already made in these areas.

And sixth, with regard to tripartite co-responsibility, the consolidation of this progress requires working together for union and social justice to protect and safeguard the freedoms and rights of all workers. It is therefore necessary to continue to promote consultation and tripartite dialogue based on an approach of shared responsibilities of all the labour market parties.

This will enable us to develop common strategies to promote productivity and the stability of sources of employment, while at the same time guaranteeing and constantly improving the wages, benefits and working conditions of workers and cementing the constant improvement of the labour market in our country.

In conclusion, we wish to inform you that in Mexico we enjoy the social, economic and political stability necessary to be able to continue with social dialogue and to make progress with the future objectives that we have set in relation to the Convention.

As you know, one-and-a-half weeks ago, we held a historic election in Mexico, when for the first time a woman was elected to the highest elected office in our country, Ms Claudia Sheinbaum Pardo, who will be the President of Mexico from 1 October.

This implies continuity in the close relations with workers and employers and a transversal feminist agenda.

With the other Government authorities, both legislative and judicial, we will undoubtedly find common ground to pursue this agenda, more specifically with reference to equal remuneration for men and women, with a view to the definitive elimination of the gender wage gap.

As for now, we will receive attentively and respectfully the comments and recommendations of the Committee of Experts.

Worker members – We thank the Government of Mexico for the information provided to our Committee. We have listened carefully to the Government's intervention, and particularly its proposals for legislative changes to give effect to the Convention.

Despite the potential of these legislative reforms to remedy deficiencies in relation to international standards, they are not yet totally materialized. Labour relations in Mexico are currently based on the principle of equal wages for equal work, without the value of work being taken into consideration for the determination of remuneration.

The Constitution and the Federal Labour Act provide guarantees of similar remuneration for equal work, but do not specify what is meant by equality, nor do they recognize that gender must not have an influence on the level of wages.

The concept of equal remuneration for work of equal value, according to the ILO, is broader than equal remuneration for equal work. This concept includes situations in which men and women perform different jobs, and its application requires the evaluation of work activities through an appropriate method. However, the Federal Labour Act still has not incorporated this principle effectively.

An interpretation which integrates the principles of the Convention would provide greater protection to men and women workers, in line with international standards, and would allow the inclusion of the value of work in everyday practice.

The issue of work being of equal value affects men and women workers, employers and the courts, and it is necessary to set out a binding criterion that faithfully respects the provisions of the Convention. Similarly, the legislative guarantee of the joint composition of the National Minimum Wage Board is indispensable.

Nevertheless, we take note of the Government's commitment to tripartite dialogue and we therefore encourage it to take the following action: first, through social dialogue, to undertake an objective assessment of employment and wages in Mexico using the necessary technical methods that taken into account job descriptions, the classification of their content on the basis of factors such as skills, responsibilities, effort and conditions of work, irrespective of the job titles and free from gender stereotypes, among others; second, to engage in consultations with the social partners to improve the definition of labour inspection protocols; third, to continue promoting the necessary legislative reforms for the full inclusion of the principle of work of equal value into the Mexican Constitution and labour legislation, and adapt the respective Government institutions; fourth, to promote actively equal remuneration when it is not possible to ensure it directly; and fifth and finally, to continue taking into account ILO technical assistance.

We urge the Government to continue working on the implementation in practice of these reforms with a view to guaranteeing equal remuneration for work of equal value.

We appreciate the legislative progress made, but it is essential to make further efforts to ensure the effective application of the Convention in Mexico and accordingly reduce the wage gap between men and women.

Employer members – The Employers wish to thank the various speakers who have taken the floor, and particularly the Government of Mexico for its interventions and the information provided.

In our final observations, we wish to emphasize the importance of the Convention as a fundamental Convention and as an instrument for the promotion of equal remuneration for men and women, thereby contributing to sustainable development and gender equity in the world of work.

With reference to the interventions of certain speakers, we wish to clarify two points:

- (i) the minimum wage has been increased substantially in Mexico as a result of the agreement concluded between employers and workers which has supported and accompanied the Government. These increases started in 2017 and have continued up to now; and
- (ii) the CONASAMI currently includes women in its composition. Indeed, 50 per cent (that is, 19 members) are women and they participate actively in the definition of the minimum wage in Mexico.

We also recall that that the Committee that brings us together today is called upon to assess compliance with a Convention by the Government, not the private sector.

On the other hand, we take note of the initiatives described by the Government and the progress that has been made in achieving compliance with the Convention.

The Employer members conclude that the legislation that is in force appears to address adequately the issue that essentially consists of the implementation of the principle of equal remuneration for men and women workers, and we consider it necessary to encourage the Government to make greater efforts at the national level, in collaboration with the most representative social partners, to make progress in the reduction of the wage gap between men and women and to achieve effective compliance in practice with the Convention.

We reiterate that it is not sufficient for the Government to ratify and include standards in its legislation if there is no effective implementation in practice resulting in specific and measurable results.

Finally, we request the Government, in line with the comments of the Committee of Experts:

- (i) to provide detailed information on the application of the Convention by 1 September this year;
- (ii) to ensure that all the legislative amendments and reforms referred to by the Government and that are introduced in future are undertaken through effective social dialogue and consultation with the most representative social partners; and
- (iii) to continue the compilation of statistical data so as to be able to continue analysing in greater depth compliance with the Convention in practice, and particularly the wage gap between men and women.

We echo the Government's indications, and we encourage it to request ILO technical assistance to continue making progress in the application of the Convention.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

While welcoming the legislative proposals by the Government to comply with the Convention, the Committee noted that these reforms still require a thorough assessment to ensure full compliance with the Convention.

Taking into account the discussion, the Committee called upon the Government, in consultation with employers' and workers' organizations, to:

- conduct an in-depth study on employment and wages in the country, including wage disparities, by taking into account factors such as skills, responsibilities, tasks and working conditions, irrespective of job title and free from any gender stereotypes;
- give full legislative expression to the principle of equal remuneration for "work of equal value" as enshrined in the Convention;
- promote and implement effective detection and enforcement mechanisms to ensure that the principle of equal remuneration for men and women for work of equal value is applied in practice; and
- collect statistical information to analyse in greater depth compliance with the Convention in practice and the pay gap between men and women.

The Committee invited the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and in practice.

Government representative – We thank the Committee for its conclusions on the individual case concerning Mexico. We are convinced that the work of the Committee enriches dialogue between the partners in the world of work, which enables us to make progress through an approach of shared responsibilities towards social justice and decent work. In this regard, we welcome Mexico's commitment to the ILO, with its standards supervisory system and tripartite social dialogue. We note the conclusions adopted and we thank the Office for its readiness to provide technical assistance to the Government and the social partners with a view to the consolidation of the results achieved. Finally, we reiterate the willingness of the Government to continue making progress in guaranteeing the principle of equal remuneration set out in the Convention.

Netherlands, Sint Maarten (ratification: 1951)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

On 3 May 2024, a new Government took office in Sint Maarten. The Government was informed of the ongoing case and has committed itself to giving this matter its highest priority. International as well as local labour issues are highly regarded by the Government and will be addressed with the utmost urgency. In order to give the necessary attention to this subject matter, the new Ministers are in the process of a rigorous onboarding within which the ongoing labour dispute is featured, with the intent of ensuring that all parties are heard. It is important to underscore the Government's commitment to recognizing and supporting social dialogue as part and parcel of good governance.

Furthermore, it should be stated that the Government, upon the recommendation of the Committee, has contacted the ILO Regional Office in Trinidad with a request for technical

assistance on this matter and has been in constant contact with the said Office. The Government assures the Committee that the matters addressed in its recommendations will be duly dealt with in accordance with approved and accepted international standards.

The Government is therefore of the opinion that a third appearance before the Committee will be counterproductive at this time.

Actions undertaken by the Government since the 111th Session (2023) of the Conference include:

- the Government, in its quest to resolve the Committee's case, kept in contact with the ILO Regional Office;
- the ILO Regional Office concluded that the Soualiga Employer Association (SEA) is not recognized by the ILO as an employers' organization and therefore requested the assistance of the Government in facilitating the consultation with them;
- the Government complied with the request of the ILO Regional Office to facilitate a discussion with both the SEA and the Employers' Council of Sint Maarten (ECSM). These meetings were held separately and were facilitated by the Honourable Minister of Labour on 3 August 2023 and 11 September 2023;
- as a result of these discussions, the SEA amended their statutes/articles of incorporation in order to be in compliance with the Convention, and the amended articles were sent to the ILO Regional Office on 5 December 2023;
- the ILO Regional Office confirmed receipt of the amended statutes/articles of incorporation on 5 December 2023 and said that the documents would be shared with colleagues at headquarters in Geneva for review and advice on follow-up;
- the Government met with the ILO Regional Office in December 2023 to discuss the amended statutes/articles of incorporation. The ILO Regional Office took note of the changes and indicated that these were to be sent to headquarters in Geneva for an expert to review;
- on Wednesday, 31 January 2024, a follow-up meeting with the ILO Regional Office and an ILO expert from headquarters in Geneva regarding the statutes/articles of incorporation was held;
- the Government was informed that the amended statutes/articles of incorporation were sent to the Conference Committee and/or the Committee of Experts and that within ten days the Government would receive recommendations from the Committee of Experts on how best to proceed. The expert suggested that the Government meet with the social partners (ECSM) to get their feedback on the matter;
- the Director of the ILO Regional Office concluded that it is the Government's responsibility to appoint the members of the Social Economic Council (SER) Board. As such the Government has begun the process.

The Government requests the Conference Committee's indulgence and understanding with the hope for a positive consideration of its request. The Government will continue to strive for full compliance with international standards as stipulated in the respective ILO Conventions that are applicable to Sint Maarten.

Discussion by the Committee

Chairperson – I invite the representative of the Government of Sint Maarten, Kingdom of the Netherlands, the Minister of Public Health, Social Development and Labour, to take the floor.

Government representative – Upon becoming an autonomous country within the Kingdom of the Netherlands in 2010, Sint Maarten has made a commitment to adhere to all ILO Conventions made applicable to us, and to strive to bring its legislation in line with those Conventions. In this context Sint Maarten has undertaken the following actions:

- We have established a Tripartite Advisory Committee (TPC) to the Minister of Public Health, Social Development and Labour in 2011.
- We have prepared a gap analysis regarding the adherence to Conventions of the ILO. The intention is to eliminate the gaps by bringing the legislation up to par with the Conventions in 2013.
- Tripartite Consultation (International Labour Standards) Convention (No. 144), 1976, was made applicable to Sint Maarten in 2013.
- The Penal Code was amended and the articles prohibiting the right to strike were revoked in 2015.
- A Consensus Document regarding the amended articles in Book 7, title 10 of the Civil Code of Sint Maarten in conjunction with major labour reform, was signed with the social partners in 2019.

The above is clear evidence that the Government of Sint Maarten has embraced the concept of social dialogue from day one and continues to be committed to working towards the further enhancement of that concept.

Sint Maarten, in previous correspondence and reports has made all efforts to address all conclusions and recommendations made by your esteemed Committee. The Government notes, as indicated in the report of the Committee of Experts of May 2024, that the issue of adherence to Article 3 of the Convention still needs further clarification and I will do so now.

The statements previously made by Government that the Soualiga Employers Association (SEA) is a legally established organization, and that section 3 of the National Ordinance of the Social Economic Council of Sint Maarten allows for multiple employer organizations to be represented on the Social Economic Council are statements of fact as laid down in national legislation and upheld by the Joint Court of Justice of Aruba, Curacao, Sint Maarten and Bonaire, Sint Eustatius and Saba.

These statements, however, do not speak to the discussion at hand regarding the manner in which the establishment of the SEA took place.

The Government also notes that the Committee of Experts has stated to have noted with deep regret that the Government has sent nomination letters dated 23 May 2023 to the Employers' Council Sint Maarten and the SEA to ask them to jointly select three members for the term 2023–26 of the Social Economic Council.

The Government acknowledges this fact, however notes that this action was undertaken prior to the session with your esteemed Committee, thus prior to having taken note of your conclusions of 12 June 2023. Based on the aforementioned conclusions the Government has re-evaluated its position and has therefore decided not to include the SEA in the process of

nominating members to the Social Economic Council. The necessary documentation to that effect has been submitted to His Excellency the Governor of Sint Maarten for final approval. The Government considers the action that led to the conclusion that the Government acted in contravention of Article 3 of the Convention “an unfortunate mistake based on good intentions, nevertheless a mistake”. The Government however deems it necessary to state that it is the Government’s duty and obligation to create an environment where all social partners have the equal opportunity to make their voices heard regarding matters affecting them, their members and their communities as a whole. It is equally important that no one organization, including the Government, dominates the narrative as this would conflict with the spirit of social dialogue.

With regard to the rights of workers’ organizations to organize their administration and activities, the Committee of Experts states that it noted with regret that the Government has not provided the information requested whether public employees who were prevented from striking by section 374(a), (b) and (c) of the old Penal Code are forbidden from striking under the most recent Penal Code of 2015. The Committee of Experts also states that it has noted that the National Ordinance on Substantive Civil Service Law has been amended to allow the Courts to forbid strikes which threaten the public welfare or safety, and requests the Government to provide information on the circumstances in which strikes may be prohibited on the basis of that Ordinance.

The Government in its response, dated 18 November 2022, to the observations of the Committee of Experts regarding the right to strike addressed these concerns and will once more do so. Neither the new Penal Code, nor the Civil Code nor the Civil Service Law contain any articles that infringe on the right to strike of any workers in the private or public sector. This right is derived from the European Social Charter Article 6.4 and from case law. Eleven paragraphs of the European Social Charter, namely, Articles 1, 5, 6 and 16 of the 1961 Charter and Article 1 of the 1988 Additional Protocol, remain applicable to Aruba, Curacao, Sint Maarten and the Caribbean Part (Bonaire, Sint Eustatius and Saba).

Article 6 reads as follows: In order to ensure the effective exercise of the right to collective bargaining, the Parties undertake to: (i) promote joint consultation between employees and employers; (ii) promote, where necessary and useful, the establishment of a procedure for voluntary bargaining between employers or employers’ organizations and workers’ organizations, with a view to determining remuneration and working conditions by means of collective agreements; (iii) promote the establishment and implementation of an effective mediation and voluntary arbitration procedure for the settlement of labour disputes; and (iv) acknowledge the right of workers and employers to take collective action in cases of conflicts of interest, including the right to strike, subject to obligations under previously concluded collective agreements.

Employees, public servants, including teachers, or their representative workers’ organizations, have the right to collective action. These employees or their representative workers’ organizations have the freedom to choose the means of action, such as strike.

The Government of Sint Maarten has no intentions or desire to restrict the rights of any person or organization. However, while safeguarding the rights of all individuals, the Government must also make sure that those rights do not infringe on the rights and freedoms of others, and protect law and order, and national security.

The Government also commits to convening a special tripartite consultation meeting with the social partners to evaluate these experiences and decide how best we can move forward

while respecting each other's rights and obligations. The Government looks forward to convening this meeting before year's end.

On behalf of the Government of Sint Maarten, I thank your esteemed Committee for the opportunity for us to be able to convey to you our commitment to adhering to international standards and to recognize the tremendous contribution of the ILO to Social Justice worldwide.

Worker members – This will be the third consecutive time that our Committee has examined the application of the Convention by the Government of Sint Maarten.

We note that this case concerns the practice of the authorities in Sint Maarten which affects the right of organizations to elect their representatives in full freedom and, more specifically, the concerns raised that a Governmental agency in Sint Maarten has established the SEA, an umbrella organization, to represent employers within the tripartite Social Economic Council (SER), to the detriment of the Employers' Council of Sint Maarten (ECSM).

In its 2023 report to the Committee of Experts, the Government indicated that the SEA is a legally established organization, that section 3 of the National Ordinance of the Social Economic Council of Sint Maarten allows for multiple employer organizations to be represented on the Council, and that nomination letters were sent to the ECSM and the SEA to ask them to jointly select three members for the 2023–26 Council's term.

The Committee of Experts noted the persistence of undue interference in the right to freedom of association and requested once again the Government of Sint Maarten to take measures to ensure that the Employers' representatives to the Social Economic Council are only appointed by organizations which are freely established or chosen by employers.

We note that in view of the discussion in our Committee, the Government provided additional information in May 2024, indicating that technical assistance was being provided by the ILO. However, no specifics were supplied as to the framework and scope of the technical assistance, nor was any clarification provided regarding progress made towards the full implementation of the 2023 conclusions of this Committee.

The Worker members wish to reiterate the importance that should be attached to the right for organizations to elect their representatives in full freedom and to be free from any undue interference of the authorities in the exercise of this right, as provided by Article 3 of the Convention.

The provisions in the Convention exist to ensure the independence of the social partners. For the social partners, independence is an absolute concept. A workers' or employers' organization cannot be slightly independent. Any form of Government interference represents an attempt, whether successful or not, to control the behaviour of social partners and is unacceptable.

The Government must take steps to ensure that employers' and workers' organizations can independently and genuinely represent the economic and social interests of their members. We urge the Government to continue to avail itself of the ILO technical assistance with a view to giving full effect to the observations of the Committee of Experts and the previous conclusions of this Committee.

These developments should not detract from the persistent obstacles faced by workers and trade unions of Sint Maarten in exercising their right to organize and to carry out activities. Reports from trade unions indicate that employers in Sint Maarten regularly engage in union busting practices and acts of antiunion discrimination. Employers also interfere in referendum processes for the recognition of collective bargaining units, by artificially lowering the size of

the workforce to under the statutory threshold. Contract workers do not count towards the calculation of the size of the workforce for recognition purposes. Such workers are also particularly vulnerable to antiunion practices as they face non-renewal of their contract, or the threat thereof, if they attempt to establish or join a trade union. The national legal framework does not provide adequate protection to workers against acts of interference.

We urge the Government of Sint Maarten to take the necessary measures to ensure that workers and trade unions are adequately protected against acts of anti-union discrimination and acts of interference, in line with Article 3, paragraph 2 of the Convention.

Finally, the Worker members note that for the past seven years, the Committee of Experts has raised serious issues regarding the right of public employees to take collective action and that these issues remain pending to this day. More specifically, since the introduction of the revised Penal Code in 2015, it is unclear whether the provisions prescribing prison terms for public employees, including teachers, taking part in collective action remain in force.

We recall that no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in collective action. Therefore, we call on the Government to ensure, in law and in practice, that public employees can fully exercise their right to organize and organize their activities and to repeal any provisions in its legislation imposing penalties.

Employer members – I would like to thank the representative of the Government of the Netherlands – Sint Maarten for the explanation on the national situation and for the written information provided. This case is being heard by the Committee for the third consecutive year. We will, therefore, get right to the heart of the matter without repeating the entire history of this challenging case.

Until yesterday, we were faced with the unfortunate lack of total progress on the part of the previous Government to respect the principles of the Convention, despite our Committee's recommendations from 2022 and 2023. However, we were informed informally yesterday afternoon, that the new Government of Sint Maarten has taken the initiative to amend the composition of the employer representation on the country's Social Economic Council (SER).

We have heard similar oral explanations from the Government today. Unfortunately, in the absence of written and verified information, it is impossible for the Employers' group to take a definitive position on this development. It is unclear for example, whether this announcement is merely performative or whether it is in fact an important and meaningful step to resolve the issue of the free appointment of employers' representatives, though we certainly hope it is the latter.

What is at stake in this case? In short, in 2022 and 2023 the Committee requested the Government to refrain from any interference in the exercise by the social partners of their freedom of association in general, and to refrain from promoting organizations that were not freely established or chosen by the workers and the employers of Sint Maarten. The Committee also requested the Government to consult with the organizations of workers and employers in order to designate their respective representatives in the country's Social Economic Council and to provide information on the outcome of the legal appeal concerning the composition of that council.

As already explained both last year and the year before, the Government of Sint Maarten created the SER by national decree following the granting, in 2010, of its semi-autonomy status vis-à-vis the Kingdom of the Netherlands. The SER is intended to be a tripartite economic and social council.

In practice, through the Chamber of Commerce, the Government created the SEA, a so-called representative organization of employers. The Government explains that the SEA is an umbrella organization responsible for representing employers in a balanced way within the SER. This is disputed by the Employers' group, because neither the Chamber of Commerce nor the SEA reflects a freely chosen and freely organized representation of the employers of Sint Maarten.

Unfortunately, Sint Maarten has been without a functioning Social Economic Council for several years, preventing employers and employees from playing their vital role in the governing and legislative process. In particular, the SER-meetings were suspended by the previous Government. It has not been composed, renewed or convened for four years now. During this time, the social partners have not been consulted on social legislation or on the issues affecting their interests, including the preparation of the Government's reports to the ILO, as well as on laws regarding minimum wage, social security and taxation.

In 2023, national legislation pertaining to the SER was amended. Additional requirements were put in place that further restrict the freedom of employers and employees to elect their representatives. A provision to create a member profile by national decree was added and a two-term limit for membership was introduced. These amendments allow the authorities to set up additional criteria for membership eligibility at any time. We note with deep regret that it appears that national legislation has in fact gone in the opposite direction from the recommendations of this Committee.

The ECSM met the previous Government on 3 August 2023, after last year's CAS discussion. On 15 March 2024, it met again with the Government about the division of SER seats as between the SEA and the ECSM. At this meeting with the Prime Minister, the SEA and SER staff, the ECSM was informed about the change to the statutes of the SER. There was little room for discussion, however.

Yesterday, we were informed that the new Government, in place since early May 2024, no longer intends to nominate an employers' member of the SEA to the SER, but rather somebody from a third association. However, we note with concern that this third association appears to have close connections with the Government and thus that the Government still does not appear to have understood the principles of freedom of association provided for under Article 3 of the Convention.

Under Articles 2 and 3 of the Convention, workers and employers are free to form organizations of their own choosing, without prior authorization, and to join them and to elect their representatives in full autonomy. The Government should, under all circumstances, refrain from any interference in this regard. I quote article 3 in full: "1. Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. 2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."

Freedom of association is a fundamental democratic principle, which applies in particular to representative organizations of employers and workers.

As explained in the 2012 General Survey, "Giving globalization a human face", public authorities must respect freedom of association absolutely. The prohibition of any public interference translates in particular into a prohibition on creating, in place of the social partners, a coercive organization or an organization benefiting from preferential treatment.

Last year and the year before, we quoted paragraphs 95 and 108 of this General Survey, which condemn in particular any favouritism, any unequal treatment between organizations and which recommend that the legal framework be limited to a global framework that leaves organizations maximum autonomy in their operation and management. Restrictions on this principle should have the sole purpose of safeguarding the interests of members and guaranteeing the democratic functioning of organizations.

In consideration of the context of this particular case, and as there is no clear criteria contained in national legislation, any action of the Government to unilaterally choose a representative organization should be considered interference in employers' rights to freely elect their representatives.

In conclusion, the Employer members regret that the dialogue between the Government and the autonomous organization of employers has not been able to lead to a satisfactory result, despite the conclusions of our Committee in 2022 and 2023. We, therefore, once again are calling on the Government to take the necessary measures, in consultation with the social partners, to ensure that workers' and employers' representatives on the SER are only appointed by organizations freely established or chosen by workers and employers, as well as to engage in dialogue with the ECSM on issues that affect the interests of private sector employers. This would ensure full respect for the rights of employers and their organizations to form and join organizations of their own choosing, and to elect their representatives in total freedom, and to remedy any interference by public authorities in this regard.

Before concluding, I will make a brief remark concerning the Committee of Experts' comments regarding the exercise of the right to strike. The Employers recall their disagreement with the Committee of Experts' view concerning Convention No. 87 and the right to strike. They wish to emphasize that neither Convention No. 87 nor any other ILO Convention contain rules on the right to strike. This fact has also been highlighted by the Government group in their position statement of March 2015 according to which "The scope and conditions of this right are regulated at the national level." As a consequence, governments can legitimately determine their own approach to the right to strike. The Employers will therefore abstain from commenting on these points.

Worker member, Netherlands – I am the Workers' representative for Sint Maarten, and as the Workers' representative, I would like to highlight the significant issues we are facing, particularly regarding the Convention and the right to strike. These concerns are deeply affecting our workers, especially contract workers, who are often the most vulnerable to abuse and intimidation. I would repeat a lot of what the Worker members' spokesperson said with an elucidation here and there.

When it comes to freedom of association, employers in Sint Maarten are currently allowed to determine who can be represented by workers' organizations. This is particularly problematic for contract workers, who fear that their contracts will not be renewed if they assert their rights to elect representation. Teachers are affected as certain faith-based school boards do not allow representation at their schools. This situation is exacerbated by the Government's role in referendums. It has also come to my attention that the word referendum is not clear, so I will clarify.

In order for a union to gain sole bargaining power for workers, there must be 50 per cent plus one of the workforce that would show interest by registering for the worker representative of their choice in order for a referendum to be organized by the Government mediator. Should a 50 plus one not be achieved, then even those members that would have requested representation would not be allowed to be represented by the workers'

representative as the score needed to obtain sole bargaining power was not achieved despite their being workers seeking representation.

The Government of Sint Maarten acknowledges and recognizes the Convention. However, as explained previously, during referendums, the employer is allowed to decide who can participate in the referendum, or the electing of a union to represent the workers of the company. This often results in employers opting for contract workers to be excluded from the referendum. Repercussions that a contract worker would usually experience are: the non-renewal of the contract, intimidation on the job, and these are among other disciplinary actions.

We, as representatives, knowing the outcome of a contract worker yielding towards representation of the union, tend to go along with the decision or the option taken by the employer, in order not to undermine the workers' rights. The current situation with the Employers' Council and the Government also has an impact on workers as the Social Economic Council is not able to implement its function, thus decisions are being made that can affect the workers negatively as the SER is non-functioning.

I will go over to the right to strike. While the removal of the articles of the old Penal Code that hindered the workers from striking is applauded, the situation regarding the right to strike is still very concerning. In order for workers not to feel intimidated, we, the workers' representatives, use the term "urgent meeting during work hours" even though the outcome is the same; workers down their tools or they strike. This is done as workers are intimidated by the word "strike" because of the consequences that will follow. Employers include clauses in contracts prohibiting strikes or any industrial action, leading to immediate dismissal if these clauses are breached. In the public sector, workers face penalties such as no pay, forced use of vacation time, or warnings if they engage in any form of industrial action. This high level of intimidation discourages workers from exercising their rights.

These issues were discussed with the Government, and there is a commitment to address them in a tripartite session. However, the installation of the Social Economic Council, once again, which is crucial for these discussions, has not yet taken place due to ongoing debates with the Employers' Council and the Government.

Employer member, Germany – On behalf of the Employer Council Sint Maarten (ECSM), I would like to present the following statement. This is the third time in three years that the case Netherlands – Sint Maarten on the Convention is being handled by the Committee.

Employers consider all statements made in the previous sessions as repeated. The same applies to all the Committee of Experts' comments and recommendations. The Convention is a fundamental Convention. The right of freedom of association for employers and employees and their right to freely elect their representatives without interference by the authorities is fundamental.

We refer to the ILO Declaration of Philadelphia in its entirety and Part I(d) specifically. Sint Maarten's Constitution outlines legal regulations in article 81. Sint Maarten's Constitution recognizes freedom of association under its article 12. The Charter of the Kingdom refers to fundamental rights in article 43: "1) Each of the countries is responsible for the realization of fundamental human rights and freedoms, legal certainty and sound governance. 2) Guaranteeing these rights, freedoms, legal certainty and sound governance is a matter for the Kingdom."

It appears to the Employer representative organizations of Sint Maarten, that the fundamental right, the Convention, is not being respected in Sint Maarten. The national

Government has continuously interfered with employer representation and has admitted such to the Committee previously.

The SEA, as the original statutes clearly show, was established by the Chamber of Commerce, a public law entity with mandatory membership on the request of the Prime Minister.

The first time the case was heard by the Committee, the Government made the following statement: "The Minister of General Affairs decided, based on section 2 of the Business Ordinance of Sint Maarten, to mandate the Sint Maarten Chamber of Commerce and Industry to establish a working group to structure an umbrella employer organization. The intention of the Minister of General Affairs was to ensure a balanced structure with respect to the representatives of the umbrella employer organization. The actions of the SHTA, inter alia, to establish the ECSM, have since been perceived as not respecting the democratic process of the Government as prescribed by national law.

These actions are also perceived as an objection to the intention of the Government to ensure that a broad-based representation of employers is established to ensure we adhere to the international normative framework in this regard."

The written comments by the Government in preparation for the 2024 Committee read as follows: "The Government complied with the request of the ILO Regional Office to facilitate a discussion with both the SEA and ECSM. These meetings were held separately and were facilitated by the Honourable Minister of Labour on 3 August 2023 and 11 September 2023. As a result of these discussions, the SEA amended their statutes/articles of incorporation in order to be in compliance with the Convention and the amended articles were sent to the ILO Regional Office on 5 December 2023."

It would appear that the results from various meetings were the Government interceding on the SEA's behalf and facilitating a change in statutes of the SEA. This change of statutes amounted to erasing all reference of the Government instruction to the Chamber of Commerce and Industry, a public law entity with mandatory membership, to establish the SEA. It is the Employers' understanding that the authorities communicated with the ILO regarding changing SEA statutes, since the ILO does not recognize the SEA. This would again appear to be interference on the part of the authorities.

The often-repeated recommendation for dialogue was not followed up on by the authorities. In 2023 national legislation pertaining to the social economic council was changed. Additional requirements were put in place that restrict the freedom of employers and employees to elect their representatives. A provision to create a member "profile" by national decree was added. This would in fact allow for the authorities to set additional criteria for membership eligibility at any time, bypassing a parliamentary vote that doing so by law would require.

A two-term limit for members was also introduced in the national legislation. Employers feel this is a restriction on their right to freely elect their representatives. It should be the sole right of employers and workers to decide whether they nominate their representatives for more than two terms.

On the morning of 7 June 2024, the ECSM was informed that the Government no longer intends to nominate a member of the SEA to the SER. This nomination will not be done by the ECSM, but by a third organization. ECSM was established by four recognized employer organizations. Collectively ECSM represents approximately 420 employers and approximately 7,000 jobs, that is about 30 per cent of the national workforce.

Employers question on what basis this third organization is deemed representative for employers by the authorities. It was clearly not deemed representative by the authorities over the course of the last three years, and never mentioned in the Committee before. Indications are that this third organization was, much like the SEA, established through facilitation of the Chamber of Commerce and has the Chamber of Commerce as an Honorary member.

Where the representativity of employers' and workers' organizations participating in social dialogue at national level, such as in the Social Economic Council, is concerned, it would appear that in the absence of objective, pre-established and precise criteria to determine the representativity of any organization of employers established in legislation, the authorities continue to exercise a wide margin of discretion.

In consideration of the context of this particular case, since there is no clear criteria contained in national legislation, any action of the Government to unilaterally choose a representative organization should be considered interference in employers' rights to freely elect their representatives.

It would appear that the authorities have not followed the Recommendations of the Committee of Experts where it pertains to bringing national legislation in line with the Convention. To the contrary, it appears that national legislation now contains more conflicts with the Convention. One of the results of the national authorities' actions is that for over a year, no appointments have been made to the Social Economic Council of Sint Maarten.

A higher advisory council established by law, was made up of representatives of employers, workers and independent members to advise our national Government. An entity whose advice is mandatory when it comes to legislative changes in many areas such as minimum wages and social security. This is a de facto suspension of the highest level of social dialogue, unilaterally by the national authorities, without any legal basis. Not only does this appear to employers as a violation of fundamental rights, it also violates the principles of legal certainty and sound governance. While these points fall under the national Government to realize, they fall under the kingdom Government to ensure.

In conclusion, the ECSM hope that with the attention provided us here, the recommendations from the Committee and the Committee of Experts will provide clear guidance to both the national Government as well as the kingdom Government, to ensure both employers and workers have access to their rightful spaces, as prescribed by the Convention, by law, which is fundamental to the proper functioning of our constitutional democracy.

Observer, Public Service International (PSI) – We would like to echo the comments raised in her intervention by the Workers' representative of Sint Maarten and stress the importance of complying with the fundamental principles enshrined in the Convention, also in practice.

We would also like to underline that many of these issues were previously raised by the Workers' representative during the discussion in 2023, and we hope that they are duly acknowledged in the conclusions of this case.

In this regard, it was mentioned that in Sint Maarten, the ability of workers to freely organize and be represented by Workers' organizations is compromised, and that employers seem to have the ability to determine who can be represented by these organizations. This situation is especially problematic for contract workers who live in constant fear that asserting their rights will result in their contracts being terminated. This fear, in addition, creates a culture of silence and compliance, where workers are unable to advocate for better conditions or challenge unfair treatment without risking their livelihood.

Moreover, employers seem to have the ability to decide who can participate in referendums on union representation. This often leads to contract workers, again, being excluded to avoid conflict, effectively undermining their rights and perpetuating a cycle of neglect. Incidentally, the threshold for these referendums, 50 per cent plus 1 of workers – seem to be excessive, as per previous observations by the Committee of Experts.

Teachers, particularly those in certain faith-based schools, face significant barriers as some school boards do not allow representation at their institutions. This exclusion is not just a violation of their rights but also a step back in ensuring a fair and equitable working environment for all educators.

While we acknowledge and applaud the removal of articles in the old Penal Code that prevented workers from taking industrial action, the situation in practice remains problematic.

It was mentioned that employers frequently include clauses in contracts that prohibit any form of industrial action and that breaching these clauses often leads to immediate dismissal, effectively silencing workers and stripping them of their right to protest unfair conditions. Also, in the public sector, workers who engage in any form of industrial action face penalties. This level of intimidation, as we all know, is a powerful deterrent, discouraging workers from exercising their legitimate rights to collective action and protest.

We heard that these issues have been brought to the attention of the Government, and there is a commitment to address them through tripartite discussions, which we celebrate. However, the establishment of the Social Economic Council, which is essential for facilitating these discussions, has been delayed due to the ongoing discussions between the Employers' Council of Sint Maarten and the Government. This delay is unacceptable and further compounds the challenges faced by workers.

Therefore, to conclude, we hope that the Government gives due consideration to the Employers' group's concerns in this case and restores the capacity of the Social Economic Council to address and resolve important issues raised by the Workers' delegate.

Chairperson – I give the floor to the representative of the Government of Sint Maarten for her concluding remarks.

Government representative – We have taken note of the comments made by the social partners especially those of the Worker representatives of Sint Maarten and others. We will weigh those comments when finalizing our path forward.

We have already committed ourselves to convene a session with our social partners being employers' and workers' representatives on the Tripartite Committee to discuss the implications of ILO Conventions Nos 87 and 144. I am convinced that once we conclude that exercise, we would be in a better position to resolve the challenges encountered.

It would be remiss of me not to mention that although it is constantly mentioned here about the SEA and the Chamber of Commerce input in the SER, at this time, those two organizations are not included in our SER. I have also taken note of the ECSM's standpoint as was brought forward by their representative, in indication that the Government has close ties with the third Employer organization, this, I can emphatically say, is not so. The Prime Minister has met with the ECSM representatives and up to two days ago felt as if we were on the right page. It is very important for our small community to have the SER, the tripartite organization in place. Not having it in place hampers a lot of our decision-making on the island. As such, we emphasize that we are doing everything possible to put the SER in place. Our new Government

was sworn in on the 3 May 2024, a little bit more than a month ago, and we have since tried to put the SER in place.

Employer members – We thank the various speakers, including notably, Madam Minister, representing the Government of Netherlands Sint Maarten.

On the substance, we insist on the fact that the Convention is a fundamental convention and that as such, it requires special attention from the ILO, from Governments and from social partners. Our position with regards to Netherlands Sint Maarten is clear: we do not compromise on the freedom of association of employers. The Employer members therefore urge the Government to take immediate and effective measures to ensure that, both in law and in continued practice, freedom of association for employers is fully guaranteed in its territory.

We ask the Government to take the following measures:

- define objective criteria of representativeness of social partners organizations, in order to avoid arbitrary political decisions;
- start an effective dialogue with the Employers' organizations on the composition of the Social Economic Council (SER), in full respect of the Convention;
- take the necessary measures, in consultation with the social partners, to ensure that workers' and employers' representatives on the SER are appointed by organizations that are completely autonomous and freely established by workers and employers;
- fully respond to the Committee of Experts' comments that have remained pending since 2017. We emphasize relevance of regular reports and the importance of their quality, in order to be able to assess the effective progress in law and practice in the application of the Convention.

To follow up, in a constructive manner, on the conclusions of our Commission, we urge the Government to request technical assistance from the ILO, with a view of bringing the national situation into conformity with the Convention. We really hope to see a positive approach by the Government to ensure that this national case does not need to appear for a fourth time before our Committee.

Worker members – Thank you to the Minister from Sint Maarten for her helpful and constructive remarks. We also thank all the speakers who took the floor. We welcome the information provided by the Government indicating that the Soualiga Employers' Association has been excluded from the composition of the Social Economic Council, which gives us hope that this matter will finally be resolved. We trust that the Government will follow up its positive statements with actions carried out in consultations with the social partners and with the continued assistance of ILO technical assistance. We look forward to hearing further evidence of the Government's commitment through the ILO, which we hope will also be confirmed by our Worker colleagues in Sint Maarten. We emphasize that the authorities have an obligation to promote and ensure the effective application of the Convention, including the rights of organizations to elect their representatives and to establish higher-level organizations in full freedom as prescribed by the provisions of the Convention. Furthermore, we urge the Government of Sint Maarten to take the necessary measures to ensure that workers and trade unions are adequately protected against acts of anti-union discrimination and acts of interference in line with Article 3(2) of the Convention. Regarding the right of public employees to take collective action, we call on the Government to ensure in law and in practice that public

employees can fully exercise this right and to repeal any provisions in its legislation imposing penalties.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

Taking the discussions into account, the Committee requested the Government to:

- **define in meaningful and effective consultation with respective social partners, criteria of representativeness of employers' and workers' organizations that are clear, pre-determined and objective;**
- **engage in meaningful and effective dialogue with workers' and employers' organizations on all matters affecting their interests or of their members, in full compliance with the Convention, including on the composition of the Social-Economic Council (SER); and**
- **take the necessary measures to ensure that workers' and employers' representatives on the SER are only appointed by fully autonomous organizations freely established or chosen by workers and employers and convene the SER without delay.**

The Committee requested the Government to provide information on the above measures including all outstanding information requested by the Committee of Experts by 1 September 2024.

Government representative – The Government has taken note of the comments made by the various parties who gave their opinion during this hearing and thanks them for their input.

I believe that the Government of Sint Maarten has addressed the most important points brought forward by both Employer and Worker representatives. The Government has withdrawn its request to the SEA to nominate representatives to be appointed as member and substitute member respectively. The Government has requested technical assistance from the ILO as was concluded by your Committee. The Government commits to organize a session with the Tripartite Committee on Labour to discuss the way forward in compliance with Conventions Nos 87 and 144.

As was stated in the presentation on Monday, it is the Government's duty and obligation to create an environment where all social partners have equal opportunity to make their voices heard regarding matters affecting them, their members, and their communities as a whole. It is equally important that no one organization, including the Government, dominates the narrative as this would be in conflict with the spirit of social dialogue.

Sint Maarten will put action to the words spoken at this hearing and I am confident that the Government and the social partners will resolve these matters in the spirit of social dialogue.

In ending, allow me on behalf of the Government of Sint Maarten to thank you, the members of your Committee and all who have, in one way or the other, gave their input during this hearing. A special thank you to the delegation members of the Netherlands, Aruba and Curaçao for their support and advice.

Nicaragua (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Discussion by the Committee

Chairperson – I invite the Government representative of Nicaragua, Her Excellency the Minister of Labour, to take the floor.

Government representative – The President of the Republic of Nicaragua, Mr Daniel Ortega Saavedra, and the accompanying Vice-President, Ms Rosario Murillo Zambrana, convey their greetings to you, Mr Chair, and to all involved in chairing this Committee.

Today, on behalf of the State of Nicaragua, I refer to the report of the Committee of Experts, in which we have noted repeated references to the complaint of the International Organisation of Employers (IOE), which has been making allegations of non-observance of the Convention, further to the conclusions of the Committee of Experts urging our Government to implement the recommendations made by the Conference Committee and to provide information in consultation with the social partners in the country.

In this regard, and on behalf of the Government of Reconciliation and National Unity, I would like to make the following points. We once again uphold our position and utterly reject the content of the Committee of Experts' report referring to violations of the Convention. We obviously consider that this content lies outside the labour law context of the ILO in accordance with the provisions of its Constitution and Regulations. Rather, this represents ongoing politicization with arguments outside the logic, spirit and mandate of the ILO, since this subject has already been reviewed, reported on and addressed in depth at the 110th and 111th Sessions of the International Labour Conference. We therefore request the Committee of Experts that this complaint be withdrawn from the report since it is outside the context of discussion of this important Conference in which Member States appear in order to address and resolve issues connected with the working lives of Nicaraguans.

Furthermore, with regard to the ILO recommendation on amending sections 389 and 390 of the Labour Code of Nicaragua, the State of Nicaragua indicates once again that, in line with the principle of sovereignty established in our Political Constitution, this decision to reform and adopt laws and standards or legal provisions is strictly for the sovereign people of Nicaragua to make. It does not derive from recommendations which ultimately affect labour rights restored for the benefit of Nicaraguan families who have been both recipients and supporters of improvements to a national plan for poverty reduction and human development, which is designed and implemented strictly to ensure the well-being of Nicaraguan families and, consequently, stability in their work.

Article 98, second paragraph, of the Nicaraguan Constitution provides that the Nicaraguan workers shall participate in dialogue or strike processes in Nicaragua, our Labour Code provides that workers have the right to strike. And these dialogue processes have enabled the immediate resolution of labour disputes or strikes as a very important strategy for making progress towards the eradication of poverty in defence of the social and labour harmony of our country, because when a strike occurs, not only does this slow down the economic development of enterprises but it also affects workers and their families.

Thus, the State of Nicaragua has been ensuring compliance with our laws, the Political Constitution, our national labour laws and the ratified ILO Conventions. In this way we will

follow up and continue to ensure the right to the freedom to organize of the Nicaraguan workers, so that they can fully exercise the right to establish trade unions, to carry out their union activities in full freedom, and to formulate their programmes within each federation, confederation or union. The workers can participate and indeed have done so in the running of enterprises through their unions, that is to say, they are part of the full and active management of every enterprise.

Moreover, the State of Nicaragua has been duly informing the ILO, through the corresponding reports, of compliance and ongoing progress in unionization in all sectors of the national economy. As we have said and demonstrated, these reports have been transmitted to the most representative workers' and employers' organizations in the country.

In light of the above, the State of Nicaragua will continue this firm commitment to work for the well-being of Nicaraguans, who are fully entitled to organize in the union which suits them best. We firmly emphasize that we reject all comments or interference, regarding internal matters, that undermine peace, sovereignty, and the labour and social stability of Nicaraguan families.

In short, we reiterate this ongoing commitment to go further, that the Government of Reconciliation and National Unity has been working in unity with the workers of Nicaragua and to achieve the common objective of the restoration of the labour and social rights of the people of Nicaragua. These include the right to ongoing labour stability and freedom of association, and so we can assure you here and now that all the registration applications made to the Ministry of Labour have been addressed, these have been duly certified and have been delivered to all the trade union organizations concerned.

We are also defending peace and social harmony and strengthening tripartism through various forms of dialogue in the National Minimum Wage Committees, the National Occupational Safety and Health Council, and the territorial committees, in order to speak directly with the workers, and all dialogue and conciliation processes aimed at restoring workers' rights. We are also strengthening a collective agreement which brings ongoing improvements to each sector for the workers, including the working women of Nicaragua.

We can tell you categorically that freedom of association in Nicaragua is a fact. Since 2007 we have had clear reports, and we are dealing with the reports of the first quarter of 2024.

As a result of this development of policies of promotion and growth, of unionization driven by our Government of Reconciliation and National Unity, we can tell you that during the period from 2007 to the first quarter of 2024, a total of 1,649 new trade unions have been established, with a founding membership of 56,266 workers.

A total of 18,391 unions have been updated, with a total membership of 656,137 men and 571,096 women, giving a total of 1,234,000 men and women workers belonging to different organizations, which also enjoy freedom. Women and young people play an active role in trade unions and from that basis they defend the sacred right to stability in employment, which will enable us to achieve our future aim of eradicating poverty.

We have this evidence of freedom of association, where no request for registration of a union has been obstructed, where there are no complaints from workers who have been denied certification for exercising their full right to freedom of association. This is the clear position of the Government of Nicaragua, this is the one we maintain, this is the course we have adopted towards the development of a people which has worked ceaselessly, regardless of any situations that have arisen.

Worker members – Allow me to begin by saying that many of the issues which will be examined by our Committee with regard to Nicaragua are already being examined by the Governing Body.

In fact, several Employer delegates made a request at the last session of the Conference calling for a Commission of Inquiry to be set up under article 26 of the ILO Constitution. Since then, the Governing Body has made a series of recommendations to the Government regarding the application of Convention No. 87, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). These recommendations do not differ either from the conclusions of our Committee or from the recommendations of the Committee of Experts.

This is the third year in succession that our Committee is examining the application of the Convention by the Government of Nicaragua. At its last session, our Committee reached a series of conclusions, including requests to the Government to cease all acts of violence and persecution against the social partners, and to promote social dialogue through the establishment of a tripartite round table.

Nicaragua was also urged to avail itself of ILO technical assistance. As the Committee of Experts indicated, there is no indication that the Government has taken any steps to give effect to the recommendations made by our Committee in 2022 and 2023.

In particular, it does not appear that any efforts have been made to establish a tripartite dialogue round table under the auspices of the ILO. In this regard, as we already said last year, we urge the Government to provide the Committee of Experts with all information on any measures taken to ensure compliance with the recommendations.

I would like to reiterate the systematic position of the Workers' group both in our Committee and in the Governing Body with regard to Nicaragua.

We fully support the principle that all governments must respect freedom of association. We are bound to emphasize, as recalled by the Committee of Experts, that the rights protected by the Convention are totally devoid of meaning when there is no respect for fundamental freedoms, the right to protection against arbitrary detention and imprisonment, and the right to a fair trial by an independent and impartial tribunal.

The Committee of Experts has noted with concern a series of arbitrary detentions against leaders of the Higher Council for Private Enterprise (COSEP) of Nicaragua. Moreover, both the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights has urged the Government to proceed with their immediate release.

In this regard, we once again request the Government of Nicaragua to provide the Committee of Experts with all material information relating to the accusations made against these employers, the legal or judicial proceedings instituted, and the outcome thereof.

We are bound to emphasize, echoing the Committee of Experts, the vital importance of tripartite social dialogue to make progress. Consequently, the Workers' group also requests the Government to enable this dialogue and to include the guidance provided by the ILO.

We reiterate the recommendation that we made last year, namely we urge the Government to establish without delay a tripartite dialogue round table and to avail itself of ILO technical assistance to comply fully with its obligations under the Convention.

A vital element that forms part of the comments of the Committee of Experts on the application of the Convention by Nicaragua is connected with the amendment of sections 389

and 390 of the Labour Code, which provide that collective disputes shall be submitted to compulsory arbitration after 30 days have elapsed since the strike call.

We echo the comments of the Committee of Experts that the imposition of compulsory arbitration to end a strike, in cases other than those where a strike can be limited or even prohibited, is contrary to the right of workers' organizations to organize their activities and formulate their programmes in full freedom.

We note once again the Government's efforts to reinforce the right to freedom of association, in which it provided the ILO with information on the number of trade unions established and the number of their members. However, the Workers' group recalls that a climate of violence, coercion and threats of any kind directed against workers' and employers' organizations is not conducive to the free exercise and full enjoyment of the rights and freedoms established in the Conventions.

In this regard, we call on the Government to cease all acts of violence, threats, persecution, stigmatization and intimidation in relation to the exercise of legitimate activities by the social partners.

We therefore urge the Government of Nicaragua to provide all the information requested by the Committee of Experts in this regard and to take all the necessary measures, with ILO technical assistance, to comply with its recommendations.

Employer members – We thank the Government representative of Nicaragua for her greetings and the information presented.

Sadly, we also note, since the beginning of her intervention, an explicit rejection of the reports of the Committee of Experts, and of the recommendations made by this Committee. However, the Workers, the Employers and the Committee of Experts all observe an extremely serious situation which violates freedom of association.

It seems to me that the Government should become aware of this discrepancy of views and really open up to the possibility, using the tools provided by the ILO, to seek dialogue, understand the issues and seeks solutions, where necessary. In our view, sticking with false claims that problems do not exist is of no help. We believe that the proximity of the Office – the International Labour Organization, an organization of good faith – together with tripartite support from the sectors, can be of great help in resolving this problem.

This case is of special importance for everyone and hence for our group, on account of the serious, recurrent violations of the Convention which can be seen with complete clarity in the report of the Committee of Experts.

This case has been discussed many times in the Committee, more than we would have liked, and sadly without recording positive results. It suffices to recall the work done, the various declarations made, the actions taken and the conclusions formulated in this regard, particularly in 2022 and 2023, let alone going back any further. However, despite the consistency of the requests made to the Government, the deep concern and encouragement expressed, the Government still has not taken any steps to guarantee the free and full exercise of the right to organize by either workers or employers. Nor do we find any positive response to at least 19 observations made by the Committee of Experts since 1991 on this Convention alone, and during this new phase within the Conference Committee, in 2022, 2023 and now in 2024.

Regrettably, this year we observe once again that the Committee of Experts reiterates its deep concern at the lack of progress and the absence of positive reports by the Government

regarding the familiar non-observance of the obligations entered into within this Organization, observing in the various reports received that the conditions we are examining are still the same and surely getting worse. We suppose that everyone here in this room shares the enormous concern arising from this.

The case that we are looking at today is no different from that of previous years. The main facts and conditions observed in 2023 were as follows: detention and prosecution of leaders of workers' and employers' unions; confiscation of private property of employers' leaders; eviction of a number of union leaders and stripping of their citizenship; smear campaigns against the employers' organization; removal of the legal personality of 19 employers' organizations, including COSEP, an old organization which has represented the employers for many years at the ILO, for supposed non-compliance with the laws that govern them; seizure of private property and freezing of the accounts of dissolved trade unions; accreditation vis-à-vis the Conference of organizations close to the Government with a view to replacing the most representative employers' organization, which everyone knows to be COSEP.

In this regard, this Committee, in its previous conclusions, especially in 2023, observed with deep concern that there persists a climate of intimidation and harassment with regard to independent workers' and employers' organizations, and also allegations of arrest and detention of employers' leaders and a further deterioration in the situation.

The lack of progress or cooperation on the part of the Government is quite clear. The Government was urged, *inter alia*, to: ensure that workers and employers can establish their own organizations and operate without interference from the Government; cease all acts of violence and intimidation against individuals and organizations in connection with the exercise of legitimate trade union activities and the activities of employers' organizations; release employers and trade unionists imprisoned in connection with the exercise of the legitimate activities of their organizations; establish without delay a tripartite dialogue round table, with ILO technical assistance, which respects the representativeness of the organizations, proposed by the workers and with which we totally agree.

These agreements were tripartite, and now we find, in line with the observations of the Committee of Experts, that nothing has happened and no effect has been given to the recommendations. However, these are the results of discussions in this Committee and these have been addressed in other bodies within this Organization and in the context of the United Nations (UN) and other bodies.

Not only have no steps been taken with regard to the alleged facts but the Government also denies most of them, stating that – as we have just heard, and I quote – “in the country there is full freedom of association without any kind of discrimination, no trade union leaders have been deprived of their freedom for exercising the right to organize or carry out union activities, there are no restrictions on the freedom to organize, and there is no trade union persecution or repression”. Issues that are not recognized cannot be resolved.

Meanwhile COSEP has not recovered its legal personality and remains dissolved, in violation of Article 4 of the Convention, and its leaders have been unable to recover their Nicaraguan nationality or their property or that of the dissolved organizations. Furthermore, recently we have had to lament the death of one of our leaders in exile, Mr Michael Hayley.

Here we are speaking of events which demonstrate that the social partners are not protected in Nicaragua by the provisions of the Convention under discussion in this Committee. Moreover, as indicated by the Committee of Experts, allegations have been made in this context regarding the most flagrant human rights violations, a situation which has been

addressed by various UN bodies, including the Human Rights Council, the Group of Human Rights Experts on Nicaragua and the Inter-American Commission on Human Rights.

We agree with all the comments made by the Committee of Experts which appear in the report, though I will not repeat them here. Nor will we make any statement on the subject of strikes. You know what the Employers' position on this and I do not think it would serve any purpose to repeat it.

We are still very concerned, we hope that the Government will raise its awareness and will understand that what this Committee is doing is to reach out in order to find a way whereby, through technical assistance, we can identify issues much more closely, speaking with the social partners, with those affected in this way, listening to the problems. In this way legitimate solutions to these issues can be sought.

Rather than sticking to entrenched positions, here we have the possibility to continue moving forward with the tools provided by the Constitution. But the problems in Nicaragua persist, and the situation of the workers and employers stays the same, and frankly this is of no use to anybody.

I will now break off to listen to the other already registered speakers with a view to making a second statement with a submission and a concrete proposal on this matter.

Worker member, Nicaragua – I am speaking on behalf of all our country's trade union confederations, without exception. From the outset we want to make clear that we do not accept this Committee's treatment of our country's case as a violation of the Convention; doing so constitutes a continuation of the political attacks on our country. Regrettably, this body continues being used to repeat the disinformation promoted by those who think they are the masters of the world.

You should note that although these individuals have rejected the right to strike as set out in the Convention, which is the right that underpins freedom of association, in their obsession to attack our Government they argue for it before this Committee.

It should be recalled that it is the private employers' sector that restricts and attacks workers who decide to organize in trade unions.

Furthermore, these individuals who claim to represent the employers of my country do nothing but voice opinions and information controlled by mercenaries of disinformation. Their accusations do not differ at all from those of the governments that promote attacks and interventions against our country.

The individuals who claim to represent the employers of my country lean on certain arguments without being familiar with the reality in Nicaragua. While the principle of tripartism is upheld by employers and workers like us, who believe peace to be essential to our country's development, a group of persons clinging to powers not granted to them under the country's legal system attempted to mount a coup d'état to destroy the progress made in our country's economic, social and political sectors.

While these individuals who claim to represent the employer sector in my country point fingers without providing evidence, trade union officials have been detained on totally false grounds for undertaking union activities. We challenge them to provide details of their accusations, because we, for our part, are able to recount how the persons that they are defending murdered Mr Bismark Martínez, a union official in the municipality sector, and Mr Alfredo Jirón, a union official in the education sector.

We can also list the workers who were abducted and tortured by the perpetrators of the attempted coup d'état who they are so keen to defend. More than 250,000 workers in the private sector, who were used to further these individuals' political interests and create instability, were dismissed, with a significant effect on their families.

Our development model is based on dialogue and consensus, something that was broken by those who answered the imperialists' call to destabilize and damage the economy.

If you take the time to read the newspapers from 2018, you will see how one of the main tactics of the perpetrators of the attempted coup d'état was to call on their representatives to abandon the tripartite committees.

During national dialogue promoted by the Government they demanded the resignation of the President, claiming not to be interested in the economy, and asked him to eradicate the so-called "roadblocks of death" promoted by the perpetrators of the attempted coup. Today they whinge, beat their chests and claim to be victims.

Their argument that Nicaraguans' human rights are being violated could not be further from the truth: is it a human rights violation when 99 per cent of homes have electricity? When public education, from preschool to university, is free? When 1.2 million children receive free food at school? What is more, more than 70 hospitals – with another 7 under construction – provide free care to the population, projects to improve access to drinking water are under way and road infrastructure is being built to transport persons and goods. Why are we mentioning this? Simply because these are sources of employment for families, for the children of the workers who benefit from these social projects. Let us discuss human rights based on reality, not on unfounded assumptions.

Committee members, the obsession of those who claim to represent employers in my country drives them to use this forum to express their discomfort with a country that respects itself. They do not condemn or note the economic attacks on Nicaragua by the countries "in the back yard" of the country that sees itself as the "master of the world", thereby harming the Nicaraguan economy and hence our people.

The Sandinista Government led by Commander Daniel Ortega has demonstrated flexibility and openness to dialogue according to the principles of respect, sovereignty and self-determination. The working class, despite the criticisms and attempts to discredit us, therefore lends its unconditional support to the Government's policies and actions.

While we discuss unfounded issues like this case, thousands of children are being murdered by the bombs and weapons wielded by the Zionists against the Palestinian people. The United Nations and its mechanisms are incapable of halting that genocide, its resolutions on ceasefires are not recognized by the Government that is supplying the weapons or the Government that is murdering civilians in Gaza.

Those who consider themselves to be the world's guardians, arguing in favour of guaranteeing their national security, push for soft coups, using the bodies of the United Nations as tools at their service. Nicaragua, dignified and proud of its history, will not be subdued or submit to the orders of the imperial master. In that regard they have not succeeded, nor will they.

(The Chairperson interrupts)

Chairperson – Sir, as the Chair, I would like to remind you that according to the rules of decorum all of those in the room have agreed to follow, your intervention should be focused on the subject of our deliberation. Thank you and I count on your understanding.

(The Worker member of Nicaragua continues.)

We repeat our regret that this sector, which claims to represent the employer sector in my country, is using this forum to convey interests unrelated to labour issues. Its political agenda includes the denial of any information that does not align with its interests or the position taken against our country.

As trade union officials, we continue to support dialogue and peace, which are vital elements of the country's development. When I read and listen to the arguments put forward by these individuals, I wonder, do they not have any information on labour in our country? And I wonder this because we continue to negotiate with employers and increase the minimum wage; we continue to negotiate and sign collective agreements, including with transnational companies through their representatives; we continue to fulfil our responsibility to protect work environments, together with company representatives. Do they realize that most employers in Nicaragua are not aware of the International Organisation of Employers (IOE)? It seems to be a closed-off world for a privileged few.

No one should claim to be representative if that representativeness is not based on the express mandate of those whom they represent. No one can call themselves the majority if they are unable to prove it.

As trade unions, we represent and answer to our members, whereas non-governmental organizations are private and do not answer to any sector in Nicaragua.

There is a legal framework, and the trade union movement is respectful of, and complies with, the mandates set out in our Labour Code. However, we know of non-profit foundations that do not respect the legal framework that governs them.

We request respect and support for our process of dialogue and consensus, which we undertake according to the principles of our sovereignty and the freedom that we as a people enjoy today.

We resolve any difficulties or problems that arise through respectful dialogue. The main enemy of Nicaragua is the poverty that it inherited after the imposition of neoliberal policies, and we are on the path to economic growth, which involves the continued improvement of Nicaraguans' living standards.

Nicaragua is a peace-loving country, and for that reason we desire calm. We ask the Committee to listen to us, to at least think twice and not to reject our arguments, because they are the lived reality of Nicaraguans. We live in peace, tranquillity and harmony, and our growing economy is improving Nicaraguans' living standards. It seems, however, that no argument is accepted when an ideology has taken hold. For that reason, we ask all members of this Committee to listen to Nicaragua, to listen to the workers, because there is no more genuine development than the popular Sandinista revolution, which we therefore defend, because it grants us a forum in which we workers may voice our views, have influence and determine the policies developed by our country.

If you would like to see how workers use their power, visit Nicaragua, get to know Nicaragua, go with an open mind, do not go with biases promoted by the transnationals that have spread disinformation and falsehoods. We will respect, safeguard, protect and defend our revolution at all costs.

Employer member, Nicaragua – On 7 February 2024, we were invited by the ILO through the Ministry of Labour of Nicaragua to the 112th Session of the International Labour Conference, as tripartite constituents and as employers for the fourth consecutive year.

I have heard a number of speakers here express great concern about aspects of Nicaragua that bear no relation to the objective of this Conference.

Regarding our participation in the Conference, we have reviewed its content and, in particular, we have reviewed statements that lack objectivity and are far removed from the national reality, with a total lack of awareness, or with interests that distort our country's economic and labour activity. So much so that, as an Employer member, we are prompted to make a number of recommendations from the Nicaraguan business sector to the Committee of Experts, concerning Nicaragua's alleged non-observance of the Convention, to ensure that they are not tainted by political considerations.

In this regard, I would like to make the following comments on relevant aspects of our country with the participation of the private sector, the workers and the Government of Nicaragua.

For several years now, the minimum wage for workers has been defined jointly by the members of the tripartite committee with the participation of the most representative organizations.

The nation's economic and social situation continues to experience solid growth in 2024, trending at 4.5 per cent, according to the latest official economic indicator, demonstrating that the economy is on track to end the year at 5.6 per cent growth. This means that the economy is performing well and this year's prospects are good, exceeding initial projections, and reflecting a positive outlook for both consumption and investment.

There has been substantial private investment in trade and services, while foreign investment has experienced significant growth, particularly in road infrastructure works, bridges, health, primary-care facilities, stadiums, drinking water and sanitation projects, and other strategic development projects, such as deepwater ports in the Atlantic, a new airport and a railway development plan, and the provision of means of transport.

The measure implemented at the beginning of the year to establish an exchange rate slippage of 0 per cent of the córdoba against the US dollar has bolstered financial stability, boosted credit and prompted an increase in consumption. It has also contributed to an increase in international reserves, thereby demonstrating greater economic robustness. International reserves exceed 5.7 billion US dollars, the highest level ever recorded in our country. This was recently confirmed by the Fitch credit rating agency, which rated us as B+.

We permanently monitor the country's economic situation, the development of Nicaragua's business sector, and all aspects of welfare and the working environment, to improve competitiveness, effectiveness and efficiency, and thereby strengthen the business sector.

We are aware of measures that encourage trade unionism and the right to organize in all enterprises and active agents in the country. The complaints submitted to the ILO are highly politically charged and, in the absence of concrete, verifiable and credible evidence, are unanimously rejected by all members of the employers' sector.

Regarding freedom of association and the protection of the right to organize, the number of trade unions has grown, and the labour authorities ensure that they are freely organized in enterprises by creating conditions for their development through the establishment of labour agreements protecting workers' interests.

We have held meetings and reached agreements with the entire Nicaraguan business sector, regardless of political or religious affiliation, to consolidate joint work for Nicaragua's

economic and social development and sustainability, in order to strengthen the substantial progress achieved in the economic and business sector in recent years.

We will continue to support the Government of Nicaragua's economic and social programmes, by participating actively in the investment processes in the national economy's various sectors, particularly those benefiting development, the technical capacity of our workers and the sustainable growth of our enterprises.

Before ending, I would like to take this opportunity to congratulate the ILO staff and recognize their hard work and, in order to improve and to achieve the results set out in the Organization's objectives, we request or recommend that the ILO define initiatives to help eliminate political approaches by the members of the corresponding committee, to avoid wasting time, unnecessary discussions and, worst of all, interference in matters that should only be dealt with by peoples and governments exercising their sovereignty.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Montenegro, North Macedonia**, the **Republic of Moldova** and **Ukraine**, and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and Central America, including Nicaragua, have an Association Agreement which has recently entered into force. Its objectives are to develop and deepen a privileged political and economic partnership based on values, principles and common objectives.

We remain concerned about the labour rights situation in Nicaragua, including reported acts of intimidation and harassment against independent workers' and employers' organizations as well as the allegations of arbitrary arrests and detentions. Various United Nations (UN) bodies including the United Nations Human Rights Council have also expressed their concern at the human rights situation, including the destruction of civic and democratic space in Nicaragua. We deplore the fact that human rights violations are continuing in the country.

We regret that the authorities have failed so far to follow up on the 2022 and 2023 conclusions of the Committee. We reiterate the conclusions adopted last year urging the Government to immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations.

We note that the Government of Nicaragua reiterates that since 2007 it has been working to ensure the restoration and protection of the labour rights of workers through tripartite dialogue, but we regret that, despite the Committee urging the Government in 2022 and 2023 to promote social dialogue without delay through the establishment of a tripartite dialogue round table under the auspices of the ILO, no tangible progress has been made on that matter. We therefore call on the Government to establish without delay a tripartite dialogue round table.

Noting the serious non-compliance with this fundamental ILO Convention and the absence of progress, despite several discussions in this Committee and more recently in the Governing Body, we urge the Government to adopt as soon as possible, in consultation with the social partners, each and every measure that it has been invited to take by the Conference Committee. We request the Government to provide information to the ILO in this regard. We also invite the Government to accept ILO technical assistance to that effect.

We reiterate the Committee of Experts' call to amend sections 389 and 390 of the Labour Code, which provide that collective disputes shall be referred to compulsory arbitration once 30 days have elapsed since the calling of the strike. Under the terms of Convention No. 87, the imposition of compulsory arbitration to end a strike, beyond the cases in which a strike may be limited or even prohibited, is contrary to the right of workers' organizations to organize their activities and to formulate their programmes in full freedom.

While noting the information provided by the Government that it is continuing to promote initiatives in support of the right to organize, that policies have been adopted to promote and encourage trade union organization and that, between 2018 and the first quarter of 2023, 156 new trade unions were established, we recall that to guarantee the rights of employers' and workers' organizations protected by the Convention it is essential to respect fundamental freedoms, the right to protection against arbitrary detention and imprisonment, and the right to a fair trial by an independent and impartial tribunal. Therefore, we echo the request of the Committee of Experts and invite the Government to provide detailed information to the ILO on the initiatives adopted to guarantee the free exercise of the right to organize by both workers and employers. The EU and its Member States will remain closely informed of the situation in Nicaragua.

Government member, Cuba – I would like to ask the Secretariat not to start the clock yet because, before I begin my speech, I would like to make the following comment. I was surprised at the treatment of the Nicaraguan Worker representative. In my opinion, it was disrespectful to say the least. If there is one thing that has characterized the ILO for decades, it is dialogue. If we cannot engage in dialogue, if we cannot freely express what we think, what is the point of these discussions? Therefore, on behalf of the broad diplomatic community, and I say this as Ambassador and Permanent Representative of Cuba in Geneva, I offer, on behalf of the broad diplomatic community here in this city, our apologies to the Worker representative for having been interrupted during his speech.

And now, Mr Chairperson, I shall begin my speech. We thank the Government of Nicaragua for the submission of additional information. We appreciate that the information provided by the Sandinista Government includes details of the exercise of freedom of association in the country, and demonstrates the Government's will to maintain communication and cooperation with the Committee of Experts, and to fulfil its commitments to the ILO and the Nicaraguan people within the framework of its legal system and with full respect for its sovereignty.

During previous discussions in the Governing Body, we have listened to various Government, Worker and Employer representatives placing emphasis on aspects such as the cooperation of the countries concerned in the submission of reports and, above all, the need to avoid politicization. In this regard, my delegation would like to emphasize that the Committee should attach greater importance to the information provided by the governments, considering the efforts made by national authorities to comply with the requirements of the ILO supervisory machinery.

In addition, Cuba has on several occasions expressed its rejection of the politicization of the ILO supervisory machinery and its use as a channel for allegations that are not aimed at defending the interests of workers or employers, but rather at calling into question the performance of governments in labour matters. We believe that the policies implemented by the Sandinista Government to support workers should be examined impartially.

According to the information provided, the number of new trade union organizations established in recent years is significant, and the status of other representative trade union organizations has also been updated. I would like to emphasize that the Government of Nicaragua cannot be asked to act contrary to its Constitution, laws or national policies, as doing so would violate the principles of sovereignty and self-determination.

In conclusion, I underline the importance of continuing to promote tripartism and respectful exchange with each country, in a spirit of dialogue and cooperation.

We trust that the conclusions drawn from this exercise will be objective, technical and balanced, and that the views and information provided by the Nicaraguan authorities will be taken into account.

Employer member, Colombia – Firstly, I would like to refer to the serious and repeated allegations made within the framework of this Committee concerning acts of persecution and systematic repression by the Government of Nicaragua against the most representative social partners, in particular against COSEP.

Last year's meeting of the Conference Committee noted with deep concern the persistent climate of intimidation and harassment of independent workers' and employers' organizations, and the allegations of the arrest and detention of employer leaders, the further deterioration of the situation, and the absence of any progress or cooperation by the Government.

Regrettably, today, we are faced with a scenario that has deteriorated even further. The Government has not adopted any measures to address the allegations, and has not acted on any of the recommendations made by the ILO supervisory bodies, and serious violations of freedom of association and of the guarantee of the rights of the social partners persist.

With regard to this serious situation, it is important to recall that freedom of association is completely meaningless if civil liberties are not respected. The rights conferred on workers' and employers' associations are based on the recognition, protection, guarantee and securing of civil liberties, such as personal safety and the prohibition of arbitrary detention.

It is vital to call on the Government of Nicaragua to comply with its obligations as a Member State of the ILO. We reiterate the call for Nicaragua to initiate the rebuilding of processes of trust and to ensure full respect for freedom of association.

Secondly, it is important to underscore that workers' and employers' representatives must be freely elected and represented on an equal footing, as established in Article 3 of Conventions Nos 87 and 144.

The Committee of Experts has indicated repeatedly that it is the prerogative of workers' and employers' organizations to determine the conditions for the election of their leaders. The authorities should refrain from any undue interference in the exercise of this right.

The serious acts that persist in Nicaragua against trade union leaders make it more difficult to build tripartite social dialogue and to engage with employer representatives from Nicaragua in accordance with international labour standards.

Worker member, Honduras – The report of the Committee of Experts must be read in its entirety as it refers to some issues that should not be overshadowed by the aspects that are most commonly highlighted in the comments of this Committee regarding the case of Nicaragua. I am referring specifically to two points which are made in the report and which I will underscore in this brief statement.

The first point is related to the repeated observation, which was made over ten years ago, regarding the need to amend sections 389 and 390 of the Labour Code, two provisions that require compulsory arbitration when 30 days have elapsed since a strike call.

The arbitration procedure for the settlement of disputes must be used only where there is agreement by the parties and not where it is imposed by some of the sectors, so as to avoid a division among stakeholders in the work of work. Only in extreme cases, such as those in which there may be an impact on essential services in the strict sense of the term, or a risk to the life, health or safety of all or part of the population, can a solution by a third party be imposed, which is a position that has been held by the ILO Committee on Freedom of Association for many years.

The second aspect that should not be overlooked in the main discussion of the report of the Committee of Experts concerns the number of trade unions that have recently been recognized, according to information provided by the Government. It is important to have statistical data on the establishment of new trade unions to ensure continuity in the exercise and full development of freedom of association. However, given the examples of cases from many countries that we have seen, and that we will surely continue to see in this Committee, regarding situations in which the right to form trade unions is severely restricted, it is promising news that the right to organize is being promoted in Nicaragua through facilitation of its recognition.

We have always said, and we would like to reiterate, that freedom of association is more than the right to establish and join organizations, it is an essential measure that should not be overlooked.

Interpretation from Russian: **Government member, Belarus** – We are grateful to Nicaragua for the information they have provided on the question under consideration. We note the willingness of the Government to engage in constructive cooperation with the ILO. We welcome the efforts the Government has been making to encourage and protect the rights of workers through tripartite dialogue and consensus as a fundamental principle and a way of achieving social and labour stability in the country and peaceful development.

At the same time, we would like to make the following points. Being a member of a union or of an employers' organization, and this is stated in the Convention, does not absolve anyone from responsibility for illegal action not related to the protection of the rights and interests of workers and employers under the law.

We urge the ILO to take that into account and to be neutral and impartial when we are looking at an individual case. We believe that the recommendations of these supervisory bodies and the calls by some delegations for Nicaragua to review some of its national legislation, including the law on the protection of the country, its independent sovereignty and self-determination in the name of peace, are not the ILO's job and are interference in the internal affairs of Nicaragua.

Employer member, Mexico – In relation to the case of Nicaragua, it should be recalled that, at the 2022 and 2023 sessions of the International Labour Conferences, this Committee

deplored the persistent climate of intimidation and harassment of independent workers' and employers' organizations.

It also noted with great concern the arrest and detention of leaders of employers' organizations and urged the Government of Nicaragua to immediately cease all acts of violence, threats, persecution, intimidation or any other form of aggression against individuals or organizations.

Unfortunately, as noted, this regrettable climate and environment have persisted, despite having been duly and thoroughly denounced in previous years.

We would like to recall that this Committee recommended that the Government avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention and, in particular, that it accept a direct contacts mission for an investigation with full access to the situation of the violation of the trade union rights of workers' and employers' organizations.

Claims of interference cannot be made when, unfortunately, violations of the human rights to freedom enshrined in the Convention exist and persist.

It should be noted that the UN Human Rights Council, which is the intergovernmental body responsible for strengthening the promotion and protection of human rights throughout the world, in the report of the Group of Human Rights Experts on Nicaragua submitted in March 2023 this year, indicated that, and I quote: "Agents and public officials of various agencies and structures of the Government, and non-State actors participated, and continue to participate, as of the date of writing of this report, in serious and systematic human rights violations and abuses against a sector of the Nicaraguan population, including extrajudicial executions and arbitrary detentions ...".

For this reason, we insist on the urgent need for technical assistance from this Organization and for social dialogue.

Worker member, Togo – The Committee of Experts' observation on the case of Nicaragua and the Convention highlights, among other things, the work carried out by the ILO in supervising the application and improvement of labour standards. In particular, I would like to refer to the Committee of Experts' comments reiterating its very positive position on the right of trade union organizations to organize their activities and to formulate their programmes, in accordance with Article 3 of the Convention.

It is widely known that compulsory arbitration severely restricts trade union autonomy and, in the event of a collective dispute, can lead to the removal of mechanisms ensuring the applicability of other rights protected by industrial action. This means that compulsory arbitration is restricting freedom of association by limiting measures and restricting the guarantees of the rights protected in the event of a dispute. This twofold infringement of workers' rights leads the Committee to consider that the imposition of compulsory arbitration to end a strike, beyond the cases in which a strike may be limited or even prohibited, is contrary to the right of workers' organizations to organize their activities and to formulate their programmes in full freedom.

We, the Workers, fully support the request to the Government to take the necessary measures to amend sections 389 and 390 of the Labour Code in order to ensure that compulsory arbitration is only possible in cases where strikes may be limited under absolutely exceptional circumstances, namely in essential services in the strict sense of the term or in the event of an acute national crisis.

We have positive expectations of the Committee's handling of this matter, which should lead to a change towards full recognition of freedom of association in Nicaragua.

Interpretation from Chinese: **Government member, China** – We appreciate Nicaragua's presentation. After careful review of the Committee of Experts' report, we take note of the important information and facts submitted by the Government. Nicaragua's diligent fulfilment of its obligations under the Convention with steady progress in freedom of association and protection of the right to organize merits the full endorsement of this Committee.

The Government has worked closely with businesses and other stakeholders to combat poverty. During the 2018–21 period alone, 111 trade unions were established covering nearly 4,000 workers, and almost 3,000 existing unions representing over 220,000 workers were revamped.

The country has strengthened tripartite consultations to optimize the minimum wage system. We applaud such efforts. We emphasize that any union or employers' organization should comply with the Constitution and law of its country and act within the bounds of national legislation.

The standards supervisory system is to facilitate better fulfilment of obligations under international Conventions by Member States. Its measures should be constructive and positive rather than destructive. The examination of country-specific cases should focus on the ILO's core functions and core mandate under the principles of fairness and impartiality. It is also paramount to give due weight to the authoritative information and important positions submitted by Member States.

We encourage the Government to continue strengthening its communication and exchange with the ILO and the standard supervisory system. We also call on this Committee to value the information provided by the Nicaraguan Government and to engage in constructive dialogue with it in a rational and practical manner. We also encourage the Committee to provide more standing technical support to assist the Nicaraguan authorities with resolving differences, achieving consensus and solving problems with partners through social dialogue, so that it fulfils its obligations with regard to the international labour Conventions.

Employer member, Spain – The employers of Spain deeply regret the facts under discussion here that constitute a serious violation of the fundamental Conventions, such as Convention No. 87, by the Government of Nicaragua, which does not appear to acknowledge the allegations.

It is impossible to envisage social dialogue in Nicaragua when the most representative employers' organizations have been arbitrarily dissolved and their members imprisoned and forced into exile. We strongly condemn these acts, which are contrary to the ILO fundamental Conventions and which blatantly violate internationally recognized human rights.

The Convention ensures the freedom of employers and workers to form their own organizations and elect their own representatives, and it is not up to the Government to choose the representatives with whom it will engage in social dialogue. The Government of Nicaragua must apply the fundamental Conventions, as soon as possible and in an effective manner, in law and in practice, and comply with its obligations as a Member of the ILO.

Government member, Honduras – We welcome the report presented by the Committee, whose function is to promote the universal ratification and application of fundamental international labour standards, including this Convention.

We support the ILO in its role of developing, promoting and supervising the application of ratified international labour standards, and of the fundamental Conventions in particular.

We also welcome the information provided by the Government of Nicaragua concerning its national legislation and with regard to the Convention. We acknowledge and appreciate the commitment by Nicaragua to aligning its actions with the Convention. We consider it appropriate to highlight the work carried out by the Government of Nicaragua regarding the establishment of trade unions and the updating of existing trade union organizations, and the other forms of progress demonstrated in this room by the delegates representing Nicaragua. We therefore recognize the work carried out by Nicaragua to promote social dialogue and tripartism, and the efforts made to apply the Convention.

Honduras hopes that the conclusions of this Committee will be technical and balanced, taking into consideration the information provided by the Nicaraguan Government and continuing to call for the promotion of decent work and fundamental rights and principles.

Government member, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela thanks Nicaragua for the information provided which details the significant progress made in the area of freedom of association and protection of the right to organize.

It also welcomes the Government's fulfilment of its obligations by promoting cooperation with the social partners, as reflected in its strengthened relationship with employers' organizations, and the creation and updating of trade union organizations in recent years, which bring together a significant number of the country's workers. We appreciate the Government's willingness and desire to make further concrete progress as it has done so far in the world of work in Nicaragua, in accordance with the principles of sovereignty, self-determination and non-interference.

Lastly, we call on the ILO to promote social dialogue between the actors in the world of work in Nicaragua, supporting the country with constructive, objective, lawful measures that will consolidate harmonious labour relations and guarantee protection for the working people of Nicaragua.

Interpretation from Russian: **Government member, Russian Federation** – We are grateful to the Government of Nicaragua's representative for providing explanations on the heart of the matter being discussed today: its compliance with Convention No. 87.

We believe that the allegations against Nicaragua of violating the right to freedom of association and the right to organize are unfounded. We echo the concern which is being expressed about the presence in this case of a certain amount of politics.

We believe that neither the Committee nor the ILO in its entirety has the authority to comment on the actions of national law enforcement agencies and/or courts. Equally, we do not consider that it is acceptable to have so-called recommendations concerning the need to review provisions of Nicaraguan legislation, especially individual articles of the Labour Code of that country. Such "recommendations" rather look like undue interference in the internal affairs of the State concerned.

Taking all that into account, we urge this Committee to note with satisfaction the report which has been made to you today by the Government of Nicaragua.

We have to put on record the fact that this case is yet another indication of a trend towards politicization of the work of the International Labour Organization, and an attempt to tie technical country reports to domestic events in a given nation. This particular practice leads to the politicization of the decisions then taken and that reduces quite considerably the possibility

of their actually being carried out. In the final analysis it also undermines the authority of the Organization.

Employer member, Honduras – Once again, we observe with utmost concern how, after examination of this case by the Committee in the last two years, the Government of Nicaragua continues to violate the Convention. These repeated actions require the Committee to take robust, exemplary action against the Government since they are setting a negative precedent in terms of the respect that States must demonstrate for international labour standards.

Under the Convention, employers' organizations and trade unions do not require governments' authorization with regard to how they wish to organize themselves. That is a fundamental right that must be guaranteed by each of this Organization's Member States; governments are not authorized to decide which organizations can or cannot operate in their countries. In the case of Nicaragua, however, we have received reports on several occasions that the Government has taken action against the organizational structure of employers' organizations and trade unions, totally preventing social dialogue, which is the foundation of tripartism and the cornerstone of social peace.

I must stress that it is unacceptable that the Government of Nicaragua has launched arbitrary legal proceedings against representatives of employers and workers and even issued decrees to close their organizations. This is among the biggest violations ever brought before this Committee, and we therefore ask it to appoint a high-level tripartite mission to ensure compliance with its conclusions.

We must question the closures of employers' organizations in Nicaragua, which now total 19, including COSEP, as well as the expulsion from the country of many employer representatives, going so far as to deprive them of their nationality, in violation not only of the Convention, but also of the human rights of those individuals, who were simply fighting for their rights.

We regret that the Government of Nicaragua has given no indication of a desire to engage in dialogue with the social partners and has been extremely inflexible with regard to the Committee's conclusions. We hope that the situation will improve on this occasion and that this Organization will safeguard respect for the fundamental rights of employers and workers as social partners.

Interpretation from Arabic: **Government member, Saudi Arabia** – My country would like to express its thanks to the ILO for preparing the document and we thank the Government of Nicaragua for the information and clarification presented on the progress made regarding respect for freedom of association and protection of the right to organize. In view of the efforts undertaken to combat poverty, we welcome the constructive measures taken by the Republic of Nicaragua and we value its close cooperation and response to the standards supervisory bodies. One example relates to tripartism increasing wages by 10.1 per cent, which was negotiated between workers, employers and the Government. In this context, my country urges the ILO to provide the Republic of Nicaragua with sufficient time and the necessary technical assistance in order to achieve the objectives of the ILO.

Government member, Algeria – The Algerian delegation has listened attentively to the statement by the representative of the Government of Nicaragua. We note the information provided indicating that specific measures have been taken to safeguard trade union rights, enabling trade union organizations to be fully established and to operate freely, collective bargaining to be promoted and tripartite consultations to be held in accordance with the provisions of international Conventions. We note with satisfaction that the Government of

Nicaragua remains committed to ensuring compliance with its Constitution, and with all national labour legislation. It is therefore confident that Nicaragua, despite the challenges it faces, remains firmly committed to observance of these Conventions. Algeria strongly advocates maintaining an open dialogue between Nicaragua and the competent ILO bodies, to achieve mutual understanding and to resolve the concerns expressed in a spirit of collaboration and mutual respect.

Government member, Tunisia – We welcome Her Excellency the Ministry of Labour of Nicaragua, and we thank her for the information provided on the progress made towards the application of the Convention.

We underline the importance given by Tunisia to rights and principles protected by the Convention and we value the work of this Committee in order to examine their application in law and in practice.

We appreciate the Government of Nicaragua's engagement to maintain communication and cooperation with the ILO and its supervisory bodies and see it as a proof of openness and dedication to the application of international labour standards. In particular, we welcome the renewed commitment and engagement expressed today to tripartism and social dialogue as a tool to promote social and labour rights.

We take note of the information provided by the delegation of Nicaragua related to the existing cooperation between the Government, employers and workers in order to implement the national plan to fight poverty, along with the increase in the number of union organizations. Such cooperation with social partners is necessary for social justice and for the successful and sustainable implementation of social policies. We therefore encourage the Government of Nicaragua to continue and expand such cooperation, and to pursue its efforts in advancing its national policies, taking into consideration the observations of the Committee of Experts.

Government member, Plurinational State of Bolivia – At the outset I would like to endorse the comment made by the distinguished Ambassador of Cuba: Government delegates and Employer and Worker delegates should be afforded the same respect. That is a basic principle in this tripartite forum.

The Plurinational State of Bolivia welcomes the distinguished delegation of the Government of Nicaragua and thanks it for the information provided with regard to its observance of the Convention.

My country promotes respect for the right of all workers to organize in trade unions under the trade union principles of unity, union democracy, solidarity and internationalization. We have therefore listened closely to the information provided and the efforts made by the Government of Nicaragua to guarantee respect for those rights.

We acknowledge those efforts and urge the authorities to continue strengthening the measures adopted to protect the right to organize and freedom of association. We welcome the good cooperation between the Chamber of Employers and government bodies, a relationship that contributes to the implementation of the national plan for poverty reduction. We also highlight the fact that, between 2018 and 2021, more than 111 new trade union organizations were formed. We believe that it is important to draw attention to such progress.

We note the report of the Committee of Experts and we urge them to promote rapprochement, dialogue and cooperation in creating trust with governments, workers and employers. These forums must be free of any attempts at politicization, and work towards the

Convention's implementation must be undertaken in the manner set out in the text itself, with respect and in accordance with the laws and regulations of each country.

Chairperson – Thank you. I can see no more requests from the floor. Now I invite the Government representative of Nicaragua, Her Excellency the Minister of Labour, to make her concluding remarks.

Government representative – Our attention is drawn to what has been said by the Employers' representatives in this important session, especially the unfounded indications that the Convention is being violated in Nicaragua and that there are violations because there are workers, trade unionists or representatives of trade unions or union federations who have been detained or deprived of their freedom.

Allow me to say with all the respect which characterizes the people of Nicaragua, the model of government that we are developing, and our authorities: that there are no trade unionists who have been detained, that this was incomplete information, because when we appear at these meetings where we are seeking the way to elucidate facts and achieve clarity regarding the resolution of a supposed labour dispute, we must do so on the basis of the truth above all.

We are astonished because in Nicaragua we say that freedom of association exists because we have the evidence, the proof, we have the voice of the workers, and here at the ILO there are no complaints from any section of the Nicaraguan workers, from any trade union federation, from any trade union. If one or two Employers' representatives made comments regarding violation of the rights of an employers' association, if we are talking about COSEP, it does not exist in legal terms because it was abolished, not because it was annulled but because it did not comply with its requirements and financial responsibilities as an organization. And COSEP was never an employers' organization: COSEP was a non-governmental non-profit organization. This point has been clarified so that we can better understand how this situation has arisen. Hence we cannot make a connection with this matter and politicize it here when it is not a matter that comes within the scope of Convention No. 87.

They were and are not trade unionists. They were employers that formed a non-governmental organization, this is clear. I clarify this because this was done repeatedly, and I think we are here to avoid this bias when all is said and done. We have the responsibility to clarify this to the Employers that COSEP and its 18 affiliated associations were not unionized employers, COSEP and its associates never appeared in the Ministry of Labour's register.

All enterprises work freely in Nicaragua because in Nicaragua trade union organizations enjoy total autonomy as given to them by law in their action and their administration. However, we need to know this and take it into account when examining the fundamental subject of freedom of association. We must not address unrelated topics and get involved in discussions on them here. The Government of Reconciliation and National Unity led worthily by Commander Daniel Ortega is willing to engage in dialogue. This has been an effective instrument for the resolution of labour disputes in Nicaragua, preventing us getting into more serious disputes leading to strikes. We have not had any calls for strikes. The ministries, the Government and all the actors involved in the labour relationship are talking with the workers day and night. We are talking with the employers to reach a consensus as the effective way to prompt resolution of disputes in which neither the employers nor the workers lose. This is about both the business economy and the well-being of the workers and this is why we advocate it. We are focused on things being this way. We wish to arrive at the truth and we have presented the truth with data and reports. We hope that when reaching an intelligent solution we are able to filter out unrelated subjects and above all focus on the key issues.

We are willing to engage in dialogue provided that we revisit the spirit of the law, the spirit of the Convention, and this is what we ask of this honourable Committee.

In clarifying this stirring theme, we were surprised to have to say it but, as regards labour policy, our Government has been integrating the national poverty reduction and development plan, training activities, knowledge targeting various sectors of workers, trade unions, unionized women and young people in the unions, enabling them to create or better carry out their union activities, in relation to labour rights and occupational safety and health.

We are greatly concerned about the conditions faced by men and women workers. This is why there is free health care in Nicaragua and good social security conditions for the workers.

It is also important to clarify on the basis of the comments heard – and the Office should be clearer on this – that no complaints have been received from the workers and those that previously existed have been resolved in a very responsible and mature manner.

Consequently we cannot come here and hold a discussion on persecution of trade unions. There is no persecution of trade unions in Nicaragua. I do not say this because I am here in front of the delegates and the Committee, I say it because in Nicaragua at the present time there are no pending requests for legal registration of any trade union; all applications are processed within eight days. So we cannot come here and say that there is anti-union persecution.

Our Government works closely with the trade unions in order to establish agreements that improve conditions for men and women workers, agreements which contain clauses that create improvements for women workers in the different sectors of the economy, something which did not exist before 2007, and this means the eradication of poverty.

Eradicating poverty does not mean dealing with a strike and otherwise doing nothing. Creating wealth to eradicate poverty means dealing with a labour dispute at the same time as finding key solutions for both workers and employers. This is what we are doing in Nicaragua.

So we are astonished that we are being told here that we are violating the Convention and the right to organize.

We ask the honourable members of this Committee to work in accordance with these laws, the already established laws which govern activity in Nicaragua. These are already known by the workers, by the employers and by the people of Nicaragua because it is the people of Nicaragua which formulates and approves the legislation.

So let us respect this unique and absolute sovereignty of peoples. What we ask is that when reaching decisions on this aspect of the Convention we take account of all the progress that Nicaragua has made and that there is an ongoing commitment to the people of Nicaragua to continue working to ensure that every day the workers have better working conditions.

In Nicaragua there is no arbitrary action against a trade union leader. In Nicaragua a clearly defined labour administrative procedure has to be followed to secure the release of this trade union leader.

The Government of Nicaragua has laws which protect the workers because the development and future of Nicaraguan families depend on this. This is why we have to fight for this because some of us are in similar situations. We have to work to ensure that the families of these workers, this people and future generations have conditions of freedom and dignity and are committed to nurturing and defending peace and sovereignty.

We ask for this respect and change of view. We ask for an end to the politicization of these matters which lead somewhere else because Nicaragua is committed to negotiating with the workers on a daily basis.

This dialogue should be a healthy dialogue, a quality dialogue, which does not take us away from the context where we need to be. We will negotiate with those we need to negotiate with, with the men and women workers and the employers of this country who are playing an active part in the economy, to ensure the progress of Nicaragua. Surely this is our common goal?

We stress that we are willing to continue working together with the workers to progress in the elimination of poverty. But we will not let topics be imposed on us which do not come within the scope of the discussions of this Committee.

With all respect, as we have already said, we are concerned at the scenario in which the Employers' representatives provide us with inaccurate information. First let us have the facts, then let us talk if we really have a basis for saying that freedom of association is being violated in Nicaragua. But if we do not have a basis, we cannot make such a claim and say that "things have to be done". Nicaragua is free, sovereign and independent.

We thank all the countries which have supported us in these efforts aimed at the well-being of our nations, the well-being of Nicaragua.

Employer members – I will begin with some points of order. First, Mr Chair, I would like to ask that the inappropriate expressions used by the Worker representative of Nicaragua which are unconnected with this case be left out of the record. We consider that the comment regarding the IOE is inappropriate and we want this to be noted in the record.

We are listening with the utmost respect, and we think that the Office should note the invitation made by the Workers' representative to know what is happening in situ. This is precisely what we have been saying, perhaps with some familiar expressions which we understand clearly, but in plain term, this is about technical assistance.

So there is an invitation by the Worker representative and I listened to everything he said with the greatest respect. But it does seem to me that there are some inappropriate expressions which should be left off the record, above all because they are outside the context of the case we are dealing with. I also ask that this invitation is noted, which appears to me to be in good faith, and that in good faith we will need to find a way to accept it.

On the other hand, and before making my prepared statement, I am going to refer to some questions that the Government representative mentioned, which I also listened to with absolute respect. It seems to me that ultimately there is a lack of proper understanding of the scope of the Convention since I celebrate the existence of these dialogues, these negotiations, these registrations of trade unions, etc., and what is real cause for celebration is the exercise of workers' rights. But this exercise of rights is also for the employers, the scope of the Convention is for both and does not refer to the registration of trade unions but to the right enjoyed by employers and workers to establish organizations. The Convention provides that this shall be without prior authorization and also that these organizations shall not be subject to administrative dissolution. It is not about trade union registration, though I celebrate the fact that this is done with such efficacy and that all trade union registration is up to date. But the Convention has a greater scope. It is the capacity possessed by all workers and employers – many workers are employers, and many employers are workers – to establish their own organizations and to organize, to create these third entities through which common interests are shared and mutual rights and interests are defended.

So I think I should make this clarification because it seems that the technical assistance of the Office would be key in terms of understanding the scope of the Convention on the basis of the current reality.

Forgive me for repeating this: it seems that the Committee of Experts uses an expression which is very clear, that both the representatives of the Workers and those of the Government have celebrated the work of the Office and the work of the Office is enshrined in the work of the Committee of Experts. So everything that we have been saying in this meeting is based on what the Committee of Experts says, not on conjecture or on what we believe or wish to believe. These discussions are based on the report of the Committee of Experts, in which we all believe. And this report contains all the facts that we have all related this afternoon, though obviously with some exceptions, which I also respect.

The Committee of Experts says that the rights of employers' and workers' organizations protected by the Convention are utterly devoid of meaning when there is no respect for all fundamental freedoms. We are not referring to the registration of a union but to fundamental freedoms, including freedom of association, the right to protection against arbitrary detention and imprisonment, and the right to a fair trial by an independent and impartial tribunal. This is very important and is in line with the Committee of Experts' report, not the speculations of an official. This is what we are discussing today.

It seems that what needs to be made clear, and what we have tried to get the Government to see, is that what has appeared these last two years to be a discussion between conflicting views has not been intended in that way. It seems to me that all of us sitting here share principles and values; that is why we are here, that is why we are subject to Conventions which we ratify voluntarily. These Conventions contain certain rights and establish certain limitations and obligations for governments.

So what I very much regret is that, despite this constructive invitation which we formulated in our first statement today, we find the same resistance to, and rejection of, any kind of solution to the issues raised by the Government. This is despite the fact that, regardless of what the Government thinks, a reading of the report of the Committee of Experts reveals a very serious situation and we have to attend to it.

Under these conditions, we would like the conclusions agreed upon in 2023 to be reiterated with much greater vigour. We wish to propose – and we ask the Workers to back the request or otherwise that we discuss it in the conclusions – that we need a high-level tripartite mission. This is the only way to tackle the problem, to see it as guidance, not as a penalty. It is a mechanism for understanding the issues where there is non-observance of Conventions and how to resolve them where necessary. If it is established on the ground that the issues do not exist, the high-level tripartite mission will certainly take account of that and report on it; otherwise it will come up with solutions to the issues through technical assistance.

On the other hand, in view of the seriousness of the case, we also ask for a special paragraph to be included. It is very important that we have these two elements in the conclusions. I have heard that the majority here in the room agree that a solution to this problem cannot be delayed any further. It seems essential that we act immediately and decisively. Otherwise we will run the risk that in 2025 we will find the same situation or one that is even worse.

I think it essential that we attend to this matter, not only urging and inviting the Government but also hoping that it will attend to all the aspects which were mentioned in the conclusions of 2023, and otherwise that we can actually set up this high-level tripartite mission

and that we leave a special paragraph for anything. I hope that in 2025 we will only have good news and that the Government will be willing to cooperate so that we can understand and find a solution to the issue once and for all. As I previously mentioned, problems that are not recognized cannot be resolved.

This is the Employers' position. We ask that due note is taken of our requests in the conclusions.

Worker members – We note the information and the replies given by the Government of Nicaragua. We also thank the speakers for all their valuable statements.

We would like to recall that the Convention covers both the employers and the workers and this principle must be respected.

Our group emphasizes once again the importance of continuing to promote tripartite social dialogue at national level and encourages the Government to take steps to facilitate social dialogue with ILO assistance.

We encourage the Government to continue to launch initiatives and activities to ensure the free exercise of the right to organize. In this regard, we also urge the Government to put an end to all acts of violence, threats, persecution, stigmatization and intimidation with regard to the exercise of the legitimate activities of the social partners.

We also urge the Government to amend sections 389 and 390 of the Labour Code so as to ensure that compulsory arbitration is only possible in cases where strike action can be restricted or even prohibited – that is to say, in cases of disputes within the public service involving officials exercising authority in the name of the State, in essential services in the strict sense of the term or in the event of an acute national crisis, and we invite the Government to avail itself of ILO technical assistance.

The Worker members encourage the Government of Nicaragua to take all necessary steps to ensure compliance with the Committee's recommendations and invite the Government to avail itself of ILO technical assistance.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the persistent climate of intimidation and harassment of independent workers' and employers' organizations.

The Committee noted with deep concern the allegations of the arrest and detention of employer leaders since last year and the further deterioration of the situation.

The Committee also noted with deep concern the absence of any progress and cooperation on the part of the Government since last year's discussion.

Taking into account the discussion, the Committee urged the Government, in the strongest terms, to:

- **ensure that workers and employers can establish their own organizations and operate without interference and in that regard ensure that, the Higher Council for Private Enterprise of Nicaragua (COSEP) is able to operate again without previous authorization in line with article 2 of the Convention;**

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate activities of trade unions and employers' organizations, and adopt measures to ensure that such acts are not repeated;
- ensure that representatives of employers' organizations who have been deprived of the Nicaraguan nationality have it restored without delay;
- take all measures to ensure that there is a climate free of fear and intimidation regarding the exercise of freedom of association rights;
- immediately release any employer or trade union member who may be imprisoned in connection with the exercise of the legitimate activities of their organizations and report on all the measures adopted to ensure compliance with such request;
- restore social dialogue with its independent social partners without further delay including the establishment of a tripartite dialogue round table under the auspices of the ILO, as recommended by the Conference Committee in 2022 and 2023; and
- provide information on all the measures adopted to ensure that effect is given to each of the recommendations made by the Conference Committee and on any progress achieved in the implementation of these measures.

The Committee urged the Government to fully respect the conclusions of the Committee on this matter and to avail itself of the technical assistance of the ILO to ensure full compliance with them.

Government representative – The State of Nicaragua deeply regrets the content of the conclusions issued by the Committee because we consider them to be totally excessive and to constitute clear interference in the internal, sovereign decisions of our country.

In that regard, we therefore wish to say that from the point of view of the law and the commitment of our people, our country and our Government, these conclusions are totally divorced from the work of this esteemed Organization and Committee.

Taking into account the content and the spirit of the Convention, which is what we are dealing with in this case, Nicaragua has demonstrated compliance and has given evidence, documentation and information through its reports to the organization regarding the progress and actual work done with regard to ensuring freedom of association in Nicaragua.

We therefore say once again, with the greatest respect, that we, the workers and Government of Nicaragua, totally reject the content of these conclusions since we consider that they violate the peace, sovereignty and self-determination of our people.

We also wish to record the fact that our people, our Government and the workers and employers of Nicaragua are willing to continue ensuring an in-depth, quality dialogue strictly within the framework of the labour rights of the workers. So we say that the dialogue is ongoing provided that it is not distorted and separated from our intention, provided that it does not interfere in the internal affairs of Nicaragua, in the legal framework, in the application of our laws, and does not undermine the peace and sovereignty of our country.

This is what we are obliged to say today, to request the ILO, with all due respect, that we should work to ensure and value the results and progress that Nicaragua has made regarding the restitution of the right to freedom of association and the right to organize; and as we said earlier, to assess those results positively because we know that we have been working to

ensure the labour stability of a working people, to ensure the confidence of the employers so that we can continue developing the country and creating jobs that bring development to Nicaraguan families; and that we should value the existing results and continue to pursue them, despite their having been obscured through political bias.

Paraguay (ratification: 1967)

Labour Inspection Convention, 1947 (No. 81)

Written information provided by the Government

It should be noted that since the current Administration took office in August 2023, it has worked to make comprehensive improvements to the services provided by the Ministry of Labour, Employment and Social Security (MTESS), including labour inspection and monitoring, which the Government deems a priority in reaching its objectives.

In this regard, we have noted the concerns expressed by the Ibero-American Confederation of Labour Inspectors (CIIT) regarding the implementation of the Convention. It is important to highlight, however, that the Government's aim from the beginning has been to improve the process implemented by the MTESS, which involves undertaking reviews and relevant investigations so as to resolve any irregularities, thereby ensuring that it can effectively carry out its functions. With this point in mind, specifically in relation to the request of the Committee of Experts, the Government provides the following information.

Articles 6 and 7 of the Convention. Status, conditions of service and recruitment of labour inspectors

With regard to the recruitment and current status of labour inspectors under the Ministry, the Government wishes to outline the process applicable to them since their recruitment to the MTESS in 2015. A total of 29 officials were recruited to the post of labour inspectors under MTESS Resolution No. 984/2015. They received training from the ILO from February to April 2016, and in October 2017 a 100-hour labour inspector training programme, led by ILO specialists and national and international consultants, was introduced for all officials with inspection duties within the General Labour Inspectorate, including directors, heads of department and labour inspectors.

It should be noted that, although the labour inspectors recruited under MTESS Resolution No. 984/2015 were engaged under annual service contracts with the MTESS, they enjoy the same rights and responsibilities as permanent MTESS officials, including paid annual holiday, statutory leave and breaks, an annual bonus, health insurance, childcare, education grants for each school-age child and grants paid upon the birth or death of a first-degree relative.

With regard to contract staff, under Act No. 5554/16 and Decree No. 4774/16, the Public Service Secretariat introduced a policy to reduce precarious work by recruiting such staff as permanent officials through selection processes and internal institutional competitions, in line with the criteria set out in the regulations in force. In December 2021, the MTESS launched an ad referendum process to reduce precarious work through which contract staff joined the payroll of appointed (permanent) MTESS staff.

The MTESS labour inspectors recruited in 2015 were included in that process to reduce precarious work, and their wages have increased since they joined the Ministry. It should also be mentioned that the same process for MTESS contract staff was formalized through

Presidential Decree No. 8773 of 26 January 2023. The inspectors selected and recruited as permanent MTESS staff are listed below:

No.	Full name	Identity card number
1	Luisana Patricia Duarte	3.700.257
2	Ana Karen Casco	4.016.608
3	Jorge Adalberto Aguayo Nacimiento	2.291.422
4	Ronald Rodrigo Quintana Coronel	3.439.754
5	Eligio Gómez Candia	3.425.006
6	Félix Vidal Melgarejo Mosqueira	3.189.738
7	Irene Montserrat Pereira Giménez	4.178.516
8	Santiago Luis Rótela Roa	2.022.490

The current Government, since it took up office on 15 August 2023, has taken very seriously the number of active labour inspectors and their situation within the institution, as it is aware of the importance of inspectors for the performance of the competencies of the MTESS in the area of inspection. For that reason, as soon as it took office, it proceeded to promote two inspectors who had been recruited through the above-mentioned Resolution No. 984/2015 and who were trained by the ILO in 2016 and 2017, and included in the process to reduce precarious work in 2023. These two inspectors currently hold the posts of Director of Labour and Occupational Safety Inspection and Head of the Labour Inspection Department.

In line with the seriousness with which the current Government is taking the situation, as mentioned above, the Minister of Labour, Employment and Social Security, Ms Mónica Recalde, through a ministerial resolution, decided to reassign civil servants to the General Labour Inspectorate. It should be highlighted that, as set out in article 216 of the National Constitution, the Bill on the national general expenditure budget should be presented annually by the executive branch by 1 September at the latest. Hence, we are currently implementing a budget established by the previous Government which did not provide for new recruits to increase the number of the inspectors. However, the current Government has requested that the budget be increased in order to recruit 25 new inspectors as permanent officials of the MTESS, approval of which is to be authorized by the National Congress.

With regard to the pay scale and benefits applicable to labour inspectors compared with other public servants performing similar functions, on average a labour inspector of the Ministry of Labour currently receives 5,500,000 Paraguayan guaraníes per month as pay and 1,650,000 guaraníes per month in bonuses, amounting to a monthly average of 7,150,000 guaraníes. This is in line with a comparison with data published by the Ministry of Industry and Trade of Paraguay, in accordance with Act No. 5.189, which establishes the obligation to provide information on the utilization of public resources for pay and other remuneration assigned to public servants of the Republic of Paraguay. An inspector of the Ministry of Industry and Trade receives an average of 3,518,750 guaraníes, detailed as follows:

No.	Full name	Identity card number	Previous salary (guaranies)	Current salary
1	Fernando Báez	2.545.748	3,950,000	Contracted
2	Jorge Cabrera	662.627	3,600,000	Permanent
3	Ezequiel Domínguez	751.261	3,600,000	Permanent
4	Aníbal Mendieta	992.818	3,000,000	Permanent
5	Jorge Chaparro	1.998.892	4,900,000	Permanent
6	Wilson Villalba	3.176.299	3,400,000	Permanent
7	Elida Chamorro	3.215.276	2,700,000	Permanent
8	José María Ríos	3.489.553	3,000,000	Permanent
Average			3,518,750	

Articles 10 and 11. Number of labour inspectors. Material conditions of work

The total number of inspectors assigned to the General Labour Inspectorate of the MTESS is currently 15, as established by Ministerial Resolution.

Although 10 of the 15 inspectors are assigned to the country's capital, these inspectors carry out inspection orders throughout the country, as the legislation is not federal and nor are restrictions imposed on it at department level. Considering that geographical distances in Paraguay are relatively short and that a labour inspector can travel from the capital to any part of the country within hours by land transport, it is therefore not strictly necessary to assign inspectors to all of the country's departments, as they can travel easily to carry out the work that falls within their competence.

Regarding the allocation of vehicles exclusively for inspectors to carry out their inspection duties, it should be mentioned that the MTESS currently has a digital system for requesting the provision of work vehicles, which improves organizational efficiency. Through this system, requests for vehicles are made for the work required and are processed immediately for the effective transport of officials.

There are also regional labour offices in the country, under the MTESS, in the following departments: Alto Paraná, Amambay, Mariscal Estigarribia, Caaguazú, Canindeyú, Central, Concepción, Guairá, Itapúa, Cordillera, Ñeembucú, Paraguari, Presidente Hayes, San Pedro and Boquerón, data on which are available on the MTESS website. Five of these departments have labour inspectors specifically assigned to the territory.

It should be mentioned that the current administration is developing the policy of public expenditure rationalization initiated in previous years, with clear restrictions on non-priority expenditures, such as travel allowances, tickets, overtime, fuel, and staff appointments and recruitment.

It should also be noted that the Civil Service Bill is currently before the national Parliament, in view of the need for institutional strengthening of the civil service. The main objective of the Bill is to establish the general provisions governing the civil service, to regulate specifically civil

service careers, and to determine the regulatory competence in this area for public institutions within the executive branch.

This initiative is in line with the many other efforts being undertaken by this Government as a whole to initiate the systematic and specific process of restructuring the State, the goal of which is to make the administration more agile, predictable, transparent and open to citizens.

Articles 12(1)(a) and (c)(ii), 16 and 18. Restrictions on the power of labour inspectors to enter freely workplaces liable to inspection. Limitations on carrying out labour inspections.

Regarding the draft amendments to Resolutions Nos 47/2016, 56/2017, 217/2021 and 29/2023, it should be noted that Resolution No. 90/2023 of 6 September 2023 is currently in force, authorizing the formation of a technical team to review and amend the ministerial regulations governing inspection procedures and the establishment of a protocol for receiving complaints, in order to refer them to the General Labour Inspectorate, which has resulted in a new ministerial resolution approving a new inspection procedure

Lastly, according to the information provided by the General Labour Inspectorate, all inspections are confidential and are carried out without prior notice to the employer, in compliance with the labour standards and administrative procedures in force.

Inspection period	Number of inspections carried out
January – August 2023	187
August 2023 – May 2024	66

Approximately 80 per cent of the inspections carried out on the basis of complaints and accidents at work are in the capital and metropolitan area.

Discussion by the Committee

Chairperson – I invite the Government representative of Paraguay, Deputy Minister of Labour, to take the floor.

Government representative – It is an honour for me to address you today on behalf of the Government to discuss and defend our position in relation to the implementation of Convention No. 81. Since taking office as the new Government in August 2023, we have been working indefatigably to improve and strengthen the services of the MTESS, with a particular focus on labour inspection and compliance, which we consider to be fundamental pillars for the achievement of our national objectives.

We, as a Government, value the comments made by the Committee of Experts and the concerns expressed by the CIIT. I will discuss in detail below our action and responses to the matters raised.

Contractual terms and conditions of service of labour inspectors. Since 2015, we have recruited 29 labour inspectors in accordance with MTESS Resolution No. 984/2015, who have received specialized training from the ILO through programmes undertaken by specialists, national and international consultants, for the benefit of all officials involved in inspection activities, including department directors and chiefs and labour inspectors.

Despite the fact that these officials were originally recruited under annual contracts for the provision of services between the MTESS and the labour inspectors, it should be

emphasized that they benefit from rights equivalent to those of permanent officials, including paid holiday, medical insurance and various allowances.

With reference to the personnel who were recruited, the Secretariat of the Public Service, through Act No. 5554/16 and Decree No. 4774/16, have initiated a policy to overcome precarious work. This policy consists of the inclusion of contract personnel as permanent officials through a selection or an internal competition procedure, in accordance with the criteria set out in the regulations in force. In December 2021, the MTESS commenced a process of eliminating precarious work *ad referendum*, thereby permitting contract staff to join the permanent staff of the MTESS.

It is pertinent to note that, in August 2023, when the new Government took office, there were 19 MTESS inspectors who had been recruited in 2015, who were among the staff of the Ministry, and who were included in the process of combating precarious work under Presidential Decree No. 8773, of 26 January 2023, and half of them have been included in the permanent personnel.

Since the present Government took office on 15 August 2023, we have noted with great interest and concern the actual number of labour inspectors and their situation within the institution, in our awareness of the importance of these professionals in giving effect to the mandate of the MTESS. For that reason, immediately after taking office, we promoted two inspectors recruited under Resolution No. 984/2015, who had been trained by the ILO in 2016 and 2017, who were removed from their precarious status in 2023. These inspection personnel currently occupy the positions of Director of Labour and Occupational Safety Inspection and Head of the Department of Labour Inspection.

In line with the above, the Minister, Ms Mónica Recalde, through MTESS Resolution No. 331/2024, has updated the list of officials of the General Directorate of Labour Inspection, in which 15 officials exercise the functions of inspectors and the rest are support staff.

On the wage structure. We have worked hard to ensure that labour inspectors receive just and competitive remuneration. Inspectors currently receive a monthly average of 7,150,000 guaranies, which is significantly higher than the average of 3,518,750 guaranies received by inspectors in other public institutions, such as the Ministry of Trade and Industry. This adjustment reflects our recognition of the vital work performed by our inspectors and our will to adopt appropriate salary levels.

On the number of inspectors and their material conditions of work. We recognize the need to increase the number of inspectors to ensure adequate and effective coverage. There are currently 15 inspectors appointed under MTESS Resolution No. 331/2024. An application has also been made to the National Congress for an increase in the budget to recruit 25 new permanent inspectors. The file is currently with the Ministry of Finance under SIME No. 42.569/2024

It is important to note that, in accordance with the national Constitution, the Bill on the general expenditure of the nation has to be submitted annually by the executive authorities to the National Congress by 1 September each year. Taking into account that the current Government recently took office on 15 August 2023, that is 15 days before the Constitutional delay for the submission of the budgetary law, the present Government is implementing the budget prepared by the previous Government.

The 15 inspectors who are currently carrying out their duties are assigned to the capital and the interior of the country. It is important to note that our country is a unitary Republic, in which the legislation governs the whole of the country, despite our division into departments,

which does not involve the adoption of special legislation. The geography of Paraguay makes it possible for inspectors to travel from the capital to any point in the country in a few hours using land transport, which facilitates their work, without the need to assign inspectors to all departments.

We have also introduced a digital system to request institutional vehicles, thereby facilitating the mobility and the work of inspectors throughout the national territory.

It is also the case that certain departments of significant economic importance, such as Alto Paraná, have three inspectors who cover this frontier area with Brazil and the department of Canindeyú.

In parallel, the Parliament is examining the Civil Service Act. This Act seeks to strengthen the institutional nature of the public service through the establishment of general provisions governing civil service careers and determining regulatory competence in respect of public institutions under the executive authorities. This Bill is undergoing broad discussion with the various trade unions.

On the free access of inspectors to workplaces, the situation regarding the amendment of resolutions and the suspension of inspections. In accordance with our national legislation, in cases where inspectors cannot have free access to private establishments, the MTESS has the power to request precautionary measures through the appropriate jurisdiction to allow entry, in accordance with section 18 of Act No. 5115/2013.

It is also important to note that, under the terms of Resolution No. 90/2023, of 6 September, a technical team was set up for the amendment of the ministerial rules, which resulted in Resolution No. 356 of 21 May 2024, setting aside Resolution No. 47/2016 and MTESS Resolution No. 56/2017, and repealing sections 3 and 4 of MTESS Resolution No. 29/2023, and the adoption of the Manual of Labour Inspection and Monitoring Procedures. On this point, I wish to point out in particular that Resolution No. 29 does not in any way establish a moratorium or the suspension of labour inspections, but rather calls for procedures to be governed by an inspection order issued by the highest institutional authority. As this provision has been repealed, the responsibility lies once again with the General Directorate of Labour Inspection.

In light of the above, it is clear that at no time did the Government suspend inspections. Moreover, with reference to labour inspection and monitoring between August 2023 and May 2024, a total of 66 inspection procedures were carried out on compliance with decent work and occupational safety and health provisions.

It is also important to indicate that the MTESS carries out inspections together with the Paraguay Social Welfare Institute (IPS) and the Deputy Minister of Transport within their respective areas, making a total of 175 enterprise monitoring procedures by labour inspectors during that period. During the inspection activities, over 1,000 workers were interviewed on a random basis and over 6,500 workers were detected in those enterprises through administrative monitoring.

Failure to comply with labour provisions resulted in penalties and fines amounting to a total of 9,101,112,804 guaraníes over the period.

I would add that, taking into account the observation of the Committee of Experts, as indicated previously, Resolution MTESS No. 346 was issued establishing more flexible procedures which will result in much more efficient and rapid inspection.

Focusing on the flowchart of the labour inspection circuit, it includes various units in the Ministry of Labour, culminating with the legal office of the Ministry.

On inspections and penalties. Since taking office, we have intensified inspections without previous warning in order to ensure compliance with labour provisions. In accordance with the Convention, inspectors are authorized to enter premises freely without previous notice, upon presentation of the respective inspection order, and may be accompanied by other public officials and, where appropriate, a member of the union or workers' committee.

It is important to refer to and to express gratitude for the support provided by the ILO throughout the existence of the MTESS in Paraguay, which was created only ten years ago. In this regard, we request ILO technical cooperation to continue strengthening inspection and other areas covered by the Ministry.

We emphasize the valuable contribution of the Tripartite Advisory Board, a body created by executive decree with representatives of the trade union confederations, employers' organizations and the national Government, which is carrying out action to contribute to the defence of labour rights.

It is important to refer to the opening of various dialogue roundtables, such as the social security roundtable, which resulted in the Act creating the Pensions Superintendence of Paraguay, which was submitted in a consensual manner to this tripartite body (worker, employer and Government representatives), the draft text of which has been approved by the national Parliament.

Roundtables have also been established for housing and freedom of association, of which the latter is very important and in which we have been working with our trade union colleagues to endeavour to improve this fundamental workers' right. We wish to emphasize that these bodies are strengthening the role of tripartism as a component of social cohesion, in accordance with the ILO's mandate.

In conclusion, the Government is firmly committed to the continued improvement of labour inspection services, thereby ensuring just and decent conditions of work for all our workers. We thank this prestigious Committee for its attention and we reiterate our readiness to continue working with the ILO and other international organizations

Employer members – We thank the Government for the oral and written information provided, of which we have taken full note.

The Employers' Group emphasizes the importance of compliance with the Convention, which is one of the ILO's four priority governance Conventions and was ratified by Paraguay in 1967.

By way of background, this case is not new, as the Committee discussed comments on compliance with the Convention at the 1993 session of the International Labour Conference. Moreover, since 2013, the Committee of Experts has made observations on the application of this Convention on three occasions, namely in 2013, 2020 and 2023.

In its report, the Committee of Experts identifies the following issues that should be reviewed by the Conference in this case:

- (1) the persistence of issues relating to the insufficient number of labour inspectors and material resources allocated to the labour inspectorate. In this regard, the Committee noted in particular the indications by the CIIT that inspectors are assigned to only four departments and to the capital district, while the remaining 12 departments have no assigned inspectors;

- (2) the failure of the Government to lift the restrictions established by MTESS Resolutions Nos 47 of 2016 and 56 of 2017 on the powers of inspectors to enter freely and without prior notice any workplace liable to inspection, and the frequency and thoroughness of labour inspections;
- (3) that, with the adoption of MTESS Resolution No. 29 of 2023, inspection activities have been further restricted by the need to obtain an inspection order issued by the highest MTESS authority.

With regard to the relevant data, the Employer members observe that the Committee of Experts noted the report submitted by the Government, which essentially stated that through MTESS Resolution No. 984/2015:

- (1) a total of 29 officials were recruited as labour inspectors and were trained by the ILO between February and April 2016 and, subsequently, in October 2017 a labour inspector training programme was established;
- (2) the labour inspectors were recruited under annual service contracts and that, under Act No. 5554/2016 and Decree No. 4774/16, the MTESS provided for contract staff to join the permanent staff.

It also noted that most inspectors are centralized in the capital, and it can be considered that, in the absence of departmental restrictions, and as the distances between regions are not great, labour inspectors have the logistical resources to travel from one place to another, according to the information provided by the Government. In short, the assignation of inspectors to all the country's departments would not be necessary.

Lastly, in relation to the limitations on the powers of inspectors to undertake their inspection activities freely, Paraguayan legislation does not in effect allow inspectors to enter private establishments freely without the authorization of management and, in the event of obstruction, the MTESS can ask the courts to impose precautionary measures to allow them to enter, in accordance with section 18 of Act No. 5115/13.

With regard to the analysis and consideration of this case, the Employer members consider it important to recall that, during the drafting of the Plan of action (2010-2016) to achieve widespread ratification and effective implementation of the governance Conventions, which was adopted by the Governing Body at its 306th Session in November 2009, it was considered that ensuring compliance with labour standards is vital to the ongoing promotion of decent work, and that one of the most important mechanisms to that end is the establishment of effective labour inspection services to enhance social protection.

On the basis of the guidance set out in the Convention, the importance can be seen of labour inspection services that are well structured, not only administratively but also in terms of sufficient institutional strength, with an appropriate number of inspectors so that they can play an effective role in verifying and ensuring the full implementation of labour regulations in complete compliance with Articles 9 and 10 of the Convention.

We are sure, indeed convinced, that the best way to improve the inspection system is through the provision of resources that ensure that, through its structure and organization, the system:

- (1) fulfils its role in an impartial, comprehensive and specialized manner with a view to achieving greater formalization in the country;
- (2) provides the necessary operational and logistical resources to inspectors;

- (3) comprises sufficient numbers of inspectors to provide adequate coverage for the effective supervision of labour regulations; and, finally,
- (4) grants inspectors appropriate wage levels that recognize the professionalization and specialization required of them.

In light of the above, the Employer members believe that it is important for the national authorities to intensify their efforts to explore options that allow the continuous improvement of the labour inspection system, appropriately regulating its scope and ensuring that there are no unjustified or bureaucratic limitations on the discharge by inspectors of their role of labour supervision, with the possibility of requesting the technical assistance of the ILO in all cases

Worker members – This individual case relates to the application by Paraguay of Convention No. 81. By way of context, we would like to recall that our Committee has examined compliance with international labour Conventions by Paraguay on several occasions, and most recently in 2017 for violations of the Forced Labour Convention, 1930 (No. 29).

Since then, we have been hoping that Paraguay would finally take the necessary steps to improve its situation in relation to trade union rights. Regrettably, that is not the case. The situation of workers has not improved and, in some respects, has even got worse. The measures adopted in recent years show that there has been practically no impact.

It is clear that, in a country in which over 60 per cent of the active population is working in the informal economy, the action of the labour inspection services concerns, in a certain manner, a small visible part of a much greater universe of precarious workers.

The report of the Committee of Experts leaves no room for doubt that Convention No. 81 is essential in guaranteeing the effectiveness of labour inspection, which is being flagrantly ignored by the Government, thereby endangering labour rights and social stability.

In the first place, the legal status and conditions of work of labour inspectors are a matter of concern. According to the information provided in the report of the Committee of Experts, the labour inspectors recruited in 2015 were engaged through a merit-based competition and not a competitive selection process for permanent positions. Moreover, those who were successful in the merit-based competition in 2015 were engaged under annual service contracts, and their status is therefore that of self-employed workers providing civil or commercial services for the MTESS.

This recruitment system makes inspectors precarious in the absence of employment stability. According to the information provided to the Committee of Experts, of the 19 inspectors who are still engaged, only eight enjoy employment stability, and the other 11 still have annual contracts. This not only affects their employment stability, but also their capacity to discharge their duties independently and effectively.

The report of the Committee of Experts also notes another very significant issue: the salaries of inspectors have not been increased since 2015. This not only considerably reduces the purchasing power of inspectors, affecting their quality of life and well-being, but also has an impact on the operation and efficiency of the system.

Another critical issue, in relation to compliance with the Convention, is the inadequate numbers of labour inspectors. The report of the Committee of Experts indicates that, of the 30 recruited in 2015, only 19 are still in their posts. These inspectors are distributed unequally: 13 are in Asunción, three in Alto Paraná and one each in the departments of Cordillera, Paraguarí and Ñeembucú. The most serious aspect of this is that the other 12 departments of

Paraguay, which I will not name, only have one inspector assigned. This means that there is a complete absence of labour inspection in a large part of the national territory of Paraguay.

Moreover, inspectors lack the appropriate material conditions to carry out their work. For example, they do not have vehicles for transport, which is a basic tool for the discharge of their duties in different places and in travelling from one place to another. This lack of logistical resources is a severe obstacle to the capacity of inspectors to carry out their functions efficiently, and particularly, in a timely manner in response to complaints or the detection of the need for inspection.

The Committee of Experts noted with concern that the Government has not adopted any measures to remove the restrictions on the freedom of inspectors to enter workplaces liable to inspection. As indicated in the report of the Committee of Experts, it is a matter of great concern that the Government has not lifted the restrictions established by MTESS Resolutions Nos 47 of 2016 and 56 of 2017 on the power of labour inspectors to enter freely and without previous notice any workplace liable to inspection and that workplaces are inspected as often and as thoroughly as is necessary, as provided in the Convention. It is also a cause for concern that, through the adoption of resolution No. 29 of 2023 of the Ministry, inspection activities have been further restricted by the need to obtain an inspection order issued by the highest authority of the Ministry.

We share the deep concern expressed by the Committee of Experts at the persistence of the problems relating to the insufficient number of labour inspectors and, we repeat, the material resources allocated to the labour inspection services.

Since August 2023, we have seen a systematic dismantling of the labour inspection system in Paraguay, with the suspension of inspections under the pretext or the claim of preventing corruption and reviewing internal procedures. This retrogression, which is delivering the country to damaging practices, is compromising the safety and well-being of millions of women and men workers in Paraguay.

It is vital to recall that Paraguay had a set of highly trained inspectors due to the efforts made, including with ILO support, who played a vital role in the protection of labour rights.

This Committee must not allow this progress that had been made in Paraguay with the technical assistance provided by the ILO to become a shadow of past achievements.

The lack of compliance with the Convention is not only a violation of labour rights, but also, as we all know, a threat to social justice and progress in the country. The country is in deficit in relation to its workers and its international commitment to give effect to the provisions of the Convention in law and practice.

We demand the Government to take urgent measures to remedy the situation by guaranteeing the stability and dignity of labour inspectors and ensuring respect for the rights of all workers in Paraguay.

Employer member, Paraguay – We are pleased that we can meet again at this session of the Committee, where the observance of Convention No. 81 by Paraguay is being examined in the context of this Conference. In this context, the Employers have fully analysed and evaluated the report of the Committee of Experts, and on the basis of this analysis I would like to make a number of points.

Employers in Paraguay support the initiatives taken by the Government since it came into office in August 2023, aimed at improving labour inspection conditions and efficiency. These actions show a commitment to strengthening the labour inspection system and complying

with the provisions of Convention No. 81, ensuring fair and decent working conditions for all workers.

We commend the efforts to increase the number of inspectors, improve their training and ensure fair remuneration for them, which will contribute to a safer and more equitable working environment in our country.

Furthermore, it is vitally important to recognize that improvements to the employment status of inspectors have a direct impact on the effectiveness of inspections and, consequently, on compliance with labour standards. A well-trained corps of inspectors, adequately paid and with stable conditions of employment, is essential to ensure that workers' rights are respected and that enterprises operate within the framework of the law.

The professionalization and strengthening of the inspectorate not only benefits workers, but also promotes an environment of fair competition and enterprise sustainability, which is essential for the economic development of the country.

Lastly, I would like to reiterate that employers in Paraguay see firm determination and political will on the part of the Government authorities to take the necessary remedial measures to improve the labour inspection system, despite the difficulties which are a feature of a developing country.

Worker member, Paraguay – Our presence here relates to the report of the Committee of Experts, which has issued an observation to the Government of my country for non-compliance and serious and repeated violations of the Convention.

In its observation, the Committee of Experts has taken special account of the information and complaints of the CIIT received on 31 August and 5 September 2023.

The men and women workers that I represent have indicated that they support and endorse the report of the Committee of Experts on the current situation of labour inspection in Paraguay.

Despite this agreement with the comments of the Committee of Experts, I would like to make a few additional points. Firstly, with regard to Articles 10 and 11 of the Convention, the Committee of Experts noted the Government's indication in its report that the possibility of increasing the number of labour inspectors depended on the budget allocated to the Ministry of Labour under the overall national budget, and that this entailed not only an increase in the cost of salaries but also in the costs of training, equipment and means of transport needed for the performance of their duties.

At the same time, the Committee of Experts took account of the fact that the international representatives of the labour inspectors had indicated that of the 30 inspectors recruited in 2015, only 19 remained in post. Of these, 13 were assigned to the capital Asunción, three to the department of Alto Paraná, and one each to the departments of Cordillera, Paraguari and Ñeembucú, with none assigned to the remaining 12 departments. It was also reported that the labour inspection services still have no vehicles for the performance of their duties.

The extreme institutional precariousness of labour inspection in Paraguay should be noted. This involves:

- non-existent monitoring of compliance with conditions of work;
- no verification of legal standards, terms of collective agreements or regulations; and

- in practice, abandoning any measures to ensure accident prevention or occupational safety and health.

If we look at coverage of the territory, we quickly conclude that it is minimal. 90 per cent of the country does not have inspection services, which increases the possibility of the widespread and ongoing lack of compliance with standards designed to protect working people.

In locations such as the department of Alto Paraná, an industrialized area with a large number of maquila factories – and we know how maquilas operate – it is impossible to carry out any kind of monitoring given the lack of inspectors.

Nor are there any inspectors in other places such as the Central department, where a major industrial park is located.

As a result of this vacuum in the supervision of working conditions in Paraguay, a tragic incident occurred this year which was a direct result of the lack of inspection in relation to occupational safety standards. The accident involved the explosion of an ammonia cylinder in a sausage factory, resulting in the death of four workers.

Workers are putting their very lives at risk in order to work. It is an essential function of the State to monitor compliance with safety standards in order to protect the life and health of those who need to secure a livelihood, and at times it is this very need which obliges them to perform their work in utterly precarious conditions.

At the 2022 session of the Conference, the ILO recognized a safe and healthy working environment as being a fundamental principle and right at work, incorporating it into the ILO Declaration on Fundamental Principles and Rights at Work (1998) as amended in 2022, together with freedom of association, non-discrimination in employment and occupation, the elimination of forced labour and the abolition of child labour.

With regard to Article 12(1)(a) and (c) of the Convention, the Committee of Experts notes with concern that the necessary measures have not been taken to amend Ministerial Resolutions Nos 47 of 2016 and 56 of 2017 on the inspection procedure for ensuring compliance with labour, social security and occupational safety and health standards, which restrict the powers of labour inspectors and the conduct of inspections.

In particular, I would like to mention the restrictions on free access to workplaces.

This fact is a given in many enterprises, essentially in the refrigeration sector, private ports and other workplaces, whose owners prohibit the entry of inspectors to their premises for in situ verification of the hazardous nature of the work.

Here, it must be said, in many cases the workers make a complaint and accompany the inspectors during the inspection, but they are denied access to carry out the inspection unless there is a requirement to grant entry.

The limitations described not only result in non-compliance with occupational safety and health standards, but also violations of the right to work through the loss of jobs and violations of freedom of association, which is enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Lastly, with regard to the legal status of labour inspectors, the majority are recruited through a merit-based competition, but even so they are subject to national legislation in the public sector and to the general budget. This results in precarious employment and restrictive policies, ultimately obstructing fresh recruitment. The conditions of work of inspectors are also

precarious, because the tools needed for the effective performance of their work are not provided.

Although it is true that the new administration is making efforts to increase the number of inspectors, so far it has not been possible to achieve this objective. Everything has remained at the level of intentions, without anything being done in practice.

We consider that there is an urgent need to take the relevant steps to make improvements and, in short, to ensure the effective observance of Convention No. 81 by means of:

- a significant increase in the number of labour inspectors so that they cover all of the national territory and all sectoral activities and enterprises for the better protection of workers in terms of their working conditions, freedom of association and occupational safety and health;
- the implementation of enforcement mechanisms which enable access to enterprise premises without bureaucratic obstacles that complicate and hold up action that is urgently needed in many cases;
- the provision of work equipment, especially vehicles, to enable the geographical range of inspection services to be increased; and
- lastly, ensuring the employment stability and technical independence of labour inspectors.

We have positive expectations that the Committee will support the strengthening of the labour inspection system in our country.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia**, the **Republic of Moldova** and **Ukraine**, and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

Labour inspection, as provided for in Convention No. 81, is key in ensuring the effective implementation in practice of ratified ILO Conventions and, more broadly, in promoting and safeguarding decent working conditions.

We note the latest information provided by the Government of Paraguay which confirms the information from the Committee of Experts report that only eight labour inspectors have so far been appointed as permanent officials. We call on the Government to ensure that all labour inspectors are appointed on a permanent basis as public officials. We also note the latest information provided by the Government of Paraguay about the salary and benefits structure applicable to labour inspectors in relation to the salary and benefits structure of public servants who perform similar functions.

We note with concern the persistently low and insufficient number of labour inspectors, whose number has further decreased from 19 to 15, based on the latest information provided by the Government, as well as the limited operational resources assigned to the labour inspectorate. We note that ten inspectors assigned to the capital deliver services across the whole territory, including 12 departments where no local inspectors are assigned.

In line with the Committee of Experts' recommendation, we urge the Paraguayan Government to take the necessary measures to increase the number of serving labour inspectors so as to ensure the efficient functioning of labour inspection services and effective coverage across the Paraguayan territory. This is crucial to ensure full respect of labour rights in practice. We recall the discussion in the Committee in 2017 and the subsequent observation of the Committee of Experts in 2019 regarding forced labour, requesting the Government to ensure the presence of labour inspectors in the most remote areas of the Chaco region. We note with concern that insufficient progress has been made to address this.

Based on the latest information submitted by the Government, we note a relatively sharp decrease in the number of inspections, namely 66, between August 2023 and May 2024, compared to the previous period of January to August 2023, when 187 inspections were realized. We would like to ask the Government to share information on the reasons for this decrease. We underline the importance of the Labour Inspectorate in upholding labour standards

The EU and its Member States note with interest that the Paraguayan Parliament is considering a budget increase that would provide for 25 additional labour inspectors. We express our hope for a swift approval of this budget and for adequate resources to be provided in future national budgets. We also urge the Government to provide labour inspectors with the necessary equipment, offices and means of transport necessary for the performance of their duties.

We are concerned that the powers of labour inspectors in Paraguay and the conduct of their inspections remain restricted under the different Ministry of Labour, Employment and Social Security Resolutions as referred to by the Committee of Experts. In this regard, we note the Resolution of the Ministry of Labour, Employment and Social Security No. 90 of 2023 that establishes a task force to modify the existing Ministerial resolutions and hope to see progress in the near future.

We appeal to the Government to remove the restrictions and limitations for labour inspectors in order to ensure that they are empowered to enter freely and without previous notice any workplace liable to inspection and to undertake inspections as often and as thoroughly as necessary without requiring prior authorization. We therefore urge the Government of Paraguay to bring its national legislation into full conformity with the Convention. We encourage the Government of Paraguay to follow-up on the request by the Committee of Experts to provide information and statistics in this regard.

The EU and its Member States remain committed to a constructive engagement with Paraguay to address the issues raised.

Government member, Mexico, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC) – A group of GRULAC countries would like to draw attention to the initiatives taken by the Government of Paraguay since its inauguration in August 2023 to improve the conditions and efficiency of the labour inspection system. The group notes the Government's commitment to aligning its action with the provisions of the Convention in order to ensure fair and decent working conditions for all workers.

The measures taken by Paraguay to increase the number of labour inspectors, improve their continuous training, and ensure fair and competitive remuneration can contribute to strengthening the capacity of the labour inspection system and promoting a safe and equitable working environment.

Another important step is the Government's decision to recruit new permanent inspectors and the new regulations adopted to bring inspection procedures into conformity with Convention No. 81

Finally, a group of GRULAC countries urges Paraguay to continue the action taken to professionalize and strengthen labour inspectors with a view to promoting an environment of fair competition and sustainable enterprise.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following point. Convention No. 81 establishes the fundamental principles that must be respected in order to ensure the proper functioning of any labour inspection system, and therefore contributes to the effective application, in practice, of international labour standards and national labour law. While underscoring this vital role of labour inspection, Switzerland expresses its concern regarding the numerous practical and legislative shortcomings reported by the Committee of Experts with respect to the labour inspection system in Paraguay.

The lack of employment stability resulting from the temporary nature of contracts, the extremely limited number of labour inspectors throughout the country, the lack of material resources available to carry out labour inspections effectively, and restrictions on unannounced inspections, are all factors which severely hamper the proper functioning of the labour inspectorate in Paraguay, and which are contrary to the Convention.

Switzerland recalls that inspectors must have sufficient material resources to be able to carry out their work, and that their independence and impartiality must be fully guaranteed. In this regard, the Swiss Government calls on the Government of Paraguay to urgently take all the necessary measures to: firstly, significantly increase the number of labour inspectors and the material means available to them; and, secondly, adapt its legislation, in particular on inspection authorization procedures, in order to bring it into full conformity with the Convention. Switzerland also encourages the Paraguayan Government to provide information on the measures taken in this regard and, in future, to systematically provide statistics on the number of inspections conducted and the penalties imposed.

Worker member, Brazil – I note with deep regret that the case of Paraguay is serious, persistent and endangers workers' fundamental rights to health, safety and well-being, which justifies the urgency of analysing the case.

Convention No. 81 is of unique importance, as labour inspection performs duties not only related to supervision and penalties, but also, and perhaps more importantly, to prevention.

Compensation for any harm or violations is important. Ideally, however, there should be no harm or violations, especially where the fundamental rights to the health, safety and welfare of workers are concerned.

Non-compliance with the Convention cannot be overlooked or minimized. Otherwise, all fundamental rights protected by this Organization would potentially be at constant risk of violation.

The absence of labour inspection, in the terms established by Convention No. 81, ultimately results in the loss of lives.

I would like to once again express my great regret that the Government, in presenting its considerations after learning of its inclusion in the long list, did not provide any information on the worrying situation in the Chaco region, even though it is covered by the latest direct request of the Committee of Experts.

In 2008, 2013 and 2017, Paraguay came before this Committee for violations of Convention No. 29, especially in the Chaco region, related to the working conditions of indigenous workers.

Since 1997, the Committee of Experts has commented on these situations of debt bondage in the country, which were extensively documented in a 2005 ILO report.

In this, we can objectively and concretely see the results of non-compliance with the Convention. For almost 20 years, the worrying situation in the Chaco region has been recorded, analysed and commented on by the supervisory bodies.

Despite this, the Government has repeatedly failed to give effect to the Convention and, consequently, to carry out the corresponding inspections, which is the only way of ensuring the preventive effect we so desire.

We urge the country to increase urgently and significantly the number of inspectors, guaranteeing them the mandate and material conditions for the performance of their duties, and to ensure that the Chaco region is the subject of a more assertive, immediate and targeted policy.

Government member, El Salvador – El Salvador has noted the information provided by the Government representative, in relation to this case. We understand the challenges involved in taking office as a new administration in relation to such structural matters. We appreciate the commitment of the new Government to improve the conditions and efficiency of the labour inspection system.

The Convention aims precisely to ensure the appropriate conditions for those who seek and promote compliance with workers' labour rights. We therefore recognize the measures taken in the short time that this new administration has been in place, and we encourage the Government of Paraguay to continue to promote the improvement of its labour inspectorate with measures such as increasing the number of labour inspectors, providing them with continuous training, and ensuring fair remuneration.

Our region has positive experiences of labour inspection that can be shared through various means, including South-South cooperation, which could offer an opportunity to promote not only progress in this respect, but also unity among our peoples.

Finally, our delegation encourages the Government to continue its efforts to implement the Convention.

Worker member, Spain – The report of the Committee of Experts, in relation to compliance with Convention No. 81 in Paraguay, describes a situation of extreme precarity in the country's labour inspection system, thereby showing that it was appropriate to choose this case for examination by the Committee as a double footnoted case.

The low number of inspectors, the lack of resources for the performance of their duties, the precarity of their working conditions and the limited coverage of labour inspection in vast areas of the country reveal the incapacity of the Paraguayan labour inspection system to comply with the provisions of the Convention.

The Committee of Experts' report reflects this precarious situation of labour inspection in Paraguay, and also includes the Government's arguments. The Government indicates in its report that the possibility of increasing the number of labour inspectors depends on the budget allocated to the Ministry of Labour from the overall national budget.

Thus, the Government claims that the failure to comply with the Convention is due to a lack of budget, which the Government itself has failed to allocate. Furthermore, the Committee of Experts notes the Government's indication in its report that increasing the number of inspectors entails not only the cost of their salaries, but also the associated costs of training, equipment and means of transport necessary for the performance of their duties. The Government thus describes precisely the content of the Convention to justify its failure to comply with it.

It is important to recall that the Convention ratified by Paraguay almost 60 years ago provides in Article 6 that "inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment".

Article 7(3) provides that "Labour inspectors shall be adequately trained for the performance of their duties". Article 10 adds that the "number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate", while Article 11 requires the competent authority to "make the necessary arrangements to furnish labour inspectors with" material means and transport facilities for the performance of their duties.

Thus, all these Articles of the Convention are clear with respect to the obligation to ensure the provision of resources for the inspection system.

Therefore, non-compliance with the Convention on the grounds that there is no budget available for its funding is not an option, just as it is not an option in any Convention, and since budget allocation is a political function, compliance with the law is not a political choice.

In the case of Paraguay, the political decision not to allocate sufficient resources serves to guarantee the failure to comply with the Convention, with the serious consequences that ensue for compliance with labour rights in the country, as emphasized by the Worker representatives.

Finally, I would like to reiterate that the seriousness of this case requires the commitment by the Government, as a signatory to the Convention, through the allocation of sufficient budgetary resources to comply with all the provisions included in this Convention.

Observer, Confederation of University Workers in the Americas (CONTUA) – We said that, without doubt, the selection of this case will enable us to broaden the discussions that we had only yesterday on the General Survey of the Committee of Experts and, in this regard, to examine the system for the protection of labour relations in the wider context of the framework of national and international standards, ensuring compliance and effective supervision as three seamless and indivisible steps.

Unless there is a willingness to set out social and labour relations in a social contract, there is no possibility of social peace, which is the basis for the adoption of standards. Anomie favours the strongest, and the recognition that work is not a commodity involves the protection of the weakest, which is the basis of our standard-setting system.

However, a standard-setting system that does not require mandatory compliance through the responsibility of the State for enforcement can be nothing more than anecdotal and declamatory. It becomes a literary text, and once again favours the maintenance of the status quo by the strongest due to their strength or political or economic power.

Therefore, supervision of compliance with standards is an essential part of the system, and also constitutes a fundamental obligation of States, exercised within the framework of tripartite social dialogue.

There may be perfect standards, there may be a majority will to comply, but if there is no effective supervision and penalties for failure to comply, there will be those who abuse, fail to comply with and violate agreements, and those worst affected will of course be the workers.

We are speaking about this with regard to Paraguay, we are speaking about a State that has abandoned its obligation to ensure compliance with the standards in force, where labour inspection is practically non-existent, and therefore, violations of workers' rights are generalized, as well as attacks on trade unions which, alone and with great courage, not only defend the interests of their members, but also denounce enterprise practices that destroy the environment, collusion with corrupt officials who turn a blind eye, tax fraud and failure to comply with health standards.

There is little or no inspection in the capital city and absolutely no inspection in the remotest areas of Paraguay. There is a total lack of employment stability for public employees in the labour inspectorate, which makes them vulnerable to political pressure and pressure from unscrupulous employers. There is a lack of independent and transparent procedures for the selection of enterprises to be inspected, so that the system favours arbitrary action and political intervention. There are no resources to conduct inspections, no vehicles, no basic technology and even less a policy of human resources training. And, of course, poor wages.

As indicated by the Worker representative of Paraguay, the lack of inspection has claimed the lives of workers. In order to ensure decent working conditions, strong action is required by States to curb the impunity of exploitative profit-making, which has existed since the first industrial revolution until the present day, and which is fuelled by the lack of scruples of certain employers, who take advantage of needy workers.

Inspection is at the heart of the system of protection. Without inspection, Conventions risk becoming a catalogue of illusions. The workers of Paraguay hope that this discussion will result in clear commitments to reverse the current situation of non-compliance.

Government representative – St. Thomas Aquinas is a saint of the Catholic church and a philosopher. Many of us undoubtedly know and follow St. Thomas, because seeing is believing is something of a custom for us. For this reason, I raised with the Officers at the beginning the possibility of innovating in relation to the ILO, because a large part of the observations made in relation to Paraguay have been resolved.

We, as a new Government – and this is the democratic rule, one Government leaves, and a new Government takes power, and makes its mark in its own way. This Government of President Santiago Peña is keeping its commitment to comply with international Conventions.

We are told that resolutions Nos 47 of 2016, 56 of 2017 and 29 of 2023 restrict the work of inspectors, but these Resolutions have been withdrawn. If anyone looks on the webpage of the MTESS, they will see that Resolution No. 346/2024 repeals those that have been criticized, namely Resolutions Nos 47, 56 and 29.

The criticism is made that inspectors earn less, but this Government has increased the salaries of inspectors by 30 per cent. I said this in my statement, but perhaps as this is my first time I was not sufficiently vehement in saying that, from the 5,500,000 guarani that inspectors earned, they now earn 7,150,000 guarani.

No reference was made to Chaco. We should look at the webpage of the MTESS, where there is a very interesting project in the Paraguayan Chaco with the financing of the Department of Labor of the United States, executed by the ILO, which was launched in

September last year. We will therefore, and we are already addressing the situation of the Paraguayan Chaco, which is such a sensitive area.

We are criticized because there have been no inspections. I would like to invite you, I know that this is not usual, but today technology, spurred on by the pandemic, has enabled us to use the tool of the intelligent telephone on which, if you type MTESS, you will find that the Resolution, that was referred to by both Worker and Employer representatives, has been repealed. Inspectors can now enter workplaces freely, in accordance with the law.

If you go on the MTESS website, you will see a series of inspections that have been carried out by the MTESS. I will take some, at random. On Twitter, it can be seen that on 20 March there was an inspection in a building company. It can also be seen that inspections were carried out in the Capiatá area, where there was an ammonia leak, which has indeed been mentioned. It will also be seen that the MTESS closed this food company until compliance was achieved with the law, following joint work with the Ministry of the Environment and the regional municipal authorities. The suspension has now been lifted.

We were criticized for not carrying out inspections in the interior of the country. It is indicated on the Twitter account of the MTESS that an inspection was carried out in the city of Concepción, a beautiful city in the North of my country, where inspections were being carried out on 2 May.

We were criticized for not carrying out inspections in the interior of the country. It is indicated on the Twitter account of the MTESS that an inspection was carried out in the city of Concepción, a beautiful city in the North of my country, where inspections were being carried out on 2 May.

There is a silo in the department of Misiones, and there are many in my country, where inspections were undertaken on 29 May.

You will also see that in the Alto Paraná, where it was also said that there were no inspectors present, ten inspections have been carried out in recent months.

You can also access the Interinstitutional Transport Commission, which is a tripartite body.

You can also see that my trade union colleagues are present on the roundtable working with us, because this is how we work in Paraguay. I ask your indulgence, as perhaps the approach that I am taking is not very usual, but I believe that we are here to seek the truth.

We are taking note. We are told that inspectors are contract workers. We agree, but 50 per cent of them have been removed from their precarious status. We are increasing the budget, and I even gave you the file number. In view of the lack of trust, and that is normal, I have given you the file number, which is real, and the file indicates that there will be appointments, that there will be a competition, and Paraguay will increase the number of inspectors.

We are also criticized about salary levels. As I indicated, this has been increased by 30 per cent.

I assume responsibility for the Government, despite the fact that it was another Government that provided the original information. But I am here today before you and, I have to say, we have taken note and I believe that almost all the comments of the Committee of Experts are being given effect. And I insist that the ILO and the present Committee should envisage the possibly, because this is automatic information, and the Committee of Experts often does very good work, but I have heard of times when it has been three, four or six months

behind. In today's world, this is not up to date, and you don't need to believe me, because we all have the necessary knowledge. And for this purpose, we have a small tool that allows us, when we use it, to add transparency. In relation to the salary level, in Paraguay we have the law on transparency, which requires us to publish the salaries of public officials. So if you don't believe me, go and see what inspectors earn, and you will see that they earn 30 per cent more under the present Government.

A small detail, and my apologies for referring to the spokesperson of the European Union. Our legislation is very special, and the process of inspection starts with the General Directorate of Labour Inspection, but the fines that are applied are determined by the legal office in the case of contraventions. Officials are assigned, and this explains the difference that emerged between 15 and 19 inspectors. As you can see, I was careful in my statement. They are in the area of inspection, and I am therefore grateful for this opportunity to clarify this point.

So, as a country, we call for continued support, because ILO support is very important. We believe that the group of inspectors who are to be appointed will require training, and ILO cooperation will be necessary for this purpose.

We welcome the offers from many countries which have more experience, which have a body of inspectors, and we accept it very willingly, and perhaps we can make some bilateral agreements.

The Government is 100 per cent willing, but I would like to suggest to the Officers of the Committee that we make use of technological means to keep our information more up to date, more accurate, more rapid, because otherwise we sometimes engage in unnecessary argument. And so, as I am a follower of St. Thomas Aquinas, I sometimes need to see to be able to believe, and I once again invite my colleagues, Chair, with due respect, to change to a certain extent the traditional presentation, and I would like to present the webpage, and I would like it to be seen. Because there is another characteristic of Paraguay, which is that inspections are not only carried out by the Ministry of Labour, but also by the IPS for social security. We carry out joint and very numerous inspections with them. And once again, on the same webpage, you will find publications on joint action with the IPS and you will see what we have been doing.

We also have labour inspectors in the field of transport, which once again you will find on the webpage of the Ministry, dated September, August and November last year. And you will find a series of inspections which show, not because the Deputy Minister came here and said so, and not because the Government says so, but because technological tools allow us to show what is happening.

We appreciate your comments, but we believe that it would be a little unjust to continue beating us over the head for the deficiencies of the previous Government. The present Government is committed to doing things well, and we want you to keep on watching us and providing advice, because we believe that will benefit not only the country, but also the most vulnerable sectors.

We have a tripartite body, and I can contradict my friends from the trade unions, in which we have the freedom of association roundtable, in which we are working together. We also have the social security roundtable, in which, following ten years of efforts to adopt the Pension Superintendence Act, it was possible to achieve results, based on agreement between employers, trade unionists and the Government, following much discussion. This is the result of the new approach by the Government.

Chairperson – Thank you very much, Minister, for your in-depth explanation and the information you provided. Now I give the floor to the Worker and Employer spokespersons, to make their final remarks.

Worker members – The situation of labour inspection in Paraguay requires real firm commitment from the Government to adopt all the necessary measures to ensure compliance with the provisions of the Convention.

It is crucial for the Government to commit to the establishment of this framework of policies and laws so as to be able to guarantee labour inspectors stability of employment so that they are all engaged on a permanent basis as public officials in accordance with Article 6 of the Convention.

The Government must adopt, and also make use of, an adequate budget to make a significant increase in the number, or in other words, the quantity of active labour inspectors with a physical presence in all the departments of the country to ensure the effective discharge of the work of the inspection services.

There can be no doubt that the Government must provide labour inspectors with duly equipped offices, safety and health equipment and appropriate vocational training, and the necessary means of transport to carry out their functions.

On this point, we would like to emphasize two considerations. The first is that failure to comply with Convention No. 81 has an impact on forced labour in general, on Convention No. 29 and the Protocols, and on child labour, with a view to its eradication, as well as on the labour situation, or exploitation of indigenous groups. The presence of the State through labour inspection throughout the national territory is therefore of great importance.

And the second consideration relates to the national territory. I recall that when I indicated that there are 12 departments, which I did not name, where there are no inspectors assigned, I believe that this Committee should be aware, to have an idea of the scope, that the 12 departments make up 90 per cent of the national territory of Paraguay. So, 90 per cent of Paraguay does not have inspectors and, to have an idea of the size of Paraguay, these 12 departments are nine times bigger than a country such as Switzerland. There are therefore no inspectors in 90 per cent of Paraguay, while there are inspectors in the cities that I mentioned in the remaining 10 per cent of the country. Our conclusion is therefore that, in terms of resources to facilitate transport and all other action, we are speaking of significant journeys in a large country.

We therefore urge the Government to bring the national legislation into full conformity with the Convention and the recommendations of the Committee of Experts, and to adopt, without delay, the necessary measures to ensure that labour inspectors with proper credentials are able to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection, without having to obtain previous authorization from a higher authority. Second, workplaces need to be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. Third, all restrictions need to be lifted on the power of inspectors to enter freely and without previous notice any workplace liable to inspection, which have to be inspected, I repeat, as often and as thoroughly as is necessary. In particular, it is of great importance to repeal all the measures that prevent the General Directorate of Labour Inspection from discharging its duties in an independent manner, including those that subject its action to previous authorization by the MTESS.

We remind the Government that the ILO has recently adopted the *Guidelines on general principles of labour inspection*, which offer detailed technical guidance on the fundamental principles set out in the Convention.

The Worker members invite the Government to accept technical assistance from the Office with a view to carrying forward the legislative reforms and their effective and immediate implementation. And, in light of what the Government representative has said, I think that we are really on the way to this being accepted.

Employer members – We are grateful for the further information and clarifications provided by the Government of Paraguay, as well as for the contributions of all those who took part in the discussion.

As Employer members, as well as focusing specifically on Convention No. 81, which is the basis of this case, rather than the effect that it may or may not have on other Conventions, it falls to us to point out that to achieve decent work and the formalization of employment it is undoubtedly essential to have the policies and institutions for an adequate labour inspection system, both in terms of a sufficient number of inspectors and the provision of operational and logistical resources to them. All of this should be geared towards effective compliance with labour regulations, which also requires an additional mechanism for reducing informality in the economy, which has such a significant effect on the progressive development of all countries.

The effective realization of the objectives described depends both on the availability of budgetary resources allocated by the Government and on the political will and interaction of all the partners involved. We cannot overlook, however, the vital need to review the legislation in force in the country to ensure that its regulations allow for full compliance with the provisions of the Convention.

In conclusion, having taken note of the explanations provided by the Government today, and emphasizing the need for such information to be disseminated to provide a detailed picture of the country's progress, or not, in relation to the Convention, we recommend the Government to intensify its efforts to improve the labour inspection system, ensuring that it has sufficient inspectors to undertake effective monitoring of labour regulations and that those inspectors have the necessary operational, administrative and logistical resources to fulfil their roles, all within the scope of the Convention. The Government should also promote the effective functioning of the inspectorate system without creating bureaucratic limitations that prevent the system from operating efficiently in monitoring compliance with, and observance of, the concept of decent work and the reduction of informality in employment.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern various issues relating to the effective functioning of the labour inspection system in the country, including a lack of human and material resources, the instability of employment of labour inspectors, and the absence of means to function effectively and independently through the unrestricted access of labour inspectors to workplaces without prior authorization.

Taking into account the discussion, the Committee requested the Government, in consultation with the social partners, to take effective and time-bound measures to:

- **intensify efforts to ensure that: (i) the number of serving labour inspectors is sufficient to enable the efficient and effective functioning of the inspection services, including in areas which are underserved at present; and (ii) labour inspectors are provided with material, operational, financial, administrative and logistical resources necessary for the performance of their duties;**
- **ensure that all labour inspectors are appointed as public officials on a permanent basis in order to secure their stability of employment and continue to ensure that their salaries and benefits are at least commensurate with the remuneration arrangements in place for other public officials;**
- **promote the effective functioning of the inspection system by removing the legal and practical constraints that hinder the effective work of labour inspectors, in order to, among other things, ensure that labour inspectors are empowered to make visits without previous notice and without requiring prior authorization from a higher authority, and that they are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in line with the Convention; and**
- **provide all outstanding information requested by the Committee of Experts.**

The Committee requested the Government to submit a detailed report, including the above-mentioned information as well as the measures taken and progress achieved on the implementation of the Convention by 1 September 2024.

The Committee further requested the Government to avail itself of ILO technical assistance to implement the Committee's recommendations and to ensure full compliance with its obligations under the Convention in law and in practice.

Government representative – Allow me to express our thanks for the conclusions issued by the Committee relating to the individual case of Paraguay on the Convention, ratified by our country in 1967.

We recognize the exhaustive work and the dedication of this Committee in examining our situation and providing guidance for improvement.

We pay special attention to the Committee's conclusions that we have received. We reaffirm our commitment as the Government to pursue the actions already undertaken by the current administration, with a view to the implementation of the Convention.

Taking into consideration the conclusions issued today by the Committee, along with the observations of the Committee of Experts, we are firmly committed to strengthening the inspection staff under the MTESS, improving inspection procedures in line with the standards set out in the Convention, and ensuring that labour inspection is increased effectively at the national level. We are aware of the importance of this work for the protection of labour rights and the promotion of fair and decent working conditions for all.

As the Government, we assume the responsibility and challenge of implementing the ILO recommendations and of continuing to make progress to fulfil our international obligations regarding labour matters.

We consider it supremely important to have the ongoing technical cooperation of the ILO, as well as to share experiences with the Member States of this august house to enable us to improve on the issues raised in the conclusions and recommendations received today. These experiences and support are essential in order to build our capacities and ensure the effective

implementation of the proposed measures. To this end, we are committed to promoting decent work and workers' rights in Paraguay.

I note lastly that the Government of Paraguay has once again taken on the role of a deputy member of the ILO Governing Body, and we thereby reaffirm our commitment.

We sincerely thank everyone here for your support and collaboration in this important work.

Peru (ratification: 1994)

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Written information provided by the Government

Article 1. Peoples

The identification of indigenous/native peoples is carried out on the basis of identification criteria in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Act No. 29785. This enables the Official Database of Indigenous and Native Peoples (BDPI) to be updated so that public services can be provided according to cultural/linguistic characteristics.

According to the BDPI, 55 indigenous or native peoples have a traditional presence divided up into 9,211 localities (5,153 are peasant farming (*campesino*) communities, 2,303 are native, 1,708 have no identified type and there are 47 indigenous peoples in initial contact). Of these localities, 4,327 are georeferenced (49 per cent), 7,455 are recognized (81 per cent), and 5,825 are titled (63 per cent), covering a total of 2,880,352 persons (9.8 per cent of the population).

Since 2022, the BDPI has undertaken visits to 144 communities in 12 departments in order to identify peoples, since there was no information from 1,393 communities. In 2023, that figure decreased to 1,251 and there were four updates of the list (in May, June, September and December), incorporating 192 new localities.

Articles 2 and 33. Coordinated action

The proposal for a national policy on indigenous or native peoples seeks to guarantee the effective exercise of the collective rights of over 5.9 million persons belonging to various indigenous peoples. The policy comprises three phases: (i) updating; (ii) prior consultation; and (iii) approval.

As of 2024, the proposal is in the prior consultation phase, which consists of seven stages: (i) identification of measures for consultation; (ii) identification of peoples; (iii) publicity; (iv) information stage; (v) evaluation; (vi) dialogue; and (vii) decision stage.

Between May and September 2023, the following activities took place:

- 4 meetings with organizations enabling consensus on the proposal;
- 9 meetings providing further information on the proposal;
- 17 instances of technical assistance regarding multisectoral validation of the proposal;
- 6 meetings with the National Strategic Planning Centre to assess the public issue;

- deliverables 1, 2 and 3 approved by the National Strategic Planning Centre.

In March and April 2024, the following activities took place:

- consolidation of the involvement of 45 entities;
- 56 meetings with 37 entities to review proposals;
- presentation of proposals for services during the fifth meeting (6 and 9 May) with 8 indigenous organizations and 33 public entities;
- identification of 61 services and preparation of 102 proposals for review.

Regarding the Multisectoral Committee approved by Supreme Decree No. 005-2021-MC, up to May 2024 the members reported the completion of strategic actions.

Of 122 strategic actions, 41 have been completed, 50 are in progress and 31 are pending, according to the respective technical working groups (GTTs):

- GTT No. 1: Access to comprehensive/intercultural healthcare – 16 strategic actions completed, 7 in progress;
- GTT No. 2: Indigenous development/economy – 5 strategic actions completed, 15 in progress;
- GTT No. 3: Access to intercultural education – 9 strategic actions completed, 12 in progress;
- GTT No. 4: Rights of indigenous women – 7 strategic actions completed, 1 in progress;
- GTT No. 5: Legal certainty regarding land – 4 strategic actions completed, 15 in progress.

Articles 3 and 12. Human rights. Indigenous women

In relation to the guidelines approved by Supreme Decree No. 0090-2019-MC, the following actions were undertaken:

- implementation of 11 training workshops for public servants on the subject of sexual violence (September–December 2023);
- updating, translation (into six indigenous languages) and dissemination of messages on the prevention of sexual violence in three regions (Loreto, Ucayali and Puno) (December 2023);
- “Meritorious cultural personality” award for six indigenous women for their contributions to activism (September–December 2023);
- “First national meeting of indigenous women entrepreneurs” to strengthen their role in recovery, held on 11–14 December 2023 with 53 women (Awajún, Ashaninka, Bora, Kichwa, Matsigenka, Quechuas-Secoya and Shipibo-Konibo) from 15 regions;
- “National meeting of indigenous women leaders” to present the women’s entrepreneurship network with a view to capacity-building, held on 14 December 2023 for women, including 18 women leaders from 9 regions (Pasco, Cusco, Ayacucho, Loreto, San Martín, Amazonas, Puno, Huancavelica and Áncash);
- the creation of the “National network of indigenous, native and Afro-Peruvian women entrepreneurs” (Ministerial Decision No. 086-2024-MC) in order to facilitate entrepreneurial access to the labour market;

- 19th edition of the training course for interpreters/translators (August–September 2023, Tarapoto, San Martín); for the first time, this catered for 50 women from 15 regions speaking seven languages;
- incorporation of women who completed the 19 training courses in the National Register of Interpreters and Translators of Indigenous or Native Languages at the Ministry of Culture.

Article 3. Human rights and fundamental rights

Under Act No. 31405, which promotes the protection and comprehensive development of orphaned children and young persons, assistance was provided according to the register of beneficiaries:

Deceased defender	Orphaned minor(s)	Current status
Edwin Chota	Andi Chota	Incorporated – 17 April 2023
Leoncio Quintisima	Leoncio and Leyner Quintisima	Incorporated – 1 June 2023
Jorge Ríos	Robert, Mario, Luis and Junio Ríos	Judicial declaration of presumed death in progress
Francisco Pinedo	Elmer, Aníbal y Diana Pinedo	Renewal of ID in progress

After being apprised of possible risk situations for relatives of the deceased persons (11 September 2023) in the context of the “Intersectoral mechanism for the protection of human rights defenders”, the Ministry of Justice and Human Rights (Ministry of Justice) asked for the relatives to be given personal guarantees, which was duly done (29 September 2023).

Various entities met with relatives on 4 December 2023 to report on progress of the Saweto Action Plan.

On 11 April 2024, logging contractors Mr Hugo Soria and Mr José Estrada (instigators) and Mr Josimar and Mr Segundo Atachi (co-perpetrators) were sentenced to 28 years and 3 months’ imprisonment by the Collegiate Criminal Court within the High Court of Ucayali for the aggravated homicide of indigenous leaders, and were ordered to pay 200,000 Peruvian soles in civil compensation. Trial proceedings relating to another accused, Mr Eurico Mapes, were deferred pending his arrest.

In the context of the “Intersectoral mechanism for the protection of human rights defenders”, the “Register of risk situations for human rights defenders” detailed the following information as of 31 March 2024:

- There were 339 registered risk situations involving 599 rights defenders. Of these persons, 397 (66.28 per cent) self-identified as belonging to the following peoples: Shipibo-Konibo (74), Kichwa (65), Ashaninka (42), Tallán (41) and Kakataibo (38).
- These 397 persons indicated that they faced one or more types of risk, such as threats to safety (59.43 per cent), assaults (16.67 per cent), destruction of property (5.98 per cent), defamation (4.89 per cent) and harassment (4.71 per cent).
- As regards risk situations for self-identified indigenous rights defenders, 170 were linked to activities such as illegal logging (87), illicit drug trafficking (74), illegal mining (36) and land trafficking (35).

In order to reinforce the intersectoral mechanism, the following activities were carried out:

- Installation of seven regional round tables for the protection of human rights defenders (Madre de Dios, Ucayali, San Martín, Loreto, Amazonas, Junín and Piura) with a view to territorial coordination in relation to risk situations connected with illegal activities, with the participation of the Government and social actors.
- Two technical round tables in Ucayali regarding: (i) titling of community territories, with the participation of the authorities and indigenous peoples (19 March 2024); and (ii) socio-economic development in conjunction with communities (21 March 2024).
- Seven meetings with the authorities and social organizations in five regions (Piura, Iquitos, Chachapoyas, Satipo and Huánuco) in order to coordinate multi-level forums for the protection of rights defenders.
- Six high-level public visits (with the participation of the Ministry of Justice, Ministry of the Environment and Ministry of Culture) in Ucayali (3), Huánuco (1), Piura (1) and Madre de Dios (1), with a particular focus on visits to the Flor de Ucayali and San Francisco communities, for fact-finding purposes in relation to risk situations.
- Implementation of a pilot project to identify risk situations, linked to the design of an early warning system to prevent the negative impact of illicit drug trafficking (Flor de Ucayali community, 28 February 2024).
- Participation in three Congress initiatives: (i) prevention session relating to deforestation caused by illicit activities (8 September 2023); (ii) public hearing on issues faced by rights defenders in Ucayali (23 October 2023); and (iii) decentralized meeting of the budget committee to reinforce the budget for the intersectoral mechanism (24 October 2023).
- Presentation of the project for strengthening the intersectoral mechanism by the Ministry of Justice, Ministry of Culture and Ministry of the Environment (26 February 2024).
- Three training activities: (i) workshop on human rights defenders facing risk situations, for 95 police officers from 6 regions (Madre de Dios, Ucayali, Loreto, Huánuco, Junín and Amazonas); (ii) workshop on the intersectoral mechanism, for 126 leaders from 53 organizations in 7 regions (San Martín, Ucayali, Huánuco, Madre de Dios, Loreto, Pasco and Amazonas); and (iii) course on the role of rights defenders and police protection with regard to risks, for 115 police officers from 7 regions (Madre de Dios, Ucayali, Loreto, Huánuco, Junín, Amazonas and San Martín).

Regarding the new cases of murders of leaders:

- Mr Quinto Inuma Alvarado (leader of the Kichwa community, Santa Rosillo de Yanayacu): the Ministry of Justice managed: (i) the transferral of authority to the community; (ii) the exhumation of remains; (iii) the safeguarding of the life and integrity of relatives and other leaders; (iv) the implementation of actions, together with the Ministry of Women and Vulnerable Populations and the Ministry of Health, to provide psychological support for relatives/the community; and (v) the provision of assistance for relatives.
- Mr Santiago Contoricón Antúnez (Ashaninka chief of the Puerto Ocopa-Junín community): the Ministry of Justice managed: (i) the provision of ombuds services for the relatives of victims; (ii) visits to the community and provision of information on the intersectoral mechanism and on recognizing relevant risk situations; (iii) the organization of an orphan scholarship at the Continental University (granted on 5 May 2023); (v) the granting of guarantees for relatives (19 May 2023); (vi) the provision of social assistance for relatives

through the *Juntos* programme; and (vi) the follow-up of the case (Ministry of Justice–Ombuds Office).

The executive branch submitted Bill No. 7752/2023-PE, in which the Ministry of Culture proposes paragraph 3.8.5 for the “amendment of sections 108, 108-C and 200 of the Penal Code”, in order to introduce aggravating circumstances for cases in which victims are indigenous rights defenders.

Measures to prevent the excessive use of force include: Ministerial Decision No. 952 2018-IN; Directives Nos 015-2022-CG PNP-EM, 008-2022-IN, 13-2023-CG PNP/EMG and 014-2023-CG PNP/EMG; and National Police General Headquarters Decision No. 280-2023-CG PNP/EMG. Measures concerning the armed forces include: Ministerial Decisions Nos 0066 2022-DE, 0065-2022-DE, 0067-2022-DE, 038-2022-DE and 013-2023-DE.

This framework includes an approach based on human rights and interculturalism and, as part of its application, the following actions were implemented between December 2023 and April 2024:

- Five training initiatives for police officers: (i) a training course for trainers on human rights in relation to police work, for 25 police officers; (ii) a post-operation evaluation workshop for 40 senior officers holding the position of regional chief or chief of a provisional police structure (*frente policial*); (iii) a refresher programme on police interventions and operations for 11,000 officers and sub-officers; (iv) a seminar/workshop on the use of force and human rights during social unrest, for 60 general officers; and (v) interculturalism workshops for 446 police officers.
- Five programmes on human rights and international humanitarian law for the armed forces: (i) two basic programmes for officers and civilians; (ii) two advanced programmes for officers and civilians, technicians and sub-officers; and (iii) a programme for operational legal advisers. The armed forces’ Centre for International Humanitarian Law and Human Rights trained 1,094 members of the armed forces, police officers and civilians.
- Training workshops and conferences on interculturalism, human rights and standards on the use of public force by prosecutors, in accordance with the directive approved by Public Prosecutor’s Office Decision No. 534-2022-MP-FN.

Article 6. Consultation

Regarding the Multisectoral Committee for the Application of the Right to Prior Consultation, in April 2024 the Ministry of Culture reported the following:

- implementation of 95 consultation processes (83 concluded);
- submission of 166 requests for information to entities responsible for concluding agreements, and holding of 102 technical assistance meetings;
- implementation of the 2023 work plan and further follow-up actions;
- follow-up on 52 prior consultation processes (1,183 agreements concluded), of which 14 were related to protected natural areas;
- Follow-up on compliance with consultation agreements relating to Plot 192, in which the Ministry of Energy and Mining (Ministry of Energy) was involved:

- strengthening of follow-up on prior consultation agreements by the “Technical roundtable for the prevention of unrest and for the communities of the ‘four basins’ group in the area of Plot 192 in the Loreto region”;
- establishment of sub-working groups (education, health, housing and titling) and coordination for the fulfilment of agreements.

Articles 7 and 15. Consultation and mining projects

The environmental assessment of mining exploration/exploitation projects for environmental impact studies, and the drafting of environmental impact statements, in accordance with the scope of the mining activity, are carried out by the National Service for Environmental Certification of Sustainable Investments (SENACE) and the Ministry of Energy/regional governments, respectively, with the participation of indigenous peoples. On 22 December 2023, the Ministry of Culture issued 181 opinions at the request of SENACE and the Ministry of Energy, of which three are binding.

Regarding the Ministry of Energy criteria for identifying which indigenous peoples must be consulted concerning a project, each promoting body must identify measures that may be related to the collective rights of indigenous peoples and, where indigenous peoples may be affected, prior consultation must be carried out.

With regard to measures to inform indigenous peoples of the importance of consultation and encourage their participation in such processes, the following actions were carried out in 2023:

- participation of 16 entities: 5 ministries (Ministry of Energy, Ministry of Education, Ministry of Culture, Ministry of Transport and Communications, and Ministry of the Environment), 3 public bodies (National Service for State-Protected Areas, National Intercultural Health Centre, and National Forestry and Forest Fauna Service), 4 regional governments (Loreto, Cusco, Huancavelica and Ucayali), and 3 local governments (Ucayali, Manseriche and Nueva Requena), on matters related to natural protected areas, mining projects and hydrocarbon plots;
- implementation of 141 technical assistance actions related to prior consultation for 2,389 participants (865 officials and 1,524 inhabitants);
- management of 21 cases, of which 12 are related to prior consultation;
- capacity-building for 3,106 persons: 931 public officials, 1,118 indigenous/native inhabitants, and 1,057 other individuals;
- implementation of 11 online courses on the right to and process of prior consultation, through which 3,890 persons were trained, with a 12th course currently under way;
- development of a plan for the implementation of intercultural dissemination mechanisms on the status of prior consultation agreements.

Article 14. Land

The Ministry of Culture provides support in guaranteeing the collective right to land and territory for 49 communities in 9 departments: San Martín (22); Ayacucho (9); Huánuco (5); Ucayali (3); Loreto (4); Pasco (3); Amazonas (1); Madre de Dios (1); and Cusco (1). To date, the following actions have been conducted:

- capacity-building for 32 indigenous leaders from Loreto and Ucayali;

- participation in dialogue forums and titling round tables convened by the regional agrarian directorates of three regions (San Martín, Huánuco and Ucayali);
- organization of coordination meetings with authorities to expedite processes for the physical and legal clarification of rights defenders' cases in five regions (San Martín, Huánuco, Ucayali, Pasco and Loreto);
- provision of technical assistance to the regional governments of Ucayali, Pasco and Huánuco for the creation of "technical titling round tables", in order to resolve disputes, and carry out processes for the demarcation and titling of land.

Articles 26 and 27. Education

With regard to education services, the Ministry of Education indicates the implementation of the following actions in 2024:

- classification of 73,092 teachers according to level of native language proficiency, with the majority having an advanced level (39,493);
- issuance of 98 text titles in 14 native languages, and 305 library resources in 43 native languages for basic education;
- publication of 16 writing manuals and 9 vocabulary teaching resources as linguistic tools for teachers;
- drafting of a plan for teacher development in bilingual intercultural education in order to close gaps.

Concerning the defence and protection of the rights of indigenous peoples in bilingual intercultural education in 2024, the Ombuds Office notes that the sectoral policy on bilingual intercultural education provides recommendations for 23 regional education departments with respect to the following:

- allocation of vacancies for teachers in bilingual intercultural education in accordance with requirements;
- processes and necessary resources for the distribution of teaching materials.

Discussion by the Committee

Chairperson – I have the honour to invite the Government representative of Peru, his Excellency, the Minister of Labour and Employment Promotion, to take the floor.

Government representative – Chair, ladies and gentlemen, it is an honour for me to appear before you on behalf of the State of Peru to reaffirm my country's commitment to fulfilling the legal obligations deriving from the ILO Conventions, to express gratitude for the constant support from the international standards supervisory bodies and the recommendations they make to us, and to address the comments and concerns of the various social partners who drive us forward to continue making improvements.

The Convention, which has been in force for Peru since 1995, supposes not only the right of these peoples to preserve their cultures and their ways of life but also the right to participate effectively in the decisions which affect them. In this regard, I would like to provide information on our application of the Convention, and on the judicial proceedings instituted in the wake of the murders of indigenous leaders.

With regard to the murders of indigenous leaders Edwin Chota, Leoncio Quintísima, Jorge Ríos and Francisco Pinedo, I must point out that the Government, through the Attorney General's Office attached to the Ministry of Justice, together with the Public Prosecutor's Office, has handed down a historic ruling against the perpetrators, having adopted an effective strategy based on circumstantial evidence.

I can confirm that recently, through a ruling dated 11 April 2024, the accused were sentenced to 28 years and 3 months' imprisonment for the aggravated homicide of our indigenous leader comrades, and were ordered to pay civil compensation to the leaders' relatives.

The ruling in the Saweto case constitutes a landmark for justice in the Amazon and for human rights defenders, achieved after almost ten years of arduous judicial proceedings. This will certainly be a major precedent for my country and for all ILO Member States.

On the day when the sentence was read, the Minister of Justice and Human Rights, Mr Eduardo Arana Ysa, was present at the hearing, as a demonstration of the commitment to and support for the victims of this execrable act.

I must also inform this esteemed Committee that the Government has taken steps to protect the physical safety and psychological well-being of the relatives of the victims. In this regard, their young children have been incorporated into the register of beneficiaries, thereby enabling them to receive financial and psychological assistance. Furthermore, the widows have been incorporated into the programme of protection and assistance for victims and witnesses, and all have been given personal guarantees against possible risks.

In addition, the Government has been driving an initiative called the Saweto Action Plan to improve the living conditions of the community through projects related to production, infrastructure, sanitation, transport, safety and the provision of electricity, among others.

With regard to the new cases of murders of indigenous leaders such as Mr Quinto Inuma, leader of the Kichwa and Yanayacu native community, and Mr Santiago Contoricón, chief of the Puerto Ocopa-Junín native community, the Government has responded immediately, appointing the prosecutors in the investigation conducted by the Public Prosecutor's Office in order to identify those responsible and impose severe penalties.

Moreover, the Committee should be informed that the Government has been carrying out specific actions to tackle the practices of forced labour, illegal logging and illegal mining, as follows: the adoption of a comprehensive approach based not only on prosecution and punishment of the crime but also on providing support for the victims and ensuring their reintegration; the approval of the third National Plan against Forced Labour, with an intercultural and intersectional perspective in the labour and employment promotion sphere; the setting up of the National Observatory on Forced Labour; the establishment of the 1819 phoneline to receive complaints from the public regarding forced labour, protecting the identity of all persons where requested. The "Intersectoral protocol against forced labour" has been adopted. In addition, the pilot project for the reintegration of forced labour victims into employment is under way.

Regarding the excessive use of force against indigenous rights defenders in the context of protests, and the dissemination of stigmatizing speeches and racist harassment against indigenous communities, the events described above are under investigation by the Public Prosecutor's Office. The Government has transferred 99 million soles to strengthen the investigation teams at this institution. The Public Prosecutor's Office is a body which enjoys constitutional autonomy and does not depend on either the executive branch or the judiciary.

Consequently, this Office will provide information on these events in due course and, if applicable, will identify the perpetrators so that they can be punished severely.

The Government rejects all forms of discrimination. In this regard we are implementing public policies aimed at eradicating these practices, some of which we describe below.

The corpus of standards applicable to the use of force has been strengthened, incorporating an intercultural and human rights-oriented approach into the activities of the police, prosecutors and armed forces.

Awareness-raising and training actions have been carried out benefiting 11,571 police officers, as well as officers and sub-officers in the armed forces.

The “Peru without racism” strategy has been formulated, in order to promote respect and appreciation of our cultural diversity to help reduce practices of ethnic and racial discrimination in the context of inclusive public policies.

With regard to the protection of human rights defenders, the Government has been reinforcing the operation of the intersectoral mechanism for the protection of human rights defenders. The existence of this mechanism is a reflection of the need to protect, in particular, indigenous rights defenders, who are confronted with illicit activities such as illegal logging and mining, and gives expression to the obligations of all sectors to engage in protection and awareness-raising with the participation of the Government and social partners.

Seven regional round tables have thus been established for decision-making on risk situations for rights defenders, early warning projects have been implemented to prevent illicit drug trafficking and identify risk situations for human rights defenders.

Seven courses have been held on the role of human rights defenders, focusing on protection and responses to risk situations, with the participation of 210 police officers, 266 leaders from 53 indigenous organizations, 120 judges and 40 prosecutors specializing in human rights and intercultural matters.

Regarding the right to consultation, on the basis of work done by the Multisectoral Committee for the Application of the Right to Prior Consultation, a total of 88 prior consultation processes have been concluded, of which 59 culminated in agreements relating to the consultations. In addition, 1,238 agreements have been signed which are being followed up by the Multisectoral Committee.

As regards consultation processes in the mining sector, the criteria for prior consultation are in accordance with the methodological guide for the identification of indigenous and native peoples prepared by the Ministry of Culture. The Government has been promoting dialogue mechanisms provided for in the Right to Consultation Act, applying the principles of timeliness, interculturality, good faith, lack of coercion or restriction, and timely information, in order to achieve harmonious relations among the sectors and communities involved.

In order to move forward in the processes of identification, demarcation and regularization of lands traditionally occupied by indigenous peoples, guidelines have been issued to simplify the processes of recognition, regularization and titling of *campesino* (peasant farming) and native communities.

We are providing technical assistance to regional governments to set up technical round tables on titling in order to carry out the procedure for demarcation and titling of territory.

We hope that in the short time allocated to us we have been able to provide the required information relating to our application of the Convention. As you will see, Peru, like many

countries, is facing major structural challenges, and it is clear that we are implementing policies that promote the application of the Convention.

These are advanced policies which position us as a country that is making efforts to tackle these challenges.

For our country, this is a great opportunity for us, in conjunction with other countries at the ILO, to combine efforts and experiences and, within the context of the Convention, continue to implement public policies for the protection of the human rights of our peoples.

The poverty and extreme poverty that exist in our region constitute the worst violation of human rights, as it prevents access to food and basic services such as education and training, without which it is impossible to develop skills enabling entry to the formal labour market. It is vitally important to break this chain of poverty binding generations because poverty and extreme poverty are the root cause of forced labour, child labour, the informal economy and other ills.

In accordance with its fundamental role, the ILO can be the perfect partner for coordinating the efforts of employers, workers and governments for the benefit of the human rights of our peoples.

Worker members – The Convention is a fundamental pillar for the worldwide protection of the rights of indigenous peoples. However, in Peru, the implementation of the Convention has been grossly inadequate, resulting in serious and ongoing violations of the rights of these peoples.

It is a source of concern and regret that this is not the first time that we are having to address the case of Peru for serious violations of the Convention. In 2009 and 2010, our Committee examined the situation of violence against indigenous peoples. In particular, we addressed the serious incidents which occurred in Bagua.

In June 2009, thousands of indigenous demonstrators blocked the road to Bagua in the Amazon region for over 50 days. This act of protest was a response to a series of legislative decrees issued without prior consultation, which threatened indigenous peoples' fundamental rights to land and natural resources. This episode culminated in a massacre which left 33 people dead, a dark and bloody chapter in the history of Peru.

Fourteen years later, the Peruvian Government continues to demonstrate an alarming lack of commitment to indigenous rights and observance of the Convention. We are bound to mention the case that occurred in 2014 which became a symbol of how the Peruvian State has been flouting the human rights of indigenous peoples.

For years, the Committee of Experts has insisted that the Government take the necessary steps to investigate and punish those responsible for the murders of four leaders of the indigenous Asháninka community of Saweto, which occurred in September 2014.

These leaders were murdered after reporting illegal logging in their community. Although a judgment was handed down sentencing the perpetrators to 28 years' imprisonment, six months later the High Court of Ucayali overturned the judgment and ordered a fresh trial, claiming insufficient evidence and inadequate grounds. These flawed proceedings reflect the lack of political will by the Government to ensure justice and protect indigenous rights defenders.

According to the information which we have received from the trade unions in Peru, the Government stated that on 11 April 2024 the Criminal Court once again convicted the accused.

However, according to the information received, none of the convicted individuals is currently in prison.

Ten years later, impunity continues to prevail in the murders of the Saweto leaders, and threats against the families of the victims have not stopped. The main spokesperson for these families has been the victim of reprisals in Pucallpa, which is evidence of the ongoing risk that they face.

As indicated by the Committee of Experts, it is vitally important that judicial proceedings are resolved rapidly, since justice delayed amounts to justice denied.

The Saweto case is a reflection of a much bigger problem – namely, the illegal trafficking of wood, facilitated by a system of forced labour which exploits indigenous persons through an unending cycle of debt. The Committee of Experts expressed regret that the Government did not provide information on any progress in the investigation into these illegal practices or on forced labour in Ucayali. This inaction not only perpetuates exploitation and violence but also undermines confidence in the Peruvian justice system.

Furthermore, the protocol on prosecution action for the prevention and investigation of crimes against human rights defenders, approved in 2022, is paralysed because of lack of financial resources.

This is a source of great concern, given the increase in illegal activities such as logging and mining in indigenous territories, and the constant threats faced by those defending their lands and the environment. Recent examples include the murder of Mr Santiago Contoricón in 2023. In April this year, park ranger Mr Victorio Dariquebe, of the Harakbut people, was murdered in the Peruvian Amazon region, after receiving threats for defending his community and ancestral lands. The indigenous leader was killed as he was returning to his native community on a Friday night, presumably by mafia elements associated with illegal logging. In addition, his 18-year-old son was pursued, beaten and tortured by the assailants.

According to the Interethnic Association for the Development of the Peruvian Rainforest – comprising nine decentralized indigenous organizations of the Amazon region located in the north, centre and south of the Peruvian rainforest – in the last ten years a total of 33 persons have been killed while defending their territories and forests.

The Committee of Experts also noted the observations of the Office of the United Nations (UN) High Commissioner for Human Rights on the excessive use of force and stigmatizing speeches against indigenous demonstrators during the protests from December 2022 to September 2023. Moreover, a report of the Inter-American Commission on Human Rights highlighted the fact that the protests in Apurímac, Ayacucho, Puno and Arequipa, most of which were led by indigenous peoples, were the most violent, recording the highest numbers of victims.

Another fundamental point in the Convention relates to Articles 7 and 15 regarding consultation and impact assessment. For a number of years in Peru, the lack of consultation especially in relation to mining projects has been denounced.

A 2022 report of the Ombuds Office indicates that there is no guarantee of consultation during the environmental impact assessment of projects which directly affect indigenous communities. There is an evident lack of clarity in identification of the peoples to be consulted and in procedures where communities refuse to participate. This is a direct violation of the Convention, which requires the consultation and active participation of indigenous communities in decisions that affect their lands and resources.

Lastly, the Committee of Experts expressed regret at the lack of progress on the identification, demarcation and titling of lands traditionally occupied by indigenous peoples. According to the Ombuds Office, some 1,700 communities are awaiting titling, and there is a need to simplify administrative procedures relating to the physical and legal regularization of these communities.

It is important to emphasize that the procedures for land titling for native communities are based on the Political Constitution of 1933. The Peruvian State has a historic debt towards the Amazonian peoples because it needs to amend the domestic legislation to guarantee land rights, in accordance with international standards, and not continue to hand over lands on the basis of transfer of use.

The UN Human Rights Committee has also expressed concern at the legal uncertainty and heavy pollution in native territories as a result of oil, gas and mineral exploitation.

In conclusion, the implementation of the Convention continues to be inadequate. We call for a real and effective commitment to guarantee the rights of indigenous peoples, not only in theory but also in day-to-day practice. It is vitally important that the Government take concrete steps as a matter of urgency to protect those who have been marginalized historically and ensure that their rights and territories are fully respected. The international community and the ILO supervisory bodies must continue its monitoring and put pressure on the Government to fulfil its international obligations and guarantee justice and dignity for the indigenous peoples.

Employer members – Firstly, we would like to thank the Government of Peru for the oral and written information provided on compliance with the Convention in law and in practice.

In the usual way, we would like to provide information on the context of the case to ensure better understanding. As the Worker spokesperson mentioned, this is the third time that the Committee is discussing this case. The first time was in 2009, and it was discussed again in 2010. Since then, the Committee of Experts made observations on the case in 2017 and 2021 and, most recently, in 2023, taking note of the Government's reports and the observations of both workers and employers.

In its follow-up to its last observations in 2023, the Committee of Experts has raised some highly relevant issues. First, with regard to compliance with Article 3 of the Convention.

Regarding the judicial proceedings relating to the murders of indigenous leaders in Alto Tamaya-Saweto, the Committee of Experts deplored the lack of progress on the imposition of penalties for the murders of the four union leaders more than ten years ago. The Committee of Experts also noted with concern the complaints of threats and assaults on relatives of the victims and urged the Government to take the necessary steps to settle the case and protect the victims' relatives.

The Employer members are concerned at and reject any violence or threats and are also concerned at the excessive delay of the justice system in resolving cases such as those presented. This shows the existence of a structural problem in the administration of justice in Peru which must be tackled as a matter of urgency and as a priority.

We are aware that Peru has experienced a climate of widespread violence, as stated by the Committee of Experts, which we understand to exist especially in some territories where illegal economic activities proliferate, such as illegal mining and logging.

It would therefore be important to clarify whether the violence is linked to membership of an indigenous people, to the climate of violence in these territories, or to the illegal activities practised in these territories.

The Employer members recognize the progress described by the Government through various initiatives for the protection of indigenous rights defenders, both in the Committee of Experts' report and in the supplementary information presented to this Committee. However, the murders of other indigenous leaders in 2023 and other acts of violence against these peoples in the context of protests in Peru in 2022 highlight the fact that the Government should address these matters using a more holistic approach.

The national employers, through the National Confederation of Private Business Institutions (CONFIEP), have expressed their concern, as stated in the report, at the increase in illegal and informal activities such as illegal logging and mining on the territories of indigenous peoples and the need to take preventive measures.

We urge the Government to intensify its efforts within the justice system and in relation to the protection of the rights of indigenous peoples, as well in combating informality and the illegal activities carried out in these territories which particularly affect these peoples.

Secondly, with regard to Articles 6, 7 and 8 on the holding of consultations, the Employer members wish to emphasize that Peru is one of the few countries in the region which has a regulated consultation process and an institutional structure which accompanies it. We take account of the fact that Peru ratified the Convention in 1994 and that the Prior Consultation Act was enacted in 2011, with the implementing regulations for the Act issued in 2012.

Under the terms of the Prior Consultation Act and its regulations, the consultation process in Peru is composed of seven stages, and in this connection the Employers would like to highlight some positive aspects which have enabled implementation of the process to progress. These include: the relationship initiated between officials of the State and the indigenous peoples; the use of measures which should expedite the process and make it more participatory; the early termination of consultation processes when so decided by the indigenous peoples; accreditation of non-existence of indigenous peoples by the Cabinet when relevant and adequate information is available; and the opportunity of reaching agreements in the intercultural context, which are the result of proposals made by the representatives of the indigenous peoples. These are all important forms of progress.

Despite such progress, the Committee of Experts, after analysing the regulations in force and the report issued by the Ombuds Office, indicated that the Government should take steps to identify and address issues in the implementation of consultation processes in the mining sector and requested additional information.

In this regard, the national employers pointed out that there is a lack of clarity regarding the ways of identifying the indigenous peoples to be consulted, and also regarding the ways of deciding whether peoples are affected. Nor is it clear what procedure should be followed when indigenous peoples refuse to participate in consultation.

We would like to highlight some of the issues related to consultations.

Firstly, the database of indigenous peoples is merely a reference tool, so there is no predictability in the identification of indigenous peoples. For the identification of indigenous peoples and their registration in the database, there is no guarantee of the application of objective criteria or of historical continuity. Nor is it clear how it is decided whether a project

can directly affect the collective rights of indigenous peoples, and the time frames for implementing the prior consultation processes are excessive.

First of all, there are no time limits for the evaluation stage, which means that many projects can remain at the evaluation stage for months or even years. Against this background, in practice, the state decision-making body does not give any continuity to the process to close it and decide on the adoption of a decision. The risk then arises of a de facto veto on investment projects and therefore on progress.

The above aspects have a direct impact on investment and they cause enormous economic and social losses, because the creation of thousands of formal jobs is blocked and the possibility of making progress in areas which need it is lost.

The above aspects show the need for measures to be adopted that ensure that consultations are held under the good faith principle, in accordance with the terms of the Convention, and that the development of productive products and the creation of formal employment are enabled.

Lastly, we echo the observations of the Committee of Experts and request the Government to: take action to protect the life, physical safety and psychological well-being of the relatives of the murdered indigenous leaders; make available all necessary resources to ensure that all instigators and perpetrators of these murders are prosecuted and punished once and for all; provide information on the criteria used to decide which peoples must be consulted; and take all necessary measures to prevent, investigate and punish the excessive use of public force against indigenous persons in the context of protests in defence of their rights.

Worker member, Peru – I begin this intervention by stating that the murders of Edwin Chota, Jorge Ríos, Leoncio Quintisima and Francisco Pinedo, leaders and defenders of the rights of the indigenous peoples of the Ashaninka de Saweto community, demonstrate the State's negligence and a blatant climate of impunity considering the lack of justice brought since their murders. More than 30 indigenous rights defenders have been murdered in Peru over the last decade and to date justice has not been done.

Regrettably, as at the previous Conference, I am reporting the Government's incomppliance with a new Convention. It is not the first time, as in 2009 violence against the indigenous peoples in Bagua was examined in this Committee.

Ten years since the murders of these four indigenous leaders by illegal loggers, on 11 April 2024, the Collegiate Penal Court of the Supreme Court of Justice of Ucayali sentenced the logging companies guilty of the leaders' murders to 28 years and three months' imprisonment. It ordered the payment of compensation amounting to 50,000 soles for each leader. The sentencing of the accused, Eurico Mapes, is pending until he is caught.

To reach this first stage of the proceedings, a long process was followed plagued by a series of irregularities dominated by the interests and pressure from criminal groups. However, the Government fails to state that none of the convicted persons is in prison. So I repeat: ten years after the murders, impunity continues around the murders of the indigenous leaders of Saweto. The Committee must also note that the ruling of 11 April 2024 has been appealed, the murderers are free to continue threatening the victims' families, in a climate of insecurity in the community and surrounding areas, which has forced the victims' families to leave their communities. Their children cannot go to school and are also victims of harassment, and although they have requested protection, it has not been provided.

The victims' families still do not know if they have to wait another ten years to secure a final sentence. Hence, the case continues without punishment.

It should be noted that the climate of violence and impunity accepted by the Peruvian authorities at the national and regional levels is a serious impediment to the exercise of indigenous people's rights in the Peruvian Amazon, enshrined in this Convention.

In Peru, human rights defenders cannot act in a safe and conducive environment. They have to contend with criminalization and stigmatization, judicial harassment, threats, attacks and intimidation, as well as lack of access to justice, non-enforcement of sentences, scarce effective protection from the police and the judicial system, and the problem of titling for indigenous communities' lands.

In general, indigenous communities, rural farmers, land rights and environmental defenders are the groups of defenders at greatest risk in Peru, despite the fact that they are doing the work of the State by monitoring and reporting cases of crimes, such as illegal logging, forced labour and illegal mining.

Furthermore, the intersectoral mechanism for the protection of human rights defenders has only built expectations. However, plainly its progress has been more towards negotiations and coordination among institutions to deal with urgent cases. It is not clear what strategies are being developed to address the fundamental issues that threaten environmental defenders and their land. The mechanism only deals with some urgent situations but does not resolve the structural issues that pose a constant threat to the persons in question. We could say the same about the regional working groups and protocols. It would appear that the Government intends to leave the defenders defenceless. Nor is the effectiveness of the mechanisms ensured through adequate budgets and prompt action.

In short, with regard to the protection of indigenous rights defenders, measures have only been taken to warn and raise awareness of the situation when there is already an impact, but there is no prevention or punishment.

Such a context creates an environment conducive to crimes, such as the murder of the indigenous leader Santiago Contoricón, in April 2023, after reporting illegal activities in the Asháninka territory, Satipo province. There was also the murder of the indigenous leader Quinto Inuma Alvarado, of the Santa Rosillo de Yanayacu indigenous community, an environmental defender who protested against illegal logging.

Do we have to wait ten years for those responsible to be punished? This shows that the Government is disregarding protection of the integrity of indigenous peoples and their leaders. Let us not forget the families of the bereaved, who are left totally defenceless, without money or social protection, threatened, unable to work or, their children, go to school. What has the State done for them during these ten years?

It is therefore vital to strengthen protection mechanisms, as well as to have political will to allocate budgets for persons who file complaints and their entourage, and resources for their survival, which must be sustainable and compatible with the people's intercultural context.

With regard to the observations on the human rights situation in the light of the protests in Peru, and as highlighted by the United Nations High Commissioner for Human Rights, between December 2022 and September 2023, there were 49 extrajudicial executions that included persons from indigenous communities. Stigmatizing discourse and racist harassment were widespread against protesters belonging to indigenous communities. Those directly

responsible remain unpunished and investigations are being deliberately drawn out in a tacit agreement among the illegitimate State authorities, against a backdrop of political, social and economic instability, and corruption.

Regarding the right to consultation, the Government has not aligned its internal legislation in keeping with its international commitments. It has not envisaged the implementation of the right to consultation with indigenous peoples, in conformity with the Convention, considering the process merely a mechanism for partial reporting.

Currently, in our country, the consultation process has still not been understood as a transparent dialogue between the Government and the indigenous peoples. While there is an entity tasked with implementing the consultation process in the mining sector, this process starts after the environmental certification has been issued and stops before authorization is granted to the mining concession. Therefore, consultation with indigenous peoples is not guaranteed during the environmental impact assessment stage, dismissing the fact that, in accordance with the Convention, Governments must ensure that wherever possible studies are conducted in cooperation with the peoples concerned.

The Committee should note that the Government is bound to guarantee free, prior and informed consultation, as set forth in the United Nations Declaration on the Rights of Indigenous Peoples.

Peru is a multicultural country and the existence of diverse cultures in our country should be valued.

Lastly, we hope that the Government, now that it has been elected as a regular member of the Governing Body, will set a date for the direct contacts mission for Convention No. 87, show willing to comply with the conclusions of this Committee, and agree on the visit of a new mission.

Employer member, Peru – Thank you for allowing us to set out the position of the employers of Peru, represented by the National Confederation of Private Enterprise Institutions (CONFIEP), concerning the application of the Convention in our country.

As representatives of the employers of Peru, we reject and deplore all acts of violence and we regret that this has been a recurrent situation against indigenous leaders over recent years. We also regret that the justice system does not act promptly in relation to these crimes, which generates a situation of impunity and leaves indigenous leaders and their families in constant danger. This situation clearly runs counter to one of the objectives of the Convention, which is to ensure that indigenous peoples enjoy the same rights and opportunities granted by the national legislation to all citizens.

While we welcome the fact that almost half a decade after the actual events, sentences were handed down against those guilty of the murder of four indigenous leaders of the Alto Tamaya-Saweto community, as recently reported by the Government, we regret the information provided by the workers' representative that to date no one has been imprisoned for these deplorable acts.

We are also aware that the criminal organizations of illegal mining and logging continue to threaten and cause harm to indigenous peoples and their leaders, as CONFIEP has shown in other discussions of the case.

As reported by the worker spokesperson of my country, on 19 April 2024, Mr Victorino Dariquebe, the park ranger for the Amarakaeri community reserve, belonging to the Harakbut indigenous community, was murdered. Investigations suggest that informal miner workers

are responsible for his death. The Wampís indigenous community had been alerting the Government to the invasion of its territory by illegal miners. In April this year, Wampís leaders visited Lima to call on the central governmental authorities to address the situation.

In Peru, illegal logging and mining are linked to other crimes, such as drug trafficking, forced labour, child labour, smuggling of persons, hired killers, extortion, murder, land theft and tax evasion. They also damage the environment by severely impacting forests and exacerbating climate change: between 2011 and 2022, these activities caused the deforestation of 2.6 million hectares of forest in our country.

Illegal mining has become the primary criminal economy in our country, equivalent to 2.5 per cent of our gross domestic product. We therefore urge the Government to adopt effective policies to combat organized crime, which affects the population throughout the country, particularly the most vulnerable, such as the indigenous populations. These policies must be adopted by involving all the stakeholders concerned, including workers and employers.

The employers and workers of our country have been proactive. For seven months, trade unions and employers' organizations, including CONFIEP, have been working together, seeking to reduce people's insecurity. Last month, we presented the Government with various proposals drafted by consensus to address such insecurity, which generates losses to the country estimated at 3.09 per cent of our gross domestic product.

To conclude on this point regarding compliance with Article 3 of the Convention, we recall that the application of the Convention must be guaranteed in a context of social dialogue and understanding, free from violence and intimidation.

Furthermore, in accordance with Articles 6, 7 and 15 of the Convention, the consultation process must be implemented effectively and in good faith, so that it does not become a hidden veto on private investment, which is the only mechanism for generating decent work. In Peru, the private sector generates 80 per cent of investment and 71 per cent of formal employment.

The current system must be improved. We must overcome the difficulties in applying the Convention, to allow for the creation of direct and indirect jobs, with the subsequent well-being and progress for the poorest areas, including indigenous territories. To this end, the following points need to be addressed:

First, there must not be bureaucratic delays to the process of identification of indigenous peoples.

Second, the time frames for implementing prior consultation processes must be defined, as they are excessive. On the one hand, there are no timelines for the assessment stage, which involves the identification of peoples and impact assessment concerning collective rights, which means that the evaluation of many projects takes months or even years. At the implementation stage, a time frame of 120 calendar days has been established. However, in practice, this time frame is not upheld, and this stage can last for various months or even years. For example, the case of the Antapaccay-Corocchohuayco project has lasted more than three years and the Tajo Chalcobamba project has lasted two years.

Third, consultation should not be confused with a prior approval procedure. The absence of an agreement does not mean that the consultation process has not been carried out under the terms set out in the Convention.

Another issue to resolve is the lack of clarity on situations where indigenous peoples do not participate in the consultation process. The exhaustion of efforts made by the Government in this regard should be specified, as well as the mechanisms that guarantee the application of the Convention in good faith, as established in the text itself.

Last but not least, the Government must close socio-economic gaps as a matter of priority, as they contribute to distorting the objective of consultation. Owing to the many needs of the indigenous peoples, consultation processes are mistakenly used to present social demands that should be dealt with by the Government. This situation is all the more serious in the country's current context, in which 29 per cent of the population is in a situation of poverty.

We reiterate the willingness of the employers of Peru to work in a tripartite manner to resolve the obstacles to the full application of the Convention, which will ensure the legal certainty required to develop investment for the creation of jobs that meet the standards of decent work. We also reiterate the request of the region's employers for an expert on the Convention to provide appropriate technical assistance and support.

Government member, Mexico, speaking on behalf of the group of Latin American and Caribbean Countries (GRULAC) – I am speaking on behalf of the majority of GRULAC Member countries in the light of the information provided by the Government relating to the recommendations of the Committee of Experts on the application of the Convention. GRULAC notes the Government's efforts to give visibility to and protect its indigenous peoples and tribes – a vulnerable population with particular importance to our region. We welcome the measures adopted by the Government to prevent, investigate and punish acts of violence against indigenous rights defenders, as well as efforts to promote and protect indigenous people's human rights, particularly those faced with illicit activities, such as mining and illegal logging. We note the measures taken by the Government to include indigenous peoples in assessments of mining exploitation projects, to increase the direct participation of these communities.

In light of what we have heard, we invite the Government to continue implementing and carrying out specific actions for the ongoing application of the binding principles and regulations provided for in the Convention, for which we encourage the Office to provide the relevant technical assistance.

Worker member, Spain – I am speaking on behalf of the General Union of Workers (UGT) and Trade Union Confederation of Workers' Commissions (CCOO). The report of the Committee of Experts reveals an overall lack of compliance with the Convention by the Government, referring to, for example, murders of indigenous leaders, impunity, threats to victims' families, arbitrary repression during protests, lack of consultation and dissemination of stigmatizing discourse. It is clear that we are faced with an extremely serious situation, affecting a particularly vulnerable population. The Committee of Experts itself recalls in its report that "a climate of violence and impunity constitutes a serious obstacle to the exercise of the rights of indigenous peoples established in the Convention".

If we look at the specific cases presented by the workers, such as the Saweto case, we see that behind the violations of the communities' rights, which include murders and impunity, lie social and economic stakes related to the activities of illegal economies, such as illegal logging and forced labour.

Illegal logging in Peru is a business that generates huge amounts of money for the criminal groups involved, accounting for almost 40 per cent of all timber produced in the country. The report of the Committee of Experts takes account of the information provided by

the Autonomous Workers' Confederation of Peru (CATP) that the main motivation for the Saweto crime was the reporting of illicit activities subjecting indigenous people to forced labour. This is another key issue in the case: the failure of the Government to control illegal logging activities gives way to the forced labour of indigenous people who, given their precarious living conditions and lack of resources, are captured by criminal groups, who engage them informally, violating all labour regulations.

In addition, indigenous workers are obliged to accept foodstuffs from the criminal groups, generating debt bondage which condemns these workers to an endless relation of submission.

This mechanism, which is undoubtedly a situation of forced labour, is known as the *habilitación* system and is a clear violation of Article 20 of the Convention, which prescribes that the Government shall guarantee that workers belonging to indigenous peoples "are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude".

It is notable that this situation has been reported not only by workers' organizations but, as already mentioned and as in the report of the Committee of Experts, also by CONFIEP, which reported an increase in illegal and informal activities, such as logging and mining, in indigenous peoples' territories in the country.

In its report, the Committee of Experts notes with regret that the Government has not provided the information requested on the investigations into illegal logging and the cases of forced labour linked to the *habilitación* system.

I will conclude by saying that, for this case, the Committee of Experts must firmly demand the implementation by the Government of urgent measures to prevent activities of an illegal economy that undermine rights, including those contained in the Convention and others intended to strengthen mechanisms to protect indigenous peoples' rights defenders who report these crimes.

Government member, United Kingdom of Great Britain and Northern Ireland – The United Kingdom closely monitors the situation of human rights and environmental defenders, including those of indigenous peoples in Peru and welcomes the opportunity to discuss these issues in this forum. The United Kingdom considers indigenous peoples and local communities to be fundamental actors, particularly in respect of the protection and sustainable use of the environment.

The United Kingdom welcomes efforts by the Government to advance the protection of the rights of these groups. The United Kingdom notes that after ten years, the Saweto case has made significant progress, and will hopefully conclude with justice served for the families of four indigenous environmental defenders killed by illegal loggers in 2014.

We also note the commitment by the Peruvian authorities to investigate the murders of indigenous leaders and environmental defenders, including Santiago Contoricón and Quinto Inuma Alvarado, and we hope that justice is served. The United Kingdom calls on the Government to intensify its efforts to guarantee the protection of indigenous peoples, meet its own commitments to uphold their fundamental and collective rights, and uphold its obligations regarding the Convention.

We encourage the Government to protect indigenous peoples' right to prior consultation and access to culturally sensitive public services. We also call on the Government to take action to tackle the illegal activities, such as illegal mining and logging, that threaten these groups and their territories.

We ask the Government to take swift action to demonstrate that anyone responsible for infringing the rights of indigenous peoples or violating their territories will be held accountable and brought to justice.

The United Kingdom has previously stated the need for impartial investigations into allegations of abuses and disproportionate action by the police and armed forces, including alleged action targeting indigenous groups, during the 2022–23 nationwide protests in Peru. The United Kingdom encourages the Government to ensure progress to advance these investigations and bring perpetrators to justice.

In conclusion, the United Kingdom welcomes the Government's continued efforts to implement the recommendations of this report and meet its commitments to the groups highlighted, and sincerely hopes that it takes expeditious action to be in full compliance with the Convention.

Employer member, Chile – We express our deep regret for the loss of lives of indigenous leaders and the delays in the Peruvian justice system in dealing with these cases, punishing those responsible and providing adequate reparation and protection to the victims and their families. It is also worrying that indigenous peoples and their leaders continue to be exposed to this type of violence.

As already mentioned, this situation of insecurity is linked to the development of activities of the illegal economy, particularly illegal logging and mining. We draw attention to the fact that one way to combat these activities is to create an enabling environment for the development of formal projects that provide communities with licit development alternatives, offering jobs that meet decent work standards and remove persons, including those belonging to indigenous peoples, from informal and precarious work with little or no security for their health and lives.

With respect to the consultation process, it has been mentioned that one of the problems facing Peru is the difficulty in clearly identifying those who should be consulted. In this respect, in 2023, the Committee of Experts stated that the Government had not provided any information on progress regarding processes for the identification, demarcation and titling of the lands traditionally occupied by the peoples covered by the Convention.

We note the information provided by the Government on the creation of the Multisectoral Committee to implement the agreements reached during the consultation processes and the assistance provided by the Ministry of Culture in these processes. These technical assistance activities are, however, insufficient. Measures must focus on guaranteeing the titling of the lands of the 1,700 communities for whom this is pending, so that the legitimate parties for the consultation process can be clearly identified.

Worker member, Honduras – We must firmly denounce, regret and condemn the Government for the violations against protesters and the impunity concerning a high number of murders of indigenous leaders. These have not stopped despite the efforts made by human rights organizations and repeated calls from the Office to the Government.

The report of the Committee of Experts once again focuses on the case of the murders of four leaders of the Ashaninka community in Alto Tamaya, in Ucayali, which seems to be taking on a nightmarish scale since it began in 2014 following reports of illegal logging in the region. Not only have the criminal proceedings for the accused been slow, but delays have also been caused because of the decision to quash the ruling of a high court ordering that the legal investigation be resumed based on alleged flaws in the proceedings. We are not against the safeguards that all accused persons must enjoy but in this case such protractedness has

resulted in a situation of real impunity relating to the violent murders of persons who were merely defending the rights of their communities peacefully.

The data provided to the Committee of Experts by the trade union organizations reveal irregularities in the prosecution services themselves, which is a concerning and negative sign of the functioning of the judiciary in the country. As the administration of justice is one of the essential functions of the State, the impunity enjoyed by those who committed the murders makes it clear that there are three extremely serious problems. First, the violation of basic human rights, such as safety, physical integrity and life itself. Second, the impact on the rights of indigenous peoples, as recognized by the Convention. Third, the regular reporting of serious failures of the State, which does not manage to fulfil even its essential duties, such as doing justice properly and in good time.

Impunity is such in this case that the accused harassed and threatened the victims' families when they were still free. But, while the events and proceedings described here are tragic, they are not the only issues. Similar violence has continued, as illustrated by the recent murders of the indigenous leaders, Santiago Contoricón, in April 2023, after he reported illegal activities in the Ashaninka province of Satipo, and of comrade Quinto Inuma Alvarado in November 2023 in Santa Rocío de Yanayacu, in the region of San Martín. In addition, there have been displacements and subsequent uprooting to protect the safety of leaders and activists of other communities.

Lastly, it is equally serious that during the popular protests held in December 2022 and September 2023, an excessive use of police force was unleashed against indigenous persons in regions outside of the capital.

Employer member, Mexico – Let us not forget that the guarantors of free, informed, prior and culturally appropriate consultation are the States; and that all consultations must be carried out in “good faith” – a fundamental principle to ensure that consultation is not simply a formality, as demonstrated at the 1988 International Labour Conference. This Committee has also underscored that “an authentic dialogue must be based on respect of the rights and integrity of indigenous peoples”.

The Committee of Experts has highlighted that consultation processes help to build trust between the Government and indigenous peoples. We should recall, therefore, that consultation must provide these peoples with a real opportunity to express their views in the decision-making processes that affect them. It is therefore fundamental that the Government ensures that indigenous peoples have all the relevant information, that it is fully understandable to them, and that sufficient time is granted so that they can organize their own decision-making processes and participate effectively in the adoption of decisions.

According to the information provided by employers to the Committee of Experts, there is no clarity regarding the way in which the indigenous peoples to be consulted are identified or regarding the way in which the impact is determined; nor is there any clear framework on how to proceed when indigenous peoples refuse to participate in consultations, which generates great uncertainty in two ways: on the one hand, full access to the right to consultation is not guaranteed and, on the other, it creates a climate of legal uncertainty around employers' projects.

Furthermore, some authorities make the mistake of requesting that administrative processes that are not likely to directly affect the communities be the subject of prior consultation, which is outside the provisions of Article 15 of the Convention, since this Article stipulates that, for extractive activities, consultation applies to administrative processes

authorizing the start of the exploration and exploitation of resources, but consultation is not required for environmental certification.

Worker member, Norway – The trade unions in the Nordic countries express our deep concern about the grave human rights abuses of indigenous peoples in Peru. Peru has 55 different indigenous groups within its borders. This places special responsibility on the Government to apply and safeguard the provisions of the Convention for the benefit and protection of its indigenous population.

Indigenous communities in the Peruvian Amazon are subjected to discrimination, violence, threats and forced labour related to illegal economic activities, most notoriously logging, mining and coca cultivation. All this is illustrated by the emblematic legal case on the brutal murders of four Asháninka leaders from Alto Tamaya-Saweto in 2014. Although the crime was ten years ago, and the perpetrators were convicted in 2023, their final detention is still awaiting approval by a higher court. We call for definitive justice. The victims' families and their community deserve protection. The perpetrators must be immediately detained.

Sadly, land and human rights defenders are under assault in Peru. From 2012 to 2022, 54 rights defenders were killed. Over half of the deceased are indigenous. Even though Peru has established a registry and an intersectoral mechanism for the protection of human rights defenders, these measures are, unfortunately, under-utilized since indigenous leaders are still being killed.

The Government promotes the reactivation of its economy. However, it is unacceptable that economic actors operating in indigenous lands avoid acquiring free, prior and informed consent, and opt instead for harassment and violence. By permitting impunity of such acts, the Government tacitly allows these practices against indigenous people who are merely defending their basic rights.

Finally, without recognition of basic land tenure rights of indigenous peoples, illegal actors are more easily able to enter and take control of these territories. Formalization of the 1,700 outstanding native and *campesino* community claims in Peru will help further strengthen indigenous peoples' rights and improve protection against illegal actors.

We call on the Government to ensure indigenous peoples' rights, improve their protection and establish their territories to confront the direct violence against them and to end impunity of the perpetrators.

Employer member, Guatemala – We align ourselves with what was said by our spokesperson and, as employers, we express our condemnation of all acts of violence or threats. We also express concern for the unjustified delays of the courts to punish those responsible for this type of crime, and to provide adequate reparation and protection mechanisms for victims and their families.

Additionally, it is worth noting that, while there is no requirement in the Convention for a national regulation on prior consultation, the Government opted for a domestic standard that in general terms adequately regulates consultation. However, in practice, this regulation is never used when resolving key issues, such as the proper identification of the populations subject to consultation, and situations in which the population refuses to participate in the consultation processes, thus moving away from the principle of good faith enshrined in the Convention. It is essential to resolve these shortcomings. To this end, two aspects need to be taken into consideration from the 2011 general observation of the Committee of Experts on this Convention, in which the Committee stated that:

- (i) “such consultations do not imply a right to veto, nor is the result of such consultations necessarily the reaching of agreement or consent” and
- (ii) “the obligation to guarantee adequate consultations lies clearly and explicitly with governments, and not with individuals or private enterprises”.

It is important to consider how the complications of the consultation processes stall formal projects that generate jobs that meet decent work standards. This in turn fosters the emergence and development of illegal activities, such as illegal logging and mining, which seriously affect the well-being and security of indigenous peoples, the environment and society in general.

We call on the Government to urgently attend to the problems mentioned, in consultation with the most representative social partners.

Worker member, Costa Rica – A fundamental component of the Convention is the right to be consulted by governments on aspects concerning the interests of these communities relating to projects to be carried out.

The purpose of consultation, under Article 7 of the Convention, is to carry out studies, in cooperation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on these peoples of development activities planned by the government. Further, under Article 15, governments are obliged to establish or maintain procedures through which they shall consult the peoples concerned, with a view to with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands.

In the case of Peru, the comments of the Committee of Experts reveal that consultation with indigenous peoples was not guaranteed during the environmental impact assessment stage on measures which may affect them directly, and thus the Committee of Experts reminds the Government of its obligation to fully comply with Article 7 of the Convention.

In essence, the Committee requests the Government to take measures to identify and address the difficulties that continue to arise in the implementation of consultation processes in the mining sector.

We wish to add that it is not a matter of simply complying with the Convention by fulfilling an obligation to consult the peoples concerned, because consultation has two fundamental roles: on the one hand, its purpose is to protect an interest which may affect them directly, for example, a mining or other exploration and exploitation project; and, on the other, consultation also has the purpose of giving effect to the right to recognition of peoples as historical and unique subjects from a historical, social, spiritual and cultural perspective.

This dual role of consultation is essential in order to comply fully with the Convention. The Government must meet this obligation so that recognition and participation are not reduced to mere progress on paper.

Employer member, Honduras – At the outset, as employer members, I wish to express our rejection of all types of violence against indigenous peoples specifically and any other population group in Peru.

This case should make us think carefully about the effective application of the Convention, as its implementation has been made difficult in various countries, especially in the Latin American region. Today we are hearing the case of Peru, where acts of violence against indigenous leaders have been reported, which is condemnable in every sense. But this just

shows the absence of the Government, which allows illegal activity in many sectors, including illegal mining, which operates under conditions of unfair competition. But, what is most serious, is that it endangers the integrity and lives of many people in Peru.

An important issue to highlight in the case of Peru is that there is a consultation mechanism in place, which has served as a reference for many countries. We must recognize, however, that these consultation mechanisms present many challenges. The main challenge is the intervention of other parties which have been presenting new concepts of consultation, very different from the concept of prior consultation established by the Convention. This is an emerging problem in Peru because the indigenous populations are unaware of the consultation processes, thus generating a kind of veto not envisaged in the text of the Convention. Given this reality, the Office must pay greater attention to this important Convention.

I note that on several occasions, the Office has been asked to give more attention to the Convention, particularly in countries in the Latin American region. This region must have experts to assist certain States that have ratified the Convention in establishing effective consultation mechanisms with a tripartite approach, to prevent in compliance with the Convention, and ensure monitoring and enforcement of a Convention of such importance that guarantees the right to prior consultation and other fundamental rights of indigenous peoples.

Lastly, we wish to reiterate support for the employers working in a tripartite manner to ensure implementation of the Convention.

Worker member, Canada – The Committee calls on the Government to identify and address the issues concerning the implementation of consultation processes in the mining sector. More than 70 Canadian mining firms are active in Peru, together they command nearly US\$10 billion in assets equivalent to 4.5 per cent of Peru's gross domestic product in 2021. Canada, home to 75 per cent of global mining companies promotes the industry and hails Peru as a strategic mining partner.

While the Government advances a pro-mining agenda, Canada maintains that both countries stand to benefit from expanded extractive activities. But the spoils from Peru's mining friendly policies are not shared evenly: as is often the case the majority of the population is subordinated to the interests and profits of a transnational mining elite.

Indigenous partners of Canadian non-governmental organizations indicate that the industry is trying to mine wherever and however, as fast as possible with the limited participation of the people affected. For example, the southern Peruvian province of Puno, near the border with Bolivia is home to many mining operations, some in the exploration stage and others that have already begun production. During the nationwide protests in early 2023, Puno was the site of severe police repression as indigenous and *campesino* communities rallied to demand reforms to address the toxic environmental liabilities left behind by existing projects, and to respect their right to consent to future projects through community driven, transparent and fair processes.

Communities and local organizations have condemned the lack of transparency around forthcoming projects, and the lack of regulatory frameworks to properly manage the mines and potential risks to public health and the environment. Prioritizing the profits of transnational companies and speeding up major extractive projects runs counter to the real needs of the population who have identified food, water and the climate crisis as fundamental concerns that must be addressed, and who have said that there is not a single mention of these issues in the plans put forward by the national and regional governments.

Former United Nations Secretary-General Ban Ki moon proclaimed that there can be no development for indigenous peoples without their free, prior and informed consent and without them being involved in every step. This underscores the call from Canadian trade unions and civil society actors for a robust mandatory human rights due diligence legislation which ensures Canadian companies take the steps in their overseas operations to prevent serious negative impacts to the environment, human rights and the long-term health of communities, including the requirement to respect community members' right of participation and consultation as called for in the Convention.

Worker member, Chile – As a trade union leader and member of the Mapuche people, I regret the situation of our indigenous brothers and sisters of Peru, who denounce crimes such as illegal logging, illegal mining and forced labour, which endanger their lives and those of their families. The State does not provide them with adequate, efficient, sustainable, preventive and immediate protection mechanisms with sufficient resources or a genuine political will to provide comprehensive assistance to the Peruvian people to comply with the provisions of Article 4.1 of the Convention.

We are talking about specific cases and people with names: the case of Edwin Chota and three indigenous leaders from Saweto who were murdered for reporting illegal logging; the case of Quinto Inuma, an indigenous leader from the San Martín region, also murdered for reporting illegal logging, despite the establishment of a protection mechanism; the case of Augustina Mayán, leader of the Awajún people of El Cenepa in Amazonas, who was displaced following death threats for reporting illegal mining, for whom a protection mechanism was also established but without the assistance of the State; the case of Zebelio Kayap, leader of the Huampami community of El Cenepa in Amazonas, for whom there is protection but who has also been abandoned without state assistance; the case of Georgina Rivera Paz, an Awajún leader from the Nazareth community, in Chiriraco, Amazonas, who received death threats for denouncing drug trafficking and violations of children's rights, for whom protection was requested and who does not have state assistance; the case of Isaías Mayán, indigenous leader of the Canga community in El Cenepa, Amazonas, who does not have protection although it was requested in 2021; and the case of Julián Gonza and Batman Chujandam, indigenous leaders of the Anak Kurutuyacu community who were displaced following death threats for reporting illegal logging, and for whom a protection mechanism is in place but without state assistance.

As we can see, the early warning protection mechanisms and human rights defenders protection mechanisms for these indigenous leaders who report crimes are not effective and this inaction by the Government generates and exposes them to risks to their lives. The Government learns of these events and does not provide an immediate and targeted response, in violation of Article 4 of the Convention. The Committee must therefore demand immediate action to regulate adequate protection mechanisms with budgets, taking account of the intercultural context of the first peoples.

Worker member, Mexico – I am speaking on behalf of the National Workers' Union of Mexico. This case must be examined closely owing to the seriousness and complexity of the human rights violations against the indigenous populations of Peru. I refer in particular to two allegations in the report, which I wish to highlight in this intervention.

In Peru, the human right to expeditious, prompt, complete and impartial judicial process continues to be flagrantly violated and the situation has not changed in ten years. In the report, the Committee of Experts deeply regrets the brutal massacre of four indigenous leaders in Alto

Tamaya-Saweto in 2014, which was not only an attack on human life, but a direct affront to the fundamental rights and dignity of our indigenous brothers and sisters.

These leaders were killed for defending their lands and communities from a system that reduces people to mere commodities. In the region, the *habilitación* system has become a perverse cycle of modern slavery, where indigenous persons are held captive and forced to work under inhumane conditions. They are forced to provide timber to the group, accumulating endless debt in exchange for foodstuffs, thus perpetuating a system of exploitation and misery.

We firmly condemn this climate of violence that has crept into indigenous Peruvian communities, against those who defend their rights. The disproportionate use of public powers to repress indigenous persons who are only seeking justice and respect of their human rights is inadmissible. These acts of violence, along with racist discourse and hate speech inciting further violence, are totally unacceptable and must end immediately.

It is imperative that this Committee urges the Government to take robust and urgent measures to protect indigenous rights defenders in the Amazon region; to implement effective policies to ensure security and justice for indigenous communities; and to bring judicial processes that guarantee truth, justice and reparation for victims.

Justice cannot be a privilege for a few. It must be a real and accessible right for all. This Committee must not cease its work until justice is done for the murders in Alto Tamaya-Saweto and until our indigenous sisters and brothers can live free from violence and exploitation.

Chairperson – I can see no more requests for the floor, so I have the honour to invite the Government representative, to make his concluding remarks.

Government representative – Many thanks to all the delegates who have participated in recognizing our efforts, and especially to the delegates who have been more critical, because this allows us to provide clarification with regard to certain events which are taking place in my country. When I listened, I felt that I did not recognize the country being described. In truth it is a slightly complicated country where, first of all, some people have more or less said that we show a degree of tolerance towards illegal mining and logging and similar activities.

So I will start with this, by indicating what we are doing in our vigorous efforts to combat illegal mining and logging. In Peru we have declared war on these crimes. In 2023, we carried out 979 operations against illegal mining, environmental pollution and offences against fauna, flora and hydrological resources.

So far in 2024, we have carried out 1,219 operational interventions. To all the delegates who have spoken out, we would like to present the results. We have arrested 1,151 individuals involved in illegal mining and crimes against the environment. We have dismantled four criminal gangs. A total of 622 vehicles for use in illegal mining and crimes against the environment have been seized. A total of 19 boats have been placed under a ban, 19 firearms have been recovered, as well as money, and 37 million board feet of timber have been recovered.

In addition, 1,479 rafts and 3,522 engines intended for illegal mining have been seized, 38 banned mine galleries have been destroyed, 1,250 mining camps have been entered, 180,430 litres of fuel have been seized, 19 chemical products and 89 items of heavy machinery have been banned, and 312 items of heavy machinery have been seized.

I think it is good to report on all of this. Furthermore, in 2023 and 2024, six supreme decrees were issued, declaring a state of emergency in the Tambopata, Inambari, Las Piedras

and Laberinto districts of Tambopato province in the Madre de Dios region, with the aim of continuing police operations to combat and neutralize illegal logging and mining and related crimes.

With this information we wish to place explicitly on record that Peru is tackling illegal mining and logging in a head-on confrontation.

I have also listened closely to the claims that my country is promoting some kind of impunity in relation to the Saweto case, basically because the proceedings have taken time. This is a complex case in which the Government, through the Attorney General's Office and the Public Prosecutor's Office, which constitute the public prosecution service in my country, has had to take bold steps through strategies based on circumstantial evidence because in my country, as in many countries of the region and worldwide, there is a separation of functions and powers. It is not the Government which secures convictions but the judiciary, which has autonomy under the terms of the National Constitution. In the Peruvian system, prosecution of crimes is the responsibility of the public prosecution service, and proceedings are arduous because there is no direct evidence and it is difficult for both lawyers and prosecutors to prove the crimes.

Fortunately, both the Attorney General's Office and the Public Prosecutor's Office, through complex evidence-gathering activity involving indirect or circumstantial evidence, have managed to authoritatively establish responsibility on the part of the perpetrators of the aggravated homicide, and for this the latter have incurred the drastic penalty of 28 years' imprisonment.

So it is an established fact that enormous efforts have been made to secure this conviction. I am sure that everyone here realizes how difficult it is for our systems to prove crimes of this kind. However, in Peru we have managed to do so, and it is a precedent for my country and for the region, as well as being a precedent for all ILO Member States.

We have also heard comments on new cases, and there has been mention of the case of Quinto Inuma Alvarado. We are bound to point out that in this case the Government has also reacted immediately. Guarantees have been given to protect the life, physical safety and mental well-being of the relatives of the leaders. Psychological support has also been given to the relatives, and they have also received financial assistance.

In the case of Santiago Contoricón Antúnez, the Government is in charge of protecting the relatives, and it has also granted an orphan's scholarship for his daughter, Yesenia Contoricón. Personal guarantees have also been given to the relatives and they have also been incorporated into the *Juntos* programme, which provides financial assistance for persons in situations of vulnerability.

Mr Chair, Ladies and Gentlemen, these are concrete actions.

Reference has also been made to prior consultations. I appreciate and am grateful for the fact that virtually a majority have recognized that in Peru prior consultation is institutionalized.

In Peru, indigenous and native peoples' right to prior consultation was incorporated into the Peruvian legal system with the entry into force of the Convention, which, in my country, in accordance with article 55 of the National Constitution, has constitutional rank, in other words, the highest legal status. In addition, our system also adopted the Prior Consultation Act, for which implementing regulations were adopted by Supreme Decree No. 01-2012.

The Government has also been promoting dialogue mechanisms provided for in the Prior Consultation Act and 141 technical assistance actions have been implemented for 865 officials.

What is happening in my country no doubt happens in any country: at times legislation is adopted but officials have to be put in place. This is what we have done, at the national, regional and local government levels, so that they can be fully involved in implementation.

Moreover, training has been given to 1,524 indigenous persons with the participation of five ministries. This is a multi-sectoral action involving three public agencies and four regional governments.

In addition, a capacity-building programme has been carried out for 931 public officials, 1,118 indigenous inhabitants and another 1,057 persons.

Moreover, 11 training courses have been held for 3,890 persons on the right to prior consultation and the consultation process.

We think that there may still be gaps to be filled. We think that there is still much more to do. In fact we will be grateful to receive technical assistance from the ILO so that we can learn other good practices. We will also be pleased to look at the good practices of the delegates who have made statements today so that we can also implement these practices in my country.

I have also noted from some Employers, regarding prior consultation, that this has often ended up being an obstacle to investment. They maintain, and in Peru they always maintain, that the best way to combat poverty and extreme poverty, which sometimes also occurs in native communities, is through investment so that there is access to education and food, and in this way it will be possible to emerge from the state of poverty or extreme poverty.

These are subjects which we also have to look at in my country, and certainly in all countries of the region.

With regard to the titling of lands traditionally occupied by indigenous peoples, there has not been a great deal of comment. However, we would like to point out that, in full application of Act No. 29785, there are 55 indigenous and native peoples who have a traditional presence, spread across 9,211 localities (5,135 *campesino* (peasant farming) communities, 2,303 native communities and 1,708 communities in the process of being identified. Of this number, 4,327 (49 per cent) are georeferenced, 7,455 (81 per cent) are recognized and 5,825 (63 per cent) have received titling. This covers a total of 2,880,552 persons, which is a significant proportion of the population.

In this context, the Government, through the Ministry of Culture, has provided support to guarantee collective rights to land and territory to 49 native and *campesino* communities belonging to various departments, as follows: 22 in San Martín, 9 in Ayacucho, 5 in Huánuco, 3 in Ucayali, 4 in Loreto, 3 in Pasco, 1 in Amazonas, 1 in Madre de Dios and 1 in Cusco.

In my country there is probably still much to be done and there are still significant gaps to bridge, but what is beyond doubt is that in this Government we are making an enormous effort to close these gaps. Of course we will best achieve this with support from the ILO, which will certainly provide us with the best practices of the countries in the region or other parts of the world and we will be very grateful to receive this.

Employer members – The Employer members would like to thank the various speakers who have taken the floor and in particular the Government for its statements and the information it has provided.

In our final remarks, we would like to underline the importance of the Convention as an instrument for promoting social dialogue, good governance and the necessary institutionality for fostering confidence, peace, and agreements with the indigenous peoples.

We would also like to clarify that, in accordance with Article 13 of the Convention, with respect to mining and quarrying, prior consultation applies to the administrative acts that authorize the start of exploration or exploitation of natural resources. Hence environmental certification or other administrative, additional or preparatory measures do not need to be the subject of consultation.

We take note of all the initiatives presented by the Government and the progress made during the last two years. However, in order to make progress on the application of the Convention, we think that greater efforts are needed at national level.

Therefore, in line with the recommendations of the Committee of Experts, the Employer members wish to request the Government to:

- (1) ensure that the resources and technical capacity are provided to ensure the operation of the mechanism for the protection of indigenous leaders who are human rights defenders;
- (2) take urgent steps to prevent, investigate and punish acts of violence against the indigenous population;
- (3) on the basis that the Convention requires good faith in consultations, we ask the Government to take immediate action to ensure effective consultation processes when indigenous peoples decide not to participate; and
- (4) we reiterate a request from the employers in the region to have a specialist on the Convention and, in this regard, we urge the Government to request technical assistance from the ILO to design a road map to enable it to make progress on compliance with the Convention.

Worker members – We thank the Minister for the information he has provided. Despite this, the serious violations of the rights of indigenous peoples and the constant threats and persecution to which they are exposed in Peru are a source of grave concern. At least 33 indigenous leaders have been murdered in the last ten years.

We deplore the lack of commitment on the part of the Government to providing appropriate protection for indigenous leaders and human rights defenders, which leaves them exposed to death threats and at risk of being assaulted or murdered.

We note with satisfaction that the Employer spokesperson is equally emphatic in expressing rejection of the above.

The Government cannot carry on ignoring the situation. Robust measures must be taken immediately to stop the endemic violence against the indigenous peoples and their defenders and end the deep-rooted impunity and climate of fear.

We have heard countless data from the Government on arrests but we would also like to know how many persons have actually been convicted. Unfortunately this has not been mentioned, as far as we are aware.

We also underline the need for the Government to establish adequate procedures for consultation and participation to ensure that the rights, cultures and means of subsistence of the indigenous peoples are fully respected and safeguarded.

As the Committee of Experts has stated, a climate of violence and impunity constitutes a serious obstacle to the exercise of the rights of indigenous peoples as enshrined in the Convention.

For this reason, we urge the Government to:

- (1) protect the life, physical safety and psychological well-being of the relatives of all murdered indigenous leaders, including the relatives of the victims in Alto Tamaya-Saweto;
- (2) make available all necessary resources to ensure that all instigators and perpetrators of these murders of members of indigenous people are prosecuted and punished once and for all;
- (3) ensure that the protocol on prosecution action for the prevention and investigation of crimes against human rights defenders is provided with material, human and economic resources so that it can be applied not only in a reactive manner but also, in particular, in a preventive manner;
- (4) strengthen the mechanisms for protection of human rights defenders in terms of budget and intercultural adaptation;
- (5) carry out all necessary investigations and actions in relation to the reports of illegal logging and cases of forced labour under the *habilitación* system in the department of Ucayali;
- (6) guarantee the right of indigenous peoples to free and informed prior consultation;
- (7) take all necessary steps to move forward in the processes of identification, demarcation and regularization of lands traditionally occupied by the peoples covered by the Convention in the various regions of the country; and
- (8) amend the domestic legislation of Peru so that the indigenous peoples are granted ownership of their lands and not transfer of use, through the formalization programmes being implemented in the country.

Lastly, we invite the Government to accept an ILO direct contacts mission.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the persistence of acts of violence and attempts against the life of indigenous persons when defending their rights as well as the situation of impunity that this phenomenon generates.

Taking into account the discussion, the Committee urged the Government to:

- **undertake expeditious investigations into the allegations of violence and incitement to violence and ensure that the perpetrators and instigators of the murders of indigenous leaders in Alto Tamaya-Saweto are prosecuted and punished as a matter of utmost urgency;**
- **take all necessary measures to protect the life, physical safety and psychological well-being of the members of the families of the murdered indigenous leaders without delay;**
- **take, without delay, effective measures to prevent violence against indigenous persons and their defenders;**
- **take steps, in consultation with the most representative employers' and workers' organizations, to identify and address difficulties in the implementation of**

consultation processes with indigenous peoples, including in relation to the mining sector;

- provide information to the Committee of Experts on:
 - measures taken to identify, demarcate and regularize the lands traditionally occupied by the peoples covered by the Convention in the various regions of the country;
 - progress on the investigations into the complaints concerning illegal logging and the cases of forced labour linked to the *habilitación* system in the department of Ucayali;
 - the activities of the Standing Multisectoral Committee for the Application of the Right to Consultation, explaining the manner in which the aforementioned Committee follows up on agreements and takes action in cases of non-compliance with agreements concluded in the consultation processes;
 - how provision is made to secure the cooperation of the indigenous peoples in assessing the social, spiritual, cultural and environmental impact of mining exploration or exploitation projects which may affect their rights;
 - the criteria used by the Ministry of Energy and Mining to determine which indigenous peoples must be consulted with regard to a project; and
 - the measures taken to inform indigenous peoples regarding the importance of consultation and to promote their participation in these processes.

The Committee urged the Government to avail itself of ILO technical assistance with a view to implementing the above recommendations and giving full implementation to the Convention and to submit a detailed report to the Committee of Experts by 1 September 2024.

Government representative – I would like to convey the greetings of the Minister of Labour and Employment Promotion of Peru, who is unable to accompany us at this sitting because of a previous appointment. On behalf of the Government of Peru, we thank the Conference Committee for the recommendations made today and we reiterate Peru's commitment to continue making progress in the application of the principles and provisions of the Convention. We express our willingness to draw up a work agenda with ILO technical assistance, which will certainly help us to continue with the successful application of the Convention.

Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

The Government has provided the following written information, as well as copies of the Anti-Terrorist Council Official Statement dated 29 April 2024, the Anti-Terrorist Council Memorandum dated 30 April 2024, the Administrative Order No. 22 dated 8 May 2024 and Supreme Court Decisions Nos 254753 and 269249.

Progress in the implementation of the tripartite road map on freedom of association

1. Actions of Executive Order No. 23 Inter-Agency Committee (EO 23-IAC)

Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties approved by the EO 23-IAC on 26 April 2024. The Guidelines consolidate, update and strengthen two previous guidelines concerning freedom of association (FoA) issued in 2011 and 2012. The Guidelines were endorsed on 21 March 2024 by the National Tripartite Industrial Peace Council (NTIPC) after a thorough consultative process involving the Department of Labor and Employment (DOLE), other relevant agencies, and the labour and employer representatives. The Guidelines: (i) govern the conduct of government agencies, employers, and workers in the private sector in the workers' exercise of the right to organize, collectively bargain, and engage in peaceful concerted actions and other lawful trade union activities, including public assemblies; and (ii) delineate and update stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, case prosecution, and protecting national sovereignty and integrity, consistent with their jurisdiction and mandates.

On speeding up investigation and prosecution, the EO 23-IAC closely monitored the killing of Alex Dolorosa, although the same clearly appears not to be union-related. The alleged perpetrator, an individual, was accused of homicide in October 2023 at the Bacolod City RTC. The accused was arraigned on February 2024. The court has also set trial dates.

Following EO 23-IAC directives, related or member-agencies of the IAC took the following actions:

- The Anti-Terrorist Council (ATC) Official Statement dated 29 April 2024 was published, in relation to indiscriminate labelling, including red tagging. This affirms its sole and exclusive authority to designate individuals or groups as terrorists under the Anti-Terrorism Act of 2020 (ATA). Cognizant of concerns of trade unions and their members about being labelled as or linked to terrorists without basis and due process, the ATC reminds the public that no other government body, agency, officer or employee has the authority to label individuals or groups in a manner that can be construed as the designation of terrorists under the ATA. Designation must always be exercised with utmost diligence, in accordance with existing laws, rules and regulations to ensure that fundamental rights and due process are respected and protected.
- The ATC Memorandum dated 30 April 2024 was issued against indiscriminate labelling instructing all ATC members and support agencies to abide by the procedures and guidelines for designation of terrorists, and to monitor and report to the ATC incidents of non-compliance, unauthorized designations, or other related issues.

2. Strengthening tripartite monitoring bodies and promoting FoA

The DOLE RO XI multisectoral dialogue was held between 23 Center of United and Progressive Workers (SENTRO)-affiliated federations and Southern Mindanao Federation of Labor and law enforcement agencies on 4 March 2024, where they agreed to develop a social accord for the protection of trade union rights. Colonel Osmalik Tayaban of the 10th Infantry Division of the Philippine Army provided his personal contact number and urged the participants to directly report to him any irregularities involving military personnel in the region.

The DOLE strategic workshop was held on 8 March 2024, where DOLE regional offices: (i) formulated their respective calendar of activities to implement the strategies concerning tripartism and freedom of association; and (ii) developed a training design for the implementation of labour education for different sectors, including law enforcement agencies.

The DOLE RO VIII resolution reconstituting the Regional Tripartite Monitoring Body (RTMB) and reorientation for RTMB members was adopted on 20 March 2024, focusing on the Body's role in validating and monitoring alleged violations of freedom of association.

The first paralegal training was organized and conducted by the DOLE and the University of the Philippines (UP) Law Workers and Employees Program, pursuant to the DOLE-UP MOA, on 20 April 2024. Thirty-nine trade unionists, including representatives from SENTRO, completed the six-day training on employers' and workers' rights and obligations, available criminal, civil, and administrative remedies in case of violations, practical skills, including affidavit writing and case build-up.

Developments in promoting a whole-of-government approach to address FoA-related issues

Administrative Order No. 22 dated 8 May 2024 was issued by President Marcos, establishing a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights, particularly to sustain initiatives on investigation and accountability, data-gathering on alleged human rights violations by law enforcement agencies, and expanded civil space and engagement.

Supreme Court decisions:

- *Deduro v. Vinoya*, G.R. No. 254753, 4 July 2023, declaring that red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty or security, and justify issuance of a writ of *amparo* [protection of constitutional rights].
- *Castro and Tamano v. Dela Cruz*, G.R. No. 269249, 24 October 2023, granting the writs of protection, habeas data and *amparo* in favour of Castro and Tamano, who were abducted by State agents allegedly for their environmental advocacies.

Concluding note

All allegations of killing and harassment of trade union members subsumed under Case No. 3185 occurred between 2013 and 2021 but were reported to the ILO only in 2016, 2019 and 2021. Regular monitoring by the RTMBs and now by the EO 23-IAC shows that concrete actions have been taken by the authorities concerned in cases where witnesses are available. Some cases have turned out to be clearly not union-related and in others, even family members themselves have desisted from pursuing the cases.

The Government points out that allegations are "extremely serious" in nature only if proven true based on verified information. The Government does not question the Committee's authority to determine what should or should not fall under the scope of its mandate. Nevertheless, it urges the Committee to ensure verification of all allegations, and to provide clear and reasonable parameters in the exercise of its mandate. The Government has shown an unprecedented level of cooperation with the ILO's supervisory bodies in the last two years. Its good faith should not be undermined by its continuing inclusion in the list of countries to be placed under examination.

Discussion by the Committee

Chairperson – I invite the Government representative of the Philippines, the Undersecretary of the Department of Labor and Employment (DOLE), to take the floor.

Government representative – The Government is grateful to the Committee for this opportunity to make its opening statement, which shall focus on the observation of the Committee of Experts issued as a follow-up to the conclusions that the Committee made during the Conference last year.

From the start of the administration of President Ferdinand R. Marcos Jr. on 30 June 2022, the Government has shown the deepest respect for the processes of this Committee, the Committee of Experts and the Committee on Freedom of Association, as well as for the directives of the Conference concerning the country's application of the Convention. The Government has demonstrated an unprecedented level of cooperation with the ILO supervisory bodies by providing timely and validated information on this matter. Since August 2022, the Government has submitted no less than ten reports. In this regard, while the Government appreciates that the supervisory bodies have taken note of several aspects of these submissions, it also emphasizes that the last four reports submitted already include information that addresses the current follow-up observation of the Committee of Experts. For the record, these submissions are: the 20 May 2024 reply to the Committee on new developments not yet examined by the Committee of Experts; the 16 April 2024 reply to the Committee on Freedom of Association on the 405th Report of the Committee on Freedom of Association; the 8 January 2024 reply to the Committee on Freedom of Association request for supplementary information; and the 12 December 2023 reply to the observations submitted to the Committee of Experts by the International Trade Union Confederation (ITUC), the International Transport Workers' Federation (ITF), and the Center of United and Progressive Workers (SENTRO) on the Philippines' compliance with the Convention.

The rules of this proceeding, as well as time constraints, do not allow the Government to repeat the contents of these reports in this morning's discussions. However, the Government therefore requests that these reports be incorporated by reference to the discussions today so that this Committee may have a fuller appreciation of the facts and the actual situation in the application of the Convention in our country.

I will now focus on the three main matters contained in the observation. The first major item is on developments pertinent to the tripartite road map to ensure full compliance with the Convention. The Government informs this Committee of the following:

- First, the road map, with appropriate timelines and the responsible parties involved, was formulated with the technical support of the ILO and was approved by the National Tripartite Industrial Peace Council (NTIPC). The majority of the NTIPC members signed the resolution adopting the road map. A copy of this road map was submitted to this Committee on 1 September 2023.
- Second, the Omnibus Guidelines on Freedom of Association and Civil Liberties were approved by the Inter-Agency Committee created through Executive Order No. 23 (EO23 IAC) on 26 April 2024.

The Guidelines consolidate, update and strengthen two previous guidelines concerning freedom of association issued in 2011 and 2012. The Guidelines were the result of a thorough consultative process and have expanded the scope of the two previous guidelines in the following areas: firstly, they govern the conduct of government agencies, employers and workers in the private sector in workers' exercise of the right to organize, collectively

bargain, and engage in peaceful concerted actions and other lawful trade union activities, including public assemblies; and secondly, they delineate and update stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, prosecution, and protecting national sovereignty and integrity.

Revision of the Guidelines is one of the major outputs included in the tripartite road map. The DOLE, as the lead agency, is now finalizing the programme of activities including capacity-building trainings and information and education materials to ensure the widest dissemination of and full compliance with the Guidelines. The Government appreciates that the Committee has taken note of the Government's interest in possible technical assistance on this activity, and hopes that such assistance materializes soon.

- Third, regarding the call for a review of Executive Order No. 23, allegedly due to lack of sectoral consultation prior to its issuance and the absence of sectoral representation in its structure, the Government clarifies that the EO23 IAC was established as a response to the recommendation of the high-level tripartite mission for the creation of a presidentially-mandated body that will coordinate the actions of various agencies on the investigation and prosecution of cases involving violations of trade union rights. The high-level tripartite mission itself did not recommend that the presidentially-mandated body have a tripartite composition. And this is for a good reason, as the agencies comprising the EO23 IAC include agencies performing investigative and prosecutorial functions, which are sovereign governmental functions that cannot be shared with private organizations. In its first year of operation, the EO23 IAC has met six times, with specific outputs. The Government will be pleased to share with this Committee, for its reference, the EO23 IAC Chairperson's First Year Report to the President of the Philippines.

On the high-level tripartite mission recommendation to establish a specialized, independent non-judicial body of eminent persons, the Government reiterates its position that the Commission on Human Rights (CHR), a body created by the Philippine Constitution, serves as such an independent body. As previously reported, the NTIPC has recognized that the CHR indeed has the mandate to perform the functions expected of this independent body.

The Government takes the view that where mechanisms already exist to address specific issues, the direction should be to strengthen these mechanisms. The high-level tripartite mission, during its visit to the Philippines, heard from various agencies and stakeholders where the priority areas for strengthening should be, namely: investigative and forensic capacity, case build-up and case management; data and information sharing; and continuous capacity-building and awareness-raising on labour and human rights. The Government continuously strives to improve on these areas, but will welcome technical cooperation programmes to further support its efforts.

The Committee may also recall that, during last year's sessions, the Government expressed openness to learning from other countries which have established a specialized body similar to the independent body recommended by the high-level tripartite mission. The Government remains open to such an opportunity, as may be suggested by the Committee, in order to improve its existing mechanisms.

On the general issue of genuine sectoral consultation, dialogue and engagement, the Government appreciates the Committee's encouragement for the continued strengthening of tripartite consultative processes. Strengthening tripartism and social dialogue is one of the key outcomes included not only in the tripartite road map but also in the Philippine Labor and Employment Plan.

In this regard, the Government informs this Committee that tripartism and social dialogue in the Philippines is firmly institutionalized. A wide range of tripartite mechanisms exist, which ensures sectoral participation and engagement in various aspects of labour and employment, such as the NTIPC, the regional Tripartite Industrial Peace Council and the tripartite wage and productivity boards under the DOLE, as well as the governing boards of other agencies involved in health, social security, housing and investment promotion. The sectoral representatives to these bodies are appointed by the President upon recommendation of their respective sectors to ensure genuine representation. Since November 2022, 103 sectoral representatives comprising 54 workers' and 49 employers' representatives, have been appointed to various tripartite bodies by the President.

On the second major item, on civil liberties and trade union rights, relevant information on the cases characterized as "previous allegations" as well as "new allegations" has been provided in the earlier reports that were submitted by the Government. On the "new allegations", the Government provides the following additional information:

- On the killing of Alex Dolorosa, allegedly an officer of the BPO Industry Employees Network (BIEN), the Government clarifies that BIEN is registered with the DOLE as a workers' association, not as a trade union. DOLE records of BIEN do not show any officer, member or organizer by the name of Dolorosa. There is also no record of any union that he might have organized. Police investigation reports do not indicate that the killing was motivated by his alleged union activities. The alleged perpetrator, a private individual, was accused of homicide in October 2023 at the Bacolod City regional trial court. The accused was arraigned in February 2024. The court has also set trial dates.

On measures to combat impunity, strengthen monitoring mechanisms, and enhance the environment for freedom of association and the right to organize, the following are some of the relevant developments:

- To help combat indiscriminate labelling, including red-tagging, the EO23 IAC coordinated with the Anti-Terrorist Council (ATC), which issued an official statement dated 29 April 2024 that the ATC is the only administrative agency that has the authority to designate individuals or groups as terrorists, strictly in accordance with existing laws, rules and regulations to ensure that fundamental rights and due process are respected and protected. The ATC also issued a Memorandum dated 30 April 2024 against indiscriminate labelling, instructing all ATC members and support agencies to abide by the procedures and guidelines for the designation of terrorists, and to monitor and report to the ATC incidents of non-compliance, unauthorized designations, or other related issues.
- At the level of regional monitoring bodies, multisectoral dialogues, including between trade unions and the military, strategic workshops on activities to promote freedom of association, and reconstitution and reorientation of the regional monitoring body have been undertaken.
- The first paralegal training organized and conducted by DOLE and the University of the Philippines College of Law, and attended by 39 trade unionists, completed the six-day training on employers' and workers' rights and obligations, available criminal, civil and administrative remedies in case of violations, and practical skills, including affidavit writing and case build-up.
- A data-sharing agreement between DOLE and the CHR on the referral and evaluation of cases allegedly arising from the exercise of union rights has been signed and is currently being implemented.

- DOLE's budget for the strengthening of tripartite monitoring mechanisms has been increased by 350 per cent in the 2024 General Appropriations Act.
- Actions of other government agencies also complement the tripartite road map and the work being done by the EO23 IAC. Administrative Order No. 22 dated 8 May 2024, issued by President Marcos, established a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights.

The third measured item is on pending legislative matters. These fall under two types: the first are those which are intended to combat impunity; the second are those intended to amend specific Labor Code provisions pertaining to freedom of association and the right to organize. The Government submits the following updates.

First, the 19th Congress when these bills were filed has adjourned and is currently in recess. The 20th Congress will convene on 22 July 2024. Technically, there are no pending bills at the moment. Bills which were filed in the 19th Congress will need to be refiled in the 20th Congress.

Second, the bills filed to address impunity were House Bills Nos 1152 and 4941, which sought to criminalize red-tagging. In this regard, Republic Act No. 9851, an act defining and penalizing crimes against international humanitarian law, genocide and other crimes against humanity and Republic Act No. 11479 (2020), an act to prevent and prohibit terrorism and to establish the ATC, may already provide remedies against red-tagging. Two recent Supreme Court decisions also lay down the remedies and reliefs against red-tagging. The Supreme Court has affirmed the legal reliefs available to persons who are indiscriminately tagged as security threats in two landmark decisions: one is *Deduro v. Vinoya*, declaring that red-tagging, vilification, labelling and guilt by association constitute threats to a person's right to life, liberty or security, and justify the issuance of a writ of *amparo*; the second is *Castro and Tamano v. Dela Cruz*, issued in October 2023, granting the writs of protection, *habeas data* and *amparo* in favour of Castro and Tamano.

Third, the bills seeking to amend the Labor Code are several House Bills on trade union membership, union registration, and the power of the Secretary of Labor to assume jurisdiction over labour disputes involving national interest. The executive branch of Government defers to Congress when it comes to legislative matters. However, it is prepared to work within the framework of the NTIPC to review why the bills have not progressed and to determine the bills that can be supported by consensus to further enhance the environment for the exercise of freedom of association and the right to organize.

Worker members – The Philippines has been under the regular supervision of this Organization, including six times in front of this Committee since 2007, regarding its failure to comply with the Convention. Last year, a long-delayed high-level tripartite mission to the Philippines took place to follow up on reports of extremely serious violations of freedom of association in the country, including threats and harassment, surveillance, arbitrary arrest and detention, and extrajudicial killings of union members for their legitimate union activity, among other violations of civil liberties. The mission eventually led to the adoption of a tripartite road map to address the many identified concerns, with agreed timelines. This, at first, appeared to be progress. However, we note that a significant portion of the labour representatives in the NTIPC – 12 out of 19 – either did not endorse the road map or subsequently withdrew their support for it, revealing a significant lack of consensus on the way forward by those who have been victimized by successive governments. Moreover, there remains a very significant gap between words and deeds on the part of DOLE, which has been very slow to implement the recommendations of the high-level tripartite mission in 2023.

We welcome the fact that there have been no anti-union murders in the Philippines in 2024. Nevertheless, we do note that Philippine trade unions have documented at least 72 killings of trade unionists overall. This number includes at least two who were killed in 2023, namely Alex Dolorosa and Jude Thaddeus Fernandez. At the same time, other forms of violent anti-union retaliation continue apace, including forced disappearances, arrests and detention, forced disaffiliation, and red-tagging, among others. This behaviour is evidence of a prevailing culture of anti-unionism in the country, which has continued into the Marcos administration. Cases are still rarely investigated, and few have faced any accountability.

The rampant use of “red-tagging” when state actors make baseless accusations that specific labour unions and union activists are members of so-called “communist-terrorist organizations” remains a serious problem. This accusation is often enough for trade unionists to be detained and questioned by the military and police, and discourages workers from supporting a legitimate union activity out of a quite understandable fear of retaliation. As just one example, there has been constant surveillance, harassment and monitoring of the Alliance of Concerned Teachers (ACT) and its leaders. In 2024, the ACT National Office has been under regular surveillance by the authorities. Several individuals have also been targeted. Aurora Santiago, ACT Region III Union Coordinator, has reported constant surveillance, and was charged under the Anti-Terrorism Act. Francisco Eco Dangla III, the ACT Pangasinan Provincial Coordinator, was abducted and tortured. Police and intelligence officers have also entered public schools in the National Capital Region, where leaders of the ACT are working, to spread unfounded accusations and sow fear among students, teachers and administrators. This behaviour persists because the policies that led to trade union repression under the previous administration, particularly Executive Order No. 70, remain in place today.

Mechanisms put in place to address these serious violations, such as the National Tripartite Industrial Peace Council Monitoring Body (NTIPC-MB) and the Regional Tripartite Monitoring Body (RTMB), have also failed. The monitoring bodies were regionalized through Administrative Order No. 32, mandating the direct or operational monitoring of freedom of association cases to be done by the RTMBs in the different regional offices of DOLE. The NTIPC-MB is to have oversight or a supervisory function regarding the RTMBs’ profiling and monitoring work. The Bureau of Labor Relations is tasked with monitoring freedom of association or trade union rights violation cases, but there has been no improvement in the effectiveness of its work, even though DOLE claims to have allocated additional resources to its 2024 budget. Furthermore, the lack of fully funded programmes on the promotion of human rights and trade unions rights has hampered RTMB monitoring work.

The Inter-Agency Committee on Extra-Judicial Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons, created under Administrative Order No. 35, was supposed to address the grave human rights violations, including labour-related killings. Based on the profiling and monitoring work of RTMBs, DOLE refers the cases relating to killings, disappearances, torture and other violations of the right to life of trade unionists to that Committee. However, unions have little understanding of its workings and, despite its resources, few cases have progressed or have been resolved. The nine resolved cases out of the 65 extrajudicial killings were all prior to the establishment of that Committee.

We echo the view of the Committee of Experts that these bodies should be allocated more resources and staff in the very near future, with a view to ensuring their full operationalization and, in turn, the effective and timely monitoring, investigation and, as appropriate, referral for prosecution of all pending labour-related cases of extrajudicial killings and other violations against trade union leaders and members.

In 2023, Executive Order No. 23 was enacted to establish an inter-agency committee to address labour issues. However, it falls short in several fundamental aspects. The EO23 IAC does not include representation from trade unions and workers' organizations, or even from employers' organizations, and neither were consulted in the drafting of Executive Order No. 23. This is despite the fact that trade unions had called for consultation and had submitted proposals well in advance. As such, it merely replicated the ineffective Administrative Order No. 35, set up by the Aquino Administration. Worse, the Government has made clear that it has no intent to amend Executive Order No. 23 to include workers' and employers' representatives or even to create regular consultations with the social partners.

In addition to acts of violence and the climate of impunity, trade unionism is also undermined by the ability of employers to engage workers through a variety of precarious and indeed illegal employment arrangements which undermine stability and empower employers to easily dismiss workers for their union activity. When workers seek to have their employment regularized, they will either be dismissed illegally or have to endure years of litigation. The illegal use of agency workers and fixed-term employment – often with contracts renewed every six months – coupled with the refusal to recognize employer–employee relationships allow employers to illegally deprive workers of the right to join a union and to bargain collectively. Several bills have been introduced to address this issue, but none have been adopted. The Secretary of Labor has long failed to fulfil his obligation under the Labor Code to restrict or prohibit the contracting out of labour to protect the rights of workers (section 106).

We also note in the report that the Government touts the recent signing of a Memorandum of Agreement (MOA) between DOLE, the Department of Trade and Industry and the Philippine Economic Zone Authority to establish an Ecozone Tripartite Advisory Council, as well as ecozone tripartite working committees. However, DOLE failed to involve the labour movement in the MOA – a pattern with this Government. This includes the exclusion of relevant labour representatives, including the Ecozone Technical Working Committee in the Mactan Export Processing Zone, established in August 2023.

Finally, I note that the Committee of Experts has raised a number of legislative issues over many years, affecting workers in the public and private sectors. Of particular concern, large swathes of public sector workers, including those hired through job orders or contracts of service, as well as firefighters, prison guards and other public workers, cannot join or form unions. Even those in the public sector who do have the right to form a union cannot take industrial action. We note from the Committee of Experts' report that, once again, several bills have been introduced to the legislature. However, it is not sufficient merely to introduce legislation. We share the Committee of Experts' regret that no concrete amendments appear to have been made in relation to the pending matters. The Workers expect that the Government will make every effort to bring national legislation into conformity with the Convention as soon as possible.

In closing, the Worker members deeply regret that the Government failed to meaningfully consult with trade unions to build consensus on an agreed way forward and continues to fail to implement the previous conclusions of this Committee. We cannot accept the continued delays. The Worker members will continue to keep a close watch on this case, until workers are able to fully exercise their fundamental rights in law, in a climate free from violence, harassment and intimidation, and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights.

Employer members – As we know, this is a fundamental Convention, ratified by the Philippines in 1953. The case has been discussed seven times before in the Committee and the

Committee of Experts has issued observations 19 times. Some of the legislative issues referred to by the Committee of Experts' observations are related to the right to strike, so here we are reminding the house of the Employers' disagreement with the Committee of Experts' views concerning a right to strike in the Convention, and we emphasize that neither the Convention nor any other ILO Convention contain rules on the right to strike and that the Government group of the Governing Body confirmed in their position statement of March 2015 that the scope and conditions of this right are regulated at the national level.

Turning to the key points of this case. This case derives from a history of complaints and allegations of serious oppression of trade union members and leaders in the Philippines over many years. Time does not allow us to go into the details. However, the concerns raised were sufficiently serious to bring up the subject of a high-level tripartite mission in January 2023. The mission made the following recommendations: greater coordination and consistency across the varying arms of Government to better guard against serious threats to freedom of association; engagement with the social partners to make genuine progress in preventing future violations of freedom of association including through the finalization of a road map with agreed timelines; establishment of a single presidentially-mandated body to identify and address all outstanding cases of alleged labour-related extrajudicial killings and abductions; establishment of an independent non-judicial body to review cases referred to it by the presidential commission with a view to receiving and documenting testimonies and making proposals for compensation; strengthening the role of the NTIPC-MB to identify and ensure rapid and effective protection measures with regard to threats to the life, security or safety of trade unionists; and full implementation of all previous recommendations.

In June 2023, the Committee urged the Government, in consultation with the social partners, to: put an immediate end to any acts of violence and intimidation against union members for the legitimate exercise of their rights under the Convention, as well as violations of freedom of association, in line with the recommendations of the high-level tripartite mission; immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations; operationalize the monitoring bodies; and ensure that all workers are able to form and join organizations of their own choosing in accordance with Article 2 of the Convention.

The Committee also urged the Government to take decisive and effective measures to promote a climate of non-violence, as well as constructive social dialogue and labour relations at all levels in the country, and it requested the Government to finalize, with technical assistance and in consultation with the social partners, the road map on effectively addressing all outstanding issues.

While the Committee of Experts, in its present observation, welcomed the progress achieved with respect to the elaboration of the tripartite road map and the review of the Guidelines on the conduct of stakeholders, it also noted concerns regarding certain elements linked to the recommendations of the high-level tripartite mission.

First, it noted with deep regret that no concrete progress appeared to have been made in the investigation of the killings of a number of trade unionists and other reported serious incidents, as well as the punishment of their perpetrators.

The Committee of Experts therefore expected the Government to take the necessary steps to ensure that all allegations presented by various unions since 2015 are properly and fully investigated, and that the cases are reviewed by the CHR when unresolved, so that the facts are established, culpability is determined, and perpetrators are brought to justice.

The Committee of Experts also requested the Government to ensure that trade unionists are able to exercise their activities in a climate free from violence, harassment and intimidation and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights.

It is all the more disturbing, therefore, to note further instances of killings and disappearances of trade unionists since 2019, including the murder of union leader Alex Dolorosa in April 2023.

The Committee of Experts therefore encouraged the Government to fully engage with the social partners to make progress on the operational guidelines of the monitoring mechanisms, including in the framework of the tripartite road map. It requested the Government to strengthen these mechanisms for the effective and timely monitoring and investigation of all pending labour-related cases of extrajudicial killings and other violations against trade union leaders and members.

For its part, the Government has stated that regular monitoring shows that concrete action has been taken by the concerned authorities in cases where witnesses are available; some cases have turned out to be clearly not union-related, and in others, even family members themselves have desisted from pursuing the cases. In the instance of the killing of Alex Dolorosa, which appeared not to be union-related, the alleged perpetrator, a private individual, was charged with homicide in October 2023 and arraigned on February 2024. The court has also set trial dates regarding this issue.

The concern here is that few cases have been resolved and the message is that monitoring itself does not solve crimes or uncover the truth, as that can only be achieved via investigation, evidence of which still seems lacking. We therefore urge the Government to increase its efforts in this regard.

On the topic of training and the Guidelines on the conduct of stakeholders, the Committee of Experts expected that these training activities would continue within the framework of the tripartite road map and significantly contribute to raising awareness on matters related to freedom of association and collective bargaining among state officials. Noting the Government's interest in receiving technical assistance from the Office, the Committee of Experts hoped that this assistance would be provided in the near future. The Government provides information about some current training and awareness-raising activities, but these appear to be sporadic rather than regular. Overall, little seems to be happening, and again we urge the Government to increase its efforts.

Regarding legislative matters, we note that a significant amount of draft legislation aimed at ensuring respect for civil liberties in the exercise of trade union rights is yet to be adopted and there is a large number of bills. We again encourage the Government to take concrete time-bound measures towards their adoption as soon as possible.

On a positive note, the Government adopted, on 26 April 2024, the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties following tripartite approval. The Guidelines, which consolidate, update and strengthen two previous guidelines concerning freedom of association issued in 2011 and 2012, govern the conduct of government agencies, employers and workers in the private sector in the workers' exercise of the right to organize, bargain, and engage in peaceful actions including public assemblies; they delineate and update stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, case prosecution, and protecting national sovereignty and integrity.

The Government has also taken steps in a number of other areas, but time does not allow us to go into the details. However, what is still lacking is evidence of the impact of these changes, in light of which the Employers call upon the Government to provide an explanation of the aims and effects of all of its legislative initiatives.

Notwithstanding the concerns raised above, we note that the Government has actively sought the assistance of the ILO in a number of respects. For instance, the Trade for Decent Work project in the Philippines aims to enhance the application of international labour standards, particularly focusing on freedom of association and the right to collective bargaining principles, alongside addressing COVID-19 responses. The overall objective is to contribute to the improved implementation of international labour standards as a Generalized System of Preferences Plus (GSP+) beneficiary country. The project allowed for the training of Government agencies, including the security sector, labour regulators and the armed forces, with priority sectors being garments, coconuts and sardines.

To conclude, all in all, the Employer members remain concerned that the issues brought to the Committee remain. That said, we are mindful that the recommendations of both the 2023 high-level tripartite mission and the Committee in 2023 are not easily implemented in short order. We therefore urge the Government to expedite its implementation of the various recommendations, seeking assistance from the ILO as necessary, and to provide a report on its progress by 1 September 2024 so that the situation may be objectively reviewed by this Committee in 2025.

Worker member, Philippines – Fresh in our minds, the ILO Director-General, Gilbert F. Houngbo, reminded us last Monday that poverty anywhere constitutes a danger to prosperity anywhere, and that labour is not a commodity. I will join him. Another fundamental principle from the Declaration of Philadelphia adopted 80 years ago and still relevant today states “freedom of expression and of association are essential to sustain progress”. This principle is the fundamental focus of our discussion today on the exercise of freedom of association under the Convention, as workers in trade unions continue to face a rocky road ahead in the Philippines.

A high-level tripartite mission visited the Philippines in January last year. Filipino workers continue and will probably continue to face significant obstacles in exercising the right to freedom of association if we maintain the status quo and the slow pace of reform matters. We appreciate the report of the Government, and we noted the decline in trade union killings during the first two years of the Marcos administration. However, it is to be remembered that at least two trade union leaders were killed in 2023 right after the high-level tripartite mission. One or two are too many and we cannot afford to have more. To identify the two persons, they were Alex Dolorosa and Jude Thaddeus Fernandes. Meanwhile, red-tagging, abduction, termination of employment and forced disaffiliation continue despite some formal measures adopted by the Government. We recall that six to eight victims of extrajudicial killings were documented and submitted by the ITUC affiliate and other unions under the All-Philippines Trade Unions to the high-level tripartite mission in 2023. Now there are about 72 or so unresolved cases of extrajudicial killings of trade union leaders and organizers with none seeing progress in court, save the case of Alex Dolorosa, which was filed before the regional trial court of Bacolod city. The Government referred to efforts to expedite investigation and prosecution. It stated that the EO23 IAC is closely monitoring the case of Alex Dolorosa. This case stands as an emblem of a broader pattern of unresolved injustices within our society. Due to a sloppy investigation, the Government classified Alex Dolorosa’s killing as non-union related. However, circumstances and evidence suggest that Alex was under surveillance and red-tagged by the police before his death. Alex was an active LGBTQI+ union organizer and

paralegal with BIEN, a workers' association covered by freedom of association. These acts worsen the environment for freedom of association and lead to a loss of trust and confidence in our police authorities. Another glaring example is the case of Manny Asuncion, organizer of the Kilusang Mayo Uno (KMU) which the former justice leadership has deemed necessary to prosecute only to have those efforts abruptly halted by the current Secretary of the Department of Justice. The question lingers: why forego the opportunity to revisit this case? Forced disappearances are ongoing, with the latest case in April 2024 involving a trade union organizer by the name of William Larusa of the KMU. Additionally, the practice of labelling trade union movements as part of the communist insurgency, referred to as "red-tagging", persists. Unions identified with SENTRO, the KMU, the Trade Union Congress of the Philippines (TUCP), and three unions of the Federation of Free Workers were the recent recipients of this scheme. This has escalated to a workers' organization being linked to "terrorist financing". Vice-President Sara Duterte has also directly hampered an ACT collective negotiation agreement by making accusations and by red-tagging.

The Philippine National Police Non-Uniformed Personnel Association Inc. (PNP-NUPAI), the certified negotiation agent of the non-uniformed employees of the Philippine National Police and an affiliate of the Public Services Labor Independent Confederation (PSLINK) for the past three years has, until now, failed to sign a collective bargaining negotiation agreement with the management of the Philippine National Police. The union was enticed to disaffiliate from PSLINK.

As was the case for the President of the NUPAI, Sarah Lerum, women trade unionists have not been spared from the attacks, such as those from Unyon ng Manggagawa sa Agrikultura who were visited by uniformed personnel, or worse, the agricultural worker who was murdered together with her family. This culture of impunity must stop, especially in light of the Government's commitment, to end all forms of harassment and violence, including gender-based violence in the world of work, as mandated by the Violence and Harassment Convention, 2019 (No. 190).

The Presidential body created under Executive Order No. 23 is not a tripartite body, thus ignoring the workers' proposal for a tripartite commission. In fact, we drafted an executive order for a tripartite commission during the high-level tripartite mission. Executive Order No. 23 is meant to protect freedom of association and workers' rights, but without workers' and employers' representation. It has not met workers' expectations.

The EO23 IAC is similar to the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which has been accused of red-tagging and pressuring trade unions to disaffiliate from their labour federations. Trade unions hold that, unless Executive Order No. 70 is rescinded and the NTF-ELCAC is dismantled, the Government retains the instruments to unleash a repressive regime against trade unionism.

There has been no progress in establishing a truth commission, a trade union proposal to gather evidence and to investigate those responsible for the killings and detention of trade unionists. This commission would also provide compensation for extrajudicial killings, to victims and their families.

The Government has created an illusion of action, but attacks on freedom of association have become more blatant. Gig economy workers are being excluded from employer-employee relationships to prevent unionizing, and the Public Utility Vehicle Modernization Program is displacing jeepney drivers and dismantling their organizations. Also, contrary to the Convention, jeepney drivers and operators are forced to join corporations or cooperatives despite their objections.

We commend the Government for ratifying the Labour Relations (Public Service) Convention, 1978 (No. 151), and recently Convention No. 190. However, seven years after the ratification of Convention No. 151, the Philippines still lacks the Public Sector Labor Relations Bill, the enabling law needed to align our labour laws with the standards set by the Convention.

We laud the Philippine Supreme Court for the decision that red-tagging and vilification, and labelling and guilt by association threaten a person's right to life, liberty or security.

We humbly urge the Government to:

- earnestly collaborate with the social partners to finalize or further discuss the tripartite road map on freedom of association;
- heed the demands of the global labour movement to abolish the NTF-ELCAC;
- elevate the Guidelines on Freedom of Association, now known as the Omnibus Guidelines, into an Executive Order with its own enforcement mechanisms to ensure full compliance by the security forces;
- provide resources to the CHR to enable investigations into trade unionist killings and offer reparations to the victims' families; and
- demonstrate commitment to ending impunity by ensuring justice for some of the murdered individuals, starting with the reopening of the case of Manny Asuncion.

The Secretary of Labor should use his power, mandated by the Labor Code, to regulate all forms of precarious work arrangements, prioritize aligning Philippine laws and practices with ILO standards, as repeatedly urged by the ILO in recent years, and certify as urgent the legislative measures pending in Congress, including the Security of Tenure Bill and the Public Sector Labor Relations Bill.

The time to act was one and a half years ago, and there is much work to be done.

Employer member, Philippines – The Employers' Confederation of the Philippines (ECOP) deeply regrets the inclusion of the Philippines in the shortlist of cases by the Committee. Going over the observations made by the Committee of Experts gives us the impression that it failed to fully appreciate the concrete steps taken by the Philippine Government on the Convention, disregarded the robust tripartite consultation process in relation to it, and regrettably misinterpreted the legislative process in our country.

The commitment of the Government to fulfil its obligation under the Convention is clearly reflected in the substantial reforms initiated to bolster the operational effectiveness of tripartite monitoring bodies, enhance inter-agency coordination, promote an enabling environment through targeted labour education, and expedite the investigation, prosecution, and resolution of alleged violations of freedom of association.

ECOP will focus now its intervention on specific developments regarding which we now have real direct knowledge and involvement.

On the approval of the road map on freedom of association, the development of the tripartite road map in line with the recommendations of the ILO supervisory bodies and the high-level tripartite mission followed a tripartite process from the very start. DOLE resumed the tripartite discussion on the road map, including the following:

- consultations with the bipartite dialogue mechanism called the "Leaders' Forum", of which ECOP is a member;

- the creation of a tripartite technical working group which finalized and consolidated the inputs on the road map gathered from the area-wide consultation; and
- a workshop with the Tripartite Executive Committee, where ECOP is likewise represented.

On 23 August 2023, the NTIPC approved resolution No. 3 to formally adopt the road map on freedom of association and express collective commitment to work towards its realization.

The Government pursues an open and constructive engagement with the sectors in addressing concerns raised. Upon the request of the labour sector, a dialogue with the Executive Secretary took place on 29 September 2023, at the Malacañang Palace, Manila. Present during the dialogue were representatives of different labour organizations and ECOP, as well as the member agencies of the EO23 IAC and the CHR.

Sectoral views were heard and addressed by the Executive Secretary during that particular dialogue. In particular, ECOP expressed the view that existing laws and mechanisms are functioning satisfactorily, and that creating another body may be redundant or unnecessary, and a counterproductive additional layer of bureaucracy. It emphasized as well that bringing before international bodies such as the ILO issues that could be resolved through national institutions creates a negative impression of the country, and that the ILO has no jurisdiction over incidents that are not genuinely related to or arising from the exercise of the right to organize.

On the approval of the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties. On 21 March 2024, the NTIPC approved the Omnibus Guidelines which consolidate and supersede the 2011 and 2012 guidelines concerning freedom of association. The Omnibus Guidelines govern the conduct of stakeholders from the government, and workers and employers in the private sector as it relates to the workers' exercise of freedom of association, the right to organize, collectively bargain, and engage in peaceful concerted activities, including public assemblies.

ECOP fully supported the inclusion of the various bills meant to amend the Labor Code of the Philippines in the road map on freedom of association. However, they could not be considered in isolation from the developments that are shaping the world of work in my country. We would prefer that a comprehensive rather than a piecemeal approach be taken. A balance between the interests of employers on one side, and the interest of workers should also be observed, even though we concede that a tilt in favour of the latter may be inevitable in the interest of social justice.

DOLE is part of the executive branch of the Philippine Government. It cannot mandate another legislative body, in other words, the Philippine Congress consisting of the Senate and the House of Representatives, to pass the proposed amendments to the Labor Code of the Philippines. Under our current system of government, there is a separation of powers among the three branches, namely the executive branch, legislative branch and the judiciary. Perhaps, the labour sector, which has representation and a number of constituents in the House of Representatives, could influence the expedition of the legislative process.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Montenegro, North Macedonia**, and the **Republic of Moldova**, and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We actively promote the universal ratification and

effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The Philippines is an important partner, including with regard to supporting multilateralism and international rules-based order. Within the framework of the GSP+ and the Framework Agreement on partnership and cooperation with the EU and its Member States, the Philippines committed to ratify and effectively implement international conventions on human rights, including labour rights.

The case we are discussing today is long-standing and serious. Following last year's discussion in the Committee on violations of the Convention, the Government of the Philippines was urged to take action on several points, in particular: to put an end to any acts of violence and intimidation against union members for the legitimate exercise of their rights; to immediately and effectively undertake investigations into the allegations of violence; to operationalize the monitoring bodies; and to ensure the right to freedom of association for all workers.

We welcome the fact that the Philippines also received a high-level tripartite mission in January 2023 and has initiated discussions on a tripartite road map covering the areas of action identified in 2019 by the Committee to address these long-standing concerns. While noting the Government's initiatives taken in this regard, we echo the Committee's expectation that both the tripartite road map and the Guidelines on the conduct of stakeholders be finalized. This should be done as a matter of priority, with clear deliverables and timelines, and be incorporated in the labour and employment plans as previously indicated by the Government. We underline the importance of full consultation with the social partners on all questions affecting trade union rights.

We take note of the allegations received regarding the continued and serious violations of workers' human rights, including trade unions rights, in the Philippines, as well as the written information provided by the Government.

Regarding previous allegations of the murders of trade unionists, we deeply regret that no concrete progress has been made in investigating these incidents. Considering these serious allegations, we expect that the Government will take the necessary measures for the facts to be clearly established, so that responsibilities are determined, and persecutors do not go unpunished. Due to the repetition of these events, we express our deep concern with regard to the new allegations of killings of trade unionists. We take note of the written information provided by the Government on this matter, but we recall the importance of providing more details in view of the numerous past and more recent allegations.

We note with concern the new allegations of red-tagging and harassment. We echo the request of the Committee of Experts for the Government to take the necessary measures to ensure the effective exercise of trade union rights in a system free from violence, harassment and intimidation, and respect of human rights, including the right to freedom of association. In that respect, I refer to the ruling by the Philippine Supreme Court of 8 May 2024.

While noting the allocation of funds in the 2024 General Appropriations Act, we expect that the monitoring bodies will be provided with sufficient resources, to ensure the effective and timely monitoring, investigation, and the appropriate referral to the courts of all pending cases of extrajudicial killings and other violations against trade union leaders and members.

We welcome the training activities with a specific focus on freedom of association and collective bargaining among state officials and we encourage the Government to continue raising awareness on these matters.

In accordance with the observations of the Committee of Experts, we once again encourage the Government to take the necessary measures to ensure that its legislation complies with the Convention and to report to the ILO on the progress achieved. We particularly emphasize the importance of the adoption of House Bills Nos 1152 and 4941, which aim to define and criminalize the practice of red-tagging of trade union representatives and members. Moreover, we regret that no concrete amendments have been made to pursue the revision of the Labor Code and we expect swift progress on that matter.

We express our hope that the Government will continue to ensure that the Anti-Terrorism Act will not be implemented in a way that restricts legitimate union activities and human rights.

The EU and its Member States encourage the Government to continue its efforts to improve mechanisms for the promotion and protection of human rights, including labour rights, and pursue its collaboration with the ILO to address the issues raised.

Government member, Indonesia – On behalf of the **Association of Southeast Asian Nations (ASEAN) and its Member States, Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore, Thailand and Viet Nam**, I extend our collective support for the commendable efforts of the Philippine Government in addressing labour issues and promoting freedom of association.

The Philippines has demonstrated genuine commitment through decisive actions and collaborative approaches. We recognize the significant strides made, such as establishing tripartite bodies within economic zones, empowering labour organizations through paralegal training, and strengthening investigations into labour rights violations. These initiatives showcase a proactive approach to fostering an environment where workers can freely associate and collectively bargain.

Achieving meaningful change requires the active participation of all stakeholders. Genuine achievement through social dialogue is essential, as it builds mutual trust, respect and collaboration among all parties involved. We call on all Philippine tripartite partners to collaborate with good faith, mutual trust and respect to ensure these initiatives succeed.

Despite the ongoing challenges, we commend the Philippine Government for its unwavering dedication to freedom of association. We urge all stakeholders to support these efforts, recognizing and learning from the difficulties faced and the significant progress that has been made.

Government member, United States of America – The United States thanks the Government of the Philippines for providing additional information to the Committee. We welcome, in particular, the information on the recent Supreme Court decision declaring that red-tagging, vilification, labelling and guilt by association constitute threats to a person's right to life, liberty or security, and justify the issuance of a writ of *amparo*.

We remain concerned, however, about the ongoing reports of red-tagging of unions and other worker organizations. We encourage the Government to publicly acknowledge that the workers and worker organizations that are or have been red-tagged for exercising their fundamental labour rights are, in fact, legal organizations that are protected by law, with the right to organize and engage in collective bargaining. We also encourage the Government to prioritize efforts toward the adoption of House Bills Nos 1152 and 4941 which, if enacted, would criminalize red-tagging.

We welcome the Government's continued commitment to thoroughly investigate and to hold the perpetrators accountable for the 2023 murder of Alex Dolorosa, a trade union leader and LGBTQI+ activist with BIEN.

Noting the important role of the independent Philippine CHR under its recent Memorandum of Understanding with DOLE, we are concerned that the CHR is facing budget cuts and is not being provided sufficient resources to undertake its constitutional duties.

Regarding the follow-up to the 2019 conclusions of the Committee, we encourage the Government to finalize the tripartite road map without delay, to include agreed timelines as requested by the high-level tripartite mission, in consultation with tripartite stakeholders.

We note the Committee of Experts' observation indicating that the issuance of Executive Order No. 23 occurred without any discussion with workers' organizations. We call on the Government to review Executive Order No. 23 in full consultation with the social partners.

We also note that no amendments have been made to address the ILO supervisory bodies' comments regarding the Labor Code reform. We encourage the Government to take the necessary measures to bring the national legislation into conformity with the Convention as soon as possible. We also encourage the Government to take action to eliminate illegitimate forms of contractualization that obscure the existence of an employment relationship and erode the right to security of tenure, including in the public sector.

The United States remains committed to engaging with the Government to implement a whole-of-government approach to address freedom of association issues and advance worker rights in the Philippines.

Employer member, Malaysia – We want to express our unwavering support to the Philippines in its tireless efforts to address the long-standing issues concerning freedom of association. Since accepting the high-level tripartite mission in January 2023, the Philippines has embarked on a transformative journey, demonstrating an unyielding commitment to upholding the fundamental rights of its people.

The progress made by the Philippines thus far deserves recognition. It has taken decisive action to strengthen its legal framework, aligning it with international labour standards and ensuring the protection of workers' rights. The Government's commitment to fostering an enabling environment for trade unions and labour organizations is a testament to its genuine desire to empower its citizens and promote social justice.

We take note that, following the high-level tripartite mission, the Philippine President took direct action to implement the high-level tripartite mission's recommendations with the creation of an inter-agency committee under the Office of the President to strengthen coordination with relevant existing institutions, with a view to expediting the resolution of complaints raised.

We commend the Government's response to the concerns raised by both the workers and employers regarding the need to ensure genuine sectoral representation in tripartite bodies. The reconstitution of these tripartite bodies with the appointment of representatives nominated by the social partners should continue as a matter of policy. The strengthening of RTMBs should also continue with support, as necessary, from the ILO.

As we commend the Philippines for its efforts, we must also underscore that the journey towards the full realization of freedom of association is an ongoing one. It requires sustained commitment, vigilance and continuous dialogue among all stakeholders. It is through

collaboration, empathy and a shared vision that we can collectively overcome the obstacles that impede the progress of workers' rights.

The ILO's support plays a crucial role in fostering and protecting the fundamental rights of workers in the Philippines. The technical assistance it provides, especially on freedom of association, is invaluable. In this regard, we hope that the Philippines will continue to avail itself of ILO technical assistance in order to facilitate the implementation of the recommendations.

In conclusion, let us stand in solidarity with the Philippines as it forges ahead on its path towards promoting and safeguarding freedom of association. Let us support the country's commitment to inclusive dialogue, legal reforms, and capacity-building initiatives that empower workers and unions.

Worker member, Fiji – As a member of the high-level tripartite mission that visited the country in 2023, I am deeply concerned about the implementation of the mission's recommendations. Unfortunately, the reports that I gathered are not very encouraging.

The trade union repression from 2016 up until the mission in 2023 is systemic. I witnessed the NTF-ELCAC nonchalantly red-tagging individuals during the mission's tripartite debriefing in Manila, when Colonel Medel Aguilar from the Armed Forces of the Philippines (AFP) suggested that the workers' representative at the ILO was a member of the Communist Party and that perhaps so were some members of the mission.

In 2023, at least two trade union leaders were killed, and others were abducted. From 2023 to the present, leaders from the KMU remain jailed on false charges, while members of SENTRO, the KMU, and the TUCP face red-tagging, surveillance, and profiling. These issues persist due to enduring policies from the previous administration, particularly Executive Order No. 70, which established the NTF-ELCAC.

DOLE has not only been slow to implement the recommendations from the high-level tripartite mission in 2023, it has also misrepresented several key issues: Executive Order No. 23 not only denied representation of partners, but it was also issued without consulting workers and employers. The submitted road map on freedom of association lacks genuine consensus and continues to reflect divergent views. The tripartite mechanism established in the Mactan Export Processing Zone failed to involve the trade union movement.

Meanwhile, legislative measures to align the Labor Code with the ILO standards remain pending, and the Office of the President has not prioritized them.

Contractualization remains a major barrier to the exercise of trade union rights. The Secretary of Labor has not used the power mandated by the Labor Code to regulate all forms of precarious work arrangements, therefore hindering workers' ability to organize and collectively bargain, and the right to strike.

The real measure of progress lies not only in the reduction or absence of violations against trade unions but also in the absence of all human rights violations and an increase in unionized workers.

Given these challenges, it is crucial for the Philippines to fully implement the high-level tripartite mission's recommendations. The Government must uphold its international obligations to protect its citizens. Failure to do so would send a negative message to both ILO Members and trading partners.

Employer member, Indonesia – The Indonesian Employer Association (APINDO) would like to take this important opportunity to comment on the unwavering dedication and concrete measures taken by the Philippine Government, particularly over the past year, in proactively

and comprehensively addressing the challenges at hand. We take note that the Philippine Government has cooperated fully with the ILO supervisory body by accepting the high-level tripartite mission in August 2022 and receiving the mission in January 2023. To this end, the Government consistently submitted comprehensive reports on concrete action undertaken to comply with the high-level tripartite mission's recommendations. It is noteworthy to mention that significant steps to safeguard freedom of association were taken in a relatively short period, demonstrating the Philippines' commitment to progress. It is important to note, however, that our stakeholders need to play an active role through cooperation and collaboration to ensure the success of this initiative and to see real change. In this respect, we encourage the Philippine tripartite partners to work together towards achieving a common goal guided by good faith, mutual trust and respect. In conclusion, we firmly support the Republic of Philippines and hope that the Philippine Government continues its proactive and comprehensive approach, as well as its commitment to tripartism towards the realization of the principle of freedom of association.

Interpretation from Chinese: **Government member, China** – We thank the representative of the Philippine Government for the detailed introduction. We have also carefully read the report of the Committee of Experts and the supplementary materials submitted by the Government to other committees. We noted that the Philippine Government has been cooperating with the ILO and the Committee in a cooperative and constructive manner.

The EO23 IAC was established to earnestly implement the recommendations of the high-level tripartite mission, to promote social dialogue, to enhance the understanding of freedom of association among different stakeholders, and to make significant progress. Through concrete actions, the Philippine Government has demonstrated its determination to effectively resolve the existing problems. We hope that the ILO will strengthen communication with the Government of the Philippines to effectively protect the real rights and interests of workers and employers in the country.

Employer member, Cambodia – I am here today to convey my solidarity with the Philippines and its endeavour to safeguard and advance freedom of association. We consider that the Government of the Philippines is actively engaged in addressing the challenges faced by workers, and is neither deaf nor blind to these issues.

We also consider that the Philippines has demonstrated sincere dedication to the preservation and protection of freedom of association. The Government's recent actions are a clear indication of its commitment to establishing an environment that facilitates the free association and collective bargaining of workers.

We consider that the Government is not the sole entity responsible for implementing these changes. In order to guarantee the success of these initiatives, it is imperative that workers and other stakeholders also take concrete actions. The Philippine tripartite stakeholders should collaborate to establish a shared objective that is governed by mutual trust, respect and good faith. Genuine social dialogue should be prioritized, with transparency and consensus-building as the guiding principles. Stakeholders can guarantee that their concerns are exhaustively investigated and that the appropriate measures are implemented by participating in a dialogue-based approach.

In summary, we urge the Philippines to continue its efforts to safeguard and advance freedom of association. The Government and social partners should be given the required space and support to collaboratively resolve the recommendations of the high-level tripartite mission and we should recognize the progress that has been made so far. Building upon the

principles of justice, fairness and freedom, we can collectively secure a more promising future for the Filipino workforce.

Worker member, Republic of Korea – Korean workers express strong solidarity with Filipino workers and join their call for the Philippine Government to take concrete actions to fully implement the Convention immediately.

Until today, cases of violation of freedom of association and even violence continue to pile up. As our colleagues from the Philippine labour movement have complained, DOLE has wasted time cherry-picking and diluting every recommendation of the high-level tripartite mission to the point that it has been weakened.

Regarding the tripartite road map to implement the 2019 Committee conclusions and achieve full compliance with the Convention, the Government reported to the Committee of Experts that it submitted a draft road map on freedom of association to the NTIPC in September 2023. However, the draft road map has yet to be agreed upon. Reportedly, without the support of the majority of workers' representatives in the tripartite committee, the road map remains incomplete.

The Government also reported that it created an inter-agency committee on freedom of association. The high-level tripartite mission recommended working with the social partners: I wish to emphasize this. However, the Executive Order was issued without prior tripartite consultation, without tripartite representation and without the special investigation and prosecution powers that a presidential body should have to end, once and for all, the long dark history of impunity in the country.

Regarding legislation, the Committee of Experts has repeatedly recommended since 2009, and the 2023 high-level tripartite mission also urged, that the Philippine Labor Code be amended to bring it into conformity with the Convention. And yet, the struggle to advance labour legislation for long-overdue amendments, especially to make it easier to form unions, limit the unbounded power of the Labor Secretary in assuming jurisdiction over labour disputes, and decriminalize strikes and lockouts considered illegal, is continuing in Congress.

In conclusion, we join our colleagues in the Workers' group in urging the Government to finalize the road map on freedom of association, to abolish the NTF-ELCAC, to elevate the Omnibus Guidelines into an executive order and to prioritize aligning the laws and practices with the Convention. Otherwise, impunity will continue unabated, unionism and collective bargaining will continue to decline, and tens of millions of Filipino workers will continue to endure inhumane conditions with no security of tenure, no living wages, and no labour rights, in a situation of life and death.

Worker member, Guatemala – The various forms of violence committed in the Philippines against trade union activists such as murders, disappearances, surveillance, threats and intimidation for simply exercising their legitimate rights recognized in the Convention, as well as the violent dispersion of strikes and raids of trade union offices by the military and police, remain unpunished, despite the repeated efforts of the ILO supervisory bodies, which have expressed regret over these events and called for this impunity to stop. They have collaborated through initiatives such as tripartite missions and various other forms of assistance in gaining an overview of labour relations in this country.

The situation calls to mind the worst moments of violence in the 1970s in the Southern Cone of Latin America with regard to trade union activists. It also seems similar to the current reality of certain countries on the continent which have not been able to channel labour

relations towards forums of tolerance, genuine social dialogue and, fundamentally, full respect for the most basic human rights.

Of particular concern is the absence of significant progress regarding the tripartite road map. Investigations have not been included, violence against trade unions has not been taken into account and the Government has not provided sufficient information on the status of the investigations under way (as if that were not enough to warrant strict monitoring of serious and repeated non-compliance).

The 2023 report of the Committee of Experts refers to new cases of violence, such as the murder of Alex Dolorosa, an official of the network for outsourced workers in enterprise processes, as well as the disappearance of four persons between May and July 2022, and the abduction and interrogation of other leaders, and the unfounded accusations of theft against two trade union leaders during a demonstration in June 2020.

Overall, the Philippine people are facing an extremely serious period with regard to enforcement of the principles and rights of freedom of association, coupled with the Government's passive and unwilling stance to recognize the role of tripartism and social dialogue, which are essential components for any truly democratic and peaceful resolution, and any enclave of justice against any attacks on the rights of workers.

Government member, Indonesia – Indonesia would like to support the Philippines. We are of the view that the explanations given by the Government of the Philippines provide a comprehensive and encouraging overview of their proactive measures and unwavering commitment to upholding the principles of the Convention. This dedication is evident through a series of well-documented and strategically implemented actions that reflect both the spirit and the letter of international labour standards. The Government's acceptance of the high-level tripartite mission on 26 August 2022 underscores its openness to international scrutiny and collaboration. This willingness to engage with ILO mechanisms demonstrates transparency and accountability. The prompt submission of comments on Case No. 3185 to the Committee of Experts on 21 August 2022 highlights the Government's responsiveness and its commitment to addressing specific issues in a timely manner. The submission of nine regular and supplementary reports, including the latest detailed report on 20 May 2024, is particularly noteworthy. This ongoing communication with the ILO not only provides a clear picture of the country's progress but also signifies the Government's dedication to continuous improvement and adherence to international standards.

One of the standout elements of the Government's strategy is the establishment of the EO23 IAC. This initiative is a proactive step towards ensuring better coordination among various government agencies, thereby streamlining the processes of investigation, prosecution and resolution of relevant cases.

The strengthening of partnerships with the CHR further exemplifies the Government's commitment to human rights. This partnership is crucial in providing assistance to victims and their families, thereby fostering a more just and humane society. The explanation also highlights the Government's efforts to foster tripartism and social dialogue, particularly through the establishment of tripartite bodies in ecozones and the conduct of multisectoral dialogues. These initiatives are vital in promoting a common understanding of freedom of association among all stakeholders, which is a cornerstone of democratic labour relations.

The operationalization and strengthening of tripartite monitoring bodies, along with the continuous engagement with sectoral partners, reflect a sustained commitment to improving labour conditions.

The development of a road map on freedom of association and the amendment of guidelines related to trade union rights are significant steps towards creating a more enabling environment for workers. Moreover, the Government's seriousness in addressing allegations of harassment and violence against trade unions is commendable. Lastly, the establishment of a Special Committee on Human Rights Coordination underscores the Government's holistic approach to human rights.

Overall, the Government of the Philippines today has provided us with a positive and detailed account of its commitment to upholding the Convention. The strategic initiatives, collaborative efforts, and transparent reporting mechanisms are commendable and indicative of a genuine dedication to improving labour conditions and protecting workers' rights.

Worker member, Canada – I speak on behalf of the Canadian Labour Congress, and the Australian Council of Trade Unions also aligns with this statement.

Seven years ago, the Philippines celebrated the ratification of Convention No. 151. The Philippines was the first Asian country to do so, marking the end of a nine-year campaign by the labour movement. However, freedom of association for public sector workers in the Philippines remains elusive.

The Committee of Experts has repeatedly highlighted the lack of full trade union rights for public sector workers.

Large sections of public sector workers are excluded from union membership. Workers hired through job orders or contracts of service, as well as firefighters, prison guards and others, cannot join or form unions.

Workers who are allowed to unionize still lack the rights to bargain collectively.

Elected labour representatives in the Public Sector Labor Management Council are relegated to observer status and are barred from attending council meetings, despite the Council's mandate to regulate the exercise of government employees' right to self-organization.

Despite ratifying Convention No. 151 seven years ago, there is still no enabling legislation in place. The Public Sector Labor Relations Bill remains stalled in Congress. This Bill seeks to reform labour laws to address the Committee of Experts' long-standing observations and align national laws with Convention No. 151. Key reforms include: ensuring the right to organize and bargain collectively, for all government workers, including non-regular employees; overhauling the labour adjudication system for public sector workers; and guaranteeing public sector union representation in policymaking.

The Government, despite being the largest employer, is the biggest violator of workers' constitutional right to security of tenure. According to the Presidential Communications Office, 29 per cent of the total government workforce, or more than 800,000 workers, are either contract-of-service or job order employees. The amended Executive Order No. 180 explicitly prohibits these employees from joining unions.

Approximately 300,000 Barangay health workers, who provide crucial community care, are not clearly classified as public or private sector workers. They lack sufficient support, remuneration, and training, making them one of the most vulnerable groups in the government workforce. Further, public sector trade unions still face red-tagging, threats and harassment initiated during the Duterte administration.

The Philippine Government cannot claim to respect workers' rights unless it demonstrates commitment to upholding the trade union rights of its own workers. Therefore, we strongly urge the Government to treat the Public Sector Labor Relations Bill as an urgent measure.

Government member, Tunisia – We welcome the delegation of the Government of the Philippines and express our appreciation for the information provided on the efforts of the Philippines to implement the requirements of the Convention and the recommendations of the Committee of Experts.

Tunisia appreciates the Philippines' full cooperation with the supervisory bodies of the ILO and its commitment to the resolution of the issues related to implementation of the Convention.

We particularly take note of the Government's continuous communication with ILO bodies and its effort to implement the recommendation of the high-level tripartite mission.

We take good note of the measures undertaken by the Philippines, in particular the establishment of an inter-agency committee to ensure better coordination across government agencies and the holding of multisectoral dialogue to promote a common understanding of freedom of association.

We also appreciate the Government's engagement to develop, in consultation with the social partners, a road map on freedom of association, and we recommend that it pursues this endeavour in a timely manner.

In view of the commitments made, my delegation congratulates the Philippines on the progress made and encourages it to continue its efforts to implement its national policy of enhancing freedom of association, taking into consideration the observations and conclusions of this Committee and the Committee of Experts.

Government member, United States – I speak today for the workers of the United States and the United Kingdom of Great Britain and Northern Ireland.

Once again, this body is discussing the case of the Government of the Philippines' long-standing non-compliance with the Convention. We stand in complete solidarity with Filipino workers in their continuing struggle to exercise their right to organize trade unions free from violence and other forms of intimidation.

Last July, leaders from the Filipino trade union movement travelled to Washington DC to receive the AFL-CIO's 2023 George Meany-Lane Kirkland Human Rights Award for their bravery and courage to continue organizing in the face of red-tagging and other forms of violence. During that visit, they met with high level officials in the Biden Administration to highlight these egregious violations of workers' rights.

In 2021, US and Filipino trade unions co-filed a petition calling on the US Government to withdraw special trade preferences granted to the Philippines due to the Duterte Government's pervasive violations of workers' rights. This petition remains under review and we are sad to say that, thus far, the Marcos regime has not taken sufficient action to end red-tagging and the broader culture of impunity.

Indeed, at least two trade union leaders were killed in 2023 right after the high-level tripartite mission. We demand full investigations into the murder of Alex Dolorosa and Jude Thaddeus Fernandez and do not accept the Government's contention that these heinous crimes were unrelated to their trade union activity.

Moving forward, we echo the demands of the workers' spokesperson and call on the Marcos administration to collaborate with social partners to finalize the road map on freedom of association, abolish the NTF-ELCAC, and elevate the Guidelines on Freedom of Association into an executive order to ensure full compliance by security forces.

In addition, we will continue to oppose further trade and commercial benefits for the Government of the Philippines until it addresses these serious violations of workers' rights.

Government member, Türkiye – First of all, we welcome the fact that the Government of the Philippines has submitted a total of nine regular and supplementary reports or replies since the date of its acceptance of the high-level tripartite mission. It demonstrates that the Government is taking concrete steps to address the problems arising from the implementation of the Convention. We appreciate the Philippine Government's intention to continue to provide updated and verifiable information in a timely manner.

The Philippine Government has demonstrated a sincere commitment to the promotion and protection of freedom of association by accelerating coordination and legal processes in the public sector through the establishment of the EO23 IAC; strengthening partnership with the CHR; establishing multidimensional social dialogue; infrastructural strengthening of tripartite monitoring bodies; and ensuring continued improvement of the Guidelines.

We appreciate the decisions taken by the Philippine legal bodies against red-tagging and other violations to protect trade union freedoms.

The establishment of the Special Committee on Human Rights Coordination by Presidential Order, with the aim of strengthening existing mechanisms for the promotion and the protection of human rights, in particular investigation and accountability, and continuing data collection initiatives on alleged crimes, should be acknowledged by the Committee of Experts as an important development.

Türkiye supports the Philippine Government's proactive and collaborative approach through the strengthening of tripartite bodies and the consultation process.

Worker member, Belgium – I am speaking on behalf of the workers in France, the Netherlands and Belgium.

Since 2014, the Philippines has benefited from the Generalised Scheme of Preferences Plus (GSP+) of the European Union. This scheme enables its participants to benefit from full removal of customs duties for goods of around 66 per cent of tariff lines of the European Union. It should be highlighted that the European Union is the Philippines' fourth largest trade partner. Total trade between the European Union and the Philippines amounts to €18.4 billion.

The GSP+ aims in particular to reduce poverty and create jobs based on international values and principles. Participation is subject to the ratification and respect of 27 international conventions on human rights, labour rights, the environment and good governance, which should be commended. These texts comprise the ILO fundamental Conventions, including the Convention being discussed.

The European Commission ensures the follow-up of the effective implementation of the conventions in question. Preferential treatment may be temporarily withdrawn in the event of serious and systematic violation of the conventions.

In 2022 and 2023, the European Parliament, the European Union special representative for human rights and the European Parliament Subcommittee on Human Rights emphasized very slow progress and a still worrying human rights situation. They referred to extrajudicial executions, harassment, and arrests of and violence against journalists, human rights

defenders and trade unionists. They considered that much remains to be done to ensure the effective implementation of all the conventions, which is a requirement for participation in the GSP+.

This year's report of the Committee of Experts also highlights the persistent serious human rights violations against trade unionists.

We support our Philippine colleagues and regret that, despite the ongoing violence and impunity, and the absence of a road map agreed with the social partners to put an end to such events, the Philippines continues to benefit from the GSP+.

In March 2024, the European Union and the Philippines officially announced the resumption of negotiations with a view to concluding a free-trade agreement.

It is fundamental that this agreement does not allow for any laxity in respect of the GSP+. We request the inclusion in this agreement, and more generally in all trade agreements, of the requirement of ratification and effective implementation of the ILO fundamental Conventions.

It is crucial to ensure that adequate guarantees are given by the Philippine Government to show real, specific and measurable progress with regard to human rights, social justice and democracy.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran welcomes the steps taken by the Government of the Philippines to address the issues related to the application of the Convention. We acknowledge the Philippines' engagement with the ILO supervisory bodies, including accepting the high-level tripartite mission and providing regular reports to the Committee of Experts. The Islamic Republic of Iran recognizes the Philippines' demonstration of commitment through concrete actions aimed at implementing the ILO's recommendations. The establishment of an inter-agency committee, the strengthening of partnerships with independent human rights bodies, the setting-up of tripartite bodies in economic zones, the conduct of multisectoral dialogues and the operationalization of tripartite monitoring bodies are commendable efforts.

While recognizing the progress made, we encourage the Philippine Government to sustain its efforts in promoting social dialogue and strengthening tripartite mechanisms and creating an enabling environment for workers to freely associate and collectively bargain. Continued collaboration with all the stakeholders, including trade unions and civil society organizations, is crucial for achieving lasting progress.

Government member, Bangladesh – Bangladesh commends the Philippine Government on its cooperation with the ILO's supervisory bodies, within the framework of the special examination procedures, in addressing the issues arising from the application of the Convention. We acknowledge that the Government has accepted the in-country high-level tripartite mission. We would like to underscore that the Government has submitted a total of nine regular and supplementary reports or replies on the development of accomplishments in the country's application of the Convention pursuant to the recommendations of the ILO. Bangladesh believes that these actions demonstrate good faith and commitment to implementing the recommendations of the high-level tripartite mission.

Bangladesh would also like to highlight that, through the establishment of the EO23 IAC, the strengthened partnership with the CHR, the setting-up of tripartite bodies to foster tripartism and social dialogue in ecozones, and the conduct of multisectoral dialogue to promote a common understanding of freedom of association among stakeholders, the

Philippine Government has shown a genuine and strong commitment to upholding and safeguarding freedom of association.

We have come to know that, recently, the Government has approved the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties and Guidelines on the conduct of stakeholders relating to the workers' exercise of trade union rights. The Government has further strengthened tripartite monitoring bodies to promote a common understanding of freedom of association. The Philippines is committed to investigating incidents of harassment and violence to ensure that perpetrators are brought to justice. Recent reports were investigated immediately, and some court proceedings are ongoing under national criminal procedures.

As it has been reported, President Marcos issued Administrative Order No. 22, establishing a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights, particularly to sustain initiatives on investigation and accountability, data-gathering on alleged human rights violations by law enforcement agencies, and expanded civil space and engagement. This also provides us with further assurances that the Government is on the right track and committed to ensure full implementation of the Convention. We encourage the Government to continue such pragmatic steps to close the case immediately.

Bangladesh urges this august forum to recognize the commitment of the Government and support its action to ensure more progress and the closure of the case.

Government member, Namibia –My delegation has taken note of the Committee's report and welcomes the continuing efforts and concrete measures made by the Government of the Philippines to implement the recommendations of the high-level tripartite mission. As a result of its commitment to the implementation of the recommendations of the high-level tripartite mission, the following actions were taken by the Government:

- approval of the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties;
- strengthening of tripartite monitoring bodies;
- promotion of a common understanding of freedom of association;
- issuance of resolutions by the Supreme Court reinforcing protections against red-tagging and other violations;
- statement by the ATC reiterating its sole and exclusive authority to designate individuals or groups as terrorists under the Anti-Terrorism Act of 2020;
- issuance of Administrative Order No. 22 establishing a Special Committee on Human Rights Coordination.

We commend the Government for its commitment to upholding the principles of freedom of association and its willingness to work towards creating an environment that enables workers to freely associate and collectively bargain. At the same time, the Government is encouraged to continue safeguarding the right to freedom of association. We acknowledge the Government's pledge to investigate the allegations of killings and harassment of trade union members and to ensure that the perpetrators are brought to justice.

In conclusion, we encourage the Government to continue addressing the outstanding issues, and consider that all the efforts taken by the Government should be valued by the Committee in its conclusions.

Interpretation from Arabic: **Government member, Egypt** – We have taken note of the measures and procedures taken by the Government of the Philippines concerning the Convention. All these measures are concrete and tangible. Tripartite bodies were set up to enhance tripartite negotiations and the EO23 IAC has also been set up to ensure that there is coordination and to deal with pending issues.

The Government of the Philippines also set up the CHR in accordance with the Philippine Constitution. This Committee is tasked with investigating violations and providing assistance to victims and their families.

The Government has also helped tripartite bodies through the provision of resources, and this has led to the road map on freedom of association and the guidelines that were issued in 2011 and 2012, which have paved the way for the exercise by workers of freedom of association. We would like to commend the Government for its efforts to ensure that there is a multilateral approach to dealing with this issue.

We note that the President of the Philippines has issued Administrative Order No. 22, with the aim of enhancing human rights' mechanisms, including freedom of association, examining investigation processes regarding extrajudicial killings, and ensuring that there is the widest participation possible.

We would like to welcome the measures taken by the Government of Philippines which aim to apply the recommendations of the high-level tripartite mission.

In conclusion, we would like to commend the Government for continuing to make these efforts. We encourage it to continue with this approach and we hope that this Committee will take all these measures into account when preparing its report.

Government member, Pakistan – We appreciate the measures taken by the Government of the Philippines to enhance its overall engagement with the ILO and express confidence that the constructive engagement between the parties will help to address all issues under consideration amicably.

Pakistan has taken positive note of the Philippine Government's commitment to upholding and safeguarding freedom of association. We support the Government's ongoing efforts to foster collaboration and address concerns. This commitment is evident in the strengthened tripartite bodies, which play a vital role in investigating and resolving cases. We acknowledge the steps taken by the Government of the Philippines towards the implementation of the Convention within the ILO's tripartite framework.

Observer, Building and Woodworkers International (BWI) – On behalf of the BWI, the International Transport Workers' Federation (ITF), IndustriALL and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) but, most of all, as a Filipino concerned about the risks my trade unionist brothers and sisters back home face, I wish to make a statement regarding the application of the Convention by the Government of the Philippines.

Since the high-level tripartite mission, reports show that 24 trade union leaders are still in jail on trumped-up charges. Two of the leaders were arrested after the mission, there are three new cases of abduction, and a large number of representatives of SENTRO and other sectoral unions continue to be subjected to red-tagging, surveillance and profiling. In April 2023, Alex Dolorosa was reported missing and his body was found days later with multiple stab wounds. Jude Thaddeus Fernandez was gunned down in September 2023. This amounts to a total of at least 72 murders of my fellow trade unionists since the Duterte regime took office.

Under the new Government, there has been a decline with regard to trade union killings and extrajudicial killings. The apparatus put in place by the Duterte regime is still intact and operating within a culture of impunity.

Finally, I want to highlight the most significant barrier to workers exercising their trade union rights: the widespread use of contractualization. The Secretary of Labor continues to refuse to use their power, mandated by the Labor Code, to regulate all forms of precarious work arrangements, which is essential for allowing workers to fully exercise their constitutional rights to organize, collectively bargain and strike. There are 23.5 million contractual workers across the sectors, that is 47 per cent of the total workforce.

Considering these ongoing realities, it is imperative that the Government immediately address and investigate labour rights violations, as well as implement effective reforms to protect trade unionists in the country and workers' right to organize.

Observer, Education International (EI) – I speak on behalf of the 32 million education workers represented by EI. Workers from France, Italy and Switzerland support this statement.

Teachers, like all public servants, need a commitment from public authorities to respect, promote and realize their rights at work, including their right to unionize without persecution and fear for personal safety.

However, in the last year, the following teacher union leaders from the ACT have suffered surveillance and abductions: Rora Santiago, union coordinator in central Luzon, Eco Dangla, union coordinator in Pangasinan, Dyan Gumanao, union coordinator in Central Visayan, Erlinda Alfonso, union president in Cason City, and Raymond Basilio, the General Secretary of the ACT, who escaped abduction from a union meeting he was addressing in September 2023 in Padagyan.

All of them are alive, but they live under constant threat of surveillance, tailing and abduction. Police and military personnel also continue to visit schools to request lists of names of union members and search for evidence when teachers are known to be unionized. Such military intervention into public schools aims at spreading unfounded accusations – the famous red-tagging – and communicating hostility and fear among school communities. This has resulted in teachers refraining from speaking out or joining unions. On 14 June 2023, when our ILO Committee was in session, the National Department of Education released a memo requiring all educational regional offices to provide lists of all education union members.

This was the third time the ACT was illegally profiled. The Committee of Experts notes that of the cases of extrajudicial killings of eight education unionists, the Government reported that four cases were still pending before the court, the prosecutor had dismissed one case and three are still under investigation. We deeply regret that accountability is so slow for the killings of education union leaders dating from before 2020. Impunity must be eradicated and activists like trade union leaders must be protected, not harassed, abducted or killed.

Chairperson – There are no more requests for the floor. I now invite the Government representative of the Philippines to take the floor for his final remarks.

Government representative – First of all, I would like to thank all the speakers, both the speakers who made encouraging remarks, as well as the speakers who made critical remarks. All of this will be taken into account seriously by the Philippine Government. The Philippine Government, particularly the DOLE, regrets that it has been accused of misrepresentation. Therefore, my closing remarks will focus on setting specific facts straight.

First, on the status of the tripartite road map: there is an approved road map. I repeat that there is an approved road map that has been finalized after thorough tripartite consultations with no less than the ILO providing technical assistance in the process. This road map consists of numerous action points, many of which are now being implemented and some of which imply the participation of both employers and workers. The point about the withdrawal of signatories to the road map is a matter that should be addressed to those who withdrew their signatures or who claim to have withdrawn their signatures because, as far as the DOLE secretariat is concerned, there is no formal withdrawal of the signatories. Therefore, as a matter of course, we consider that the road map is a legitimate instrument which has been guiding us since its adoption.

Second, on the issue of the MOA between DOLE and the Department of Trade and Industry, the workers in particular pointed out that it was formulated without consultation with the sectoral partners. That is true, but if you read the MOA, it is an agreement between two government agencies, setting the conditions or the preconditions for the implementation of a particular provision in the law creating the Philippine Economic Zone Authority, which was enacted almost 30 years ago but which has never been implemented. This provision relates to a requirement that tripartite committees for industrial relations shall be set up in the economic zones. So, what the MOA does is to lay down the procedure for setting up the economic zones at an administrative level while recognizing that the final decision to set up such a tripartite committee shall reside with the sectors themselves. It has been stated that in a particular economic zone, the Mactan economic zone, an ecozone tripartite committee was established without worker or employer representation. It was a worker spokesperson who pointed this out. I would just like to express before this body that that ecozone has two worker representatives. I will name them for the sake of clarity. The first one is Carlito Vilia Gonzalo, who is a member of the TUCP, the second is Maria Christina Vistal, also a member of the TUCP. I think that that organization, an Associated Labor Union, has representatives in this body right now. So it is not true that there is no worker representation in the economic zone tripartite councils.

In the case of Manny Asuncion, it was mentioned that there was a claim that the case should be reopened. Actually, the case remains open. The case was transferred to the investigators so that they can build up the case more properly in the ongoing investigation by the National Bureau of Investigations.

In the case of Jude Thaddeus Fernandez, this case was referred to the CHR and the initial evaluation of the CHR is that the identity of this person cannot be established with certainty because he appears not to have been registered in our official registry of birth when he was killed. He carried at least six identity cards, so the identity of this person is not yet established, much less, the union affiliation or whether he is affiliated with any organization.

On the matter of legislation, the Government later laid out its position, stating that it stands ready to cooperate or to engage within the framework of the NTIPC to look more closely and revisit the legislation or the Bills that have been previously filed in Congress.

The Committee has repeatedly noted, and we acknowledge this fact, that some of the Bills, particularly those seeking to strengthen freedom of association and the right to organize, have been filed and refiled in various congresses.

We would like to revisit how those Bills are designed or formulated. Perhaps there is a better way of formulating them so that they have a better chance of passing through the legislature and in that regard, we welcome the expertise of the ILO in providing guidance in that effort. With those remarks, the Philippine Government, as we say, rests its case.

Employer members – The case we have been listening to has a long history and it has developed over various stages and most importantly via the results of the tripartite mission and the subsequent Committee session last year, which created a very comprehensive framework of recommendations or measures, of which the creation of the tripartite road map on freedom of association was of particular importance.

It seems to me, speaking for the Employer members, that the road map is at the heart of all this because it is the basic mechanism, the basic framework, within which pretty much everything else takes place.

There are a large number of issues to be resolved, there are a large number of cases yet to be investigated and it is concerning that some of these things take far longer than many countries might deem reasonable. Be that as it may, the important thing that we are hearing is that these things are not lost. They are not necessarily finished, but they are not lost.

What we would like to see of course is that these things are brought to a conclusion. It is heartening to see that there is a lot of work being done, but it is the finishing of that work, the results that are created by that work, that we would like to see more of. And, in that regard, we would simply call upon the Government not only to expedite the work that is set out in the framework resulting from the recommendations of the high-level tripartite mission and the road map, but also to put to bed the sorts of doubts that creep in when, for instance, there are claims by some that the road map did not have quite the agreement that it is purported to have. That doubt is itself not necessarily helpful. So, taking into account what the Government has said about the status of the road map, it would be helpful for it to clarify, internally with the social partners, precisely what concerns there might be in relation to the road map's status and so on, because I think that it is more important that the road map is in fact endorsed and embraced by all parties. Whatever the doubts are and whatever the legal status of those doubts, any such doubts really do need to be resolved because the road map is the platform on which all of these things will move forward.

We look forward to hearing from the Government regarding information about the updates to the matters that I have raised and that have been raised here, in time for them to be considered at the next session of this Committee in 2025.

Worker members – I thank all who have contributed to the discussion today. It has been good to see the deep interest in this very important case. What remains clear, however, is that extremely serious and systemic violations of the right to freedom of association in the Philippines remain unaddressed and continue apace under the new administration. These include threats and harassment, surveillance, and arbitrary detention and arrest of union members for their legitimate union activity. Red-tagging remains a grave concern, in part due to the failure to revoke previous policies that encourage this practice, which affects union leaders throughout the country. Mechanisms to address impunity for anti-union violence and other violations of labour rights are woefully underfunded, understaffed and unsuccessful. They fail to either hold perpetrators accountable or provide any justice to the victims.

It is both concerning and disappointing that the Government has failed to consult with trade unions at all, and certainly not meaningfully, on a wide range of issues, and that it appears to have no plans to do so, as I noted in my opening intervention. It should go without saying that trade unions are an essential partner in addressing violations of freedom of association, and on finding a way forward to prevent the recurrence and to create an environment in which trade unions can flourish without fear.

We are also deeply troubled that the tripartite road map on freedom of association fails to enjoy the support of most trade unions. The Government must, as a matter of urgency, consult with trade unions to address their concerns and to find an agreed framework for moving forward in order to fully implement the recommendations of the 2023 high-level tripartite mission.

Furthermore, to the extent that the MOA between the DOLE, the Department of Trade and Industry and the Philippine Economic Zone Authority impacts the exercise of trade union rights, the trade unions which are thus affected must also be consulted. And to these already significant concerns, we must of course add that there are several aspects of the Labor Code affecting workers in both the public and private sectors which have been identified, by the Committee of Experts over the course of many years, as not being in line with the Convention, without any action in response by the Government. The Bills before the legislature must become law.

It is this inaction, in the face of repeated supervision, that has brought this case once again to the Committee and why we are all here today. We fully expect the Government to comply with these recommendations, and to do so in full consultation with the social partners. We also urge the Government to accept the technical assistance of the Office in the implementation of legal and institutional reforms necessary to fully respect the Convention. This is in our view the surest way to avoid the case returning to our Committee.

For these reasons, we make the following recommendations: put an immediate end to acts of violence and intimidation against union members for the legitimate exercise of their rights under the Convention, as well as violations of freedom of association, in line with the recommendations of the high-level tripartite mission; immediately undertake effective investigations into the allegations of violence in relation to members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators; make the monitoring bodies fully operational, including by providing adequate resources; provide regular information on these mechanisms and on progress on the cases assigned to them; ensure that all workers, without distinction, are able to form and join organizations of their choosing; and address long-standing issues with the law.

We urge the Government to finalize an agreed road map, in consultation with the social partners, to effectively address all outstanding issues. We further urge the Government to accept an ILO technical mission to assist with the implementation of the conclusions of the high-level tripartite mission and the road map that will be adopted. We request that the Government transmit a report on progress made on these conclusions to the Committee of Experts.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2023.

The Committee deplored the new allegations of murders of trade unionists and anti-union violence, including red-tagging, since its previous discussion, as well as a lack of effective and expeditious investigations into these allegations.

The Committee noted with deep concern the ongoing, serious and systemic violations of the right to freedom of association in the country.

The Committee regretted that the social partners were not consulted in the drafting of EO23.

Taking the discussion into account, the Committee requested the Government, in consultation with the social partners, to:

- take immediate and effective measures, in line with previous recommendations of the Committee and the ILO high-level tripartite mission to put an immediate end to any violation of freedom of association, including threats and harassment, surveillance, arbitrary arrest and detention, and extrajudicial killings, against union members for the legitimate exercise of their rights under the Convention;
- undertake, without delay, effective and independent investigations into the new allegations of violence against members of workers' organizations and expedite those that are pending with regard to all allegations reported since 2015;
- take measures to ensure the effective prevention of any violence perpetuated in connection with the exercise of workers' and employers' organizations legitimate activities and ensure that such organizations can exercise their activities within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;
- address as a matter of urgency all concerns relating to the status and content of the road map with the social partners and ensure their full participation in its monitoring and implementation;
- ensure the effective functioning of the monitoring bodies and provide regular information to the Committee of Experts in this regard;
- continue to promote comprehensive training activities, with a solid focus on freedom of association and collective bargaining, among government agencies with the help of ILO technical assistance;
- ensure that the Anti-Terrorism Act is not implemented so as to restrict legitimate union activities and related civil liberties contrary to the Convention;
- ensure that the following legislative matters are promptly addressed with a view to bringing national legislation into conformity with the Convention as soon as possible: House Bills Nos 1152 and 4941; and
- ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.

The Committee requested the Government, in consultation with employers' and workers' organizations, to submit a detailed report to the Committee of Experts by 1 September 2024 containing information on the implementation of the above measures and progress made in this regard.

Government representative – Thank you, Chair, for this opportunity given to the Philippine Government to comment on the draft conclusions. Let me start my comments on the preamble of the draft conclusions.

Paragraph 3 of the preamble of the conclusions refers to new allegations and an alleged lack of effective and expeditious investigations into these allegations.

We take exception to this conclusion. While this paragraph does not specify what these new allegations are, we take it to mean that these include the case of Alex Dolorosa. As expressed in our submissions to this Committee and other supervisory bodies, the case has been promptly investigated, and it is now undergoing trial. We wish to emphasize that the reports and updates on this case, submitted to the supervisory bodies, were processed through the regional tripartite monitoring bodies, with the participation of the worker representative.

Paragraph 4 of the preamble speaks of the ongoing, serious and systemic violations of the right to freedom of association in the country. The Government registers its unequivocal protest to this statement as it depicts the Philippines as if it is in a state of lawlessness and chaos. This is not the case. It is in no one's interest, advantage or benefit – not to this Committee or to the ILO – to unduly tarnish the reputation and international standing of any country with such a sweeping, gratuitous and unfair statement.

Systemic allegations are violations of humanitarian law. If there is an allegation of such a systemic nature, Republic Act No. 9851 provides for the judicial remedy to inquire into the factual basis of such allegation and provides the appropriate remedies and relief if such violations are established.

I will now go to the bullet points of the draft conclusions. On points 1 and 3, the Government has taken and continues to take immediate and effective measures to prevent violations of freedom of association and the right to organize. These have been reported to the supervisory bodies.

On point 2, investigative bodies have taken action and will continue to take proper action concerning the new allegations, as already reported to the supervisory bodies. The Government, through the tripartite monitoring mechanisms, will continue monitoring the progress of these cases and provide updates as appropriate.

As to old cases, the Government has closely monitored these cases and has been religiously submitting the relevant status reports and updates to the ILO supervisory bodies. We will continue to do so. And we will take prompt and appropriate action should new developments and new material evidence be discovered, to move forward with the investigation and prosecution of these cases. We should also add that even the ILO's special examination procedures recognize the difficulty of investigating and prosecuting cases that took place many years ago.

On point 4, we reiterate the fact that a road map has been adopted through a resolution of the NTIPC. The Government appreciates and will take serious consideration of the recommendation in the draft conclusion to settle any issue on the matter through existing mechanisms within the country.

On the remaining points in the draft conclusion, the Government has taken measures and is committed to taking additional measures as necessary and appropriate, to ensure the following:

- the effective functioning of monitoring bodies, including provision of budgetary support for their operations;
- training and capacity-building activities for promoting a common understanding and respect of freedom of association and the right to organize, to include the government agencies and stakeholders concerned;

- the Anti-Terrorism Act shall not be used to undermine trade union rights as, in fact, on 30 April 2024 the Anti-Terrorism Council issued a memorandum to all agencies concerned, stating that the indiscriminate designation of individuals or organizations as terrorists or as lawless elements is prohibited and cannot be carried out except upon substantive grounds, after observance of due process, and with full respect to fundamental civil rights and liberties.

Finally, the Government, with its social partners, will continue to work with the ILO and benefit from its knowledge and expertise to address the issues raised, based on verifiable facts, in a manner that is constructive and fair for everyone concerned.

Spain (ratification: 1984)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Written information provided by the Government

Spain has been included in the list of individual cases based on a series of observations made some years ago by the social partners on the application of the Convention.

First, reference is made to an observation of 2017 by the social partners in which they requested the inclusion of the Confederation of Small and Medium-Sized Enterprises (CEPYME) in the tripartite consultation procedures on the preparation of reports on ratified ILO Conventions. This matter has been resolved as the CEPYME is traditionally part of the consultation procedures. This was specified in the report on the Convention presented by Spain in 2022 after the Government had ensured, in consultation with the social partners, that this issue had been effectively resolved. This can be verified in the observations on the reports prepared by the employers, where the CEPYME is included as a participant.

Second, reference is made to a request by the Committee of Experts to provide updated and detailed information on the manner in which consultation is guaranteed with the social partners in the procedures required under the Convention.

In this respect, it should be highlighted that in the case of Spain, the Government and the social partners have made efforts in recent years in the area of social dialogue, including in relation to the consultations to be carried out with the social partners on international labour matters.

More generally, social dialogue agreements have been reached on important matters such as the short-term work scheme regulations during the coronavirus (COVID) pandemic (2020), the labour reform (2021), which changed the recruitment model in Spain, and the Fifth Agreement for Employment and Collective Bargaining (2023). In this regard, the Committee of Experts 2024 General Survey, entitled *Labour administration in a changing world of work*, states that “in Spain, the Spanish Confederation of Employers’ Organizations (CEOE) and the Spanish CEPYME indicated that business organizations have considered social dialogue to be an extraordinarily useful tool for dealing with difficult situations. For instance, during the COVID-19 pandemic, the social partners reached an agreement in record time which established a series of urgent measures to address the consequences of the crisis in the labour and business sphere.

This drive towards social dialogue showed up, in previous years, in the willingness to continue improving consultation procedures with the social partners on matters relating to ILO activities.

With regard to the consultation procedure with the social partners concerning reports on ILO Conventions, since 2017 work has been carried out to extend the timelines for trade unions and employers' organizations to enable them to analyse the content of the reports effectively, and prepare comments and observations on them.

Further, the final published texts of the reports on ILO Conventions have included, since 2017, the observations of the social partners and the Government's replies to those.

In addition, it should be noted that consultation with the social partners in the process of both preparing reports on ILO Conventions and their ratification is ensured in the following way: first, the Government prepares the documents and files, then sends them to the social partners for their comments and observations, giving enough time for this process. Once the comments and observations of the social partners have been received, they are distributed to the executive bodies competent in the relevant areas, where they are closely examined and the response to these observations is prepared. That response is included in the report documents together with the comments of the social partners.

In the case of files for the ratification and submission of international labour instruments, the social partners receive the administrative file and can make comments on it, and their views are included in the submission and ratification files sent to the Cortes Generales.

As regards the International Labour Conference, the Government holds an annual meeting with the social partners regarding preparation of the items on the Conference agenda. In addition, after consultations with the social partners, a series of procedural modifications are being implemented with the aim of further improving reinforced tripartite consultation procedures with the social partners on ILO matters.

Thus, in 2024, for the consultation procedure on reports relating to ILO Conventions, the Government will send the social partners the observations of the other partners so that all parties are apprised of the various contributions throughout the process and not just once it has been completed.

Moreover, the final drafts of reports will subsequently be sent to the social partners, immediately before their dispatch to the ILO, in order to receive any final reactions before the end of the process.

Furthermore, a meeting will be held before the final documents are sent to the ILO to enable an exchange of information and views between the social partners and the Government.

Regarding the timelines for the procedure, the Government will continue to send the draft reports on ILO Conventions in sufficient time for validation by the social partners and the formulation of observations.

These specific improvements will be applied to the processes for the preparation of reports on both ratified and unratified Conventions, without distinction, and also to reports relating to ILO Recommendations.

In addition, in a meeting held with the social partners aimed at improving these procedures, it was agreed that the Government was prepared to convene additional meetings to deal with any other matters referred to in Article 5 of the Convention:

- (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organization;
- (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organization;
- (e) proposals for the denunciation of ratified Conventions.

In these meetings, it will also be possible to raise other matters, such as those covered by Paragraph 6 of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152): ILO technical cooperation activities; resolutions and conclusions of ILO conferences and other meetings; or promotion of a better knowledge of ILO activities.

Thus, this constantly evolving consultation procedure demonstrates the manner in which account is being taken of the views expressed by the representative organizations of workers and employers on the functioning of the effective prior consultation procedures required by ILO Convention No. 144, and also on the updating of procedures in a form which responds to the concerns expressed by the representative organizations in their observations.

In light of the above, our Government considers that, although improvements are needed in the tripartite consultation procedure, account should be taken of the constant efforts being made in relation to social dialogue to conclude the major social agreements which have enabled our country to progress.

Discussion by the Committee

Chairperson – I have the honour to invite the representative of the Government of Spain, the Secretary of State for Labour, Ministry of Labour and Social Economy, to take the floor.

Government representative – It is a great honour for me to be in this Committee, even though clearly no one ever likes being included on the short list. For a country such as Spain, which sets as a political priority its relationship with the ILO and its membership of an Organization that disseminates fundamental principles and rights at work and standards, and which flies the flag of decent work, social dialogue and the ILO model of tripartism. This examination of Convention No. 144 also gives me the opportunity to address a specific case and, in particular, in one way or another, allows me to make use of the meeting to emphasize the importance of maintaining a close relationship with the Organization, as well as with the ILO supervisory bodies and standards system.

Spain ratifies ILO Conventions with a view to giving effect to them faithfully and to the letter. It therefore has no problem in appearing before this Committee to show the progress made in compliance with Conventions, in giving effect to Recommendations and in social dialogue in general. For us, this is an opportunity to explain that submission to ILO supervision and its cases and to strict compliance with all ILO Conventions is a priority for the Government of Spain.

Spain is the country that has ratified the most ILO Conventions in the world, with the number standing at 139 ratified Conventions following the two ratifications that will certainly be deposited tomorrow by the Second Vice-President of the Government in this building. We will be ratifying the Safety and Health in Construction Convention, 1988 (No. 167), and the Safety and Health in Agriculture Convention, 2001 (No. 184). And we will also announce the ratification of the Maternity Protection Convention, 2000 (No. 183).

We have ratified decisive and important Conventions, such as the Domestic Workers Convention, 2011 (No. 189), for which I feel special pride, as it has been transposed through the recognition for domestic workers of all the protective social rights enjoyed in any other common labour relationship.

We have ratified the Home Work Convention, 1996, (No. 177), the Work in Fishing Convention, 2007 (No. 188), and the Violence and Harassment Convention, 2019 (No. 190).

The history of Spain and its relations with the ILO is therefore an exemplary story. But, I should tell you that a decade ago Spain froze its policy of the ratification of Conventions and we have now reactivated the ratification policy because it was no longer acceptable for a country that shares the values of decent work and fundamental standards and principles at work, and which proclaims through its academic institutions, legal doctrine and administrative bodies that fundamental principles and rights at work have to be given effect whether or not the respective international Conventions were ratified. The country therefore had to continue offering the example of the ratification policy, which had been provisionally suspended for over a decade.

It is a country that, over the past four years, has carried out an intense policy of social dialogue based precisely on the relations between the social partners through the trade unions and employers' organizations in my country.

I believe, and I am sure that the national social partners that are with us in this room will not let me lie, that I have spent the best part of my life over the past four years sitting round the social dialogue table in the Ministry of Labour, where we have achieved over ten agreements with the social partners. Indeed, in one way or another, with all the social partners, employers, unions and the Government. On other occasions, it has only been with the unions, following a very intensive process of social dialogue which has also taken into account the contributions of employers' organizations, as was the case with the inter-occupational minimum wage and, for example, unemployment, where we also reached bipartite agreements. The past four years in Spain have been marked by almost 20 social dialogue agreements.

I would like to take advantage of this forum to give thanks to the social partners in my country for the very great contribution that they have made to saving our country during the worst crisis that we have ever experienced.

Today, Spain has record employment levels, with stable work, and more women working than ever before, more stable and decent work, with rights, than ever before. This is a result of the social partners in Spain and the Spanish Government, through tripartite agreements, overcoming the crisis of the pandemic. We reached a whole series of agreements following many hours of negotiation, through which we managed to find appropriate mechanisms to overcome the great difficulties affecting labour at that time.

The major agreement on the labour reform in Spain has changed the Spanish labour market, which used to be characterized by very acute instability in employment and very high levels of temporary work. It has been changed radically due to a major agreement on the

labour reform, in which the social partners, unions and employers' organizations also participated.

We have just concluded an agreement a few days ago guaranteeing the rights of lesbian, gay, transexual, bisexual and intersex (LGTBI) persons in enterprises. It is a major agreement to prevent discrimination against this group in Spanish enterprises, which has also been subscribed to by employers' organizations and unions. That is, we have made very much progress through social dialogue and we will continue to do so.

At the moment in Spain, there are currently three social dialogue forums that are open. One is for the prevention of occupational risks, as we want to reform our occupational safety and health legislation through agreement and social dialogue.

There is a decisive forum that is open on a very important debate, namely the reduction of working time. The Spanish Government wishes to reduce statutory working time through social dialogue to ensure better well-being for workers with a view to addressing a special kind of poverty, time poverty, suffered by most people who do not consider that they have time to live. This is also the subject of social dialogue. And, as I told you a very short time ago, there is the subject of the protection of LGTBI persons at work, which reflects collaboration with the ILO, with which we worked closely to produce the first guide on LGTBI persons at work.

So what actually happened in the case that is bringing the Spanish Government here today in relation to Convention No. 144. It is a case that has dragged on in Spain for over a decade and in relation to which we have made significant progress, which I would like to describe to you.

First, we had a problem with the Convention. One of the Spanish employers' organizations, the CEPYME, felt excluded from consultations. This is something that we can consider perfectly substantiated and settled, as there is no tripartite process in Spain that does not include the employers' organization for small and medium-sized enterprises (SMEs).

Not only do we do this regularly under the Convention, but we also do it in all social dialogue forums.

Social dialogue forums in Spain, on the employer side, always include the CEOE, as the representative of large and medium-sized enterprises, but also regularly include the CEPYME, as the representative of SMEs.

There are no communications from the Spanish Government that do not include both employers' organizations. As a result, this criticism, which was already explained in the 2022 report, can be seen as totally resolved.

Second, details were requested on how consultations are held with employers' organizations within the framework of the Convention. With regard to this tripartite consultation, which had normally always been raised by trade unions, it was a little surprising for the Spanish Government that employers' organizations also felt excluded from the system of tripartite consultation, as the issue had not normally been raised in internal communications. But we have taken it very seriously that the procedures under the Convention are in scrupulous compliance with ILO tripartism.

We have improved the time available so that workers' and employers' organizations can have sufficient time to analyse the reports.

We have included in the reports the comments made by both employers' and workers' organizations, which we also do in the files for the ratification and submission of Conventions. In Spain, no Convention is ratified without first opening tripartite dialogue with the most

representative social partners, which we also do for the preparations for the Conference, for which we hold an annual meeting with our national social partners on the preparations for the Conference.

But we have made further progress in clarifying the operation of the Convention, which in practice had not been operating adequately for over ten years. We prepared a paper which was submitted for consultation with the most representative employers' and workers' organizations, which we call the reinforced information and tripartite consultation mechanism for ILO matters.

What does this mean? Not only are we improving the time limits, so that we are not only providing the information beforehand, but we also share with all the social partners the comments that they each make. We send out the draft reports before they are submitted to the ILO and we hold a meeting before sending the report to the ILO, which allows any appropriate comments to be made.

This shows that the Spanish Government feels an absolute commitment to the Convention, as it feels towards the other fundamental principles and rights at work.

For Spain, there is no less important Convention. All ILO Conventions are equally important. And if what is at stake in a country that is characterized by respect for social dialogue, its commitment to the ILO and its commitment to fundamental principles and rights, if there is any shadow of doubt that the social partners are not present in any of the procedures that relate to the ILO, we will be absolutely delighted and willing to resolve those problems.

In the specific case of the Convention, we have succeeded in resolving all of these problems through a paper that has been the subject of dialogue, with an improvement in the time available and ensuring the exchange of information, and holding a prior meeting in which the social partners can express their views on the report before it is sent to the ILO.

And so, once again, I thank you for this opportunity, not only to participate in this meeting, but also to hear that to a large extent the case involving the Convention has been or is being fully resolved. And therefore, I would like to express my thanks to you and assure you that the tripartite spirit of the ILO, respect for fundamental principles and rights at work and for decent work is a banner for the world, and continues to be a banner that brings together States and the social partners, and I would like to thank the ILO for leading this noble civilizing endeavour.

Employer members – The Employer members have taken note of the oral and written information on this case provided by the Government and would like to thank the distinguished representative for the explanations.

Spain ratified the Convention in 1984. The Committee of Experts has made observations on this case in 2014, 2017 and 2023. Today is the first time that the Committee on the Application of Standards has examined the application of the Convention by Spain.

From the outset, the Employer members want to highlight the importance of the Convention, which is one of the four ILO governance Conventions, which has received 157 ratifications. The Convention promotes at the national level the application of the principle of tripartism through effective consultation with representative employers' and workers' organizations on international labour standards.

The case consists of two parts. The first is about the effective consultation of representative employers' organizations. The representative employers' organizations in Spain are the CEOE and the CEPYME. The Employers argue that the Government did not apply the Convention correctly, as the SME organization was not included on the Government's report

on international labour standards as a consulted organization. On 5 July 2022, the CEOE and the CEPYME requested the Government to include the SME organization in the Government report on ratified ILO Conventions.

The request was based on Article 2, paragraph 1, of the Convention according to which States must operate procedures which “ensure effective consultations” between representatives of the Government, employers and workers on issues covered in Article 5, paragraph 1. In addition, under the terms of Article 3, Paragraph 2, of the Convention Employers and Workers must “be represented on an equal footing on any bodies through which consultations are undertaken”.

The General Survey on Convention No. 144 and Recommendation No. 152 of 2000 stressed that, for consultations to be meaningful, they should not be merely a token gesture, but should be given serious consideration by the competent authority. In order to be “effective”, consultations should take place before final decisions are taken, irrespective of the nature or form of the procedures adopted. The General Survey highlighted that the effectiveness of consultations presupposes in practice that employers’ and workers’ representatives have all the necessary information far enough in advance to formulate their own opinions.

Regarding the frequency of the consultations, Article 5, paragraph 2, of the Convention foresees that “consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year”. The purpose of the wording “at least once a year” in this respect is to ensure against the possibility that no consultations are held for years at a time. According to the report of the Committee of Experts, the Government argued that it sent copies of the report on ratified Conventions to the CEPYME. However, according to Recommendation No. 152, Paragraph 2(3)(d), consultations through written communications should be undertaken only “where those involved in the consultative procedures are agreed that such communications are appropriate and sufficient”. In this case, the Employers believe that it is not sufficient for the Government to send to employers’ and workers’ organizations copies of the reports they send to the ILO Office.

It should also be noted that the Committee of Experts in 2023 and the 2000 General Survey recalled that the obligation to consult the representative organizations on the reports concerning the application of ratified Conventions must be clearly distinguished from the obligation to communicate these reports under article 23, paragraph 2, of the ILO Constitution. Instead, consultations with the representative employers’ and workers’ organizations have to be held during the preparation of the Government’s reports

For all these reasons, the Committee of Experts requested, in its recent report, the Government to provide updated and detailed information on how consultation is guaranteed with employers’ organizations, including the Confederation of SME enterprises, in the procedures required by the Convention.

The second part of this case deals with effective tripartite consultations. The Trade Union Confederation of Workers’ Commissions (CCOO) and the General Union of Workers (UGT) argued that the Government continues to conduct consultation procedures in writing, despite the opposition expressed by the workers’ organizations in this respect. Also, they claimed that employers’ and workers’ organizations are not aware of the other parties’ observations and the Government responses to those until they receive the final version of the reports. They considered it useful to explore procedures to guarantee effective tripartite consultations. The Committee of Experts noted the detailed information provided by the Government concerning the consultations held with the social partners between June 2017 and June 2022 on matters

relating to international labour standards. The Employer members welcome such information and urge the Government to resume such social dialogue and double its efforts regarding tripartite consultations on international labour standards. Specifically, the period given to workers' and employers' organizations to analyse the texts of reports effectively and prepare comments on them should be sufficient. However, last year the Government sent 24 reports to the social partners in the months in which many workers enjoy their vacation period, more specifically: nine reports dated 26 June, requesting observations before 7 August; five reports on 11 July, asking for contributions before 16 August; ten reports on 19 July, asking for observations before 18 August. The Employer members emphasize that employers' and workers' organizations must have sufficient time to analyse the reports and prepare relevant and quality observations and to carry out consultations with their respective member organizations, which takes a fair amount of time. Already the General Survey in 2000 highlighted that governments should "ensure effective prior consultations within reasonable time limits" with a view to the preparation of reports on the application of ratified Conventions.

Moreover, as already mentioned, according to the Recommendation No. 152, Paragraph 2(3)(d), consultations through written communications should be undertaken only "where those involved in the consultative procedure are agreed that such communications are appropriate and sufficient".

To conclude, the Employer members would like to stress that for this part of the case the Committee of Experts recommended in its recent report the following: first, the Committee of Experts requests the Government to indicate how it takes into account the opinions expressed by the representative workers' organizations on the working of effective prior consultative procedures provided for in the Convention, as well as on the possibility of establishing amended procedures in response to the concerns expressed by the trade union organizations in their observations. Second, the Committee of Experts also requests the Government to continue to provide detailed and updated information on the content and outcome of the tripartite consultations held on all matters related to international labour standards covered by the Convention. Third, the Committee of Experts also requests the Government to indicate whether, in accordance with Article 6, it has consulted the representative organizations to draft an annual report on the working of the consultative procedures provided for in the Convention and, if so, to indicate the outcome of these consultations and provide a copy of the relevant report.

Worker members – We have the opportunity today to discuss the application of Convention No. 144 by Spain. As we know, this Convention sets out clearly and precisely the subjects that have to be covered by tripartite consultation. In the present case, the report of the Committee of Experts essentially raises two issues.

The first relates to the participation of the CEPYME in tripartite consultations. The Committee of Experts notes that it is not sufficient to merely communicate reports to this organization.

However, it should be recalled that this confederation is a member of the CEOE. There is no question that the CEOE participates fully in tripartite consultations, as is well known. Article 1 of the Convention provides that, when reference is made to representative organizations, that means "the most representative organisations of employers and workers enjoying the right of freedom of association".

The question can therefore arise as to, in view of its affiliation with the CEOE, the CEPYME is not duly consulted under the Convention. We leave it to the Committee of Experts to assess

the consequences and draw conclusions. In any case, we have taken due note of the Government's statements indicating that this issue has been resolved.

The report also refers to a second issue. Indeed, in recent years, Spanish unions had expressed concern at the manner in which tripartite consultations were undertaken.

The Worker members have noted with interest the explanations provided by the Government of Spain. In particular, we wish to emphasize certain elements relating to improvements in the consultation procedure. Several changes have been introduced to improve the process. For example, the Government has indicated that it will communicate to the social partners the comments made by the other social partners. In that way, all the parties will be aware of the various contributions made throughout the process, and not only when it is completed. Similarly, it should be noted that a meeting will henceforth be held before the final documents are sent to the ILO so that the social partners and the Government can exchange views and information.

The Worker members are convinced that the Government will make every effort to put these commitments into practice.

Employer member, Spain – It is an honour for me to take the floor in my capacity as Employer delegate for Spain, on behalf of the CEOE and the CEPYME. Spanish employers also have a fundamental commitment to the principles and values of tripartism that inspire the ILO and are proud of the 17 agreements concluded through tripartite social dialogue in our country since 2020, to which reference has been made earlier.

We have worked loyally in situations of the greatest difficulties, first to maintain employment, and then to improve conditions of work and the competitiveness of our enterprises. And yes, together we have managed to make the Spanish labour market more resilient, stable, inclusive, secure and diverse.

They are very different types of agreements, ranging from occupational safety and health, to remote working and innovatory regulations on the use of algorithms and the rights of platform workers. The latest, as already indicated, concluded only a few days ago, covers LGTBI persons in enterprises.

In the final analysis, agreements that are very laborious and extraordinarily difficult to conclude.

Bipartite social dialogue has also been productive for everyone. I will refer to the Agreement on employment and collective bargaining concluded with the unions in 2023, for which I take the opportunity to express our consideration in public. An agreement for the period 2023–25 on which, as we hoped, tremendous leadership was deployed to promote the modernization of collective bargaining in Spain and wage increases in a highly inflationary context.

We feel proud of the legitimacy earned through loyalty and endless work, which today have led us to this discussion of the Convention adopting a constructive approach of constant improvement.

As the Employer spokesperson said in his statement, there can be a broad variety of procedures and methods for tripartite consultation which are in compliance with the objectives of the Convention, but to be effective they cannot be confined to merely formal procedures and, as provided in Article 2(1), they must receive the full attention of the representative organizations of employers and workers.

What is clear is that, in relation to the reports on ratified Conventions requested from Spain by the Office, the current Government has only given effect in formal terms to the requirement of consultation. I am sad to say so, but that is how it is.

The time limits set are very short and prevent us from consulting our organizations and our advisory bodies in a manner that would allow the development of a collective position, as should be done by our organizations, which defend and represent the interests of enterprises in all the regions and sectors of the country.

For example, in 2023, over 24 summer days, 24 reports for the ILO, amounting to almost 1,000 pages, were sent out for comment between the last two weeks of July and the first two weeks of August, which are traditionally holiday periods in Spain.

Individual and separate consultations were held with employers' organizations and the unions. In no case are we aware of the comments made by the other social partners, nor the responses by the Government. Nor are we provided with the final report, for which reason it is difficult for this procedure to be considered effective tripartite consultations within the meaning of the Convention.

The Government has informed the Committee of a new strengthened information and tripartite consultation procedure with the social partners that it was intended to introduce as of 13 May, but a few days later consultations were once again overlooked on the content of its submission to the International Court of Justice in relation to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

We would not be here if this had not been the Government's usual practice since 2022.

The selective and optional use of social dialogue, including consultation procedures, has become common practice for the Government in the final stages.

Since the objectives related to the Recovery and Resilience Plan have been achieved, which tied the Spanish Government to Europe, there have been around 30 legislative texts that have not been subject to social dialogue, or even consultation. And when, on an exceptional basis, this has been done, the time limits set have been very short.

By way of illustration, consultations were not held on the texts modifying the provisions on justification which have substantially altered the rules governing termination of employment, or those creating a new criminal liability for enterprises in relation to recruitment.

Another example, particularly in light of its clear importance, was that we were only given eight days to make comments on the Act on recruitment incentives.

But the most surprising recent case has been the imminent modification by the Government of the texts governing the validity of collective agreements set out in a Legislative Decree published on Wednesday 22 May this year, and which came into force the next day.

The national media reported this occurrence, which was denounced by the employers' organizations which I have the honour to represent, as well as by the unions:

"On 23 May, the Government muddled the social dialogue process for the finalization of the unemployment subsidy."

"On 21 May last, employers and unions attack the Government for approving changes to collective agreements that had not been negotiated."

This interference by the Government in the independence of the social partners gives priority to independent agreements, and regional agreements in certain circumstances, instead of sectoral agreements at the State level and national agreements, despite the fact that the approach had been explicitly refuted by the social partners during the work on the labour reform agreed in 2021.

This amounts to unprecedented interference by the Government in collective bargaining, which is in clear contravention of Article 7 of the Collective Bargaining Convention, 1981 (No. 154), ratified by Spain in September 1985, which specifies that: "Measures taken by public authorities to encourage and promote the development of collective bargaining shall be the subject of prior consultation and, whenever possible, agreement".

As if that was not enough, the same Legislative Decree amends the composition of the employers' group on the Economic and Social Council through the inclusion of organizations which, although may be more representative at their level, are in violation of the requirements set out in the Workers' Charter, once again without consulting the social partners or the Economic and Social Council, despite being prescriptive, as indicated in its regulations.

The Economic and Social Committee (CES) has criticized the unilateral action taken by the Government for the modification of its internal rules.

I will close my intervention with the conclusions of the Resolution concerning the second recurrent discussion on social dialogue and tripartism, adopted by the Conference in 2018, which specify that: "Social dialogue, based on respect for freedom of association and the effective recognition of the right to collective bargaining, has a crucial role in designing policies to promote social justice. It is a means to achieve social and economic progress. Social dialogue and tripartism are essential for democracy and good governance." "Free, independent, strong and representative employers' and workers' organizations, together with trust, commitment and respect by governments for the autonomy of the social partners and social dialogue outcomes are key conditions for effective social dialogue."

Social justice and social and economic progress are shared objectives of the social partners and the Government of Spain, as are the principles that inspire the ILO. But it is important to understand that social dialogue and tripartism cannot be selective or subject to the interests of Governments, as they are essential for democracy and good governance.

We therefore urge the Government of Spain to comply with ILO Conventions and to improve consultation procedures so that tripartism can be truly effective in accordance with democratic principles.

Worker member, Spain – We thank the Committee of Experts for having received the repeated complaints that Spanish trade unions have been making systematically since 2012 in their observations on the action taken and effect given to the Convention. We are also very grateful to the Employer spokesperson for his surprising and praiseworthy interest in the complaints made by the unions.

More than 12 years ago, the conservative Government engaged in the absolute destruction of tripartism, social dialogue and collective bargaining, which was examined here. The same Government that restricted the participation by workers in ILO Conferences, and led to the Credentials Committee intervening.

In the comments provided by my organization in 2022, we noted an improvement in relation to previous years, when we indicated that we could not even make any comments on the reports provided by Spain. We indicated that since 2017, the Government has been

providing us with the reports so that we can make our comments and attach them. However, it is true that the full implementation of the spirit and content of the Convention lacks a regulated mechanism which, for example, goes beyond written communications, as already indicated, and establishes the mechanism indicated in the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152), which indicates that consultations should only be carried out through written communications in certain circumstances.

We understand that the regrettable situation of social dialogue and collective bargaining in Spain at that time made it necessary to focus on the national situation, even though the Government should not have disregarded, as has been recalled, the obligations arising out of the ratification of an ILO Convention.

But it would not be just if, in relation to this criticism that goes back to the time of the devastating conservative Government, we did not add that the quality of social dialogue and collective bargaining in my country has changed radically, as indicated by the Director-General of the ILO, and the Employer delegate of Spain just now. And in relation to the Convention, as already indicated, a mechanism was introduced in May this year, when it became known that Spain was one of the countries that could be selected for examination by this Committee, which not only restored the system of tripartite consultations covered by the Convention, but also, as a result of the process of information and consultation, I would dare to say goes beyond that.

By way of illustration, where proposals are made by trade unions, any of the social partners may call a meeting to examine not only any ILO matter that they consider appropriate, including instruments, initiatives and proposals made by the organization.

The introduction of this mechanism, which had been called for by the unions for so many years, will ensure full compliance with the Convention and the case that is being examined here should therefore be considered satisfactorily resolved.

I recall that the quality of social dialogue in Spain has improved enormously following almost a decade during which it shone by its absence. And as a result of the labour reform that has been agreed, the social partners have engaged in dialogue on a daily basis, as will be explained.

We consider that there is still room to continue making progress and I take this opportunity to remind the Government loyally that information and consultation, on matters beyond ILO subjects, must govern each and every one of its political acts, especially those directly affecting trade unions, so that they do not consider that the Government is engaging in what could be considered as interference in their independence and activities.

If it is well understood that through collaboration we can ensure that all our efforts are going in the same direction, my country will continue to achieve admirable figures in many areas.

In this spirit, and as the instigators of recurrent complaints on the failure of the Government to comply with the Convention, I call on the Committee to consider the subject of this complaint as already being resolved.

Worker member, Spain – The Spanish trade unions wish to make reference in this session of the Committee to the very recent decision issued by the Ministry of Labour and Social Economy of Spain, which was delivered to the ILO on 16 May 2024. We refer to it due to its crucial importance in relation to the subject that we are discussing here today. The decision

establishes a strengthened mechanism for tripartite information and consultation with the social partners on matters relating to the ILO, which resolves the deficit that existed in compliance with the ILO Convention in relation to effective tripartite consultations on the activities of the Organization, which we had called for repeatedly in our comments on the reports submitted by Spain.

The women and men workers of Spain who are represented at the 112th Session of the Conference therefore consider that the Government of Spain has taken a very innovative step forward in the application of the Convention which meets our expectations in this regard, that is if we are really discussing the application of the Convention, and not other matters that go beyond the scope of this Committee.

The satisfaction lies, in the first place, in the fact that this mechanism responds to the requirements set out in the Convention. Second, it is characterized by continuity in time. And third, it provides for meetings at the request of any of the parties to address any of the matters covered by Article 5 of the Convention.

It is essential to emphasize to this Committee that the Government of Spain has implemented a mechanism, through prior information and consultations with the social partners, which responds to the concerns raised by the unions when expressing our views on effective consultation procedures.

It is necessary to give its true worth to the institution of social dialogue in Spain.

Tripartite agreements, and I repeat “tripartite”, in our country have contributed to the achievement of social progress, improvements in the labour market and living and working conditions, and at the same time improvements in the economy.

Although there are still difficulties and improvements can be made, social dialogue in Spain offers an example for other countries around us.

Many tripartite agreements have been concluded in recent years in Spain, ranging from emergency measures to respond to the crisis caused by the pandemic, and thereby maintain economic activity and employment, to the social pact that provided a basis for the labour reform, which has proved to be very positive for workers, through the improvement of employment, and particularly the quality of employment contracts in Spain, and which has at the same time contributed to an increase in enterprise profits.

Without overlooking the successive improvements in pensions, the regulation of remote working, platform sharing work and the control of algorithms, among many others.

The social partners and the Government are currently engaged in negotiations, as already indicated, on the reduction of working hours.

For all of these reasons, we reiterate that the tripartite consultation envisaged in the Convention is already guaranteed in our country, and accordingly reinforces the benefits of social dialogue that have already been acquired.

Employer member, France – What are we doing here? We are obliged to meet every year, because too many Member States are still negligent in applying ILO standards. Today, we are examining the case of Spain, in violation of Convention No. 144. The legal aspects have already been explained, so I shall simply make a few observations. The Convention, ratified by Spain in 1984, covers tripartite consultations on international standards that are binding on all Member States. What is tripartism, if not the ILO’s DNA? To ignore the rules of tripartism is to trample underfoot a fundamental principle.

First, Spain is excluding the organization representing SMEs, the CEPYME, from the consultations, and the CEOE, the other employers' organization, is calling for it to be included in the tripartite consultation procedures. The Government of Spain confined itself to replying that it had sent copies of the reports on the Conventions to the CEPYME. However, the Committee of Experts recalls that the obligation to communicate to employers' organizations the reports provided to the Office under article 23(2), of the ILO Constitution must not be confused with the obligation to consult representative organizations to enable them to participate actively in the formulation of their respective views. Why then sideline the organization representing SMEs, when we know that SMEs account for 95 per cent of enterprises in all the economies of the world?

Second, the Government is continuing to conduct written consultation procedures, despite the objections expressed by employers and workers. Clearly, this model is by no means tripartite, as it does not allow for discussion on an equal footing between the three parties, as employers and workers are not informed of the comments made by the other party, or of the Government's responses, before the final version of the report. The Committee of Experts recalls that, in accordance with Article 2(3)(d) of Recommendation No. 152, written consultations, if deemed appropriate and sufficient, are only possible with the consent of the parties, which is not required in this case.

In short, we request Spain to include all representative organizations, in particular the one representing SMEs, and to establish effective tripartite consultation procedures, with the agreement of the other parties.

Worker member, Finland – I am speaking on behalf of the workers in the Nordic countries and the French trade union (CFDT). As enshrined in the ILO Constitution, tripartite cooperation at the international level presupposes that it is supported by analogous dialogue at the national level. The established interpretation of government obligations to communicate their reports to the representative organizations of employers and workers does, at the very least, favour the active role of the social partners in supervising the application of standards.

It is not a coincidence that the Convention is to be considered a priority one. Tripartism within the meaning of the Convention is drawn, in essence, from the spirit of the ILO and transformed into a legally binding instrument concerning tripartite consultation on international obligations.

In comparison with the obligations deriving from the Constitution, however, the Convention goes much further. Consultation can be established in law and practice in different ways. What is required is that the methods chosen by the governments are considered acceptable and appropriate by the parties involved, which is, with respect to the current circumstances in Spain, materializing to a large extent. In other words, the States are expected to consider the opinions of the parties and here the Government of Spain is currently succeeding.

While the present-day consultation procedures in Spain should be considered satisfactory, we would like to use the opportunity to emphasize the importance and proper application of these principles. There are effectively no consultations unless they take place before final decisions are taken, irrespective of the nature or form of the procedures adopted. Under national practice, consultation can translate into exchanging communications, the active formulation of proposals by tripartite bodies, or other means considered appropriate by the parties. The essential element is that the consultations must exist prior to the final decision of the Government.

Unfortunately, and usually when inadequacy is detected, it is at the expense of the trade unions. In fact, this is well demonstrated by the situation under the previous Government and which is reflected in the report of the Committee of Experts concerning this case, basically describing the situation as it existed in Spain only a few years ago. It is not enough to issue statements on behalf of Member States if the process is deficient and does not take into account the views, opinions and concerns of the most representative social partners.

We welcome with gratitude the recent positive developments, as reported by the CCOO and the UGT, the major trade unions in Spain. Nevertheless, we would like to note that, as expressed during the time of the reporting period and thus reflected in the report of the Committee of Experts, that the very existence of tripartite consultation cannot be taken for granted. Active promotion and recognition from governments is not automatic. And, as we have regrettably witnessed in certain occasions lately, circumstances can deteriorate quickly and thereby endanger the purpose and legitimate aims of the Convention.

Employer member, United States of America – I speak in my capacity as the Employers' delegate for the United States of America. This case involves Spain's voluntary ratification of Convention No. 144. The Convention is a governance Convention that very much underlies all of the tripartite work done here in the ILO and it enshrines those principles of effective tripartite consultation on the implementation of international labour standards under national law. Non-compliance with this Convention jeopardizes the ability of national employers' and workers' organizations to meaningfully conduct their good work on international labour standards.

This case, as our able spokesperson has explained, focuses on what it truly means – in law and practice and per the text of the Convention – to “ensure effective consultation” with representative employers' and workers' organizations. Having voluntarily ratified the Convention, the Government was and is obliged to meet this standard.

The representative employer organizations in Spain are CEOE and CEPYME.

We align with our Employer colleagues that “effective” consultation did not previously occur here, at least in part because it is not sufficient for the Government to simply send to employers' and workers' organizations copies of the reports they sent to the ILO Office. Simply sending reports (without more) is not sufficient, as the Committee of Experts has opined and as the basic tenets of common sense and mutual respect should instruct.

Proper and effective consultation deserves and demands more. We should always recall that we can do rich work in this House. But we need to go further and always recall that this rich and meaningful work requires us to engage with one another with respect and humility and, of course, that every effort be made to comply with the Convention.

Employer member, Canada – I present this statement on behalf of Canadian employers. Tripartism is a foundational principle of our work here at the ILO. This institution is built on a shared understanding of the critical importance of cooperation between governments, employers' and workers' organizations, in fostering social and economic progress. We therefore note with concern the comments of the Committee of Experts with respect to the apparent lack of meaningful tripartite consultation by the Government of Spain with its social partners, including the most representative workers' and employers' organizations in that country.

The Committee of Experts, in its report, highlighted in particular the important distinction to be made between mere communication and real consultation. Consultation with employers'

and workers' organizations requires their active participation in the formulation and communication of their respected views, before the Government finalizes its work.

As emphasized in paragraph 92 of the General Survey, 2000, on tripartite consultation, and I quote, the obligation to consult the representative organizations on the reports to be made concerning the application of ratified conventions, must be clearly distinguished from the obligation to communicate these reports under article 23, paragraph 2, of the Constitution. To fulfil their obligations under this provision of the Convention, it is not sufficient for governments to communicate to employers' and workers' organizations, copies of the reports that they sent to the Office, since any comments that these organizations may subsequently transmit to the Office on these reports cannot replace the consultations, which have to be held during the preparation of the reports.

We, therefore, urge the Government to develop sustainable procedures to facilitate meaningful, active and robust consultations with the most representative workers' and employers' organizations in the country regarding, at a minimum, matters concerning the activities of the ILO, in compliance with the Convention.

Employer member, Norway – In this particular case, the Norwegian employers wish to highlight the importance of social dialogue as a factor for economic progress and social cohesion. Tripartite social dialogue in Spain has led, in the past, to far-reaching agreements in the socio-labour field that have enabled progress towards a more dynamic, equal and inclusive labour market. This demonstrates that social dialogue is the key tool for reaching consensus that builds trust and leads to policies that contribute to creating favourable conditions for the creation of decent jobs, inclusive economic growth and sustainable development. We encourage the Government to resume the path of social dialogue with the most representative employers' and trade union organizations in the country, to honour agreements and to implement effective tripartite consultations on national labour issues. We stress the need for the Government to respect and safeguard the representativeness of the employers' organizations, both the CEOE and the CEPYME, in order to achieve effective social dialogue that will allow to continue forging compromises between the tripartite partners in a context of great complexity and uncertainty.

Worker member, Republic of Korea – Convention No. 144 is a priority governance Convention. To date, it has been ratified by 157 States. The Convention is based on the principle that the proper functioning of tripartite cooperation on international labour standards requires similar tripartite dialogue at national level. Tripartite consultations on international labour standards also need the development of institutional procedures for regular social dialogue, which can help the social partners to resolve conflicts and consolidate democracy.

In its General Survey of 2000, the Committee of Experts noted the wide dissemination of these procedures, including in countries that had not ratified the Convention. In particular, the Committee of Experts cited the questions linked to the choice of the most appropriate forms of consultation, and the determination of the representativeness of employers' and workers' organizations, such as those posed today in the case of Spain.

In its observation on this case, the Committee of Experts points out that the consultation of representative organizations must allow for the active participation of the social partners and must take place at the stage when the report is being drawn up by the State concerned. This should not be just a formality, but must be a genuine process which should be done before making the final decision. Providing information and sharing a report to be sent to the Office is not sufficient to satisfy the obligation of effective consultation, given the already definitive

nature of the Government's position. The form of consultation should be determined in accordance with national practice, after consultation with representative organizations.

Recommendation No. 152 proposes several examples: via a committee specially set up for ILO matters; via a body with general competence in the economic, social or labour field; via several bodies with special competence; or by means of written communications where these are accepted as appropriate and sufficient by the participants. In most cases in the Republic of Korea, for example, prior consultation with the social partners on matters related to the ratification and application of international labour standards is done by written communication. The Spanish workers have expressed the view that the solution recently adopted in Spain, consisting of organizing a tripartite meeting before sending the final documents to the ILO, is appropriate.

We take note of the technical solutions and improvements implemented and wish to stress once again the importance of ensuring effective tripartite consultations in accordance with the Convention.

Employer member, Colombia – I would like to refer to the comments of the Committee of Experts on the need for effective tripartite consultations. In this regard, we would like to underline that effective consultations are based fundamentally on social dialogue and are an essential tool for the formulation of joint proposals, between workers, employers and Governments, that promote growth, peace and general well-being.

Effective consultation involves not only the written communication of information and the Government's position on compliance with Conventions, but also genuine dialogue with the most representative social partners, in which the different views can be presented and tripartite discussion take place on fundamental labour-related matters.

According to the Committee of Experts, in order to comply with the obligations under this provision of the Convention, it is not sufficient for the Government to communicate to workers' and employers' organizations a copy of the reports that it sends to the Office. The consultation of workers' and employers' organizations implies their active participation and the formulation and communication of their respective views. In this regard, a climate of trust, based on respect for employers' and trade union organizations, is required to achieve genuine dialogue and effective consultations.

We therefore call on the Government to ensure the establishment of mechanisms for tripartite social dialogue and the holding of effective tripartite consultations, with recognition of the most representative employers' organizations.

Employer member, Argentina – The employers of Argentina welcome the information provided by the Government of Spain, and the commitment indicated with regard to compliance with the Convention under discussion. However, now that we have heard from the social partners, we understand that there are still shortcomings in the application of the Convention.

Through its work, the Committee has repeatedly indicated that the recognition of the most representative workers' and employers' organizations, and their involvement in effective mechanisms for consultation and social dialogue, are fundamental factors in the functioning of the ILO's standard-setting and standards review mechanisms.

The definition of strategic priorities at the national level should only be undertaken after discussions with representative workers' and employers' organizations, in order to identify

challenges, opportunities and needs related to the application of international labour standards.

In this regard, we reiterate the Committee of Experts' observations on how the obligation to consult the representative organizations on the reports that must be communicated on the application of ratified Conventions must be clearly distinguished from the obligation to communicate these reports under article 23(2) of the Constitution.

The written communication of reports, together with an invitation to comment in writing, does not amount to effective consultation under the terms of the Convention.

The quality of the supervision of international labour standards is related to recognition of the experience and views of constituents on the subjects covered and the building of general consensus on the strategy for the application of a Convention in the country.

In the present case, it is of paramount importance for genuine and effective consultations to take place through institutionalized tripartite dialogue bodies where the organizations are represented on an equal footing. In particular, it is necessary to heed the request by the CEOE for the inclusion of the CEPYME in the consultations, as the representative organization of the country's SMEs.

We hope that, in light of this discussion, the Government of Spain will take appropriate measures for the holding of effective consultations under the terms of the Convention and will provide detailed information on such consultation processes. In particular, we encourage the Government to take measures to ensure the functioning of institutionalized and transparent consultation mechanisms, with the participation of representative workers' and employers' organizations represented on an equal footing, to ensure compliance in law and practice with the Convention.

Interpretation from Portuguese: **Employer member, Portugal** – The Portuguese employers fully support the arguments of the Spanish employers, the CEOE and the CEPYME concerning the interpretation of the Convention. This Convention has been ratified 157 times and was ratified by Portugal in 1981. As a result of this Convention and the integration of the European Social Model, which is based on a set of fundamental principles, Portugal created the Standing Committee for Social Dialogue (CPCS) in 1984.

The tripartite social dialogue model serves two purposes: it enables consultation on national and international reports, and also tripartite social dialogue. This role in dialogue presupposes the collective autonomy and independence of the social partners and the credibility of institutions, as well as mutual trust between the social partners and Governments. This means that the participation of the social partners in the design of policies must be such as to ensure that these measures are realistic and pragmatic. Only in this way can the social partners, from their position near to the grassroots, negotiate solutions for tripartite social dialogue.

Solutions agreed between all the parties are more likely to be accepted than solutions imposed without consideration of the parties' respective interests. Tripartite dialogue cannot be detached from national strategies.

The social partners must establish programmes and assume their commitments with the Government. This is essential for social peace.

Employer member, Mexico – First, we thank the Government of Spain for the information provided in this case and, in view of the significance of the Convention, we note that Spain ratified it on 13 February 1984.

In relation to this case, it should be emphasized that one of the aspects relates to an observation made in 2017 by the social partners requesting the inclusion of the CEPYME in the tripartite consultation procedures for the preparation of reports on ratified ILO Conventions.

On the official website of the CEPYME, there is a publication entitled, “The CEPYME’s proposals for the new Government”, and in the press release related to this publication, the CEPYME calls for enterprises to be considered when drafting legislation, and for the development of a more SME-friendly fiscal, labour and administrative context, in order to facilitate greater investment in support of production, business growth, employment and the welfare state.

Regarding social dialogue, the press release also indicates that, “in labour matters, the CEPYME advocates promoting social dialogue and collective bargaining as pillars of the modernization of the labour market, and improving active and passive employment policies, and considers it necessary to place greater emphasis on vocational training, reskilling and continuous training to address the problem of labour shortages affecting key sectors of the Spanish production system”.

Clearly, the CEPYME is expressing concern for the strengthening of social dialogue and, despite the fact that the Government of Spain, in the information previously provided to this Committee, indicated that the complaint is considered to have been resolved, as the CEPYME is traditionally part of the consultation process, a number of measures still need to be taken in order to generate effective social dialogue.

As the Mexican employers have previously indicated, it should not be forgotten that social dialogue is a means of harmonizing conflicting interests and, as both employers and workers are the main providers of goods and services, and creators of wealth, they are two important stakeholders in any market economy and should be given due consideration.

In light of the above, and in view of the importance of strengthening tripartite consultation and thus social dialogue, we respectfully request the Government of Spain to review the time afforded to trade unions and employers’ organizations to enable them to examine the texts of the reports on ILO Conventions.

Employer member, Costa Rica – Employers in Costa Rica are concerned at the violation by the Government of Spain of the Convention, which the ILO considers to be a governance Convention.

The purpose of consulting the most representative employers’ organizations in boards, committees and other forums within government institutions is to contribute to the development of countries through monitoring and accountability, transparency and democracy. It also contributes experience and knowledge, enriching discussions and providing solutions to various issues.

Regarding the consultation of reports, the Committee of Experts has requested the Government to provide updated and detailed information on the manner in which consultation is guaranteed with all the representative employers’ organizations, including the CEPYME, in the procedures required under the Convention. The CEPYME plays a fundamental role in representing SMEs, which are the productive base of our countries and important generators of decent work. The CEPYME defends, represents and promotes the interests of SMEs and self-employed workers and is recognized as the country’s most representative business organization.

Tripartite consultation can boost productivity and competitiveness, while ensuring decent work. We therefore respectfully request the Government of Spain to take the necessary measures to consult the most representative employers' organizations in the country, taking into consideration the necessary logistical aspects to ensure that this consultation guarantees the effective and genuine participation of Spanish employers. Undoubtedly, respect for social dialogue through tripartite consultation is a basic element for the development of any democracy.

Employer member, New Zealand – I want to emphasize the importance of the Convention, which promotes at the national level the application of the principle of tripartism through effective consultation with representative employers' and workers' organizations on international labour standards. Tripartism is only effective when it exists in an environment of free and open social dialogue.

However, this appears to be somewhat lacking in that the CEPYME was not systematically informed or consulted on the Government's reports on international labour standards, while the CEOE was. And this was despite the CEOE having requested the inclusion of the CEPYME in the tripartite consultation process. The Convention sets out clear requirements about the quality and frequency of consultation. These requirements have already been enunciated so I will not repeat them here.

Here we note the Committee of Experts observation that the Government sent copies of the report on ratified Conventions to the CEPYME. However, while sending reports is informative, it cannot be considered to be consultation. We recall earlier comments by the Committee of Experts that the obligation to consult representative organizations on the reports concerning the application of ratified Conventions must be clearly distinguished from the obligation to communicate these reports under the ILO Constitution. We accordingly urge the Government to consult the representative employers' and workers' organizations during the preparation of Government reports.

In relation to concerns that employers' and workers' organizations have not been aware of the other parties' observations and the Government responses to these until they receive the final version of reports, we similarly urge the Government to be proactive and inclusive in its consultation with the social partners over international labour standards.

In this regard, the Employers' group also emphasize that employers' and workers' organizations must have sufficient time to analyse the reports and prepare relevant and quality observations and to carry out consultation with their respective member organizations.

Observer, Confederation of Workers of the Universities of the Americas (CONTUA) – The role of the trade union movement is to identify situations in which there is a serious and manifest violation of international labour standards so that the cases can be dealt with by this Committee. We were therefore surprised that Spain was chosen for examination in relation to this Convention. The reason is that we believe objectively that if we were to make a weighted global ranking of the 157 countries that have ratified the Convention since 1976, Spain would be among the most select group in matters of social dialogue and tripartite consultation, despite the oscillations of its Government over the past decade.

If the criteria consisted of countries without consultation and dialogue, countries with consultation and dialogue deficits, countries with acceptable levels of compliance and countries that are in compliance, Spain would definitely rank among the latter. However, over and above this initial observation, international labour standards, including this Convention, form part of human and labour rights as they relate to the protection of the right to freedom

of association. As such, we must always strive for better compliance with and the improvement of standards.

Perhaps, then, this discussion is about how, even in a country where social dialogue and tripartite consultation are functioning acceptably, we must always work together to deepen the democratic decision-making process and active, timely and enabling social participation practices.

The Convention is based on the principle that effective and functional tripartite cooperation requires the implementation of tripartite dialogue mechanisms at the national level. At the international level, we agree to submit to consultation and dialogue processes. We consult the information available, share it and engage in dialogue to understand each other's positions, reach agreements and design road maps to overcome the problems identified.

Compliance with the standard does not end with the procedural formality of the communication of documents.

It should be emphasized that these consultations also foster the development of social dialogue through the establishment of regular tripartite dialogue procedures. They can also contribute to resolving conflicts and consolidating democracy, a value that we must promote and protect.

In my country, Argentina, if we had the situation that prevails in Spain, we could talk about a case of progress. We are still several steps behind, but paradoxically, at least until the arrival of the present Government, we were among the countries in the region with the greatest dialogue.

The Spanish workers considered that the solutions recently adopted in Spain, consisting of holding a tripartite meeting before communicating the final documents to the ILO, were adequate. We believe that, while it is always possible to improve the situation, the case we are examining here does not involve serious aberrations.

We note the technical solutions and improvements implemented and wish to emphasize once again the importance of ensuring effective tripartite consultations in accordance with the Convention.

Chairperson – I can see no more requests for the floor, so I now invite the Government representative of Spain, to take the floor for his concluding remarks.

Government representative – I would like to say that I have the strange feeling of a vacuum as if my initial intervention had not been heard by any of the speakers, especially the employer representatives, who all referred to defects in the application of the Convention that the Government of Spain has resolved.

And I am going to insist briefly on focusing on the Convention, as reference has been made to many other Conventions. In the specific case of Spain, in practice it is possible to refer to nearly all ILO Conventions because, I re-emphasize, we are the country in the world that has ratified the most Conventions.

But I would like to insist that the CEPYME is not excluded from any system of consultations in Spain, and that it is included and participates fully at the same level as the CEOE in social dialogue, and particularly in the tripartite consultations held under the Convention. It is therefore our understanding that this has absolutely been resolved and that there is no such exclusion.

All the employers who spoke reiterated the importance of substantive and effective consultations. The Government of Spain agrees. Consultations are not a mere formality, not a mere delivery of papers or files. Consultations are real, and it is necessary to listen carefully and take into account what is said by the social partners and, in so far as possible, integrate it. This also occurs in Spain under the Convention, with the report that is negotiated, and the comments that are made by the social partners are shared so that everyone knows what the others are saying. Draft papers are shared before being sent to the ILO, the comments of the partners are incorporated and a meeting is held before the reports are sent to the ILO.

The Government of Spain does all this and has been doing it in recent years. The time limits set in July and August are almost necessary in view of the schedule of the ILO meeting, which is held immediately after the summer period. And holidays in Spain do not last for two months. We have ratified the Holidays with Pay Convention (Revised), 1970 (No. 132), and we guarantee one month of paid holidays for all workers in the country. But we cannot consider July and August as non-working months during which the social partners do not work.

I honestly believe that this is a closed case and, as some of the speakers said, it has been resolved. But the Government of Spain will listen carefully to any recommendations that the Committee may make which can help us improve still further the effect given to the Convention.

Look at the last four years, when the Government and the country that I am representing here, in the social dialogue agreements that have been concluded with unions and employers' organizations, has respected social dialogue to such an extent that what has been agreed through social dialogue has been reflected precisely in the Official Journal. That is to say that social dialogue agreements have been transposed into legislation.

In all humility, I believe that it constitutes a model of agreed labour legislation, which is unusual in all countries, because there has basically not been any public influence. The agreements concluded in a tripartite context have been converted into rules, legislation, laws, with amendments to the Workers' Charter. The first law has been adopted setting out the labour conditions governing work on digital platforms, we have created an Act on remote work, we have introduced a system for the reduction of working hours to address enterprise crises and the health crisis, and we will transform into legislation the measures to prevent discrimination against LGBTI persons. I insist that we place great value on what we negotiate with the social partners that we have converted the agreements directly into public rules, regulations and binding texts applicable to the whole of the production system.

What I would really like to say, and repeating once again what I said in my intervention, is that Spain has a constant and permanent commitment to social dialogue, based on real and effective social consultation through which agreements are reached. Moreover, Spain has a particularly intense commitment to the ILO, and therefore has no difficulty in submitting whenever necessary to examination by the supervisory bodies in order to be able to learn and improve its social dialogue systems.

Indeed, Spain has a firm commitment which it sees as a specific characteristic of the country to human labour rights, as indicated by the last Workers' representative.

Human labour rights are what separate us from barbarity, they are the foundation of civilization in the world, a world that guarantees human labour rights in all countries, which prevents the race to the bottom for working conditions, and which in the final analysis flies the flag for the ILO and its Declaration of Philadelphia.

Spain shares the idea that labour is not a commodity, and that for labour not to be a commodity there has to be social dialogue, which acts as a guarantee for human rights and for all the fundamental principles and rights at work.

And let me finish, moreover, as the case of Spain has given rise to such interest for all employers throughout the world, by saying that one of the elements of the social dialogue that will be undertaken in Spain over the next few weeks will be something that was recommended by the Committee of Experts in a very important report a year ago, namely the development of public policies for the reduction of working hours and that we are starting to ensure healthy labour standards that allow people to reconcile their private and family lives with their working life.

This has to be done within the context of social dialogue, and we hope that the employers, who today are so concerned by effective consultations, will participate, as I am sure they will do in Spain, in reducing the working day so that we can go forward towards a world of greater well-being at work

I will end here, and I will not use up all the time available to me, but I would once again like to thank you for the opportunity that you have given us to be heard and to say in all humility that the Government of Spain is ready to learn from any recommendations that are made by the Committee of Experts. We firmly believe in tripartism, we believe in the ILO system, we believe in social dialogue and we believe in human labour rights above everything. You can always find an ally in Spain for the implementation of ILO policies.

Unfortunately, a case of a certain urgency requires me to return to Madrid. I have to catch a flight in around 50 minutes and I will not be able to listen to the replies of the Employers and Workers. I offer sincere apologies, and it will be for the Spain team to listen to them carefully. I once again thank them and I am fully at their disposal because we believe that it is a closed case, which in any case has given us the opportunity to renew our commitment to the ILO, which we will do once again tomorrow with the ratification of the new Conventions by the Second Vice-President of the Government.

Worker members – I would first like to thank all the speakers for their participation in this discussion. I particularly welcome the many interventions by the Employers' group, who have recalled the value that they place on the comments of the Committee of Experts and who have made plentiful references to General Surveys. I also thank the Government for its clarifications and constructive approach.

We would also like to react to some of the issues raised. Certain speakers criticized the Spanish Government for its involvement in the collective bargaining process. These comments are worthy of interest, but fall outside the scope of the Convention and therefore of today's discussion.

The same applies to the reflections on the intervention of Spain to the International Court of Justice concerning the right to strike. This is not one of the subjects listed under Article 5 of the Convention. Indeed, as I said at the beginning, this provision makes a precise enumeration of the various subjects, and the positions taken by Governments in the ILO Governing Body are not in that list. I repeat, they do not include the positions taken up by Governments in the ILO Governing Body.

In contrast with what seemed to be said by some speakers, the Convention does not cover tripartism and the promotion of social dialogue in general terms. Its objective is more limited. As its title clearly indicates, it specifically covers tripartite consultations on international labour

standards. We may regret or deplore that, but, in the meantime, it is the real situation to which we have to adapt.

No one here can deny the existence of social dialogue mechanisms in Spain. The discussion that we have just had was able to illustrate the efforts made by the Government to give effect to the Convention in law and practice. The Government has also made specific commitments in relation to the matters raised by the Committee of Experts. The Committee will have the occasion to assess the situation when it receives the next report from the Spanish authorities. In the meantime, we encourage the Government to continue its efforts for the implementation of the Convention.

Employer members – The Employer members would like to thank the Government and the various speakers who took the floor for their interventions and the information provided, of which we have taken full note.

We reiterate the importance of Convention No. 144 as one of the four governance Conventions with a very high ratification rate, which promotes the application of the principle of tripartism through effective consultation with representative employers' and workers' organizations at the national level. Tripartism is one of the pillars of the ILO, which distinguishes the ILO from any other international organizations.

The Employer members recall that it was within this Committee that the possibility of adopting an instrument dealing specifically with the creation of national tripartite bodies was first suggested in 1972, with the aim of involving more closely employers' and workers' organizations in the standard-setting process. The Convention has the merit of including flexible elements. However, to be effective, consultations should not be limited to purely formal approaches, and representative employers' and workers' organizations should receive full attention. The Employer members consider it essential that the input of employers' and workers' organizations should be given serious consideration by the competent authority. Therefore, we welcome the willingness of the Government to further improve the process of tripartite consultation and encourage the Government to report on the progress made.

The Employer members recommend that national authorities take the necessary and appropriate measures to ensure that effective consultations are carried out with the representative employers' and workers' organizations.

Specifically, we recommend that the Government:

- first, guarantee effective consultation with representative employers' organizations;
- second, proceed to implement the announced mechanisms;
- third, adopt other complementary measures so that effective and permanent consultations are held on issues related to international labour standards; and
- finally, provide information to the Committee of Experts before its next meeting on the issues discussed and the frequency and content of tripartite consultations.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee recalled that tripartite consultation to promote the implementation of international labour standards is of paramount importance.

Taking the discussion into account, the Committee requested the Government to continue to guarantee effective consultation with representative employers' and workers' organizations in the procedures required under the Convention and to provide information on the frequency of those consultations and working methods.

The Committee requested the Government to provide the information requested as well as information on the measures taken to implement the above recommendations in accordance with the regular reporting cycle.

Government representative – We thank the Committee for these conclusions, which request the Government to continue to guarantee effective consultation with representative employers' and workers' organizations in the procedures required under the Convention.

Spain wishes to affirm as a matter of principle its respect for the ILO supervisory system. We recognize and support the independence of the Committee of Experts. We have at all times defended its mandate and functions in the ILO supervisory system, and we consider the role of the Committee of Experts to be indispensable in undertaking an impartial technical examination of the manner in which Member States apply Conventions in law and practice.

Our country wishes to continue being a reference point in defence of the standard-setting mandate of the ILO in the context of multilateral cooperation, which the Organization of course represents through its tripartite composition, and as also demonstrated by the tripartite agreements concluded at the national level in recent years between Governments and the social partners.

We wish to give thanks to the Workers' Group and the Employers' Group for their interventions, and to the members of Spanish unions and employers' organizations.

We have taken note of the conclusions in relation to the provision of information in accordance with the regular reporting cycle on the frequency of tripartite consultations and the working methods, as well as information on the measures adopted.

In light of the above, and in our conviction that human rights and labour standards are fundamental for relations between persons and nations, we thank all those who through their presence have contributed to the achievement of the Organization's objectives of social justice and its standard-setting mandate.

Tunisia (ratification: 1957)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Written information provided by the Government

Further to the observations of the Committee of Experts concerning the violation of the right to organize, it should be noted that Tunisia has never failed in its ILO-related obligations concerning the effective application of the International Labour Conventions. It has always strived to ensure the proper application of ratified Conventions, which currently total 64, including Convention No. 87, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Workers' Representatives Convention, 1971 (No. 135).

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strived to ensure the proper application of ratified Conventions, which currently total 64, including Convention No. 87, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Workers' Representatives Convention, 1971 (No. 135).

It is also important to note that the Ministry of Social Affairs applies equal treatment for all social partners, including occupational organizations and unions, respecting neutrality, transparency and the preservation of social peace, as part of strengthening the right to organize and upholding the law in a work environment that is free from violence, pressure and threats of any kinds, all in the national interest.

I. Arrest of the Secretary General of the Tunisian motorway trade union, Anis El Kaabi

The Secretary General of the Tunisian motorway trade union, Anis El Kaabi, was arrested on 31 January 2023 and detained as part of an open investigation into the exploitation of a public servant aimed at undermining the administration or agreeing to prevent the exercise of public service through collective resignation. In accordance with sections 96 and 107 of the Criminal Code, Anis El Kaabi was released on Thursday 18 April 2024. The indictment chamber of the Tunisian Court of Appeals therefore decided to release him under the current conditions – free but with a travel ban – and on 5 March 2024 the Court of Cassation rendered null and void the decision of the indictment chamber to refer him to the criminal chamber.

II. List of essential services

Section 381 *ter* of the Labour Code has reproduced the definition of the notion of “essential services” adopted by the Committee on Freedom of Association, that is, “to determine situations in which a strike could be prohibited, the criterion which has to be established is the existence of a clear and imminent threat to the life, personal safety or health of the whole or part of the population’s interests”. Section 381 *ter* therefore stipulates that “a service is considered essential where the interruption of the work would endanger the life, safety or health of the whole or part of the population”. This definition has in practice not given rise to any problem or difficulty, mainly owing to the deeply rooted tradition consisting of the resolution of collective labour disputes and all related issues, by means of social dialogue and consensus. This consensual approach, taken by the social partners (employers, workers’ unions, public authorities) has continuously resulted in the signing of agreements between employers and workers on the achievement of minimal work in the essential services, particularly in the public services (hospitals, water and electricity providers, and so forth). This practice has allowed us to avoid using the compulsory arbitration provided for in section 381 *ter* of the Labour Code, nor the requisition mentioned in section 389 of the Code.

III. Amendment of the Labour Code

Our country is currently undergoing a legislative overhaul in the area of labour and industrial relations, aimed at progressively amending the labour legislation, strengthening conditions of work and workers’ fundamental rights, eradicating all forms of precarious labour and reinforcing job security, which are all currently part of our overarching priorities. In this framework, and in accordance with the instructions of the President of the Republic of Tunisia, Mr Kais Saied (February 2024), and with the objective of providing decent working conditions to workers in the public and private sectors, and eradicating precarious jobs while ensuring institutional continuity and sustainability, the Ministry of Social Affairs has undertaken an updated and urgent inventory of outsourcing agencies, and has stepped up campaigns on precarious work by monitoring compliance with the decent work principles, aimed at setting out visions for legal mechanisms and reforms to address this type of employment. To this end,

two committees have been appointed at the level of the Cabinet and the Ministry of Social Affairs, responsible for preparing a Bill on the amendment to the Labour Code to put an end to all forms of precarious work.

1. Affiliation of children to trade unions

Concerning section 242(2) of the Labour Code which stipulates that minors over the age of 16 may join a trade union unless their father or guardian objects, it should be noted that the legal age of majority has been standardized in Tunisian legislation to 18 years. Likewise, the legislator adopted the age of 18 as the starting point for majority in a number of areas, such as marriage, which is 18 years for both sexes under section 5 of the Personal Status Code, or for obtaining a driving licence and identity card. Further, the ratified international labour standards have contributed to the progressive establishment of a system to protect against child labour and uphold the values of humanitarian law. The original framework of this system is in the 1966 Labour Code, the provisions of which, from certain perspectives, have been strengthened based on the 2022 Constitution, and have been further incorporated into other provisions included in texts for general application. In addition, the ratified international labour standards have been seamlessly introduced into Tunisian law. The Labour Code, moreover, has enabled children to enter working life, with conditions for special protection and, in this context, it should be noted that trade union membership for children under 18 years is not a restriction, given that the legislation constitutes an indivisible whole and cannot contain conflicting provisions. Hence why the legislator insisted on the status of “worker” for membership of a trade union and section 242 of the Labour Code stipulates that trade unions or occupational associations or unions of persons exercising the same occupation, similar trade or related occupations leading to the production of specific products, or the same liberal profession, may be formed. This section does not include the requirements for the membership of workers in trade unions, in accordance with which they have to be at least 18 years old, but instead provides for the possibility for minors to join trade unions unless their father or guardian objects. In addition, in the case of persons who have not reached the legal age of majority, most of their obligations are considered null and void and inappropriate as they do not yet have legal capacity, all of which benefits minors who have not reached puberty and legal maturity. Likewise, the Labour Code classifies this category of children as young workers as it considers them, within the meaning of section 353 of the Labour Code, to be apprentices and not workers. They receive compensation and not a wage. Under section 353, any person found to have knowingly employed, as an apprentice, worker or employee, young people under the age of 18 who do not fulfil the terms of their apprenticeship contract, or who have not been duly released, shall be liable to pay compensation to the head of the abandoned establishment or workshop. In accordance with the foregoing, the national legislation is wholly consistent in this regard and is in line with the interests of minors and protection of children.

2. Access of foreigners to the functions of trade union leadership

Regarding the prior approval that must be granted to foreign nationals to exercise trade union functions, this does not limit foreign workers’ right to organize, as they can be trade union members and exercise the right to strike in the same capacity as Tunisians, even if they do not have the possibility of participating in trade union leadership. Likewise, Chapter II of the Labour Code establishes the conditions for the recruitment of foreign labour. Section 258 stipulates that “The provisions of this chapter establish the conditions for the recruitment of foreign labour in Tunisia, in accordance with the agreements concluded between the Tunisian Republic and foreign countries and with specific legal provisions.” In addition, section 278 of

the Labour Code stipulates that the declaration of establishment shall necessarily include the nationality of the foreign workers employed, which requires verification of the residence permit numbers, the date of issue and the period of validity. These sections are designed to protect foreign workers against abuse and non-compliance with the principles of decent work, on the one hand, and to maintain general order and social peace, on the other. Likewise, the Government considers that the five-year period provided for in section 251(1) of the Labour Code is a reasonable period. The same period is required, for example, for European Union citizens to obtain the right of permanent residence in another European Union country after having resided there legally and continuously for five years.

3. Restrictions to the right to strike

In this respect, Tunisian legislation complies with international labour Conventions, including the Convention, even though it does not explicitly provide for the right to strike. Thus, the provisions of Article 3(1) of the Convention are formulated in such a general manner that they are open to wide interpretation. These provisions do not specifically deal with the conditions for exercising the right to strike, but essentially deal with the rights of workers' and employers' organizations to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes. National legislation has enshrined freedom of association and has attempted to close this loophole. It even includes provisions that are broader than those contained in the Convention and in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Freedom of association in our country is thus a constitutional freedom, the Constitution guaranteeing the right to organize and the right to strike. Article 21 stipulates that "All citizens have equal rights and duties, and are equal before the law without discrimination. The State guarantees the individual and collective rights and freedoms of all citizens". In addition, article 40 of the Constitution requires that "the freedom to form political parties, trade unions and associations is guaranteed. Political parties, trade unions and associations undertake in their regulations and activities to respect constitutional provisions and the law, and financial transparency and non-violence". Both the right to organize and the right to strike are guaranteed by article 41, which stipulates that "The right to organize, including the right to strike, is guaranteed". It can therefore be said that the protection of the right to strike does not pose any problem in national legislation or in practice, and considering that Tunisia has acceded to the International Covenant on Economic, Social and Cultural Rights, in accordance with Act No. 30 of 29 November 1968, section 8 of which provides that the right to strike is guaranteed, provided that it is exercised in accordance with the legislation of the country concerned. Likewise, the Labour Code has codified this right through provisions that are fully in line with those contained in the Convention, in particular Article 3 of the Convention, which provides that "Workers' and employers' organisations shall have the right [...] to organise their administration and activities and to formulate their programmes", and Article 8, which provides that "The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention". Regarding the approval by workers' trade union federations of a strike or work ban, to date the Government has not received any comments or complaints from active occupational associations of employers or workers in Tunisia. Even the rules of procedure of employers' and workers' organizations include the requirement that their central authority approve strikes or work bans, in accordance with the Labour Code. Consequently, strike action in our country does not pose any problem and national legislation does not therefore violate the provisions of the Convention, which has not, as mentioned above, established the right to strike, thus opening the way to various interpretations. In order to address this vacuum and ambiguity, the Governing Body decided

to raise the matter before the International Court of Justice to seek its advisory opinion. The Government therefore considers that sections 376 *bis*, 376 *ter*, 387 and 388 of the Labour Code are consistent with the interests of occupational associations of employers and workers in Tunisia.

IV. Representativeness criteria

The Government, (the Ministry of Social Affairs) is working with the social partners to develop a vision of a system of trade union representation that is compatible with the parties, and in line with the particularities of the economic and social situation and the system of industrial relations, with the support of the International Labour Office in Tunisia. In the context of setting standards for trade union representativeness, and in order to close the legal loophole in the legislation defining these standards and regulating trade union pluralism, and in accordance with the provisions of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and following the seminars organized with the ILO on potential representativeness standards, the Ministry, with a view to ensuring that the determination of representative organizations at the sectoral and enterprise level is based on clear, pre-established, objective criteria adopted after consultation with all the concerned workers' and employers' organizations, invited in writing the occupational associations, namely, the Tunisian Union of Industry, Trade and Handicrafts (UTICA), the General Federation of Tunisian Workers (UGTT), the Tunisian Federation of Agriculture and Fisheries (UTAP), the Tunisian Labour Organization (OTT), the Tunisian Federation of Insurance Companies, the Tunisian Federation of Newspaper Directors, the Tunisian Professional Association of Banks and Financial Institutions, the occupational association of Tunisian enterprise owners, the Tunisian Farmers' Union (SYNAGRI), the Tunisian General Confederation of Workers (CGTT), the Tunisian Workers' Union (UTT), the Confederation of Citizen Enterprises of Tunisia (CONNECT), the Tunisian Hotel Trade Federation, the Tunisian Workers' Federation, the Tunis transport union and the National Union of Tunisian Journalists, in order to examine the proposed standards and express their opinion. Our departments received a number of related responses from the following occupational associations: CONNECT, UTAP, SYNAGRI, OTT, UTT, CGTT, the Tunis transport union and the occupational association of Tunisian enterprise owners. The others did not furnish any response. Likewise, the Ministry invited the most representative organizations to attend a working meeting for this purpose, but they did not attend. To address this situation, the Ministry is currently considering renewing the dialogue with all concerned parties, with the support of the ILO in Tunisia, and drawing on a wide range of comparative experiences planned as part of upcoming training programmes. We recently examined and shared documents and studies on the Algerian experience of legislation on trade union representativeness.

Discussion by the Committee

Chairperson – I invite the Government representative of Tunisia, the President of the General Committee for Labour and Professional Relations at the Ministry of Social Affairs, to take the floor.

Interpretation from the Arabic: **Government representative** – At the outset, I would like to thank the Committee for giving us the opportunity to speak in this room. This is the first time that Tunisia has appeared before this Committee. We know the significance of this Committee and welcome the opportunity to provide information on the observations made and on our practices and legislation, which are fully in line with international labour standards, particularly those relating to fundamental rights at work and decent work.

Tunisia respects its commitments to the ILO both in law and in practice. It implements the ILO Conventions and respects its obligations in this respect. Tunisia intends to implement the 64 Conventions it has ratified in good faith, including this Convention, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Workers' Representatives Convention, 1971 (No. 135). We endeavour to ensure that our legislation complies with ILO standards in all areas.

Tunisia defends fundamental rights at work and guarantees the application, in practice, of these principles enshrined in our national legislation on freedom of association. This right is clearly enshrined in the Constitution of Tunisia, and there are no laws that undermine or restrict these principles. This is guaranteed in our Labour Code and through collective bargaining and framework agreements.

The Constitution clearly guarantees the rights set forth in the Convention. Workers can form or join a trade union without prior authorization. I wish to recall that Article 8 of the Convention stipulates that workers and their organizations must respect the law when exercising their rights. I emphasize that the exercise of these rights must not interfere with public order.

With regard to the arrest of Mr Anis Kaâbi, the Secretary-General of the trade union representing officials of the Tunisian Motorway Association (STA), the details of this arrest are too complex and we will not go into them here. We have provided all the details with the relevant information to the Committee. In the interest of upholding the law, the enterprise concerned lodged a complaint for "exploitation of a public servant's function aimed at undermining the administration, or plans to obstruct the exercise of a public service by mass resignation". This case has been brought before the courts in accordance with national law and we would not have learned of it but for the request for details of the arrest. Allow me to recall the fact that Mr Kaâbi was released on 18 April 2024.

Regarding the right to strike, I wish to inform you that in 2023, 47,924 workers participated in strikes in various branches in Tunisia without being prosecuted.

On the revision of the Labour Code, our country is currently making efforts to invest in labour institutions and promote a decent and sustainable work model. We are also committed to using digital transformations intelligently to improve the well-being of workers. Our approach is to gradually amend the law to improve working conditions and fundamental rights of workers. Our main priority is to guarantee and increase stability and to ensure occupational safety and health. The President of the Republic has asked for the legislation to be overhauled, focusing on labour law and social justice. Decent work conditions must be guaranteed for workers, in both the public and private sectors, by eliminating all forms of precarious work. A review of the subcontracting situation in enterprises has been undertaken and campaigns against precarious employment have been stepped up. Decent work requirements are being closely monitored and Tunisia is considering adopting a legal procedure to combat these forms of employment. A committee has been set up to examine a Bill amending the Labour Code to strengthen decent work taking account of the structural reorganization taking place in the working environment and new forms of employment.

With regard to children's membership in trade unions, section 242(2) of the Labour Code sets out that minors over the age of 16 may join a trade union, unless their father or guardian objects. It is important to note that the legal age of majority has been standardized in Tunisian legislation at 18 years. National legislation is therefore consistent and protects children's and minors' interests in accordance with international agreements. Trade union activities are important activities which lead to heavy responsibilities, such that those who carry out such

activities must know how to act and take complex decisions. Hence why the legislation provides that authorization must be obtained from parents or guardians for their children's membership. After that, these minors can take on heavy responsibilities.

Turning to the right to strike, our legislation is aligned with the ILO Conventions in this regard, particularly Convention No. 87, even though this Convention does not mention specifically the right to strike and this matter has been referred to the International Court of Justice. Freedom of association is also enshrined in our national legislation, which contains more extensive provisions than those contained in Conventions Nos 87 and 98. Freedom of association is at the heart of Tunisia's fundamental principles and labour law, and is a prerequisite for social justice. It is a right enshrined in the Constitution, which guarantees that all individuals shall exercise public freedoms, the right to join or form a trade union and the right to strike. Further, Tunisian legislation guarantees the exercise of the right to strike without limitation by avoiding a narrow definition of the term, thereby allowing for a broad interpretation, and a limitation of the objectives. Trade unions can therefore decide on the duration of a strike. The purpose of the requirement to report the duration of a strike, under labour law and the Labour Code, is to prevent a work stoppage in a particular branch and to give both parties the opportunity to settle their differences peacefully.

With respect to the approval of strikes by the trade union confederation authorities, the Government has not received any comments or complaints from workers' occupational organizations on the conditions for the approval of strikes by their union authorities. On the contrary, their rules of procedure include such conditions for approval. Are these conditions also considered an obstacle to the exercise of the right to strike by the trade unions themselves?

Concerning the ability of foreign nationals to exercise a trade union function, this is not limited to the right to organize, as they can be members of a trade union and exercise their right to strike in the same way as Tunisian nationals. Foreign nationals may hold leadership positions five years after acquiring Tunisian nationality. After that period, they may hold other positions under the supervision of the Ministry of Social Affairs. These conditions are designed to protect foreign nationals from abuse and non-compliance with the principles of decent work, and also to protect workers against any exploitation for purposes unrelated to trade unions and the exercise of trade union rights. This is why the Government verifies the status of foreign workers wishing to carry out trade union leadership functions – to protect the country's stability and security.

In the context of standard-setting for trade union representativeness, and to fill a gap in the legislation by specifying these details, including with regard to the regulation of trade union pluralism, and in accordance with the provisions of Convention No. 144 on tripartite consultation and following the meetings organized with the ILO on the rules governing the determination of representative status, the Ministry organized a round of negotiations with all the workers' and employers' organizations, inviting them to provide their views. To date, we have received only a few responses. The Ministry is therefore envisaging a dialogue with all parties involved with the support of ILO Tunisia. We have also shared a document from other trade unions. As the Ministry of Social Affairs, which covers trade union representation, is one of the main areas of cooperation with the ILO regional office, we received a letter from the regional office on 19 May 2024 confirming these priorities and stating its willingness to pursue technical cooperation. I will stop here as I have run out of time and I will intervene later

Worker members – We have before us the case of Tunisia's compliance with Convention No. 87. We still remember the ban imposed last year on the International Trade Union

Confederation (ITUC) and the European Trade Union Confederation (ETUC) from visiting the country to help their members. This ban is not in line with Articles 5 and 6 of the Convention.

The Committee of Experts noted a number of aspects that amount to interference in trade union activities. We recall, for example, in 2021, a court ruling to annul a decision to convene the congress of the Tunisian Trade Union Confederation (UGTT). The Government explained that the Court of Appeal overturned this decision. It nevertheless appears to us that this legal procedure shows a lack of protection for the independence that trade union organizations should enjoy.

This precedent shows us that it is generally quite easy to challenge the functioning of trade union organizations before the courts. The possibility of appeal and the final court decision are not likely to dampen this observation. Indeed, the existence of an appeals procedure does not mean that damage is not done and that the trade union is not prevented from carrying out its activities.

This regrettable situation does not stop there. As noted by the Committee of Experts, several trade union leaders have been, and continue to be, intimidated and arrested. There have also been criminal proceedings and administrative sanctions. Other speakers will illustrate several of these facts in detail. But at this stage, I would like to underline the inextricable link between trade union freedom and civil liberties.

In this regard, I recall the content of the resolution adopted by the 54th Session of the International Labour Conference. In particular, it emphasized the right to personal freedom and safety to protection against arbitrary arrest and detention. More than ever, we must reaffirm that the right to organize can only flourish in a climate free from violence and intimidation.

The Committee of Experts also made a series of observations on certain legal provisions that should be reformed. The Government must make efforts to undertake this and to initiate a reform process. This reform must, of course, unfold within the framework of a genuine social dialogue involving trade unions and employers; and such a dialogue is currently lacking. We regret that the Government has not been holding genuine social dialogue consultations for several years. This situation is of course damaging. It feeds instability and prevents the protection of workers' rights.

We invite the Government to take today's discussion as an opportunity to relaunch the inclusive dialogue mechanisms and bodies.

Employer members – This case of Tunisia deals with the application in law and in practice of Convention No. 87. Convention No. 87 is a fundamental Convention which Tunisia ratified in 1957. The Committee of Experts made observations six times in this case: 2011, 2012, 2015, 2018, 2022 and 2023. The Committee is discussing this case for the first time, however.

We have taken note of the written and oral information submitted by the Government on this case. The latest observations of the Committee of Experts are mainly in respect of three areas:

The first relates to the arrest and criminal prosecution of the Secretary-General of the Tunisian Motorway Association. We note, however, the Government's information that the Secretary-General has since been released on 10 April 2024 after a judicial process in Tunisia.

The second set of observations relate to the Labour Code. Here, the Committee of Experts have highlighted three areas in which Tunisia's Labour Code is not in conformity with the Convention, particularly Articles 2 and 3, at least according to the Committee of Experts.

The first area of concern is section 242 of the Labour Code, which requires children who have reached the age of admission into employment to obtain the consent of their parents or guardians in order to exercise their trade union rights.

The second relates to section 251 of the Labour Code, which does not permit foreigners to hold leadership positions in trade unions, even after a reasonable period of residence in the country. As you have heard, they need to have been in the country for a period of five years.

The third area relates to sections 376 *bis*, 376 *ter*, 387 and 388 in respect of strikes.

The Employers' group agrees with the Committee of Experts that legal provisions that restrict minors from exercising their trade union rights, when they are able to work legally, are not in conformity with the Convention. We have noted the Government's information that the legal age to be admitted into employment has been revised to 18 years, and that workers below that age are only considered apprentices and not workers in a real sense. However, to the extent that apprentices are performing work as workers and should be entitled to trade union rights, we call on the Government to ensure that the Labour Code's provisions are harmonized with the Convention.

With respect to foreign workers, we note the Government's response that its legal requirement for such workers to qualify for trade union leadership after five years, is not in conflict with the Convention. To the extent that the Government may benefit from ILO technical assistance in harmonizing its laws with the Convention, including on the reasonableness of the qualifying period, we urge the Government to seek such assistance.

With respect to the provisions on strikes, the Employer members would like to recall their disagreement with the Committee of Experts' views concerning the Convention and the right to strike. They wish to emphasize that neither Convention No. 87 nor any other ILO Convention contain rules on the right to strike. This fact has been highlighted by the Government group in their position statement of March 2015 according to which "the scope and conditions of this right are regulated at the national level". As a consequence, governments can legitimately determine their own approach to the right to strike, freely guided by their national needs and priorities, and are not held to follow the Committee of Experts' recommendations. It is in this light that the Employer members are addressing the case of Tunisia.

With regard to the third area of observations, the representativeness of workers' organizations, the Government's information is that they are still in the process of consulting. The Committee of Experts has made it clear that there should be criteria that are "clear, pre-established and objective" for determining an organization's representativeness. The Government's position is that pending any consensus on this issue following consultation, the matter of the representativeness of any workers' organization is still to be determined by the Secretary of State for Young Persons, Sports and Social Affairs under section 39 of the Labour Code. While this may achieve a determinative effect in any particular dispute, it is unfortunately not consistent with what is required and we would, therefore, urge the Government to expedite the process of consultations, and of review of the Labour Code to make sure that indeed issues of representativeness of organizations are determined or settled through clear, pre-established and objective criteria.

Interpretation from Arabic: **Worker member, Tunisia** – Firstly, I would like to thank the Committee for accepting the report of the UGTT on violations of trade union rights in Tunisia. We would have liked to see this case addressed last year in order to prevent the violations, which have worsened over the past 12 months.

In this context, we wish to recall that the Tunisian trade union movement was born two centuries ago, adhering to the principles of liberty and independence. Our movement took part in the national battle for Tunisia's independence and, during the post-independence period, participated in many struggles to defend freedom of association, the independence of the UGTT and democracy. The Tunisian working class, represented by its trade union leaders, has paid dearly in terms of martyrs and prisoners tortured and deprived of their work. Despite the numbers of victims and tragedies, we have learned from these experiences that freedom of association is workers' most valuable asset and that security, stability and a country's progress depend entirely on the existence of strong trade unions that prize their liberty, their independence, regardless of the political regime or the labels attached to successive governments.

Against this backdrop, the UGTT played a major role in the Revolution of Dignity that took place from December 2010 to January 2011 and overthrew the dictatorship. The union subsequently assumed significant responsibilities in ensuring a peaceful transition to democracy and, as you know, we also led the 2013 national dialogue between all political and social actors which protected Tunisia and spared it from conflict and civil war, allowing, moreover, the Tunisian people to choose their representatives and President through free elections witnessed by the whole world in 2011, 2014 and, most recently, 2019.

The UGTT and its partners supervised national dialogue and received the Nobel Peace Prize in 2015, illustrating the world's acknowledgement of, and support for, our role in consolidating the values of democracy, human rights and social justice in Tunisia.

Many steps have been taken in the areas of freedom of expression, the right to organize and the development of law and practice in line with international standards on freedoms and human rights.

There have also been significant developments in social dialogue over this period thanks to its institutionalization through the National Social Dialogue Council and the extension of its scope to include social, economic and general development matters.

The social partners have also respected the deadlines set for the revision of wages, amendments to collective agreements and the resolution of labour conflicts. This has all been done in a timely manner and on the basis of negotiation, dialogue and a sincere desire to find solutions.

For some years, however, social dialogue in Tunisia has seen a real regression, a serious decline and a loss of what had been achieved over decades of perseverance, struggles and sacrifices. This decline has coincided with gross violations of trade union rights and severe restrictions on freedom of association. The UGTT and its leaders have been targeted, and its organization has experienced difficulties.

Allow me to list some of the infringements of the right to dialogue and negotiation and trade union rights, in gross violation of international treaties, particularly the Convention under discussion and Convention No. 98.

Firstly, the National Tripartite Council has been frozen. The Council, which was responsible for social dialogue, has been unable to resume its work after the Government refused to publish the names of its representatives as required by law. The National Social Dialogue Council, created with the support of the ILO, has been prohibited since October 2021, impacting social dialogue and policies on consultation and participation, and opening the way to unilateral decisions by the Government.

Secondly, the Government published Circular No. 20 of 9 December 2021 imposing severe and unjustified restrictions on collective bargaining and social dialogue within institutions by deliberately complicating procedures and requiring the agreement of the Prime Minister prior to any negotiations among institutions, their management and trade unions. This has rendered negotiation virtually impossible from a practical standpoint. The restrictions and complications imposed by the Circular are tantamount to restrictions on the right to organize. They violate the right to organize and Convention No. 87, and they infringe the right to collective bargaining as set out in Convention No. 98, which was ratified by the Tunisian Government in 1957.

Third, the Government has failed to respect its commitments to, and agreements with, the UGTT. The Government has violated a great number of those obligations under many agreements, including agreements reached in 2015, October 2020 and on 6 February 2021 and 15 September 2022. The last of those agreements includes seven points, of which just two have been implemented. Many agreements reached between ministries or public bodies and sectoral trade union associations affiliated to the UGTT have also been frozen. These agreements were reached as a result of trade union struggles, after long discussions with the parties concerned, but they were subsequently abandoned, and no commitment has been made to implementing them. The Government intends to undermine the credibility of trade union activities among the membership, stir up frustration among trade unionists and reduce the credibility of social dialogue.

Fourth, the Government makes unilateral amendments and changes to labour law without involving or consulting the UGTT.

Fifth, in addition to the lack of consultation, the Government has taken unilateral decisions that limit freedom of association and refuses to respond to the union's calls. The Government is therefore attempting to suppress trade union activities and does not allow for the settling of conflicts. One example of such action is the dismissal of all the regulations that the State should consider so as to facilitate trade union activities, that have been guaranteed for decades. Freedom of opinion has been trampled. All the regulations and restrictions have blocked trade union activities. We have documents that prove that trade unionists have been arrested arbitrarily, including Mr Anis Kaâbi, the Secretary-General of the trade union representing officials of the Tunisian Motorway Association, who has finally been released. Similarly, another individual was arrested the day after the President gave a speech at the factory at which he worked and has been tried. Regrettably, the violations of the right to organize harm independence and occur against a backdrop of general violations of rights and freedoms that began some time ago and that continue to cause harm to democracy, of which Tunisia was a pioneer in the region. We supported initiatives to uphold and embed democracy in order to improve the socioeconomic situation which led to the revolution, freedom and dignity in Tunisia. It is also important to highlight that the UGTT assisted in the fight for liberation, it received the support of trade unions in America and Africa in promoting peoples' right to self-determination, and it is the organization that contributed to the national dialogue that saved the country from war. The UGTT won the Nobel Peace Prize and yet, unfortunately, is today being punished for defending rights and freedoms and supporting lawyers, journalists, bloggers and prisoners of conscience.

This is the general context that we have presented to you in our report on violations of freedom of association in Tunisia. We support all trade union representatives in the world who are attacked and repressed. And I would like to call on all of you, once more, and on the Government to comply with international Conventions, to align our laws with those Conventions and to reopen dialogue.

Interpretation from Arabic: **Employer member, Tunisia** – The majority of cases that come before this Committee concern Convention No. 87, demonstrating that tripartite dialogue at the international level has not borne fruit and has not met its objectives. That failure is embodied by this international Committee's inability to resolve the question of the right to strike, leading the Governing Body to refer it to the International Court of Justice, when in reality it is a tripartite matter concerning the constituents.

Indeed, the Convention makes no mention of the right to strike or the suspension of work by employers. Similarly, there are no international standards on the exercise of the right to strike, related rights or obligations towards others when exercising that right. That is the reason why the matter has been referred to the courts and is now subject to legal interpretations, and why the only references are national legislation and bilateral and trilateral agreements between States.

The most difficult and delicate aspect of this is avoiding confusion between, on one hand, the legal right to organize – a right of employers and workers – and, on the other hand, the framework of criminal and civil law. Most of the cases submitted to this Committee, at this session and many others, relate to modalities for the exercise of the right to strike and the suspension of work by employers. This shows that it is indispensable to define a legal and practical framework that achieves a balance between freedom of association and the right to express views and defend interests peacefully, and the need not to restrict the freedom of work and activity of persons not involved in a strike and to ensure free access to workplaces and public services. Moreover, it should be recalled that the exercise of this right must not entail non-peaceful activities or the occupation of workplaces.

That is where the role and importance of tripartite social dialogue lie in this instance. Indeed, it is this dialogue that allows for a balance between rights and obligations. It is also this dialogue also allows a line to be drawn between the exercise of the right to organize and political activities. And, in the course of such dialogue, it should be established that those responsible for infractions must be held to account.

With regard to the position of the employers, we have no problem with representative pluralism and representativeness in trade unions. It is true that the UGTT is the most representative trade union in the economic sphere and that it is our main partner in labour relations. There are, however, other trade unions in other sectors with which we have relationships, such as the Tunisian Union of Industry, Commerce and Craft Trades and unions representing workers in travel agencies, hotels, pharmacies, insurance agencies and banks, as well as lawyers. This ensures true pluralism in trade union representation. Since 2016, the Government has undertaken consultation with us and with the UGTT on pluralism in trade union activity and trade union representativeness. A study on this subject has been carried out by an international expert under the auspices of the ILO, and a workshop was organized by the ILO with the social partners in March 2017. A tripartite commission was set up to draft an agreement on trade union representativeness, although, regrettably, the coronavirus (COVID-19) pandemic put paid to those efforts.

We do not view the requirement for parental authorization for minors' membership of trade unions as a hindrance to trade union activity or the right to organize, and we have not received any complaints in that regard. We believe that the decision to join a trade union should be linked to the legal age of majority, which is 18 years in Tunisia, in line with the decision taken in 2010.

We have not received any reservation or complaint from the UGTT in relation to the approval of the Confederation of a decision to strike or the suspension of work by an employer.

The social partners are of the view that the UGTT, which represents workers and employers, safeguards strike activities and supervision. We believe that the notice period presents an opportunity for conciliation and mediation. Three quarters of labour conflicts are managed by the UGTT and resolved peacefully and amicably.

After listening to the various speakers and taking note of the observations of the Committee of Experts and the Government's responses, we would like to make the following remarks:

Firstly, we are extremely happy at the court-ordered release of the Secretary-General of the trade union representing officials of the Tunisian Motorway Association, Mr Anis Kaâbi, on 18 April 2024. Nevertheless, despite the large amount of information communicated to us, we will not enter into this discussion of the case of Mr Anis Kaâbi or of other trade union officials since we believe that this Committee is not a courtroom in which appeals may be lodged, and we are convinced that matters concerning justice in Tunisia are for the Tunisian judicial system to address and should be resolved in line with Tunisian law. Lastly, we are surprised at Tunisia's inclusion on the list of individual cases on the application of Convention No. 87 since the facts as presented do not, in our view, constitute a violation of workers' fundamental rights. We believe that shortcomings may be resolved through dialogue and social consultations.

Worker member, Italy – I take the floor on behalf of the Italian trade union confederations: the Italian General Confederation of Labour (CGIL), the Italian Confederation of Workers' Trade Unions (CISL) and the Italian Union of Labour (UIL), as well as the French trade union confederations: the French Democratic Confederation of Labour (CFDT) and the General Confederation of Labour (CGT).

The Committee of Experts noted with concern the observations of the UGTT and the ITUC alleging violations of trade union and human rights committed by authorities, in particular arbitrary arrests, threats and intimidation, and criminal and administrative prosecutions taken against trade unionists.

In Tunisia, in 2021 the Government further restricted civil liberties and harassed and persecuted trade union leaders. The authorities adopted and applied with rigour Decree No. 54, of which the UGTT has repeatedly demanded the withdrawal. This law penalizes all expressions of dissent, protest or demand with a prison sentence of up to five years and administrative fines. With this penalty, trade union activists daring to carry out their normal duties are at constant risk of arrest and harsh sentencing.

Italian and French workers are deeply concerned with the imprisonment and red targeting of trade unionists and escalating judicial harassments against civil society activists and trade union members.

This perpetuates a climate of fear, undermining the fundamental rights of workers to organize their activities and advocate their interests, free from interference and intimidation, in total disregard of the provisions of the Convention.

In addition to a complete lack of social dialogue in Tunisia, we are also concerned about the continued violations of collective bargaining rights and severe violations of civil liberties and denial of the right to international trade union solidarity.

In this repressive context, Mr Anis Kaâbi, the Secretary-General of the trade union representing officials of the Tunisian Motorway Association, was arrested because of a strike organized in January 2023. At the end of the same year, in the Sfax district, dozens of trade

unionists were reported and at least four UGTT members were arrested including the union's regional Secretary-General, Mr Youssef Aouadni.

These and other incidents have earned Tunisia the reputation of being one of the ten worst countries in the world for workers, according to the Global Rights Index 2023 compiled by the ITUC. On 29 February 2024, Taher Mezzi, Deputy General-Secretary in charge of the private sector in the UGTT, was arrested before a scheduled protest movement in La Kasbah with the clear purpose of weakening and threatening the independent trade union movement.

We urge the Tunisian Government to drop all the pending charges and cease the political imprisonment of trade unionists and activists for exercising their fundamental rights and freedoms.

Interpretation from Arabic: **Government member, Saudi Arabia** – Saudi Arabia wishes to commend the progress made by Tunisia to the implementation of the Conventions ratified by that country in accordance with international labour standards. We also commend Tunisia's cooperation with the supervisory mechanisms. Further, we applaud the efforts made by Tunisia in seeking to enhance the fundamental rights of workers, as well as efforts undertaken to create decent working conditions in the public and private sectors.

In addition, we are happy to note that Tunisia is seeking to foster social justice by putting in place legislation that takes due account of social policies and protects the rights of workers. In conclusion, we once again thank the Government of Tunisia for all that it is doing.

Interpretation from Arabic: **Worker member, Bahrain** – I am speaking on behalf of the Workers' Federation of Bahrain, Libya and Morocco. I represent all of those workers and we of course stand in solidarity with our brothers in Tunisia.

Convention No. 87 is the bedrock for free, independent and democratic trade unions, that respect workers' choices while guaranteeing the safety and security of trade unionists and their organizations.

In Tunisia today, the trade union movement, and more particularly the UGTT, is a one that has a proud history of struggle, and that is today being attacked as an organization. Members of that organization are repeatedly alleged of wrongdoing such that prevents them from working in a way that is conducive to trade union activities flourishing in the country.

The UGTT is a national organization in Tunisia. It represents workers and with reference to the Convention, we know that it has to be able to work in a way that allows those elected to represent the interests of the workers. We, the workers of Bahrain, stand in solidarity with workers in Tunisia and with the UGTT. We call for application of the Convention to be guaranteed in Tunisia. We call for all necessary steps.

Government member, Nicaragua – The Government of Reconciliation and National Unity of the Republic of Nicaragua notes and is grateful for the information provided by the Tunisian authorities. It also recognizes the efforts, initiatives and achievements of the Tunisian Republic in complying with its ILO obligations relating to the application of international labour Conventions, the harmonization of its national legislation with international labour standards and its full cooperation with the ILO supervisory bodies.

Nicaragua recognizes Tunisia's efforts to amend its labour legislation, including the Labour Code, to promote workers' fundamental rights, provide decent working conditions for workers in the public and private sectors, and eliminate all forms of precarious employment.

Achieving social justice is a top priority for the Tunisian Government, which strives to promote it through the development of legislation and the implementation of social policies

safeguarding workers' rights. At the international level, Tunisia has confirmed this approach by joining the Global Coalition for Social Justice launched by the ILO.

We also acknowledge Tunisia's initiatives and efforts in working closely with the ILO to regulate trade union pluralism by defining criteria for trade union representation.

We congratulate Tunisia for its continued commitment to pursue a path to social justice, with a view to respecting the labour rights of workers and the Tunisian people.

Worker member, Spain – I am speaking on behalf of the Spanish trade unions: the Trade Union Confederation of Workers' Commissions (CCOO) and the General Union of Workers (UGT). Today, the Committee is considering the case of Tunisia regarding the violation of the Convention, ratified by Tunisia in 1957, particularly Article 3(2) of the Convention, establishing that the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

In 2023, the Tunisian Government expelled the Secretary-General of the European Trade Union Confederation (ETUC) during a visit to Tunisia to support the UGTT. Other trade union members from Europe were likewise returned to the Tunisian border. Further, an ITUC delegation was informed that it could not enter Tunisia.

A defamation campaign was launched against the UGTT leaders, accusing them of seeking outside assistance, thereby disregarding the values of international trade union solidarity and the right of trade union organizations to mutual support in times of crisis. This undermines the provisions of the Convention, which set forth non-interference in trade unions' affairs and protection of the right to organize.

The Tunisian authorities are duty bound to protect the right to organize and facilitate the situation of trade unions. However, they withdrew from the UGTT the right to allow its leaders to dedicate themselves entirely to trade union activities, obliging them to perform their usual duties instead of devoting themselves to trade union work, a practice that has been in place for over fifty years. The Tunisian Government did not stop there and brought many trade union leaders before the courts and many were dismissed from their posts.

As the violations committed by the Tunisian Government to isolate the UGTT are multiple, we ask that the ILO intervene as thoroughly as possible in the case of Tunisia in order to address the serious incoherence with the road map that the Tunisian society designed as part of an exemplary democratic transition, which has since been halted and which was an example worldwide, even being awarded the Nobel Peace Prize.

The ILO must also guarantee the participation of the trade unions and associations involved in this process and return hope of a better future to the Tunisian people.

Government member, Pakistan – Pakistan appreciates that Tunisia is engaged with the ILO in the implementation of the Convention. We encourage the Tunisian Government to further extend its cooperation within the ILO's tripartite framework. We emphasize that dialogue and engagement remain the best vehicles to address any concerns and to promote labour rights and standards. We are confident that continued collaboration between Tunisia and the ILO will pave the way for amicable resolutions.

Worker member, South Africa – I take the floor on behalf of the workers of South Africa to inform the Committee that the trade union movement is being exposed to a major, unjustified and unprecedented attack by the executive authority in Tunisia, which was prepared by the legal texts: Decree No. 117 of 22 September 2021 and Decree No. 54 of 2022. The decrees restrict trade union activity and freedoms in general and fabricate cases against

the trade unionists, isolate many of them, withdraw the career plans of some of them, and suspend the status of those who devote themselves to union work on behalf of all the leaders of the national, regional and sectoral organizations.

We have no doubt about the ferocity of the attack carried out by the authorities against the UGTT. We have followed this through many reports received, since the UGTT and the three national organizations announced the launch of a national initiative to find solutions and consensus between the various parties to confront the unilateral and authoritarian approach of the head of the executive authority, which brought together in his hands all powers, whether legislative, executive or judicial, in order to overcome the stifling economic crisis that has cast a shadow over the social conditions of Tunisians.

After this announcement, comrade Anis Kaâbi, Secretary-General of the Tunisian Motorway Association, was thrown into prison on charges of harming the company's interests after a two-day strike on 30 and 31 January 2023. He remained in prison for 14 months, which is the maximum period for court suspension. Despite his temporary release, the case is still ongoing and his freedom is still threatened, as he could face a harsh prison sentence again.

Furthermore, 16 comrades from the transport sector, led by the General-Secretary of the Transport union, comrade Wajih Al-Zaidi, were brought forward on the pretext of causing chaos in front of the minister's office. Comrade Wajih was also referred to trial on charges of violating Decree No. 54, which holds accountable anyone who makes critical statements to the executive authority in the media or via the media and on social networks.

For several months, comrade Senki Assoudi, General-Secretary of the Regional Labour Union of Kasserine, has been in prison on malicious charges. He was arrested immediately after the visit of the Head of State to the institution where he works. The Head of State gave a speech in which he directly accused Senki Assoudi of charges, without any evidence.

Comrade Youssef Al-Awadni, General-Secretary of the Regional Federation in Sfax, has been subjected to security investigations and trials several times, against the backdrop of strikes, protest movements and labour disputes, and with him more than 80 trade unionists were referred to the courts because of their union activity.

This year, comrade Abdel Salam Al-Atawi, General-Secretary of the Religious Affairs Syndicate, died while he was forced to take refuge in Algeria after the abuse to which he was subjected, together with 16 union leaders from this sector. They were expelled from work, and some of them were brought to trial on malicious charges, and the case of the deceased union leader was still being followed up by the United Nations High Commissioner. These are the very examples of the violations of the Convention.

Interpretation from Chinese: **Government member, China** – We appreciate the introduction by the representative of the Tunisian Government. We have carefully read the Report of the Committee of Experts and have taken note of the supplementary information submitted by the Government.

The Government has been committed to fulfilling its obligations in compliance with relevant ILO Conventions, incorporating international labour standards, implementing the Convention, taking the Committee of Experts' recommendations seriously and providing timely information as required. The Tunisian Government has achieved significant progress and we appreciate the Government's proactive cooperation and actions.

The Government has revised labour legislation to protect workers' fundamental rights and provide them with decent working environments and conditions. It has maintained close

communication with the ILO Secretariat, engaged in extensive collaboration with social partners and established standards for union representation. It has exchanged practices in union legislation with neighbouring countries and it values the technical support provided by the ILO. Regarding promoting social justice as a priority, the Government keeps advancing legislation and implementation of social policies protecting the rights of workers as well.

We are pleased to see that the Government has joined the Global Alliance for Social Justice. We look forward to close cooperation and active engagement of the Government in promoting social justice with relevant stakeholders. We urge the ILO Secretariat to enhance communication and exchanges with the Tunisian Government, strengthen mutual understanding and cooperation, provide necessary technical support to the Government, help the country enhance its compliance capacity, and further promote its economic and social development.

Worker member, Brazil – At the outset, I would like to offer my sincere solidarity to the workers of Tunisia. We know how the actions of a Government with authoritarian practices can be damaging to democracy and in particular the trade union movement.

In Tunisia, a campaign of intimidation and harassment has been launched against trade unions, including arrests, criminal prosecutions and administrative measures against trade unions, such as the arrest of the Secretary-General of the UGTT, Mr Anis Kaâbi, for a lawful and legal strike, the dismissal of trade union leaders and the use of the law enforcement agents to control and restrict trade union activity.

The observations and concerns raised by the Committee of Experts, in particular the arrest of comrade Anis Kaâbi, were confirmed by the Government in its report and imply serious violations of trade union rights.

The Compilation of decisions of the Committee on Freedom of Association contains various paragraphs on this subject, of which we highlight 76, 124 and 127.

It should be underscored that prosecution of trade union representatives does not only involve national trade union leaders but also leaders of the opposition outside the country, lawyers, judges, activists and journalists.

Social dialogue in Tunisia is virtually prohibited. Thus, in addition to not making the regulatory changes necessary for the implementation of the Convention, in line with training provided by the Government itself, the recent proposed legislative amendments were made without the participation of the social partners, and in some cases the new regulations are used to quash the right to protest. This is the case of Decree Law No. 54/2022 on combating crimes related to information and communication systems.

The arrest of the lawyers, Sonia Dahmani and Mehdi Zagrouba, at the bar school in Tunisia, for example, is an extremely serious case that we could discuss until the end of the Conference, without even exhausting all the violations committed. I will therefore focus on the aspect we consider to be the cruellest of the Government's practices, the detentions and arrests.

The act of taking away the freedom of human beings by imprisoning them for their trade union convictions and political practices is an act of the most severe reprobation and is certainly one of the most perverse forms of prosecution. Removing an individual from living with others in society, from being close to family and friends because of political differences, violates all the international human rights treaties.

In short, given the degree of reprobation and the related practices, here in this meeting, we urge that a high-level mission be recommended for Tunisia to create an environment conducive to social dialogue and to examine the discrepancies between the national legislation and compliance with international labour standards.

Government member, Indonesia – The Government of Indonesia respectfully urges the ILO to recognize and commend Tunisia’s substantial progress in implementing the Convention. Tunisia has demonstrated a steadfast commitment to international labour standards through comprehensive legislative reforms and strong cooperation with ILO supervisory bodies. Tunisia’s efforts to align national laws with international standards, coupled with active engagement of social partners, underscore its proactive approach to labour rights advocacy.

By prioritizing social justice initiatives, Tunisia sets a commendable example for other nations. Furthermore, Tunisia’s regulation of trade union pluralism and constitutional guarantee of the right to strike highlight its dedication to an inclusive and equitable labour environment. These measures reflect Tunisia’s profound commitment to safeguarding fundamental labour rights and ensuring that workers’ voices are respected within the legal framework.

The Government of Indonesia believes Tunisia’s efforts deserve positive acknowledgment and continued support from the ILO. Tunisia’s progress in enhancing labour standards and fostering a fair labour environment aligns with the core values and mission of the ILO.

Tunisia’s proactive measures and dedication to improving labour conditions serve as a valuable example for other Member States, demonstrating the benefits of aligning national legislation with international labour standards and fostering collaborative relationships with social partners.

In conclusion, the Government of Indonesia reiterates its strong support for Tunisia’s efforts in implementing the Convention and encourages the ILO to recognize these significant strides, providing continued assistance and recognition to Tunisia in its journey toward promoting and protecting labour rights.

Worker member, Norway – I am speaking on behalf of trade unions in the Nordic countries and Solidarnosc in Poland. We were all proud when the Tunisian National Dialogue Quartet, consisting of workers’ and employers’ organizations, alongside the Lawyers and the Human Rights League, was awarded the Nobel Peace Prize in 2015 for its decisive contribution to building a pluralistic democracy in Tunisia following the Jasmine Revolution of 2011. We hoped for a democracy that respected human and labour rights, utilizing social dialogue to create a new and better society.

In February 2023, the Norwegian Confederation of Trade Unions and the Norwegian Employers’ organization hosted a tripartite delegation from Tunisia, including two ministers, to exchange experiences on tripartite structures and social dialogue. However, instead of continuing the constructive work and dialogue to overcome common challenges in Tunisia and build on the trust established in Oslo, the situation has unfortunately deteriorated.

We are extremely disappointed to find that developments have gone in the wrong direction. Recently, there have been arrests, accusations, criminal prosecutions and administrative measures taken against trade unionists. Social dialogue is no longer taking place, and the labour organization, the UGTT, and the Employers’ organization, the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA), are excluded from the process of amending national laws. Sadly, Tunisia’s current Government has also decided to impose

restrictions on the free operations of trade unions, including the right to assembly and industrial actions.

The right to organize, bargain collectively and conduct their own activities without government interference are key elements of the ILO's mandate, essential for advancing social justice and shared prosperity. Moreover, a well-functioning social dialogue benefits the economy and the country by involving employers and trade unions in regulating employment relations, promoting industrial harmony, productivity and stability.

We urge the Tunisian Government to take the necessary measures to comply with the Convention, ensuring that laws and practices align with the Convention. It is imperative that labour unions can fully exercise their rights to organize, bargain collectively and operate freely without government interference.

Finally, we call on the Government to review the social dialogue in Tunisia.

Interpretation from Arabic: **Government member, Libya** – We support the reforms undertaken by Tunisia in implementing its obligations under ILO Conventions that Tunisia has ratified, namely Convention No. 87 on freedom of association and Convention No. 98 on collective bargaining. The State of Libya commends the measures taken by the Tunisian Government in gradually amending its labour legislation in order to afford workers their fundamental rights and to provide decent work conditions in both the private and public sectors, as well as eradicating all forms of precarious work and setting up a committee that is in charge of preparing a draft law in order to eliminate outsourcing and to adopt legal mechanisms that would further eradicate all forms of precarious work. All these amendments are in line with more freedoms and with the rights and principles enshrined in the Constitution of Tunisia and ILO standards.

We also commend Tunisia for making use of comparative experiences and studies of neighbouring countries. We welcome Tunisia's further reforms and its full cooperation with the ILO supervisory bodies by providing answers and clarifications and taking into account the observations of the Committee of Experts. We request the withdrawal of the case of Tunisia from the list of individual cases, taking into account the progress made by Tunisia in guaranteeing labour standards.

Government member, Türkiye – Türkiye welcomes the redefinition of the concept of essential services in Tunisian Labour Code, through social dialogue and consensus. It is an important development that this approach, adopted by social partners, resulted in the signing of agreements between employers and workers on the provision of minimum service in essential services.

We see the work initiated by the Tunisian Ministry of Social Affairs and the establishment of two committees in the execution of this work, to eliminate precarious jobs for workers in the public and private sectors, within decent working conditions, as an important step. Türkiye commends the effort of the Government to gradually change labour legislation, in order to improve the fundamental rights of workers and provide decent working conditions.

We appreciate the fact that the Government is working with the ILO, in cooperation with the social partners, to regulate trade union pluralism by defining criteria for trade union representation.

We agree with Tunisia's views that the right to strike is not clearly included in the Convention. We recognize the importance of safeguarding the right to strike as an integral element of labour rights and principles in constitution and relevant laws.

Interpretation from Arabic: **Government member, Algeria** – We have listened carefully to the speech by the Tunisian Government on the implementation of the Convention. The Government has clearly indicated its determination to apply the provisions of the Convention and to work closely with the ILO, in particular to define the criteria for trade union representativeness, and its obligations. We welcome this cooperation with the supervisory bodies through the provision of information, particularly that based on the Committee of Experts' recommendations.

We are pleased with the Government's efforts to comply with ILO standards to strengthen fundamental labour rights and ensure decent working conditions in the public and private sectors, together with all its attempts to eradicate precarious work as a means of achieving greater social justice.

The Government has also established a committee to prepare a draft revision of the Labour Code to effectively end all forms of outsourcing. We welcome this cooperation with the ILO and the dialogue with the social partners to determine criteria for trade union pluralism, with the involvement of certain occupational associations, particularly the most representative, and we believe that this broad dialogue which will be initiated by the Government will allow us to achieve the desired result.

Tunisia is a pioneer with regard to the right to strike and establishes a number of guarantees in the 2022 Constitution, which safeguards this right and its full enjoyment. It has adopted the necessary legislation. Greater dialogue is needed with the Government to further strengthen the results achieved so far regarding social justice in Tunisia.

Interpretation from Arabic: **Government member, Lebanon** – Lebanon welcomes the intervention by the brotherly State of Tunisia and we would like to thank Tunisia for the report it provided regarding the implementation of the Convention. We would like to commend the efforts deployed by Tunisia and its commitment to ILO standards and to aligning its national legislation with ILO Conventions and their provisions, and with the recommendations of various ILO committees, namely this Committee and the Committee of Experts. We also welcome Tunisia's efforts towards improving its working environment and providing justice to all social partners. This is part and parcel of Tunisia's constructive dialogue and cooperation with the ILO in terms of determining the legal and administrative measures required to improve fundamental rights and principles at work in the public and private sectors, and guaranteeing the right to strike and freedom of association in a healthy working environment in accordance with Tunisia's 2022 Constitution. In conclusion we welcome the progress made so far by Tunisia in establishing decent working environments and we wish it every success in its endeavours.

Interpretation from Arabic: **Government member, Syrian Arab Republic** – The delegation of the Syrian Arab Republic welcomes the information provided by the delegation of Tunisia. We commend Tunisia's fulfilment of its obligations under ILO Conventions and the full implementation of the provisions of these Conventions in aligning its national legislation with ILO standards.

We also welcome Tunisia's full cooperation with the supervisory bodies of this house by providing answers and clarifications requested, and taking into account the observations of the committees, namely the Committee of Experts. Tunisia's gradual amendment of its labour legislation in order to guarantee the fundamental rights of workers to provide decent working environments in both the public and private sector and to eliminate all forms of precarious work should be commended and appreciated by all. In addition to that, Tunisia is deploying considerable efforts in order to achieve social justice, and this is clearly apparent by Tunisia's

early joining of the Global Coalition on Social Justice which was launched by the ILO last June. The delegation of the Syrian Arab Republic supports the stance of the Tunisian Government that is based on a spirit of consensus, cooperation and dialogue in order to reach the desired conclusion. This will reflect positively on all constituents. It will protect Tunisian national interests in line with its sovereignty, legislation and laws and would guarantee the application of ILO Conventions in line with Tunisian national legislation and in cooperation with the ILO.

Government member, Philippines – To date, Tunisia remains steadfast in its commitment to uphold its obligations towards the ILO. We take note of Tunisia's diligent implementation of international labour Conventions, harmonization of national legislation with international labour standards, and full cooperation with the ILO supervisory bodies, evidenced through active engagement with the Committee of Experts.

We take note of the efforts being made by Tunisia in gradually amending its labour legislation to enhance workers' fundamental rights, ensure decent working conditions, and eliminate precarious employment. It is notable that a dedicated committee is revising the Labour Code to address subcontracting and develop legal frameworks for better working conditions.

In response to observations from the Committee of Experts, Tunisia is collaborating with the ILO and social partners to regulate trade union pluralism. We take note that Tunisia consulted occupational organizations on criteria for union representation, inviting the most representative to a working session. We encourage the Government to continue the dialogue with all stakeholders with the support of the ILO.

We also take note of the efforts of Tunisia in leveraging comparative experiences by exchanging studies with neighbouring countries regarding union representation legislation. It is notable that ensuring this issue remains a priority in cooperation with the ILO, and Tunisia has requested and will benefit from technical support in this field.

Regarding the right to strike, although the Convention does not explicitly provide for this right, and its interpretation is pending before the International Court of Justice, Tunisia has been a pioneer in guaranteeing and organizing this right. The Constitution of 25 July 2022 enshrines the freedom of association and the right to strike. The Government refrains from enacting restrictive general legislation, allowing parties to exercise the right to strike freely.

Government member, Gabon – Gabon thanks Tunisia for the information it has provided to the Committee on the application of the Convention.

My country welcomes the Tunisian Government's commitment to respecting its ILO obligations, as reflected, for example, in its full cooperation with the ILO supervisory bodies. In this regard, we appreciate the work carried out with the ILO, in consultation with the social partners, to follow up on the observations of the Committee of Experts on the matter of trade union representativeness.

We encourage the Government to renew dialogue with the social partners to resolve this matter, starting by establishing criteria for representativeness. My country requests the Office to provide the necessary technical assistance for this purpose.

We are also pleased to note that the right to strike is enshrined in article 41 of the Tunisian Constitution of 25 July 2022, which is a major achievement and demonstrates the country's commitment to promoting fundamental labour principles and rights.

Finally, my delegation calls on the Government to continue its efforts to realize social justice, in consultation with the social partners and for the well-being of all Tunisians.

Interpretation from Arabic: **Government member, Egypt** – The delegation of Egypt welcomes the statement by the Government of Tunisia on the implementation of the Convention. We commend Tunisia's renewed commitment to its international obligations and its commitment to the implementation of ILO Conventions, as well as its close cooperation with the ILO supervisory bodies.

Tunisia has gone a long way in terms of its reforms of its legislation. Tunisia is working on gradually amending its labour legislation in order to strengthen the fundamental rights of workers in both the private and public sector, as well as eliminating precarious work and employment. In this regard, Tunisia has set up a committee to revise its labour code to put an end to outsourcing. We commend Tunisia's cooperation with the ILO in consultation with the social partners to strengthen freedom of association. We note that Tunisia has consulted occupational associations and has called for the most representative associations to take part in this dialogue that will take place soon in Tunisia.

Tunisia has made use of comparative studies and experiences of neighbouring countries when it comes to legislation on union representativeness. Tunisia has made sure that union representativeness is part and parcel of its fields of cooperation with the ILO and has priority. Tunisia has been a pioneer in terms of guaranteeing the right to strike. It has enshrined the right to strike and freedom of association in its 2022 Constitution. The Government has made sure it did not interfere in or restrict the right to strike. In conclusion, we welcome the efforts made by the State of Tunisia and we value its attempts to be in compliance with ILO standards. We hope that the Committee will take into consideration all these efforts made in Tunisia when it comes to its conclusions.

Government member, Nigeria – Nigeria wishes to lend a strong voice in support of the efforts Tunisia is making towards the implementation of the Convention and by responding to the observations of the Committee of Experts. The ILO is invited to recall that Member States give effect to ratified Conventions based on national peculiarities and development plans, which Tunisia is committed to achieving. The ILO is therefore requested to acknowledge the progress made by Tunisia and its commitment to review its laws and legislation with a view to promoting fundamental principles and rights at work, decent work for its workers, as well as upholding the tenets of social justice.

Tunisia, in this regard, may wish to request for technical assistance from the ILO, to enable it to achieve its aspirations to the effective implementation of this Convention. We enjoin Tunisia to remain committed to upholding best practice in its labour administration system, by partnering with its social partners accordingly.

Government member, Cameroon – The Tunisian Government has ratified Convention No. 87, and Conventions Nos 98 and 135. The ratification of these fundamental Conventions generally indicates a State's commitment to ensuring respect for the basic fundamental human right of freedom in the world of work.

Given that liberty is an inalienable human right, the Government, through the Tunisian Court of Appeal, decided to release Mr Anis Kaâbi, Secretary-General of the Tunisian Motorway Association, and on 5 March 2024 the Court of Cassation overturned the decision of the indictments chamber to refer his case to the criminal chamber.

The review of a labour code requires a substantial amount of time. Indeed, in addition to consulting with all actors in the world of work, it is important to bear in mind influencing factors and developments in the modern world. Tunisia has begun the process with the aim of making progressive changes to labour law, strengthening working conditions and workers' basic rights

and eradicating all forms of precarious work by making all these rights national priorities. These efforts have resulted in the establishment of two commissions within the Cabinet and the Ministry of Social Affairs charged with drafting a Bill to amend the Labour Code to put an end to all forms of precarious work.

Convention No. 138 sets the minimum age for admission to employment at 16 years, and article 242 of the Tunisian Labour Code provides that a minor over 16 years may join a trade union unless his or her father or guardian objects. It should be noted that the legal age of majority has been standardized in Tunisian legislation at 18 years.

It is important to continue social dialogue to ensure access for foreign nationals to trade union office. We therefore urge the ILO to continue to provide close support, and we invite the Tunisian Government to increase the number of platforms for the necessary social dialogue and the relevant consultations, in order to support all stakeholders in the world of work and uphold social justice.

Interpretation from Arabic: **Government member, Sudan** – The Government of Sudan wishes to echo the statement here by the representative of Tunisia in reaffirming that Tunisia does indeed honour its commitments under Conventions that it has ratified, including the Convention being discussed. Convention No. 87 governs freedom of association and protection of the right to organize, and is a Convention that Tunisia honours and respects. Sudan commends Tunisia's cooperation with the ILO supervisory mechanisms. Tunisia submits reports and information requested, and also cooperates with the Committee of Experts. We applaud the steps taken by the Government of Tunisia in modifying the Labour Code in order to enhance the fundamental rights of workers and guarantee their right to decent work. All of these measures taken together strengthen freedoms and respect for law, and they are fully in line with international labour standards. Tunisia has done more than that, it has learned from the experience of other countries. It has pooled data information with them and shared experience with them. The right to strike is at present being considered by the International Court of Justice. We would, therefore, encourage and indeed urge the ILO not to intervene in this matter but to continue to provide technical assistance to Tunisia for the handling of individual cases.

Observer, IndustriALL Global Union (IndustriALL) – I am speaking on behalf of IndustriALL, the International Transport Workers' Federation (ITF), and the Building and Wood Workers' International (BWI).

We are closely following developments in Tunisia and the UGTT's struggle for genuine social dialogue and respect for freedom of association. The Government of Tunisia has been indirectly suspending the work of the National Council of Social Dialogue since 2021 by failing to appoint its own representatives to the Council.

The Government issued Circular No. 20 in 2021 which resulted in serious restrictions to the exercise of collective bargaining in the sectors, as well as the non-implementation of the agreements between the sectorial unions and the respective ministries. These restrictive measures are affecting about 40 sectorial unions. In addition, the Government has failed to implement the agreements of February 2021 and September 2022. Further, the Government started unilaterally amending the labour laws and excluded the UGTT from the discussions.

On freedom of association and on limiting trade union work, the Government has cancelled the concessions, as enshrined in the national and international agreements and Conventions on allowing workers holding a trade union position to work full time for the UGTT (full time unionists). In addition, the Government has requested the unionists to pay huge

financial compensation. This is apparent in the case of Tahar Berberi, Bassam Ben Treka, and Mohamed Bedera. Tahar Berberi, who was the Vice-President of IndustriALL and is currently the Assistant General-Secretary of the UGTT for the private sector, is facing a trial and he is also banned from travelling abroad because of his union work.

In Tunisia, union leaders face dismissals and transfers from jobs because of their union work. Union leaders are subject to fabricated court cases because of their union activities, and some have been jailed. The case of brother Anis Kaâbi from the transport sector, who spent 14 months in prison, is a blatant example of such violations.

Let us also not forget the restrictions and attacks on union solidarity actions. Last year, sister Esther Lynch, the General-Secretary of ETUC was ordered by the Government to leave the country after taking part in a protest against the crackdown on trade unions and workers' rights. Esther Lynch had travelled to Tunisia as part of a delegation of international union leaders to show solidarity with the UGTT, whose members are being subjected to a campaign of harassment by the country's Government.

We call on the Government to implement all the signed agreements between the Government and the UGTT and social partners, end all forms of harassment of trade union leaders, respect the national and international agreements and well-established national practices on union representation.

Therefore, it is imperative for the ILO to take urgent high-level action in the country and to meet with the social partners to ensure that the rights to freedom of association and collective bargaining are respected.

Chairperson – I have the honour to give the floor to the Government representative of Tunisia, for her concluding remarks.

Interpretation from Arabic: **Government representative** – I would like to thank all the speakers and I note with satisfaction that most of the contributions commended the efforts made by Tunisia to develop legislation on labour and freedom of association, and to enshrine these principles in law and in practice. This reflects an interest in following Tunisia's steady advancements towards the creation of a trade union climate that encourages dialogue.

In this respect, I wish to clarify Tunisia's firm position on treating all persons equally and respecting judicial independence. We are all liable to judicial oversight, whether we are trade unionists or not. Being a trade unionist does not exempt a person from judicial oversight for committing acts not related to their trade union activities. The examination of these cases therefore is based on the act and not the identity of the person. These procedures are in place in all areas, including for trade union organizations. A trade unionist can be prosecuted for violating trade union rules. Can we interpret this procedure as harassing and targeting trade unionists? No, because the trade union organization is governed by laws and rules and is entitled to set up a safeguarding mechanism against any persons who cannot respect the rules. This is why the Tunisian Government guarantees the right to strike and to work on an equal footing. Judicial prosecution of persons who commit offences, such as prohibiting the freedom to work, is unrelated to violations of freedom of association but is related rather to personal freedom to work. This is why any actions taken are done so in order to prosecute acts that are prohibited under criminal law. It is necessary to clarify the difference between two situations. On the one hand, the right to organize and the right to strike, and on the other, violation of regulations and public order and the undermining of freedom to work. With regard to social dialogue, as usual, the Government held discussions with the UGTT on wage increases in 2021, 2022, 2023 and 2024 for public and private sector workers. This demonstrates the

existence of social dialogue. In the same vein, we have designed 42 measures as part of a framework agreement between the Government and the trade unions. We have also reviewed various other agreements and have started negotiations on those, such as those for the textile industry and other sectors. To illustrate the existence of social dialogue in the country, I wish to present some relevant figures. In 2023, we registered 380 notifications of strikes, 215 of which were withdrawn following dialogue with the social partners through negotiation. This proves that there is social dialogue in Tunisia.

With regard to the implementation of Decree No. 21, this relates only to public institutions. This has never undermined collective bargaining in public institutions and has never imposed restrictions on trade union work. In 2023, we received 152 notifications of strikes from the UGTT in the public sector concerning Decree No. 21. We were able to withdraw 65 per cent of these notifications, which proves that this Decree has not affected bargaining and social dialogue. This Decree aims rather to guarantee the implementation of the agreements signed between the administration and the unions.

To conclude, it is worth recalling that most of the speakers at this Conference in all the committees have agreed on the changes facing the world at different levels, particularly in the world of work with the emergence of new forms of work and the impact of this on labour relations; not forgetting the impact of demographic change, migration and climate change, which will have repercussions on all societies, all workers and all institutions. These challenges require that labour legislation be observed, that decent and sustainable work, and fundamental rights and principles at work be enshrined, that precarious work models be addressed, and that social protection for all workers be ensured, in line with international labour standards. This underscores the urgent need to formulate a new social contract, particularly in the light of the significant transformations that many countries in our region are undergoing. And Tunisia, like other countries, is affected by all these transformations. Tunisia has, for example, undergone profound social and political transformations which have led to this current period of rebuilding. We are developing a vision for the State's role and design in social prosperity. This vision includes efforts to meet people's economic, social, health and cultural needs. In addition, it is important to mention the difficulty of the current situation and the Government's willingness to ensure adequate social protection for vulnerable groups. This requires giving priority to social questions over others. This work involves targeting the most vulnerable groups, tackling unemployment, improving living conditions by giving citizens the resources necessary to live with dignity, thereby ensuring a human-centred and sustainable approach. We are aware of the stakes. This is why, despite the difficult situation, we were among the first to join the Global Coalition for Social Justice. This reflects our willingness to move forward to find the difficult balance between economic and social affairs in a way that serves the foundations and principles of social justice and enshrines human rights in all their dimensions. We welcome all the statements made during this meeting and the guidance that we can take into consideration in our progress towards establishing social justice. We rely heavily on the ILO's technical support in this area.

Employer members – We would like to, once again, thank the representative of the Government of Tunisia for the information, both written and oral, but also for the commitment expressed here today to avail itself of technical assistance from the ILO in order to make progress on the challenges that we have all been talking about, and that is commendable. With regard to the observations of the Committee of Experts, the Employer members would like to recommend to the Government the following: that the Government reviews the Labour Code with a view to harmonizing it with the Convention: (i) in respect of the trade union rights of workers who are minors but have reached the age admission into employment; (ii) in respect

of foreign workers' ability to access leadership roles in trade unions after a reasonable period of residence in the country; and (iii) to ensure that questions about the representativeness of workers' organizations are settled through clear pre-established objective criteria.

Worker members – We thank the Government for the explanations provided to our Committee. We note the observations made by the Employers concerning the right to strike. We will simply recall that we do not share this view and we refer to our position on the subject.

We invite the Government to follow up on the various points raised, both by the Committee and during our discussion today. It is fundamental that the Government ensures a climate free from intimidation, as a condition *sine qua non* to achieve freedom of association. To give new momentum to social dialogue in the country, we invite it to accept a high-level mission.

In order to facilitate the organization of this mission, we invite the Government to ensure the presence on the ground of the representative workers' and employers' organizations, the ITUC and the IOE. These organizations can then assist their members in this context.

I wish to conclude by recalling that the trade union movement in Tunisia has always been part of the historical turning points of the country. Whether in the fight for independence or at other significant periods, it has always been a positive force. We invite the Government to turn to this force to build the country's prosperity.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the reports of arrests, accusations, criminal prosecutions and administrative measures taken against trade unionists for carrying out activities protected under the Convention.

Taking into account the discussion, the Committee urged the Government of Tunisia, in consultation with the social partners, to:

- **restore an environment conducive to the enjoyment of freedom of association free from intimidations, threats and arbitrary arrests;**
- **ensure that workers' and employers' organizations are able to organize their administration and activities and to formulate their programmes in full freedom, in accordance with the Convention;**
- **ensure that representatives of independent international workers' and employers' organizations are allowed to support their affiliates in accordance with Articles 5 and 6 of the Convention;**
- **ensure that the Labour Code is brought in conformity with the Convention;**
- **ensure that the determination of representative organizations at sectoral and enterprise level is based on clear, pre-established and objective criteria.**

The Committee invited the Government to seek ILO technical assistance, if necessary, in the implementation of the above-mentioned recommendations.

The Committee requested the Government to report to the Committee of Experts on all measures taken and progress achieved in order to implement the Committee's

recommendations and on all outstanding information requested by the Committee of Experts before 1 September 2024.

Government representative – At the outset, I wish to thank the members of the Committee for their professionalism and neutrality in the examination of the various cases that have been presented and submitted during this session.

We welcome the recommendations adopted on the application of freedom of association and the right to organize. We will follow the recommendations in cooperation with the social partners. While our views may differ, we all share the same sense of national commitment; and we want to build a bridge of consensus using a dialogue of consensus that will respect the diversity of our respective roles.

In Tunisia, we all consider that dialogue should be a choice. We must act on this option, we must choose it in a renewed commitment. It must not be imposed by force. We are committed to dialogue and we consider the ILO our historical partner. It is a partner with which we have shared many concerns and many hopes, particularly that of building a better and more prosperous world of work, where human rights are widely respected based on the concept of the world of work and shared responsibilities. Hence why we wish to welcome all offers of technical assistance by this Organization, which has always stepped up whenever we needed it.

Türkiye (ratification: 1952)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Discussion by the Committee

Chairperson – I invite the Government representative of Türkiye, Adviser to the Minister of Labour and Social Security, to take the floor.

Government representative – Before I begin my remarks, I would like to congratulate you and your Vice-Chairpersons on your election to this Committee. I wish you every success in your endeavours to make this Committee's work more fruitful, objective and meaningful, in a spirit of constructive dialogue.

First of all, I would like to bring to the attention of the Committee that Türkiye is the second country after Finland to ratify Convention No. 98, among Member States party to all fundamental ILO Conventions. This highlights our commitment to international labour standards. Türkiye actively integrates these standards into national legislation through tripartite dialogue, reflecting its dedication to democracy, the rule of law, and universal legal norms. As a founding member of the Council of Europe, G20 and OECD and the 19th largest economy in the world, Türkiye is a significant donor of Official Development Assistance as well.

We regret its inclusion in the final list of individual cases for Convention No. 98 with a double footnote, emphasizing our long-standing partnership with the ILO. Despite geopolitical hardship, along with challenges including a coup attempt, earthquakes and the coronavirus (COVID-19) pandemic, Türkiye urges the Committee to recognize our considerable progress, emphasizing the importance of maintaining the credibility of the supervisory mechanisms.

Since the last discussion in 2013, significant advancements have been made in Türkiye's labour legislation: the revised articles on determination of the branch of activity; protection of shop stewards; scope and level of the collective labour agreement and benefiting from collective labour agreements; regulating competence; settlement of collective labour disputes;

regulating prohibition and postponement of strikes and lockouts; e-membership services for trade union memberships in a few countries worldwide; and initiation of the mediation procedures, encompassing regulations concerning the branch of activity and the extent of collective bargaining agreements. At the same time, there is coverage of the entitlements derived from such agreements, objections regarding competence determinations, competence itself, and prohibitions on strikes and lockouts.

These matters are undeniably significant in the realm of labour, both domestically and internationally, and are addressed with clear favour towards employees. Türkiye's labour laws and legislation give prominence to the protection of employees, recognizing their position as the weaker party in the employment relationship.

Let me start with the Committee's concerns on the personal scope of the Convention, particularly regarding prison staff. Collective agreements provide benefits to all public servants, including prison staff, who are ineligible to join unions under article 15, and retired public servants.

A 2023 Constitutional Court decision permits heads of departments, faculty deans, institute and college directors and their deputies to establish and join trade unions, suggesting that their roles in public power do not automatically disqualify them from trade union membership. The justification of this decision may serve as stimulating jurisprudence for narrowing the category of public servants who cannot become members of the trade union.

Regarding locum workers and certain public servants working without a written contract, like teachers, nurses and midwives, their employment relationship is governed by status employment laws, not contracts. Therefore, their exclusion from trade unions aligns with legal stipulations, as outlined in the Public Servants Law.

Correspondingly, the Tripartite Consultation Board, chaired by the Minister of Labour and Social Security Mr Vedat İşikhan, was convened on 20 October 2023, with the agenda entitled "Social Dialogue in the Turkish Century." Representatives from the Ministry, affiliated institutions, workers and employer confederations attended the meeting to discuss challenges facing the country in this area. Subsequently, it was decided to establish sub-working committees and commence immediate collaboration with confederations, trade unions, lawyers, lecturers and relevant public officials.

The sub-working committee convened its first meeting on 23 May 2024, focusing on challenges within the current Trade Unions Law, particularly concerning the determination of authorization and freedom of association. It has begun to discuss possible amendments to the Law in this regard. It agreed to hold a second meeting on 26 June 2024.

Regarding the allegations of massive dismissals in the public sector, following the 2016 coup attempt, public servants, including some trade union representatives, were dismissed from their positions based on their alleged ties to terrorist organizations. The Inquiry Commission on State of Emergency Actions, operational from 2017 to 2023, aimed to assess and address such dismissals.

Over the past five years, significant judicial efforts have been dedicated to addressing the issues outlined by the Committee.

Accordingly, it is crucial to note that the President of the Republic introduced a judicial reform strategy in May 2019. As part of this strategy, the Eighth Judicial Package, published in March 2024, expanded the mandates and authorities of the Human Rights Compensation Commission, established in 2013, to further shorten litigation processes.

The Compensation Commission is mandated to examine applications related to delayed proceedings within one month from the date of investigation, trial or final decision. It also assesses individual applications at the Constitutional Court within three months and applications made to the European Court of Human Rights (ECHR) within three months of the Constitutional Court's decision of rejection or, as of 10 October 2023, from the notification of the decision of inadmissibility.

As regards allegations of insufficient protection against anti-union dismissals and discrimination in both private and public sectors, out of nearly 1.5 million decisions by the Chief Public Prosecutor's Office, only 791 were related to impeding trade union rights, with 357 deemed unnecessary for prosecution. This suggests a fair and equitable judicial process.

Special laws governing decisions by Chief Public Prosecutors' Offices show that only 1,465 out of over 433,000 files fall under the Meetings and Demonstrations Law, with non-prosecution decisions rendered for 877 files.

The last National Employment Strategy workshops, led by the Ministry of Labour and Social Security in 2024, aimed to prevent workplace discrimination and promote civil liberties through collaboration with the social partners. The Human Rights and Equality Institution of Türkiye (TİHEK) will conduct meetings, research studies, workshops and training programmes in the coming years to further these goals.

Collective bargaining bonuses are paid directly to trade union members to ensure unity, simplicity and practicality. Payments are deducted from employees' salaries and deposited into the trade union's account as membership dues.

Regarding the observations of the Health Services Union (SAHİM-SEN) on collective bargaining bonuses, the Constitutional Court decision in 2024 nullified the 2 per cent threshold provision. After this cancellation, all public servants who are trade union members began receiving collective bargaining support. I believe all these statistical data and legal developments reflect a positive trend toward the improvement and development of trade union rights in Türkiye.

Collective labour agreements can be established at various levels, including workplaces, companies, multi-employer groups and through framework arrangements. This system has evolved within Türkiye's robust industrial relations framework over time.

In order to further advance collective bargaining and trade union rights in our country, the Tripartite Consultation Board focuses on strategies to enhance union organization in Türkiye. It anticipated changes in trade union thresholds and challenges faced in determining collective bargaining authorization processes. At the end of the meeting of the Tripartite Consultation Board, two sub-working committees, including social partners, were established to revise the Labour Law and the current Trade Unions Law. The Labour Law sub-working committee started meetings in January 2024 and held three subsequent meetings. The current Trade Unions Law sub-working committee held its first meeting in May 2024, with participation from social partners.

On the other side, regarding the scope of the law on collective bargaining rights of public servants, the Public Personnel Advisory Board convened in November 2023, chaired by the Minister, to enhance social dialogue in the public sector and address challenges faced by public servants, including the expansion of the scope of dialogue and the election mechanism for the Chairman and members of the Public Servants' Arbitration Board.

At the end of the meeting of the Public Personnel Advisory Board, it was decided to establish sub-working committees to discuss these issues, especially the review of the legislation. The sub-working committees not only addressed the Public Servants Law reviews, but also the development of the framework of financial and social rights, such as reimbursement and food allowance for public officials, as discussed.

Last but not least, the Thirteenth Labour Assembly, which could not convene after its last meeting in 2019 due to the pandemic and the devastating earthquakes, convened in Ankara in April 2024, with the presence of Minister Mr Vedat Işıkhan, Ms Beate Andrees, Assistant Director-General and Regional Director for Europe and Central Asia, Mr Youcef Ghellab, Head of the ILO Social Dialogue Unit, and the team from the ILO Office for Türkiye. The ILO Director-General, Mr Gilbert F. Houngbo, addressed the assembly via video message, congratulating all Türkiye's parties for their commitment to social dialogue and their contributions to decent work and social justice.

The Assembly, on the theme of "The Labour Life in the Turkish Century: The Future of Labour, Unionization and Employment," was actively attended by experts, academicians, government officials, workers' and employers' organizations, public servants' unions, and chambers. Discussions with a broad participation of more than 1,000 participants focused on advancing unionization, collective bargaining procedures, expediting judicial processes related to labour rights, and ensuring the effective continuation of social dialogue.

During the Assembly, representatives of the social parties discussed issues within the scope of the current Trade Unions Law such as trade union thresholds, collective bargaining authority determination processes, reinstatement and court proceedings based on the objection of the employer, and strike postponement decisions. Article 15 of the Public Servants Law sets out that public employees cannot become members of trade unions, the scope of collective agreements in the public sector, locum workers and the structure of the High Arbitration Board.

Following this Assembly meeting, a declaration will be published after it is finalized by the Scientific Board, which carries out academic studies in the fields of labour legislation and industrial relations. This declaration will accelerate the work of two sub-committees with the participation of the relevant social partners to carry out the review and rearrangement of the legislation on the issues discussed in the Labour Assembly, taking into account the opinions and evaluations of the Committee of Experts.

We are committed to providing the Committee with regular updates on developments in this regard, ensuring transparency and accountability in our progress towards enhancing labour rights and social dialogue.

The momentum gained through three large and seven sub-working committee meetings in the last seven months will bring about significant progress, especially relating to legislative changes, issues highlighted by the social partners regarding the Labour Law, article 15 of the Public Servants Law and articles 25, 34 and 41 of the current Trade Unions Law.

We have initiated work on reviewing and revising the aforementioned issues in the sub-working committees through active collaboration with our social partners and we are confident that the Government will finalize this work, together with the social partners.

Worker members – Our Committee is examining the application of Convention No. 98 by the Government of Türkiye. This case has already appeared 11 times before our Committee and was double-footnoted by the Committee of Experts, pointing out the seriousness of the violations of trade union rights occurring in the country.

Since 2016, the Government of Türkiye has been relentlessly pursuing an anti-union agenda, using state of emergency laws to justify the massive dismissal and demotion of thousands of civil servants. Since then, many trade union members have sought redress through an Inquiry Commission on State of Emergency Actions in charge of examining appeals.

The Committee of Experts noted that this Inquiry Commission considered only whether a link, even tangential, could be established between the dismissed civil servants and terrorist groups, as determined by the National Security Council. Applicants had no possibility to be informed of, let alone challenge, the information gathered against them. As stated by the Government, the purpose of the dismissals was to “terminate the existence of terrorist organizations within the public institutions” and the Inquiry Commission focused solely on determining whether the dismissals were justified in view of this purpose. This Inquiry Commission rendered more than 127,000 decisions, only 14 per cent of which led to an acceptance decision.

No specific information was submitted by the Government as to the appeals submitted by dismissed trade union members and officers. We note with deep concern that 4 confederations, 19 federations and 19 trade unions were shut down after the courts found that they were affiliated with terrorist organizations. We also note with concern that according to the Confederation of Public Employees’ Trade Unions (KESK), a total of 4,267 of their members were arbitrarily dismissed from all public sectors under the emergency laws.

We deplore the failure of the Government to put in place an independent, effective and fair process to review the appeals of public servants against their anti-union dismissals. We note that the Inquiry Commission concluded its five-year mandate. Now, workers have to go through a lengthy process before the courts for the review of their cases. We urge the Government to establish an independent, expeditious and in-depth process for investigation and remedy of cases brought against anti-union dismissals in the framework of the emergency laws.

Furthermore, we note with concern that despite the expiration of the state of emergency, governors and ministries continue to use exceptional legal provisions to dismiss public servants.

A second long-standing issue is the total lack of protection of workers against anti-union discrimination in the private and public sectors. As pointed out by the Committee of Experts, Law No. 6356, the Law on Trade Unions and Collective Labour Agreements, which specifically regulates anti-union dismissals in the private sector, merely provides that in case of “termination of contract of employment for reasons of trade union activities”, “union compensation” shall be ordered, while reinstatements can legally be refused by the employers. There are no administrative or penal sanctions applicable in case of anti-union dismissal. Similarly, in the public sector, there are no legal provisions sanctioning those responsible for anti-union discrimination or awarding compensation to victims.

This lack of effective protection and dissuasive sanctions in the legislation created a permissive environment for employers to engage in systematic union busting. Over the years, trade unions in the country have denounced countless examples of targeted dismissals of trade unionists and workers attempting to form or join a trade union.

These are issues that have been raised by the ILO supervisory bodies for years. However, so far, their recommendations have remained unheeded. Our Committee in 2013 requested the Government to establish a system for collecting data on anti-union discrimination in both

private and public sectors. Eleven years later, the Government can show no progress in this regard.

This overall anti-union climate has harmful consequences on the ability of workers to collectively bargain, which are further compounded by a restrictive legal framework. The Committee of Experts has made numerous comments on the need to review Law No. 6356, which imposes stringent conditions on collective bargaining in the private sector.

Firstly, the threshold for becoming a collective bargaining agent at the enterprise level is exceptionally high: the union should represent at least 1 per cent of the workers engaged in a given branch of activities and more than 50 per cent of workers employed in the workplace and 40 per cent of workers of the enterprise to engage in collective bargaining.

These requirements have a direct impact on trade unions' capacity to represent and defend their members in collective bargaining. According to 2023 data provided by the Government, close to three quarters of the unions in the country would not qualify to become a bargaining agent due to the application of the 1 per cent sectoral threshold. These rules create considerable obstacles to collective bargaining in the country, especially for minority unions, as there are no legal provisions regarding their rights to collective bargaining. As a result, according to data from ILOSTAT, only 7.4 per cent of employees in Türkiye were covered by a collective agreement in 2019.

In addition, Turkish trade unions attempting to challenge the recognition of a trade union as an exclusive bargaining agent face a protracted judicial process which can take up to six or seven years. Meanwhile, the bargaining process remains on hold and workers are deprived of the coverage of collective agreements.

Secondly, Law No. 6356 does not allow cross-sector regional and national bargaining, thus unduly restricting the autonomy of the social partners to decide on the levels of collective bargaining.

In the public sector, collective bargaining is also restricted in its scope, which is limited to "social and financial rights", excluding any other aspects of the professional life of public workers. In addition, representation of trade unions in collective bargaining processes in the public sector are limited to an observation role. Majority unions, while allowed to participate in the Public Servants' Union delegation, cannot make proposals for collective agreements, in particular where their demands are qualified as general or relate to more than one service branch.

The Government has also persistently ignored the Committee of Experts' call to review the composition of the Public Employee Arbitration Boards. Currently, 7 out of 11 of its members are nominated by the President of the Republic, leaving some doubt as to its independence and impartiality.

Finally, we note with concern the persistent inaction of the Government to allow prison staff and locum workers, as well as public servants without a written contract, to exercise their rights to organize and collectively bargain.

In view of the heavy legal restrictions that apply to the rights to organize and to collectively bargain and in this persistent anti-union climate, workers and trade unions in Türkiye are effectively prevented from defending their rights and interests. We call on the Government to urgently take measures, in consultation with the social partners, to lift all the legal barriers to the full enjoyment of the rights guaranteed by the Convention and to take meaningful and effective action to address anti-union discrimination both in the private and public sectors.

Employer members – Convention No. 98 is one of the ten fundamental ILO Conventions. Türkiye acceded to the ILO in 1932 and has ratified 59 Conventions, including the 10 fundamental Conventions. Turkey ratified Convention No. 98 in 1952. This is the 12th time that the Committee has examined the application in law and in practice of this Convention by Türkiye. Specifically, the Committee of Experts has already made some 30 observations since 1989 concerning protection against acts of anti-union discrimination and the right to bargain collectively.

Following the attempted coup d'état on 15 July 2016, the state of emergency required that certain exceptional measures be taken to guarantee national security. This state of emergency ended on 18 July 2018. Very recently, with the support of the ILO, tripartite social dialogue was strengthened within the tripartite Labour Assembly, which met in April 2024, in which a high-level ILO official participated. In addition, an important ILO project financed by the European Union was launched with the participation of the Turkish social partners, which will cover freedom of association and the right to bargain collectively as pillars of fundamental rights.

In its previous observations, the Committee of Experts requested the Government to take the necessary measures, based on Articles 1, 2, 3, 4 and 6 of the Convention, to effectively prohibit and punish acts of anti-union discrimination, follow an effective and impartial procedure where such acts occur, and ensure that collective bargaining is further promoted by the authorities.

In its reply to our interventions last year, the Government specified the following information:

- persons employed in strategically important organizations, such as prison staff and those involving positions of police and intelligence forces on behalf of the State, cannot join or form a trade union. These limitations are mainly due to the importance of ensuring, impartially, the provision of essential public services by these public servants. However, these workers are covered by collective agreements concluded for the public sector. The Government states that certain locum workers are also not legally entitled to join or form a union and nor are they covered by the collective agreements;
- the Government maintains that, between 22 December 2017 and 22 January 2023, all complaints against massive dismissal in the public sector for so-called anti-union reasons were the subject of an impartial procedure before the Inquiry Commission. The Commission issued a total of 127,292 decisions (17,960 of which were decisions to accept the complaint). The persons concerned could subsequently seek judicial review;
- the Government states that the national legislation is in line with the ILO Termination of Employment Convention, 1982 (No. 158), which Turkey ratified in 1994. Under Turkish law, a worker dismissed for trade union reasons has the right to take legal action for reinstatement and, if the court decides that the dismissal was based on union-related or anti-union grounds, it also sets the amount of compensation to be paid if the employee is not reinstated. Preventing the exercise of trade union rights, however, is a criminal offence carrying criminal penalties. Furthermore, it is very difficult to develop a methodology for collecting data on anti-union dismissals. A report established in 2018 with the ILO and a tripartite workshop organized at the time did not lead to a solution;
- according to the Government, the legal concept of a group-level collective agreement already allows the social partners in the private sector to conclude collective agreements at branch level. However, the Government provides no clarification for the conclusion of inter-sectoral collective agreements;

- the double threshold for recognition as a representative trade union in the private sector was validated by the Constitutional Court. In addition, the rate of union membership in the private sector was 10.6 per cent in the first statistics in January 2015 published after the threshold was lowered to 1 per cent. The rate of union membership has continued to increase since then, reaching 74.5 per cent in the public sector and 14.8 per cent in the private sector. These figures show a positive trend in the country;
- regarding the Arbitration Council for public servants, the Government specifies that these lawyers are not attached to the executive branch and that the independence of the judiciary is guaranteed.

The Employer members reaffirm the vital importance that all ILO Member States observe Convention No. 98 as a fundamental Convention. The right to organize and to bargain collectively, for both employers and workers, is an essential condition for guaranteeing the application of all ILO standards. We insist that national law and practice ensure this fundamental right. Anti-union acts must therefore be punished fairly and effectively. Governments must actively promote the social partners' right to bargain collectively.

The Employer members would like to make the following remarks in this regard: we consider that the current legislation, which provides for a 1 per cent threshold in the sector for trade unions to be able to engage in collective bargaining, is compatible with Article 4. This determines the best way to achieve the objective of collective bargaining. Article 4 leaves room for governments to settle this question. Through Law No. 6356, the reduction of the legal threshold from 3 to 1 per cent of the workers in a given branch of activity has had a positive impact on the collective bargaining mechanism. The social partners reached prior consensus on reducing this threshold, as they were concerned that if the threshold was simply removed it would result in ill-intentioned practices and a return to chaotically organized industrial relations. Given that there are 228 trade unions in Türkiye, the Employer members consider it legitimate to set objective thresholds above which a trade union may be authorized to conclude collective agreements. Currently, 60 out of 228 unions would meet these criteria. The Employer members indicate that if an employers' organization or a freely established trade union refuses to respect the conditions of representativeness or does not respect the rules of social dialogue, they should instead be considered mere pressure groups. Recognition of their role as social partners implies strict criteria relating to representativeness, democratic functioning and a responsible attitude to the negotiation of balanced social agreements, which is the opposite of the role played by non-governmental organizations. Only the social partners can request the intervention of the ILO when their rights are threatened or violated.

The Employer members highlight the importance of the national tripartite discussions which were held last April within the Labour Assembly. A joint declaration will shortly be issued as a result of that meeting, containing commitments by all parties to strengthen social democracy. In accordance with the decisions of the Labour Assembly, sub-commissions have been set up to examine the legislation on trade unions and the law on collective bargaining in the public service. These sub-commissions have already started their work.

I close my intervention with two important points. First, it is vital that the legislation on collective bargaining in the public sector applies to all public service workers, in accordance with Convention No. 98, even if certain exceptions in the public sector may be justified. Second, the level of collective bargaining in the private sector must be freely chosen and set by the social partners themselves rather than by law. We hope that the social partners will discuss, in particular, the inter-sectoral level in the extended session of the Labour Assembly that began in April.

Worker member, Türkiye – We have been discussing Türkiye at this Committee with regard to Conventions Nos 87 and 98 for years. We are pleased to note that there have been improvements, such as the introduction of the e-State system instead of the notary system for trade union affiliation and resignation procedures.

Despite these efforts, problems regarding legislation and implementation in Türkiye continue. Anti-union dismissals are still a significant problem in Türkiye. The legal framework regulating the protection of employment is not adequate. Reinstatement of workers in case of injustice and anti-union termination of the labour contract is very limited in practice. Further to court rulings, employers generally prefer to pay severance and notice rather than opting for reinstatement. In the case of unilateral termination of the employment contract, the employer notifies the authorities not to pay compensation. If workers claim that this practice constitutes unfair dismissal, they must go to court, which is an expensive and lengthy process for the plaintiff. Moreover, while half of the workers who resign in Türkiye seem to do so of their own free will, they in fact were made to sign the resignation document in advance. It is an employer strategy for providing legal grounds not to pay compensation. In addition, workers cannot claim unemployment benefits because they resigned apparently voluntarily.

The prolonged judicial processes focusing on competency to conclude collective agreements is another important issue in Türkiye, and is one of the common and major causes of de-unionization. Another aspect of this issue is the competency objections, which pave the way for an unclear judicial process, also causing resignations from unions. At the sectoral level, this threshold was as high as 10 per cent in the past. It decreased to 1 per cent in 2015, as a result of the consensus among the social partners. A technical mission from the ILO also visited Türkiye and took part in the dialogue process.

Under article 41(1) of Law No. 6356, the threshold at the sectoral level has a regulatory role enabling the participation of the most representative and strongest trade unions.

It must be clearly stated that a union organization environment at the workplace level where the employers and political parties can intervene is not a preferable system for the collective benefit of workers in Türkiye. The absence of a sectoral threshold can cause the proliferation of atomized unions. In addition to this risk, micro-level organizations can be guided by the employers in order to disrupt the strength of the organized labour movement. Furthermore, there can only be one authorized union in any one workplace to conclude the collective agreement, according to the existing legislation. These arrangements were made in dialogue with the social partners, taking into account past experiences. All in all, the right to organize should be interpreted more broadly by the legislative authority to ensure that all persons in the labour market can enjoy the right to organize. I do not want to take the time of my colleague who will speak on the right to organize and collective bargaining of civil servants, which is referred to extensively by the Committee of Experts in its report.

Another Worker member, Türkiye – On behalf of the Turkish Confederation of Public Workers Associations (Kamu-Sen), one of the representative confederations of public employees in Türkiye, I would like to add some information related to public workers' problems.

The report of the Committee of Experts states that the prohibition against membership under article 15 of the Public Workers Trade Union (PWTU) Law (No. 4688) includes not only prison staff, locum workers and public servants working without a written contract, but also provides for a broader prohibition which covers approximately 20 per cent of the public employees. Many public employees, except police, military workers and public servants engaged in the administration of the State, are still deprived of their rights to organize and

collective bargaining with the current prohibited regulation expressed in the mentioned article of the law.

Another issue included in the Committee of Experts' report concerns public officials dismissed within the scope of the state of emergency. The implementation of the state of emergency was a result of the extraordinary circumstances that occurred after a military coup attempt supported by the FETÖ terrorist organization in 2016. All legal forces, non-governmental organizations and almost all of our people took a position against the FETÖ by closing roads and public areas, and protesting. We managed to get rid of them in six hours. As a result of this coup attempt, our country lost 252 people and our economy was destroyed through the loss of billions of dollars. After the coup attempt was suppressed, a state of emergency was immediately declared, and a large investigation was initiated by the State institutions and organizations to detect all activities of the FETÖ and other terrorist organizations, as well as their connections with public employees. As a result of the evaluations, public employees who were determined to have connections with the FETÖ and other terrorist groups, for judicial reunions, should be removed from their civil servant duties, with due protection during judicial investigations, within the framework of public workers' law and the provisions of the Turkish Penal Code. However, considering some internal and external judicial decisions and the decisions of the Commission of Inquiry mentioned in the report, it was understood that some dismissals were made without sufficient administrative and judicial review and research. The Turkish authorities stated, at the end of the process, that refunds and compensation for economic and moral losses had been taken into account. But the process is still continuing, and the problem is going on. It is important for the Government to establish a new regulation as soon as possible to clarify the process regarding public officials who are in this situation. Union discrimination in the public sector has been continued for many years, as the Committee of Experts has duly noted. Despite hundreds of complaints made against them, none of the public administrators who were involved in discrimination in public employee unionism were punished.

On the other hand, the issue of the 2 per cent threshold for union membership included in the Committee of Experts' report and introduced for public employee unionism is aimed at paving the way for positive unionism. Similar thresholds are still in place in the context of labour unionism, aimed at encouraging more powerful representative unions, that is positive unionism. The threshold implemented in our country creates strong representative trade unions by the number of members, instead of distributing the power among many small and marginal unions, which are weak in that regard. So, we support the application of this threshold to create more powerful and authorized trade unions.

Taking account of the collective bargaining process, its duration, scope, authorization of representatives, signature competence, mismatch regulations of the branch and general collective bargaining systems, public workers' trade union law has many troubles.

So as a result, I would like to propose to the Government and all our trade unions to come together under the leadership of the Government, and to reorganize and implement the public workers' Trade Unions Law again on the basis of the Convention

Employer member, Türkiye – The Committee of Experts' observations on Türkiye, under Articles 1, 2 and 3 of the Convention, are mainly based on massive dismissals in the public sector under the state of emergency decrees.

After the attempted coup of 15 July 2016, an Inquiry Commission was established further to applications against decisions concerning the dissolution of trade unions during the state of emergency, which may be appealed before the administrative courts of Ankara. The grounds

for the dissolution of trade unions and the dismissal of trade unionists can be examined by the administrative courts when applications are made, which is a due and effective recourse by law.

The Committee of Experts' also made observations on Article 1 of the Convention regarding adequate protection against anti-union dismissals. The provisions of the Labour Act No. 4857 on unjustified dismissals are designed along the lines of the Termination of Employment Convention, 1982 (No. 158), which similarly does not require that reinstatement be mandatory.

According to article 25 of Law No. 6356, a worker whose employment contract is terminated for a union-related reason shall have the right to file a lawsuit relating to reinstatement into a job. If, during a lawsuit for reinstatement into a job, it is determined that the employment contract was terminated for a union-related reason, union-related compensation shall be ordered, the amount of which should not be less than one year's wages of the worker. Such an amount must be identified as a dissuasive measure for the protection of the worker against anti-union dismissal.

On the other hand, the penal sanction for anti-union dismissal is regulated in article 118 of the Penal Code. According to article 118, the use of force to block the exercise of union rights is a crime, requiring imprisonment of the perpetrator. The section provides that whoever uses force or threat against a person to force them to join or not to join a union, to participate in the activities of the union, or to leave their position in the union or union management, will be sentenced to imprisonment from six months to two years. Contrary to the observations of the Committee of Experts, this provision does in fact concern anti-union dismissals.

Moreover, according to article 78, paragraph 1 of Law No. 6356, an individual who enrolls members in a union by way of force or pressure in breach of union freedom or who forces a worker to maintain or quit his or her membership shall be charged with an administrative fine for each membership.

As Turkish employers, therefore, we are considering that all these provisions contain an adequate legal protection against anti-union dismissals both in private and public sectors.

Another point regarding the Committee of Experts' observations about Article 2 of the Convention refers to article 15 of the Civil Servants' Unions Act. It takes into consideration the complaints filed by different workers' organizations about the scope of Article 2 of Convention No. 98. In respect of the complaints, the Committee of Experts' observations focus on rendering article 15 of the Civil Servants' Unions Act compatible with the Convention.

According to a sentence added to the fifth paragraph of article 90 of the Constitution of the Republic of Türkiye in 2004, "in case of discrepancies arising from the fact that international agreements on fundamental rights and freedoms, duly put into effect, and laws contain different provisions on the same subject, the provisions of international agreements shall prevail".

In this context, the decision of the Constitutional Court on whether civil servants working in the Presidency National Palace Directorate can be deprived of the right to unionize has been pending. Upon the appeal of the decision regarding such disputes, the Ninth Civil Chamber of the Court of Cassation, disregarding the prohibition in the legislation, considered the ILO Conventions in relation to article 90(5) of the Constitution and concluded that the mentioned public officials have the right to unionize. Thus, despite the prohibition provision in article 15 of Law No. 4688, the ILO Conventions to which Türkiye is a party were taken as the basis.

These decisions demonstrate the progress made by the Turkish judicial organs towards recognizing the union rights of public officials in Türkiye. As Turkish employers, we believe that all employees, except for a few exceptions, working in the public sector should enjoy the right to organize.

Another issue regarding the Committee of Experts' observations about Article 4 of the Convention is the promotion of collective bargaining with a view to amending article 34 of Law No. 6356 to ensure that it does not restrict the possibility of the parties in the private sector to engage in cross-sector regional or national agreements should they so desire.

Another point regarding the Committee of Experts' observations about Article 4 of the Convention is the determination of the most representative union and rights of minority unions. The existing system is a product of a long and well-established industrial relations system in Türkiye. The lowering in 2015 of the branch representation thresholds for becoming a bargaining agent at the workplace from 3 to 1 per cent has had a positive impact on the unionization rate.

However, the Turkish employers do not consider that the removal of the branch threshold would have a similarly positive impact on the rate of unionization or on the capacity of unions, especially independent unions who are not affiliated to large confederations, to use the collective bargaining machinery.

Finally, I want to emphasize that Turkish employers give the utmost priority to the ILO's supervisory system. In our view, the credibility and transparency of the Committee must be respected with a view to enabling a high level of compliance with the international labour standards.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Montenegro** and **North Macedonia**, and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights.

We actively promote the universal ratification and implementation of fundamental international labour standards. We support the ILO in its indispensable role to develop, promote and supervise the application of international labour standards and of fundamental Conventions in particular.

The EU and its Member States have a strategic interest in the development of a cooperative and mutually beneficial relationship with Türkiye, a candidate country and a key partner of the EU. This relationship is long-standing, with an Association Agreement concluded in 1963, and a Customs Union agreed in 1995.

We note with deep concern the Committee of Experts' observations that, following the massive dismissals after the 2016 coup attempt, public officials alleging that their dismissals under the state of emergency laws were motivated by anti-union reasons did not have access to an effective, rapid and fair procedure that would protect them against anti-union dismissals. Given the end of the mandate of the Commission of Inquiry on the State of Emergency Measures, we encourage the Government of Türkiye to put in place appropriate measures that will ensure independent, expeditious and in-depth investigations of these allegations through effective and rapid procedures with the necessary guarantees of due process and to report on measures taken. In the context of the absence of an effective and rapid remedy system against

state of emergency dismissals, we echo the concern of the Committee of Experts regarding the lack of information on the perpetuation of state of emergency powers. We encourage the Government to comply with the Committee of Experts' request to provide its observations to the ILO on this matter.

Anti-union dismissals remain a concerning issue in the private sector as well. We note the absence of minimum compensation and of administrative or penal sanctions for anti-union dismissal, and that a reinstatement judicial order can be refused by the employer, opting for financial compensation. We join the call of the Committee of Experts on the Government to adopt effective and sufficiently dissuasive sanctions against anti-union dismissal in the private sector and to provide information on the judicial practice in the determination of compensation awarded to dismissed workers.

In line with the Committee of Experts, we call on the Government to ensure adequate protection against anti-union discrimination in the public sector. We echo the Committee's call to take legislative measures ensuring full compensation of the prejudice suffered in both occupational and financial terms and to put in place effective and sufficiently dissuasive sanctions.

Measures taken by the Government to protect public order should not deprive workers' organizations of their right to hold peaceful demonstrations and public meetings to defend their interests. In this regard, we reiterate the Committee of Experts' call on the Government to refrain from arresting, detaining and prosecuting workers and trade unionists for participation in peaceful public meetings.

We regret the Government's observation that significant difficulties persist in the collection and recording of data on anti-union discrimination in the public and private sectors. We recall that the Conference Committee extended this request to the Government in 2013 and encourage the Government to improve data collection systems and institutional databases.

We encourage the Government of Türkiye to address the concerns of the Committee of Experts to ensure that more, including minority, workers' organizations can engage in collective bargaining and to report to the ILO on this matter.

We echo the call of the Committee of Experts and encourage Türkiye to bring its national legislation in line with the requirements of the fundamental Convention No.98 to ensure that senior public employees, magistrates, prison staff, locum workers, public servants working without a contract of employment and retirees can enjoy and exercise their right to establish and join organizations.

We regret the information provided by the Committee of Experts that existing legal provisions do not make it possible to negotiate collective agreements at all levels and encourage the Government to follow up on the recommendations of the Committee of experts to ensure that parties in the private sector wishing to engage in cross-sector regional or national agreements can do so.

We encourage the Government to ensure the full application of the Convention in full consultation with the social partners.

The EU and its Member States remain committed to a joint constructive engagement with Türkiye and welcome the recent engagement of the Government with the ILO. We encourage further exchanges between the Government and the ILO with a view to implementing the recommendations of the Committee of Experts.

Government member, Kazakhstan – My delegation thanks the Government representative of Türkiye for the report. We note the commitment on the part of the Government of Türkiye to observe the ILO Conventions and welcome the progress made by the Government in responding to the recommendations of the Committee of experts.

In the past years the Government of Türkiye has demonstrated efforts to strengthen and adapt its current legislative framework to bring it into line with ILO standards and in particular, through amending trade union laws and improving working conditions. Recent amendments concerning the settlement of collective labour disputes regulating competent mediation procedures, expanding the powers of the Human Rights Compensation Commission and aligning trade union rights with ILO standards should be acknowledged.

We welcome the willingness of the Government to enter into an open discussion on how to further improve the situation with trade unions. We encourage the Government to continue these efforts. We believe that Türkiye, which fulfils its obligations in the submission of reports related to the ratified ILO Conventions, will continue to work closely with the ILO and social partners.

Worker member, Netherlands – This intervention is also on behalf of the Korean, Nordic and Belgian Workers. Convention No. 98 is about the right to organize and collective bargaining. The first Article states that “Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.”

Although the Turkish Constitution and the Trade Unions Law provide that every worker has a right to choose his or her trade union, the reality is different. The exercise of freedom of association is related to the Government’s approach to this right, which in practice means there is anti-union discrimination.

The Government has policies and practices, for instance, the Anti-Terrorism Law and the Penal Code, as a tool to silence trade unions when, for instance, KESK carries out its usual trade union activities distributing trade union materials, organizing actions, which are not in line with government policies.

The Committee of Experts has noted the observations of KESK, which state that, in total, 4,267 KESK members were dismissed from all public sectors under the state of emergency decree laws. According to KESK, the dismissals were arbitrary and non-transparent, and no effective remedy was provided. Public employees were unable to see the accusations and defend themselves. KESK alleges that the Commission of Inquiry did not provide an effective remedy against anti-union dismissals and was instead used to punish trade unionists with no due process and proper court decision.

As KESK testified before the Commission of Inquiry, there was no transparent mechanism allowing the public officers to challenge any of the evidence against them. KESK finally states that, now that the work of the Commission of Inquiry is completed, the dismissed KESK members and executives must apply to administrative courts, a process that may take up to ten years to come to a conclusion. In practice, Article 1 of the Convention is violated in many ways. The Government and public institution managers facilitate some confederations while they put extra pressure on the members and leaders of independent and democratic unions. This is why they face forced relocations. The public authorities act in quite an arbitrary way and independent unions face discrimination. There are no dissuasive sanctions when public managers violate their rights.

Interpretation from Arabic: **Government member, Tunisia** – My delegation welcomes the delegation of the Government of Türkiye and expresses its thanks for the information provided on the country's efforts to implement the provisions of the Convention.

We welcome the administrative measures taken by the Government to comply with international standards through the revision of its Labour Code and to respect the right to organize, in order to ensure the effectiveness of social dialogue and collective bargaining procedures. My delegation welcomes the efforts made to strengthen consultation mechanisms. Decisions have been adopted to improve workers' and employers' rights. These measures demonstrate the country's commitment to defending international standards. In view of the commitments made, my delegation congratulates the Turkish Government for the results achieved and encourages it to continue its efforts to ensure that its legislation is aligned with international standards, while taking into account the comments of the Conference Committee and the Committee of Experts.

Interpretation from German: **Worker member, Germany** – It is with great concern that we have learned that many colleagues are still being held in Turkish prisons following their activities on 1 May 2024 and we urge the Government to release these and other prisoners.

The report of the Committee of Experts refers to a protection gap in Turkish law. If an employer dismisses a worker because of trade union activity, the worker can take legal action against this, but the legal consequence is not reinstatement, only the payment of compensation. The amount of compensation is not specified by law and, in practice, we have seen that these compensation payments are far too low to serve as any kind of a deterrent. In addition, the legal proceedings take far too long for the affected workers – up to four years.

The fact that colleagues in Türkiye are not adequately protected against dismissal due to their trade union activities was already established by the ECHR in 2017 in the Tek Gıda İş Sendikası case, but we still find ourselves in the same legal situation now. Resorting to dismissal to prevent unionization is the most widespread form of union busting.

Effective protection against dismissal is of the utmost importance, especially in the initial phase of trade union organizing in a company. Otherwise it is too easy for employers to dismiss union members in return for just small payments.

This is also impressively demonstrated by a study by the Turkish Metalworkers' Union. In a period of one and a half years, 875 of its members were dismissed in the first phase of organizing.

The protection against unlawful dismissal on the grounds of trade union organization laid down in Article 1 of the Convention is an essential basis for exercising the right to organize. If this is lacking, the right to collective bargaining cannot be exercised. Employers can simply buy their way out cheaply. The minimum requirement for such protection is a right to reinstatement, as is stated in the report of the Committee of Experts and as is common practice in Germany.

Against this background, we call on the Government to standardize a statutory right to continued employment in the event of dismissal due to trade union activity.

Government member, Pakistan – We recognize and note the ongoing engagement by the Republic of Türkiye with the ILO supervisory system. We reiterate that dialogue and engagement remain the best vehicles to address any concerns and promote labour rights and standards. Pakistan acknowledges the positive steps taken by the Republic of Türkiye towards the implementation of the Convention within the ILO's tripartite framework. We welcome

Türkiye's ongoing efforts in labour law and judicial reforms, social dialogue and international cooperation. These initiatives reflect a strong commitment to enhancing workers' rights and aligning them with ILO standards. Pakistan commends Türkiye's efforts and strongly encourages the ILO to take Türkiye's achievements and the challenges it faced into due consideration.

Worker member, United Kingdom of Great Britain and Northern Ireland – I speak on behalf of the workers of the United Kingdom, and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) of the United States associates itself with these remarks.

Many of the workers of Türkiye, suffering the after-effects of dismissal during the state of emergency, are years later trapped in an interminable cycle of delayed justice. Those workers, dismissed without any court case, are only able to return to their working lives with the assistance of a slow-moving, under-resourced series of court interventions.

In one example, the Government started this process with an act of gross and arbitrary unfairness, retrospectively applying the provisions of a state of emergency to the issuing of a joint statement – the peaceful exercise of freedom of expression – at a time before the emergency took place, arresting a seemingly random subsection of those involved in making the statement, and then letting an under-resourced legal system slowly crush their hopes of restitution. Seventeen per cent of those persons were eventually cleared but, of those, almost half then lost an appeal launched by the Government, and again lost their jobs, meaning only 10 per cent of those originally unfairly arrested and, essentially blacklisted, regained any kind of normal life.

Victims of the mass dismissals must first apply to the administrative courts – there are 100,000 such victims still awaiting justice. There are, however, no more than ten administrative courts. Unions in Türkiye have estimated that, without additional resources, it will take these courts ten years to clear the backlog, ten years in which these workers cannot exercise their skills and experience in their chosen field, often forced into low-paid jobs. And, at the end of that long wait, should the administrative court clear them, they need to progress to the higher court, and finally the constitutional court, taking several more years. Even then, a successful win in the courts might win them the right to have their remedy implemented within two further years, something that very rarely happens far ahead of that deadline.

A public servant at the height of their career at the time of their original dismissal will retire, possibly destitute, having been unable to work at their full potential for half their working life.

As long ago as 2018, the Committee of Experts expressed its deep concern at the situation as it had developed, given the high numbers of suspensions and dismissals that still affected trade union officials and members, and hoped the courts would reinstate any trade unionists dismissed for anti-union or interference motives.

Six years later, the lives of trade unionists caught up in this snail's pace sham of justice are still waiting for remedy. The Government of Türkiye's failure to act shows a callous disregard for their lives and, frankly, for the ILO supervisory system.

The wait has been long enough. At least 60 members of trade unions have killed themselves while waiting for this process to be completed, though, in a grim twist, many of them were later cleared. The sluggishness of the Government's approach is not only ruining lives, it is costing them.

Government member, Azerbaijan – At the outset, we would like to highlight that Türkiye has a long-standing and close relationship with the ILO and was among the first countries to sign the Convention.

In the past 11 years, Türkiye has enacted significant changes in its labour legislation, particularly in trade union laws. These reforms have largely improved social dialogue, trade union rights and collective bargaining procedures, making them more accessible and efficient.

We see it as an important advancement for Türkiye to expand the duties and powers of the Human Rights Compensation Commission, which aims to expedite litigation processes with recent judiciary reforms. This might ensure quicker resolutions, especially regarding union issues, with shorter trial periods. Also, we welcome and commend that Türkiye has revitalized the tripartite consultation mechanisms.

Türkiye's ongoing efforts in labour law and judiciary reforms, social dialogue and international cooperation, demonstrates its commitment to enhancing workers' rights and aligning with ILO standards.

Worker member, Sri Lanka – First of all, I would like to note that Türkiye has a long and close relationship with the ILO and the relevant workers' and employers' organizations on the promotion of labour standards and workers' rights and is committed to strengthening these rights.

Over the past ten years, Türkiye has made significant changes, such as the determination of the branch of activity, the regulation of competence, the establishment of an e-membership service for trade union membership, and introduction of mediation procedures in its labour legislation, in consultation with social partners.

The Committee should take into account the significant efforts and advancements that the country has realized in the world of work, despite the challenging times encountered at the same time. I am very proud to be a member of the International Labour Conference with regard to the White Flag certification, which was introduced to encourage unionization and increase registered employment, and which is a very positive and significant development, and we support it.

We commend the Government for being a member of the Global Coalition for Social Justice Coordinating Group. As a worker side, we are pleased to be part of this process.

Türkiye has revitalized one of the most crucial social dialogue mechanisms, the tripartite consultation mechanism. We also believe that the sub-working committees established within the framework of tripartite consultation mechanisms will produce concrete results in the revising and reviewing of legislation in terms of working life.

We are 25 countries, 33 confederations and 30 million workers in the International Labour Conference, so on behalf of the Conference and on behalf of Sri Lanka workers, the plantation workers, I am making this statement.

Interpretation from Arabic: **Government member, Sudan** – We align ourselves with the statements delivered by the Government of Türkiye. We support the amendments and reforms implemented by Türkiye to bring its legislation into conformity with international labour standards and the ratified Conventions, in particular the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Sudan considers that the Government has adopted fundamental measures and legislation that improve workers' rights, as well as other measures that enable workers to enjoy

their trade union rights, in accordance with the articles of the Constitution and international labour standards, and in line with social justice, social dialogue and collective bargaining.

Sudan believes in what Türkiye has done, which is why it requests that the country be removed from the list of individual cases, due to the efforts made.

Government member, Algeria – The Algerian delegation has followed very carefully the statement delivered by the distinguished delegate of Türkiye, in which she demonstrated the Government's will and commitment to continue to collaborate with the International Labour Organization and to enhance labour standards and workers' rights. We emphasize that Türkiye was among the first countries to sign the Convention.

Algeria welcomes the positive and significant steps taken by Türkiye and its notable successes in improving working conditions, despite the challenges faced by the Government. In this regard, this delegation has taken note of the Government's efforts in changing its labour legislation, particularly in trade union laws. These reforms have largely improved social dialogue, trade union rights, and collective bargaining procedures, making them more accessible and efficient, especially for workers.

Furthermore, we note that Türkiye has demonstrated its commitment to aligning trade union rights and collective bargaining procedures with ILO standards, in consultation with social partners. This includes provisions and improvements on: determination of the branch of activity; protection of shop stewards; regulation of competence; settlement of collective labour disputes; regulation of the prohibition and postponement of strikes and lockouts; establishment of e-membership service for trade unions; and revitalization of the tripartite consultation mechanisms.

The National Employment Strategy for 2024–28 focuses on building partnerships with social organizations to combat discrimination and improve civil liberties in the workplace.

Finally, this delegation remains convinced that this mutual collaboration promotes a consolidation of current good practices to strengthen the measures already implemented by the Government of Türkiye to guarantee compliance with international labour standards.

Government member, Philippines – This representation would like to express our support for Türkiye's continuous collaboration with the ILO and its dedication to advancing labour standards and workers' rights. Türkiye's long-standing partnership with the ILO, beginning as one of the first signatories of the Convention, underscores its commitment to these fundamental principles.

Türkiye's efforts in labour law and judiciary reforms, social dialogue, and international cooperation reflect its dedication to enhancing workers' rights and aligning with ILO standards. Its efforts are evident in the key reforms in trade union law. With its current role as a Pathfinder Country in Alliance 8.7, dedicated to eliminating child labour, and its active participation in the Global Coalition for Social Justice, Türkiye showed its commitment to ensuring that social justice is upheld and advanced at both national and international levels.

These efforts to align with the ILO standards and to advance workers' rights should be encouraged and supported with continuous technical assistance from the ILO and its Member States.

Government member, Indonesia – Indonesia commends Türkiye on its long-standing and robust relationship with the ILO and its full commitment to the Convention. Türkiye's continued collaboration with the International Labour Organization underscores its dedication to enhancing labour standards and protecting workers' rights. The Committee of Experts

should recognize both the significant challenges Türkiye has faced and the remarkable progress it has achieved in improving working conditions. Over the past 11 years, Türkiye has made substantial reforms in its labour legislation, particularly in its trade union laws which have significantly enhanced social dialogue, trade union rights and collective bargaining procedures. This reform is aligning with ILO standards which have been developed in close consultation with social partners, and which include improvement in the determination of activity branches, protection of shop stewards and the scope and level of collective labour agreements. Türkiye's pioneering efforts suggest that the implementation of membership services of the trade union and White Flag certification for businesses meeting ILO standards are effective approaches to fostering labour rights. As a Pathfinder Country in Alliance 8.7, Türkiye's commitment to eliminating child labour and its active participation in the Global Coalition for Social Justice further reflects its dedication to promoting social justice on a global scale. The recent reform that expands the role and powers of Human Rights Compensation Commission is noteworthy for ensuring the quick resolution of union-related issues. Additionally, Türkiye's National Employment Strategy for 2024–28, which focuses on combating workplace discrimination and improving civil liberties, adopts a forward-looking approach. The revitalization of the tripartite consultation mechanism and the productive outcome of more than ten meetings with social partners demonstrate Türkiye's commitment to social dialogue. The establishment of the subcommittee within this framework will help concretize initial legislative professional reviews. In light of this comprehensive and ongoing effort in labour law, law reform, judiciary improvement and international cooperation, Indonesia fully supports Türkiye's efforts in aligning with ILO standards. We encourage the Committee of Experts to consider Türkiye's notable successes and sustained commitment to enhancing workers' rights as a testament to its dedication to social justice and labour rights advancement.

Interpretation from Russian: **Government member, Russian Federation** – We are grateful to the Government of Türkiye for providing clarifications on the measures taken at the national level regarding compliance with the Convention. We note the significant progress in the social and labour sphere, which has been achieved thanks to the efforts of the Government, especially over the last 11 years, following comprehensive labour law reform in the country. This has contributed to strengthening social dialogue, enhancing union rights and improving the effectiveness of collective bargaining. Among other achievements, we would highlight the judicial reform that increased the efficiency of the Human Rights Compensation Commission, as well as the resumption of the tripartite consultation mechanisms. Overall, measures taken by the Government indicate that Türkiye has established deep, systematic work to strengthen labour standards aimed at enhancing tripartite dialogue mechanisms and ensuring workers' rights in particular.

Against this background we see no grounds for including the situation in Türkiye in this list of individual cases before the Committee, and even less reason for assigning a double-footnote status for this case. So, we count on the Committee's constructive approach to this matter.

Observer, International Trade Union Confederation (ITUC) – I am speaking on behalf of the ITUC, but I am also coming from a metalworkers' union in Türkiye. That is why before starting my words, I have to say that, right now and since 1 May, around 60 workers are in prison just for joining the May Day demonstration. This example itself gives an idea of freedom of association in Türkiye currently. So, as many of you already know, collective bargaining coverage in Türkiye is quite low and this is not just a result of coincidence, there are structural problems behind it and these structural problems are quite well-defined in the Committee of Experts' report.

First, there is a national sectoral threshold. According to the Ministry of Labour's own statistics, more than 120,000 union members in 171 different unions cannot enjoy their right to organize or their right to collective bargaining because of this sectoral threshold. The Government says, in the Committee's report, that they can change this threshold, but the social partners do not agree on that. That is why they do not change it. You cannot just take away 100,000 people's rights just because some other people do not want them to use this right.

Let us say that a union is above this threshold, then that union needs 50 per cent membership in that workplace to start collective bargaining negotiations. This is one of the highest thresholds in the world, and it makes it almost impossible for many workers to enjoy their right to collective bargaining.

Also, union members can be dismissed just for joining a union, without any real protection at all. Courts cannot even order reinstatement of the dismissed union members. Contrary to what our colleague from the Employers' side just said at the start of this meeting, this is also highlighted by the ECHR, and which says in its decision that there is no real protection against anti-union dismissal in Türkiye.

Dismissals are not a problem only in the private sector, as the Committee of Experts' report underlines, since more than 100,000 public employees were dismissed by the emergency decree laws under the state of emergency. These members suffer from a lack of effective legal remedy.

The Committee's report also mentions judicial challenges by employers against unions' certificates. The Government's response says that that these court cases end in three months, including the appeal. This is factually incorrect. There has not been even one case in the entire history which ended in three months. I am not claiming the Government intentionally gave wrong information to the Committee, but probably there has been a misunderstanding. My own union has experience of court cases which lasted 7 years, on average, it is 1,100 days in our case.

So, in this regard, we think it is of the utmost importance to organize an ILO high-level mission to handle these outstanding problems in a constructive and productive manner.

Observer, Public Service International (PSI) – I am speaking also on behalf of KESK in Türkiye. The Committee of Experts' report covers the issues related to the Convention, and it is not the first time that it covers this issue. I will focus on the dismissals in the public sector in this intervention. When we look at the dismissals, we see that massive numbers of dismissals violated the right to work and had a negative impact on trade union rights in Türkiye. And the reasoning for these dismissals was not objective or justified, but quite subjective and arbitrary. The generic justification was vague and broadly applied to 4,267 KESK members who were critical of the Government, and the use of generic and vague justification is related to the Government's policies that amount to trade union discrimination. And when we look at the Inquiry Commission on State of Emergency Actions which completed its mandate, we see that the presumption of innocence was violated as well because the Inquiry Commission, as the Committee of Experts' report states, was not providing an effective remedy against anti-union dismissals, instead it was used as a tool to punish trade unionists. And in fact, "arbitrary" was the prevalent characteristic of these unjust dismissals. It is still a fact that KESK members are suffering from these dismissals even though eight years have passed since 2016, since the failed coup attempt. And the judicial process that the dismissed KESK members undertake will take several more years. There is no indication that the Government plans to accelerate this appeal process through other mechanisms. Thus, it can be inferred that there is no effective remedy for the dismissed public employees as the report states.

It also needs to be noted that the trade union members carry out their daily activities to raise awareness about this issue, but most of these daily activities are banned by the public authorities or interfered with by the security officers. The recent example is the May Day demonstrations in Istanbul. Last week, the leader of the education union was arrested just because he organized a solidarity action with some other trade unions. All these policies and practices aim to create and maintain a climate of fear, and this means that there is a need for more active monitoring from the ILO side and, in this respect, a high-level mission to Türkiye is necessary to discuss all these issues from various perspectives in the country.

Observer, IndustriALL Global Union (IndustriALL) – My organization represents 20 sectoral unions in the main export industries of Türkiye. As mentioned in the report of the Committee of Experts, there has unfortunately been no progress in Türkiye in the implementation of the Conventions Nos 87 and 98. Although article 51 of the Constitution rules that workers have the right to form unions freely, and the right to become a member of a union, in reality, this right cannot be exercised because of a series of obstacles in practice.

I want to share the ground reality with you in the manufacturing, energy and mining industries.

Article 17 of Law No. 6356 on Trade Unions and Collective Labour Agreements rules that trade union membership is acquired via the e-state system. Nevertheless, workers are forced to share their e-state passwords with employers, so their union membership is checked by employers, which is illegal. IndustriALL receives reports every single day about cases where workers join trade unions, but they are exposed to anti-union discrimination. Union members face aggressive acts of punishment and retaliation, including intimidation, threats and dismissals for joining our affiliated trade unions.

Thousands of workers are dismissed just because they use their constitutionally and internationally protected and guaranteed right to freedom of association.

Terminated workers and their unions take the cases to the judiciary system, and an overwhelming majority of the cases end in favour of workers with clear verdicts that they were terminated because of their union membership.

This demonstrates clearly that there is systemic and widespread anti-union discrimination against union members and a clear failure to provide the necessary protections to guarantee freedom of association.

Furthermore, I wish to draw your attention to the obstacles the Government mounts to prevent unions from obtaining collective bargaining certification. Even if a Turkish union manages to recruit more than 50 per cent of workers in one single workplace or 40 per cent in an enterprise with more than one workplace, both thresholds are extremely high and there is widespread misuse of the judiciary process to block collective bargaining certification.

Once the Ministry of Labour and Social Security issues an official document certifying that the union has a sufficient majority membership in a workplace to be eligible for collective bargaining negotiations, then the employer disputes the Ministry's document of competence claiming that the union concerned does not have the required majority. This is done through a simple petition without having to provide any evidence to support the claim.

As a result of these delaying tactics by employers and lack of enforcement of the labour laws, cases drag on for years, on average for three years. This is unacceptable.

Legislative rules cannot protect malicious behaviour. Labour law must have as its main goal the protection of workers. However, in this case, malicious employers are protected, and workers who exercise their fundamental rights are punished.

Seeing that the Government of Türkiye, despite the support and technical assistance provided by the ILO, has not made any progress in protecting the right of workers to collective bargaining, IndustriALL calls on the ILO to take further measures, including a high-level mission to the country, to address Türkiye's violations of the Convention.

Observer, International Transport Workers' Federation (ITF) – Adequate protections against anti-union dismissals are not only necessary to protect workers' rights and their livelihoods, but also are essential to ensure the very existence of trade unions.

Sadly, the ITF has had to come before this Committee on several occasions over the past decade to lament anti-union discrimination, including dismissals and attacks on the right to organize in several sectors of the Turkish economy, most notably in civil aviation, logistics and rail transport.

Today, we want to highlight a case of anti-union discrimination taking place right now in a port in the Bursa province of northwestern Türkiye.

On 2 March 2024, just three months ago, the Liman-İş union began organizing at the port. Eighty-five per cent of the workers at the facility decided to join the union. On 20 March, six workers were dismissed for no other reason than their union membership. After their colleagues engaged in a four-day work stoppage to protest these dismissals in the face of police intimidation, Members of Parliament intervened and mediated the dispute, following which the workers were reinstated. The company vowed to no longer block union organizing.

This is when things deteriorated. Almost immediately, the employer began to threaten workers and demand that they relinquish their union membership.

Starting on 13 May, 37 workers were placed on leave, initially with no pay. Then, on 21 May, all 37 workers were dismissed – via SMS – simply because they refused to relinquish their union membership. All 37 workers were either lead organizers or union contacts. Two weeks on, the situation persists and the ITF has coordinated global solidarity action in support of these dismissed workers.

Our discussion here in Geneva is not taking place in a vacuum. These 37 workers and their families are only a fraction of the people affected by Türkiye's long-standing failure to protect workers against anti-union dismissals in the private sector. This simply cannot continue.

Despite the right to freedom of association being protected under Türkiye's Constitution and domestic law, Türkiye has repeatedly failed to uphold its domestic and international legal obligations, including those under Convention No. 98.

Türkiye must, as a matter of urgency, adopt effective and sufficiently dissuasive sanctions against anti-union dismissals and ensure that workers who have suffered such prejudice, including these 37 workers, are entitled to reinstatement to employment and full compensation in financial terms. These measures would bring Türkiye closer into line with the Convention.

Finally, I would like to say that, if these safeguards against anti-union dismissals are not put in place, this will lead to the actual disappearance of trade unions at the level of the undertaking and this is not something that this Committee can allow to stand.

Chairperson – I can see no more requests for the floor. So I would like to invite the representative of the Government of Türkiye to take the floor for her concluding remarks.

Government representative – We have listened attentively to the remarks of esteemed Worker and Employer representatives, as well as the distinguished representatives of Member countries. There is a mismatch between the realities of Türkiye and the content of the discussion taking place at the ILO. Türkiye is one of the countries which has been on the agenda of the Conference Committee many times for many years. An approach only concentrating on the deficiencies and not seeing any positive developments should not be the right approach to encourage compliance with international standards. I would like to bring to the attention of the Committee the following most significant developments and progress that have been made in the realm of labour life since 2013, especially within the scope of Convention No. 98, in line with the demands of the ILO in our current Trade Unions Law. Important progress in legislation has been achieved through a decision by the Constitutional Court. Rulings in 2013 and 2014 removed barriers preventing civil servants in the Ministry of National Defence and the Turkish Army Force and the General Directorate of Security from joining trade unions. This narrowed the scope of article 15 of the Public Servants' Law. The introduction of e-membership services for trade union membership and withdrawal in November 2013 of the long-standing requirement for notary requirement, simplifying the process and reducing financial burdens on both workers and their organizations. An amendment of article 50 of the current Trade Unions Law introduced a mediation procedure allowing bargaining parties to peacefully resolve disputes before resorting to strikes by selecting a mediator from the official list. In 2014, the Constitutional Court abolished the distinction between workplaces based on employee numbers. Provisional article 6 of the current Trade Unions Law was amended to provide the right to bargain collectively without meeting the branch activity threshold. In 2019, the Constitutional Court took a decision stating that banking and public transport services were not considered essential services by the ILO, leading to a further narrowing of the strike ban. The implementation of the current Trade Unions Law and significant amendments of the Public Servants Law have led to a consistent increase in trade union membership rates. Since January 2013, the rate of unionization has steadily risen from 9.2 per cent to 15.2 per cent by January 2024. This trend is also evident among public sector employees with unionization rates increasing from 47.9 per cent in 2002 to 74.5 per cent by January 2024. These statistics highlight the positive progress made in Türkiye over the years against a trend of declining unionization rates around the world. Furthermore, the White Flag certification has been launched to promote registration, employment and trade union membership in Türkiye. It involves granting the White Flag certification with the slogan "Decent work, organized workplace" to businesses that adhere to registered working conditions, occupational safety and health standards in line with ILO guidelines. I want to reiterate that, alongside the positive change, the momentum gained since last year through the participation of the social partners in a tripartite consultation mechanism will drive further new regulation and amendments.

During this process, Türkiye shifted focus from reforms to tackling internal and external challenges, notably the 15 July coup attempt, while maintaining commitment to democracy and the rule of law. Unfortunately, we must highlight that the Committee of Experts' report did not adequately consider the Government's effort in restoring democracy, upholding the rule of law, and involving social partners and safeguarding the Republic and individual rights amidst significant terrorist threats. Over five years, the Inquiry Commission processed approximately 130,000 procedures resolving nearly 127,000 decisions, including dismissals from public service and other measures based on criteria related to connection to terrorist organizations and financial support. Applicants, including detainees and convicts could apply

from penitentiary institutions electronically, with decisions overseen by the National Judiciary Informatics System (UYAP) and subject to appeal in nine specialized administrative courts in Ankara. I would like to boldly emphasize that, as a legal remedy for dismissals from public service, after the Inquiry Commission on State of Emergency Actions completed its duties, relevant units were formed in the relevant ministries in order to effectively follow up and finalize the administrative case files in accordance with provisional article 5 of Law No. 7075. However, as we have reiterated many times, it would be inappropriate to treat security-related issues as if they were a part of the world of work. Moreover, we also think that the ILO should approach such issues in a manner that prevents abuse. Besides, no trade unionist is immune from prosecution for unlawful acts, within affiliations or involvement in terrorism. Following the COVID-19 pandemic, Türkiye faced two major earthquakes in February 2023, impacting 11 provinces in the southeastern region and affecting 14 million people, representing 16 per cent of the population and 9 per cent of the economy. We express here our heartfelt thanks to international organizations and Member countries, particularly the ILO, for their support during these challenging times. Over the past seven years, Türkiye has actively participated in ILO initiatives, collaborating with the Ministry of Labour and Social Security and other stakeholders on events and programmes such as the Tenth European Regional Meeting and efforts to combat child labour. Recognized as a leading example in this regard, Türkiye has earned the status of an Alliance 8.7 Pathfinder Country and serves as a Coordinating Country in the ILO Global Coalition for Social Justice, alongside Belgium and Switzerland in the region.

In the framework of this importance and trust shown to us by the ILO and our own deep history of dialogue with the social partners, the Government is willing to negotiate within the framework of the existing Trade Unions Law and the Public Servants Law, if desired by the involved parties, in particular with regard to the level of collective bargaining, trade union thresholds and the authorization process for collective bargaining agreements.

I would like to point out that the Government is prepared to consider proposed amendments to the current collective bargaining system, specifically regarding articles 34 and 41(1) of the current Trade Unions Law. These amendments would be considered, if jointly proposed by social partners and if consensus is reached.

The Government is open to considering proposed amendments jointly made by social partners regarding various paragraphs in articles 46, 47, 49, 51, 60, 61 and 63 of the current Trade Unions Law. However, it is worth noting that the implementation of these articles is collaboratively carried out by employers' and workers' organizations. The collective bargaining process regulated by these articles proceeds smoothly without hesitation.

Türkiye has recently demonstrated its commitment to making changes and regulations on these issues in cooperation with the social partners by convening the Labour Assembly, the Tripartite Consultation Board, the Public Personnel Advisory Board and their sub-working committees.

Regarding the allegations on the restriction of freedom of peaceful assembly and May Day demonstrations, in Türkiye, all forms of peaceful gatherings and demonstrations take place within secure and unrestricted areas. The principle of the rule of law is upheld and limitations are only imposed as specified by legislation. In addition, 227 actions or events were organized with the participation of nearly 245,000 people in 78 provinces across Türkiye in 2024, regarding the 1 May Labour and Solidarity Day, and legal action was initiated against 269 people who acted illegally in these actions or events.

In Istanbul, an event organized by the Confederation of Progressive Unions (DISK) and KESK was held in Saraçhane Park, one of the most important demonstration and meeting

areas, with the participation of 10,000 people. This event was held peacefully without any intervention.

On the other hand, Taksim Square is not included among the areas where meetings and demonstrations can be organized due to the high density of vehicles and pedestrians, the difficulty in taking security measures and protecting personal rights and freedoms, but more importantly, because it will have irreparable consequences for ensuring the security of life and property of the public. I would like to emphasize that there is no such situation as a ban on Taksim Square only for May Day. Therefore, the allegation that there is a Government ban on May Day celebrations does not reflect the truth.

In addition, I would like to bring to your attention that, similar to our approach under Convention No. 98, we have initiated the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930. Moreover, the ratification process for the Maritime Labour Convention, 2006, as amended, will be concluded soon.

Finally, it is our expectation that the Committee's conclusions will duly take into account my above explanations. As it is requested by the Committee of Experts, we will submit our report in 2024 with detailed information on the latest developments and with the copies of the documents requested for further examination by the Committee.

Employer members – The Employer members have taken due note of the information provided, but some information given this evening on the ECHR does not seem quite right.

One of the ILO's main missions is to promote collective bargaining throughout the world. This mission was afforded it in 1944 in the Declaration of Philadelphia, which is part of the ILO Constitution. Collective bargaining contributes to the establishment of equitable and balanced working conditions and thereby to social peace.

As indicated in the 2012 General Survey, paragraph 198, "Under the terms of the ILO Declaration on Fundamental Principles and Rights at Work, 1998, collective bargaining is a fundamental right accepted by Member States from the very fact of their membership in the ILO, and which they have an obligation to respect, to promote and to realize in good faith."

Paragraph 168 sets out that "Convention No. 98 covers all workers and employers, and their respective organizations, in both the private and the public sectors, regardless of whether the service is essential. The only exceptions authorized concern the armed forces and the police, as well as public servants engaged in the administration of the State."

The excluded categories must therefore be interpreted narrowly. We consider that prison staff should not be excluded but that specific terms of collective bargaining could be set for this category, as mentioned in paragraph 213 of the General Survey.

Lastly, paragraph 200 states that "under the terms of Article 4 of the Convention, collective bargaining must be free and voluntary and respect the principle of the autonomy of the parties. However, the public authorities are under the obligation to ensure its promotion."

We consider that the social partners themselves rather than the law are best placed to decide the level at which they wish to collectively bargain and conclude collective agreements. They should therefore conclude collective agreements at intersectoral, sectoral, regional and enterprise level.

We note that there are encouraging developments for the future of Türkiye. All trade union confederations and employers' organizations have met since last April 2024 to set a new social agenda to respond to the daily challenges related to industrial relations. In addition, a significant project has been set up by ILO Türkiye with the participation of the social partners,

which will cover freedom of association and the right to bargain collectively as pillars of the agenda of fundamental rights. This project will strengthen the understanding and implementation of international labour standards in Türkiye.

The Employer members encourage the governmental authorities to strengthen these consultations with the representative employers' and workers' organizations to promote collective bargaining at all levels. The promotion of collective bargaining concerns both the private and the public sector, even if certain exceptions are justifiable in the public sector based on their particular role in guaranteeing national security.

The Employer members also invite the Government to provide the ILO with all the information requested by the Committee of Experts. I conclude by highlighting that, above all, incentives should be strengthened so that social partners organize in full freedom and bargain freely and independently.

Worker members – We thank the Government of Türkiye for its remarks. We also thank all the speakers who took the floor and all the people who are still in the room.

Despite the additional information provided by the Government, our concerns regarding the many violations of the right to organize and the right to collective bargaining in the country have not been eased.

Anti-union discrimination and union busting are rampant both in the private and the public sectors. The national legal framework for the exercise of trade union rights is highly restrictive. Trade unionism is heavily impaired by excessive representativity thresholds. And we disagree with the characterization used by the Employer members to describe minority unions as “mere lobbying groups” with no rights or protections under the Convention. We firmly recall that, under Convention No. 98, the granting of exclusive rights to the most representative organization should not mean that the existence of other unions to which certain involved workers might wish to belong is prohibited. Minority organizations should be permitted to carry out their activities and at least to have the right to speak on behalf of their members and to represent them.

We are deeply concerned about the hostile stance taken by the Government against trade unions and their members since 2016, as demonstrated by the bouts of police violence occurring on May Day almost each year. On 1 May this year for example, KESK members and leaders were prevented from accessing the Taksim Square. Police forces violently broke up the demonstration, using tear gas and rubber bullets against workers and 215 workers were arrested that day.

We urge the Government to stop interfering in legitimate trade union activities and to refrain from using violence against trade union members and workers. We call on the Government to urgently take measures to lift all the legal barriers to the full enjoyment of the rights guaranteed by the Convention, including by reviewing, in full consultation with the social partners, legislative provisions regarding: the thresholds for becoming a collective bargaining agent; the rights of minority unions to collectively bargain; the restrictions of collective bargaining at all levels in the private sector; and the restrictions applying to prison staff, locum workers and public servants without a written contract.

Furthermore, we urge the Government to take meaningful and effective action to address anti-union discrimination both in the private and public sectors, including by: establishing an independent, expeditious and in-depth process for investigation and remedy of cases brought against anti-union dismissals in the public sector, in the framework of the emergency laws; but also repealing any remaining provisions which enable authorities to exercise state of

emergency powers and to summarily dismiss union members; also adopting, in full consultation with the social partners, effective and sufficiently dissuasive sanctions against anti-union dismissals, as well as effective and expeditious mechanisms accessible to workers to seek redress; and, finally, elaborating and implementing, together with the social partners and with the technical assistance of the ILO, awareness-raising campaigns and programmes to educate the police and security forces, the judiciary and the administration on trade union rights.

We also call on the Government to engage in a broader review, in consultation with the social partners and with ILO technical assistance, of judicial and non-judicial mechanisms for the effective and timely investigation and redress of cases of anti-union discrimination.

Given the seriousness and the persistence of the violations in the country, we call on the Government to accept a high-level mission.

Conclusions of the Committee

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the high number of cases of anti-union discrimination in the country and the lack of sufficiently dissuasive sanctions to combat this phenomenon in law and in practice. The Committee noted with concern the significant gaps in law and practice regarding the scope of collective bargaining.

Taking into account the discussion, the Committee called on the Government, in consultation with the social partners, to take appropriate and effective measures to:

- **ensure the independent, expeditious and in-depth investigation into the alleged anti-union dismissals under the state of emergency decrees in the framework of procedures presenting all the guarantees of due process;**
- **adopt effective and dissuasive sanctions against anti-union discrimination, including anti-union dismissals, in both the public and private sectors, and ensure that workers who have suffered such prejudice are entitled to appropriate remedies (including reinstatement, financial compensation, etc.);**
- **engage in a comprehensive review of judicial and non-judicial mechanisms for the effective and timely investigation and redress of cases of anti-union discrimination;**
- **establish a robust system for collecting data on anti-union discrimination in both the public and private sectors;**
- **prevent interference in legitimate trade union activities and use of violence against trade union members and workers;**
- **amend section 34 of Act No. 6356 with a view to enabling parties in the private sector wishing to engage in cross-sector regional or national agreements to do so;**
- **ensure that minority trade unions are able to exercise their rights protected under the Convention;**
- **ensure that court proceedings on the legal validity of trade union majority certificates are concluded within a reasonable time;**

- **amend section 28 of Act No. 4688 with a view to removing restrictions on the material scope of collective bargaining in the public sector and to ensure that the parties concerned can autonomously decide the subjects for negotiation;**
- **amend existing legislation to ensure that prison staff, locum workers and public servants without a written contract can effectively exercise their right to organize and bargain collectively under the Convention;**
- **provide efficient and rapid remedies against the dismissal of trade union members based on state of emergency powers;**
- **review the method of appointment of members of the public employee arbitration board so as to ensure its independence and impartiality;**
- **elaborate and implement awareness-raising campaigns and programmes to educate the police and security forces, the judiciary and the administration on trade union rights; and**
- **provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.**

The Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Government representative – First of all, I would like to state that this decision of the Committee is a regrettable one, which is against the will of our Government which has been put forward by our country and which is expected to issue concrete results in a short period of time with the efforts of the social partners. In any case, it would have been appropriate for the Committee to give us a reasonable time for the arrangements that will be realized by our Government together with the social partners. We hope that this process will have a positive outcome for the relations between the ILO and our country together with the social partners.

Turkmenistan (ratification: 1997)

Abolition of Forced Labour Convention, 1957 (No. 105)

Written information provided by the Government

The Government has provided the following written information as well as a copy of the road map for cooperation activities between the ILO and the Government of Turkmenistan for 2024–25.

During the ILO high-level mission in February 2024, the next stage of cooperation was discussed with the active participation of the social partners. During the visit, meetings were held with the following bodies of Turkmenistan: deputies of the Cabinet of Ministers, representatives of the Ministry of Foreign Affairs, the Parliament (Mejlis), the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the Ministry of Finance and Economy, the Ministry of Agriculture, the Ministry of Justice (Adalat), the Ministry of the Textile Industry, the Office of the Ombudsman, the Institute of State, Law and Democracy, the Office of the Prosecutor-General, the Ministry of Education, the State Statistics Committee, the National Trade Union Centre, the Union of Industrialists and Entrepreneurs, the main State service, Turkmenstandartlary, the State concern, Turkmenpagta, and provincial administrative bodies.

As a result of constructive cooperation, the road map for cooperation with the ILO for 2024–25 was adopted.

The main areas covered by the road map include the following.

- (1) Priority actions will be taken to strengthen the policy framework to prevent the mobilization of child labour. As part of this measure, there are plans to enshrine in law provisions that prohibit forced or compulsory labour during the cotton harvest, that is to prepare and submit a draft presidential decree on measures for a highly organized cotton harvest, taking into account the organization of voluntary and fairly remunerated employment during the harvest.

With regard to the prevention of child labour, the list of jobs, occupations and positions with harmful or hazardous (and especially harmful or especially hazardous) working conditions in which the employment of persons under the age of 18 is prohibited, is to be revised, with the inclusion of activities relating to the cotton harvest. Provision is also to be made to ensure that children under the age of 18 are not involved in the cotton harvest, and to ensure compliance with legislation on the minimum age for employment. There are plans to develop and implement measures to raise public awareness of the prevention of mobilization and involvement of child labour, aimed at local authorities, social partners and the public. Accordingly, the development and implementation of a plan is envisaged to disseminate relevant information to stakeholders, local authorities and *daikhan* (farmers) associations, employers, workers and the general public on how to identify and report risks and incidents, including unacceptable practices in recruiting cotton pickers, by encouraging voluntary disclosure before and during the cotton harvest.

The road map also provides for:

- the promotion and establishment of fair and decent pay for cotton pickers by analysing the possibility of establishing (revising) the minimum wage (for picking one kilogram of cotton) for both the 2024 and 2025 cotton harvests, through research and consultations by way of social dialogue with the Government;
 - ILO technical support to Turkmenistan on accession to the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Social Security (Minimum Standards) Convention, 1952 (No. 102), by analysing relevant national legislation; the signing of a memorandum of understanding on organizing an analysis of the review of working conditions in Turkmenistan;
 - the development of protection protocols covering all individuals who file complaints, including measures to protect confidentiality, protect against harassment and ensure referrals to appropriate support services; the development and implementation of pilot feedback/complaint mechanisms during the 2024 harvest, and improvement of complaint mechanisms for the 2025 harvest.
- (2) As part of the improvement of the legislative framework:
 - the legislative framework with regard to forced and child labour is to be improved in accordance with the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182);
 - the ILO recommendations to review legislation and draft legislative amendments are to be implemented;

- provisions, rules and systems for decent employment and working conditions during the cotton harvest are to be improved, namely through strengthening regulations on recruitment of cotton pickers by entering into appropriate contracts with them and agricultural producers, and monitoring compliance with the minimum wage for their labour;
 - technical assistance is to be provided to support progress towards ratification of the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129);
 - capacity is to be built and technical assistance provided for the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Social Security (Minimum Standards) Convention, 1952 (No. 102).
- (3) The law enforcement framework includes the provision of technical assistance to increase victims' access to effective remedies (Ombudsman's Office, law enforcement and judicial authorities at central and regional levels) and the development of protocols and tools to support access to remedies.

The road map also envisages broader reforms, such as studying international experience to establish a recruitment system and a selection mechanism for cotton-harvesting jobs, promoting social dialogue in cotton production, and identifying possible structural reforms to increase the productivity and sustainability of cotton production, and support decent work opportunities along the entire cotton value chain.

The ILO technical mission of 14–17 May 2024, with the participation of ILO officials, contributed positively to the implementation of the priority actions of the road map for 2024–25, and was aimed at discussing the activities of the road map, including the development of Government instructions for personnel selection and working conditions during the 2024 cotton harvest, revision of the list of jobs, occupations and positions with harmful or hazardous (and especially harmful or especially hazardous) working conditions, in which the employment of persons under the age of 18 is prohibited, and mechanisms for dealing with complaints and access to effective remedies. A round table involving all stakeholders was organized during the mission. At the same time, work is under way to prepare a draft memorandum of understanding between the Government of Turkmenistan and the ILO on a survey of working conditions during the 2024 cotton harvest in Turkmenistan.

The Parliament of Turkmenistan, as represented by the deputy corps, is actively engaged in awareness-raising activities aimed, inter alia, at informing society about the prevention and prohibition of forced labour, including child labour. Trade union activities in *etrap*s [(districts)] and cities also include the organization of awareness-raising seminars involving stakeholders and civil society which target national and local tripartite stakeholders and civil society to ensure an open dialogue on challenges, frameworks and response mechanisms to address issues relating to fair employment of workers. Articles and publications have been produced on the legal regulation of labour relations in various sectors, including agriculture. The Government of Turkmenistan is currently considering accession to the 2014 Protocol to the Forced Labour Convention, 1930 and, in this regard, consultations are being held with the ministries, departments and social partners concerned regarding ratification of the above Protocol. In addition, we would like to note our commitment to studying international experience in the prevention of forced labour, including child labour in all its forms. Evidence of this, in particular, is the participation in March 2024 of a delegation from Turkmenistan in a

study tour to Tashkent, Uzbekistan, as part of the United States Agency for International Development (USAID) Safe Migration in Central Asia project. The delegation studied the experience of eradicating child and forced labour in the country's cotton sector. As a participant in the joint programme, the Ministry of Labour of Turkmenistan will continue to play an active part in the implementation of activities within its competence.

Discussion by the Committee

Chairperson – I invite the Government representative of Turkmenistan, Ambassador and Permanent Representative of Turkmenistan to the United Nations Office at Geneva.

Government representative – Turkmenistan's case has been repeatedly considered by the Committee during its annual sessions on the implementation of the provisions of the Convention, during which our country accepted the recommendations made, including the invitation of the ILO high-level technical assistance mission. Since the high-level mission, we have embarked on a substantial programme of cooperation with the ILO and numerous visits have been undertaken by the ILO to Turkmenistan, including high-level missions.

The ratification by Turkmenistan of the two ILO governance Conventions in 2019 and 2021, the ILO Constitutional Amendment in 2022 and the adoption and full implementation of the road map for cooperation with the ILO for 2023 are significant results of close cooperation.

The implementation of the activities of the road map was carried out in close collaboration and cooperation with ILO staff, in particular on: reviewing the policy and administrative structure governing cotton harvesting; improving labour inspection; promoting full and freely chosen employment in the cotton sector; developing and raising awareness; and promoting social dialogue in the cotton production and processing sectors.

As part of ILO activities, a qualitative survey of hiring practices for cotton harvesting was conducted in selected regions of Turkmenistan, with visits to the cotton fields during the harvesting period to monitor working conditions. At the same time, a quantitative survey of households was conducted by the state statistic authorities to assess the trend of cotton harvesting over the last five years.

In September 2023, the Government and the ILO signed the Memorandum of Understanding concerning the observation of working conditions during the 2023 cotton harvest in Turkmenistan. In accordance with the Memorandum, a delegation of ILO specialists made phased visits to Turkmenistan in September–October 2023, consisting of seven ILO teams. During the visits, the ILO teams travelled to the regions of the country to visit cotton harvest fields, met and held interviews with cotton harvest participants, tenants, farmer associations and representatives of farms.

An ILO report was prepared based on the results of the monitoring conducted within the framework of the road map and was discussed among stakeholders in Turkmenistan in February 2024. The report describes Turkmenistan's cotton industry, results of visits to cotton fields, information on hand-picked cotton, wages and working hours at the cotton ginner, regulation of fair and voluntary recruitment of workers and their replacement during the cotton harvest, and organization of inspections of working conditions of cotton pickers.

The report also presented recommendations on continuing to improve legislation on the prevention and prohibition of forced labour, raising awareness of employers and local authorities on the prevention of the use of forced labour, including child labour, and on the mechanism for handling complaints and other recommendations. The report also made recommendations on the ratification of a number of ILO Conventions, in particular the labour

inspection Conventions, the Protocol of 2014 to the Forced Labor Convention, 1930 and a number of occupational safety and health Conventions.

During the ILO high-level mission in February 2024, with the active participation of the social partners, the issues concerning the next stage of cooperation were discussed. During the visit, meetings were held with deputies of the Chairperson of the Cabinet of Ministers, representatives of Parliament, Ministry of Foreign Affairs, the Office of the Ombudsman, leading ministers and departments, as well as local authorities.

As a result of ILO recommendations and our constructive cooperation, and in consultation with the social partners, the road map for cooperation with the ILO for 2024–25 was adopted. We have shared the road map with the Committee, and you can find it on the ILO website. The main areas of the road map include priority actions to strengthen the policy framework to prevent mobilization and child labour through:

- improvement of the legislative framework on forced and child labour, in accordance with the Forced Labour Convention, 1930 (No. 29), Convention No. 105, the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182);
- provision of technical assistance by the ILO to support progress towards the ratification of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Protocol of 2014 to the Forced Labour Convention, 1930;
- signing of a memorandum of understanding on the organization of an analysis of the review of working conditions in Turkmenistan and the undertaking by the ILO of an observation of the cotton harvest; and
- development and implementation of feedback/complaints mechanisms during the 2024 harvest, and improvement of complaints mechanisms for the 2025 harvest.

Enforcement includes technical assistance to improve access to effective remedies for victims, an Office of the Ombudsman, law enforcement and judiciary at the central and regional levels.

The road map also envisages broader reforms, such as learning from international experience to establish a recruitment system and job-matching mechanism for cotton harvesting, promoting social dialogue in cotton production, and identifying possible structural reforms to improve the productivity and sustainability of cotton production and to support decent work opportunities along the entire cotton value chain. It is important to note that we have already started working to implement this road map with the ILO.

In particular, the first meeting between the Office of Ombudsman, and ILO and United Nations High Commissioner for Refugees (UNHCR) experts was held a few days ago, on 4 June, with the aim of discussing the upcoming actions on the implementation of the aforementioned road map. A day later, a meeting was held between ILO experts and representatives of the Ministers of Labour, Justice and Agriculture and the Ministry of Foreign Affairs of Turkmenistan. By the end of June, we are also expecting ILO experts in Ashgabat for a working visit.

In addition, recently, we also received some proposals from the ILO on concrete actions and measures within the implementation of our new road map for 2024–25, related again to the Ombudsman's Office, the awareness-raising campaign, and the observation of the cotton

harvest in the current year, which were already discussed during the aforementioned meetings.

At the present time, Turkmenistan is undergoing a crucial reform of the agrarian sector of the country and further improvement of its management. By the decree of the President of Turkmenistan, the Ministry of Agriculture was reorganized early this year in February.

In order to increase crop yields, develop livestock and poultry farming, create modern facilities for the production of high-quality agricultural products, and introduce modern technologies in production, sectoral agricultural structures (concerns and associations) in specific areas, including the State concern "Turkmenpagta", were established and separated from the Ministry of Agriculture of Turkmenistan.

An important step in the context of the topic under consideration today is the decision of the Government to significantly increase the purchase price of cotton from 1.5 to 5 manats, which is linked to the cotton harvest period. Such an increase was due to the need to provide farmers with greater incentives and income, as well as to increase payment to cotton pickers for each kilogram of cotton harvested, depending on the time of harvesting this crop and its quality.

An effective contribution to the implementation of priority actions of the road map for 2024–25 was the ILO technical mission in May this year, which was aimed at implementing the activities of the above-mentioned road map, including the development of instructions of the Government on recruitment and working conditions during the 2024 cotton harvest. During the mission, a round table was organized with the participation of all stakeholders. A second round table was also organized to discuss the inclusion of cotton picking in the list of jobs, professions and positions with harmful and dangerous working conditions that are not allowed for the employment of persons under the age of 18. Work is already underway in close coordination with the ILO in follow-up to these round tables.

A meeting of the tripartite commission of social partners is currently being planned. One of the key issues on the agenda is the consideration of the action plan of the road map for 2024–25, in particular the issue of improving the list of dangerous and hazardous work through the inclusion of cotton pickers.

In addition, as part of the discussion of the action plan, the issue of improving the legal framework governing the relationship between employers and cotton pickers is being considered. At the same time, work is under way to prepare a draft memorandum of understanding between the Government and the ILO concerning the independent observation of working conditions during the 2024 cotton harvest in Turkmenistan.

The Government is currently considering the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, and consultations are being held with the ministers, departments and social partners concerned.

At the same time, we would like to note our commitment to studying international experience in the prevention of forced labour, including child labour in all its forms. This is evidenced, in particular, by the participation in March this year of a delegation of Turkmenistan in a study tour to Tashkent, Uzbekistan, within the framework of the USAID Safe Migration in Central Asia project, during which the delegation studied Uzbekistan's experience in the abolition of forced labour, including child labour in the cotton sector of the country.

We highly value the cooperation with the ILO in achieving global fair labour goals and are committed to continuing this cooperation to address the recommendations of the supervisory bodies.

Taking into account all state target programmes, the constant work to improve Turkmenistan's legislative and institutional framework, and the results of practical activities in the area of labour, employment and social protection of the population, Turkmenistan has a high potential for the ratification, in the future, of a number of other priority ILO Conventions and the effective implementation of their standards.

In conclusion, I would like to express confidence that Turkmenistan will continue to pay special attention to the problems of social and economic justice, ensuring fundamental human rights and freedoms.

Employer members – We have noted with interest the information shared by the Government. We wish to encourage Turkmenistan to continue its efforts to better investigate and remediate the issues regarding forced labour in cotton harvesting that have led Turkmenistan's compliance with the Convention to become a regular subject here in the Committee. Turkmenistan ratified the Convention in 1997. ILO Convention No. 105 is a fundamental Convention that calls for the abolition of forced labour. This case was discussed in the Conference Committee in 2016, 2021, 2023, and again now in 2024. There were observations issued by the Committee of Experts on this case in 2015, 2016, 2019, 2020, 2021, 2022, 2023, and again now in 2024.

To be clear, the Employer members wish to stress their deep commitment towards the eradication of forced labour. We stand united in our belief that there should be no place for forced labour in our world of work, especially forced labour that is mandated or facilitated by a sovereign State. We further stand ready in our commitment to exercise any authority we may have as a social partner to assist in the eradication of forced labour, whether in Turkmenistan or anywhere else in our world.

Context, as always, is critical, and here it is significant to note that Turkmenistan's economy is largely state-driven, with its private sector remaining relatively small and closely regulated by the State. We also take note that Turkmenistan is – depending on the source that is consulted – the 13th or 14th largest cotton producer in the world, and that Turkmenistan's cotton harvest is of material importance to its economy. Although more can be said about the political context, we wish to reiterate here that the Committee has raised serious questions about the independence of the country's trade union and employer organizations.

By way of legal context, and in addition to ratifying the Convention, we note that the Constitution of Turkmenistan (article 33), guarantees the right to freely choose a profession, occupation and place of work, as well as to healthy and safe working conditions. As the road map for cooperation activities between the ILO and the Government for 2024–25 has noted, forced or compulsory labour is prohibited under national law, which includes:

- “any practice of compelling or forcibly mobilizing persons working in enterprises, regardless of form of ownership, or any other person under or over 18 years of age to pick cotton”;
- “collection of cotton by employees of enterprises (organizations, institutions) of all forms of ownership during the working week in the working hours established by the schedule”; and
- “any practice that requires public or private sector employees or any other person to pick cotton or hire pickers or pay for replacement pickers or otherwise finance the picking of cotton.”.

The existence of regulation is quite different from the respect and enforcement of that regulation. It is, of course, a benefit to have existing regulation and, most relevant here, a country that has voluntarily ratified the Convention. There nonetheless appears to be a continued and unfortunate enforcement gap and we should all recall and continue to be mindful that the work of this esteemed Committee is to explore and seek to ensure compliance with certain voluntarily ratified Conventions, like Convention No. 105.

To that end, we note that the Committee of Experts has repeatedly identified multiple abusive practices that conflict with the Convention, in particular Article 1(b) of the Convention prohibiting forced or compulsory labour as a method of mobilizing and using labour for purposes of economic development, with a focus on the practices within the Turkmen cotton industry.

These concerns led to ILO high-level missions, and then a road map for cooperation between the ILO and Turkmenistan that was adopted in March 2023. The 2023 road map covered the following six areas:

- (1) a review of the policy and administrative framework;
- (2) improvement of labour inspection and law enforcement;
- (3) promotion of full, productive and freely chosen employment in the cotton sector;
- (4) improvement of cotton production and harvesting;
- (5) design and implementation of awareness-raising activities; and
- (6) promotion of social dialogue in cotton production.

We appreciate any progress towards this 2023 road map, and note that the Government has indicated that: (i) an analysis has been carried out of the current legislative framework, and draft legislative acts were submitted to Parliament; (ii) meetings were held with the participation of the relevant ministries and agencies, social partners and the ILO representatives; (iii) there are ongoing efforts to produce a qualitative study of recruitment practices for the cotton harvest; (iv) a technical workshop was held during the ILO mission in July 2023 to discuss seasonal and casual employment; (v) in 2021–22, more than 200 awareness-raising meetings, workshops and round tables were held to address fair employment issues; and (vi) the Government has indicated that national employers' and workers' organizations are actively involved in implementing all the measures set out in the 2023 road map.

In addition, another ILO high-level mission, led by the ILO Regional Director for Europe and Central Asia, took place from 19 to 23 February 2024, which focused on certain discrete items, including a round table discussion with government authorities and representatives of the national employers' and workers' organizations to discuss the next phase of cooperation under a two-year road map for 2024–25, and a report to synthesize all research activities and observations from the 2023 cotton harvest. A technical ILO mission took also place on 14–16 May 2024, just several weeks ago.

The new joint two-year road map was approved by the Government just weeks ago, on 13 May 2024. This 2024–25 road map contains four main components: (i) priority actions aimed at strengthening policy framework, to be taken immediately and ahead of the 2024 cotton harvest that begins in just two months, including the preparation of a presidential decree as a first step towards legislative reform, as well as a public awareness campaign; (ii) a further improvement of legislative framework; (iii) strengthening of the enforcement of legislation and

international labour standards; and (iv) other and complementary reforms and assistance, including various measures related to ILO technical assistance.

The Employer members wish to emphasize that component (iv) of the road map recognizes that the sustainable elimination of forced labour in cotton production requires the active participation and monitoring of the process by independent employers' and workers' organizations. Critically relevant here is that the Committee of Experts has raised serious legal issues regarding state control over employers' and workers' organizations in last year's observation on Turkmenistan on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The International Trade Union Confederation (ITUC) further questioned the independence of the trade union movement in the country and the Employer members have similar concerns about the independence of employers' and business organizations in Turkmenistan. The Employer members thus wish to emphasize that freedom of association and independent employers' and workers' organizations are not only fundamental principles in themselves, but also guarantors of compliance with other ILO standards, such as Convention No. 105. We trust that a thorough mapping and assessment of the organizations representing employers and workers in Turkmenistan and a review of the legal and institutional framework for these organizations will be carried out, as foreseen in the road map and in line with any guidance provided by the ILO standards supervisory bodies.

We also note that the 2024–25 road map requires a memorandum of understanding to be signed between the Government and the ILO to better observe and report on actual working conditions.

There has been no shortage – in our view – of contemplated protocols or suggested actions to help end the use of forced labour in Turkmenistan's cotton harvest. Much ink has been spilled. It would nonetheless appear that this scourge continues to persist. It is our belief and wish that every available effort be taken to step past protocols and road maps to ensure better and more meaningful access to the facts and circumstances on the ground and, moreover, to ensure that forced labour is eradicated in Turkmenistan.

The Employer members have not and will not tolerate forced labour in contravention of the Convention, particularly forced labour that is mandated or facilitated by a sovereign State. Forced labour is an unconscionable practice that is harmful from all perspectives, even from a commercial perspective. It is starkly unethical and bad business in all senses.

Although we encourage the Government to continue engaging in cooperation with the ILO within the framework of the 2024–25 road map, we again place an emphasis on implementation and tangible results. We stand ready as Employer members to assist in any way that we can. We look forward to hearing the views of other groups on this case.

Worker members – This is the fourth time our Committee has examined the application of the Convention by the Government. This year will be the second consecutive time. In 2021, our Committee invited the Government to receive a high-level mission. This mission took place in November 2022. Contacts between the Government and the ILO led to the adoption of a road map in March 2023. A further ILO high-level mission was then held in February 2024, resulting in an updated road map, approved on 13 May 2024, by the Government.

This road map provides for activities in a number of areas that will enable progress to be made towards greater compliance with the Convention and a considerable improvement in the situation of many workers in Turkmenistan. This is a positive step forward, but we are still far from the objective of eradicating forced labour in Turkmenistan. We urge the Government to now make every effort to effectively implement this road map.

Despite all these initiatives, forced labour practices in cotton production are still present on a large scale in Turkmenistan according to reports done by independent monitors taking great risks investigating in the country. Absence of fundamental freedoms remains an obstacle to ending forced labour, and workers are still denied their fundamental rights to organize an independent trade union.

In 2022, the managers of state-owned enterprises came under greater pressure to mobilize workers for the cotton fields. In particular, tens of thousands of public sector employees, including teachers, doctors, cultural workers and civil servants, were mobilized to pick cotton to meet the targets of the State's cotton harvest plan. We understand, however, that in 2023, teachers and doctors were not involved anymore in cotton picking but thousands of other public workers were still mobilized.

Cotton pickers were forced to work in dangerous and unhealthy conditions, including temperatures ranging from -10°C in December to over 40°C in August, in direct sunlight and without sufficient quantities of drinking water. Cotton pickers were exposed to chemicals without warning and were not provided with any protective equipment or medical follow-up. They were also required to pay for their own food, water, transport and accommodation. Some were forced to use replacement pickers whom they paid out of their own pockets to avoid taking part in the cotton harvest themselves.

The UN Human Rights Committee also expressed concern in its 2023 concluding observations about the widespread use of forced labour by civil servants during the cotton harvest, under threat of sanctions such as termination of their employment contracts or loss or reduction of wages.

It also emerged that an independent ILO observation mission on the working and recruitment conditions of cotton pickers, made up of ILO staff and independent consultants, took place during the harvest in October 2023. The initial findings of this mission show direct and indirect evidence of the mobilization of civil servants in all but one of the regions visited. We regret that the full report of this observation mission is not yet available to the Committee.

It is positive to note that the cooperation of the Government with the ILO in implementing the recommendations of our Committee, enables the ILO to have a clearer view of the situation on the ground, and thus to be able to provide the most appropriate assistance to the Government. However, we can only share the Committee of Experts' deep concern about the continuing practice of forced labour in the cotton sector. We can therefore only invite the Government to redouble its efforts to pursue all the initiatives it has put in place in collaboration with the ILO.

These initiatives have clearly identified the areas in which time-bound action needs to be taken.

First of all, the political and administrative framework governing the cotton harvest needs to be re-examined. We have seen in the past that the national harvest plan and the objectives assigned to it are implemented at regional and local levels. It is therefore important that every link in this chain be involved in efforts to bring the situation into line with the Convention.

An ILO technical mission was set up in May 2024 to help the Government formulate clear instructions on recruitment and working conditions for the next cotton harvest, the revision of the list of hazardous work for children, the setting of a living wage for the cotton harvest, the establishment of complaints mechanisms, the strategy and actions for awareness-raising campaigns, and the parameters for ILO observations during the 2024 cotton harvest.

The labour inspectorate obviously has a fundamental role to play in resolving the problems encountered during the cotton harvest. The Government needs to work to improve labour inspection and enforcement. The concrete initiatives taken to prepare for the ratification of Conventions Nos 81 and 129 are to be welcomed, and we encourage the Government to continue resolutely along this path.

The promotion of productive and freely chosen employment, the development and implementation of awareness-raising activities and the promotion of social dialogue in cotton production will also be areas in which efforts will need to be made.

We note that over 200 awareness-raising meetings, workshops and round tables have been held over the 2021–22 period. Given the entrenchment of forced mobilization practices in Turkmenistan's cotton harvesting campaign, it is absolutely essential to continue and multiply these types of activities so that all strata of society are made aware of this issue.

Cotton production and harvesting conditions need to be improved to make up for the lack of decent work in many places. The next cotton harvest will be decisive in assessing the concrete progress made by the Government.

We expect the Government to make public, high-level policy statements condemning forced labour, to instruct officials at all levels not to use coercion to mobilize anyone to work. Furthermore, we expect the unimpeded operation of independent labour monitors to document and report labour conditions without fear of reprisal and ensure that their findings are integrated in the monitoring.

In addition to maintaining close collaboration with the ILO, it is important that the Government allows independent national and international social partners to participate in the process. Their participation will ensure transparency, better compliance with the Convention and close follow-up of the implementation of the road map agreed. It is only through tripartite social dialogue that lasting solutions can be found to the challenges facing Turkmenistan. It is therefore of utmost importance that Turkmenistan also guarantees an environment conducive for freedom of association in order to resolve the non-compliance with the Convention.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro and North Macedonia**, and the European Free Trade Association country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote the universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

Human rights are an essential aspect of our bilateral relations with Turkmenistan. The EU and Turkmenistan hold an annual Human Rights Dialogue, allowing for discussions on issues related to this topic.

In June 2023, the Committee deplored the persistence of widespread use of forced labour in relation to the annual state-sponsored cotton harvest and the Government's failure to make any meaningful progress on the matter since the discussions of the case in 2016 and 2021.

In this context, we welcome the recently increased cooperation between the Government and the ILO to address this long-standing concern related to the effective implementation of the Convention. We thank the Office for its active engagement in the promotion of labour rights and the abolition of forced labour in Turkmenistan and welcome that the Government

has availed itself of ILO technical assistance, including several ILO missions in this regard. We call on Turkmenistan to translate this engagement into concrete progress.

We took note of the written information provided by the Government, including on the priority areas of the adopted road map for cooperation activities between the ILO and Government for 2024–25. We welcome that priority is given to the abolition and prevention of child labour and forced or compulsory labour during the cotton harvest through policy, administrative and legislative measures.

In line with the road map, we expect the Government to ensure the adequate protection of all individuals who file complaints, as well as provide appropriate support services and effective access to remedies for victims. We acknowledge the planned involvement of the Office of the Ombudsman in monitoring the situation and handling complaints related to forced labour. It is essential that the Government ensures decent employment and working conditions, including fair and decent pay for cotton pickers through social dialogue. Continued collaboration with the ILO is important in this regard, including in view of the ratification of Conventions Nos 81 and 129, fundamental occupational safety and health Conventions Nos 155 and 187, Convention No. 102, as well as the Protocol of 2014 to Convention No. 29.

We welcome the collaboration with the ILO with regard to preparing a draft memorandum of understanding on a survey of working conditions during the 2024 cotton harvest in Turkmenistan and express our strong call for the planned improvements in the legislative framework in the country to take place. We took note of the information, provided by the Government, on the engagement of the Parliament of Turkmenistan in awareness-raising activities on forced and child labour and encourage the Government to continue the activities in this regard.

While welcoming the initiatives undertaken by the Government, we note with great concern the observations by the ITUC on increased pressure on heads of state-owned enterprises to mobilize workers for cotton harvesting, including public sector employees, to meet the State's cotton harvest plan. We are also deeply concerned by the hazardous conditions under which the work is performed, the practice of imposing fees for replacement pickers and the fact that the majority of civil servants subject to forced labour are women.

We regret that the findings of the independent ILO observation mission, carried out during the harvest in October 2023, also show direct or indirect evidence of a widespread mobilization of public servants for cotton harvesting.

We reiterate the Committee of Experts' call and urge the Government to further strengthen its efforts to engage with the ILO and the social partners to fully implement the Convention in practice, thereby ensuring complete elimination of the use of compulsory labour of workers, particularly from the public sector, in cotton production. We expect the Government to continue to provide information on concrete measures taken to fully implement the road map.

The EU and its Member States welcome the Government's recent openness on the issue of eradication of forced labour in the country and its readiness to continue cooperation with the ILO. We hope it is followed by concrete progress soon. We stand ready to support Turkmenistan in meeting its obligations under the ratified Conventions and we will continue to follow closely the situation in the country.

Government member, United Kingdom of Great Britain and Northern Ireland – I am speaking on behalf of **Australia, Canada** and my own country, the United Kingdom. The United Kingdom has been engaged directly on this issue in Turkmenistan for several years.

We thank the Government for the recent information provided on its implementation of the Convention. We note that the information highlights several measures undertaken by the Government with the aim of addressing the observations of the Committee of Experts, including via the road map for cooperation activities between the ILO and the Government for 2024–25, which was adopted after the ILO high-level mission in February 2024.

We note the Government's plans to enshrine, in law, provisions that prohibit forced or compulsory labour during the cotton harvest, including the draft presidential decree. We look forward to its swift adoption.

Regarding child labour, we are encouraged that the inclusion of activities relating to the cotton harvest will be included in legislation for the prevention of child labour, and the broad public awareness campaign on the prevention of the mobilization and involvement of child labour. We hope that these initiatives will be rolled out swiftly.

We also note the developments in other areas beyond the immediate scope of the Convention, such as providing technical assistance to increase victims' access to effective remedies. Even as we note progress, we still remain deeply concerned and we strongly urge the Government to take immediate and effective action to:

- adopt its legislative proposals and roll out its awareness-raising activities expeditiously;
- continue to work constructively and collaboratively with the ILO, the UN Resident Coordinator, independent social partners and other development programmes; and
- continue to avail itself of ILO technical assistance for the Convention, the other relevant Conventions outlined in the road map, and its ratification of the 2014 Protocol to the Forced Labour Convention, 1930.

We believe that with committed action, Turkmenistan can, once and for all, eliminate forced labour, and improve recruitment and working conditions, in the cotton sector.

We sincerely hope that the Government's next report to the Committee of Experts will highlight the full implementation of the road map and further positive developments towards the elimination of forced labour in Turkmenistan.

Employer member, Argentina – The Argentine employer sector is pleased that the authorities of Turkmenistan have accepted ILO technical assistance, and have received the high-level missions in recent years, in particular the missions that took place during the harvest in October 2023 and in February 2024. However, given the results reported by these missions, we regret that we are once again at a session of the Committee in which it is not possible to demonstrate consolidated progress in the fulfilment of the obligations arising from the Convention. We therefore support the request by the Committee of Experts that the Government continue its efforts to ensure the elimination of forced labour in Turkmenistan.

In particular, we would like to highlight point 4.3 of the 2024–25 road map and underline the importance of technical assistance aimed at ensuring dialogue with representative and independent workers' and employers' organizations. Dialogue with representative employers' and workers' organizations helps to address the causes and risk factors associated with forced labour, and to effectively monitor the implementation of the policies developed.

In this regard, we are of the opinion that this case should be considered in connection with the Committee of Experts' recommendations on the application of the Convention in Turkmenistan.

We would like to emphasize that freedom of association, including the free election of workers' and employers' representatives, besides being fundamental principles, are elements that establish the necessary conditions for effective compliance with other international labour standards, including the Convention.

As noted in other sessions of this Committee, the effectiveness and sustainability of measures designed to combat forced labour are inseparable from countries' regulatory and economic environments.

We therefore trust that, in the light of this discussion, the Government will take the measures included in the 2024–25 road map and make every effort to ensure the operation of institutionalized and transparent social dialogue mechanisms, and that it will continue to avail itself of ILO technical assistance to adequately monitor, in law and in practice, the road map to eliminate forced labour in the country.

Government member, Azerbaijan – Azerbaijan expresses its gratitude for the detailed information provided on the current situation related to the implementation of the Convention. We would like to note the efforts made by the Government on the implementation of the Convention in close cooperation with the ILO. Observation missions of the ILO in 2023 and the planned mission during the cotton harvest in the current year indicate the openness and readiness of the Government to cooperate and resolve existing issues.

We welcome the successful implementation of the road map for cooperation between Turkmenistan and the ILO for 2023, as well as the development and adoption of the new road map for 2024–25 with concrete action on the implementation of the mentioned Convention, as well as the creation of a necessary legislation base.

I would like also to highlight the measures taken by the Government on maintaining dialogue with the social partners. As mentioned by the delegation, the meeting of the tripartite commission of social partners is a good example of the commitment demonstrated in the comprehensive approach of the Turkmen side.

Worker member, Netherlands – This statement is also on behalf of the German and Austrian workers and the Russian workers from the Confederation of Labour of Russia (KTR). Year after year during the cotton harvest, which takes place between August and December, the Turkmen Government forces tens of thousands of public sector workers to pick cotton or pay for replacement pickers under threat of penalty, including loss of employment, reduction of work hours or pay, and extorts money from the same workers to pay expenses related to the harvest.

In Turkmenistan, harvesting cotton using forced labour is not an anomaly, but an integral part of a command system of agricultural production that drives both rural poverty and child labour.

Forced labour of public sector employees to pick cotton was widespread and systematic in all regions that were monitored by independent researchers. Many civil servants reported mobilizations by mid-August. By December, despite temperatures below freezing, about 25 per cent of public sector employees were forced to pick cotton or pay for replacements during the week, and even more employees were sent to the fields on the weekend.

We welcome the recently signed road map for 2024–25 and the intention of the Government to work with the ILO. We consider that the road map contains important and necessary steps to be taken by the Government to abolish all forms of forced labour in the country.

However, when working on solutions, independent workers' organizations must be involved in the whole process. Unfortunately, this has not been the case so far. Therefore, we emphasize, Government representatives of Turkmenistan cannot formulate and execute plans with the ILO without involving the social partners, key constituents of the same institution.

As previous speakers, we also urge the authorities from Turkmenistan to fully cooperate with and implement recommendations from the ILO supervisory mechanisms. Under the framework of ILO technical advice, the Government should establish, monitor, and report on clear benchmarks to fulfil its obligations under all fundamental labour Conventions of the ILO.

Interpretation from Russian: **Government member, Belarus** – I would like to thank the Government for providing detailed information on the matter before us, and we note the commitment of the Government and workers' and employers' organizations to the principles of tripartite dialogue and the active participation of the ILO, including in the development of the road map for 2024–25. We welcome the road map's recommendations to include, in national law, provisions relating to banning forced labour, prohibiting the work of minors in hazardous enterprises and also creating a safe working environment. We welcome the Government's work to cooperate with the social partners and increase awareness relating to the unacceptability of using forced labour and child labour. We welcome the ILO's work and invite it to continue providing technical assistance, particularly in accordance with the road map for 2024–25, and also to continue to ensure further progress and to protect the rights and interests of workers.

Employer member, United States of America – The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) was a founding member of the Cotton Campaign, a multistakeholder coalition dedicated to ending the use of forced labour in the annual cotton harvests in several Central Asian countries. As a member of this campaign, we welcomed the US Government's 2018 decision to ban the importation of products containing Turkmen cotton for the systematic use of state-sponsored forced labour. As others have noted, there has been important progress since this body discussed this case last year.

Critically, the Government no longer denies the existence of forced labour during its annual cotton harvest, as evidenced by the recently signed 2024–25 road map. But this is just the beginning of the journey toward ending the systemic use of forced labour in the cotton harvest. As this body knows all too well, the road map is only a first step and real progress depends on its effective and transparent implementation with the full participation of the social partners.

As a recent independent monitoring report shows, the Government-run forced labour system is alive and well in the Turkmenistan cotton harvest.

- Public employees were once again mobilized en masse and forced to pick cotton or pay for replacement workers,
- Children are still in the cotton fields, hired as "replacement pickers" or helping a parent meet a quota.
- Independent monitors and journalists are still persecuted and face great risk in reporting on the annual harvest.
- Workers are still denied their fundamental rights to organize an independent trade union and bargain collectively.

The action plan is an important first step, but now we need to see it implemented in an inclusive and transparent fashion. This means the ILO social partners must be fully consulted

on the evaluation of compliance and understand the methodologies that form the basis of any ILO report conclusions. This is the only way to build trust that durable progress is being made and the State is tackling the root causes of this entrenched forced labour system. Only then will Turkmenistan eventually be able to produce and market cotton that is free from the taint of forced labour.

Government member, Kazakhstan – The Kazakh delegation thanks the Government representative of Turkmenistan for the report. We welcome the Government's recent engagement with the ILO. We note the commitment on the part of the Government to implement the road map for cooperation between the ILO and the Government for 2024–25, which includes concrete measures, as well as the enhancement of dialogue between the Government and the ILO. We encourage the Government to continue to pursue its efforts to ensure the complete elimination of the use of compulsory labour in cotton production.

Worker member, United Kingdom – Cotton infiltrates supply chains everywhere. We know that some cotton from Turkmenistan comes directly to the United Kingdom, but far more worrying is the vast amount that goes to Türkiye, a major supplier of finished textiles to the UK market. But the moment that this cotton becomes a Turkish-made product and is exported to our shops, its origins become harder to trace.

We know that companies have a responsibility to respect human rights in their supply chains, as set out in the United Nations Guiding Principles on Business and Human Rights and – increasingly – in national and transnational legislation. Free and independent trade unions, sometimes through multi-stakeholder initiatives like the United Kingdom and Ireland's Ethical Trading Initiative, play a role in both improving the rights of workers in supply chains, and in verifying those improvements, providing a vital element of the necessary due diligence that no visiting auditor could ever supply.

The situation in Turkmenistan represents a challenge to that model, however. Cotton, produced through forced labour finds its way into the complexity of supply chains of companies that might otherwise be behaving ethically. As such, it can best be challenged and remedied at source. But unions cannot operate freely in Turkmenistan, and therefore cannot currently play a role in verifying whether that cotton, some of which will inevitably end up in UK supply chains, is free from the taint of forced labour.

It seems, on the face of it, that there has been some progress in Turkmenistan, and that it is to be welcomed. However, the face is all we are allowed to see and, until things change on the ground, we will continue to fear that reforms are piecemeal and fail to address the significant concerns stemming from previous investigations and from those independent assessments that are available from the 2023 harvest, which indicate that, although latterly, doctors and teachers were finally exempted from cotton picking, other public employees were still compelled to work on cotton farms, with no effective government intervention recorded to hold those responsible to account. Those forced to work faced the harsh, unhealthy and dangerous conditions described earlier by my fellow workers.

Ending forced labour requires a comprehensive strategy that extends far beyond merely reducing the number of individuals compelled to pick cotton. To ensure that reforms are sustainable, it is crucial to broadly enable labour rights, including to freedom of association and collective bargaining. Independent social partners can play a vital role in the development, implementation and – crucially – verification of substantial and lasting reforms aimed at eliminating state-imposed forced labour and the exploitation of farmers in the cotton sector.

Unions are ready to engage with the ILO-led road map, noting that strong accountability structures are required to help sustain progress towards agreed destinations and avoid a return to the ILO's supervisory systems in a few years' time. That engagement needs to be meaningful, involving independent unions at all stages, and ultimately making sure they can play the role they do elsewhere, and both contribute to, and verify, the progress hopefully sought by all sides.

Government member, Kyrgyzstan – The Kyrgyz delegation extends its gratitude to the Government for providing its written report. We commend Turkmenistan for its dedication to upholding the ILO Conventions and acknowledge the progress made in addressing the ILO's recommendations.

We appreciate the efforts made to support workers' rights and the national initiatives fostering social dialogue. Turkmenistan's commitment to dialogue and cooperation with the ILO is particularly noteworthy. In February of this year, the Government engaged in comprehensive discussions with the high-level ILO delegation, resulting in the adoption of the 2024–25 road map for cooperation with the ILO.

Turkmenistan is actively taking measures to prohibit forced labour and child labour, aligning its legislation with ILO Conventions on child labour prohibition, and working towards ratifying key ILO Conventions on labour inspections and social security. Additionally, Turkmenistan hosted an ILO technical mission in May, several weeks ago.

We believe in the importance of dialogue and cooperation, as emphasized in the ILO Constitution. Maintaining constructive dialogue is crucial for the benefit of workers, employers, and the economy as a whole.

In conclusion, we express our sincere gratitude to the Government for its commitment to constructive dialogue with the ILO and call for the continuation of active engagement with ILO bodies for the common good.

Worker member, France – I am speaking on behalf of French workers. Turkmenistan is the world's 14th largest cotton producer, and the use of forced labour for harvesting is organized by the public authorities. To harvest the crops, the public authorities set coercive quotas, mobilize all the human resources available and therefore call upon, under duress, state employees, civil servants, who are not at all normally employed in agriculture. There are penalties for anyone who tries to escape this system. The authorities thus create an environment conducive to abuse and corruption throughout the production chain.

Working conditions are harsh. Workers lack sufficient drinking water, and have to find their own accommodation and food. They are not provided with the appropriate protective equipment and are exposed to chemicals and fertilizers.

Workers cannot escape this forced mobilization: either they go to work in the fields, or they find and pay someone to replace them, or they pay a contribution to their line manager at their usual place of work, who will then recruit replacements and collect a tithe in the process. This system particularly affects public sector employees, and especially women, who comprise the majority of this workforce, which is paid a pittance and virtually forced to work in occupations that are not their own.

According to independent observers, while for the 2023 harvest two categories of public servants – teachers and doctors – were no longer forced to work or pay replacements, this system continued for other categories of less qualified public employees, such as care assistants, nurses, technical staff and road workers.

The Government's intention to work with the ILO, reflected in field missions and the signing of the 2024–25 road map, is an important and necessary step towards ending this practice of forced labour. However, the lack of freedom of association, the non-existence of independent trade unions and the absence of press freedom severely hamper the monitoring and application of ILO recommendations and render any progress uncertain and fragile. The intention to eradicate forced labour will only be successful if the country genuinely implements the fundamental ILO Conventions.

Government member, Switzerland – Switzerland supports the statement made by the European Union and would like to share the following points. Like the ILO, Switzerland attaches particular importance to the abolition of forced labour throughout the world. In this regard, Switzerland regrets having to discuss once again the failure to comply with Convention No. 105 – a fundamental Convention – by Turkmenistan.

The use of forced labour in cotton production through the large-scale mobilization and use of the workforce, including civil servants, still appears to be a common and widespread practice in Turkmenistan. These workers, mainly women, are threatened with penalties such as the termination of their employment contract, a reduction in salary or other penalties if they fail to comply with this obligation to work. Workers forced to pick cotton also generally work in unsafe and unhealthy conditions.

Switzerland recalls that this case has already been discussed by the Committee three times in recent years: in 2016, 2021 and 2023. These discussions all resulted in clear and repeated calls for the Government to end its systemic use of forced labour in cotton harvesting and production.

Switzerland notes and welcomes the fact that, following a number of high-level ILO technical assistance missions, a road map for cooperation between the ILO and the Government, including tangible measures to improve workers' conditions, was adopted in March 2023. However, Switzerland regrets that these measures are not systematically implemented by the Government, as certain groups of public sector workers seem to fall outside their scope.

In this regard, Switzerland urges the Government to put in place concrete and effective measures to eliminate, in law and in practice, forced labour for all workers, in accordance with the Convention.

Finally, Switzerland supports the conclusions and recommendations of the Committee of Experts urging Turkmenistan to communicate actively on the measures taken and the concrete results achieved, and to continue to use ILO technical assistance to improve recruitment and working conditions in the cotton sector.

Government member, United States – The United States thanks the Government for providing additional information to this Committee in response to the recent observations of the Committee of Experts. We welcome the approval and publication of the road map for cooperation between the ILO and the Government for 2024–25, focusing on: measures and awareness campaigns to combat forced and child labour and ensure, for workers, a minimum wage and safe and healthy working conditions; improving the legislative framework for the prevention and prohibition of forced labour; technical assistance for the Government to ratify additional ILO Conventions; technical assistance for the prosecution of those accused of depriving others of labour rights; technical assistance for the development and analysis of databases to analyse hiring practices and child and forced labour and to promote social dialogue, decent work and a just transition in the cotton sector and; the holding of periodic

round tables to inform the formulation of policies to prevent mobilization and the use of child labour in cotton.

We encourage the Government to continue to actively pursue its efforts to ensure the complete elimination of the use of compulsory labour in cotton production. We welcome the Government's cooperation with the ILO to develop legislative standards that will align with the Convention while addressing forced labour in the cotton sector.

We also note that the independent workers' representatives will be essential partners for the development of new legal and policy approaches that eliminate the root causes of forced labour in the cotton sector. To that end, we urge the Government to amend provisions in the trade union law and the law on public associations that enable the Government to exact undue control over union activities including over the selection of trade union leadership. We welcome the Government's willingness to have ILO representatives observe the cotton harvest. We note with concern, however, the continued credible reports of forced labour in the sector, and policies that perpetuate the mobilization of workers for forced labour. We look forward to the Government's continued cooperation with the ILO and full implementation of the 2024–25 road map to eradicate child labour and forced labour. The United States remains committed to engaging with the Government to advance workers' rights in Turkmenistan.

Observer, International Union of the Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – The reports of the Cotton Campaign and Central Asia Labour Rights Monitoring Mission show that using various forms of coercion of workers to harvest cotton continues to be massive and systematic in Turkmenistan. Large groups of public sector workers, including employees of schools, preschool institutions, healthcare institutions and state enterprises are still sent to the fields.

The Government consistently denies the mass coercive nature of forced labour on the grounds that the authorities do not receive complaints. At the same time, the country has not created conditions for public control by non-governmental organizations and the media, as well as independent trade unions, which could respond to such information and, in cooperation with international organizations, carry out activities to protect workers.

In this regard, we positively assess the recently signed road map, which shows the intention of the Government to cooperate with the ILO on the eradication of forced labour. A number of measures envisaged in the document can indeed have a serious impact on the situation, if the work is done in a transparent manner and is open to consultations with the independent social partners, in particular international global unions such as ours, the IUF and the ITUC.

We call on the Government to continue meaningful cooperation with the ILO on bringing legislation and law enforcement practice into line with the provisions of the ratified Convention. This should be carried out within a broader framework which will lead the country towards effective implementation of all the ILO fundamental Conventions and, above all, the right to freedom of association.

Chairperson – We have just received a request for the floor from the Employers' delegate and the Workers' delegate from Turkmenistan. I accept this request and give the floor to the Workers' delegate from Turkmenistan.

Interpretation from Russian: **Worker member, Turkmenistan** – We would like to express our happiness at being able to speak at today's meeting. As has been said, the case of Turkmenistan has been discussed many times. I would like to particularly focus on how trade unions have acted during this period, what they have done, what achievements have been

made, and what outcomes have been reached. As experts have noted, and other speakers have also said, the trade unions of Turkmenistan have been actively involved in the process of tripartite social dialogue. We have been actively participating in the discussions, after the signing of the road map for 2024–25. In the beginning of this year, we participated in the high-level mission, which was led by many high-level representatives of the ILO. Furthermore, the delegation of trade unionists and their leaders have had close cooperation with the Bureau for Workers' Activities (ACTRAV) throughout this process. During this period, the trade unions have been doing significant work. Our legislation is undergoing review. It will clearly define terms such as forced labour. In 2016, the new version of the Constitution included the provisions relating to the prohibition of the worst forms of child labour and the banning of forced labour. That is a major success in our country. We now have these principles enshrined in the highest legal act, the Constitution. There have been other new laws and amendments to existing laws, which now reflect the principles of the labour standards that we have been discussing. As things stand today, there is a range of legislative measures to prohibit forced child labour and legal liability for the breaking of these laws is in place. There have been positive changes over these years.

There is a clearer influence on the development of legal principles, the legal framework and occupational safety and health. Furthermore, the possibilities available to the social partners in terms of oversight are greater. The effectiveness of labour inspection is greater and involves the trade unions, which indicate public opinion serving as a feedback mechanism for the State, which enables it to correct its social policy. The trade unions regularly undertake work to assess the implementation of Convention No. 105 and other Conventions in accordance with the Labour Code.

The constitution of the trade unions has enshrined the principles of labour inspection which take place whenever there is a concern about violations of labour standards and collective agreements. The trade unions stand together alongside the social partners. We have adopted a law on a tripartite commission and, as things stand today, Turkmenistan has ratified the fundamental Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The social dialogue between the Government, employers' representatives and workers is bearing fruit. As a part of the social partnership, there is a general agreement on tripartism at the moment, which started this year and will exist for three years. We visit the regions and carry out awareness-raising work among workers, farmers, leaseholders, local authorities, and we carry out workshops and seminars providing information on the ILO Conventions.

In May and June, our labour inspectorates carry out campaigns relating to the harvest, particularly with the participation of farmers and agricultural workers. We also carry out reviews of the effectiveness of observants of labour standards. Information sessions and workshops take place. We inform our colleagues in the regions, as well as farmers, keeping them up to date about the road map 2024–25 and its provisions, including the information about the wide range of measures which are directly linked to resolving the issues relating to the prohibition of forced labour and child labour and the implementation of the Convention.

The seminars that we carry out include the materials from international experts gathered from the active work of the last few years. We have been actively participating in all of this with the institutions of international labour.

In 2024, the ILO and the Government agreed upon and signed the road map. Within its framework, the trade unions are working on the improvement and enhancement of the labour legislation and their own regulations. We are members of the Working Group in Parliament for

the development of a new Labour Code, and we very much hope that, in light of these efforts, there will be corresponding amendments to the Labour Code.

As a result of a visit of international experts in May 2024, trade unions are considering the issues relating to the measures on improving the working methods during the harvest, hiring and conclusion of contracts with harvest workers. The high-level mission has sent a positive signal as it reflects the intention of the Government to work with the ILO. This is an important step towards putting an end to the practice of forced labour and I would also like to say that, in recent years, there has been increasingly active cooperation not only with the ILO, but also with the regional trade union organizations. We have concluded an agreement with the Federation of Trade Unions of Uzbekistan. We know that Uzbekistan has also been along a difficult path, so we are looking at the experience of our neighbours and learning how we can overcome the issues that we face.

Furthermore, I would like to say that we are also working on two questions related to the review of the list of professions and the inclusion in that list of activities related to the harvest of cotton.

We would like to say that this not only constitutes a part of social partnership, but also results from the effective work with the ILO.

*Interpretation from Russian: **Employer member, Turkmenistan*** – As already noted in the report of the Government, an agreement on cooperation between Turkmenistan and the ILO has been signed, relating to working conditions during the harvesting of cotton. The employers of our country took part in the high-level mission of the ILO, which led to the adoption of the road map for 2024–25. This all reflects the willingness of the Government and the private sector to work together in close cooperation with such an authoritative Organization as the ILO. Workers' and employers' organizations are willing to pursue this cooperation in all sectors of the economy and to ensure that the conditions for the hiring and payment of workers during the cotton harvest are fair and the inclusion of minors is restricted.

The role of the private sector in agriculture has increased and it is getting close to 90 per cent. Trade unions and employers' organizations are seeking to improve the conditions for farmers, for example by providing loans and access to equipment. We are also working on the issue of hiring minors. At the moment, we are carrying out efforts to improve the legislation on working conditions during the harvest, including relating to the conclusion of agreements between employers and cotton pickers, and wages. In this context, I think it is particularly important to note that, in February of this year, with a view to further improving farming in this sector, the President of Turkmenistan signed a decree to reorganize the Ministry of Agriculture. The reform of the Ministry will not only lend impetus to the whole reform of the agricultural sector and improve the productiveness in the country, but will also create better conditions for the participation of the entire country in the agricultural sector. The President has signed a decree relating to the increased purchase price of cotton and those measures will be put into place in 2024. It will stimulate the work of farmers and increase the attractiveness of the sector. Employers in Turkmenistan actively participated in the road map for 2024–25 and have been called upon to implement certain elements. Our organization is carrying out major work to enhance the activities of our members. We would like to express once again our dedication to acquiring international experience and to facing the issues of forced labour and child labour in this sector. In conclusion, I would like to express our confidence that we will pay particular attention to socio-economic justice issues in the future, ensuring fundamental rights and freedoms for individuals.

Chairperson – There are no more requests for the floor so I would like to invite the Government representative of Turkmenistan, to make his concluding remarks.

Government representative – On behalf of the Government delegation of Turkmenistan, let me express gratitude to the Committee for the work that has been done, as well as to the Employer members and Worker members and the delegations of the countries for their statements, proposals and recommendations. We took note of all these recommendations.

I would like to express my gratitude for the constructive approach to the dialogue and for studying the materials provided by the Turkmen side in preparation for this meeting. At the same time, I would like to call on Worker and Employer members, and individual governments to consider the materials and comments provided by the Government in a more objective and unbiased manner.

As noted in our main statement, with the active support of the ILO, Turkmenistan is working consistently on this important issue and implementing the standards of the Conventions, both at the legislative level and enforcement practice. I would like to assure you that all concerted proposals and recommendations made on this issue will be carefully studied and analysed, not only at the ministerial level, but also at the high-government level. It should be noted that the road maps for cooperation with the ILO are not just formal acts, but are procedural documents aimed at providing practical solutions for specific issues concerning labour.

With regard to improving the legislative framework, I would like to note that, in the previous road map for 2023, we had a technical discussion on the review of legislation which was implemented. The current stage – the new road map – provides directly practical steps in this direction. At the moment, the Parliament is working on the recommendations and suggestions received from the Government group, Workers and Employers to improve the regulatory framework. In terms of awareness-raising, in the run up to the cotton harvesting works this year, the Ministry of Labour, in cooperation with the Ministry of Agriculture, has started relevant work with local self-government bodies to prevent cases of forced labour.

I would like to take this opportunity to reiterate the Government's commitment to honouring its obligations under the ILO Conventions and Protocols that Turkmenistan has ratified.

Worker members – While we must acknowledge the encouraging signs in the case of Turkmenistan, we remain deeply concerned by the persistence of forced mobilization in the context of the cotton harvesting campaigns. We hope that we will soon be able to see the tangible results of all the initiatives put in place in the meantime.

We can therefore only encourage the Government to pursue its efforts to put a definitive and lasting end to the practice of forced mobilization during cotton harvesting campaigns. This will involve implementing the road map adopted following the ILO's high-level mission to the country. To this end, the Government must draw up a precise timetable of actions to be taken to achieve the definitive and lasting elimination of forced labour of public and private sector workers, as well as students, in the context of the state-organized cotton harvest.

The Government will also proactively implement the measures recommended by the ILO technical mission to improve recruitment and working conditions in the cotton sector in line with international labour standards.

We are aware that the national cotton harvesting campaign involves a system of compulsory quotas, which is at the root of many of the abuses observed. We maintain that the

Government must put an end to the system of compulsory quotas, and that failure to meet quotas should not result in sanctions or threat of sanctions.

We expect the Government to make public, high-level policy statements condemning forced labour, and to instruct officials at all levels not to use coercion to mobilize anyone to work. Any person, including public figures, involved in the forced mobilization of workers for the production or harvesting of cotton should be prosecuted and appropriately punished. Victims of these forced mobilizations must also have access to effective reparation mechanisms. The Government will ensure that inspection services are strengthened, including by continuing its efforts to ratify Conventions Nos 81 and 129.

We believe it is important that the legislative reform initiatives currently under consideration should be implemented to ensure that national legislation complies with the Convention. Without pretending to give an exhaustive account of the legislation still posing problems, we can cite the State of Emergency Act, the Emergency Intervention Act, the Turkmenistan Mobilization Preparation and Implementation Act and section 19 of the Labour Code.

Finally, the Government will promote an environment conducive for freedom of association in the country, promote social dialogue in the cotton sector, strengthen its collaboration with the ILO and allow the participation of independent national and international social partners in the process to ensure that the Convention is applied in practice, including within the framework of the road map, and to document all evidence of the use of forced labour in the cotton harvest.

Furthermore, we expect the unimpeded operation of independent labour monitors to document and report labour conditions without fear of reprisal, and ensure that their findings are integrated in the monitoring.

We ask the Government to continue its collaboration with the ILO within the framework of the initiatives currently undertaken and underway, including the road map, and to communicate full reports on the implementation of these recommendations and the results arising from these initiatives to the Committee of Experts by 1 September and to continue reporting on the progress until the road map is fully implemented.

Employer members – We thank all those who spoke today, and in particular the Government for the information it shared and moreover for the commitments that it made.

In closing we would like to stress once again that the Employer members consider unacceptable any forms of forced labour and other abusive practices that amount to forced labour, notably, when they target the most vulnerable categories of society and are orchestrated by central authorities. Our position thus aligns in this regard with the Committee of Experts' report and with the workers. While we welcome efforts undertaken to address the issues that were raised by the Committee of Experts and the commitments in the 2024–25 road map, including those commitments that were made today, we also note with regret the unfortunate reports that forced labour by the State continues in the cotton harvesting sector.

The Employer members thus request the Government to:

- (1) ensure the complete elimination and use of compulsory labour;
- (2) continue engaging in cooperation with the ILO and independent social partners to ensure the full application of the Convention in practice, including within the framework of the 2024–25 road map; and

- (3) provide information on concrete measures taken in this respect, including on the activities indicated in the 2024–25 road map and to further report on tangible results from the same.

We trust that the Government will implement such recommendations in a timely manner to achieve full compliance with the Convention.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While taking due note of the Government's explanations regarding collaboration with the ILO to address the issue of forced labour in cotton harvesting, the Committee deplored the persistence of the widespread use of forced labour in relation to the annual state-sponsored cotton harvest in Turkmenistan.

Taking into account the discussion, the Committee urged the Government, in consultation and cooperation with the social partners, to take all necessary measures to:

- **ensure the complete elimination of the use of compulsory labour;**
- **improve recruitment and working conditions in the cotton sector in line with international labour standards;**
- **eliminate the compulsory quota system for production and harvesting of cotton and ensure that no one is threatened with punishment for the lack of fulfilment of production quotas in line with the Convention;**
- **issue clear instructions on the prohibition of the use of forced labour and strengthen labour inspection and law enforcement;**
- **prosecute and sanction appropriately any public official who participates in the forced mobilization of workers for the cultivation or harvest of cotton;**
- **ensure that victims of the forced mobilization have access to effective remedies, including measures to prevent future harm;**
- **ensure that, in line with the Convention, the State of Emergency Act, the Emergency Response Act, the Act on preparation for and carrying out of mobilization in Turkmenistan and article 19 of the Labour Code are not used as a legal basis or pretext for forced labour; and**
- **promote social dialogue and continue engaging with the ILO and independent employers' and workers' organizations, to ensure the full application of the Convention in practice, including within the framework of the 2024–25 road map and to provide information on concrete measures taken and tangible results achieved in this respect, including within the framework of the 2024–25 road map.**

The Committee requested the Government to provide a detailed report to the Committee of Experts on the implementation of the Committee's recommendations by 1 September 2024.

Government representative – At the outset, I would like to take this opportunity to express our gratitude to the members of the Committee, to the representatives of the

Government group, Employers' and Workers' groups, various non-governmental organizations, who took part in the discussion on Turkmenistan's case.

Reaffirming our willingness to cooperate further with the social partners and the ILO to ensure the necessary conditions for the implementation of the provisions of Convention No. 105 in Turkmenistan, I would like once again to draw the Committee's attention to the fact that, over the past couple of years, the Government has done a considerable amount of work to implement the recommendations received as part of the reviews on Turkmenistan in previous years. As a result, we have been able to achieve positive developments in this area, including the launch of active dialogue with the ILO, the ILO observation mission in September–October 2023, the adoption and implementation of ILO technical assistance, as well as two road maps to progressively address existing gaps.

The 2024–25 road map on cooperation between the Government of Turkmenistan and the ILO was recently approved between the parties, which many of you have been able to get acquainted with in advance as it was made available to the Committee as a public document. The document clearly sets out a plan of action to address the issues at hand. This is a demonstration of the willingness and openness of the Government to engage at a practical level. However, to our regret, the Committee has once again failed to take into account Turkmenistan's considerable efforts. We take note of all the recommendations you have made, given that almost every one of the items presented is already in our 2024–25 road map.

Once again, I would like to draw your attention to the need to seek dialogue, whether the Government or the social partners. A position of pressure cannot be the best tool in building constructive cooperation aimed at positive results. In this regard, we sincerely hope that the established trusting and constructive relations between the Government of Turkmenistan and the ILO are maintained.

Uganda (ratification: 2003)

Minimum Age Convention, 1973 (No. 138)

Discussion by the Committee

Chairperson – We move on to the first individual case on our agenda, which is Uganda on the application of the Minimum Age Convention, 1973 (No. 138). I kindly invite the Government representative of Uganda, Deputy Permanent Representative at the Permanent Mission of Uganda in Geneva, to take the floor.

Government representative – I am delighted to introduce the delegation with me today. It includes the Permanent Secretary of the Ministry of Gender, Labour and Social Development, and the Commissioner for Labour, from the same Ministry, that is the Ministry of Gender, Labour and Social Development.

At the outset, I wish to underline that we value the work of this Committee and we note the report of the Committee of Experts.

The presence of our delegation at this session today demonstrates our continued commitment to delivering our obligations under the Convention. As a signatory to the Convention, Uganda attaches great importance to upholding the minimum age for admission to employment. We are committed to honouring our obligations and collaborating with all stakeholders, including the social partners, to eradicate child labour.

In this regard, we appreciate the support and the partnership of the ILO and all our development partners. We look forward to strengthening this partnership even further.

To demonstrate our commitment to the Convention, Uganda continues to formulate and implement comprehensive legal frameworks, policies and institutional measures.

As mentioned in our communication to the Committee of 3 June 2024, Uganda is committed to providing a detailed response to all individual cases raised in the report of the Committee of Experts. Once our internal processes are complete, the necessary responses will be provided to the Committee of Experts expeditiously.

Worker members –This is the first time that our Committee is called to examine the application of the Convention by the Government of Uganda. We note that Uganda ratified the Convention in 2003 and that the Committee of Experts has issued nine observations since 2008 showing concern at the plight of children in Uganda and the failure of the Government to remedy the situation. In its latest comment, the Committee of Experts double footnoted the case.

The Committee of Experts expressed its deep concern regarding the dramatic increase of child labour in Uganda. According to the latest National Labour Force Survey, the incidence of child labour rose from 14 per cent prior to the COVID-19 pandemic, to 22 per cent in 2020, and reached an alarming rate of 39.5 per cent, or 6.2 million children, in 2022. That is a 129 per cent increase in three years.

The survey also shows that child labour is the highest among children between the ages of 5 and 11, with 58 per cent of these children trapped in child labour. Around 1.2 million children aged between 12 and 17 years old are occupied in hazardous industries, work in hazardous conditions or perform long hours of work. Child labour is commonly found in many economic sectors, but it is highly predominant in the agricultural sector, including in the sugarcane, rice, tea, coffee, tobacco, livestock and fishing industries.

A baseline report from the Uganda Bureau of Statistics found that child labour in the two districts of Hoima and Kikuube stood at 26 per cent and that three out of ten of these children were engaged in hazardous work or worked for longer hours. The report also identified some root causes of child labour in those regions, pointing to the general lack of awareness among the communities and ignorance of the negative impact of child labour, as well as the need for children to contribute to household income and food security.

The Committee of Experts raised a second issue of concern regarding the gaps in the monitoring of child labour. More specifically, the Committee of Experts noted that, while the Government had strengthened its labour inspection services with the recruitment of 175 district labour officers and the provision of additional means of transport, it provided no information or data on the number of child labour violations identified through inspections or the number or nature of penalties applied.

We note, as did the Committee of Experts, that the Government has engaged in positive steps at the policy level to combat child labour in the country, including the establishment of the National Steering Committee on Child Labour (NSCCL) in 2021, which is tasked with advising on and monitoring issues related to child labour. We also take note of the National Action Plan on the elimination of child labour (NAP II), entering its second phase for 2024/25 which aims to create an enabling environment for the prevention, protection, rehabilitation and reduction of the risk of children removed from work being pushed or pulled back into child labour, as well as the project “CLEAR Cotton: Eliminating child labour and forced labour in the cotton, textile and garment value chains” (CLEAR) which aims to address the root causes of

child labour. Finally, we take note of the positive results achieved by the ACCEL Africa project or the “Accelerating action for the elimination of child labour in supply chains in Africa” project, with specific reference to the tea and coffee sectors, and of its continuation for the period 2023–28. We note, in this regard, that both the CLEAR and the ACCEL Africa projects are implemented with the technical assistance of the Office.

While the Worker members welcome the policy commitment of the Government, we are nonetheless alarmed by the abrupt increase of child labour in the country during and following the COVID-19 pandemic. We are concerned that the impact of the measures adopted remains nominal in comparison to the overwhelming prevalence of child labour in the country, and that the positive results of the period pre-COVID-19 have been wiped out by the pandemic.

We recall the global commitments made in 2022 known as the Durban Call to Action on the Elimination of Child Labour, which stressed that “meeting target 8.7 of the 2030 Agenda for Sustainable Development, to end child labour in all its forms by 2025, requires immediate, intensified, gender-responsive, well-coordinated, multi-sectoral, multi-stakeholder, rights-based action to scale up efforts to eliminate child labour and forced labour”. Among other commitments, the Durban Call to Action requires Member States to strengthen measures for the prevention and elimination of child labour, to end child labour in agriculture, to ensure children enjoy the right to education, and to provide universal access to social protection.

In order to make good on this commitment, we call on the Government to address the root causes of child labour, including through strong and targeted measures to raise awareness among communities on the negative impact of child labour on children’s development and future chances, and on the need to ensure that children are enrolled in and complete at least the compulsory level of education. In this regard, we note that, according to UNICEF-Uganda’s 2022 report, child poverty is on the increase in the country, with four out of every ten children in poverty. UNICEF further noted that teenage pregnancy increased, with 1,050 girls becoming pregnant daily, and with some dropping out of school, thereby increasing their vulnerability.

As did the Committee of Experts, we call on the Government to strengthen its efforts to ensure the progressive elimination of child labour. Noting with concern the dramatic increase in child labour during and after the pandemic, we urge the Government to identify and address the root causes of this increase and to take the necessary measures to address the situation, including through the adaptation and continuation of the actions plans already in place. We call on the Government to give priority to the objectives of the elimination of child labour in all its forms, in particular by ensuring that labour inspection services are adequately staffed and funded to carry out their functions of prevention, detection, investigation and punishment of cases of child labour. We urge the Government to work with its social partners in addressing these challenges.

Employer members – The present case is dealing with the application in practice of the fundamental Convention No. 138 in Uganda. Uganda ratified the Convention in 2003 and, since then, the Committee of Experts has made observations on eight occasions: 2011, 2013, 2016, 2017, 2019, 2020, 2021 and 2022. The Committee of Experts also raised direct requests 11 times over the years. This is the first time, however, that the Conference Committee is discussing the case.

We would like to thank the Government for its presence in the Conference Committee today and for its stated commitment to providing the information requested in the Committee of Experts’ observations. Of course, it is disappointing that the Government has not provided the information in a timely manner to assist in the discussion of the case.

The Committee of Experts' observations outline very serious gaps in Uganda's compliance with the Convention. First, regarding Article 1 of the Convention, on the national policy designed to ensure the effective abolition of child labour and the application of the Convention in practice, the Committee of Experts has expressed its deep concern regarding the significant number of children engaged in child labour, which has increased dramatically since 2019, before the COVID-19 pandemic.

We noted that, according to the National Household Survey of the Uganda Bureau of Statistics, child labour rates for children between the ages of 5 and 17 increased from 14 per cent prior to the pandemic to 22 per cent in 2020. Moreover, ILO reports highlight that the incidence of child labour increased to 39.5 per cent in 2022, amounting to a total of some 6.2 million children.

The highest incidence of child labour, at 58 per cent, was observed among the ages of 5 to 11. As this is a very tender age in any child's development, these numbers present a very serious concern and demand urgent and effective measures.

The lack of awareness about the negative impact of child labour is a serious factor that leads to the cultural approval of children's contributions to household incomes and food security. That alone, added to the COVID-19 pandemic restrictions on the education system, contributed to the increase of child labour in the country. However, the Employer members are of the view that the accelerated increase of child labour in the country must also be analysed in the light of other causes that have built up since the COVID-19 pandemic.

It is noted that the Government has adopted policies aimed at tackling the root causes of child labour, including in particular the review of the National Child Labour Policy to increase access to social protection, education, skills development and social services for children or households in communities affected or at risk of child labour.

Accordingly, the Employer members would like to request the Government to redouble its efforts and provide further information regarding the implementation of the NAP II. In particular, we would like to request the Government to implement measures concerning its child labour awareness and community sensitization, to intensify its efforts to facilitate access to free basic education for all children, and to provide information on the concrete measures taken in this regard, as well as on the school attendance, maintenance and dropout rates.

We would also like to highlight that the design of efficient and effective policies against child labour must take account of their interaction with the real economy, specifically with informality. The impact of informality may be observed in increased child labour, even in the context of economic recovery. Accordingly, we encourage the Government to strengthen its strategy towards formalization and to seek ILO technical assistance in this regard.

With regard to Article 9(1) regarding penalties and labour inspection, the Employer members note the Government's efforts in recruiting, training and orienting district labour officers on the elimination of child labour, including in hazardous work. However, the Government did not provide information or data on the number of child labour violations identified through inspections or the number or nature of penalties applied and assessed for child labour violations.

The Employer members echo the Committee of Experts and urge the Government to strengthen its measures to ensure that labour inspectors are adequately trained and possess the necessary resources to be able to detect cases of child labour, as well as to ensure the effective implementation of the regulations providing for penalties in cases of child labour violations.

The Employer members would like to highlight that, while substantial, prosecuting and sanctioning the adults and removing the children from child labour, are not and cannot be stand-alone solutions. These measures are unlikely to be sufficient, effective or sustainable, when not implemented in conjunction with strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that either lead to or result in exploitation of children.

Finally, we would like to request the Government to redouble its efforts and take measures to ensure that, in practice, through investigations and robust prosecutions, the necessary and sufficiently dissuasive sanctions are imposed, and to provide information to the Office in this regard.

The Employer members would like, once again to thank the representatives of the Government for their presence and for their commitment to providing the necessary information to the Office. We reiterate, however, our request to the Government, to intensify its efforts regarding the implementation or early identification of high-risk areas and vulnerable groups, to improve the resources allocation regarding the identification of child victims, and to continue to report relevant data on the measures taken, and the results.

Finally, the Employer members note that the ILO Office is already supporting the country in its efforts to combat child labour in the ACCEL Africa project. We encourage the Government to seek further assistance from the ILO, including to increase the capacity of tripartite constituents, in order to implement effective and sustainable strategies to eradicate child labour in the country, and in particular the engagement of children in hazardous forms of work.

Worker member, Uganda – I speak on behalf of Uganda's organized labour, and we fully align with the observations of the Committee of Experts regarding the implementation of the Convention, which our country ratified in 2003.

The Committee of Experts noted with deep concern the significant increase in the incidences of child labour in Uganda, escalating from 14 per cent before the COVID-19 pandemic to an estimated 6.2 million children, or 39.5 per cent of all children in the country, as reported by the National Labour Survey in February 2023. According to the 2019–20 National Household Survey of the Uganda Bureau of Statistics, strict school closures during the pandemic accelerated this issue, increasing the child labour rates for the children aged between 5 and 17 from 14 per cent to 22 per cent, amounting to a total of 2.7 million children in 2020.

The most alarming observation is that the highest incidence of child labour is found among children aged between 5 to 11 years, who make up 58 per cent of working children. Further, 19.8 per cent of the 6.2 million children in child labour are between 12 and 17 years old, and are engaged in hazardous occupations predominantly in agriculture, involving long working hours and dangerous conditions. The Committee of Experts also observed with regret that there is no available information regarding the number of child labour violations identified by the labour inspectorate. Given these distressing statistics, the Committee of Experts considered this case to meet the criteria for examination at this Conference.

We take note of our Government's initiatives to combat child labour through the NSCCL, established in 2021, that meets quarterly to advise on and monitor issues related to child labour. Additionally, the NAP II, aligned with the National Development Plan (NDPIII), aims to create an enabling environment for the prevention, protection, rehabilitation, and reduction of the risk of children returning to work once removed.

Moreover, the ACCEL Africa project was implemented by the Government, social partners and civil society organizations from 2018 to 2023. This regional project aimed to address the root causes of child labour with the overarching goal of accelerating its elimination in Africa through targeted actions in selected supply chains.

We, as trade unions in Uganda, have integrated child labour issues into collective bargaining agreements and various union projects and plans. With funding from the ILO, we have participated in the ACCEL Africa project in Uganda.

Despite our efforts as social partners, child labour persists. We acknowledge the glaring statistics and facts on child labour in Uganda presented in the Committee of Experts' report and recognize the need for further action to address this pressing issue.

We have noted some weaknesses in our efforts to eliminate child labour and I therefore urge our Government to immediately take the following measures to combat child labour:

- **Enhancing the National Steering Committee on Child Labour:** The operations of the NSCCL need to be strengthened, particularly in terms of capacity and logistical support to effectively address child labour issues and improve tripartite coordination and engagement.
- **Inclusive formulation of national action plans:** The formulation of national action plans should be participatory to ensure that workers' issues and perspectives are well-captured. The Government should ensure the representation of workers on the expanded board of the National Planning Authority to incorporate their views effectively.
- **The ratification of ILO Convention No. 102:** To enhance social protection systems and services in the country, the Government should urgently ratify the Social Security (Minimum Standards) Convention, 1952 (No. 102), to ensure that comprehensive social protection floors for the children are addressed and implemented. Health insurance systems for children, especially vulnerable children, should also be addressed by the Government.
- **Strengthening collaboration between labour officers and unions:** Labour officers at district and national levels should work closely with district workers' councillors and labour unions as provided for in the Local Government Act, particularly in monitoring, reporting and raising awareness on the dangers of child labour.
- **Formulating a Child Labour Act:** While the Government has put in place the National Child Labour Policy of 2006, there is a need to formulate a Child Labour Act to operationalize the policy, address the child labour issues in the country and consolidate fragmented pieces of legislation on child labour so that they comply with the Convention.
- **Strengthening labour inspections:** Governments must ensure that there are adequate labour inspectors that are well-resourced to undertake inspections and prosecute those who violate the law.

Let me end by saying child labour remains a critical human rights issue in Uganda, necessitating concerted efforts for its eradication. I call for support from the ILO and international development partners to assist the Government and its social partners, particularly in terms of capacity-building, awareness creation, trade union and community outreach, data analysis, and the unionization of workers in the labour unions.

As organized labour, we remain committed to working alongside the Government and other stakeholders to eliminate child labour and ensure that all children can enjoy their rights to education, health and a safe environment free from exploitation.

Employer member, Uganda – I would like to align myself with the statement made by the Employer members. The ratification of the Convention in 2003 demonstrates the Government's commitment to tackling child labour. While progress has been made, as we have already heard before, recent challenges require renewed focus. The Committee of Experts' concerns regarding the rise in child labour are of course well-founded. A staggering 6.2 million children (40 per cent aged 5–17) are involved in child labour.

Child labour definitely is a serious issue, and Ugandan employers fully support the efforts to eradicate it. We however recognize the Government and other stakeholders' efforts, particularly in light of the unique challenges that came following the COVID-19 pandemic.

In the case of Uganda, schools were closed for nearly two years, businesses were disrupted and, of course, poverty increased to a great extent, and this then resulted in the doubling of the rates of child labour in a short period. However, we commend the Government's multi-stakeholder approach, already highlighted by my Worker colleague. The NSCCL is in place, a multi-stakeholder committee. We have developed the NAP II, which we are currently implementing, taking into account challenges that have emerged especially linked to the COVID-19 pandemic, the National Employment Council has been established and, of course, the Labour Advisory Board has been reactivated as well. All this demonstrates a strong commitment towards addressing the issue that we are dealing with.

We have also seen increased budgetary allocations for both primary and secondary education, granting universal access to education for school-going children and, more recently in 2023, we saw a robust poverty reduction initiative through the Parish Development Model. All these are positive steps. We have also seen the expansion in the Presidential Skilling Initiative, with around 19 hubs spread across the country. On the part of employers, we have also seen a lot of efforts in making the registration of businesses a lot easier, and these are crucial long-term solutions.

The Ugandan employers have zero tolerance for child labour. We actively support education through direct funding in schools, but there are also a lot of social protection initiatives like in-house retirement schemes that have been created by employers. As the Federation of Uganda Employers (FUE), we have signed the Memorandum of Understanding with several companies to address the issue of child labour. We also have a running Memorandum of Understanding with our trade union counterparts on this issue.

We appreciate the support of the Office, both technical and financial, through the ACCEL Africa project, but also the project on "Capacity Strengthening of Governments to Address Child Labour and/or Forced Labour, and Violations of Acceptable Conditions of Work in Sub-Saharan Africa" (CAPSA), and we believe that we are on the right track and, of course, future results will reflect that.

We further urge the Office to maintain and enhance its support, particularly in strengthening our labour inspection mechanism and reporting, which we have already spoken about, but also the transition from the informal to the formal sector. Child labour is big but largely in the informal sector in Uganda. The Ugandan Employers are fully committed to working with all stakeholders to eliminate child labour, not just in Uganda, but also globally.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia**, the **Republic of Moldova** and **Ukraine**, and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote the universal ratification and effective implementation of fundamental ILO Conventions, and support the ILO in developing and promoting international labour standards and supervising their application.

We will continue to stand up for the rights of every child to reach their full potential in line with the UN Convention on the Rights of the Child and its Optional Protocols, as also included in the EU Strategy on the Rights of the Child. Effective implementation of the fundamental ILO Convention No.138 is crucial in this regard.

The EU and its Member States have been committed development partners of Uganda, including through the “Everything But Arms” (EBA) arrangement under the EU’s General Scheme of Preferences, granting duty-free and quota-free access to the EU market. We recall that the trade benefits granted under the EBA arrangement are subject to the condition that Uganda respects core international principles, enshrined in core UN and the ILO Conventions.

The EU and its Member States welcome the measures taken by the Government to address the challenge of child labour in the country, especially with the establishment of the NSCCL in 2021 and the adoption and implementation of the NAP II. We also take note of the ACCEL Africa project in selected supply chains to specifically address the root causes of child labour.

However, we must express our deep concern about the significant number of children engaged in child labour, including in hazardous work, and the recent dramatic increase. According to estimates, incidence of child labour was at 14 per cent prior to the pandemic and now concerns 6.2 million children, or 39.5 per cent of all children in the country. We are also deeply concerned that the highest incidence of child labour is found among those aged between 5 and 11 years old and that a significant number of children aged between 12 and 17 years old are occupied in hazardous occupations mainly in agriculture, and in hazardous working conditions and long working hours.

Given the gravity of the situation, we echo the call of the Committee of Experts on the Government to strengthen its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment or work, as well as for those engaged in hazardous conditions. We would also like to highlight the need for the Government to take all necessary measures to ensure that the labour inspectorate has adequate training and resources to be able to detect cases of child labour, and that an adequate system is put in place to withdraw children from labour and place them in schools, while at the same time ensuring that support is provided to the parents to help them achieve living income.

We regret the absence of information regarding the number and nature of child labour violations and would like to ask the Government to provide reports and statistics on labour inspection, as requested by the Committee of Experts, as well as detailed information on the root causes of the increase in child labour and the measures taken to combat it, and on the policies and projects already implemented and their concrete results.

The European Union is a committed development partner of Uganda, including through the CLEAR project, implemented under the lead of the ILO, which aims to strengthen systems to prevent and eliminate child labour in the coffee value chains and to address its diverse root causes. We look forward to continuing joint efforts with the Government, the ILO, and its constituents to address the issues raised above.

Worker member, Senegal – I take the floor on behalf of the workers of west Africa on the implementation of the Convention in the Republic of Uganda. We welcome the remarkable

work of the Committee of Experts on this matter. We have also noted the Government's statement on the efforts made, including the establishment of the National Steering Committee on child labour in 2021, the adoption of the NAP II and the implementation of the ACCEL Africa project.

Despite all these efforts, we note with regret and concern, as indicated in the report of the Committee of Experts, the persistence of this plague and even its worsening, according to the 2019–2020 National Household Survey of the Uganda by the Bureau of Statistics. The rate of child labour involving children between 5 and 17 years rose from 14 to 22 per cent following the COVID-19 pandemic. Further, a communication of the Bureau of Statistics published in April 2021 highlights that child labour in the two districts of Hoima and Kikuube has reached 26 per cent (74,000 children) and that three out of every ten of these children are engaged in hazardous work. Child labour results in developmental delays in the children involved and undermines the status of society.

Given the known causes and consequences of this plague imposed on children, their families and the socio-economic future of Uganda, we urge the Committee to act effectively with the Government in order that relevant, specific and urgent measures be taken to combat and progressively eliminate child labour. We also invite the Government to:

- strengthen and broaden policies on school support and attendance by making children's school enrolment compulsory in practice;
- establish a national policy for health and nutrition at school to discourage absence from school and promote school meals, thereby lightening the burden on indigenous parents;
- broaden and strengthen the Government's social protection policy by allocating family support benefits, such as the "cash transfer" programme for vulnerable households; and
- strengthen community information and awareness campaigns on the negative impact of child labour.

We hope our call will be heard. Thank you for your attention.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following point. Switzerland expresses its deep concern regarding the increased use of child labour in Uganda in recent years. According to ILO figures, child labour rose from 14 per cent before the COVID-19 pandemic to 39.5 per cent in 2023, which represents 6.2 million children. Furthermore, the majority of these children are very young, as they are aged between 5 and 11 years. These children also often work in hazardous occupations or industries, in which the working conditions can significantly affect their physical and psychological well-being in the short, medium and long term.

In response to this exponential and worrying increase in the number of children engaged in work, Switzerland urges the Ugandan Government to take all measures necessary to prevent and identify cases of child labour, and to penalize the perpetrators.

As labour inspection is an essential means of identifying and preventing child labour, Switzerland deeply regrets the absence of data and information on the number of offences recorded by inspectors and the number of penalties imposed by the Ugandan authorities. Switzerland encourages the Government to pursue and step up its actions under the NAP II, in order to ensure that its labour inspection services have the necessary means to identify and ensure the follow-up of these cases of child labour.

As the application of the Convention by Uganda has been the subject of several observations of the Committee of Experts over the last ten years, Switzerland encourages the Government to strengthen its efforts, particularly by considering additional resources – and including possible technical assistance from the ILO – to effectively and rapidly combat child labour.

Worker member, Ghana – On behalf of the workers of Ghana, I would like to express our unwavering support to the workers of Uganda and to urge the Government to earnestly consider the recommendations of the Committee of Experts regarding non-compliance with the Convention.

For several years, the Committee of Experts has highlighted concerns regarding Uganda's adherence to the Convention, yet no significant progress has been made. This ongoing situation suggests a troubling lack of commitment on the part of the Government to prioritize and implement measures that protect children from exploitation. This neglect jeopardizes the future of Uganda's youth, exposing many to not only precarious work but also hazardous conditions, which is profoundly regrettable. As Nelson Mandela once said, "There can be no keener revelation of a society's soul than the way in which it treats its children". We therefore urge the Government to prioritize the implementation of the already ratified Convention and its associated Recommendation.

Regarding the challenges related to the minimum age for employment, Uganda can draw valuable lessons from Ghana's proactive measures to combat child labour. The Ghanaian Government, in collaboration with tripartite partners and various civil society organizations, has effectively utilized social dialogue as a critical tool to eliminate child labour. A National Steering Committee has been established, working in concert with social partners to implement strategies aimed at eradicating this scourge. This collaborative approach in Ghana serves as a model that the Ugandan Government can adopt to address child labour issues and ensure compliance with the Convention.

As Kofi Annan profoundly stated, "There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they grow up in peace". It is imperative that Uganda takes decisive action to uphold these principles and protect its children from the perils of child labour.

In conclusion, I call upon the Government to work with the social partners, in particular the trade unions and employers in crafting solutions to their problem and the implementation of the recommendations of the Committee of Experts.

Worker member, Spain – One of the fundamental aspects to be highlighted in the analysis of the case of Uganda regarding the Convention is related to the complex situation arising from the coexistence, in the country's legislation, of different regulations with different minimum age limits.

For example, I can point out that the Constitution of Uganda (1995) establishes a minimum age of 16 years. The Employment Act (2006) prohibits work by children under 12 years of age and limits the work of children aged between 12 and 14 years to light work. The Children Act uses the age threshold of 18 years to define a person as an adult, as does the National Child Labour Policy. This means that 12, 14, 16 and 18 years are established as a minimum age, depending on the legislation, which demonstrates a clear lack of harmonization with regard to this fundamental aspect of the Convention in some of its Articles.

For example, Article 1 of the Convention refers to a national policy to ensure the effective abolition of child labour and to raise progressively the minimum age. However, the range of minimum ages in Ugandan legislation prevents the enforcement of a national policy in this area due to the aforementioned multiplicity of situations permitted by the regulations. Article 2 of the Convention establishes that each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory. Uganda, as a signatory to the Convention, fails to comply with this provision by establishing different minimum ages.

Article 9 of the Convention mandates the competent authority to provide all necessary measures, including the provision of appropriate penalties, to ensure the effective enforcement of the provisions of the Convention. However, the lack of Uganda's regulatory clarity on the matter hinders the work of the authorities relating to their inspection and punishment functions to combat child labour, and to effectively comply with the Convention.

For example, the Committee of Experts' observations include the matter of labour inspection, which is limited by not only the evident lack of resources and training, but also by the legislative framework itself which does not function as a tool to help inspectors.

The Government alleges that it has recently made efforts, through the implementation of projects, to strengthen the national institutional framework on child labour. However, the necessary changes to the regulatory framework in line with the Convention have not been made, and it should be pointed out that the projects carried out by the Government and highlighted in the Committee of Experts' report, are limited to only a few areas of the country, and to only some agricultural production chains such as coffee and tea, with child labour present in many other economic sectors.

The situations of child labour described reveal widespread non-compliance with the Convention, but furthermore, and this is what I wish to highlight, Uganda does not even have an adequate regulatory framework on child labour.

It is considered that the confusion created by the different regulations is one of the causes of the growing incidence and prevalence of child labour in Uganda, as stakeholders continue to ignore the correct legislation on the minimum age for work.

The data collected by the Committee of Experts in its report and that added by the worker representatives of Uganda in this Conference Committee, call for the Government to step up its efforts to comply with the Convention and put an end to child labour. However, addressing this necessary work requires a policy coherence that is currently lacking in Uganda, which makes it even more difficult to effectively apply the Convention.

Interpretation from the Arabic: **Government member, Egypt** – We have duly noted the measures adopted by the Government of Uganda concerning the implementation of the provisions of the Convention. The Government has adopted positive measures to prevent child labour. A national council was established in addition to the creation of another consultative body in 2021. Further, there is a national plan that aims to put an end to child labour and to tackle the supply chain through the ACCEL Africa initiative. We encourage the Government to continue this way forward, ultimately to implement all the provisions of these international labour standards, the purpose of which is to end child labour. We think that the Government is on the right path. Lastly, we welcome the Government's efforts to this end.

Government member, Mali – It is both a pleasure and a duty for my country, Mali, to support the Government's position in the case to which it is invited to respond before your august assembly. This case concerns the application of a Convention already ratified by

Uganda before many other countries, which leads us to believe in the Government's good faith regarding the effective application of the Convention. I recall that Mali and Uganda both benefited from the ACCEL Africa project at the same time, which has enabled them, to date, to make some progress to combat child labour.

In conclusion, my Government fully supports Uganda and invites it to continue the way it has started, to implement not only Convention No. 138 but also other fundamental ILO Conventions on child labour.

Government member, Canada – Canada is deeply concerned by reports indicating that child labour in Uganda rose from 14 per cent before the pandemic to 39.5 per cent in 2022, including an increase in the number of children facing hazardous work and long working hours. Alarming, the highest incidence is among children between 5 and 11 years, with 58 per cent of such children involved in child labour. Likewise, we deeply regret that, despite the Government's various efforts, there is a worrying lack of data on the number of child labour violations identified during inspections, and the number and nature of measures implemented.

Canada recognizes the Government's initiatives to combat child labour, including the NAP II and the ACCEL Africa project. However, the Government must strengthen its efforts to protect and rehabilitate its children. We urge the Government to take immediate and specific measures to:

- (a) strengthen efforts aimed at eradicating labour of children under the minimum age for employment and work, and employed in hazardous work;
- (b) determine and address the root causes of child labour, particularly by improving access to education;
- (c) strengthen labour inspection by ensuring an adequate number of labour inspectors with the necessary training and resources to detect child labour, with a view to improving their capacity to impose sanctions; and
- (d) improve efforts to collect data on child labour violations and related measures.

We sincerely hope that the Government's next report to the Committee of Experts will highlight positive developments and we wish the Government much success in its next steps.

Employer member, Colombia – Firstly, I consider it important to underscore the importance and priority that we, as employers, attach to the Convention, which aims to protect children and ensure the abolition of child labour. I wish to highlight that, in order to achieve Sustainable Development Goal (SDG) target 8.7 of eliminating child labour in all its forms by 2025, we must work, through social dialogue and with the social partners, in a coordinated manner.

On this specific case, the Committee of Experts indicated, in its report, its deep concern regarding the increase in the number of children engaged in child labour and hazardous work in recent years in Uganda.

In this regard, it should be recalled that, in accordance with Article 1 of the Convention, the Government must adopt a national policy to ensure the abolition of child labour and raise progressively the minimum age for admission to employment.

We reiterate the request of the Employer spokesperson, encouraging the Government to conduct the necessary investigations in the field of labour inspection, and to apply the appropriate penalties when violations of standards on the employment of children and young

persons occur, and also for the Government to strengthen its efforts, in coordination with the most representative organizations, to implement multidimensional strategies and policies to enable capacity-building to achieve the elimination of child labour.

Observer, International Union of the Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – I am speaking on behalf of the IUF and we indeed represent agricultural workers around the world, and I would like to draw the attention of the meeting to the fact that most of the child labour globally is found in agriculture.

The African countries are not an exception. According to the Global Conference on the Elimination of Child Labour in Durban in 2022, the focus should be on the agricultural sector and, geographically, on Africa, if we want to seriously achieve progress on the elimination of child labour. This is the area, the sector and the continent where specific measures have to be taken. This was a conclusion based on the statistics received even before the pandemic. During the pandemic, we saw a number of features which can be characterized by and applied specifically to Uganda, as one of the African countries and as one of the agricultural countries. We saw that the absence of universal social security coverage as one of the problems which undermine the ability of families to keep their children at home and send them to school. We saw the absence of the minimum wage and minimum income, the income which can guarantee families the ability not only to feed their children but also to send them to school. When this minimum income level and minimum wage is non-existent, it is a reason for and a root cause of the increasing use of child labour, especially in agriculture. The Committee of Experts highlighted, as one of the root causes, the need for children to contribute to household income and food security.

That means most of agricultural families are not able to feed themselves. They are at risk of food insecurity. Therefore, the ability to deal with this issue relies not only on the legislative measures but also on creating economic conditions for legislative measures to be implemented.

Lastly, looking at the report and hearing what was said, most child labour in Uganda is found in the sugarcane, tea, coffee, tobacco and fisheries sectors. These are all the crops which are supplied to the European Union, and they were all highly and hugely undermined during the pandemic days, leading to a huge loss of employment, because of the lack of regulations helping to equally and fairly distribute the profits which are received in these supply chains by the European companies. We call on the Government, but also the EU countries, to look at these issues and take measures in order to enable the economic conditions to implement legal action.

Observer, Building and Wood Workers' International (BWI) – The case to be discussed is under Convention No. 138, but it should also be highlighted that a lot of the observations are also in line with the Worst Forms of Child Labour Convention, 1999 (No. 182), as a majority of the children work in the most hazardous sectors of construction, mining and agriculture. As the Committee of Experts notes, there has been a recent significant increase in the incidence of child labour in Uganda from 14 per cent prior to the pandemic to a staggering 39.5 per cent of all children in the country. This is also connected to a staggering increase of child labour in the sector I represent, construction, which was reported as a consequence of the total lockdown, including the closing of schools, during the pandemic. With one of the exempted sectors being the construction sector, the result is that there was a great increase in children working in the sector despite its hazardous nature.

In response to these facts, this intervention focuses on the need to ensure the effectiveness of the efforts taken by the Government to strengthen child labour monitoring,

as the report by the Committee of Experts highlights. Despite the efforts made to recruit, train, and orient district labour officers on the elimination of child labour, including in hazardous work, there is little evidence of their effect and operation. Labour inspectors have traditionally been critical players in eliminating child labour. Child labour inspection is a public function, a responsibility of the Government, and best organized as a system, within the context of a larger state system, and in line with the Labour Inspection Convention, 1947 (No. 81). To tackle hazardous child labour, inspectors should: give information on hazardous child labour; use their legal enforcement powers to ensure that children are withdrawn from workplaces where hazardous work is taking place, and are referred to the appropriate authorities who can then get them into school and help them obtain skills training; and ensure that the health of the children who have reached minimum legal age to work is fully protected in the workplace.

Considering this critical role of the functioning labour inspectorate and concerning the significant increase in the incidence of child labour in the country, we support the Committee of Experts' call for the Government to strengthen its measures to ensure that the labour inspectorate is adequately trained and possesses the necessary resources to be able to detect cases of child labour, as well as to ensure that the regulations providing for penalties in the case of a violation of the provisions on the employment of children and young persons are effectively implemented.

Government representative – On behalf of the Ugandan delegation, I would like to thank the social partners and Member States for the constructive engagement that we have had during this session. Once again, I would like to underscore that we value this engagement. We view this process as our collective efforts to eradicate child labour, consistent with target 8.7 of SDG 8 on decent work and economic growth.

Like any other country, Uganda has challenges but nonetheless, we are proud of the tremendous progress we continue to make in the eradication of child labour. We appreciate the recognition that has been expressed by many speakers during this session on the progress that we have made and continue to make.

As others have said this afternoon, we believe that effective implementation of the Convention goes hand in hand with a stronger partnership. A partnership that enhances and supports capacity-building, institutional strengthening and constructive stakeholder engagement. We therefore will welcome support from the ILO and other partners as we walk along this road.

Finally, I would like to reiterate Uganda's readiness to engage with the Committee and reaffirm our commitment to supporting and advancing the goals of the Convention.

Employer members – We would like to again thank the representative of the Government for the commitment to cooperate with the Committee of Experts with respect to the information requested. We would also like to thank all the speakers who took the floor to contribute to this discussion. The Employer members wish to emphasize the seriousness of addressing child labour, especially the hazardous forms of child labour. Accordingly, we recommend to the Government the following:

- to strengthen its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment to work, as well as for all children engaged in hazardous work;
- to provide information on the root causes of the increase in child labour in the country, and to indicate the measures taken to address the situation according to international labour standards enforced in the country;

- to provide detailed information on the implementation of the NAP II and of the ACCEL Africa project, including on the results achieved;
- to continue to supply information on the application of the Convention in practice, particularly statistics disaggregated by age and sector of activity, on the situation of children engaged in child labour in the country; and
- to strengthen its measures to ensure that the labour inspectorate is adequately trained and has the necessary resources to detect and address child labour cases, as well as implement sufficiently dissuasive sanctions for child labour violations and to communicate statistics on violations and persecutions in this regard.

Worker members – The Worker members would like to thank the Government for its participation and its final remarks. We also thank all the speakers who took the floor.

We express once again our deep concern regarding the alarming rise of child labour in Uganda which, according to the latest data available, impacted 39.5 per cent of all children in the country. While we take note and welcome the efforts deployed by the Government to combat child labour in the country, including through several national plans and other projects in the framework of international technical assistance, we are concerned by the adverse impact of the COVID-19 pandemic which led to a dramatic surge in child labour, as a palliative to the economic difficulties met by families in Uganda.

In the post-pandemic recovery, we urge the Government to address child labour as a matter of priority and to adopt and implement targeted measures, namely:

- to identify and address the root causes of child labour, including through awareness-raising campaigns in communities to alert on the negative impact of child labour, as well as school enrolment campaigns for all school-age children;
- to take the necessary measures towards the elimination of child labour, including through the continuation of national actions plans already ongoing. These action plans should be reviewed to take into account the dramatic increase of child labour in the country since the pandemic, so as to adapt them and to develop targeted measures to address the situation;
- to take measures to ensure that labour inspection services are adequately staffed and trained and that they have sufficient funding and material resources to carry out their functions of prevention, detection, investigation and punishment of cases of child labour.

These measures should be developed and implemented by the Government in consultation with the social partners. The technical assistance provided by the Office should be reinforced, including through the review of the ongoing projects and their adaptation, where necessary, to effectively tackle all the dimensions of child labour in the country. We call on the Government to accept a technical advisory mission.

Conclusions of the Committee

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the recent significant increase in the incidence of child labour in the country, including children between the ages of 5 and 11 years, and noted with deep concern that a large number of children continue to be involved in hazardous work.

The Committee noted the willingness of the Government to address the issue.

Taking into account the discussion, the Committee urged the Government, in consultation with the social partners, to take effective and time-bound measures to:

- intensify its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment or work, as well as for all children engaged in hazardous work, in particular by: (i) implementing measures concerning child labour awareness and community sensitization; (ii) intensifying its efforts to facilitate access to free basic education for all children.
- strengthen the capacity of the labour inspectorate (i) to detect cases of child labour, by providing all the human, material, financial and technical resources and by adequately training the labour inspectorates; and (ii) to ensure that the relevant provisions on the employment of children and young persons providing for penalties are effectively implemented.
- intensify its efforts towards early identification of high-risk areas and vulnerable groups and improve resources allocation for this purpose;
- provide detailed information on: (i) the implementation of the NAP II and of the ACCEL Africa project, and the results achieved; (ii) the concrete measures taken to improve child labour awareness and community sensitization; (iii) the efforts taken to facilitate access to free basic education for all children as well as school attendance, maintenance and dropout rates; (iv) the number and nature of violations involving children detected by the labour inspectorate, in particular by communicating a copy of all recently published Annual Labour Inspection reports; (v) the measures taken to strengthen the capacity of the labour inspectorate and the results achieved; and (vi) statistics, disaggregated by age and sector of activity, on the situation of children engaged in child labour in the country.

The Committee called on the Government to continue with and to intensify the ongoing ILO technical assistance and review, where necessary, the ongoing projects to effectively implement all the above-mentioned Committee's recommendations.

The Committee requested the Government to provide a detailed report on the measures taken to implement the above-mentioned recommendations and the results achieved before the deadline of 1 September 2024.

Appendix I. Table of reports on ratified Conventions due for 2023 and received since the last session of the CEACR (as of 14 June 2024) (articles 22 and 35 of the Constitution)

The table published in the Report of the Committee of Experts, page 1043, should be brought up to date in the following manner:

Note: First reports are indicated in parentheses.

Paragraph numbers indicate a modification in the lists of countries mentioned in Part One (General Report) of the Report of the Committee of Experts.

Antigua and Barbuda	24 reports requested
(Paragraph 85)	
· 1 report received: Convention No. 189 · 23 reports not received: Conventions Nos 11, 29, 81, 87, 98, 100, 105, 108, 111, 122, 135, 138, 144, 151, 154, 177, 181, 182, 184, 185, MLC, 187, 188	
Bahamas	5 reports requested
(Paragraph 93)	
· All reports received: Conventions Nos 87, 98, 144, 185, MLC	
Cambodia	3 reports requested
(Paragraph 93)	
· All reports received: Conventions Nos 87, 98, 105	
Cook Islands	3 reports requested
(Paragraph 88)	
· All reports received: Conventions Nos 11, 144, (MLC)	
Democratic Republic of the Congo	8 reports requested
(Paragraph 93)	
· 6 reports received: Conventions Nos 11, 14, 87, 98, 135, 144 · 2 reports not received: Conventions Nos 88, 158	
Fiji	6 reports requested
(Paragraphs 88 and 93)	
· All reports received: Conventions Nos 11, 87, 98, 111, 144, (190)	
Gabon	21 reports requested
· All reports received: Conventions Nos 6, 11, 29, 81, 87, 96, 98, 100, 105, 111, 122, 123, 124, 135, 138, 144, 151, 154, 158, 182, MLC	
Iceland	5 reports requested
(Paragraph 93)	
· All reports received: Conventions Nos 2, 100, 111, 122, 159	
Iran (Islamic Republic of)	4 reports requested
(Paragraph 93)	
· 2 reports received: Conventions Nos 111, 142 · 2 reports not received: Conventions Nos 100, 122	
Madagascar	7 reports requested
(Paragraph 93)	
· All reports received: Conventions Nos 87, 97, 100, 111, 122, 143, 189	

Montenegro **22 reports requested**

(Paragraph 93)

- 14 reports received: Conventions Nos 27, 29, 100, 105, 111, 113, 114, 122, 126, 138, 152, 156, 182, 185
- 8 reports not received: Conventions Nos 12, 19, 24, 25, 97, 102, 121, 143

Romania **29 reports requested**

(Paragraph 93)

- 22 reports received: Conventions Nos 1, 11, 13, 29, 81, 87, 89, 98, 100, 102, 111, 122, 127, 129, 135, 136, 144, 150, 154, 168, 182, 183
- 7 reports not received: Conventions Nos 3, 14, 24, 95, 105, 131, 138

Rwanda **18 reports requested**

(Paragraph 93)

- 17 reports received: Conventions Nos 12, 14, 17, 19, 26, 29, 62, 81, 89, 105, 118, 132, 138, 150, 155, 182, 187
- 1 report not received: Convention No. 42

Singapore **12 reports requested**

- 7 reports received: Conventions Nos 12, 19, 138, 144, 155, 182, 187
- 5 reports not received: Conventions Nos 11, 29, 45, 81, 100

Slovenia **47 reports requested**

(Paragraph 93)

- All reports received: Conventions Nos 11, 12, 13, 14, 19, 24, 25, 29, 81, 87, 95, 97, 98, 100, 102, 105, 106, 111, 119, 121, 122, 129, 131, 132, 135, 136, 138, 139, 143, 144, 148, 149, 151, 154, 155, 156, 161, 162, 171, 173, 174, 175, 177, 182, 183, MLC, 187

Sri Lanka **14 reports requested**

- All reports received: Conventions Nos 18, 29, 45, 81, 95, 103, 105, 106, 115, 122, 131, 138, 160, 182

Uzbekistan **10 reports requested**

- All reports received: Conventions Nos 29, 81, 87, 105, 122, 129, 138, 144, 182, 187
-

Grand Total

A total of 2,014 reports (article 22) were requested,
of which 1,631 reports (80.98 per cent) were received.

A total of 117 reports (article 35) were requested, of
which 101 reports (86.32 per cent) were received.

Appendix II. Statistical table of reports received on ratified Conventions (reports received as of 14 June 2024) (article 22 of the Constitution)

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested		Reports registered for the session of the Committee of Experts		Reports registered for the session of the Conference	
1932	447	–		406	90.8%	423	94.6%
1933	522	–		435	83.3%	453	86.7%
1934	601	–		508	84.5%	544	90.5%
1935	630	–		584	92.7%	620	98.4%
1936	662	–		577	87.2%	604	91.2%
1937	702	–		580	82.6%	634	90.3%
1938	748	–		616	82.4%	635	84.9%
1939	766	–		588	76.8%	–	
1944	583	–		251	43.1%	314	53.9%
1945	725	–		351	48.4%	523	72.2%
1946	731	–		370	50.6%	578	79.1%
1947	763	–		581	76.1%	666	87.3%
1948	799	–		521	65.2%	648	81.1%
1949	806	134	16.6%	666	82.6%	695	86.2%
1950	831	253	30.4%	597	71.8%	666	80.1%
1951	907	288	31.7%	507	77.7%	761	83.9%
1952	981	268	27.3%	743	75.7%	826	84.2%
1953	1 026	212	20.6%	840	75.7%	917	89.3%
1954	1 175	268	22.8%	1 077	91.7%	1 119	95.2%
1955	1 234	283	22.9%	1 063	86.1%	1 170	94.8%
1956	1 333	332	24.9%	1 234	92.5%	1 283	96.2%
1957	1 418	210	14.7%	1 295	91.3%	1 349	95.1%
1958	1 558	340	21.8%	1 484	95.2%	1 509	96.8%
As a result of a decision by the Governing Body, detailed reports were requested as from 1959 until 1976 only on certain Conventions							
1959	995	200	20.4%	864	86.8%	902	90.6%
1960	1 100	256	23.2%	838	76.1%	963	87.4%
1961	1 362	243	18.1%	1 090	80.0%	1 142	83.8%
1962	1 309	200	15.5%	1 059	80.9%	1 121	85.6%
1963	1 624	280	17.2%	1 314	80.9%	1 430	88.0%
1964	1 495	213	14.2%	1 268	84.8%	1 356	90.7%
1965	1 700	282	16.6%	1 444	84.9%	1 527	89.8%
1966	1 562	245	16.3%	1 330	85.1%	1 395	89.3%
1967	1 883	323	17.4%	1 551	84.5%	1 643	89.6%
1968	1 647	281	17.1%	1 409	85.5%	1 470	89.1%
1969	1 821	249	13.4%	1 501	82.4%	1 601	87.9%
1970	1 894	360	18.9%	1 463	77.0%	1 549	81.6%
1971	1 992	237	11.8%	1 504	75.5%	1 707	85.6%
1972	2 025	297	14.6%	1 572	77.6%	1 753	86.5%
1973	2 048	300	14.6%	1 521	74.3%	1 691	82.5%
1974	2 189	370	16.5%	1 854	84.6%	1 958	89.4%
1975	2 034	301	14.8%	1 663	81.7%	1 764	86.7%
1976	2 200	292	13.2%	1 831	83.0%	1 914	87.0%

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested	Reports registered for the session of the Committee of Experts	Reports registered for the session of the Conference
As a result of a decision by the Governing Body (November 1976), detailed reports were requested as from 1977 until 1994, according to certain criteria, at yearly, two-yearly or four-yearly intervals				
1977	1 529	215 14.0%	1 120 73.2%	1 328 87.0%
1978	1 701	251 14.7%	1 289 75.7%	1 391 81.7%
1979	1 593	234 14.7%	1 270 79.8%	1 376 86.4%
1980	1 581	168 10.6%	1 302 82.2%	1 437 90.8%
1981	1 543	127 8.1%	1 210 78.4%	1 340 86.7%
1982	1 695	332 19.4%	1 382 81.4%	1 493 88.0%
1983	1 737	236 13.5%	1 388 79.9%	1 558 89.6%
1984	1 669	189 11.3%	1 286 77.0%	1 412 84.6%
1985	1 666	189 11.3%	1 312 78.7%	1 471 88.2%
1986	1 752	207 11.8%	1 388 79.2%	1 529 87.3%
1987	1 793	171 9.5%	1 408 78.4%	1 542 86.0%
1988	1 636	149 9.0%	1 230 75.9%	1 384 84.4%
1989	1 719	196 11.4%	1 256 73.0%	1 409 81.9%
1990	1 958	192 9.8%	1 409 71.9%	1 639 83.7%
1991	2 010	271 13.4%	1 411 69.9%	1 544 76.8%
1992	1 824	313 17.1%	1 194 65.4%	1 384 75.8%
1993	1 906	471 24.7%	1 233 64.6%	1 473 77.2%
1994	2 290	370 16.1%	1 573 68.7%	1 879 82.0%
As a result of a decision by the Governing Body (November 1993), detailed reports on only five Conventions were exceptionally requested in 1995				
1995	1 252	479 38.2%	824 65.8%	988 78.9%
As a result of a decision by the Governing Body (November 1993), reports were requested, according to certain criteria, at yearly, two-yearly or five-yearly intervals				
1996	1 806	362 20.5%	1 145 63.3%	1 413 78.2%
1997	1 927	553 28.7%	1 211 62.8%	1 438 74.6%
1998	2 036	463 22.7%	1 264 62.1%	1 455 71.4%
1999	2 288	520 22.7%	1 406 61.4%	1 641 71.7%
2000	2 550	740 29.0%	1 798 70.5%	1 952 76.6%
2001	2 313	598 25.9%	1 513 65.4%	1 672 72.2%
2002	2 368	600 25.3%	1 529 64.5%	1 701 71.8%
2003	2 344	568 24.2%	1 544 65.9%	1 701 72.6%
2004	2 569	659 25.6%	1 645 64.0%	1 852 72.1%
2005	2 638	696 26.4%	1 820 69.0%	2 065 78.3%
2006	2 586	745 28.8%	1 719 66.5%	1 949 75.4%
2007	2 478	845 34.1%	1 611 65.0%	1 812 73.2%
2008	2 515	811 32.2%	1 768 70.2%	1 962 78.0%
2009	2 733	682 24.9%	1 853 67.8%	2 120 77.6%
2010	2 745	861 31.4%	1 866 67.9%	2 122 77.3%
2011	2 735	960 35.1%	1 855 67.8%	2 117 77.4%

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested	Reports registered for the session of the Committee of Experts	Reports registered for the session of the Conference
As a result of a decision by the Governing Body (November 2009 and March 2011), reports are requested, according to certain criteria, at yearly, three-yearly or five-yearly intervals				
2012	2 207	809 36.7%	1 497 67.8%	1 742 78.9%
2013	2 176	740 34.1%	1 578 72.5%	1 755 80.6%
2014	2 251	875 38.9%	1 597 70.9%	1 739 77.2%
2015	2 139	829 38.8%	1 482 69.3%	1 617 75.6%
2016	2 303	902 39.2%	1 600 69.5%	1 781 77.3%
2017	2 083	785 37.7%	1 386 66.5%	1 543 74.1%
2018	1 683	571 33.9%	1 038 61.7%	1 194 70.9%
As a result of a decision by the Governing Body (November 2018), reports are requested, according to certain criteria, at yearly, three-yearly or six-yearly intervals				
2019	1 788	645 36.1%	1 217 68.1%	International Labour Conference 2020 deferred due to the COVID-19 pandemic
In light of the deferral of 109th Session of the Conference to June 2021 due to the COVID-19 pandemic, the Governing Body decided in March 2020 to invite Member States to provide supplementary information on reports submitted in 2019, highlighting relevant developments, if any, on the application of the provisions of Conventions under review that might have occurred in the meantime. In addition, reports were requested on the basis of a footnote adopted by the Committee requesting a report for 2020 and on the follow-up of failures to submit reports				
2020	1 796	394 21.9%	712 39.6%	768 42.8%
As a result of a decision by the Governing Body (November 2018), reports are requested, according to certain criteria, at yearly, three-yearly or six-yearly intervals				
2021	1 865	747 40.0%	1 230 65.9%	1 383 74.2%
2022	1 915	787 41.1%	1 334 69.7%	1 460 76.2%
2023	2 014	923 45.8%	1 504 74.7%	1 631 81.0%



► Record of Proceedings

5C

International Labour Conference – 112th Session, Geneva, 2024

Date: 2 July 2024

Plenary sitting: Report of the Committee on the Application of Standards

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Friday, 14 June 2024, 3.55 p.m.

President: Mr Buzu

Report of the Committee on the Application of Standards: Presentation, discussion and approval

The President

We will now turn our attention to the report of the Committee on the Application of Standards. Part One of the report is contained in [Record of Proceedings No. 5A](#). Part Two is contained in Record of Proceedings No. 5B.

Please allow me to recall that the Officers of the Committee and its Reporter are: Mr Różycki (Poland), Chairperson; Mr Moyane (South Africa), Employer Vice-Chairperson; Mr Leemans (Belgium), Worker Vice-Chairperson; and Mr Siyoucef (Algeria), Reporter.

I now give the floor to Mr Siyoucef, so that he may present to us the Committee's report. The Officers will then take the floor.

Mr Siyoucef

Reporter of the Committee on the Application of Standards (Original French)

I am honoured to present the report of the Committee on the Application of Standards to the plenary of the 112th Session of the International Labour Conference. As a standing body of the International Labour Conference, this unique tripartite forum is authorized under article 10(1) of the Standing Orders of the Conference to consider measures taken by Member States to give effect to their obligations under Conventions that they have voluntarily ratified. It also considers matters linked to their reporting and other obligations under the ILO Constitution. The basis of this discussion is the annual report of the Committee of Experts on the Application of Conventions and Recommendations. I am pleased to report that the Committee fulfilled its mandate and managed to conclude its programme of work. The working methods of the Committee were agreed upon during informal tripartite consultations which were held in March this year.

The report of the Committee, which is now submitted to the plenary, comprises two parts. Part One contains the General Report, which includes: a record of the general discussion and of the outcomes of the Committee's discussion of the General Survey of the Committee of Experts, entitled *Labour administration in a changing world of work*; cases of serious failure by Member States to respect their reporting and other standards-related obligations; a record of a special sitting concerning the application by Belarus 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), in application of the resolution adopted by the International Labour Conference in 2023; and, lastly, 24 individual cases regarding the application of ratified Conventions. Part Two of the report contains the verbatim records of the discussions held in the Committee. As in previous years, this part of the report is submitted to plenary in the form of a trilingual patchwork document. The complete report, translated into the three working languages of the Conference, will be published on the Committee's website within 30 days.

I would like to highlight some of the main points of the Committee's discussions. This year, the general discussion again focused on the fruitful dialogue between the Committee on the Application of Standards and the Committee of Experts. As part of this dialogue, the two Vice-Chairpersons of the Committee on the Application of Standards participated in a special sitting with members of the Committee of Experts during the latter's annual session in December 2023. The Conference Committee noted that, in addition to this institutionalized dialogue, the Committee of Experts held an informal briefing session with Government representatives in December 2023. Moreover, this year the Conference Committee welcomed Judge Thomas-Felix, a member of the Committee of Experts, representing the Chairperson of the Committee of Experts, Judge Dixon Caton, who was unable to attend for reasons beyond her control. Judge Thomas-Felix participated as an observer and addressed the Committee during the opening and closing sittings of the general discussion. What I took away from her statement is the importance that the Committee of Experts attaches to constructive engagement and continued dialogue between the two Committees, and the will to continue to strengthen this dialogue. The Committee also had the pleasure of welcoming the Chairperson of the Committee on Freedom of Association, Professor Evans Kalula, who presented the annual report of his Committee, thereby highlighting the complementarity between the different supervisory procedures.

Our Committee welcomed the opportunity to discuss the subject of labour administration in a changing world of work, on the basis of the General Survey carried out this year by the Committee of Experts. The Committee highlighted the key role of labour administrations in facing challenges and seizing opportunities linked to changes in the world of work. It highlighted that the Labour Administration Convention, 1978 (No. 150), continues to be a relevant and flexible instrument, and reminded ILO constituents of the need to step up their efforts to ratify and implement it, with the technical assistance of the Office where necessary.

As I mentioned earlier, the Committee held a special sitting concerning the application by Belarus of Conventions Nos 87 and 98. The sitting followed up on the resolution adopted by the International Labour Conference at its 111th Session with a view to ensuring compliance with the recommendations of the Committee of Inquiry established to examine the application of these two Conventions by Belarus. Breaking with its practice of adopting conclusions by consensus, the Committee exceptionally adopted the conclusions on this case by vote. These are reflected in the Committee's report.

Lastly, the Committee adopted a list of 24 individual cases for examination. The Committee was able to consider all cases and adopt conclusions by consensus. Following the adoption of the conclusions, the governments concerned had the opportunity to express their views, which are reflected in the records contained in the Committee's report.

I would like to conclude my brief statement by thanking the Chairperson of the Committee, Mr Łukasz Różycki, a Government representative of Poland, for the competence with which he led our meetings, and the Employer Vice-Chairperson, Mr Kaizer Moyane, and Worker Vice-Chairperson, Mr Marc Leemans, for the spirit of cooperation which prevailed within the Committee. And, of course, I would also like to thank the Secretariat, led by the representative of the Secretary-General, Ms Corinne Vargha.

To conclude, I recommend that the Conference adopt the report of the Committee on the Application of Standards.

Mr Moyane**Employer Vice-Chairperson of the Committee on the Application of Standards**

On behalf of the Employers' group in the Committee on the Application of Standards, I would like to endorse the Committee's report and recommend its approval. Overall, the Employers are pleased that the Committee was able to successfully conclude its work at this session.

I would like to make a few remarks on the various sections of the report. First, the general discussion. In the discussion of the General Report, the Employers' group highlighted several important issues of concern that need to be addressed. We would like to reiterate our request that the needs of sustainable enterprises be systematically taken into account by the Committee of Experts on the Application of Conventions and Recommendations in supervising ILO Conventions. Not only would this contribute to more balance and acceptance in the Committee of Experts' standards supervision, but it is also called for by the ILO Centenary Declaration for the Future of Work. Let me quote from the Declaration: "International labour standards also need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises, and be subject to authoritative and effective supervision."

Regrettably, there is a persisting view among some members of our Committee that sees enterprises as only a means to an end – in other words, a means to achieve workers' welfare and well-being. This view only serves to downplay or even undermine the value and relevance of sustainable enterprises in the world of work. It should be noted that the setting up and operation of enterprises depend on the initiative and commitment of entrepreneurs. In doing so, these entrepreneurs, while paying tax and complying with applicable rules, make use of their right to pursue their legitimate economic objectives. They are not just objects that are committed to a public purpose. Without an enabling environment, entrepreneurs will not start businesses or may close them down. They will not create or maintain decent jobs, produce goods and services or pay taxes, and thus will not provide the benefits to society that sustainable enterprises can. Therefore, when applying and supervising ratified ILO Conventions, which, by definition, serve to protect workers, the needs of sustainable enterprises should always be kept in mind and incorporated into the definition of the respective obligations. After all, this is the imperative of the ILO Centenary Declaration, and the Employers would like to see it reflected more clearly in future Committee of Experts' assessments of compliance with ratified Conventions.

Second, the Employers recall once again that the referral of the dispute on the right to strike in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), requires the ILO, including the Committee of Experts, to take a neutral position on the topic. This is necessary to protect the integrity of the advisory opinion process, which the ILO should not be seen as interfering in or anticipating the outcome thereof. For the Committee of Experts, this means that it should suspend its recommendations on the right to strike in Convention No. 87, or at least make a visible reference in its report to the fact that this matter is contentious, that this issue is currently before the International Court of Justice for an advisory opinion, and that the Committee of Experts' recommendations on the right to strike require confirmation by the International Court of Justice. If the Court has not issued its advisory opinion by the next session of the Committee of Experts in November 2024, the Employers expect the Committee of Experts to address this issue in the manner described above, or in a similarly appropriate manner.

Third, the Employers would like to recall the need to make the ILO standards supervisory system more effective. This is not just a question of streamlining reporting or facilitating reporting on standards through electronic means. The objective should be to achieve better compliance on the ground, which is evidenced by a decreasing volume of comments by the Committee of Experts. I think we should all be able to agree on this objective. A first step in this regard is to help countries take a more careful and deliberate approach to ratification. The high number of comments of the Committee of Experts suggests that either ratifications are premature or made without proper pre-ratification assessments, or that outcomes of pre-ratifications are not considered. The Office should, in its promotional activities on ILO Conventions, advise constituents on how to approach ratification. Ratification should not just be considered a political statement or a declaration of intent, but rather what it actually is: a treaty under international law that is to be complied with, and that compliance needs to be properly prepared. The Employers are convinced that if ratification was addressed in a compliance-oriented manner, application of ratified Conventions would be much improved. As a result, the supervisory system would be less burdened and could focus on more serious cases. In order to have a more solid basis for devising appropriate assistance regarding ratification, we suggest that the Office undertake a study to examine the circumstances of ratifications made by Member States in recent years. The goal is simple: ensuring that once a Convention is ratified, the deriving obligations are complied with.

Regarding the discussion under the General Survey, which this year addressed the two ILO instruments on labour administration, the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158), the Employers consider that an effective labour administration is key for protecting workers and contributing to an enabling environment for entrepreneurship and sustainable enterprises, as called for by the Centenary Declaration. Well-functioning labour administrations also ensure resilience or stability in labour markets in times of crisis, as has been demonstrated in the financial crisis of 2008 and the recent COVID-19 pandemic. The General Survey also showed that Convention No. 150 and Recommendation No. 158 are remarkably flexible instruments that are indeed universally applicable, in that they limit themselves to defining essential objectives, functions, actors and working methods of labour administrations, and they are open to different national situations, as well as to new developments and needs. The golden thread in both standards is tripartite cooperation in labour administration for the benefit of employers and workers. For these reasons, the Employers also consider that Convention No. 150 is a model instrument whose structure, content and flexibility features should be analysed and taken into account in future standard-setting. Finally, the Employers noted from the General Survey that the positive potential of labour administrations is not yet fully recognized and developed in many ILO Member States. The Employers, therefore, hope that the discussion of this General Survey will help spread good practices and, in this way, help to further labour administration.

With regard to the individual cases, I will make two comments: first, on the case of Belarus on 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). This year we had a special sitting in the context of the Conference resolution concerning measures recommended by the Governing Body under article 33 of the ILO Constitution regarding Belarus. The discussion unfortunately showed that the Belarusian Government is not in the least willing to cooperate with the ILO to work towards compliance with its obligations under Conventions Nos 87 and 98. The Employers consider the Belarusian Government's call for a vote on the Committee's conclusions, and the Government's subsequent declaration that it will not accept the CAS conclusions despite the adoption by a large majority, as an unprecedented affront to the Committee and to the ILO's standards supervisory system as a whole.

The second case on which I will comment is Nicaragua, also on Convention No. 87. This case concerns very serious allegations against the Government for dissolution and confiscation of the assets of the Higher Council for Private Enterprise (COSEP) and its 18 member associations, as well as persecution, intimidation, repression and arbitrary detention of COSEP leaders. We urge the Government to immediately restore the legal status of the dissolved organizations and to fully and unconditionally recognize the right of independent employers' and workers' organizations to organize their activities without any interference that would restrict this right. We also expect the Government to strengthen effective social dialogue at the national level, with a presence of the ILO, in order to rebuild trust with the social partners. The Employers would have liked to see this case mentioned in the special paragraph of the General Report. Unfortunately, this did not receive the support of the Workers' group, and so the Employers are asking themselves, if this case, which can hardly be surpassed in terms of urgency and severity, cannot be mentioned in a special paragraph, what other case could?

With regard to conclusions on individual cases, let me emphasize that we have once again tried to formulate short, clear and balanced conclusions that address the problems and possible solutions in a fair and equitable manner. This year, however, we had to realize that the time available was often insufficient, as we had a total of 25 cases to discuss this year, including the first article 33 discussion on Belarus. We strongly suggest limiting the total number of cases to 24 again next year. The conclusions should accurately reflect the discussion that occurred in the Committee. This is important to ensure the credibility and transparency of the ILO standards supervisory system.

With regard to follow-up to the Committee's conclusions, and the final point on the report itself, I would like to reiterate the importance of systematically involving the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) in the follow-up to conclusions, in order to make sure that independent and representative workers' and employers' organizations in their respective countries can help find ways of complying with the Conventions that adequately take account of their needs.

In conclusion, although there exists a margin for improvement, the Employers are overall satisfied with the operation of the Committee's session this year. Consensus was reached where possible, and disagreements were reflected where necessary. In our opening remarks to the Committee, we identified room for further improvements on balance, transparency, relevance, effectiveness and tripartite governance of the Committee, and we made some concrete and constructive proposals. We invite all Committee members and the Office to consider them with an open and constructive spirit.

I would not be doing justice to my report if I did not mention and give special thanks to the way our Chairperson, Mr Różycki, helped us to navigate the sometimes very difficult discussions, in a very fair and parliamentary manner, which allowed us to reach the conclusions that we did. A big thanks to him. Allow me also to extend a word of thanks to the Employers' group, specifically Paul Noll, Annick Hellebuyck, Fernando Yllanes Martínez, Jackie Van Der Meulen, Guido Ricci Muadi, Michael Congiu, Laura Giménez, Paul Mackay, Miriam Pinto Lomeña, Juliana Manrique Sierra, Tala Khoury and Pablo Carrasco Quintana, for their support and assistance in preparing and presenting the Employer perspective on the individual cases and the General Survey. I would also like to thank my friend, and a very good opponent at that, Marc Leemans, the Worker Vice-Chairperson, and his team, and all the Government representatives who actively participated in the work of the Committee to enrich the discussions as well, and allow us to reach constructive and productive conclusions. Lastly, I would like to express particular gratitude for the absolutely invaluable support of Rita Yip, Altea Rossi and Emilie Villet from the International Organisation of Employers, and Christian Hess

and María Ángeles Palmí Reig from ACT/EMP. Without these people's support, I really would not have been able to deliver my part on these conclusions.

Mr Leemans

**Worker Vice-Chairperson of the Committee on the Application of Standards
(Original French)**

As the Reporter has highlighted, our Committee was able to conclude its work successfully and our discussions were characterized, as they are every year, by very lively debates.

We have had the opportunity to discuss the role of and interactions between the Committee of Experts on the Application of Conventions and Recommendations and the Committee on the Application of Standards. The Workers' group reiterated its commitment to respect for the experts' independence and impartiality. We will continue to reject attempts made to issue injunctions to the experts and to call into question their working methods in an unjustified way. The Employers' group reaffirmed its position concerning the right to strike and was disappointed that the experts continued to issue observations on this matter while there are proceedings before the International Court of Justice. Our group also reminded everyone of its position on the subject. Further, it stressed that the ongoing proceedings should not have any impact on the work of the supervisory bodies. For several years, the Committee on the Application of Standards has had a *modus operandi* that allows it to do its work. The ongoing proceedings were decided upon by the Governing Body after concluding that all social dialogue routes had been exhausted in this matter.

In another respect, the Employers' group seems to believe that the Committee of Experts should integrate the needs of enterprises into its supervisory work. This is a rather absurd request. Contrary to what is commonly claimed, the ILO Centenary Declaration for the Future of Work (2019) (Centenary Declaration) does not provide any basis for this request. The Centenary Declaration does call for standards to reflect the needs of sustainable enterprises, but it is in no way directed at the supervisory bodies. Similarly, the time when these considerations should be taken into account is at the stage when standards are adopted and not when supervising their application. The Centenary Declaration should be read in full. It insists on the importance of a supervisory system that is authoritative. We may thus ask: what would remain of the authority of a supervisory system that would seek to reflect the wishes and desires of one of its groups of constituents?

I would also raise the point that, despite its merits, the Centenary Declaration must be read in conformity with the Organization's mandate. Whether one likes it or not, this mandate is based on respect for workers' rights and the improvement of their living conditions. We sometimes hear it said that, in order for there to be workers' rights, there must first be enterprises to create jobs. Those who say this seem to overlook the reason why this Organization was created. Economic forces did not need the ILO or the existence of social legislation in order to develop. It was in reaction to the exploitation produced by these economic forces that social legislation came into being. With its body of standards, the ILO is the guarantor of this legislation at the international level. These standards are there to impose limits on the logic of profit and to rein in economic forces.

Further, it is generally accepted that economic activity is not sustainable if it does not respect workers' rights. This discussion that we have had on the role of sustainable enterprises has not been limited to our Committee. It is a debate that has been held elsewhere too within this Organization, and this is why it is high time to make a clarification on this matter.

The ILO's standards do not recognize rights of enterprises. They do recognize employers' rights, such as freedom of association, but not rights of enterprises. Within the Organization, the interlocutors of workers are employers and not representatives of the business world. This distinction is crucial in order to prevent misunderstandings. Employer is a social role that is exercised within the framework of professional relations with workers and their representatives, and these relations are engaged in with a view to negotiating working conditions that improve workers' lives. To come to the ILO to plead that it take into account the needs of enterprises on the same level as workers' rights is to come to the wrong forum.

Our Committee had the opportunity to examine and reach conclusions on 24 individual cases on our list. The case of Belarus, which was further discussed at a special sitting, gave rise to clear and specific conclusions. We lament the fact that our Committee required a vote in order to adopt them. This voting procedure is not in line with the methods of work and practices of our Committee. Some speakers justly pointed out that this did not serve as a precedent, but was an aberrant example. Consensual conclusions adopted by our Committee prompted contrasting reactions on the part of the Governments concerned. We welcome the constructive attitude of the Governments of Australia, Spain, Guinea, Gambia and Colombia.

Others, however, had a negative attitude. We deplore the statements made by the Governments of Cambodia, the Philippines and Nicaragua following the adoption of the conclusions. The conclusions adopted by our Committee are not sanctions. They are an integral part of the tools of social dialogue that are available to this Organization. We call upon the Governments to see these tools as an opportunity to improve their level of compliance with the obligations they have undertaken. Our Committee has also adopted conclusions concerning the General Survey. The General Survey had as its theme labour administration, which represents a crucial means of leverage for attaining social objectives and promoting decent work.

I have referred to the debates and differences we have had within our Committee. However, our capacity to overcome these obstacles to reach consensus is a testimony to the sense of responsibility felt throughout our Committee. The Employers' group insists on the importance of a convergence of views between our Committee and the Committee of Experts in order to improve the effectiveness of the supervisory system. However, there is another type of convergence that is even more important. That is the one that should exist between the Employers' group and the Workers' group. That is the relationship that will allow us to overcome the numerous challenges that threaten the world of work. We need to stop scrutinizing our differences to look instead in the same direction and seek consensus around common interests. Thank you for your attention and I would very much like to thank all those who took part in our Committee's debate.

Mr Różycki

Chairperson of the Committee on the Application of Standards

I am very honoured to take the floor this afternoon in my capacity of Chairperson of the Committee on the Application of Standards at the 112th Session of the International Labour Conference, as we approve our Committee's report. The Committee on the Application of Standards is one of the key committees of the International Labour Conference and, together with the Committee of Experts on the Application of Conventions and Recommendations, is at the heart of the supervisory system for which the ILO is known. It is therefore a great honour and privilege for me personally, and for my country Poland, to represent the Government group and to be given the responsibility for chairing the Conference Committee on the Application of Standards this year.

I hope the Committee members will allow me the indulgence of repeating myself, but I find it very important to stress, once again, that the International Labour Organization and its supervisory system have special meaning for my country. Democratic changes in Poland would not have been possible without ILO assistance, which, effectively implemented over the course of many years, has borne fruit. It was the rise of Solidarity, or *Solidarność* in Polish, in the 1980s, the first independent self-governing trade union in the Eastern Bloc, established in line with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), that truly highlighted the significance of this assistance. The story of an electrician named Lech Wałęsa scaling the walls of the shipyard at Gdańsk 44 years ago still resonates almost half a century later. The imposition of martial law in Poland a few years later, followed by the suppression of all trade unions by the Government, resulted in the ILO establishing a Commission of Inquiry to monitor the situation in my country. Based on the Commission's conclusions, the ILO and numerous countries and organizations urged Poland to fulfil its obligation under ILO Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Polish Government subsequently recognized *Solidarność* and finally granted it legal status. According to Lech Wałęsa, leader of *Solidarność* and later President of Poland, the Commission of Inquiry created by the ILO after the imposition of martial law made significant contributions to changes which brought democracy to Poland. From there, the road first opened in 1980 ultimately led to the transition to democracy, European Union membership, the 20th anniversary of which we celebrate this year, and Poland's new role in the international arena. The example of Poland illustrates that the International Labour Organization and its well-functioning and authoritative supervisory system continue to play a crucial role in ensuring the implementation of, and compliance with, international labour standards. Chairing the Committee on the Application of Standards, after all these key historic moments that are so important for my country, and seeing how the architecture of this Organization, this tripartite system and these international labour standards remain relevant, if not essential, given the very serious nature of the challenges we all face, was a special moment for me.

During this session, the Committee discussed matters that were particularly topical, including the question of labour administration, which is the subject of the General Survey. As for the examination of individual cases, the discussions were able to proceed as scheduled, and all the cases on the list were examined within the time available.

As we are all aware, the unique tripartite structure of the ILO was founded on social dialogue. Therefore, I regret that despite the well-established practice of the Committee on the Application of Standards of taking decisions by consensus, as well as protracted attempts by the Committee's Vice-Chairpersons and myself to seek convergence or flexibility, not all the conclusions could be adopted by consensus. Notwithstanding, I welcome the fact that this year the conclusions of the Committee on the Application of Standards are action-oriented, ambitious and achievable. Again, the discussion was rich and passionate. We heard different and even opposing views, but these were always expressed with respect for the views of others, in parliamentary language and in a way that reflected a firm commitment to standards and the supervisory system.

I would like to take this opportunity to thank all the delegates for their commitment and for the constructive spirit in which they participated in the work of the Committee. The success of our work was illustrated by the fact that the two rooms allocated for it were very often full. All of this is testimony to the interest generated by the discussion of the Committee and, more generally, highlights the relevance and importance of the supervisory system.

To conclude, and to echo those who have spoken before me, if I had to use just a few words to summarize the work of our Committee, they would emphasize the important role of the Committee in promoting social justice as the foundation of the global recovery to ensure that the future is human-centred, as advocated by the ILO Director-General. Let us not forget that the issues discussed by the Committee on the Application of Standards are and will remain central in the lives of Workers and Employers promoting decent work and social justice for all.

There are numerous people who have helped me reach this point who I would like to thank. I would like to start with the Government group. Poland is a member of the Eastern European group, the European Union and the group of industrialized market economy countries. I would like to thank those groups for placing their trust in me and for all their support. I would like to express my sincere appreciation in particular to the Employer Vice-Chairperson, Mr Kaizer Moyane, and the Worker Vice-Chairperson, Mr Marc Leemans, for their cooperation, professionalism and constructive understanding. I would like to thank the respective spokespersons for both sides, for the Workers and the Employers, for their contributions to the work of the Committee. I would also like to thank the Reporter, Mr Abdelkrim Siyoucef from the Government of Algeria for his efficient work and for his accurate account of the work of our Committee.

Finally, I wish to take this opportunity to pay tribute to the Office for its commitment, professionalism and high quality guidance throughout the sittings of our Committee. In particular, I would like to express my sincere and very special gratitude to the representative of the Secretary-General of the Conference, Ms Corinne Vargha, for her immense support and guidance throughout these two weeks and well before the beginning of the work of the Committee. Thank you for your expertise, which enabled this Committee to play its pivotal role within the ILO's constitutional framework. I would also like to thank all members of the Secretariat for their cordiality, dedication, professionalism and support. Their efforts to deliver high quality work for the International Labour Organization are commendable. Filled with a deep sense of pride and accomplishment for what we have achieved, I recommend that you approve the report of the Committee on the Application of Standards.

The President

I now declare open the discussion of the report of the Committee on the Application of Standards.

Ms Mbouzie Ahanda Épouse Abah

**Government (Cameroon), speaking on behalf of the Africa group
(Original French)**

We would like to begin by thanking the Committee of Experts on the Application of Conventions and Recommendations for the quality of the documents that served as a working basis for our debates.

Our thanks also go to the Officers of the Committee, particularly to the Chairperson, Łukasz Różycki, for the quality of the leadership that typified the conduct of our work. We further thank the International Labour Office for the professionalism shown in the organization and management of the work, and finally the interpreters, without whom we would not have been able to communicate.

The Africa group also thanks the Employers' group, the Workers' group and all the Governments that participated in the work of the Committee for the solidarity expressed, the mutual understanding shown despite differences in interpretation and the mutual respect

which made it possible to reach the conclusions that are being submitted to the Conference for adoption. These conclusions will guide the work of the ILO and its tripartite constituents in respect of the application of standards.

The Africa group reaffirms the importance of international labour standards, which constitute the fundamental legal basis for social justice at a time when the world is seeing growing inequalities and when workers are the victims of climatic, environmental, demographic and other changes. In assessing the application of Conventions, it should be remembered that, although these are binding legal instruments, the integrated policies and strategies arising from the reports should take into consideration the social, political and economic realities of each region of the world and of each country.

In our region, there continue to be numerous challenges related to the effective application of Conventions and the deployment of efficient labour administration in a changing world of work. Several countries are making efforts and are cited for their good practices. However, many of us still need technical assistance from the International Labour Office to manage the integration of standards into the legal corpus of each country and to consolidate a structured, relevant and sustainable social dialogue.

In conclusion, the Africa group supports the approval of the report of the Committee on the Application of Standards.

Ms Lizin

Government (Belgium), speaking on behalf of the European Union and its Member States

I have the honour to speak on behalf of the European Union and its Member States. North Macedonia, Montenegro, Ukraine, the Republic of Moldova, Albania, Bosnia and Herzegovina, Georgia, Iceland and Norway align themselves with this statement.

I would like to start by warmly thanking the Chairperson of the Committee on the Application of Standards for his efficient leadership of the discussions and his very good time management. We also extend our warm thanks to the Vice-Chairpersons and the Reporter for their constructive spirit, contributions and efficiency, and to the Office for its dedicated support and guidance.

We welcome the discussions and the constituents' positive approach to and engagement in the work of the Committee. However, we very much regret that not all decisions could be adopted by consensus this year, thus going against the long-established practice of the Committee. Nevertheless, we are pleased to have reached concrete conclusions, which will provide guidance on the way forward to effectively implement international labour standards in law and practice. We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective, independent and authoritative supervision of their implementation. We share the view that human rights, including international labour standards, are fundamental to relations between people and nations.

The Committee on the Application of Standards is a crucial pillar of the ILO's supervisory system and embodies the core values of the ILO, based on social dialogue and tripartism. It enables all constituents to discuss the implementation of ILO Conventions in a constructive, respectful and tripartite manner. We highly appreciate the analysis and expertise of the Committee of Experts on the Application of Conventions and Recommendations, which provides a solid basis for the work of the Conference Committee. We value and put our trust in the guidance provided by the Committee of Experts, which helps to implement international labour standards. We recall our strong commitment to the independence, objectivity and

impartiality of the Committee of Experts. We are very pleased that the Committee of Experts continues to deepen its cooperation with the United Nations human rights treaty bodies in order to enhance the effective fulfilment of human rights, including labour rights.

Realizing labour rights as human rights is one of the priorities of the Global Coalition for Social Justice, an initiative strongly supported by the European Union and its Member States. Through the EU Action Plan on Human Rights and Democracy, we put increased emphasis on human rights, including labour rights. We attach great value to the General Survey of the Committee of Experts. It helps us to analyse difficulties in the application of standards and identify means to overcome them. Labour administration and inspection systems have faced great challenges during recent economic crises and COVID-19, and we welcome this year's timely General Survey on the matter, and its recommendations for improvement.

We welcome the fact that the conclusions of the Committee on the Application of Standards are more action-oriented. They provide guidance to the constituents and foster the commitment of the ILO Member States. We encourage Member States to comply with the conclusions to the greatest extent possible and, where appropriate, with the support of ILO technical assistance, which may also entail missions.

We will continue to fully support and reinforce the ILO's supervisory system. We remain convinced that it is one of the most extensive and valuable elements of the multilateral, rules-based order. We are looking forward to constructive engagement with the Office and the tripartite constituents in the follow-up to the conclusions of the Committee.

Ms Varfalameyeva
Worker (Belarus)
(Original Russian)

I represent 4 million workers in Belarus. I have been working for more than 20 years and collaborating with the ILO over this time. Over the course of the past two weeks at the Conference, we have heard lofty words about the need for solidarity between all countries in order to ensure social justice for workers across the world. However, when it comes to the Republic of Belarus, the International Labour Organization continues to promote extremely unfair restrictive measures, which are directed against effective employment, decent income and the social protection of workers in our country.

The workers of Belarus, whom I represent, do not agree with the decision adopted on Belarus. We are indignant that the issue of Belarus continues to be considered in an extremely prejudiced and biased manner. The real evidence of the effective work of trade unions in Belarus is simply ignored. Equality between all Members of the Organization, pluralism of views, democracy and openness are the fundamental rules that govern the ILO and they must not be violated by anyone.

Appeals to international organizations working in health, child protection, and industrial and nuclear security to limit their collaboration with our country, as set out in the resolution, are also designed to reduce the level of socio-economic development in the country and to reduce the protection afforded to its people. As a specific example of this: in our country today, precisely because of these sanctions and restrictions, a number of Western manufacturers are refusing to supply Belarus with medicines that are necessary to treat and alleviate the suffering of children with serious genetic diseases, and supplies of medical equipment are being disrupted. Belarus is dealing with this challenge but I would like to ask all the instigators of sanctions: how are you in a position to say anything about human rights? Who gave you the right to deprive people of vitally important assistance?

We call upon the ILO to refrain from this utterly unproductive and unfair approach towards our country and to return to the fundamental principles that govern the work of this Organization.

The President

We shall now proceed with the approval of the report of the Committee on the Application of Standards.

If there are no objections, may I take it that the Conference approves the report, as contained in Records of Proceedings Nos 5A and 5B?

(The report is approved.)

I would like to congratulate the Officers and members of the Committee and the Secretariat on the work accomplished this year. My warmest thanks to them all. Good job. Let me emphasize that the work of the Committee on the Application of Standards is one of the cornerstones of the ILO.

(The Conference continues its work in plenary.)



► Record of Proceedings

6A

International Labour Conference – 112th Session, 2024

Date: 13 June 2024

Outcome of the Standard-Setting Committee on Biological Hazards

Resolution and proposed Conclusions submitted to the Conference for adoption

This report contains the text of the resolution and proposed Conclusions submitted by the Standards-Setting Committee on Biological Hazards for adoption by the Conference.

The report of the Committee on its proceedings, as approved by the Officers of the Committee on behalf of the Committee, will be published on the Conference website in Record No. 6B after the closure of the session. Committee members will have the possibility to submit corrections to their own statements appearing in the report until 12 July 2024.

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Biological hazards in the working environment”

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as conclusions, with a view to the consultation of the tripartite constituents, proposals for a Convention supplemented by a Recommendation concerning biological hazards in the working environment,

Decides that an item entitled “Biological hazards in the working environment” shall be included in the agenda of its next session for a second discussion with a view to the adoption of a Convention supplemented by a Recommendation,

Decides that any part of the proposed conclusions that has not been agreed upon or considered at the current session will be bracketed and will be included in the draft instruments that will be submitted to the Conference for its consideration at the 113th Session (2025).

Proposed Conclusions

A. Form of the instruments

1. The International Labour Conference should adopt standards concerning biological hazards in the working environment.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention

Preamble

3. The Preamble of the Convention should provide the following:
 - (a) recalling the solemn constitutional obligation of the International Labour Organization to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations,
 - (b) recalling the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work by the International Labour Conference in June 2022,
 - [(c) *considering the objective to provide a comprehensive legal framework for the respect, promotion and realization of the right to a safe and healthy working environment concerning biological hazards, including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, taking new and emerging hazards and risks into account,*

- (d) *stressing the importance of promoting international policy coherence and cooperation in the prevention of communicable and non-communicable diseases caused by biological hazards in the working environment,*
- (e) *recognizing the relevance of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), considered as fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the relevance of the Protocol of 2002 to Convention No. 155 and the Occupational Health Services Convention, 1985 (No. 161),*
- (f) *noting the need to revise the Anthrax Prevention Recommendation, 1919 (No. 3), and to close the gap in coverage of international labour standards concerning other biological hazards in the working environment,*
- (g) *noting that the proposed instruments constitute the first international instruments addressing biological hazards in the working environment at the global level,*
- (h) *stressing the need to promote effective management of occupational safety and health regarding biological hazards in the working environment through collaborative means and measures by relevant actors, including public health and occupational safety and health authorities and employers' and workers' organizations, in their respective areas of responsibility.]*

Definition and scope

4. For the purposes of the Convention, the term "biological hazards" refers to any microorganisms, cells or cell cultures, including those which have been genetically modified, which can cause harm to human health, such as bacteria, viruses, parasites, fungi, prions, DNA and RNA materials, and any other microorganisms and their associated allergens and toxins.
5. Biological hazards in the working environment include exposure *inter alia* to organic materials of plant, animal or human origin, bodily fluids and biological vectors or transmitters of disease.
6. Harm to human health caused by biological hazards in the working environment includes communicable and non-communicable diseases and injuries.
7. The Convention should apply to all workers in all branches of economic activity.
8. A Member ratifying the Convention may, after consultation with the representative organizations of employers and workers concerned, and on the basis of an assessment of the biological hazards involved and of the preventive and protective measures to be applied, exclude from its application, in part or in whole, particular branches of economic activity or limited categories of workers in respect of which its application would raise special problems of a substantial nature on condition that a safe and healthy working environment is maintained. It should also make special provisions to protect confidential information whose disclosure to a competitor would be liable to cause harm to an employer's business so long as the safety and health of workers are not compromised thereby.
9. Each Member which avails itself of the possibility afforded in the preceding point should list, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, the particular branches of

economic activity or categories of workers thus excluded, giving the reasons for such exclusion and describing any measures taken to provide adequate protection to excluded workers, and indicate in subsequent reports any progress towards wider application. Members should make every effort to end exclusions at the earliest opportunity.

National policy

- 10.** Each Member should, consistent with national law and practice and in consultation with the most representative organizations of employers and workers, integrate the protection against biological hazards in the working environment into its national policy on occupational safety and health, based on an evaluation of risk that takes into account the characteristics and degree of concern of hazards, which would be periodically reviewed.
- 11.** National policies on biological hazards should take account of:
 - (a) other relevant policies, including on public health and the environment, where these policies are consistent with, complement or improve occupational safety and health provisions;
 - (b) the best available information concerning the management of occupational safety and health regarding biological hazards in the working environment or promote new research where available information is insufficient;
 - (c) the need to develop arrangements for the effective management of biological hazards in the working environment, including new or emerging biological hazards, considering the need to develop preparedness and response measures to deal with accidents and emergencies related to biological hazards in the working environment, as well as workers' physical and mental health and general well-being;
 - (d) the need to consider the impact of climate and environmental risks on occupational safety and health in the working environment and take adequate action to prevent or remedy identified risks;
 - (e) relevant provisions of the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and, as appropriate, other relevant international labour standards.
- 12.** With a view to obtaining the best available information, the competent authorities should, in consultation with the most representative organizations of employers and workers, make arrangements, as appropriate, and in accordance with national law and practice, for exchanging information and coordinating action with relevant national authorities, including public health and occupational safety and health authorities, and scientific institutions, as well as relevant international organizations.
- 13.** Recognizing that many biological hazards create cross-border risks, Members should encourage both national and multinational employers to provide adequate occupational health and safety conditions and contribute to a preventive occupational health culture to eliminate or minimize these risks.

Preventive and protective measures

14. The competent authorities should, in accordance with national law and practice and in consultation with the most representative organizations of employers and workers, develop national guidelines for preventive and protective, or as appropriate precautionary, measures for the management of biological hazards in the working environment, based on the results of an evaluation of risks. These guidelines should include preparedness and response measures to deal with accidents and emergencies related to biological hazards in the working environment, and should take into account new and emerging hazards and risks, and promote continuous improvement of the level of protection of workers exposed to biological hazards in the working environment.
15. The competent authorities should provide timely information, and support to employers, workers and their representatives concerning preventive and protective measures for the management of biological hazards in the working environment, based on the results of an evaluation of risks, in an accessible form and understandable language, and which should be periodically reviewed, and updated as necessary and keep abreast of scientific and technical knowledge.
16. Each Member should, in consultation with the most representative organizations of employers and workers, develop, make public and regularly review national guidance and preventive and protective measures for:
 - (a) sectors and occupations where workers are at a high risk of recognized harm due to exposure to biological hazards;
 - (b) workers who may require special protection, taking into account the need to ensure that such measures should not result in discrimination or contribute to occupational segregation.

Occupational health and occupational health services

17. In taking preventive and protective measures regarding biological hazards in the working environment, in accordance with national law and practice, each Member should seek to:
 - (a) progressively extend occupational health services to all workers in all branches of economic activity, in particular to workers and occupations at a higher risk of exposure and workers with certain conditions who may require special protection;
 - (b) facilitate the coordination and efficient use of national health and labour infrastructure, expertise and resources for the provision of occupational health services to workers in relation to biological hazards in the working environment.

Data collection, recording and notification of occupational diseases and occupational accidents

18. The competent authorities should, having regard to national conditions and practice and in consultation with the most representative organizations of employers and workers, establish, implement and regularly review procedures for:
 - (a) the reporting, recording, notification and investigation of occupational diseases, occupational accidents and, as appropriate, dangerous occurrences, caused by exposure to biological hazards in the working environment;

- (b) the production and publication of annual statistics, disaggregated by sex, on occupational diseases, occupational accidents and, as appropriate, dangerous occurrences, caused by exposure to biological hazards in the working environment;
 - (c) the holding of inquiries for cases of serious occupational diseases, occupational accidents or any other injuries to health caused by exposure to biological hazards in the working environment;
 - (d) the annual publication of information on measures taken under the national occupational safety and health policy, which address exposure to biological hazards in the working environment;
 - (e) the determination of the appropriate duration for maintaining records on occupational diseases caused by exposure to biological hazards in the working environment, taking into account the latency periods of such diseases.
- 19.** The competent authorities should, in consultation with the most representative organizations of employers and workers, and in accordance with national law and practice, relevant international standards and scientific developments:
- (a) periodically review the national lists of occupational diseases for the purposes of prevention, recording, notification and, if applicable, compensation;
 - (b) update these lists, as may be necessary, to include any disease where a direct link between the exposure to biological hazards in the working environment and the disease is established scientifically, or determined by methods appropriate to national conditions and practice.

Employment injury benefits

- 20.** Each Member should ensure that any disease, injury or incapacity due to occupational exposure to biological hazards in the working environment should give rise to an entitlement to employment injury benefits or compensation, in accordance with national law and practice.

Enforcement of laws and regulations

- 21.** Each Member should ensure the enforcement of national laws and regulations concerning biological hazards in the working environment through an adequate and appropriate system of inspection and, where applicable, other mechanisms for ensuring compliance, including preventive and supportive measures, with allocation of adequate resources and the support needed for these functions.
- 22.** The competent authorities should ensure that:
- (a) labour inspectors with duties related to biological hazards and risks in the working environment and, as appropriate, other officials are trained on biological hazards in the working environment;
 - (b) labour inspectors with duties related to biological hazards and risks in the working environment, in assessing compliance with national laws and regulations concerning biological hazards in the working environment, promote a systematic approach to occupational safety and health.

23. Each Member should apply, in accordance with national law and practice, adequate penalties for violations of national laws and regulations concerning biological hazards in the working environment.

Duties and responsibilities of employers

24. Employers should ensure that, so far as is reasonably practicable, the working environments under their control are without risk to safety and health due to exposure to biological hazards by taking the appropriate and necessary preventive and protective measures.
25. Preventive and protective measures should be optimized based on risk assessment that includes the characteristics and degree of concern of the biological hazard.
26. Employers' duties and responsibilities with respect to biological hazards in the working environment should include adopting preventive and protective measures, as a result of an adequate risk assessment, ensuring, as appropriate, a gender-responsive perspective that is consistent with national law and applicable collective agreements, and in particular:
- (a) establishing, in consultation with workers and their representatives, adequate and appropriate systems to conduct, review and, where necessary, update assessments of the risks to the safety and health of workers arising from biological hazards, taking due account of workers who may require special protection;
 - (b) taking all reasonable and practicable measures to eliminate, or when not possible, control and minimize the risks due to biological hazards in the working environment, taking due account of the hierarchy of controls;
 - (c) providing, maintaining and replacing, as necessary, at no cost to the workers, adequate personal protective equipment according to the hierarchy of controls together with training for its use;
 - (d) conducting regular surveillance of the working environment and providing, in accordance with national law and practice, and on the basis of a risk assessment, health surveillance of workers that is adequate and appropriate to the occupational risks of the undertaking;
 - (e) supervising work processes and regularly reviewing the effectiveness of preventive and control measures, including the availability of appropriate personal protective equipment;
 - (f) providing information, instruction and training on biological hazards in the working environment and applicable preventive and protective measures to managers, supervisors and workers, as well as to workers' representatives, at suitable and regular intervals, on paid work time and, where possible, during usual working hours;
 - (g) ensuring that all workers are suitably informed, in an accessible form and understandable language, of the risks due to exposure to biological hazards and of the applicable preventive and protective measures before they start any tasks involving such risks, when there are changes in working methods, materials or the risk assessment based on new information and, as necessary, at regular intervals thereafter;

- (h) ensuring that precautionary measures are taken where sufficient information is not available to adequately assess risks;
 - (i) investigating occupational diseases, occupational accidents and, as appropriate, dangerous occurrences in order to identify causes and take the necessary measures to prevent recurrence of similar events, in cooperation with occupational safety and health committees or workers' representatives.
- 27.** Whenever two or more employers engage in activities simultaneously at one workplace, they should collaborate on how to ensure workers' safety and health related to biological hazards in the working environment, without prejudice to the responsibility of each employer for its workers.
- 28.** Employers should establish preparedness and response measures, according to the size and nature of their activities, to deal with accidents, incidents and emergencies, related to biological hazards in the working environment, taking into account outbreaks of communicable diseases. These measures should be consistent with the guidance provided by the competent authorities.

Rights and duties of workers and their representatives

- 29.** Workers and their representatives should have rights with respect to biological hazards in the working environment that include:
- (a) receiving information and training on biological hazards and risks in the working environment and on appropriate preventive and protective measures and their application;
 - (b) being consulted on the identification of hazards and risk assessments conducted by the employer or the competent authority;
 - (c) being consulted on preventive and protective measures to protect themselves and other workers and being involved in their implementation;
 - (d) enquiring into and being consulted by the employer on relevant aspects related to exposure to biological hazards in the working environment;
 - (e) participating in investigations of occupational diseases, occupational accidents and, as appropriate, dangerous occurrences and being consulted about the conclusions of these investigations;
 - (f) receiving reports on health surveillance and medical examinations, subject to confidentiality rules for personal and medical data;
 - (g) appealing to the competent authorities if they consider that the measures adopted and the means used are not sufficiently effective to ensure adequate protection;
 - (h) in accordance with national laws, being transferred to alternative work, under the advice of the occupational health services, when continued employment in a particular job is contraindicated for health reasons, provided that such work is available and that they have the qualifications or can be trained for such work;
 - (i) receiving medical treatment and rehabilitation, in accordance with national law and practice, in the event of an illness, disease or injury caused or exacerbated by exposure to biological hazards;

- (j) being protected against any discrimination on account of contracting or transmitting a disease caused by exposure to biological hazards.
- 30.** Workers should have duties with respect to biological hazards in the working environment that include:
 - (a) complying, in accordance with the instructions received, and the training and means provided by their employers, with prescribed occupational safety and health measures on the prevention of and protection from biological hazards to themselves and others, including through the proper handling and use of adequate personal protective equipment, facilities and other equipment made available to them for this purpose;
 - (b) reporting promptly to their immediate supervisor any working conditions which they believe could present a biological hazard or risk for their safety or health or for the safety or health of others;
 - (c) cooperating with the employer and other workers to adequately identify and implement occupational safety and health measures addressing biological hazards.
- 31.** With respect to biological hazards in the working environment workers should:
 - (a) have the right to remove themselves from a work situation without undue consequences, where they have reasonable justification to believe that there is an imminent and serious danger to their life or health and should inform their immediate supervisor of the imminent and serious situation without delay;
 - (b) report forthwith to their immediate supervisor any situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health;
 - (c) not be required by their employer to return to a work situation where there is continuing imminent and serious danger to life or health until the employer has taken remedial action.

Methods of application

- 32.** Each Member should give effect to the provisions of the Convention in consultation with the most representative organizations of employers and workers, through laws and regulations as well as through collective agreements or any other measures consistent with national conditions and practice.

[C. Proposed Conclusions with a view to a Recommendation]

Preamble

- 33.** *The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with and supplement those of the Convention.*

Preventive and protective measures

- 34.** *The preparedness and response arrangements to be established under the Convention for the effective management of emergencies related to biological hazards in the working environment should include:*

- (a) *the preparation or updating of regulations for the management of such emergencies;*
 - (b) *the establishment of early warning systems;*
 - (c) *the establishment of measures to be taken in the working environment in the event of outbreaks, epidemics or pandemics;*
 - (d) *the establishment of mechanisms of coordination and information with public health authorities;*
 - (e) *national and international collaboration on research;*
 - (f) *provision for appropriate emergency human resources;*
 - (g) *the effective operation of healthcare facilities and essential services;*
 - (h) *material preparedness;*
 - (i) *collaboration between relevant public health, water and waste, occupational health and veterinary health authorities, and other partners;*
 - (j) *rapid public health response systems and real-time communication of expert advice to prepare for and manage outbreaks;*
 - (k) *training of occupational health service providers on potential biological hazards, supported by clinical or laboratory-based surveillance.*
- 35.** *The sectors and occupations where workers are at a higher risk of exposure to biological hazards and for which specific preventive and protective measures should be developed under the Convention should include:*
- (a) *the healthcare sector;*
 - (b) *agricultural work, including in the animal, vegetable and grain sectors;*
 - (c) *the waste sector;*
 - (d) *cleaning and maintenance work;*
 - (e) *humanitarian work;*
 - (f) *laboratory work.*
- 36.** *The categories of workers with certain conditions that may require special protection should include:*
- (a) *pregnant and breastfeeding women;*
 - (b) *young workers;*
 - (c) *older workers;*
 - (d) *workers with disabilities;*
 - (e) *workers medically predisposed to infections or allergies, including immunocompromised workers;*
 - (f) *workers in need of protection due to their social situation and multiple disadvantages.*
- 37.** *When developing measures and guidance for the management of occupational safety and health regarding biological hazards in the working environment, Members should take due account of relevant internationally agreed technical and practical guidance developed by the International Labour Organization and other competent organizations and promote a*

management systems approach to occupational safety and health, such as the approach set out in the Guidelines on occupational safety and health management systems (ILO-OSH 2001).

Recording of occupational diseases

- 38.** *In determining the appropriate duration for maintaining records on occupational diseases as required by the Convention, Members should, in accordance with national law and practice, take account of the latency periods of occupational diseases.*

Employment injury benefits

- 39.** *In applying the provisions of the Convention concerning employment injury benefits, Members should take due account of the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Employment Injury Benefits Recommendation, 1964 (No. 121), and the List of Occupational Diseases Recommendation, 2002 (No. 194).*

Enforcement of laws and regulations

- 40.** *The system of inspection provided for in the Convention should be guided by the provisions of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), without prejudice to the obligations thereunder of Members which have ratified these instruments.*
- 41.** *In assessing compliance with national laws and regulations concerning biological hazards in the working environment, labour inspectors should promote a management systems approach to occupational safety and health.*

Duties and responsibilities of employers

- 42.** *In taking the preventive and protective measures that are their responsibility pursuant to the Convention, employers should take due account of relevant instruments, codes and guidelines, including the Occupational Safety and Health Recommendation, 1981 (No. 164), the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), the Guidelines on occupational safety and health management systems (ILO-OSH 2001), the Technical guidelines on biological hazards in the working environment and other relevant subsequent guidance adopted by the International Labour Organization.*
- 43.** *In applying the hierarchy of controls referred to in the Convention, employers should take into account the Technical guidelines on biological hazards in the working environment and other relevant subsequent guidance adopted by the International Labour Organization.*
- 44.** *The Recommendation supersedes the Anthrax Prevention Recommendation, 1919 (No. 3).]*

[Points to be inserted in Part C]

- XX.** Each Member should take measures, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer biological substances to which workers could be exposed in the course of their work:

- (a) satisfy themselves that, so far as is reasonably practicable, such substances do not entail dangers for the safety and health of those using them correctly;
 - (b) make available information concerning the correct use and dangerous properties of such substances, including in the form of safety and health data sheets if such are available, as well as instructions on how known hazards are to be avoided;
 - (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with clauses (a) and (b);
 - (d) take due account of the United Nations Recommendations on the Transport of Dangerous Goods and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
- XX.** These preparedness and response arrangements should include:
- (a) the preparation or updating of workplace policies and guidelines on the management of emergencies related to biological hazards, taking into account possible public health impacts;
 - (b) the provision of appropriate and adequate preventive measures, in accordance with national law and practice and on the basis of a risk assessment, which could include immunization, chemoprophylaxis and testing to all workers free of charge and on a voluntary basis.
- XX.** [...] endeavour to provide access to income protection during periods of isolation or quarantine;
- XX.** [...] endeavour to provide, as appropriate, protection from dismissal if, while complying with monitoring, travel restrictions, quarantine or isolation orders, or for related preventive or curative treatments, they have to be absent from work.

► Record of Proceedings

6B

International Labour Conference – 112th Session, Geneva, 2024

Date: 26 July 2024

Report of the Standard-Setting Committee on Biological Hazards

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Introduction

1. At its first sitting the Committee elected its Officers as follows:

Chairperson: Mr Luis Claudino de Oliveira (Government member, Portugal)

Vice-Chairpersons: Ms Isabel Maya Rubio (Employer member, Spain)
Mr James Ritchie (Worker member, New Zealand)

2. At its seventh sitting the Committee appointed Ms P. Nghidengwa (Government member, Namibia) as reporter and the members of the Drafting Committee ¹ as follows:

Government members: Mr M. Costela (Chile)
Mr J. De Saint-Jores (France)
Ms S. Soleimani, (Islamic Republic of Iran)

Employer members: Ms V. Bognar and Mr F. Moraes (United States of America)
Mr R. Marinkovic (International Organisation of Employers, Adviser)

Worker members: Ms R. Ajam (South Africa)
Ms A. Landry (Canada)
Mr A. Salsamendi (Uruguay)

3. The Committee held 24 sittings.
4. The Chairperson stated that the Committee was meeting at a decisive moment as the world of work confronted profound transitions linked to digitalization, technological innovation, globalization and demographic change. One of the critical challenges was protecting workers from biological hazards in the workplace. In 1919, the ILO Constitution established the principle that workers must be protected from sickness, disease and injury arising from their employment, and that principle remained central to the ILO's mandate in the current context. This had been reaffirmed by the decision of the International Labour Conference, at its 110th Session (2022), to elevate the right to a safe and healthy working environment to the status of a fundamental principle and right at work. Much work nonetheless remained to be done; indeed, the COVID-19 pandemic had highlighted the urgent need for robust measures to safeguard workers' health and safety in the face of biological hazards. The work of the Committee was therefore of utmost importance and represented a heavy responsibility on its members.
5. The representative of the Secretary-General noted that the ILO had adopted more than 40 international labour standards on occupational safety and health but that, with the exception of the Anthrax Prevention Recommendation, 1919 (No. 3), none of those addressed biological hazards. A regulatory gap with respect to other biological hazards had been

¹ Pursuant to article 9 of the Standing Orders of the International Labour Conference, the Drafting Committee reviews the drafting of any instrument referred to it in accordance with the Standing Orders or by special decision of the Conference and ensures agreement between the texts of such instrument in the official languages of the Conference. The Drafting Committee also advises on drafting questions that may be referred to it by the Conference or a committee in the course of the examination of any such instrument.

identified by the Standards Review Mechanism Tripartite Working Group (SRM TWG) in 2017. To address that gap, the ILO Governing Body had confirmed, at its 343rd Session (November 2021), the need for a new instrument or instruments that covered all biological hazards at work. In June 2022, a tripartite meeting of experts had developed technical guidelines on biological hazards in the working environment, which had been adopted by the Governing Body at its 346th Session (October–November 2022). The Governing Body had decided, at its 341st Session (March 2021), to place on the agenda of the 112th and 113th Sessions of the International Labour Conference, in 2024 and 2025, a standard-setting item on biological hazards under a double discussion procedure.

6. In advance of the first discussion, the Office had prepared two reports that were before the Committee. Report IV(1), entitled *Biological hazards in the working environment*, summarized the law and practice across ILO Member States. It contained a questionnaire to which the governments of all Member States had been invited to reply, in consultation with representative organizations of employers and workers. The questionnaire had received an encouraging number of responses – from 87 governments, 50 employers' organizations and 94 workers' organizations. Based on an analysis of those replies, the Office had prepared Report IV(2), entitled *Protection against biological hazards in the working environment*, which contained proposed Conclusions for discussion by the Committee. Those Conclusions were built upon recognition of the need for a comprehensive normative framework encompassing all biological hazards that might affect the safety and health of workers, going well beyond the catastrophic context of pandemics to address the risks faced by workers as part of their normal working lives.
7. The deputy representative of the Secretary-General presented a brief overview of the preparatory work leading up to the Committee, the proposed Conclusions and the next steps that should be taken once the Committee would have completed its work. The proposed Conclusions contained 44 points organized in three parts: A. on the form of the instrument, B. on proposed Conclusions with a view to a Convention, and C. on proposed Conclusions with a view to a Recommendation.

Opening statements

8. The Worker Vice-Chairperson noted that while all ILO standard-setting discussions were important in advancing decent work, this discussion was particularly important, relevant and timely for two reasons. First, in 2022, the right to a safe and healthy working environment had been declared to be a fundamental principle and right at work, which meant that all Member States were obliged to uphold and protect the right as it applied to all workers. Second, the world was emerging from the COVID-19 pandemic that had been caused by a novel coronavirus. Millions of workers had been exposed to that biological hazard, and many had died unnecessarily.
9. He stressed that if the ILO were to provide authority in upholding rights and expanding decent work in a critical area of OSH, these discussions had to lead to the highest of global standards, namely a Convention on biological hazards. To fail to agree on a Convention and guiding Recommendation over the next two Conferences is to fail to meet one of the greatest challenges in the world of work of our time and to fail the constituents of the ILO. A Convention will be an important tool in making workplaces safer so we must not be comfortable with a lesser goal. Let me remind you that we have the Constitutional mandate of this House, the solemn obligation towards workers' safety and health. This was clear to our predecessors and this obligation was renewed with the updated Declaration on Fundamental Principle and Rights at Work, which now includes OSH. A normative gap had been identified and the

Occupational Safety and Health Convention, 1981 (No. 155), and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) are not specialized enough to ensure protection in the working environment in the face of the increased risk posed by biological hazards.

10. The recent pandemic had demonstrated that all workers might be exposed to a biological hazard at some time during their working lives. It was therefore critical that all the world's workers be covered by the Convention and Recommendation which would emerge from these discussions. The scope of a new standard on biological hazards had to be comprehensive and include all related infectious and non-infectious diseases, poisonings, cancers and injuries and other harms related to the physical properties of biological agents and substances. Explosions, asphyxiations and other physical risks related to the presence of biological hazards in the environment and other conditions arising out of exposures such as cardiovascular and psychosocial conditions should also be within the scope of the new standards. Finally, the new standards should be 'future proofed' to ensure that novel, emerging or evolving biological hazards would be within their scope. The rise of antimicrobial resistant infections and the emergence of new diseases demonstrate the need for vigilance, effective surveillance and a preventive, precautionary approach to risks.
11. The increasing impact of the climate crisis should also be considered in the discussion. Rising temperatures and climate events such as floods, impacted on the numbers and spread of vectors, like mosquitos.
12. Workers and their representatives had a responsibility to cooperate in OSH policy, practices and procedures but the primary responsibility rested with employers to ensure a safe and healthy working environment. Workers had rights to a safe and healthy workplace including the right to information, training, representation and the additional rights bestowed on worker representatives. Workers also had a right to refuse dangerous work without penalty. The standard setting process needed to explicitly recognize these rights. The interconnection between OSH and other fundamental rights was extremely important to recognize. The ILO Social Dialogue Report 2022 showed that 70 per cent of all collective bargaining agreements contained specific clauses on OSH, which provided empirical evidence that when freedom of association and collective bargaining rights were granted, workers and employers prioritized the protection of OSH.
13. The standard-setting discussion should be cognizant of the different impact of exposure to biological hazards on women and men. It did not only pertain to pregnant and breastfeeding women but also to differences in immune responses, the role of women as the primary caregiver in a patriarchal world, and the need for gender sensitive personal protective equipment (PPE). The impact of biological hazards on vulnerable workers including those in informal and precarious employment and migrant workers, including undocumented workers, should also be considered.
14. In closing, he noted that provision for emergency preparedness and response should be an integral part of any new standard, and that should be done with the participation of workers' organizations at all levels. Finally, the text of any new standard should address income protection, rehabilitation and compensation that might result from workplace closures, suspensions, and furloughs due to exposure to biological hazards.
15. The Employer Vice-Chairperson pointed out that the COVID-19 pandemic had highlighted the global health consequences of uncontrolled biological hazards, as well as its impact on the economic and social situation in countries. The pandemic had also reinforced the importance for governments to fulfil their public health responsibility to manage and mitigate global

health crises, and the critical role that social partners should play when developing and implementing mitigation measures impacting the world of work.

16. She stressed the importance of considering in a balanced way the roles and perspectives of the three constituents (governments, employers and workers), when developing any new instrument on biological hazards, and of being sensitive to the viewpoints of both developed and developing countries, small and large companies, and all workers.
17. In 2022, the ILO had adopted *Technical guidelines on biological hazards in the working environment*, which provided exhaustive and detailed advice to governments, employers, and workers on prevention and control measures related to exposure to biological hazards. For the first time a meeting of experts preceding the examination of an item on the agenda of the Conference had adopted an outcome document aimed at providing guidance to constituents in the area concerned. Those guidelines would therefore provide a useful reference point for the discussions and the Employers' group would take them into account when submitting its amendments. The outcome of the Committee, and particularly the nature of the instruments to be adopted, would be different from the guidelines. The Committee would need to identify the general principles on which the guidelines are based and carefully consider the implications of the language used. It would be important to refrain from repeating or entering into unnecessarily details, knowing that the technical guidelines would complement the instruments to be adopted.
18. The Employers' group had several key concerns with the proposed Conclusions. First, the proposed instrument needed to provide a balanced approach between the protection of workers and the enhancement of the economy. It was therefore important to ensure that the instrument would be flexible and adaptable to the context of each country. Conventions could be effective instruments only if they met certain criteria that encourage and attract wide ratification. The text proposed by the Office was too detailed and entailed the implementation of a number of non-fundamental OSH standards and would dissuade many countries from ratifying it: ILO standards should state the principles and the objectives in a clear manner, leaving the details of implementation to be defined by each country according to its own legal traditions and approaches. The Employers' group was convinced that a standalone Recommendation aligned with the principles of the two fundamental OSH Conventions would provide the appropriate flexibility needed for effective implementation by Member States. The instrument should be specific to biological hazards, building on well-established OSH principles. It should not repeat unnecessarily, nor extend or change the content of other OSH instruments but be consistent with them. Furthermore, the Committee should refrain from extending the scope of application, by going further than the Technical guidelines.
19. Second, the origin of the biological hazard present in the working environment was of paramount importance when it comes to establishing the strategies, policies, and specific measures to be adopted. It was important to distinguish between exposure to a biological agent caused by an outbreak, epidemic or pandemic and work-related exposure to a biological agent due to the nature of the work. In respect of the first, public health authorities and provisions were the ones leading the way in the prevention and protection of workers' health while preserving the countries' capacity to produce and keep their economy stable. In respect of the second, occupational safety and health (OSH) provisions were the ones prevailing although it may be necessary to specify or adapt the existing framework provisions to biological risks.

20. Third, it was important that the text of any new standard was clear and easy to understand by workers, employers, civil servants, labour inspectors, experts, and anyone implementing its provisions.
21. Fourth, and finally, provisions were of little value if they did not clearly establish responsibilities, duties, and rights, and if they were too prescriptive and inflexible. When determining rights and obligations, a proper balance needed to be struck between clarity and level of detail. All those elements must remain at the level of principles and fit within the framework established by the more general Conventions, such as Convention No. 155.
22. The Government member of Zimbabwe, speaking on behalf of the Africa group,² noted the timeliness of the discussion, following the recent COVID-19 pandemic, which had exposed deficits in dealing with emergencies and with communicable biological hazards. In Africa, there were gaps in policy frameworks, inadequate national systems, low preparedness, and limited technical capacity to deal with biological hazards in the workplace. Biological hazards typically resulted in occupational diseases, which were often undiagnosed, misdiagnosed, unreported and mistreated. While most countries in the African region had robust reporting and compensation frameworks for occupational accidents, this was not the case in respect of occupational diseases, including those resulting from biological hazards.
23. The development of a holistic framework on biological hazards would improve the working environment and protect workers. The proposed ILO instruments on biological hazards needed to be aligned with similar standards and policies developed by national public health authorities and international organizations like the World Health Organization (WHO). In Africa, workers in the informal economy were particularly vulnerable to the risks posed by biological hazards. Their needs had to be considered in the development of the new standards. Attention should also be paid to high-risk worker populations, including women of reproductive age, youth and workers with disabilities.
24. The Government member of the Islamic Republic of Iran, speaking on behalf of the Asia and Pacific group (ASPAG), pointed out that the region faced unique challenges in addressing biological hazards in diverse working environments. Considering the region's vast geographical expanse, varied economic development levels, and distinct cultural contexts, a comprehensive and tailored approach was crucial to ensure effective protection against biological hazards for all workers. Specific attention needed to be given to workers in the informal economy; to capacity building and awareness raising; to regional cooperation and knowledge sharing; to the recognition of cultural and linguistic diversity in the development of guidance and educational materials; to addressing climate change and environmental factors; to ensuring inclusivity and non-discrimination; to promoting public-private partnerships; and to emphasizing sustainable and resilient workplace practices. This could include promotion of the adoption of sustainable and resilient workplace practices that incorporated principles of prevention, risk mitigation, and emergency preparedness.
25. The Government member of Belgium, speaking on behalf of the European Union (EU) and its Member States, said that North Macedonia, Montenegro, Serbia, Albania, Republic of Moldova, Bosnia and Herzegovina and Norway aligned themselves with the statement. She noted that a new convention, supplemented by a Recommendation, would be a clear added value and provide a comprehensive and forward-looking framework for respecting, promoting and

² Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments, members of the group or organization in question, who are members of the ILO and are attending the Conference.

realizing the right to a safe and healthy working environment in the context of biological hazards.

26. Biological hazards in the workplace were not just a threat to workers' health, but also had significant economic implications. These hazards disrupted businesses and, on a larger scale, impacted the economies of countries. Governments, in collaboration with social partners, could play a crucial role to mitigate these hazards. The COVID-19 pandemic illustrated how crucial OSH was for protecting workers' health, for the functioning of society, and for the continuity of critical economic and social activities. This underlined the importance of supporting and guiding employers to implement preventive and protective measures. This could lead to a healthier workforce, and result in economic benefits.
27. The Government member of Saudi Arabia, speaking on behalf of the Cooperation Council for the Arab States of the Gulf (GCC) countries, noted the importance of developing an international labour standard to address all technical aspects of biohazards. It was important for such a standard to take the form of a Recommendation since it needed to be applicable to different contexts. All aspects of work, especially unexpected emergencies such as the COVID-19 pandemic, should be included in the Recommendation. The definition of biological hazards should include a direct link between the hazards, the work environment, and the place of work. The Recommendation should cover all agents and vectors and include mechanisms to address biological hazards, especially in the informal economy or precarious work.
28. The Government member of Cuba noted the need for interaction between the workplace and the community to address the threat of biological hazards. In addition, there was a need for coordinated approaches between authorities responsible for labour, health, and environmental topics. Cuba was taking steps to ensure that all workers could enjoy safety and health protection at work, including through prevention and training of workers and employers. In reference to the proposed Conclusions and in particular point 15 of the text prepared by the Office, she asked for clarification on the obligations that could arise after the adoption of an instrument, in particular reporting obligations under article 22 of the ILO Constitution.
29. The Government member of Switzerland noted that her country had always favoured an integrated standard-setting approach on OSH that would allow the Office to cluster instruments and work more effectively. The Office had no remit for public health protection. It was essential to bolster the existing role of the fundamental Conventions. Switzerland would prefer a Recommendation over a Convention. There were currently 17 Conventions and 8 Protocols addressing safety and health at work, but none of them had achieved a ratification rate of more than 45 per cent, with 11 instruments that had a ratification rate of less than 25 per cent. A specific Recommendation on protection against biological hazards alongside the existing Conventions would promote an integrated approach.
30. The Government member of Norway noted that Norwegian authorities saw the need for better regulation, especially after the COVID-19 pandemic. The text proposed by the Office was in line with Norwegian working environment regulations. Doctors had to report all illnesses that they assumed were due to a patient's working situation, but this system was prone to under-reporting. Norway was currently focusing on education and reporting routines to improve reporting outcomes. Due to the experience of the COVID-19 pandemic, collaboration between public health authorities and occupational health authorities had improved, especially regarding infection control in working life and the population more broadly. The work on a Convention and Recommendation would provide additional impetus for this work.

31. The Government member of Denmark said that her Government supported the statement of the EU and its Member States. She spoke on behalf of the youth population in Denmark. During the COVID-19 pandemic, young people had been at the forefront of jobs that had a high exposure to the virus. Their safety had to be guaranteed through laws, regulations, and workplace culture, in which education and mutual learning played an important role. Employers had to provide access to proper and up-to-date equipment and comply with national laws. Governments had to ensure the availability of safety equipment and education. No one, whether young or not, should fear going to work because of potential exposure to hazardous biological agents.
32. The Government member of Japan noted the need to close the gap in international labour standards to ensure that it covered biological hazards. He emphasized four points. First, it was important to coordinate with other agencies, especially the WHO and the Food and Agriculture Organization of the United Nations. Second, consistency with Conventions Nos 155 and 187 was crucial, and it was therefore important to examine whether it was appropriate to establish a new, additional Convention focused on biological hazards. Third, some Members already had national legal frameworks to protect workers' occupational safety and health on a broad range of issues. It was neither efficient nor realistic to ask them to create new legal frameworks focusing only on biological hazards. Fourth, not all Members faced the same magnitude of risks and damage from all biological hazards included in the wide-ranging definition proposed by the Office. Individual biological hazards should therefore be prioritized.
33. The Government member of the United States of America highlighted the need to strengthen the protection against existing and emerging biological hazards. COVID-19 was just one of many emergencies related to biological hazards that had affected workplaces in recent years, including SARS, H1N1 influenza, Ebola virus disease, and Zika virus disease, among others. The United States placed the highest priority on maintaining and improving strong international labour standards, including the development of new standards upon identification of normative gaps, as in the case of biological hazards. He reaffirmed the support of his government for the recognition of a safe and healthy working environment as a fundamental principle and right at work. The standard on biological hazards would complement existing ILO OSH standards. The United States supported and actively participated in the WHO's efforts to negotiate a pandemic accord. ILO standards on biological hazards would complement a pandemic accord and include a world of work focus. ILO standards were unique because they were negotiated in a tripartite manner. Through the full participation of employers and workers in the process, it was possible to develop biological hazards standards well-tailored to workplaces.
34. The Government member of Canada noted that any new standard should be clear, relevant, inclusive, forward-looking, and implementable by governments. It should also be consistent with other ILO OSH standards and the ILO's fundamental principles and rights at work. Both preventive and protective measures based on a management system approach would be the most effective way to counter and control workplace risks. Workers and employers should jointly play a role in identifying workplace risks and finding the best solutions to prevent and address them.
35. The Government member of Australia expressed his government's commitment to the development of new international labour standards for the protection against biological hazards in the working environment. His government supported the Office's proposal that the new instrument take the form of a Convention supplemented by a Recommendation. A new international standard would strengthen existing OSH frameworks and support the United Nations Sustainable Development Goal 8. Australia had a comprehensive workplace health and

safety framework that covered all hazards, including biological hazards. However, while it was recognized that national law and practices differed between Member States, it would be important to ensure that the new standards provided a robust framework for preventative and protective measures against biological hazards in the workplace.

36. The Government member of Honduras emphasized the importance of regulatory frameworks, protocols and mechanisms to address biohazards in an increasingly interconnected and dynamic world. The lessons from the COVID-19 pandemic should be extended to other fields of economic activity, allowing coverage for all workers, closing regulatory gaps, and articulating efforts among all actors in society through policies and strategies that promote prevention, protection, and mitigation. Honduras had established a regulatory framework that addressed occupational risks broadly, and involved workers' and employers' organizations and competent authorities that combined the functions of regulation, promotion, and surveillance of OSH regulations. That legislation recognized biological risks and provided parameters of coverage for infectious and parasitic diseases, toxic and physical agents, with compensation based on the degree of impact. It also established prescriptions and guidelines for employers and workers. The adoption of a Convention supplemented by a Recommendation should provide Member States with a framework that included prescriptive elements while allowing flexibility for ratification and adaptation in national contexts.
37. The Government member of the United Kingdom of Great Britain and Northern Ireland noted that the United Kingdom was in a pre-election period, which meant that she was unable to adopt a position on the form that the proposed instrument should take. However, her government was committed to contributing to the creation of a new standard that would promote international policy coherence, workers' health worldwide, and contribute to containing the spread of infection exposure to biological hazards at work. She requested the Office to clarify which sectors, occupations, and categories of workers referred to in points 35 and 36 of the proposed text. She emphasized the importance of national OSH regulation, which included general and specific duties for employers to ensure health and safety in the workplace, including protection from the risks of exposure to biological hazards.
38. The Government member of Türkiye noted that the COVID-19 pandemic had revealed the legal gaps at the national and international level regarding biological hazards at work. The adoption of an instrument would contribute to better estimation and prevention against biological hazards. Türkiye's Regulation on Prevention of Exposure Risks to the Biological Factors set minimum requirements for the health and safety of workers exposed to biological agents at work. He recognized the need for a similar instrument at the international level. Türkiye would support a Recommendation that provided sufficient flexibility for practical implementation, while promoting Conventions Nos 155 and 187.
39. The Government member of the Democratic Republic of the Congo noted that his government has promoted safe and healthy workplaces through its national legislation and that biological hazards were fully considered in Congolese legislation. While national legislation provided both employers and workers with the most effective guidance on national policies on employment and professional training, the labour code, and list of occupational diseases, his government supported the adoption of international standards on biological hazards in the workplace in the form of a Convention supplemented by a Recommendation.
40. The Government member of Islamic Republic of Iran welcomed the development of a new international standard to address biological hazards in the working environment. A strong and comprehensive instrument was crucial to protect the workforce considering Iran's large agricultural, healthcare, and informal economy sectors and the numerous small and medium-

sized enterprises (SMEs) that faced high risks from biological agents. It would be important for the standard to include special measures tailored to the informal economy and mechanisms to ensure adequate pensions to disabled, suspended, or unemployed workers resulting from exposure to occupational hazards. Specific guidance on approaches to manage antimicrobial resistance risks and on emergency preparedness plans at different levels should be considered. The Islamic Republic of Iran was ready to collaborate with all stakeholders to create a robust international instrument that addresses biological hazards in the workplace.

41. The Government member of Indonesia indicated that his government fully supported the ILO's efforts to address issues related to biological hazards in the workplace. Indonesia had adopted its own measures to address the spread of biological hazards, including COVID-19, and stood ready to collaborate with the ILO and other Member States to share knowledge, experience, and best practices related to biological hazards.
42. The Government member of Senegal noted that his country had ratified Conventions Nos 155 and 187, as well as Convention No. 161, which provides for the establishment of occupational health services. In addition, it had also adopted numerous laws and policies to protect the safety and health of workers, including the development of a second National Occupational Safety and Health Programme 2023–2027. Senegal therefore supported the adoption of a Convention supplemented by a Recommendation.
43. The representative of Women in Informal Employment – Globalizing and Organizing (WIEGO) noted that WIEGO represents millions of workers in informal employment. Waste pickers and other workers in informal employment across many different occupations faced serious risks from biological hazards daily, threatening their health, the health of their families, and their livelihoods. They worked largely without personal protective equipment, faced inadequate access to occupational health and other medical services, lacked broader social protection, and were largely excluded from OSH regulations, laws and policies. There was an obligation for both employers and governments to create working conditions in which those workers could be protected from biological hazards. She called on the ILO to develop a Convention and Recommendation that were inclusive and sensitive to the working lives of the global majority, particularly women and gender minorities, upheld the right for all workers to basic health services, and promoted full participation of workers in informal employment in social dialogue.
44. The representative of the International Commission of Occupational Health (ICOH) noted that ICOH data indicated that each year, biological risks caused 550,000 deaths and related disabilities at work. Those hazards created a massive social and economic burden of some US\$548 billion annually. ICOH strongly supported ILO efforts to reduce the burden of biological hazards in the working environment through the adoption of a new international standard.
45. The representative of StreetNet International noted that his international alliance of street and market workers represented over 700,000 informal workers. Street and market vendors worked in precarious conditions subjected to biological hazards daily and were in extreme vulnerable positions. Women represented 70 per cent of informal street and market vendors and that the gender dimension of exposure to biological hazards should not be overlooked. He called for inclusive social dialogue that would include informal street and market workers and supported the adoption of a Convention supplemented by a Recommendation that explicitly laid out the responsibilities of state authorities towards self-employed workers in public spaces.
46. The representative of the Institution for Occupational Safety and Health (IOSH) noted that biological hazards affected workers across all sectors and that pregnant women, migrant workers, elderly workers, and people with pre-existing or chronic diseases were particularly

vulnerable to specific types of biological hazards. Global knowledge on the impact of biological hazards remained incomplete due to poor healthcare and prevention, lack of trained epidemiologists and lack of trained occupational health professionals, as well as ineffective disease reporting and surveillance. She welcomed public policy efforts to protect workers against biological hazards through mitigation, prevention and control strategies based on robust evidence on the impact of hazardous agents on occupations and industries. The ILO's *Technical guidelines on biological hazards in the working environment* was an important blueprint for education and biological risk awareness, and offered improved prevention, preparedness, response planning, and increased resilience against biological risk factors. She noted that legal compliance related to biological hazards had not been prioritized in the international OSH policy agenda, and she welcomed the prospect of a new ILO standard on the topic. IOSH was particularly concerned by work-related diseases linked to biological agents affected by climate change and increases in cancers associated with exposure to biological hazards at work. Effective surveillance and a preventative precautionary approach to risks should be supported with advice from occupational safety and health professionals especially for emerging and developing economies that needed to build sufficient competences.

47. The representative from Public Services International (PSI) noted that PSI represented 30 million public service workers in 154 countries. Public service workers were the backbone of societies and risked their lives to ensure that communities could function safely in the face of biological hazards. The recognition of the universal right of all workers to a safe and healthy working environment called for robust comprehensive measures to ensure that no worker was left unprotected. Policies and regulations should not discriminate and should be extended to all workers irrespective of their sector and status. She supported the development of a Convention coupled with a Recommendation that included a clear framework for safeguarding workers against biological hazards, encompassing mandatory safety protocols, access to necessary protective equipment, regular training and support systems the mental and physical health of workers. It was fundamental that trade union rights were protected and upheld to ensure the effective implementation of the Convention.
48. The Employer Vice-Chairperson confirmed the importance of the topic and the need to protect workers, but noted that a few of her group's concerns had also been expressed by governments, such as the binding nature of the instrument, the repetition or duplication of content from existing ILO OSH instruments, and the need for clarity especially with regard to the responsibilities of each actor in the application of the instrument. Also, there should be a clear understanding of the interface between public health and OSH to develop a proper framework to address hazards originating from the workplace versus public health concerns.
49. The Worker Vice-Chairperson highlighted that the fundamental rights outlined in Conventions Nos 155 and 187 did not represent a constraint, but rather a baseline that could be enhanced to protect workers from biological hazards. There was an overlap between population-wide pandemics and work-related biological hazards, and clarification was needed with regard to the WHO's responsibility for public health, and the ILO's for labour and OSH issues. It was critical to ensure that workers were protected, but that risks arising from and impacting the workplace were also addressed through a preventative approach built around respect for workers' rights and cooperation between all social partners at every level, from policy to workplace practice.

Discussion of the amendments to the proposed Conclusions³

A. Form of the instruments

Point 1

A.6 and A.28

- 50. An amendment proposed by the Government members of Japan, Switzerland and Türkiye (A.6) was withdrawn and an amendment proposed by the Employers' group (A.28) was not adopted as a consequence of the decision reached by the Committee on point 2.
- 51. Point 1 was adopted.

Point 2

A.7 and A.29

- 52. The Committee had before it two amendments proposing to modify the text to read: "This standard should take the form of a Recommendation". One was submitted by the Employers' group and one by the Government members of Japan, Switzerland and Türkiye.
- 53. The Employer Vice-Chairperson explained that her group would prefer the instrument to take the form of a Recommendation to provide greater flexibility and the possibility to adapt to different national contexts. She also underlined that the proposed instruments did not provide legal certainty in the definitions and scope of application, as most national laws had a more limited approach. Coupled with the inclusion of clauses that repeated the content of other ILO OSH instruments, that would constitute a ratification barrier for many governments, taking into account the low ratification rate of other OSH Conventions.
- 54. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, explained that they also had a preference for the instrument to be a Recommendation which would accompany the current fundamental OSH standards, rather than duplicate provisions of existing standards.
- 55. The Worker Vice-Chairperson did not support the amendments and recalled that the Standards Review Mechanism Tripartite Working Group had found a regulatory, gap concerning biological hazards. Filling this gap would require binding regulations in the international arena. Moreover, an instrument taking the form of a Convention could mirror a hazard-specific approach as was the case for the Chemicals Convention, 1990 (No. 170). The COVID-19 pandemic had highlighted the need for a binding instrument as there was no directly applicable normative ILO reference for biological hazards, and the fundamental OSH Conventions had not provided constituents with appropriate guidance at that time. Given the high annual mortality of workers due to biological hazards and the risk of a future pandemic, a normative instrument was needed to protect all workers.
- 56. The Government member of Türkiye underlined the overall low ratification rate of existing OSH instruments and the risk of repeating that with a new Convention on biological hazards.

³ The proposed Conclusions are included in pages 99–107 of [ILC.112/Report IV\(2\)](#). All [amendments by point](#) can be found on the [Committee's web page](#).

57. The Government member of Belgium, speaking on behalf of the EU Member States, did not support the amendments, noting that it would be important to adopt a Convention supplemented by a Recommendation due to the necessity of having a specific instrument dealing with biological hazards, especially in the devastating aftermath of COVID-19. An instrument could protect the health of workers and support business continuity, regardless of whether it was ratified or not.
58. The Government member of Japan was also in favour of having an instrument in the form of a Recommendation, as he shared the concerns concerning the possible low ratification rate.
59. The Government member of Chile did not support the amendments, as he was in favour of an instrument in the form of a Convention supplemented by a Recommendation, noting that the low ratification rate of other OSH Conventions did not predict that it would be the case for a new Convention.
60. The Government member of Colombia expressed support for Chile's position and emphasized the importance of having a Convention supplemented by a Recommendation. The Government members of Brazil, Honduras, Kenya, Zimbabwe, Senegal, Namibia, Zambia, South Africa, Australia and Norway also preferred that the instrument take the form of a Convention supplemented by a Recommendation.
61. The Government member of Qatar called for the adoption of a Recommendation, given the technical and precise nature of the proposed text. The Government members of Morocco and Indonesia also supported an instrument in the form of a Recommendation.
62. The Government member of the United States supported a Convention supplemented by a Recommendation, noting that it was impossible to predict ratification rates. As OSH standards had gained more attention, the hope was that a new Convention on biological hazards could bring attention to that serious issue.
63. The Employer Vice-Chairperson agreed that a legislative gap on biological hazards existed, but that did not mean that a Convention was needed. In recent standard-setting activities, such as for apprenticeships, where a normative gap had also been identified, a Recommendation had been sufficient. Regarding Convention No. 170, replicating the process and content from chemicals to biologicals would not necessarily be useful. The COVID-19 pandemic had been a public health issue and it was important to differentiate between public health and OSH hazards. Conventions were only binding when they were ratified, and that the greatest protection would be provided by adopting an instrument in the appropriate form.
64. In response, the Worker Vice-Chairperson clarified that he had not suggested copying the content of Convention No. 170, but having a similar approach in adopting a Convention on specific hazards. Conventions did not need to be ratified to influence national legislation; they created an international standard. Recommendations, on the other hand, did not fill a normative gap but merely provided guidance.
65. The Government member of Japan said that if a Convention was discussed it should be based on consensus to increase its potential of being implemented by many countries.
66. The Employer Vice-Chairperson emphasized the need for a consensus-based approach. Noting the lack of consensus on the type of instrument, she proposed to discuss the content and postpone the decision on the form of the instrument. The Government members of Switzerland and Mali, agreed with the proposal.
67. The Worker Vice-Chairperson noted that there was a majority of governments in favour of a Convention supplemented by a Recommendation and that the discussion had allowed

constituents to better understand concerns. He did not agree to postpone the decision on the nature of the instrument as the language would be different depending on whether the text was for a Convention or a Recommendation.

68. The Government member of the United States agreed that a majority of governments preferred the Office text and expressed concern about not being able to reach an agreement. He proposed to commit to reach a consensus on the nature of the instruments.
69. The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed with the Government member of the United States on the importance of taking a consensual decision on the form of the instrument. Since a Convention would create obligations for Member States, the decision should be made before discussing the text in order to ensure that the language would be adapted to the type of instrument.
70. The Government members of Brazil, Norway, Chile and the Islamic Republic of Iran supported the point made by the Government member of Belgium.
71. The Government member of Japan remarked that the objective should be to reach a consensus and not have a vote resulting in a majority versus a minority. In that spirit, he withdrew the amendment (A.7) submitted with the Government members of Switzerland and Türkiye.
72. When resuming the discussion at the next sitting, the Employer Vice-Chairperson said that her group would not withdraw its amendment because they believed that a Convention would be overly prescriptive and its application could be problematic in practice, particularly taking into account that most employers concerned were small and medium-sized enterprises. A Convention had to be ratifiable in order for it to be a useful and beneficial instrument. Nonetheless, her group wished to seek a consensus-based solution on this point.
73. The Chairperson asked if there were any objections to deciding that the amendment was not adopted.
74. The Government member of the Philippines proposed to hold a vote to take the decision, but the motion was not seconded.
75. The Employer Vice-Chairperson reiterated that her group had thought that consensus could be reached on that important issue and her group would not call for a vote as not all avenues of dialogue had been exhausted.
76. The Worker Vice-Chairperson, recognizing that the majority of Committee members did not support the amendment, indicated that his group supported the Chairperson's proposal to announce that the Committee did not adopt the amendment.
77. The Government members of Belgium, speaking on behalf of the EU Member States, Chile, speaking on behalf of other group of Latin American and Caribbean countries (GRULAC), and Zimbabwe, speaking on behalf of the Africa group, also supported deciding that the amendment was not adopted.
78. The amendment was not adopted.
79. Point 2 was adopted without amendment.

B. Proposed Conclusions with a view to a Convention

A.30

80. An amendment proposed by the Employers' group fell as a consequence of the decision reached by the Committee on point 2.

81. The title of Part B was adopted without amendment.

Preamble

Point 3, introductory sentence

A.31

82. An amendment proposed by the Employers' group fell as a consequence of the decision reached by the Committee on point 2.
83. The introductory sentence of point 3 was adopted without amendment.

New clause before point 3(a)

A.20

84. The Worker Vice-Chairperson introduced an amendment to insert, before point 3(a), a new clause reading "Recalling the constitutional solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations". He explained that the wording was drawn from Article III(g) of the Declaration of Philadelphia (1944) and also related to the status of a safe and healthy working environment as a fundamental principle and right at work.
85. The Employer Vice-Chairperson did not support the amendment as it was not specifically related to the issue of biological hazards.
86. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU Member States, the Philippines and Indonesia supported the amendment.
87. The amendment was adopted and the new clause before (a) was adopted.

Point 3(a)

88. Clause (a) of point 3 was adopted.

Point 3(b)

A.8

89. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to delete the word "comprehensive" before "legal framework". Challenges and responses regarding biological hazards differed greatly between countries and a "comprehensive" legal framework would consequently be too broad in scope.
90. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
91. The Government member of the Philippines did not support the amendment as he considered that a focus solely on a legal framework would be too limiting.
92. The amendment was adopted.

A.32

93. The Employer Vice-Chairperson introduced an amendment to delete the words “for the respect, promotion and realization of the right to a safe and healthy working environment” after “legal framework”. That modification should be considered in conjunction with other amendments proposed by her group. A distinction needed to be drawn between biological hazards that arose from the workplace activity and those that arose from the external environment. Furthermore, the reference to the right to a safe and healthy working environment was not fully consistent with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (1998 Declaration) and clause (a) already referred to it, so there was no need to repeat it in clause (b).
94. The Worker Vice-Chairperson did not support the amendment. The purpose of the Preamble was to provide the context for the substantive content of the instrument that would follow, and it was therefore important to recall the 1998 Declaration.
95. The Government members of Belgium, speaking on behalf of the EU Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Philippines and South Africa did not support the amendment.
96. In response to a request from the Employer Vice-Chairperson for an explanation of the origin of the language in the Office text, a member of the Secretariat read out paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work.
97. The amendment was withdrawn.

A.33 and A.35

98. The Employer Vice-Chairperson, noting the importance of distinguishing between exposures that arose from work activities and those from public health emergencies, introduced an amendment to replace “including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in” with “arising from work activities, as well as those causing public health emergencies affecting”.
99. The Worker Vice-Chairperson did not support the amendment, specifically the deletion of preparedness arrangements which were critical for protecting workers from biological hazards. He noted that “arising from” was not sufficient as biological hazards that originated from outside of the workplace could also affect the working environment.
100. The Government member of the United States did not support the insertion of “arising from work activities as well as those causing public health emergencies” in clause (b). It narrowed the scope since some biological hazards did not arise from work activities and did not necessarily become public health emergencies, but nonetheless arose from the working environment.
101. The Employer Vice-Chairperson specified that the proposal was not to completely eliminate the text “including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in” from the conclusions, but to move it to point 3 as proposed in another amendment submitted by her group (A.35). The proposal was to insert a new clause after clause (b) that read as follows: “recognizing the need for public authorities to develop provisions for preparedness and response arrangements for the effective management of public health emergencies related to biological hazards affecting the working environment, taking new and emerging hazards and risks into account,”.

- 102.** The Worker Vice-Chairperson questioned whether it was appropriate to include the clause in the Preamble and suggested that it might be better suited in the part dealing with duties and responsibilities of social partners.

A.11

- 103.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to delete “including provisions for preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment” and insert, at the end of the clause, “as well as the need to develop arrangements to deal with accidents, incidents and emergencies related to biological hazards in the working environment”. The aim was to emphasize the importance of the “working environment,” as pandemics or epidemics, despite being public health issues, could become emergencies in the working environment.
- 104.** The Worker Vice-Chairperson expressed support for the amendment with the exception to retain measures on preparedness and response, and proposed to subamend the text to read: “(b) considering the objective to provide a legal framework for the respect, promotion and realization of the right to a safe and healthy working environment concerning biological hazards, including provisions for preparedness and response arrangements, taking into account new and emerging hazards and risks, as well as the need to develop arrangements to deal with accidents, incidents and emergencies related to biological hazards in the working environment”. This combined the need for preparedness while addressing the concerns raised by the EU and its Member States.
- 105.** The Employer Vice-Chairperson noted that her group could support the amendment if the amendment they had submitted could also be accepted. She proposed a subamendment to add the words “arising from work activities” before “taking into account new and emerging hazards and risks”.
- 106.** The Worker Vice-Chairperson did not support the subamendment and noted that biological hazards did not only arise from work activities, citing the example of a pandemic.
- 107.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Bangladesh and Brazil did not support the subamendment.
- 108.** The Employer Vice-Chairperson stated the need to draw a distinction between biological hazards that arose from within the workplace and hazards that originated outside of work-related activities. It was important to differentiate between those two separate situations and the responsibilities that differed accordingly. If hazards arose from within the workplace, OSH measures would apply. However, for a hazard originating outside the workplace, public health measures should be applied. Enterprises should not be expected to control events such as pandemics.
- 109.** The Worker Vice-Chairperson noted that employers had responsibilities for biological hazards present at the workplace, even if they did not arise from work activities, notably to minimize hazards in the workplace and to protect workers from exposure to such hazards.
- 110.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment and proposed another subamendment to add the words “as well as the need to develop preparedness arrangements to deal with accidents, incidents and emergencies related to biological hazards in the working environment” at the end of the sentence. She highlighted the need for preparedness arrangements to mitigate new and emerging biological hazards, both those inside and outside of the working environment.

- 111. The Worker Vice-Chairperson supported the new subamendment.
- 112. The Government member of Algeria noted some confusion regarding the responsibilities of employers and public health authorities and asked the Office to propose text that clarified the distinction.
- 113. The Government member of Switzerland, seconded by the Government members of Japan and Türkiye, proposed a new subamendment to replace the words “arising from the workplace” with “when the risk in the workplace is higher than in the general population” after “working environment concerning biological hazards”, acknowledging the important differences in risk between the general population and the working population.
- 114. The Employer Vice-Chairperson reiterated that her group could accept the amendment if there was a clear legal framework setting out responsibilities as noted by the Government member of Algeria. She proposed adding the words “and/or arising from work activities” instead of “when the risk is higher.”
- 115. The Government member of Belgium, speaking on behalf of the EU Member States, proposed to delete the words “in the working environment and/or arising from work activities” as well as the words “in the working environment” at the end of the point.
- 116. The Employer Vice-Chairperson agreed with the proposal of the EU Member States under condition that the words “in the working environment and/or arising from work activities” be reintroduced as part of a new point after the Point 12 of the proposed text.
- 117. The Government member of Chile, speaking on behalf of GRULAC, proposed to retain the original text since the proposed amendments distorted its meaning.
- 118. The Worker Vice-Chairperson supported GRULAC’s proposal and agreed to consider the proposal by the Employers’ group to insert the words “in the working environment and/or arising from work activities” in a new proposed point after Point 12.
- 119. The Employer Vice-Chairperson agreed with GRULAC’s proposal and to propose the insertion of a new point after point 12 that recognized the need for public authorities to develop provisions for preparedness and response arrangements for the effective management of public health emergencies related to biological hazards.
- 120. As the Committee did not have time to resume the discussion of point 3(b), all related amendments and subamendments fell and the original text was retained in the final Conclusions as point 3(c) in italics and brackets. Similarly, as the Committee could not consider clauses (c) to (g) of the proposed Conclusions submitted to the Conference, they were included in the final Conclusions as originally drafted in italics and brackets.⁴

Title of section 1

- 121. The Employer Vice-Chairperson withdrew two amendments (A.40 and A.49) and the title of section 1 – Definition and scope – was adopted.

Point 4

- 122. An amendment submitted by the Employers’ group (A.41) fell as a consequence of the decision reached by the Committee on point 2.

⁴ See para. 1124 below for an explanation concerning the parts of the text that were not examined by the Committee.

A.42

123. The Employer Vice-Chairperson introduced an amendment to add “hazards posed by biological agent, which are” before the words “any microorganisms”. The text addressed biological hazards but when referring to microorganisms, cells and the like, it was technically more accurate to refer to biological agents.
124. The Worker Vice-Chairperson noted that the Convention should apply to the full spectrum of biological hazards, not just biological agents. He suggested that the words “the hazards associated with biological substances and agents and includes but is not limited to” be added to the text after “refers to”. The reference to “substances and agents” came from Articles 5 and 16 of Convention No. 155, which represented the official ILO definition of biological hazards. Examples of substances that were not necessarily biological agents included tobacco plants that caused green tobacco sickness, stinging nettles and poison ivy, cotton causing cotton workers’ lung, flour dust and other plant dust that caused respiratory illnesses, aggravated asthma, and resulted in dermatitis. In addition, the ILO’s list of occupational diseases included diseases caused by both biological agents and biological substances. He requested advice from the Office on whether an attack by a wild or a domestic animal would be covered by a definition of biological agents that referred to “substances and agents”. For example, agricultural workers and construction workers were often exposed to snake bites.
125. The Employer Vice-Chairperson noted that Article 12 of Convention No. 155 referred to biological agents but not to biological substances. It was therefore appropriate to refer to biological agents, which was the term commonly used in occupational safety and health. Biological agents did not include any type of harm caused by living agents but referred to harm caused by an infection, a toxic effect or an allergic effect. The Employers’ group could not accept an overly broad definition of biological hazards and preferred the text that referred to biological hazards caused by biological agents.
126. The Government member of the Democratic Republic of the Congo agreed with the Employer Vice-Chairperson that the definition of biological hazards should be limited to diseases caused directly by microorganisms and by the vectors of diseases in the working environment, such as diseases transmitted directly from animals to humans. This would exclude snake bites.
127. A representative of the Secretariat explained that when preparing the text, the Office had retained the broad definition of biological hazards based on the *Technical guidelines on biological hazards in the working environment* adopted by the Governing Body in November 2022 following the meeting of experts, and taking into account replies to the questionnaire. The aim was to afford the broadest and most comprehensive protection possible to workers against biological hazards. The proposed definition was therefore broader than that commonly found in the legislation of some countries. It encompassed a wide range of potential risks associated with exposure to biological hazards in the working environment and was not limited to the risks caused by biological agents. The Office text aimed for a more inclusive approach, covering all biological hazards and associated risks, but the definition did not cover attacks by wild animals, but only the impact of animals as vectors of disease, such as mosquitos.
128. The Worker Vice-Chairperson pointed out that Articles 5 and 16 of Convention No. 155 referred to both biological substances and agents.
129. The Government member of Chile, speaking on behalf of GRULAC, expressed support for the amendments introduced by both the Employers’ group and the Workers’ group but suggested to subamend the text proposed by the Workers’ group so that the beginning of point 4 would

read: “For the purposes of this Convention, the term biological hazards refers to hazards associated with biological substances and agents, included but not limited to...”.

130. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the subamendment proposed by GRULAC, and noted that her group favoured the Office text, which was broad and inclusive.
131. The Government member of China did not support the subamendment and noted that the definition of “biological hazards” was too broad and would hinder implementation at national level. The definition should be aligned with the guidelines contained in Conventions Nos 155 and 187.
132. The Worker Vice-Chairperson and the Government members of Switzerland and Kenya supported the subamendment because it made the definition more precise and therefore easier to implement.
133. The Employer Vice-Chairperson reiterated that her group did not support the subamendment because it made the definition of biological hazards too broad and open-ended. It also included a reference to biological substances, which her group opposed. However, her group could accept the text if it was consistent with Convention No. 155.
134. The Government member of Bangladesh did not support the subamendment because it resulted in an overly broad definition of biological hazards. He proposed a further subamendment that was not seconded and therefore fell.
135. The Government member of Belgium, speaking on behalf of the EU and its Member States did not support the subamendment, and noted that the definition should be broad and exclude reference to biological agents.
136. The Government member of Japan did not support the subamendment and agreed with the Government members of China and Bangladesh that the definition was too broad and without clear boundaries. It was important to ensure that definitions in Conventions were specific and clear.
137. The subamendment and the amendment were withdrawn.

A.60, A.61, A.62 and A.63

138. The Committee considered together four amendments to point 4 proposed by the EU Member States.
139. The Government member of Belgium, speaking on behalf of the EU Member States, explained that their proposed amendments intended to draw a distinction between the biological agents that could cause harm and how people were exposed to those hazards. The latter issue would be dealt with under point 5 (A.71 and A.72). A risk assessment was called for to understand workers’ exposure to hazards in various ways, such as by working with animals or humans, being in contact with bodily fluids or with biological vectors or transmitters.
140. The Government member of Switzerland said that two issues were under consideration: an umbrella definition of biological hazards and a list of examples of such hazards. She suggested to discuss the list first, which would help to clarify the umbrella definition.
141. The Employer Vice-Chairperson and the Government member of Zimbabwe, speaking on behalf of the Africa group, supported the four amendments.

- 142. The Worker Vice-Chairperson indicated his preference to retain the original text in points 4 and 5, which came from the ILO's *Technical guidelines on biological hazards in the working environment*. The Government member of Brazil also did not support the amendments.
- 143. The Government member of Chile, speaking on behalf of GRULAC, indicated support for the original text and preference for examining each amendment individually.
- 144. The Employer Vice-Chairperson indicated that if the amendments by the EU Member States were adopted her group would withdraw its amendments to point 4 and consider supporting other amendments such as the one proposed by the Government member of Japan (A.70).
- 145. The Government member of Chile, speaking on behalf of GRULAC, indicated that they could accept the new formulation of point 4 and so did the Employer Vice-Chairperson.

Point 5

A.71 and A.72

- 146. The Committee had before it two amendments proposed by the EU Member States to modify the text of point 5 to read: "Biological hazards and risks in the working environment include exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and biological vectors or transmitters of disease."
- 147. The Worker Vice-Chairperson agreed with the insertion of "exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and" (A.72), but not with inserting the words "and risks" (A.71), and so did the Government member of Chile, speaking on behalf of GRULAC, and the Government member of Brazil.
- 148. The Government member of Switzerland said that adding "exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and" would not make sense if adding "and risks" was not retained.
- 149. The Worker Vice-Chairperson explained that the interpretation of "risks" would need to be addressed in the Drafting Committee, particularly since the term appeared throughout the document. He was supported by the Government member of Chile, speaking on behalf of GRULAC, as well as by the Government member of the Islamic Republic of Iran, who added that risks were the result of existing hazards and were defined by likelihood and severity, thus they should not be referred to in this context.
- 150. The Worker Vice-Chairperson and the Government member of Chile, speaking on behalf of GRULAC, suggested to consider the amendments to points 4 and 5 together. The Government member of Chile considered that most members of the Committee seemed to be in favour of that.
- 151. The Government member of Japan did not agree and the Employer Vice-Chairperson asked to look at each amendment to point 4 individually. On point 5, her group supported the insertion of "and risks".
- 152. The Government member of Chile, speaking on behalf of GRULAC, agreed to address each amendment under point 4 individually and indicated that he would support adopting both amendments to point 5.
- 153. The Government member of Brazil did not support inserting "and risks" due to the absence of a definition of "risk" in the Conclusions, which could generate issues of legal interpretation.

- 154.** The Government member of Honduras supported the insertion of those words, as the definition of “risks” was sufficiently broad to be incorporated into national legislation.
- 155.** The Government member of the United States noted that, while there was an important debate on the inclusion of “risks” to be conducted, that was not the priority. There seemed to be consensus on the four amendments proposed by the EU Members States for point 4, and on amendment 72 for point 5. Agreeing with the Worker Vice-Chairperson, he suggested to use the text of point 4 as so amended as a basis to go through the other amendments proposed on point 4, as well as to adopt point 5 with the addition of “exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and”. The Government member of Chile, speaking on behalf of GRULAC, reiterated that the discussion was on a package of amendments.
- 156.** The Chairperson asked for confirmation on consensus for adopting those amendments to points 4 and 5 and then proceeding with the consideration of other amendments individually.
- 157.** The Worker Vice-Chairperson and the Government members of Switzerland, Zimbabwe on behalf of the Africa group and Chile on behalf of GRULAC confirmed that there was consensus.
- 158.** The Employer Vice-Chairperson replied that her group supported adopting the amendments to point 4 as subamended, but would prefer to continue discussing point 5 to better frame the definition.
- 159.** Amendments A.60, A.61, A.62 and A.63 were adopted, with the following text for point 4:
- For the purpose of the Convention the term “biological hazards” refers to any microorganisms, cells or cell cultures, including those which have been genetically modified, which can cause harm to human health, such as bacteria, viruses, parasites, fungi, prions, DNA and RNA materials, and any other microorganisms and their associated allergens.
- 160.** Amendment A.72 was adopted, with the following text for point 5:
- Biological hazards in the working environment include exposure inter alia to organic materials of plant, animal or human origin, bodily fluids and biological vectors or transmitters of disease.
- 161.** Two amendments (A.14 and A.45) fell.
- 162.** The Employer Vice-Chairperson repeated that while they supported the adoption of amendments to point 4, they did not support A.72 as they considered that the language could be further improved from a technical point of view. When resuming the discussion on amendment A.71 at a later sitting, she proposed a subamendment to insert “associated with biological hazards” after “risks”.
- 163.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, did not support the amendment or the subamendment.
- 164.** The subamendment was not adopted and the amendment was withdrawn. Another amendment (A.23) was withdrawn.

Consideration of other amendments to point 4

- 165.** An amendment (A.18) was withdrawn.

A.19

- 166.** The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment to delete “which can cause harm to human health”

after “which have been genetically modified” and before “such as bacteria,” and to add “in the working environment that are causing or are likely to cause a significant risk of material harm to human health” at the end of the sentence. He subamended the proposed new text to read: “in the working environment that, based on a risk assessment, are causing or are likely to cause material harm to human health.” The subamendment introduced a practical element which would allow workplaces to classify and control hazards based on their risk level.

- 167. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Cuba, Zimbabwe, and Chile speaking on behalf of GRULAC, did not support the amendment or the subamendment.
- 168. The Government member of Japan supported the amendments as subamended, noting that it would be important to determine risk levels for different types of biological hazards in the workplace.
- 169. The subamendment and the amendment were withdrawn.
- 170. Three amendments (A.43, A.44 and A.56) were withdrawn.

A.65

- 171. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to replace “microorganisms, cells, or other organic materials” with “cellular or non-cellular biological substances”, and to insert “cell cultures” before “bodily fluids,” to be consistent with the WHO Laboratory Biosafety Manual.
- 172. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government member of Zimbabwe, speaking on behalf of the African group, did not agree with the proposed amendment.
- 173. This amendment was withdrawn.

A.66

- 174. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to delete “including those which have been genetically modified,”, to be consistent with the WHO Laboratory Biosafety Manual. He proposed a subamendment to replace “including those which have been” with “either naturally occurring or” and keep “genetically modified,”.
- 175. The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government members of Ghana and Zimbabwe did not support the amendment or the subamendment.
- 176. The Government member of the Islamic Republic of Iran supported the amendments as subamended as it corresponded to the WHO Laboratory Biosafety Manual.
- 177. The amendment was withdrawn.
- 178. Two other amendments (A.67 and A.68) were withdrawn.

A.69

- 179. The Government member of Switzerland, speaking on also on behalf of Japan and Türkiye, proposed an amendment to delete “and their associated allergens and toxins” at the end of the text, noting that the mechanism of action was more similar to chemical substances than to biological ones.

- 180. The Worker Vice-Chairperson did not support this amendment, citing the ILO Chemicals Convention, 1990 (No. 170), which explicitly excluded organisms, indicating a gap in coverage.
- 181. The Government member of Saudi Arabia, speaking on behalf of the GCC countries; the Government member of Chile, speaking on behalf of GRULAC; the Government member of Zimbabwe, speaking on behalf of the Africa group; and the Government member of Brazil also did not support the amendment.
- 182. The amendment was withdrawn.

A.70

- 183. The Government member of Japan, speaking also on behalf of Switzerland and Türkiye, introduced an amendment to add at the end of the point: "Given the wide range of the definition, approach to each hazard should be optimized based on risk assessment by each Member that includes the characteristics and degree of concern of the biological hazards." He explained that the addition of that text would be important to compensate for the withdrawal of another amendment (A.19) that had sought to take into account the issue of risk assessment.
- 184. The Employer Vice-Chairperson noted that the amendment did not affect the agreement that had been reached on the rest of the text of point 4 and therefore it should be discussed.
- 185. The Worker Vice-Chairperson did not support the amendment, noting that point 4 related only to the definition and the approach for risk assessment could be dealt with in other parts of the Convention. The Government member of Chile, speaking on behalf of GRULAC, and the Government member of South Africa, also did not support the amendment.
- 186. The Government member of the United States supported the amendment, noting that the concept of harm and probability should be included in the definition. Seconded by the Government member of Japan, he proposed a subamendment to put the text in a new point to differentiate the concept of risk assessment from the definition.
- 187. The Government members of the Dominican Republic, Saudi Arabia, speaking on behalf of the GCC countries, Switzerland and Türkiye supported the proposal to put the text of the amendment in a new point.
- 188. The Worker Vice-Chairperson proposed to park the discussion of the proposed new point, noting that while the issue of risk assessment was significant, it would be more appropriate to discuss it in the section on risk management. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Chile, speaking on behalf of GRULAC, supported the proposal to discuss the possible new point when considering another section.
- 189. The Government member of the United States noted the broad support for the inclusion of a new point and agreed to park the discussion in the hope that consensus would be reached when resuming the consideration of the text.
- 190. The Government member of Japan aligned with the statement of the Government member of the United States and pointed out that there were several sections of the Convention concerning governments' responsibilities where it could be relevant to consider adding the concept of risk assessment.
- 191. The Committee agreed to resume at a later sitting the discussion of a possible new point with the following text:

Given the wide range of the definition, approach to each hazard should be optimized based on risk assessment by each Member that includes the characteristics and degree of concern of the biological substance.

192. Point 4 was adopted, as amended.

Consideration of other amendments to point 5

193. Two amendments (A. 45 and A.14) fell.

A.71

- 194.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “and risks” after “Biological hazards”.
- 195.** The Employer Vice-Chairperson supported the amendment and proposed a subamendment to add “associated with biological hazards” after “risks”.
- 196.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, did not support the amendment or the subamendment.
- 197.** The subamendment was not adopted and the amendment was withdrawn. Another amendment (A.23) was withdrawn.
- 198.** Point 5 was adopted as amended.

Point 6

A.17

- 199.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “can” after “environment” and delete “communicable and non-communicable”. The intention was to clarify that harm to human health was not limited to injuries and diseases and the instrument would cover other adverse health effects that did not constitute a disease or an injury. The reference to “communicable and non-communicable” diseases pertained more to pandemics than to the workplace. She proposed a subamendment to include “other adverse health effects” after the “diseases” to make it clear that the harm to human health was not limited to injuries and diseases.
- 200.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 201.** The Government member of Chile, speaking on behalf of GRULAC, proposed a subamendment to replace the word “can” with “among others”.
- 202.** The Worker Vice-Chairperson agreed in principle, but suggested to use the words “not limited to” instead of “among others” in order to make sure that the text include implicitly “other adverse health effect” as was proposed in one of his group’s amendments (A. 24).
- 203.** The Employer Vice-Chairperson said that her group could not support the addition of the words “can”, “among others” or “not limited to” since that made the text too broad and open-ended and language in Conventions needed to be precise.
- 204.** The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the proposed subamendments because the word “includes” already made it clear that the list was not exhaustive.

- 205. The Government member of China did not support the inclusion of “can” and suggested considering the insertion of “mostly” before “includes”. That would make it clear that the harm to human health caused by biological agents was not limited to diseases and injuries.
- 206. The Government member of the United States supported the inclusion of the words “not limited to”.
- 207. When resuming the discussion at a later sitting, the Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries and the United Kingdom expressed their preference for the original text and the amendment was withdrawn.

A.24

- 208. The Worker Vice-Chairperson introduced an amendment to insert “other adverse health effects” between “diseases” and “and injuries”. He introduced a subamendment to delete “communicable and non-communicable” before “diseases” to make the text clear and comprehensive.
- 209. The Employer Vice-Chairperson did not support the amendment because it went beyond definitions contained in national legislation within the EU Member States and other regions.
- 210. In response to a request from the Government member of Japan to clarify the meaning of “adverse health effects”, the Worker Vice-Chairperson explained that adverse health effects included chronic conditions that might not appear immediately, but as a consequence of the cumulative effect of a biological hazard, such as asthma, hepatitis or various forms of cancer. Those were serious conditions that did not manifest themselves as injuries or diseases when initially assessed.
- 211. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Zimbabwe, speaking on behalf of the Africa group, supported the amendment as subamended.
- 212. The Government member of the Islamic Republic of Iran requested the Secretariat to clarify why the term “communicable and non-communicable diseases” had been included in the text.
- 213. A representative of the Secretariat clarified that the reference to “communicable and non-communicable diseases” had been included in the questionnaire that had sent out by the Office as part of the first report prepared for the standard-setting discussion. He read the definition of “health” from Article 3(e) of Convention No. 155, in case it could be of assistance for the debate: “[T]he term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.”
- 214. The Employer Vice Chairperson proposed a subamendment to keep “communicable and non-communicable before “diseases” and to replace “other adverse health effects” with “and other directly caused adverse health effects”.
- 215. The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment proposed by the Employers’ group.
- 216. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Zambia did not support it.

- 217. The Worker Vice-Chairperson and the Government member of Japan said that “communicable and non-communicable” should be deleted. The Government member of Japan asked for clarifications on the rationale of only focusing on directly caused adverse effects.
- 218. The Employer Vice-Chairperson explained that “directly caused adverse health effects” had to be understood as those caused directly by biological agents, as opposed to other situations not caused by biological agents.
- 219. When resuming the discussion at a later sitting, the Worker Vice-Chairperson stated that his group could agree to revert to the original text and asked the Office to take the discussion into account when preparing the report for the second discussion.
- 220. The amendment was withdrawn.

A.15

- 221. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to replace “communicable and non-communicable diseases and injuries” with the “the potential to cause infection, allergy, toxicity or otherwise create a hazard to humans.” The definition of harm to human health should be based on whether the exposure to a biological hazard had the potential to cause an infection and not on whether it was capable of causing a disease. That distinction was important as there were diseases that never manifested themselves after exposure and infection occurred at work.
- 222. The Employer Vice-Chairperson supported the amendment but introduced a subamendment to add “caused by exposure to biological hazards” at the end.
- 223. The Worker Vice-Chairperson indicated that his group could not support the amendment or the subamendment as the scope of the proposed text was narrower than that proposed in its amendment to insert “other adverse health effects”.
- 224. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. It was not appropriate to include a reference to the potential to suffer harm in the text. Harm should only include injuries, diseases and other adverse health effects that resulted from contact with microorganisms or hazards. The Government member of Chile, speaking on behalf of GRULAC, also did not support the amendment. Deleting the reference to “communicable and non/communicable” diseases would mean that not all types of diseases would be covered.
- 225. The Employer Vice-Chairperson introduced another subamendment to delete “the potential to cause” to enable the text to cover all the possible situations that could arise and the most common forms of harm.
- 226. The Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Brazil and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment or the subamendments.
- 227. The subamendments were not adopted and the amendment was withdrawn.

A.46

- 228. The Employer Vice-Chairperson introduced an amendment to delete “and injuries”, since that was a broad term, and it was preferable to refer only to diseases.

- 229. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe speaking on behalf of the Africa group and Saudi Arabia speaking on behalf of the GCC countries, did not support the amendment. The Government member of Kenya also did not support the amendment, indicating that injuries could be at the cellular level.
- 230. The Government member of Japan said that the word “injuries” might be interpreted too broadly, including the case of an agricultural worker getting bitten by a snake, and preferred more limited wording.
- 231. The Employer Vice-Chairperson explained that the term “injuries” was not sufficiently specific and therefore proposed a subamendment to add “related to exposure to a biological hazard” after “and injuries”.
- 232. A representative of the Secretariat clarified that the ILO code of practice on recording and notification of occupational accidents and diseases, 1996, defined occupational injury as death, any personal injury or disease resulting from an occupational accident. Examples included a medical professional contracting HIV from an open needle or an agricultural worker contracting tetanus from a contaminated cutting device.
- 233. The Government member of Japan commented that the examples provided by the Secretariat were covered under the term diseases, therefore the mention of injuries was redundant.
- 234. The Employer Vice-Chairperson said that based on the explanation by the Office it was clear that an injury was related to an accident. If you cut yourself with a knife, that was an injury. If the result was tetanus, that was a biological hazard. She added that the subamendment accounted for both by mentioning injuries caused by a biological agent.
- 235. The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment.
- 236. The Worker Vice-Chairperson said that a farm worker trying to get an animal into a closed space and getting injured by the animal, or a hotel worker exposed to hotel bugs that caused injuries but not diseases would be examples of biological hazards. He did not support the subamendment because there was a need for a comprehensive definition.
- 237. The Government members of the United States, Ghana, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States did not support the subamendment.
- 238. The subamendment and the amendment were withdrawn.

A.47

- 239. The Employer Vice-Chairperson introduced an amendment to insert “, allergies and toxic effects” after “and non-communicable diseases”. That would maintain consistency with the definition, which mentioned allergens and toxic effects. She also suggested a subamendment to keep “and injuries”, consistent with the discussion on the previous amendment (A.46).
- 240. The Worker Vice-Chairperson, the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the Islamic Republic of Iran, Ghana, Cote d’Ivoire and Morocco did not support the subamendment or the amendment.
- 241. The subamendment and the amendment were withdrawn and point 6 was adopted with no amendment.

New point after point 6

A.48

- 242. The Employer Vice-Chairperson proposed an amendment to insert a new point as follows: “Biological hazards may arise from work-related activities or from the spread of biological agents due to an outbreak, epidemic or pandemic situation.” to make a distinction between the two different sources of biological hazards.
- 243. The Worker Vice-Chairperson noted that the amendment should be discussed only after all amendments to point 6 would have been considered. The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed.
- 244. The Government member of Chile did not support the amendment.
- 245. When resuming the discussion at a later sitting, the amendment was withdrawn.

Point 7

- 246. An amendment (A.50) fell as a consequence of the decision reached by the Committee on point 2.

A.51

- 247. The Employer Vice-Chairperson proposed an amendment to add the word “the” before “workers in all branches,” and insert the word “covered” after “economic activity,” in order to align with the language of Articles 1(1) and 2(1) of Convention No. 155.
- 248. The Worker Vice-Chairperson did not support the amendment because it could potentially exclude many workers from the right to a safe and healthy working environment.
- 249. The Government members of Zimbabwe, Chile, Saudi Arabia, speaking on behalf of the GCC countries, the Islamic Republic of Iran, Australia and Belgium, speaking on behalf of the EU and its Member States, did not support the amendment.
- 250. The amendment was withdrawn.

A.57

- 251. The Worker Vice-Chairperson proposed an amendment to insert “regardless of their employment status,” after “apply to all workers”, citing the importance of extending protection to all workers including those in the informal economy.
- 252. The Employer Vice-Chairperson did not support the amendment, noting that it was inconsistent with Article 3(b) of Convention No. 155, which specified that “workers” covered all employed persons. Self-employed workers had different mechanisms in place at national level to access safety and health protection.
- 253. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment.
- 254. The amendment was withdrawn.

A.58

- 255. The Worker Vice-Chairperson proposed an amendment to insert “sectors and” before “branches of economic activity,” to ensure that the instruments would apply to workers in the public sector.
- 256. A representative of the Secretariat confirmed that the term “branches of economic activity” defined in Article 3(a) of Convention No. 155 specified that workers in the public service were covered.
- 257. The amendment was withdrawn.

A.52

- 258. The Employer Vice-Chairperson proposed an amendment to add “when exposure to biological hazards occurs,” at the end of the sentence, noting the importance of precision regarding when the Convention should apply.
- 259. The Worker Vice-Chairperson did not support the amendment.
- 260. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Saudia Arabia, speaking on behalf of the GCC countries, the United States and Belgium, speaking on behalf of the EU and its Member States, did not support the amendment.
- 261. The amendment was withdrawn.

A.1

- 262. The Government member of Brazil introduced an amendment to add at the end of the point the words “as a standard and minimum level of protection.” He explained that some branches of economic activity might require standards that went beyond the minimum standards specified in the Convention, and that possibility needed to be made explicit.
- 263. The Employer Vice-Chairperson did not support the amendment.
- 264. The Worker Vice-Chairperson supported the amendment.
- 265. The Government member of Belgium, speaking on behalf of the EU Member States, agreed with the reasoning given by the Government member of Brazil which was reflected in European legislation. She proposed a subamendment to replace the text to be added by “and lays down particular minimum provisions in this area”.
- 266. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment or the subamendment, as it was clear that both Conventions and national legislation established minimum standards.
- 267. In response to a request for clarification by the Worker Vice-Chairperson, a member of the Secretariat cited article 19(8) of the ILO Constitution which stated that ILO Conventions or Recommendations did not affect any (national) law, award, custom or agreement which ensured more favourable conditions to the workers concerned. Nothing therefore prevented a sovereign State from adopting in its legislation higher standards than those provided in an ILO instrument.
- 268. The subamendment and the amendment were withdrawn.

A.59

- 269.** The Worker Vice-Chairperson introduced an amendment to add at the end of the point the words “and provide a legal framework for the respect, promotion and realization of the right to a safe and healthy working environment in respect of biological hazards”. Those words were especially important to the Workers’ group.
- 270.** The Employer Vice-Chairperson did not support the amendment as that phrase had already been included in the Preamble and did not need to be repeated. She preferred the Office text which was aligned with Convention No. 155.
- 271.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States and the United Kingdom, did not support the amendment.
- 272.** When resuming the discussion at a later sitting, the amendment was withdrawn and point 7 was adopted without amendment.

Point 8

A.26

- 273.** The Worker Vice-Chairperson introduced an amendment to delete point 8 of the proposed Conclusions in its entirety to avoid any possible exclusion of workers from the protection. As a fundamental principle and right at work, the right to a safe and healthy working environment was applicable to all workers without exception, just as the other four fundamental principles and rights at work. He questioned the basis upon which certain groups of workers could legitimately be excluded from that right.
- 274.** The Employer Vice-Chairperson did not support the amendment. Point 8 was based on Convention No. 155, which did not intend to limit workers’ right to safety and health but rather allowed a necessary degree of adaptability for certain sectors under specified conditions. Moreover, noting the number of conditions to be met for a reason to be considered as valid, the provision would in no way allow governments to decide on any unjustified exclusion.
- 275.** The Government member of Brazil supported the amendment.
- 276.** The Government member of Belgium, speaking on behalf of the EU and its Member States, understood the workers’ point of view but also recognized the difficulties that employers and governments might encounter when seeking to provide full protection to every worker in every sector. Point 8 stipulated specific conditions for exclusions, namely prior consultation with employers’ and workers’ organizations, an assessment of the biological hazards involved and the application of preventive and protective measures. In addition, point 9 required Member States to inform the Office about the measures they had taken. In the spirit of the ILO and the fundamental principles and rights at work, Member States were obliged to make efforts to apply the provisions of the fundamental Conventions to the maximum extent possible. For those reasons, the EU and its Member States did not support the amendment.
- 277.** In response to a request from the Government member of Saudi Arabia, speaking on behalf of the GCC countries, a representative of the Secretariat explained that similar provisions regarding exclusions existed in other OSH instruments, such as Convention No. 155 (Article 1) and the Asbestos Convention, 1986 (No. 162) (Article 1). Member States which had ratified the Convention and applied the flexibility clause were bound to report to the Office on the measures they had taken to extend protection to all sectors and workers. He also read out an

explanation by the Office of the Legal Adviser of the terms “special” and “substantial”, with respect to the phrase in point 8: “its application would raise special problems of a substantial nature”. The ordinary meaning of the term “special” would exclude problems that were too general or non-specific in nature while the term “substantial” seemed to indicate that the problems had to be of significant importance.

- 278.** The Worker Vice-Chairperson said that it would not be acceptable, in any circumstances for tripartite consultations to lead to the denial of a worker’s fundamental right to a safe and healthy working environment.
- 279.** The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment. Point 8 provided necessary flexibility and was in line with many countries’ national legislation. In the absence of that provision, Member States would have great difficulty in ratifying and applying the Convention.
- 280.** The Government member of Belgium, speaking on behalf of the EU and its Member States, mentioned the European Union’s “Framework Directive” on OSH, which allowed for exclusions for the police and the armed forces.⁵ Her group supported retaining the original text. She emphasized the critical importance of better data collection on biological hazards at the workplace to enable evidence-based decision making regarding preventive measures.
- 281.** The Government members of Türkiye, Switzerland and Japan did not support the amendment.
- 282.** The Worker Vice-Chairperson expressed concern that so-called temporary exclusions often became permanent, and that very little action had been taken with respect to reporting. Entire categories of workers, such as agricultural workers and migrant workers, who were most at risk with regard to OSH hazards, had often been excluded because the authorities had found it expedient to do so. He argued that full protection for such groups would bring significant public health benefits. The Government member of Brazil supported that view.
- 283.** The Government member of Belgium, speaking on behalf of the EU and its Member States, understood the Worker Vice-Chairperson’s position and said that there was absolutely no justification for migrant workers to receive less protection than nationals doing the same work and agricultural workers equally required full protection.
- 284.** The Employer Vice-Chairperson appreciated the issues that had been raised by the Government members of the Committee. The flexibility allowed by Convention No. 155 was necessary in certain specific and difficult situations which required tailored OSH measures. The pandemic was a notable example of why such clauses were needed. It was not a question of denial of workers’ rights, but of practical implementation.
- 285.** In response to the question raised by the Worker Vice-Chairperson as to whether tripartite consultation could remove fundamental rights of workers, the Legal Adviser explained that the question raised two issues. The first was whether there were certain limits that needed to be respected in the negotiations within a technical committee, and the second whether the exemption clause in point 8 of the Office text was legally acceptable or not.
- 286.** Regarding the first issue, it was clear that the Committee was mandated to develop draft standards. It therefore enjoyed significant discretion within the limits established by the ILO Constitution and by the Governing Body decision that placed the issue on the agenda. For

⁵ Directive 89/391/EEC, Article 2(2): This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

example, the Committee was mandated to address biological hazards and could not decide to broaden the scope to include other hazards. The Committee could also not propose a draft Convention that would directly contravene any of the fundamental principles enshrined in the Constitution, including in the Declaration of Philadelphia.

287. Regarding the second issue, it was important to consider the distinction between a fundamental principle and a technical standard. The Committee was tasked with developing technical standards pertaining to a fundamental principle, which was a legal framework that was meant to be reflective of and adaptable to national circumstances, priorities and needs for the realization of the fundamental principle and right to a safe and healthy working environment. In doing so, the Committee could find it useful to propose progressive or staged implementation, standards grouped in separate parts, qualified requirements, different levels of protection, or differentiated standards for different groups of workers or economic sectors.
288. Those legal techniques were commonly referred to as flexibility clauses that offer the space or time some countries might need before full implementation of the entire set of standards of a ratified Convention. Flexibility clauses had a clear constitutional basis in article 19(3) of the ILO Constitution and in Section V of the Declaration of Philadelphia that stated that the manner of the application of the principles must be determined with due regard to the stage of social and economic development reached by each people. What was common among all the legal techniques was their provisional or exceptional nature. They were neither meant to deny the protective coverage of any Convention to entire groups definitively nor meant to escape the oversight and control of the ILO supervisory bodies. Standards aspiring to universal acceptance needed to be firm in principle, but flexible in implementation, as was noted during the adoption of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
289. The proposed text in point 8 was identical to clauses included in various other ILO instruments, including the Part-Time Work Convention, 1994 (No. 175), Night Work Convention, 1990 (No. 171), Maternity Protection Convention, 2000 (No. 183), Safety and Health in Agriculture Convention, 2001 (No. 184), and Labour Inspection Convention, 1947 (No. 81). The same clause also appeared in Article 1 of Convention No. 155, which was one of the fundamental Conventions. That clause had given rise to extensive debate in the past, for instance, during the drafting of the Part-Time Work Convention, 1994 (No. 175). On that occasion the clause had finally been accepted on the understanding that exclusions could only be made when the problems of application were so serious that no alternative solutions could be found to meet the requirements of the Convention.
290. The Office had provided two informal opinions in 2005 and in 2021 on what was meant by the terms “special” and “substantial”. The ordinary meaning of “special” would exclude problems that are of a too general and unspecific nature, while “substantial” indicated that the problems had to be significant.
291. In conclusion, there was no legal impediment to negotiating a flexibility clause, customizing its scope and content to the nature of the instrument being drafted, on condition that that such a clause should remain in line with standard features and safeguards that had been consistently applied in all past standard setting exercises, namely that the clause was devised as a temporary measure; called for cautious and restrictive use in exceptional circumstances only; had been the subject of prior consultations with the employers’ and workers’ organizations concerned; and remained subject to the oversight and control of the supervisory organs.
292. When resuming the discussion at a later sitting, the Worker Vice-Chairperson proposed, as a subamendment, instead of deleting the entire point, to add “on condition that a safe and

healthy working environment is maintained” after “substantial nature”. The language proposed was from the Safety and Health in Construction Convention, 1988 (No. 167), and in line with other OSH Conventions, where exclusions were defined. That would allow to maintain the flexibility for governments while ensuring consistency with other standards.

- 293.** The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, expressed their preference for the original text.
- 294.** The Government members of the United Kingdom, China, Belgium, speaking on behalf of the EU and its Member States, Canada and Australia supported the subamendment.
- 295.** In response to a question from the Government member of Switzerland about whether the obligation to respect the fundamental Conventions was based on the ILO Declaration on Fundamental Principles and Rights, as amended in 2022, a representative of the Secretariat explained that flexibility clauses varied between Conventions. For example, in Convention No. 155, provisions were quite general while Convention No. 167 stated that exclusions should be made only on condition that a safe and healthy environment would be maintained for workers. It was for the Committee to decide on the most appropriate formulation in each context.
- 296.** The Worker Vice-Chairperson stated that if the proposed subamendment was not adopted, the instrument would be the only OSH Convention that did not provide for the fundamental right. As a baseline, the Employer Vice-Chairperson reiterated that the original text was already in line with Convention No. 155, which was a fundamental Convention, and that any exclusion would be applied only after an assessment and taking into account a safe and healthy environment for workers. However, her group could be flexible.
- 297.** The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Japan indicated flexibility.
- 298.** The amendment was adopted as subamended.
- 299.** An amendment (A.54) fell as a consequence of the decision reached by the Committee on point 2 and another amendment was withdrawn (A.5).

A.53

- 300.** The Employer Vice-Chairperson introduced an amendment to add a new sentence at the end of the point as follows: “It should also make special provisions to protect confidential information whose disclosure to a competitor would be liable to cause harm to an employer’s business so long as the safety and health of workers are not compromised thereby.” She explained that, in the context of application of the exclusions clause, businesses might have to provide confidential information which could be commercially damaging should it be disclosed. The proposed wording was taken from Article 1(2)(b) of Convention No. 170.
- 301.** The Worker Vice-Chairperson did not support the amendment because, in that context, the whistleblower protection should be taken into account. If there was an outbreak of salmonella in a food processing factory, for example, it was possible that the employer would not want that made public so as not to harm the business. But if one or more workers thought that there was a danger to public health, authorities would need to be notified.
- 302.** The Employer Vice-Chairperson explained that her group did not refuse to disclose information, but that companies might have processes, software, substances or other elements that were essential for their competitiveness.

303. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Bangladesh and Canada expressed their flexibility to support the amendment.

304. The amendment was adopted and point 8 was adopted as amended to read:

A Member ratifying the Convention may, after consultation with the representative organizations of employers and workers concerned, and on the basis of an assessment of the biological hazards involved and of the preventive and protective measures to be applied, exclude from its application, in part or in whole, particular branches of economic activity or limited categories of workers in respect of which its application would raise special problems of a substantial nature on condition that a safe and healthy working environment is maintained. It should also make special provisions to protect confidential information whose disclosure to a competitor would be liable to cause harm to an employer's business so long as the safety and health of workers are not compromised thereby.

Point 9

305. An amendment (A.55) was withdrawn as a consequence of the decision reached by the Committee on point 2.

A.27

306. The Worker Vice-Chairperson proposed to subamend an amendment so that instead of deleting point 9, the following new sentence would be added at the end of the point: "Members shall make every effort to end exclusions at the earliest opportunity." The purpose was to underscore that exclusions should be intended to be a temporary measure.

307. The Employer Vice-Chairperson preferred the original text which was drawn from a procedural Article of Convention No.155.

308. The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Australia, Canada, China and the United Kingdom supported the subamendment.

309. The Employer Vice-Chairperson said that her group could join the consensus and the amendment was adopted as subamended.

310. Point 9 was adopted as amended.

Title of section 2

311. The title of section 2 – National policy – was adopted.

Point 10

A.113

312. The Worker Vice-Chairperson introduced an amendment to replace the word "should" by "shall". The same amendment had been proposed at other points in the text. He requested an explanation from the Secretariat of the difference between the two tenses.

313. The deputy representative of the Secretary-General explained that the use of "should" was standard practice in proposed Conclusions that were discussed at a first Conference standard-setting discussion. "Shall" would be used in the proposed text of a Convention to be included in the report that the Office would submit to ILO constituents for comment in advance of the second Conference discussion in 2025.

- 314.** In light of the explanation, the amendment was withdrawn, along with other amendments by the Workers' group on the same issue.

A.114

- 315.** The Worker Vice-Chairperson introduced an amendment to replace the words "consistent with national law and practice" by "as part of the broader national occupational safety and health policy". The existing language was too flexible and implied that the provisions of the Convention might be undermined by national legislation, which was not the intention of any ILO Convention.
- 316.** The Employer Vice-Chairperson did not support the amendment which was incompatible with Convention No. 155. Countries required the flexibility to apply their own laws and practice while respecting the spirit of Convention No. 155.
- 317.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. Each country needed flexibility to address workers' protection in the right manner and at the right level. Nonetheless, a policy on biological hazards should be a part of a national OSH policy. With that aim in mind, the EU Member States had submitted an amendment (A.100) for consideration by the Committee.
- 318.** The Government member of Chile, speaking on behalf of GRULAC, agreed with the statement by the Government member of Belgium and did not support the amendment.
- 319.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment as a national OSH policy should also cover biological hazards.
- 320.** The amendment was withdrawn.

A.100

- 321.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace "formulate, implement and periodically review a coherent and comprehensive national policy on" with "integrate the protection against" before "biological hazards" and add at the end of the point "into their national policy on occupational safety and health". She explained that in the European Union, there was a framework that allowed Member States to develop their own OSH national policies. The aim of the amendment was to facilitate the integration of biological hazards within OSH national policies rather than into a separate national policy, which would avoid duplication and reduce the administrative burden on EU Member States.
- 322.** The Employer Vice-Chairperson supported the amendment.
- 323.** The Worker Vice-Chairperson proposed a subamendment to add "and formulate, implement and periodically review" before "their national policy on occupational safety and health".
- 324.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Chile, speaking on behalf of GRULAC, supported the amendment as subamended.
- 325.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment but not the subamendment proposed by the Workers' group and suggested instead to add "which would be periodically reviewed" at the end of the point.
- 326.** The Worker Vice-Chairperson and the EU and its Member States supported the subamendment by the Africa group.

327. The Government member of the United States supported the subamendment by the Africa group and, seconded by the Government member of Australia, proposed to add “that are causing or are likely to cause a consequential risk of non-negligible harm to human health” after “working environment”. The policies that Member States would be developing should not target all biological agents but focus on biological hazards in the working environment that were likely to cause harm to human health. The inclusion of “risk” was necessary because of the broad and open-ended definition of biological hazards that had been adopted by the Committee.
328. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Saudi Arabia speaking on behalf of the GCC countries, and of Japan, supported the new subamendment proposed by the Government member of the United States. The Worker Vice-Chairperson noted that the point addressed real harm to human health, therefore the inclusion of the word “consequential” would be very helpful.
329. The Government member of Chile, speaking on behalf of GRULAC, did not support the subamendment. The use of the word “risk” was problematic because in Spanish, the word “hazard” referred to both “risk” and “danger”. It was also a problem the way the word was used in the point. His group therefore suggested deleting the word, noting that its removal would not change the meaning of the text and facilitate the support from Spanish-speaking countries. The Worker Vice-Chairperson supported the subamendment.
330. The Government member of the United States acknowledged the concerns that had been raised by GRULAC but noted that a decision on the use of the term “risk” would have to be made because it would be introduced again during the discussion of other parts of the text. He reiterated the importance of retaining that word which addressed transmissibility of the biological agent, and asked members to propose an alternative term that would be acceptable in Spanish.
331. The Government member of Australia stressed that many countries, including Australia, had a risk-based system in place and that the inclusion of the concept of “risk” was therefore particularly important.
332. A representative of the Secretariat explained that the concepts of “risks” and “hazards” had distinct meanings and had been defined in the ILO *Guidelines on Occupational Safety and Health Management Systems* (ILO-OSH 2001). “Hazard” meant the inherent potential to cause injury or damage to people’s health, while the term “risk” entailed a combination of the likelihood of an occurrence of a hazardous event and the severity of injury or damage caused by this event.⁶
333. The Government member of Brazil noted that if governments were meant to only integrate risks of biological hazard that were causing or likely to cause a consequential or non-negligible harm into national policies, some biological hazards would be excluded from the scope of national policies. Seconded by the EU Member States, he proposed to insert “especially those” after the word “environment”.
334. The Government member of Belgium, speaking on behalf of the EU Member States, proposed to replace words “risks of” with “probability of”.
335. The Government member of the United States supported the subamendment introduced by the EU Member States but could not accept the proposal by Brazil to insert “especially those”

⁶ See the note prepared by the Secretariat, *Clarification on terminology and implications of using “biological hazards” vs. “biological risks” in the Proposed Conclusions*.

because that would place an obligation on national governments to develop a national policy on all biological agents, which would be too broad and burdensome. For the same reasons, the Government member of Japan also did not support the subamendment introduced by Brazil.

- 336. The Government member of the Islamic Republic of Iran pointed out that “risk” did not mean the same as “probability”. Risk included both probability and severity.
- 337. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the word “risk” meant the probability of a substance, agent, or something else to cause harm. “Probability” was therefore an appropriate substitute for “risk”.
- 338. The Government member of the Bolivarian Republic of Venezuela said that the words “risk” and “probability” were synonymous. Hazards need to be addressed where there was a high probability or high risk.
- 339. The Government members of China and of Chile, speaking on behalf of GRULAC, proposed to revert to the original text.
- 340. The Government members of Chile, speaking on behalf of GRULAC, of Zimbabwe, speaking on behalf of the Africa group, and of Türkiye supported the suggestion by the EU and its Member States.
- 341. The Government member of the United States expressed willingness to use the term “probability” as an alternative to “risk” and noted that the text as subamended seemed to have broad support.
- 342. The Government members of the United Kingdom and Canada and the Employer Vice-Chairperson reiterated support for the text as subamended.
- 343. The Government member of South Africa suggested that the words “that are causing or are likely to cause a consequential risk of non-negligible harm to human health” proposed by the United States be moved to point 13 instead and added after “management of biological hazards in the working environment”.
- 344. The Government member of the United States agreed that it would be appropriate to include the reference to “risk” in point 13, but that it was equally important to address the concepts of risks and harm in point 10, which dealt with national policies and the preventive and protective measures that were appropriately targeted at hazards that had the risk of causing non-negligible harm.
- 345. The Government member of Japan said that moving the words “that are causing or are likely to cause a consequential risk of non-negligible harm to human health” to point 13 was inappropriate because that point addressed preventive and protective measures taken by competent authorities only and excluded the roles and of employers’ and workers’ organizations.
- 346. The Government member of the United States agreed to remove the word “consequential”. Seconded by the Government member of Australia, he proposed to insert “based on a risk assessment,” before “are causing or are likely to cause,” and to delete “risk/probability of,” to be consistent with existing ILO standards and technical guidelines.
- 347. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Saudia Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, the United Kingdom and Indonesia supported the text as subamended.

- 348.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that her group could accept the subamendment if the same phrase would also be added to clause (b) of point 11, given its relevance for national policy. The Government member of Brazil supported the proposal.
- 349.** The Government member of Zimbabwe, speaking on behalf of the Africa group, proposed to delete “non-negligible harm,” after “likely to cause”, as it was subjective terminology. The Government member of Japan did not support the proposal, noting that “non-negligible” was the correct terminology.
- 350.** When resuming the discussion at a later sitting, the Government member of Belgium, speaking on behalf of the EU Member States, acknowledging the need of certain Member States for flexibility in the way they should address biological hazards in national policy, proposed a subamendment to replace the text after “and workers” by: “integrate the protection against biological hazards in the working environment into their national policy on occupational safety and health, that takes into account the characteristics and degree of concern of those hazards, which would be periodically reviewed.”
- 351.** The Worker Vice-Chairperson and the Government members of the United States, Zimbabwe, speaking on behalf of the Africa group, and Japan supported the subamendment.
- 352.** The Government member of Chile, speaking on behalf of GRULAC, supported most of the proposed text except for “degree of concern”, as that expression was subjective and potentially inaccurate. The Government member of the United States said that the words “degree of concern” captured the notion of risk.
- 353.** The Employer Vice-Chairperson proposed a to delete “those” before “hazards” and to insert “based on a risk assessment” after “and health”. The Government member of the United States, seconded by the Government member of Belgium, proposed to use language that had been agreed in other parts of the text: “based on an evaluation of risk” instead.
- 354.** The Government member of Belgium, speaking on behalf of the EU and its Member States, indicated her flexibility but with a reservation that governments did not conduct risk assessments when they were preparing laws. The Government member of the Bolivarian Republic of Venezuela did not agree as national policies were prepared in many different ways and were not only based on an evaluation of risks.
- 355.** The amendment was adopted as subamended.

A.75

- 356.** The Employer Vice-Chairperson introduced an amendment to delete “and comprehensive” before “national policy” to be consistent with Convention No. 155.
- 357.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium speaking on behalf of the EU and its Member States, and Japan supported the amendment.
- 358.** The amendment was adopted.

A.76

- 359.** The Employer Vice-Chairperson introduced an amendment to add “where governments, employers and workers actively participate through a system of defined rights, shared responsibilities and duties, as well as through social dialogue and cooperation” after “working environment”, to be consistent with Convention No.187. Under that Convention, it was clear

that national policy should develop a culture of prevention, in which the rights, duties and responsibilities of all parties were clearly established.

- 360.** The Worker Vice-Chairperson did not support the amendment, noting that the language was not clear and not in line with Convention No. 155.
- 361.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC and China did not support the amendment.
- 362.** The Employer Vice-Chairperson proposed to delete “shared” before “responsibilities and duties” in an attempt to reach consensus.
- 363.** The subamendment did not find support and was withdrawn as was the amendment.

A.150

- 364.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to delete “and comprehensive” before “national policy,” to be in line with Convention No.155. She also proposed to replace “a policy” by “policies,” noting that multiple policies would be necessary.
- 365.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Australia and Brazil supported the amendment.
- 366.** The amendment was adopted and point 10 was adopted as amended to read:

Each Member should, consistent with national law and practice and in consultation with the most representative organizations of employers and workers, integrate the protection against biological hazards in the working environment into its national policy on occupational safety and health, based on an evaluation of risk that takes into account the characteristics and degree of concern of hazards, which would be periodically reviewed.

Point 11, introductory sentence

A.77

- 367.** The Employer Vice-Chairperson introduced an amendment to delete the introductory sentence that was accompanied by five other amendments (A.78, A.79, A.80, A.81 and A.82) to delete the clauses of the point. She explained that the Convention should be a general text while the detailed guidance should be included in the Recommendation. Existing OSH instruments, such as Conventions Nos 155 and 161 and Recommendations Nos 164 and 197, already covered national OSH policies and there was no need to duplicate those provisions in the Convention under discussion. Repeating those clauses would in fact constitute a ratification barrier, noting the low ratification rate of some of those instruments, and would elevate the provisions of existing Recommendations into binding commitments.
- 368.** The Worker Vice-Chairperson did not support the amendment as governments, employers and workers would look to the Convention for authoritative guidance regarding their policies on managing biological hazards.
- 369.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group and Chile, speaking on behalf of GRULAC did not support the amendment.

- 370.** All the amendments to delete point 11 and its clauses (A.78, A.79, A.80, A.81 and A.82) were withdrawn.

A.151

- 371.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to replace “policy” by “policies” as multiple policies would be needed given the many different types of biological hazard.
- 372.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia speaking on behalf of the GCC countries, and Australia supported the amendment which was in line with previously agreed text.
- 373.** The Worker Vice-Chairperson, having listened to the points of view of the Government members, also supported the amendment.
- 374.** The Government member of Belgium, speaking on behalf of the EU and its Member States, initially did not support the amendment. There should not be a variety of policies aimed at the workplace and the purpose of ILO Conventions was to regulate the rights and duties of employers and workers. However, having listened to the other speakers, she could accept the amendment.
- 375.** The amendment was adopted.

A.101

- 376.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “integrated in the national policy on occupational safety and health” after the word “hazards”. That would be in line with the amendment submitted to point 10.
- 377.** The Worker Vice-Chairperson supported the amendment, believing the suggestion was logical and would lead to greater administrative efficiency. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, and of Algeria also supported the amendment.
- 378.** In response to requests for clarification from the Employer Vice-Chairperson and the Government member of Brazil concerning the relationship between the amendments to points 10 and 11, the Government member of Belgium, speaking on behalf of the EU and its Members States, explained that under point 10, each Member should integrate workers’ protection against biological hazards into the national OSH policy. As a result, in point 11, the national policies on biological hazards would already be integrated within the OSH policy. The intention of their amendments to points 10 and 11 was to convey that measures relating to the protection from biological hazards in the working environment, integrated in the national OSH policy, should take into account other relevant policies, including on public health and the environment. If their amendment (A.100) to point 10 was adopted, the text would read: “Each member should, consistent with national law and practice and in consultation with the most representative organizations of employers and workers, integrate the protection against biological hazards in the working environment into their national policy of occupational safety and health.” The amendments to point 11 and its clauses would make their text consistent with that of point 10.
- 379.** The Government member of the United Kingdom asked what the implications would be in the instance that a national policy on biological hazards had not been integrated into the national OSH policy.

- 380.** The Government member of Belgium, speaking on behalf of the EU and its Member States, responded that the national policy on biological hazards referred to by the Convention should address only issues of relevance to the working environment, while other policies would address other aspects of biological hazards, for example public health and the environment. Those issues were beyond the competence of ministries of labour and other workplace actors, but the different policies needed to be implemented in a coordinated way if results were to be achieved. The proposed amendment (A.102) to clause (a) of point 11 addressed that issue.
- 381.** The Government member of Japan was unclear about the meaning of the word “integrated” and noted that the qualifier “as appropriate” that had been used elsewhere did not appear in the amendment.
- 382.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed to insert “which are” between “biological hazards” and “integrated”.
- 383.** The Worker Vice-Chairperson did not support the subamendment as it would exclude national policies on biological hazards that were not integrated in the national OSH policy. He proposed to use the expression “which are to be integrated” instead.
- 384.** The Government member of the United States agreed that ministries of labour did not control all policies related to biological hazards. She therefore proposed to insert “in the workplace” after “biological hazards”.
- 385.** The amendment was withdrawn, and another amendment (A.115) was withdrawn.
- 386.** The introductory sentence of point 11 was adopted as amended.

Point 11(a)

A.102

- 387.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “be integrated into existing national occupational safety and health policies, as appropriate, and be consistent with and complement other” with “take into account other”. This was in line with their proposal to include the concept of integration with OSH policies in point 10.
- 388.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, the United Kingdom, Indonesia, Singapore and China supported the amendment.
- 389.** The Government member of Chile, speaking on behalf of GRULAC, preferred the original text.
- 390.** The amendment was adopted.

A.116

- 391.** The Worker Vice-Chairperson introduced an amendment to add “where these policies are consistent with, complement or improve occupational safety and health provisions” at the end of clause (a). His group wanted to avoid that other, non-OSH related policies could be taken into consideration unless they complemented or improved OSH provisions.
- 392.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile,

speaking on behalf of GRULAC and the Islamic Republic of Iran did not support the amendment.

- 393.** When resuming the discussion at a later sitting, the Worker Vice-Chairperson explained that there had been inconsistencies between public health and OSH policies during the COVID-19 pandemic. In the working environment, OSH policies should take precedence as public health policies did not always provide the most appropriate solutions. The boundaries between the two policy areas had to be respected in a manner which led to the best possible outcomes.
- 394.** The Employer Vice-Chairperson agreed with the term “consistent with” but proposed a subamendment to delete “complement or improve”. In the face of pandemics and other complex situations, public health authorities needed flexibility to respond in the most appropriate way.
- 395.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment which allowed adequate flexibility but not the subamendment. A lack of coordination between the public health and OSH authorities during a public health crisis would jeopardize both the security and health of workers and the business continuity of employers. Speaking in her national capacity, she mentioned the experience of Belgium during the COVID-19 pandemic, where issuance of appropriate OSH guidance had enabled businesses to continue to operate and keep their workforce employed.
- 396.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and the United Kingdom supported the amendment but not the subamendment. The Government member of Zimbabwe, speaking on behalf of the Africa group, was flexible and the Government member of Singapore supported the subamendment.
- 397.** The Employer Vice-Chairperson said that the objective of the subamendment had been to facilitate the work of governments in complex situations, such as pandemics, where it would not be realistic to expect the whole population to be fully protected. Nonetheless, the subamendment was withdrawn.
- 398.** The amendment was adopted and clause (a) of point 11 was adopted as amended.

Point 11(b), introductory sentence

A.152

- 399.** The Government member of Switzerland, speaking also on behalf of Japan and Türkiye, introduced an amendment to replace “take account of” with “consider”. The reason was that some elements introduced in the point did not depend entirely on governments.
- 400.** The Employer Vice-Chairperson and the Government member of Saudi Arabia supported the amendment.
- 401.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Government member of the Islamic Republic of Iran and the Worker Vice-Chairperson did not support the amendment.
- 402.** The amendment was withdrawn.
- 403.** The introductory sentence of clause (b) in point 11 was adopted without amendment.

Point 11(b)(i)**A.117**

- 404.** The Worker Vice-Chairperson introduced an amendment to add “or undertake or commission new research where available information is insufficient,” after the word “health”. He explained that health and safety-related information on biological hazards in the work environment was often insufficient and it was necessary to commission new research when required.
- 405.** The Government member of the United Kingdom supported the amendment as it highlighted the importance of evidence-based decision-making. The Government member of Indonesia also supported the amendment.
- 406.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, the United States, Switzerland, Türkiye and the Islamic Republic of Iran did not support the amendment.
- 407.** When resuming the discussion at a later sitting, the Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to replace “undertake or commission” with “promote” because the latter was less prescriptive.
- 408.** The Employer Vice-Chairperson, and the Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment.
- 409.** The Worker Vice-Chairperson noted that the language used in the amendment was consistent with Article 12(c) of Convention No. 155, but in the interest of reaching consensus, he supported the subamendment.
- 410.** The amendment was adopted as subamended.

A.118

- 411.** The Worker Vice-Chairperson introduced an amendment to add “including a needs assessment with a clear gender perspective” at the end of point 11(b)(i) because several OSH practices and policies were mainly focused on males, while protective equipment needed to be gender sensitive and different immune responses also had to be considered.
- 412.** The Employer Vice-Chairperson proposed to replace “a needs assessment with a clear gender perspective” with “a gender-responsive needs assessment”.
- 413.** The Worker Vice-Chairperson supported the subamendment and the Government members of Belgium, speaking on behalf of the EU and its Member States, Canada, South Africa, Namibia, the United Kingdom, Australia, the United States and Chile, speaking on behalf of GRULAC, supported the amendment as subamended.
- 414.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries did not support the subamendment or the amendment because it did not take into account all national contexts. The proposed texts were opposed the historical and religious customs in his country. The Government members of Egypt, Algeria, Zimbabwe, speaking on behalf of Africa group, and Türkiye also did not support the subamendment or the amendment.
- 415.** The Worker Vice-Chairperson pointed out that Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), referred to the need to adopt a gender

perspective to needs assessments and it would be remiss of the Committee not to include this perspective in the Convention.

- 416.** The Government member of Saudi Arabia introduced a subamendment to replace “gender” with “sex”. The Worker Vice-Chairperson pointed out that the most recent standard adopted by the ILO – the Violence and Harassment Convention, 2019 (No. 190) – contained numerous references to “gender”. Therefore it was the appropriate term to use rather than “sex”. The Government member of Saudi Arabia withdrew the subamendment and expressed support for the original text. He wanted to put on record that the GCC countries did not support the inclusion of “gender-responsive” in the text.
- 417.** When resuming the discussion at a later sitting, the Government member of Zimbabwe noted that there was significant disagreement on the use of the term “gender-responsive”.
- 418.** The Government member of the Islamic Republic of Iran did not support the amendment. She said that if “gender” were included, it would also be important to refer to other disadvantaged groups such as the persons with disabilities, older persons and migrant workers. She asked to put on record that, should the text include “gender-responsive”, her government would disassociate itself from that part of the Convention.
- 419.** The Government member of the United States acknowledged the differences in opinion in the room but pointed out that historically, medical research had been conducted on men and not on women. Biological hazards affected men and women differently, and it was therefore important to ensure that women were included in medical research. The Government member of Canada shared the same views.
- 420.** The Employer Vice-Chairperson indicated flexibility on the amendment.
- 421.** As the words “gender-responsive” could not remain bracketed in the final proposed Conclusions,⁷ they were removed and subclause (i) of point 11(b) was adopted as amended.

New subclause after (i) in point 11(b)

A.119

- 422.** The Worker Vice-Chairperson introduced an amendment to add a new subclause reading “all health impacts, including complications of biological hazard related harms and sequelae, including psychosocial disorders, and infection related cancers and heart conditions”. Health impacts were not always immediately apparent due to the cumulative exposure to biological hazards such as in the case of heart diseases and different forms of cancer.
- 423.** The Employer Vice-Chairperson did not support the amendment. She noted that Conventions Nos 155 and 187 dealt exhaustively with the content of national policies. There was no need to develop policies that went beyond the scope of those two Conventions.
- 424.** The Government member of Zimbabwe, speaking on behalf of Africa group, did not support the amendment. What was proposed could be covered by the definition of biological hazards.
- 425.** The Government member of the United States, seconded by the Government member of Belgium, speaking on behalf of the EU Member States, introduced a subamendment for the text to read “biological hazards that the Member has determined based on results of a risk assessment are likely to cause or are causing non-negligible harm to human health”. He noted

⁷ See para. 1124 below.

that the text proposed had received broad support from the Committee during the discussion on point 10.

- 426. The Worker Vice-Chairperson did not support the subamendment because it removed any reference to “psychosocial disorders”, which was one of the most serious effects of exposure to biological hazards.
- 427. The Employer Vice-Chairperson and the Government member of the United Kingdom supported the subamendment.
- 428. The Government member of Chile and the Government member of Saudi Arabia, speaking on behalf of the GCC countries, did not support the subamendment.
- 429. The Worker Vice-Chairperson noted that the subamendment came at the expense of the amendment proposed by the Workers’ group, which was unacceptable.
- 430. The subamendment was withdrawn.
- 431. When resuming the discussion at a later sitting, the Employer Vice-Chairperson and the Government members of Saudi Arabia, Japan and the United States still did not support the amendment, while the Government member of Belgium, speaking on behalf of the EU and its Member States, noted that her group was flexible.
- 432. The amendment was not adopted.

Point 11(b)(ii)

A.103

- 433. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “preparedness and response arrangements for the effective management of emergencies related to biological hazards in the working environment, including new or emerging biological hazards and risks” with “measures, taking into account new and emerging hazards and risks as well as measures to deal with accidents, incidents and emergencies related to biological hazards in the working environment”. There was a need for preparedness outside the context of pandemics, and it was therefore important to develop measures to address new and emerging biological hazards as well as accidents, incidents and emergencies related to biological hazards. That would align the text with EU legislation.
- 434. The Worker Vice-Chairperson supported most of the text proposed in the amendment except for the deletion of “preparedness and response arrangements”. He proposed a subamendment to retain those words and add “and taking into account workers’ physical and mental health and general well-being” at the end of the clause.
- 435. The Employer Vice-Chairperson did not support the subamendment.
- 436. The Government member of Belgium, speaking on behalf of the EU Member States, did not support the addition proposed by the Workers’ group at the end of the clause and proposed to move the reference to “preparedness and response” to after “that take into account the need to develop” and to delete the reference to “risks”, since numerous Committee members had expressed concern with its use.
- 437. The Worker Vice-Chairperson supported the subamendment but reserved the right to reintroduce the words “and taking into account workers’ physical and mental health and general well-being” when introducing a subsequent amendment (A.170).

- 438. The Government members of the United Kingdom, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Zimbabwe, speaking on behalf of the Africa group, supported the text as subamended by the EU Member States.
- 439. The Employer Vice-Chairperson introduced a subamendment to delete the word “incidents” since it was already covered under the terms “accidents and emergencies”.
- 440. The Government member of Belgium, speaking on behalf of the EU Member States, and the Worker Vice-Chairperson supported the subamendment.
- 441. The amendment was adopted as subamended and another amendment (A.169) fell.

A.170

- 442. The Worker Vice-Chairperson introduced an amendment to add “taking into account workers’ physical and mental health and general well-being”.
- 443. The Employer Vice-Chairperson did not support the amendment because it broadened the scope by going beyond what was included in the fundamental Conventions. Noting that the concept of “general well-being” was not defined in any ILO instruments, she proposed a subamendment to delete “physical and mental”.
- 444. The Worker Vice-Chairperson did not support the subamendment because the wording that he had proposed was in line with Article 3(e) of Convention No. 155, which read: “the term health, in relation to work, indicates not merely the absence of disease or infirmity: it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work”. While the Committee could expand on the scope of fundamental Conventions, it could not agree on anything less than stipulated in the fundamental Conventions.
- 445. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, the United States and Tunisia supported the amendment and not the subamendment. The Government member of Tunisia explained that several chronic diseases, like tuberculosis, had physical and mental consequences and the amendment was also consistent with language from the WHO.
- 446. The Employer Vice-Chairperson pointed out that Convention No. 155 included “physical and mental elements” but not “mental health” or “well-being”. The meaning of workers’ health as covered by that Convention could not be expanded, because the Committee had not yet gone through what damages and harms biological hazards could cause.
- 447. The Government member of Switzerland, seconded by the Government members of Türkiye and the United Kingdom, proposed to delete “well-being”.
- 448. The Employer Vice-Chairperson proposed to use the wording in Convention No. 155 – “taking into account workers’ health including physical and mental elements”. The Government member of Türkiye supported the subamendment.
- 449. The Worker Vice Chairperson did not support the two subamendments and read the ILO definition of “workplace well-being”: “all aspects of working life, from the quality and safety of the physical environment, to how workers feel about their work, their working environment, the climate at work and work organization”. He pointed out that there was broad support for his group’s amendment and it should be adopted.

- 450.** In response to the request by the Chairperson to clarify the procedure to be followed in a first standard-setting discussion, the Legal Adviser explained that in the first year, the aim was to adopt a set of conclusions, which were not yet put in the form of a draft instrument. According to the Conference rules of procedure, there would be opportunities for constituents to provide further inputs for the preparation by the Office of the draft instruments to be considered during the second Conference discussion. During the first discussion, non-essential language and syntax matters could be left to the Conference Drafting Committee and the focus should be on expressing what the priorities were, what was missing or what was not well reflected in the proposed Conclusions. Concerning the procedure for considering amendments, the Committee was advised, as a matter of general principle, not to move to the following amendment before having reached a decision on the one under examination. Parking certain issues in the interest of promoting tripartite negotiations and not disrupting the progress of the Committee's deliberations was a well-recognized method. In contrast, bracketing amendments and subamendments as soon as a strong objection was expressed to their adoption under the understanding that the Committee would resume their discussion after the entire text had been examined, had not been used before and was unlikely to ensure the efficient and timely completion of the Committee's task. Finally, with regard to decision-making, the Standing Orders provided that the Committee should make every effort to take its decisions by consensus – meaning the absence of any objection presented by a member as an impediment to the adoption of the decision in question – but also clearly provided that in the absence of consensus, decisions should be taken through a vote.
- 451.** In response to a question by the Government member of Japan, the Legal Adviser explained that, as per past practice, any text of the proposed Conclusions not agreed upon or considered at the first discussion, this is to say any text that was neither rejected nor adopted due to lack of time or lack of consensus, would be included within square brackets and reproduced in the draft instruments to be submitted for the second Conference discussion.
- 452.** The Employer Vice-Chairperson asked for informal consultations among members to formulate language that would be acceptable to all.
- 453.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the United States and Australia asked to conduct a vote if the Employers' group could not join the consensus.
- 454.** Following an indicative show of hands, which showed that most members of the Committee supported the amendment, the Employer Vice-Chairperson withdrew the subamendment. While her group was not in agreement with the proposed text, it did not place an objection to block consensus.
- 455.** The amendment was adopted.
- 456.** Subclause (ii) of point 11(b) was adopted as amended to read:
- the need to develop arrangements for the effective management of biological hazards in the working environment, including new or emerging biological hazards, considering the need to develop preparedness and response measures to deal with accidents and emergencies related to biological hazards in the working environment, as well as workers' physical and mental health and general well-being;

New subclauses after (ii) in point 11(b)**A.121**

- 457.** The Worker Vice-Chairperson introduced an amendment to add a new subclause that read: “the need in the case of emergencies that lead to furloughs or permanent or temporary job loss, to stabilize livelihoods and income through immediate social protection and employment measures;”. That was necessary to ensure the protection of workers and their family members through social security which would reduce the risk of workers carrying infection into the workplace, as well as ensure business continuity. It was both an OSH and a public health measure.
- 458.** The Employer Vice-Chairperson, and the Government members of Brazil and Chile did not support the amendment.
- 459.** The amendment was withdrawn and the proposed new subclause was not adopted.

A.122

- 460.** The Worker Vice-Chairperson introduced an amendment to add a new subclause that read: “the need to take account of the impact of climate and environmental risks on occupational safety and health and take adequate action to prevent or remedy identified risks;”. He noted the crisis the world was facing due to climate change and the increased risks of biological hazards linked to it and associated environmental change. He cited the resolution concerning environment, development, employment and the role of the ILO adopted by the International Labour Conference at its 77th Session (1990).
- 461.** The Government member of the United States supported the amendment.
- 462.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, proposed a subamendment to add, after “occupational safety and health”, the words “in the workplace” to make the text more specific.
- 463.** The Government member of Chile, speaking on behalf of GRULAC, supported the amendment as subamended.
- 464.** The Worker Vice-Chairperson proposed to replace “in the workplace” by “in the working environment” to ensure consistency of language with the rest of the text.
- 465.** The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Australia and the Islamic Republic of Iran, supported the text as subamended. The Government member of Australia added that, by including this subclause, the ILO would clearly demonstrate its leadership in addressing the impact of climate change and environmental risks that affected workers across all countries and sectors.
- 466.** The amendment was adopted as subamended.
- 467.** A new subclause after subclause (ii) in point 11(b) was adopted.

Point 11(b)(iii)

- 468.** Subclause (iii) of point 11(b) was adopted and point 11 was adopted as amended.

New subclause after (iii) in point 11(b)

A.123

- 469.** The Worker Vice-Chairperson introduced an amendment to insert a new subclause that read: “the need to respect, promote and realize the other fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work.” He said those principles were at the core of the ILO and needed to be spelled out, as evidence showed that when those rights were respected, occupational safety and health improved.
- 470.** The Government member of Chile, speaking on behalf of GRULAC, while agreeing with the spirit of the suggestion, did not support the amendment as he did not believe the text belonged in the operative part of the instrument. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and the United States did not support the amendment.
- 471.** The Worker Vice-Chairperson agreed that the text would be better placed in the Preamble. The amendment was withdrawn and the new subclause was not adopted.

Point 12

A.83

- 472.** The Employer Vice-Chairperson introduced an amendment to insert “evidence-based” before “available information”. Information had to be based on data drawn from the real world. It was common practice in the analysis of risks to look for scientific studies, for example in the case of chemical hazards, and the same evidence-based approach would be needed for biological hazards.
- 473.** The Worker Vice-Chairperson proposed a subamendment to change the placement of “evidence-based” by inserting, after “available information,” the phrase “including evidence-based data taking into account the precautionary principle,”.
- 474.** The subamendment and then the amendment were withdrawn.

A.84

- 475.** The Employer Vice-Chairperson introduced an amendment to insert “relevant to public health” after the word “information”, to specify the type of information needed for developing and implementing national policies.
- 476.** The Worker Vice-Chairperson did not support the amendment, which he considered to be unnecessary and confusing, since the information should be relevant also to occupational safety and health. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, and the Islamic Republic of Iran did not support the amendment.
- 477.** The amendment was withdrawn.

A.125

- 478. The Worker Vice-Chairperson introduced an amendment to add “respecting workers’ rights to access their personal medical data and the need to ensure the confidentiality of these data,” after “information,”. The confidentiality of workers’ personal medical data and their access to such data were important issues. Such provisions on data confidentiality and access were standard in privacy legislation around the world.
- 479. The Employer Vice-Chairperson proposed a subamendment to add “as well as business data confidentiality” after “of these data”.
- 480. The Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, the Islamic Republic of Iran and Switzerland did not support the subamendment or the amendment. They pointed out that issues of data confidentiality were covered in point 29(f).
- 481. The subamendment and the amendment were withdrawn.
- 482. Another amendment (A.124) was withdrawn.

A.153

- 483. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to insert “as appropriate, and in accordance with their national laws and practices,” after “organizations of employers and workers”. National laws and practices varied between countries and the amendment would allow flexibility to Member States.
- 484. The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and China supported the amendment.
- 485. The Worker Vice-Chairperson proposed a subamendment to delete “as appropriate” to avoid the possible implication that consultation with employers’ and workers’ organizations be considered as optional.
- 486. The Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Switzerland supported the subamendment.
- 487. The Government member of the United States did not support the subamendment as the resulting text could still be misleading. She suggested instead to move the amendment to either the beginning or the end of the point.
- 488. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, clarified that the addition of “as appropriate” was not intended to imply that consultations with the social partners were optional. To avoid that misinterpretation, it could be useful to insert the new phrase after the word “should”.
- 489. The Government member of Belgium, speaking on behalf of the EU Member States, proposed that the Drafting Committee refine the text by moving the proposed addition after “make arrangements”. The Worker Vice-Chairperson and the Employer Vice-Chairperson and the Government member of Zimbabwe, speaking on behalf of the Africa group, agreed.
- 490. The subamendments by the Workers’ group and the Government member of the United States were not adopted and the amendment was adopted as subamended by the EU Member States.

A.142

- 491. The Government member of the United States, seconded by the Government member of Australia, introduced an amendment to add “other” in front of “relevant national authorities” and to delete “and occupational safety and health” before authorities, because OSH authorities should be coordinating.
- 492. The Worker Vice-Chairperson supported the amendment and so did the Government member of Zimbabwe, on behalf of the Africa group.
- 493. The Government member of the Islamic Republic of Iran agreed with deleting “other” but did not support the second part of the amendment.
- 494. The Government members of Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, preferred the original text.
- 495. Having heard the government members, the Employer Vice-Chairperson, also preferred retaining the original text.
- 496. The amendment was withdrawn.
- 497. Point 12 was adopted as amended.

New point after point 12

A.126

- 498. The Worker Vice-Chairperson introduced an amendment to add after point 12 a new point to read: “Recognizing many biological hazards create cross-border risks, Members should ensure both national and multinational employers provide adequate occupational health and safety standards and contribute to a preventive occupational health culture to eliminate or minimize these risks.” Paragraph 43 of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022 (MNE Declaration) included a cross-border clause establishing obligations of human rights due diligence for multinational employers.
- 499. The Employer Vice-Chairperson did not support the amendment. Although the concept of cross-border hazards was relevant, this was not the right place to address it, because the Convention would have to be implemented by each ratifying Member State. Moreover, the amendment was not related to the topic at hand but to broader policy discussions out of the scope of the Committee.
- 500. The Government members of Cuba, Indonesia and Algeria supported the amendment. The Government member of the Islamic Republic of Iran also supported it but asked that the new point be added under the sections dealing with protective and preventive measures.
- 501. The Government members of Zimbabwe, speaking on behalf of the Africa group, the United States, Canada, Switzerland, Türkiye, China, Singapore and Australia did not support the amendment, mostly because there was no extra-territorial jurisdiction enabling the smooth implementation of cross-border application and there were several categories of multinational enterprises.
- 502. The Government member of Japan asked for clarifications on the meaning of the amendment which could be read in two ways. Governments might be forced both to guarantee that their companies adhered to OSH regulations elsewhere and to ensure that foreign multinational companies operating in their territories complied with national OSH regulations.

- 503.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment for the same reasons mentioned by the Government member of Japan. She proposed to move the concept to the Recommendation.
- 504.** The Worker Vice-Chairperson introduced a subamendment to replace “ensure” with “promote that”.
- 505.** The Government members of Cuba and Honduras supported the amendment as subamended.
- 506.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Canada, the United States, Indonesia, Singapore, Jamaica and Türkiye supported the amendment as subamended, with a preference to move the text to the Recommendation.
- 507.** The Employer Vice-Chairperson did not agree with including the concept in the Convention. She proposed to replace “both national and multinational employers” with “employers provide”. If the point were to be retained, she indicated that at the very least, it should be placed in the Recommendation.
- 508.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU Member States, Cuba, Canada, the Dominican Republic and Honduras did not support the subamendment proposed by the Employers’ group because it changed the meaning of the point.
- 509.** The Employer Vice-Chairperson indicated that no company could apply a standard that was not applied by the country in which it operated and insisted on deleting “both national and multinational employers” to clarify that the responsibility to apply the standards stood with each country.
- 510.** The Worker Vice-Chairperson did not support that additional subamendment, explaining that his group’s proposal was consistent with the ILO strategy on decent work and supply chains. No jurisdiction in the world was opposed to adequate OSH standards and a preventive health culture.
- 511.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Australia, Cuba, Honduras, Singapore and the United Kingdom did not support the further subamendment.
- 512.** The Employer Vice-Chairperson stated that for her group the text presented many problems, especially since the Convention would be ratified at the national level. Noting that the Committee expressed a clear preference for placing the text in the Recommendation, she indicated that her group had major difficulties with it but requested that the text be placed in the Recommendation.
- 513.** The Chairperson indicated that the discussion on where to place the point could take place during the second discussion in 2025.
- 514.** In response to the request by the Government member of Japan to clarify the scope of the second discussion, the representative of the Secretary-General stated that everything that had been discussed in the first year could also be discussed the second year.
- 515.** The amendment was adopted as subamended and the new point was adopted to be included in the proposed Conclusions with a view to a Recommendation.

Title of section 3

- 516.** The title of section 3 – Preventive and protective measures – was adopted.

Point 13

- 517.** An amendment (A.127) was withdrawn.

A.154

- 518.** The Government member of Switzerland, also speaking on behalf of the Government members of Japan and Türkiye, introduced an amendment to insert “in accordance with national law and practice and” before “in consultation with the most representative organizations of employers and workers”, to give Member States flexibility in taking measures that would reflect national laws and practices.
- 519.** The Worker Vice-Chairperson did not support the amendment, as it was not appropriate to refer to national law and practice in that context.
- 520.** The Employer Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Zimbabwe speaking on behalf of the Africa group, Indonesia, Algeria and Singapore, United States and Japan supported the amendment.
- 521.** The Worker Vice-Chairperson supported the amendment in the interest reaching consensus.
- 522.** The amendment was adopted.

A.164

- 523.** The Worker Vice-Chairperson introduced an amendment to insert “laws or regulations and” after the word “develop”. When standards were adopted, that was an encouragement for Member States to develop laws and regulations.
- 524.** The Employer Vice-Chairperson noted that the point was meant to address guidelines, not rules and regulations and that her group did not support the amendment.
- 525.** The Government members of Chile, speaking on behalf of GRULAC, and Singapore did not support the amendment.
- 526.** The amendment was withdrawn.

A.85

- 527.** The Employer Vice-Chairperson introduced an amendment to delete the words “, or as appropriate, precautionary”. Precautionary measures were a concept taken from environmental and public health policies, which had no equivalent in OSH. It could be interpreted in a very restrictive way, thus creating legal uncertainty for employers and governments alike.
- 528.** The Worker Vice-Chairperson explained that the original text did not mention that there should be national guidelines for precautionary measures. Citing an example of conjunctivitis in dairy farm workers during a time when the avian flu was detected in cattle in the United States, it had been necessary to apply the precautionary principle to ensure that everything was being done to reduce the risk of exposure to biological hazards.
- 529.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the United States and China did not support the amendment.

- 530. The Employer Vice-Chairperson introduced a subamendment to add “or as appropriate” after “risk-based”, to clarify that the measure was not to be applied in a broad sense.
- 531. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, the United States, Singapore and the Islamic Republic of Iran did not support the subamendment.
- 532. The subamendment and the amendment were withdrawn.

A.86

- 533. The Employer Vice-Chairperson introduced an amendment to add “risks posed by” after “for the management of,” to ensure coherence with accepted terminology.
- 534. The Worker Vice-Chairperson and the Government member of Chile, speaking on behalf of GRULAC, did not support the amendment, noting difficulties in interpretation of the terminology. The Worker Vice-Chairperson proposed that the issue be dealt with by the Drafting Committee.
- 535. The Government members of Zimbabwe, speaking on behalf of the Africa group, and the Islamic Republic of Iran supported the amendment also noting the need for the language to be considered by the Drafting Committee.
- 536. The Government member of the United States, seconded by the Government member of Australia, proposed a subamendment to insert “based on the results of risk assessment,” after “measures for the management” to improve coherence.
- 537. The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Canada, Türkiye, the United Kingdom, Switzerland, Japan, and Singapore supported the amendment as subamended.
- 538. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Islamic Republic of Iran and China did not support the subamendment.
- 539. The Government member of the United States proposed to replace “of risk assessment” by “an evaluation of risk” to clarify the phrase.
- 540. The Government member of Belgium, speaking on behalf of the EU and its Member States, indicated that she was flexible on the amendment as subamended.
- 541. The Government member of Chile, speaking on behalf of GRULAC, explained there was a need for precautionary measures even when the risk could not be evaluated.
- 542. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Belgium, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 543. The amendment was adopted as subamended.

A.87

- 544. The Employer Vice-Chairperson introduced an amendment to delete “including preparedness and response arrangements for the effective management of emergencies related to

biological hazards in the working environment,” noting the need to differentiate between measures that addressed biological hazards in the workplace and those related to global crises such as pandemics.

- 545.** The Worker Vice-Chairperson did not support the amendment given the importance of preparedness and response arrangements.
- 546.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed to modify the text to read: “including preparedness and response measures to respond to accidents and emergencies related to biological hazards in the working environment and,” before “taking into account”, to be coherent with language used in other sections of the text.
- 547.** The Employer Vice-Chairperson supported the subamendment and proposed to add “including public health emergencies” after “accidents and emergencies.”
- 548.** The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, supported the text as subamended but not the subamendment proposed by the Employers’ group.
- 549.** The subamendment was withdrawn and the amendment was adopted as subamended.

A.165

- 550.** The Worker Vice-Chairperson introduced an amendment to replace “or” by “and” before “emerging hazards” and to add, at the end of the point: “, and ensuring continuous improvement of the level of protection of workers exposed to biological hazards in the working environment”, in line with Convention No. 187.
- 551.** The Employer Vice-Chairperson did not support the amendment.
- 552.** The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment.
- 553.** The Government member of the United States proposed a subamendment to replace the word “ensuring” by “promoting”. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 554.** The amendment was adopted as subamended.
- 555.** An amendment (A.104) was withdrawn and point 13 was adopted as amended.

New point after point 13

A.88

- 556.** The Employer Vice-Chairperson introduced an amendment to insert a new point that read: “Developing national guidelines for preparedness and response arrangements for the effective management of public health emergencies related to biological hazards in the working environment should be the responsibility of public health authorities.” She highlighted the important role of public health authorities in responding to emergencies such as pandemics.
- 557.** The Worker Vice-Chairperson did not support the amendment. The OSH authorities, rather than public health authorities, had the necessary expertise for work-related response

measures such as personal protective equipment and implementation of the hierarchy of controls.

- 558.** The Government member of Belgium, speaking on behalf of the EU and its Member States, aligned with the Workers' group's position. In her national capacity, she added that in Belgium, preparedness rules were established by OSH, not public health, authorities. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment.
- 559.** The Government member of Chile, speaking on behalf of GRULAC, supported the amendment.
- 560.** The representative of the Secretary-General clarified the meaning of the term competent authority/authorities, based on the *Manual for drafting ILO instruments* (ILO, 2006). Those expressions, which were used in many international instruments, should as far as possible be left undefined, given that the intention was to allow Member States to determine which of their authorities was "competent" for the purposes of implementation and compliance.
- 561.** The Employer Vice-Chairperson proposed a subamendment to delete "related to biological hazards in the working environment", and to replace "public health authorities" by "competent authorities" at the end of the point.
- 562.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the United States, Japan and Singapore did not support the subamendment.
- 563.** The Worker Vice-Chairperson said his group could be flexible, but joined the consensus for not supporting the subamendment or the amendment.
- 564.** The subamendment and the amendment were withdrawn.
- 565.** Another amendment (A.89) was withdrawn.

Point 14

A.129

- 566.** The Worker Vice-Chairperson introduced an amendment to insert "timely" before "information", and to add at the end of the point ", and which shall be periodically reviewed and updated as necessary and keep abreast of scientific and technical knowledge". For information to be useful, it needed to be made available quickly and to be regularly updated. The proposed language was in line with Convention No. 155.
- 567.** The Employer Vice-Chairperson, and the Government member of Chile, speaking on behalf of GRULAC, supported the amendment.
- 568.** The amendment was adopted.

A.90

- 569.** The Employer Vice-Chairperson introduced an amendment to insert "risks posed by" before "biological hazards" to be in line with previously agreed terminology.
- 570.** The Worker Vice-Chairperson supported the amendment.
- 571.** The Government member of the United States introduced a subamendment to replace "risks posed by" with "based on the results of an evaluation of risks" to ensure consistency in the text.

572. The amendment was adopted as subamended.

573. Point 14 was adopted as amended.

Point 15

574. An amendment (A.130) was withdrawn.

A.105, A.106, A.107 and A.108

575. The Government member of Belgium, speaking on behalf of the EU Member States, introduced amendments to move the entire point with all its clauses to the Recommendation.

576. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Singapore supported the amendments, noting that the text should be discussed, when considering the part of the Conclusions concerning the possible Recommendation.

577. A representative of the Secretariat explained that the language was based on Article 12 of Convention No. 155. However, clause (d) of point 15 referred to the United Nations Recommendations on the Transport of Dangerous Goods and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was not the case in Convention No. 155.

578. The amendments were adopted and point 15 was moved to Part C of the proposed Conclusions.

Point 16, introductory sentence

579. An amendment (A.135) was withdrawn.

A.136

580. The Worker Vice-Chairperson introduced an amendment to insert, after “develop”, “and regularly review and make public”. That would emphasize the importance of regularly reviewing the national guidance and preventive and protective measures, and of making that information public. It was in line with Convention No. 155.

581. The Employer Vice-Chairperson and the Government member of Australia noted their flexibility while preferring the Office text.

582. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, China and the Islamic Republic of Iran supported the amendment.

583. The amendment was adopted and the introductory sentence of point 16 was adopted as amended.

New clause before point 16(a)

A.137

584. The Worker Vice-Chairperson introduced an amendment to add “all sectors and occupations and set a social dialogue rapid response mechanism based on the precautionary approach;”. It was not possible to anticipate what jobs or sectors would present a high risk and the clause highlighted the need to adopt a precautionary approach.

- 585. The Employer Vice-Chairperson said that the proposed amendment was not in line with the mandate of the Committee which was on biological hazards and not on social dialogue, and therefore it should not be discussed.
- 586. The Government member of the United States appreciated the value of precautionary measures but did not understand what was meant by a social dialogue rapid response mechanism. He did not support the amendment.
- 587. The Worker Vice-Chairperson explained that, in the event of the emergence of a biological hazard which had the potential for a very serious impact, the tripartite constituents had to adopt an approach that went beyond “normal” social dialogue. He proposed a subamendment to replace “the” by “a” before “precautionary approach”.
- 588. The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, and the Islamic Republic of Iran did not support the amendment.
- 589. The Worker Vice-Chairperson insisted on the importance of including reference to social dialogue in all ILO instruments but withdrew the amendment.

Point 16(a)

A.138 and A.146

- 590. The Worker Vice-Chairperson introduced an amendment to insert, after “where workers are”, the words “known to be”.
- 591. The Employer Vice-Chairperson pointed out that there were three similar amendments to clause (a). She did not support the Workers’ group’s amendment but did support the proposed amendment by the Government of the United States (A.146).
- 592. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment of the Workers’ group.
- 593. The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment (A.146) to replace “higher” by “significant” before “risk” and to insert “material harm due to” before “exposure”. She proposed replacing “significant” by “high” and “material” by “recognized”.
- 594. The Employer Vice-Chairperson supported the amendment as subamended.
- 595. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a further subamendment to replace “high” by “higher”. Workers in certain sectors and occupations faced a higher risk of exposure to biological hazards than in others, such as hospital workers compared to administrative workers. Using the term “high risk” still implied the need for a comparison with “low risk” so did not solve the problem.
- 596. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of the United States, Panama and the Islamic Republic of Iran did not support the further subamendment. They noted that the European Agency for Safety and Health at Work used the term “high risk” and that could be measured through risk assessment scales established according to a universal standard adapted to national contexts whereas “higher” could not.
- 597. The Government member of Belgium, speaking on behalf of the EU Member States, withdrew the subamendment.

- 598. The amendment proposed by the Government member of the United States (A.146) was adopted as subamended and the amendment from the Workers' group (A.138) was withdrawn.
- 599. Another amendment (A.94) was withdrawn and clause (a) of point 16 was adopted as amended.

Point 16(b)

A.139

- 600. The Worker Vice-Chairperson introduced an amendment to delete "with certain conditions". Those words were superfluous and limiting in terms of the groups of workers who might require special protection.
- 601. The Employer Vice-Chairperson did not support the amendment. Workers with certain health conditions needed different and special protection, based on risk analysis, as they were at higher risk of harm from exposure to biological hazards than other workers.
- 602. The Government member of the United States stated her flexibility but preferred the language in the amendment than the original text. In the United States, special protections were not based on a predetermined list of health conditions but rather by the individual circumstances of the worker, citing the example of a person with a beard requiring special PPE.
- 603. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the Islamic Republic of Iran, Australia and the United Kingdom supported the amendment.
- 604. The Employer Vice-Chairperson said that the phrase "workers who may require special protection" was very general and that the reasons why particular workers required special protection would need further clarification.
- 605. The amendment was adopted and, as a consequence, another amendment (A.95) fell.

A.110

- 606. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to add, at the end of the clause the following text:
 - These categories of workers should include:
 - (i) pregnant and breastfeeding workers;
 - (ii) young workers;
 - (iii) workers medically predisposed to infections or allergies, including immunocompromised workers."
- 607. She believed that it was important to list in the text of the Convention those three categories of workers who were especially vulnerable, while others could be listed in the Recommendation.
- 608. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment. Member States should take the decision regarding which groups of workers required special protection based on a risk assessment, and the Convention should not predetermine this. The list included in point 36 of the proposed Conclusions should be discussed at the appropriate time.

609. The amendment was withdrawn and clause (b) of point 16 was adopted as amended.

Two new clauses after point 16(b)

A.140

610. The Worker Vice-Chairperson introduced an amendment to insert a new clause that read: “ensuring access to income protection during periods of isolation or quarantine.”, noting the importance of providing income protection as both a good OSH and public health measure. That was in line with the joint WHO and ILO publication *Occupational safety and health in public health emergencies: A manual for protecting health workers and responders* (2018).
611. The Employer Vice-Chairperson said that the amendment was beyond the mandate of the Committee as it concerned social protection and not biological hazards. There were many other reasons, beyond biological hazards, why workers could not work and as such, that point would belong in a different ILO instrument.
612. The Government member of the Islamic Republic of Iran agreed with the Workers’ group’s proposal but believed it should be dealt with under point 17.
613. The Government member of the United States did not support the amendment. She agreed that providing income protection was, in general, good public policy but said that governments could not commit to it forever and in all situations. It had significant resource implications and governments needed to prioritize. The type of support would vary depending on national circumstances.
614. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment.
615. The Worker Vice-Chairperson proposed a subamendment to replace “ensuring” by “endeavour to provide” before “access”.
616. The Government member of Chile, speaking on behalf of GRULAC, supported the text as subamended and proposed to move the new clause to the Recommendation. The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Japan, the United States, Zimbabwe, speaking on behalf of the Africa group, the United Kingdom, Canada and Australia supported inserting the text in the part concerning the possible Recommendation.
617. The Worker Vice-Chairperson did not agree with the Employer Vice-Chairperson that discussion of social protection issues was outside the mandate of the Committee. Strong precedents existed, for example the Employment Injury Benefits Convention, 1964 (No. 121), and the List of Occupational Diseases Recommendation, 2002 (No. 194). The Government member of Australia also disagreed with the views of the Employers’ group that the text did not address an OSH matter and was not within the mandate of the Committee. Isolation or quarantine for workers were often a direct consequence of exposure to biological hazards. If workers knew that they had income protection, it would encourage them to report potential exposure and adhere to the isolation or quarantine protocol, which were crucial to containing outbreaks and protect the workforce.
618. The Employer Vice-Chairperson introduced a subamendment to add “as well as sustainability of enterprises” after “quarantine”.

- 619. The Worker Vice-Chairperson did not support the subamendment because that part of the text dealt specifically with the protection of workers and including a reference to business continuity would therefore be out of scope.
- 620. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, the United Kingdom, Canada, the United States and the Islamic Republic of Iran did not support the subamendment.
- 621. The representative of the Secretary General explained that it was within the remit of the Committee to decide what to include in the text based on the mandate provided by the Governing Body to develop new standards on biological hazards to fill a gap in the ILO's normative framework. The report submitted to the Conference noted that the modalities for coverage of employment injury schemes were normally regulated separately from OSH laws and that the availability of such schemes varied globally. The COVID-19 pandemic had demonstrated that it was critically important to have employment injury schemes in place to support workers and prevent the spread of the virus. Nothing would prevent the Committee from including income protection of workers in the context of biological hazards. Several ILO OSH standards included references to social security, such as Article 4(3)(g) of Convention No. 187, Article 21 of the Safety and Health in Agriculture Convention, 2001 (No. 184), Article 11(3) of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), and Article 12 of the Guarding of Machinery Convention, 1963 (No. 119).
- 622. The Employer Vice-Chairperson withdrew the subamendment and agreed to adopt the text to be inserted in the Recommendation but wanted to place on record that her group remained of the view that the issue of income protection fell outside of the scope of the Committee's mandate, as it was not related to biological hazards.
- 623. The amendment was adopted as subamended and the new clause would be inserted in Part C of the proposed Conclusions.

A.141

- 624. The Worker Vice-Chairperson introduced an amendment to insert a new clause that read "ensuring protection from dismissal if, while complying with monitoring, travel restrictions, quarantine or isolation orders, or for related preventive or curative treatments, they have to be absent from work."
- 625. The Employer Vice-Chairperson said that her group could not support the proposed text because it was not related to biological hazards per se and therefore outside the scope of the Committee's mandate.
- 626. The Government member of Algeria supported the amendment. The amendment fell within the normative scope of the Committee as it was related to the world of work. The examples referred to in the amendment were all examples of force majeure, and workers impacted needed to be protected against dismissal.
- 627. The Government member of Zimbabwe, speaking on behalf of the Africa group, did not support the amendment and said that workers' rights were sufficiently covered in the section entitled "Rights and duties of workers and their representatives".
- 628. The Government member of Belgium, speaking on behalf of the EU Member States supported the new clause and proposed its insertion in the Recommendation. The Worker Vice-Chairperson and the Government members of the Islamic Republic of Iran; Zimbabwe, speaking on behalf of the Africa group, and of China supported that proposal.

- 629.** The Government member of Namibia supported the position of the Africa group and proposed inserting the text in clause (j) of point 29.
- 630.** The Government member of the United States noted that while the amendment fell within the mandate of the Committee, her government could not support the insertion of the proposed text because it had an “employment at will” system, which allowed workers to be dismissed for any reason or no reason at all.
- 631.** In an effort to address those concerns, the Worker Vice-Chairperson proposed a subamendment to replace “ensuring” with “endeavouring to provide”. The Government member of the United States said that she could support that subamendment and, seconded by the Government member of Australia, proposed to add “in accordance with national law and practice” after “endeavour to provide”. The Worker Vice-Chairperson suggested using the words “as appropriate” instead of “in accordance with national law and practice”.
- 632.** The Employer Vice-Chairperson expressed a preference for the proposal put forward by the Government member of the United States but could also support the subamendment by the Workers’ group. Her group could also agree to inserting the new clause in the Recommendation, although it did not believe that dismissal protection fell within the remit of the Committee and continued to have reservations about allowing discussion on the topic. She stressed that her group remained of the view that the issue of dismissal fell outside of the scope of the Committee’s mandate as it is part of national labour legislation.
- 633.** The amendment was adopted as subamended and the new clause would be inserted in Part C of the proposed Conclusions.
- 634.** The Legal Adviser, in response to queries concerning the receivability of certain amendments in light of the Committee’s mandate, in particular whether the Committee had the right to consider amendments related to income protection or protection from dismissal, noted that there was no rule stating what could or could not be discussed by a Committee. Any amendment that was submitted in due form and within the time limits was receivable and, if properly seconded, could be introduced for discussion. Whether income protection or protection from dismissal fell outside the scope of biological hazards could be a reason to oppose the amendments concerned, but could not and did not forfeit the Committee’s right to duly examine those amendments. The Office had already provided examples of OSH instruments containing elements that touched upon social security matters. However, even if no other OSH instrument happened to address social security-related issues, from a legal perspective, nothing would prevent the Committee from debating such proposals.

Title of section 4 and point 17

A.97, A.96, A.98 and A.99

- 635.** The Employer Vice-Chairperson introduced four amendments proposing to delete the entire section. She noted that the language was already included in Convention No. 161 and Recommendation No. 171 and was not relevant in the instruments under discussion. Retaining the language on occupational health services in the Convention would make it difficult for Member States who had not ratified Convention No. 161 to ratify it. Only 36 Member States had ratified Convention No. 161.
- 636.** The Worker Vice-Chairperson did not support the amendments. The section was important in the proposed Convention and fell within its scope.

- 637.** The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendments.
- 638.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that when confronted with biological hazards in the working environment, it was key to monitor the health of workers. Health surveillance was an important issue addressed by the instrument under discussion. The Employer Vice-Chairperson agreed that it was important to monitor the health of workers. However, in order to make it easier for Member States to ratify the Convention, employers considered that it was better not to include a text already covered in another instrument with a low level of ratification. If the section was not deleted, it could be moved to the Recommendation.
- 639.** The amendments were withdrawn and the title of section 4 – Occupational health and occupational health services – was adopted.

Point 17, introductory sentence

A.162

- 640.** The Worker Vice-Chairperson introduced an amendment to insert “in line with the requirements of ILO Convention No. 161,” after “working environment”.
- 641.** The Employer Vice-Chairperson did not support the amendment and said that her group preferred an amendment (A.111) proposed by the EU Member States.
- 642.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. The Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, the United States, and China did not support the amendment and aligned themselves with the views expressed by the Employers’ group.
- 643.** The Worker Vice-Chairperson introduced a subamendment to insert “in accordance with national law and practice” after “Convention No. 161,”. The Employer Vice-Chairperson could support the subamendment, but not the amendment.
- 644.** The subamendment and the amendment were withdrawn.

A.111

- 645.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “in accordance with national law and practice” after “working environment” to ensure consistency with other points adopted and facilitate the adaptability of the Convention.
- 646.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government member of the Islamic Republic of Iran supported the amendment.
- 647.** The amendment was adopted.
- 648.** Two amendments (A.160 and A.163) were withdrawn and the introductory sentence of point 17 was adopted as amended.

Point 17(a)

- 649.** Two amendments (A.161 and A.172) were withdrawn.

A.171

- 650. The Worker Vice-Chairperson introduced an amendment to insert “suitably resourced and sufficiently skilled” after “progressively extend”. To be effective, it was necessary for occupational health services to be adequately resourced and skilled.
- 651. The Government members of Chile, speaking on behalf of GRULAC, and the United States did not support the amendment.
- 652. The Employer Vice-Chairperson did not support the amendment and expressed a preference for the Office text to ensure consistency with the text in Convention No. 161.
- 653. The amendment was withdrawn.

A.147

- 654. The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment for the clause to read “progressively extend occupational health services to workers and occupations at a significant risk of material impairment of health due to biological hazards”. He proposed a subamendment to replace “significant” with “high” to align with previously adopted text and to introduce the element of risk (see A.146).
- 655. The Employer Vice-Chairperson supported the amendment as subamended.
- 656. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment or the amendment. Input from occupational health services was required when workers were exposed to biological hazards irrespective of the intensity of the risk.
- 657. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Australia, and China, did not support the subamendment or the amendment.
- 658. The subamendment and the amendment were withdrawn.

A.173

- 659. The Worker Vice-Chairperson proposed an amendment to add “with the aim of providing occupational health services to all workers, including through primary care” at the end of the clause.
- 660. The Employer Vice-Chairperson did not support the amendment because the meaning of “primary care” could result in confusion among Member States.
- 661. The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, Tunisia and the Islamic Republic of Iran preferred the Office text.
- 662. The Government member of Zimbabwe, speaking on behalf of the Africa group, said that the integration of occupational health services within primary healthcare was particularly important in low resource areas, and that the text should be included in the Recommendation to ensure that all workers were covered by occupational health services. The Worker Vice-Chairperson agreed and said that it was essential that primary healthcare was available to all workers, including those in the informal economy. Delivering occupational health services

through primary care was an important way to progressively extend occupational health services to all workers.

- 663. In response to the request by the Government member of China to provide examples of primary care, the Worker Vice-Chairperson explained that primary care included general practitioners and nurses who have been trained in occupational health services and could provide health services to communities who have been exposed to biological hazards in the workplace.
- 664. The amendment was withdrawn and clause (a) of point 17 was adopted without amendment.

Point 17(b)

- 665. An amendment (A.149) was withdrawn.

A.112

- 666. The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to add “as appropriate” after “facilitate”.
- 667. The Employer Vice-Chairperson supported the amendment but asked the Office to clarify the meaning of “labour infrastructure”.
- 668. A representative of the Secretariat clarified that the term “labour infrastructure” should be understood as any services or institutions under the system of labour administration with a responsibility for OSH at the workplace, in the sense of national OSH system under Article 1(c) of Convention No. 187.
- 669. The Worker Vice-Chairperson did not support the amendment.
- 670. The amendment was withdrawn and clause (b) of point 17 was adopted without amendment.

Title of section 5

- 671. The title of section 5 – Data collection, recording and notification of occupational diseases and accidents - was adopted.

Point 18

A.216, A.215, A.213, A.214 and A.212

- 672. The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced five amendments to delete the entire point 18 because the content was already covered in Article 11, clauses (c), (d) and (e) of Convention No. 155.
- 673. The Employer Vice-Chairperson supported the amendments.
- 674. The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, China, and the Islamic Republic of Iran did not support the amendments. They stressed the importance of reliable data collection to provide governments with good insight into the risks present at the workplace that in turn could inform appropriate policies on biological hazards.
- 675. The amendments were withdrawn.

Point 18, introductory sentence

A.197

- 676.** The Employer Vice-Chairperson introduced an amendment to move the introductory sentence to before point 38, and to modify the text to read:

The competent authorities should, by methods appropriate to national conditions and practice, and by stages as necessary having regard to national conditions and practice and in consultation with the most representative organizations of employers and workers, establish, implement and periodically review procedures on data collection, recording and notification of occupational diseases and accidents, and, if applicable, compensation.

- 677.** While the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, had been ratified only by 19 countries, the language of the Protocol informed the text under discussion. To ensure as much flexibility as possible, it was preferable to move the text to before point 38, which dealt with the matter of recording of occupational diseases.
- 678.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, and the United States did not support the amendment. They did not support moving the introductory sentence to the Recommendation because data collection in the context of biological hazards was of the utmost importance and needed to be included in the Convention.
- 679.** The amendment was withdrawn and the introductory sentence of point 18 was adopted without amendment.
- 680.** The amendments submitted by the Employers' group to delete all clauses of point 18 (A.198, A.199, A.200 and A.201) were withdrawn in consistency with the previous decision.

Point 18(a)

A.182

- 681.** The Worker Vice-Chairperson introduced an amendment to ensure that the language used was consistent with Article 3 of the Protocol of 2002 to Convention No. 155. The text would read:
- (a) the reporting, recording, notification and investigation of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases related to biological hazards in the working environment;
- 682.** The Employer Vice-Chairperson did not support the inclusion of commuting accidents and suspected cases of occupational diseases because they were not covered by Convention No.155.
- 683.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Australia preferred the original text.
- 684.** The Worker Vice-Chairperson introduced a subamendment to delete "commuting accidents and" but insisted on the importance of retaining a reference to "suspected cases of occupational diseases related to biological hazards in the working environment".

- 685. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment, but the Employer Vice-Chairperson pointed out that it would be challenging to document “suspected cases of occupational disease” and that her group preferred the original text.
- 686. The subamendment and the amendment were withdrawn.

A.195

- 687. The Government member of the Bolivarian Republic of Venezuela introduced an amendment to replace after the word “dangerous”, “occurrences” with “incidents”, which was more aligned with common OSH terminology.
- 688. The Employer Vice-Chairperson expressed a preference for the Office text, because the term used in the Protocol was “dangerous occurrences”, but noted that her group could support the amendment should it enjoy majority support.
- 689. The Government member of the United States supported the amendment.
- 690. The amendment was adopted and clause (a) of point 18 was adopted as amended.

Point 18(b)

A.196

- 691. The Government Member of the Bolivarian Republic of Venezuela, seconded by the Government member of Chile, speaking on behalf of GRULAC, proposed an amendment to replace “occurrences” with “incidents” to ensure the use of appropriate terminology, citing the Protocol of 2002 to Convention No. 155.
- 692. The Employer Vice-Chairperson proposed to refer the matter to the Drafting Committee.
- 693. A representative of the Secretariat explained that the definition of “dangerous occurrence” was in the Protocol of 2002 to Convention No. 155 and that the definition for “incident” was provided by the ILO *Guidelines on occupational safety and health management systems: ILO-OSH 2001*. He noted the lack of definition for “dangerous incidents,” and confirmed it could be deferred to the Drafting Committee. He further noted that “dangerous occurrences” was not always translated into French and Spanish with the same words in different ILO instruments.
- 694. The Worker Vice-Chairperson agreed to defer the matter to the Drafting Committee and stated that the word “injuries” was cited several times in the Protocol to Convention No.155.
- 695. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Singapore, noted their preference to be consistent with the language used in the Protocol.
- 696. The Government members of Belgium, speaking on behalf of the EU and its Member States, and Japan did not have a preference.
- 697. The amendment was withdrawn.

A.217

- 698. The Worker Vice-Chairperson introduced an amendment to insert “disaggregated by gender,” after “annual statistics,” noting that it was useful to understand the differences in the impact on both women and men, and to be in line with the ILO resolution concerning the promotion of gender equality, pay equity and maternity protection (2004).

- 699. The Employer Vice-Chairperson said that her group preferred to listen to the opinions of the Governments first and recalled that the text went further than that of Convention No. 155.
- 700. The Government members of Chile, speaking on behalf of GRULAC, the United Kingdom, Canada and the United States supported the amendment. The Government member of the United States made an appeal for flexibility and understanding, highlighting that data by default was collected on men. As biological hazards could have serious impacts on women, data should be disaggregated to be able to protect half of the population from harm.
- 701. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Egypt, the Islamic Republic of Iran, and Algeria did not support the amendment.
- 702. The Government member of Zimbabwe, on behalf of the Africa group, proposed a subamendment to replace “gender” by “sex,” to help reach consensus. The Employer Vice-Chairperson, the Government member of Saudi Arabia, speaking on behalf of the GCC countries, Türkiye, and the Islamic Republic of Iran supported the subamendment.
- 703. The Worker Vice-Chairperson expressed disappointment about moving away from the accepted language of “gender,” but accepted the subamendment.
- 704. The amendment was adopted as subamended.

A.218

- 705. The Worker Vice-Chairperson proposed an amendment to insert “any other injuries or adverse health effects,” and to replace “caused by” with “related to,” not to constrain the effects of exposure to biological hazards.
- 706. The Employer Vice-Chairperson did not support the amendment, noting that the existing text was sufficiently clear.
- 707. The Government members of Chile, speaking on behalf of GRULAC, and the Islamic Republic of Iran supported the amendment.
- 708. The Government member of Japan, seconded by the Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to insert “as appropriate” before “any other injuries or adverse health effects.”
- 709. The Government member of the United States supported the subamendment and, seconded by the Government member of Japan, proposed replacing “and” with “or”.
- 710. The Worker Vice-Chairperson supported the text as subamended.
- 711. The Employer Vice-Chairperson could accept the text as subamended but preferred retaining “caused by” than inserting “related to”.
- 712. The Government member of Singapore did not support the subamendments or the amendment.
- 713. The Worker Vice-Chairperson and the Government members of the Islamic Republic of Iran, and Saudi Arabia, speaking on behalf of the GCC countries, supported the subamendment of the Employers’ group.
- 714. The Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Singapore, Türkiye, and China did not support the amendment as subamended and preferred retaining the original text.

- 715. In response to a question by the Worker Vice-Chairperson about the appropriateness of using the expression “any other injuries”, a representative of the Secretariat explained that Convention No.155 and its Protocol referred to statistics on “occupational accidents, occupational diseases and as appropriate, dangerous occurrences”.
- 716. The subamendments and the amendment were withdrawn and clause (b) of point 18 was adopted as amended.

Point 18(c)

- 717. An amendment (A.184) was withdrawn and clause (c) of point 18 was adopted.

Point 18(d)

- 718. An amendment (A.174) was withdrawn.

A.176

- 719. The Government member of Belgium, speaking on behalf of the EU Member States proposed an amendment to delete “annual” and insert “in accordance with the frequency defined in that policy,” after “working environment” to ensure coherence with national legislation.
- 720. The Employer Vice-Chairperson said that her group was flexible.
- 721. The Government members of Chile, speaking on behalf of GRULAC, the Islamic Republic of Iran, Singapore, the United States, the Philippines and China supported the amendment.
- 722. The Worker Vice-Chairperson did not support the amendment, noting that the frequency could not be less than annually, citing the fundamental Convention No. 155 and its Protocol.
- 723. The amendment was withdrawn and clause (d) of point 18 was adopted without amendment.

New clause after point 18(d)

A.177

- 724. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert a new clause that read:
 - the determination of the appropriate duration for maintaining records on occupational diseases as required by the Convention, taking into account the latency periods of occupational diseases.
- 725. It was important to keep records on occupational diseases for an appropriate duration, as the latency period for some diseases could span several years.
- 726. The Employer Vice-Chairperson and the Government member of Chile, speaking on behalf of GRULAC, noted their flexibility.
- 727. The Worker Vice-Chairperson, and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, the United States, Singapore, the United Kingdom, the Islamic Republic of Iran, Australia and China supported the amendment.
- 728. The amendment was adopted and a new clause after clause (d) of point 18 was adopted.

New point after point 18

A.185

729. The Worker Vice-Chairperson proposed an amendment to insert a new point that read:

In determining the appropriate duration for maintaining records on occupational diseases as required by the new Convention, Members should, in accordance with national law and practice, take account of chronic work-related conditions and the latency periods of occupational diseases.

730. As the proposed text was similar to the one in the amendment that had been adopted to insert a new clause at the end of point 18, he proposed to withdraw the amendment submitted by his group and subamend the text of the new clause to replace “conditions” with “diseases”. That would ensure consistency and provide coverage for chronic work-related diseases that lead to disability at an advanced age and continued to worsen even after exposure.

731. The Employer Vice-Chairperson did not support the subamendment, noting that it was redundant, and highlighted that procedurally it was not correct to subamend a new clause that had already been adopted.

732. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment.

733. The amendment was withdrawn and point 18 was adopted as amended.

Point 19

A.202, A.203 and A.204

734. The Employer Vice-Chairperson introduced three amendments to delete the introductory sentence and clauses (a) and (b). The Employers’ group wanted a flexible and simple Convention that did not duplicate provisions from existing instruments. Recommendation No. 194 included the content of the point and it did not need to be repeated.

735. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Saudia Arabia, speaking on behalf of the GCC countries, and Australia did not support the amendment.

736. The Government member of Belgium, speaking on behalf of the EU and its Member States, also did not support the amendment, as covering all aspects – from prevention to compensation for injuries and diseases related to biological hazards – in a single instrument was essential.

737. The Government member of the United States did not support the amendment as it was incompatible with “open systems”, such as in the United States, where no list existed, and any disease could be considered as occupational if it could be linked to the work environment.

738. The Employer Vice-Chairperson pointed out that including the provision in the Convention rather than the Recommendation would make it harder to ratify and hence would reduce, rather than increase, workers’ protection. Nonetheless, she withdrew the amendments.

Point 19, introductory sentence

A.175

- 739.** The Government member of the United States, seconded by the Government member of the United Kingdom, introduced an amendment to insert "If applicable," at the beginning of the sentence and ", as appropriate," after "standards". She recognized that many countries had a list of occupational diseases, but others did not. Therefore, it was important to modify the language as suggested to accommodate different national systems.
- 740.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, and Saudia Arabia, speaking on behalf of the GCC countries, did not support the amendment.
- 741.** The Employer Vice-Chairperson indicated her flexibility.
- 742.** Noting the lack of support in the room, the Government member of the United States, seconded by the Government member of the United Kingdom, proposed a subamendment to delete "if applicable". However, the inclusion of "as appropriate" was necessary as it referred to compliance with relevant international standards, and not all countries had ratified those standards. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 743.** A representative of the Secretariat explained that "relevant international standards" referred to Convention No. 121 and Recommendations Nos 121 and 194 and clarified that the term "as appropriate" would give Member States flexibility regarding the relevant standards which they considered as a reference.
- 744.** The subamendment and the amendment were withdrawn.

A.178

- 745.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert ", in accordance with national law and practice," after "authorities". It was important for the EU that the systems for compensation of occupational diseases be determined at national level.
- 746.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries and Singapore supported the amendment.
- 747.** The amendment was adopted.
- 748.** An amendment (A.211) was withdrawn and the introductory sentence of point 19 was adopted.

Point 19(a)

A.188

- 749.** The Worker Vice-Chairperson introduced an amendment to add "noting the ILO's List of Occupational Diseases Recommendation, 2002 (No. 194) and Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)" at the end of the clause.

- 750.** The Employer Vice-Chairperson said that reference to those instruments would be more appropriate in point 39 of the Recommendation since they provided guidance. In fact, the text prepared by the Office included those references in point 39.
- 751.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Singapore did not support the amendment.
- 752.** The amendment was withdrawn and clause (a) of point 19 was adopted without amendment.

Point 19(b)

- 753.** Clause (b) of point 19 was adopted and point 19 was adopted.

Title of section 6 and point 20

A.187 and A.205

- 754.** The Employer Vice-Chairperson introduced amendments to delete the title of section 6 and point 20, which she believed should be part of the Recommendation. There was a specific Convention (No. 121) related to benefits in the event of occupational accidents and diseases and approaches varied between countries. The provision would therefore not be appropriate in a Convention concerning biological hazards in the working environment.
- 755.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Singapore and the United States did not support the amendments.
- 756.** The amendments were withdrawn and the title of section 6 – Employment injury benefits – was adopted.

A.210

- 757.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan and Türkiye, introduced an amendment to reposition “, in accordance with national law and practice,” from the end of the point to the beginning, after “should”, and to insert “a confirmed” before “occupational exposure”. He explained that the causal link between exposure to a biological hazard and the health impact on a worker was often very difficult to prove. The intention was to clarify the meaning and make application of the Convention more feasible, including with respect to administrative decisions taken by health insurance companies.
- 758.** The Employer Vice-Chairperson indicated her group’s flexibility and the Government member of the United States supported the amendment.
- 759.** The Worker Vice-Chairperson preferred the Office text but was flexible, and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, did not support the amendment.
- 760.** The amendment was withdrawn.

A.219

- 761.** The Worker Vice-Chairperson introduced an amendment to replace “or” by “and/or” as some countries’ social security systems did not include both employment injury benefits and compensation.
- 762.** The Government members of Zimbabwe, speaking on behalf of the Africa group, and Indonesia preferred the original text, and the Government member of Belgium, speaking on behalf of the EU and its Member States, was flexible.
- 763.** In response to the request by the Employer Vice-Chairperson to clarify the meaning of the terms “benefits” and “compensation” in ILO instruments, a representative of the Secretariat explained that the term “benefits” was used in relation to social security systems while “compensation” normally referred to payments made by employers in the absence of a social security scheme.
- 764.** The amendment was withdrawn.

A.220

- 765.** The Worker Vice-Chairperson introduced an amendment to add at the end of the point: “noting that entitlement should apply to all workers, regardless of their employment relationship and workers in the informal economy”. The wording was taken from the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the aim was to guarantee the protection of the many millions of informal workers and those in other employment arrangements around the world who were excluded. That entitlement would be the responsibility of Governments.
- 766.** The Employer Vice-Chairperson said that the Committee had already decided not to refer to workers in the informal economy, whose needs were beyond the scope of a standard on biological hazards and should be addressed by other ILO instruments. Her group did not support the amendment.
- 767.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Indonesia and Singapore did not support the amendment.
- 768.** The amendment was not adopted and point 20 was adopted without amendment.

New point after point 20

A.190

- 769.** The Worker Vice-Chairperson introduced an amendment to add a new point with the following text and suggested that it could be included in the Recommendation after point 41:

Members, taking into account national circumstances, should promote OSH strategies that aim at zero work-related deaths and the prevention of work-related injuries and illnesses, including those related to biological hazards, as well as access to relevant social security benefits, ensuring protection for all workers.
- 770.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that the proposed text should preferably be included in the Preamble but was flexible.
- 771.** The Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, supported inserting the new point in the Recommendation.

- 772.** The Employer Vice-Chairperson did not agree with the content of the amendment as it was already covered under point 12, national policies. In consequence, her group did not support the amendment. Moreover, the contents of the text was also already included in the sections “Preventive measures” (first part of the text) and in point 20 (second part of the text).
- 773.** The amendment was adopted, and the new point would be inserted in Part C of the proposed Conclusions.

Title of section 7

- 774.** The title of section 7 – Enforcement of laws and regulations – was adopted.

Point 21

A.206

- 775.** The Employer Vice-Chairperson introduced an amendment to insert “including prevention and supportive measures” after “ensuring compliance”. The dual role of the labour inspection system was set out in Article 3 of the Labour Inspection Convention, 1947 (No. 81), namely, to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, and to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions.
- 776.** The Worker Vice-Chairperson, the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Canada, China and Indonesia supported the amendment.
- 777.** The amendment was adopted.

A.191

- 778.** The Worker Vice-Chairperson introduced an amendment to insert “with allocation of the adequate resources and the support needed for these functions” after “ensuring compliance”.
- 779.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, and Indonesia supported the amendment.
- 780.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and the United States did not support the amendment because the issue was covered by the Labour Inspection Convention, 1947 (No. 81).
- 781.** The Government member of the United States requested clarification from the Secretariat on whether other ILO Conventions referred to the allocation of “adequate resources”. She expressed her government’s strong objection to the amendment. Requiring the allocation of adequate resources in a Convention was unprecedented.
- 782.** A representative of the Secretariat explained that there were several provisions in Convention No. 81 that referred to the allocation of resources, although none used the term “adequate”. For example, Article 10 stated that the number of labour inspectors should be “sufficient”, while Article 11 referred to “suitably equipped offices”. Article 5 of Convention No. 184 provided that Member States should ensure “an adequate and appropriate system of

inspection” for agricultural workplaces and that the system be provided with “adequate means”.

- 783.** The Worker Vice-Chairperson noted that in Article 10 of Convention No. 81 the reference to a “sufficient” number of labour inspectors had the same intention as “adequate resources”. The amendment did not call for a certain amount of funding, but it was important that Member States ratifying the Convention commit to allocating adequate resources to support the labour inspection system.
- 784.** The Employer Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States, expressed flexibility about the amendment.
- 785.** The Government member of the United States proposed a subamendment to insert “with allocation of the adequate resources and the support needed for these functions” before “where applicable, other mechanisms for ensuring compliance including prevention...”. She noted that while it was reasonable to expect Member States to allocate adequate resources to labour inspection, the same could not be said for the allocation of resources for prevention and supportive measures.
- 786.** The Employer Vice-Chairperson, the Government members of Saudi Arabia, speaking on behalf of the GCC countries, and Chile, speaking on behalf of GRULAC, did not support the subamendment.
- 787.** The Government member of the United States recognized that her subamendment did not garner support from the Committee and reiterated that she could not support the amendment.
- 788.** The amendment was adopted and point 21 was adopted as amended.

Point 22

A.179

- 789.** The Government member of Belgium, speaking on behalf of the EU Member States, noted that the proposed text for point 22 could be interpreted as stating that all labour inspectors should undergo training on biological hazards in the workplace. Therefore, she introduced an amendment to divide the point into an introductory sentence with two clauses as follows:

The competent authorities should ensure that:

 - (a) labour inspectors with duties related to biological hazards and risks in the working environment and, as appropriate, other officials are trained on biological hazards in the working environment;
 - (b) labour inspectors, in assessing compliance with national laws and regulations concerning biological hazards in the working environment, promote a systematic approach to occupational safety and health.
- 790.** The Employer Vice-Chairperson did not support the amendment. The text would require further modifications to ensure that such a provision could be implemented by governments. In addition, the content of clause (b) was already addressed in point 41 and should be discussed when that point would be considered.
- 791.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, and the United States supported the amendment.

- 792.** The Government member of Japan introduced a subamendment to insert “with duties related to biological hazards and risks in the working environment” in clause (b) after “labour inspectors”.
- 793.** The Employer Vice-Chairperson did not support the subamendment because many countries did not have labour inspectors specialized in biological hazards. She proposed replacing in clause (a) “are trained” with “acquire the necessary competencies” to broaden the scope, and deleting “systematic approach” in clause (b), because it could be interpreted as requiring a management system approach to OSH, which did not fall under the functions of the labour inspectorate. Article 3(1) of Convention No. 81 listed the functions of labour inspection and requiring a “systematic approach” went beyond what was required by that Convention.
- 794.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, the United States and Japan did not support the subamendment introduced by the Employers’ group. The Government member of Belgium said that an effective labour inspection system required a systematic approach.
- 795.** The Government member of United States noted that labour inspectors needed to promote a systemic approach to OSH to perform their advisory duties regarding biological hazards effectively.
- 796.** In response to a request from the Employer Vice-Chairperson to clarify the meaning of the term “systematic approach”, a representative of the Secretariat explained that the term could be applied to the approach that employers adopt to the management of OSH, or to the integrated and comprehensive approach of labour inspectorates towards their duties, which involved looking into all possible causes of harm. “Systematic approach” was not the language used in ILO standards.
- 797.** The Employer Vice-Chairperson noted that her group was not prepared to withdraw its subamendment.
- 798.** The amendment was adopted as subamended by the Government member of Japan.
- 799.** Two amendments (A.207 and A.209) were withdrawn and point 22 was adopted as amended.

Point 23

A.208

- 800.** The Employer Vice-Chairperson introduced an amendment proposing the deletion of point 23 because its content was already covered in other Conventions and addressed in national legislation. The issue of sanctions or penalties was linked to general enforcement and not specifically to biological hazards.
- 801.** The Worker Vice-Chairperson and the Government members of the United States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and Chile, speaking on behalf of GRULAC, did not support the amendment.
- 802.** The amendment was not adopted.

A.180

- 803.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to insert “in accordance with national law and practice” after “apply”. She

noted that the issue of penalties fell under the competence of national authorities, which meant that the imposition of such penalties should align with national law and practice.

- 804.** The Worker Vice-Chairperson preferred the original text, but indicated that his group was flexible on the amendment.
- 805.** The Employer Vice-Chairperson and the Government members of Switzerland, the Islamic Republic of Iran, Indonesia, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Chile, speaking on behalf of GRULAC, supported the amendment.
- 806.** The amendment was adopted.
- 807.** An amendment (A.193) was withdrawn and Point 23 was adopted as amended.

New point after point 23

A.194

- 808.** The Worker Vice-Chairperson introduced an amendment to add a new point to read:

Recognizing many biological hazards create cross-border risks, Members shall ensure effective remedy for workers, from national or multinational employers, which may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.
- 809.** Biological hazards created cross-border risks, which required the need for effective remedy for workers from both national and multinational employers. He subamended the proposed text to replace “ensure” with “promote”. The language was taken from the MNE Declaration and from the UN Guiding Principles on Business and Human Rights. He proposed to insert the text in the Recommendation.
- 810.** The Employer Vice-Chairperson did not support the amendment. Her group strongly objected to including text from an explanatory note to the UN Guiding Principles on Business and Human Rights, which was not a legally binding document and not linked to biological hazards.
- 811.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Türkiye, did not support the amendment as subamended.
- 812.** The Worker Vice-Chairperson noted that it was important that national and multinational employers remedied human rights violations, and that his group would not withdraw the amendment.
- 813.** The amendment was not adopted.

Title of section 8

- 814.** The title of section 8 – Duties and responsibilities of employers – was adopted.

Point 24

A.274

815. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to ensure that the relevant levels of control would be appropriately mentioned. She subamended the proposed text by introducing the corrections indicated in bold:

Employers should ensure that biological hazards in the working environment are eliminated **or replaced, or where this is not technically practicable having regard to the activity, biological hazards** ~~at least the risks are reduced~~ **to a level as low as necessary to adequately protect the health and safety of workers** ~~minimum as far as is reasonably practicable by taking the appropriate and necessary preventive and protective measures.~~

816. The Employer Vice-Chairperson did not support the amendment because employers could only be responsible for biological hazards arising from industrial activities; they could not be made responsible for pandemics. Employers preferred the original text, which was in accordance with Convention No. 155.
817. The Worker Vice-Chairperson supported the amendment as subamended because all actors had an obligation to reduce biological hazards to a level that would adequately protect the health and safety of workers.
818. The Government member of Zambia proposed to replace the word “replaced” with “substituted” and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported that proposal, since it reflected the hierarchy of controls.
819. The Government member of Chile, speaking on behalf of GRULAC, and the Government member of Japan did not support the amendment and subamendment because it was not possible to substitute a hazard, but only the agents causing such hazard or the exposure to them. The issue was therefore related to the risk. The Government member of Zimbabwe also did not support the amendment and subamendment.
820. The Government member of Belgium, speaking on behalf of the EU Member States, proposed to delete the word “substituted” that had been inserted by the Workers’ group and to replace “hazards” with “risks” before “are reduced to a level”. The Government member of the United States, seconded by the Government member of Australia, suggested instead to insert “risks due to” before “biological hazards”, to improve consistency.
821. The Employer Vice-Chairperson supported the proposal by the United States and stated that her group could accept the amendment if the words “so far as is reasonably practicable” and “under their control” from the original text were kept.
822. The Worker Vice-Chairperson did not support the subamendments by the Employers’ group and suggested deleting “due to” after “risks”, to reflect the hierarchy of controls.
823. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe speaking on behalf of the Africa group, Switzerland, the United Kingdom and Canada did not support the text as subamended as it had become too complex and suggested going back to the original text.
824. The Employer Vice-Chairperson expressed flexibility for returning to the Office text or adopting the subamendments. The Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, and the United States supported the subamendments.

- 825.** The subamendments and the amendment were withdrawn.

A.244

- 826.** The Employer Vice-Chairperson introduced an amendment to replace “working environments” by “workplaces”, to be more accurate.
- 827.** The Worker Vice-Chairperson did not support the amendment. The original text was clear, and the term “working environment” was used throughout the Conclusions and was consistent with Convention No. 155.
- 828.** The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment for consistency reasons.
- 829.** The Employer Vice-Chairperson noted that the term “workplace” was used in Convention No. 155.
- 830.** The amendment was withdrawn, and another amendment (A.221) was withdrawn.

A.245

- 831.** The Employer Vice-Chairperson introduced an amendment to insert “arising from work activities”, after “biological hazards”, because preventive and protective measures applicable to risks arising from work activities were different from those arising from external events, as had been the case during the COVID-19 pandemic. The fundamental Conventions, including Convention No.155, did not cover pandemics.
- 832.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, and the United States did not support the amendment.
- 833.** The amendment was withdrawn.

A.235

- 834.** The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, introduced an amendment to add “or when not, take all reasonable and practicable measures to control and minimize the risk” at the end of the point to address cases when it was not reasonably practicable to take measures. The wording was borrowed from point 25(b) and was kept as simple as possible.
- 835.** The Worker Vice-Chairperson did not support the amendment. The hierarchy of control would be addressed later in the text.
- 836.** The Employer Vice-Chairperson supported the amendment. The Government member of Belgium, speaking on behalf of the EU and its Member States, also supported the amendment and suggested replacing “when not” with “when this is not possible”.
- 837.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and the Islamic Republic of Iran did not support the amendment and the subamendment.
- 838.** The subamendment and the amendment were withdrawn and point 24 was adopted without amendment.

New point after point 24

A.242

- 839.** The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, introduced an amendment to insert a new point and subamended it for the text to read:

Given the wide range of the definition, approach to each hazard should be optimized based on risk assessment ~~by each Member~~ that includes the characteristics and degree of concern of the biological substance.

- 840.** They proposed that the same text be inserted also after point 10.
- 841.** The Employer Vice-Chairperson supported the amendment and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, and the United States supported the amendment. The Government member of the United States also agreed with including the same text after point 10.
- 842.** The Government members of Chile, speaking on behalf of GRULAC, and Zimbabwe, speaking on behalf of the Africa group, and the Worker Vice-Chairperson did not support the amendment.
- 843.** The Government member of Belgium, speaking on behalf of the EU Member States, suggested replacing “Given the wide range of the definition, approach to each hazard” with “Preventive and protective measures” and deleting “risk assessment by each Member that includes”.
- 844.** The Employer Vice-Chairperson did not support the further subamendment as it changed the meaning of the original proposal by no longer recognizing the overly broad nature of the definition. Regardless of this amendment, she also highlighted that similar language should be included under point 4 on the definition of biological hazard.
- 845.** The Worker Vice-Chairperson and the Government member of the United States supported the subamendment.
- 846.** The amendment was adopted as subamended and the new point was adopted.

Point 25, introductory sentence

A.246

- 847.** The Employer Vice-Chairperson introduced an amendment to move the text to insert it before point 42, under the Recommendation, because it would be difficult to ratify a Convention that included too many details. The amendment also proposed inserting “arising from work activities” after “working environment”.
- 848.** The Worker Vice-Chairperson did not support the amendment as the point should remain in the text of the Convention.
- 849.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment, explaining that employers had specific duties and responsibilities with regard to biological hazards.
- 850.** The Employer Vice-Chairperson clarified that the intention was not to indicate that employers did not have duties and responsibilities. Article 16 of Convention No. 155 established clear responsibilities for employers.

- 851. The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Australia did not support the amendment.
- 852. The amendment was not adopted. The Employer Vice-Chairperson requested to put on record her group's position. In consistency with that decision, she withdrew the proposal to move all the clauses of point 25 to before point 42 from other amendments (A.247, A.248, A.249, A.250, A.252, A.254, A.255, A.256 and A.258).

A.247

- 853. The Employer Vice-Chairperson introduced an amendment to delete “and applicable collective agreements” because the Convention should only refer to national standards established by Member States.
- 854. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, China and the United States did not support amendment.
- 855. The amendment was withdrawn.

A.236

- 856. The Government member of Switzerland, speaking also on behalf of the Government members of Japan, and Türkiye, introduced an amendment to make the provision more specific by inserting “in line with Articles 16(3), 17 and 21 of the Occupational Safety and Health Convention, 1981 (No. 155) and” after “protective measures”.
- 857. The Employer Vice-Chairperson supported the amendment.
- 858. The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia did not support the amendment as it was not appropriate to mention a fundamental Convention only partially.
- 859. The amendment was withdrawn.

A.273

- 860. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to insert “as a result an adequate risk assessment” before “in particular:”
- 861. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Australia supported the amendment.
- 862. The Employer Vice-Chairperson indicated that her group was flexible.
- 863. The amendment was adopted.

A.222

- 864. The Worker Vice-Chairperson introduced an amendment to insert “ensuring gender-sensitive perspective” before “, in particular”. There were around 16 ILO instruments where the term “gender” was used and measures should differentiate between men and women as consequences could be different.

- 865. The Employer Vice-Chairperson said that her group could not support the amendment because that was not the appropriate place to include it.
- 866. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Türkiye and Algeria did not support the amendment because the addition was not appropriate.
- 867. The Government members of the United States and Canada supported the amendment as it was important to account of different requirements for women and men.
- 868. The Government members of Belgium, speaking on behalf of the EU Member States, introduced a subamendment to replace “gender sensitive perspective” with “gender responsive perspective”.
- 869. The Government member of Chile supported the amendment as subamended, but suggested inserting the new text after the word “measures”.
- 870. The Worker Vice-Chairperson and the Government members of the United Kingdom and Australia supported the subamendments.
- 871. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, preferred the original text.
- 872. The Employer Vice-Chairperson did not support the subamendments as they changed the original meaning and employers would not be able to implement such measures. She suggested to add “as appropriate” before the “gender responsive perspective”.
- 873. The Worker Vice-Chairperson supported the further subamendment and so did the Government members of Belgium, speaking on behalf of the EU Member States, and Türkiye.
- 874. The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Algeria and of the Islamic Republic of Iran indicated that they recognized the need to differentiate between men and women but had reservations on the term “gender”. The word “sex” could be used instead.
- 875. The Government member of Belgium, speaking on behalf of the EU and its Member States, stated that the term gender was used elsewhere, and it would be appropriate to keep consistency. The Government members of China, the United Kingdom, the United States and Australia agreed that “gender responsive” was the term accepted by the Organization.
- 876. The amendment was adopted as subamended and the introductory sentence of point 25 was adopted as amended.

Point 25(a)

- 877. Two amendments (A.223 and A.253) fell as related language had already been included in point 16(a).

A.249

- 878. The Employer Vice-Chairperson introduced an amendment to delete “in consultation with workers and their representatives,” after “establishing” to improve the quality of the text and to avoid repetition.
- 879. The Worker Vice-Chairperson did not support the amendment, noting that it was not in line with established language of the ILO. The Government members of Chile, speaking on behalf

of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Canada did not support the amendment.

- 880.** The amendment was not adopted.

A.250

- 881.** The Employer Vice-Chairperson proposed an amendment to delete “taking due account of sectors and occupations at a higher risk of exposure and workers with certain conditions who may require special protection”, noting that: (a) it was a redundancy to say that an employer in a sector had to take account of the sector; and (b) there was a need to simplify the text to promote implementation.
- 882.** The Worker Vice-Chairperson did not support the amendment and proposed a subamendment to, instead of deleting the phrase, replacing it with “taking due account of workers who may require special protection.”
- 883.** The Employer Vice-Chairperson accepted the proposal, but suggested inserting “with certain conditions,” before “who may require special protection.”
- 884.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment as subamended.
- 885.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, and the United States supported the subamendment proposed by the Workers’ group, but not the further subamendment of the Employers’ group.
- 886.** The further subamendment was withdrawn and the amendment was adopted as subamended.
- 887.** Clause (a) of point 25 was adopted as amended.

Point 25(b)

A.224

- 888.** The Worker Vice-Chairperson proposed an amendment to insert “including risks while commuting and in sanitary installations, canteens and accommodation provided by the employer,” before “taking due account,” to be in line with Convention No.161.
- 889.** The Employer Vice-Chairperson, and the Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Indonesia, and Singapore did not support the amendment.
- 890.** The amendment was not adopted.
- 891.** An amendment (A.251) was withdrawn and clause (b) of point 25 was adopted without amendment.

Point 25(c)

- 892.** An amendment (A.237) was withdrawn.

A.252

- 893.** The Employer Vice-Chairperson introduced an amendment to replace “where risks due to biological hazards cannot be controlled through other measures” with “according to the hierarchy of controls” to simplify the text.
- 894.** The Worker Vice-Chairperson, and the Government members of Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, noted their flexibility. The Government members of Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment.
- 895.** The amendment was adopted.

A.225

- 896.** The Worker Vice-Chairperson proposed an amendment to insert “and clothing that takes account of the characteristics of the wearer and ensures a good fit,” and to insert “and provide training in its use” to reflect Convention No.155 regarding gender-specific differences for personal protective equipment (PPE). The Government member of Switzerland supported the amendment.
- 897.** The Employer Vice-Chairperson did not support the first insertion regarding clothing but supported the second insertion regarding training. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, and Singapore aligned themselves with the Employers’ group.
- 898.** The Worker Vice-Chairperson proposed to move “according to the hierarchy of controls” after “adequate personal protective equipment” to ensure accuracy. The text would read:
 - (c) providing, maintaining and replacing, as necessary, at no cost to the workers, adequate personal protective equipment according to the hierarchy of controls, and provide training in its use.
- 899.** The Employer Vice-Chairperson proposed to insert “as appropriate” after “hierarchy of controls.” The Worker Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the further subamendment.
- 900.** The further subamendment was withdrawn and the amendment was adopted as subamended. Clause (c) of point 25 was adopted as amended.

Point 25(d)

- 901.** An amendment (A.254) was withdrawn.

A.272

- 902.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to replace “workers’ health” with “in accordance with national law and practice, and on the basis of a risk assessment, provide health surveillance of workers”. She emphasized that regular surveillance should be done in accordance with national law and practice and on the basis of risk assessments.
- 903.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Indonesia, Singapore and India supported the amendment.

904. The amendment was adopted and clause (d) of point 25 was adopted as amended.

Point 25(e)

A.255

- 905.** The Employer Vice-Chairperson introduced an amendment to delete “including the availability of appropriate personal protective equipment” after “control measures” to simplify the text.
- 906.** The Government member of Chile, speaking on behalf of GRULAC, did not support the amendment, noting that it mixed two different concepts – checking and supervising – and was not appropriate in that context. The Government member of China aligned herself with the Government member of Chile.
- 907.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment.
- 908.** The amendment was withdrawn and clause (e) of point 25 was adopted without amendment.

Point 25(f)

A.226

- 909.** The Worker Vice-Chairperson proposed an amendment to delete “safety and health” before “representatives,” to include different types of workers’ representatives.
- 910.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, and Indonesia supported the amendment.
- 911.** The Government member of Japan noted that if “safety and health” was deleted, the information, instruction and training referred to at the beginning of the sentence might be misunderstood to have to be provided to all workers’ representatives.
- 912.** The Employer Vice-Chairperson proposed a subamendment to insert “at company level” after “representatives” to make the text more specific. The Government member of the United States stated that it could be more appropriate to use the term “in the undertaking”, which was used in Convention No. 155, and the Employer Vice-Chairperson subamended her proposal accordingly. The Government member of Algeria said that it would be more accurate to use the expression “the employing organization”.
- 913.** The Worker Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, the Islamic Republic of Iran, India and Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment. The Government member of Belgium pointed out that in another section the expression “workers and their representatives” had been used and that in Convention No.170 the term was “workers’ representatives”.
- 914.** All the subamendments were withdrawn and the amendment was adopted.
- 915.** The Employer Vice-Chairperson noted her group’s disagreement and highlighted that the point should refer only to workers in the undertaking, not to workers who were not employees of the undertaking.

A.256

- 916. The Employer Vice-Chairperson proposed an amendment to replace “as well as to workers’ safety and health representatives, at suitable and regular intervals, on paid work time” with “as needed,” to simplify the text and provide flexibility to cover a variety of contexts.
- 917. The Worker Vice-Chairperson did not support the amendment, noting the importance of remaining specific on how and when training could take place, in line with Convention No. 155. The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, the United States and India also did not support the amendment.
- 918. The Employer Vice-Chairperson proposed a subamendment to revert to the original text and delete “on paid work time,”. The Worker Vice-Chairperson, the Government members of Belgium, speaking on behalf of the EU and its Member States, and the United States did not support the subamendment.
- 919. The Employer Vice-Chairperson proposed add “according to national laws and regulations,” after “on paid work time”. The Government member of Canada did not support the subamendment and highlighted that the introductory sentence of point 25 already included “according to national law”.
- 920. The subamendment and the amendment were withdrawn and clause (f) of point 25 was adopted as amended.

Point 25(g)

A.257

- 921. The Employer Vice-Chairperson proposed an amendment to move the text to insert it before point 42, noting that clause (g) was excessively detailed and repetitive.
- 922. The Worker Vice-Chairperson, and the Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and the Islamic Republic of Iran did not support the amendment.
- 923. The amendment was withdrawn.

A.228

- 924. The Worker Vice-Chairperson proposed an amendment to insert “in a form which is accessible and language that they easily understand,” to ensure that workers would be able to access available information appropriately.
- 925. The Government member of the Islamic Republic of Iran, seconded by the Workers’ group, proposed to substitute “in a form which is accessible and language that they easily understand” by “in an accessible form and understandable language”, which was the wording that had been agreed upon in another section.
- 926. The Employer Vice-Chairperson, and the Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, and Indonesia supported the subamendment.
- 927. The amendment was adopted as subamended.

A.238

- 928. The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, proposed an amendment to replace “new risks appear” with “changes to the risk assessment based on new information” to make the text more objective.
- 929. The Employer Vice-Chairperson proposed to insert “relevant” before “changes.”
- 930. The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment and the subamendment.
- 931. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and India supported the amendment but not the subamendment.
- 932. The subamendment was withdrawn and the amendment was adopted.
- 933. Clause (g) of point 25 was adopted as amended.

New clause after point 25(g)

A.227

- 934. The Worker Vice-Chairperson introduced an amendment to insert a new clause that read “ensuring that where sufficient information is not available to adequately assess risks, a precautionary approach is taken;”. It was important to adequately assess risks and a precautionary approach should be adopted in the absence of sufficient information, to protect workers against unknown hazards.
- 935. The Employer Vice-Chairperson did not support the amendment because the proposed text was too broad, uncertain and open-ended. It was the responsibility of national authorities to implement precautionary measures, not of companies.
- 936. The Government members of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Australia, Canada, China and the Islamic Republic of Iran supported the amendment.
- 937. The Government members of Indonesia and Saudi Arabia, speaking on behalf of the GCC countries, said they were flexible.
- 938. The Employer Vice-Chairperson proposed a subamendment to add “as appropriate” after “adequately assess risks” and replace “approach is” with “measures are”.
- 939. The Worker Vice-Chairperson did not support the subamendment.
- 940. The Government member of Chile, speaking on behalf of GRULAC, supported the subamendment. The Government member of the Islamic Republic of Iran supported the subamendment except for the addition of “as appropriate”. The Employer Vice-Chairperson agreed to delete the words “as appropriate”.
- 941. The Worker Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment.
- 942. The amendment was adopted as subamended and the new clause after (g) in point 25 was adopted as amended.

Point 25(h)**A.258**

- 943.** The Employer Vice-Chairperson introduced an amendment to replace “in cooperation with occupational safety and health committees or workers’ representatives, in order to identify all causes and take the necessary measures to prevent recurrence of similar events” with “according to data collection, recording, and notification of occupational diseases and accidents in applicable national laws and regulations.” Investigating accidents and dangerous occurrences was inherently linked to standard-setting approaches and required data collection and accurate recording of accidents to inform prevention efforts.
- 944.** The Worker Vice-Chairperson did not support the amendment because it linked investigations to data collection, recording, and notification of occupational diseases and accidents and removed the social dialogue component.
- 945.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Singapore did not support the amendment. It was important to acknowledge in the text the role of OSH committees and workers’ representatives in assisting employers in identifying the causes of occupational diseases and accidents.
- 946.** The Employer Vice-Chairperson highlighted the importance of acknowledging that the investigation of occupational diseases and accidents was conducted in accordance with each country’s national laws and regulations and explained that the intention was not to eliminate or negate cooperation with OSH committees, but to focus on the obligations of employers, which was the subject of point 25. The rights and duties of workers and their representatives would be addressed in point 29.
- 947.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, the United States and Canada did not support the amendment.
- 948.** In response to a request from the Employer Vice-Chairperson, a representative of the Secretariat noted that Article 19 of Convention No. 155 referred to the cooperation between employers and workers and their representatives on various OSH-related matters. Article 20 of the Convention confirmed that cooperation between management and workers and their representatives were an essential element of OSH measures taken at the level of the undertaking.
- 949.** The amendment was withdrawn.

A.239

- 950.** The Government member of Japan, speaking also on behalf of the Government members of Türkiye and Switzerland, introduced an amendment to replace “in order to identify all causes and take the necessary measures” with “to identify causes as far as is reasonably practicable in order to take the necessary corrective measures and”. It was unrealistic to expect an investigation of all causes of occupational diseases and accidents and important to take corrective measures to contain immediate hazards such as toxic leaks.
- 951.** The Employer Vice-Chairperson and the Government members of Saudi Arabia and Singapore supported the amendment.
- 952.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Members States, Chile, speaking on behalf of GRULAC, and Zimbabwe,

speaking on behalf of the Africa group, did not support the amendment because the term “corrective” was too limiting and excluded other measures that employers needed to take to prevent the recurrence of diseases or accidents.

- 953.** The Government member of Switzerland, as one of the proponents of the amendment, introduced a subamendment to insert “and preventive” after “corrective” and the Government member of Japan suggested also adding “take necessary measures” before “to identify causes”. The subamendments did not find support and were not adopted.
- 954.** The Worker Vice-Chairperson proposed a subamendment to only delete “all” before “causes” from the original text.
- 955.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, Japan and Singapore supported the subamendment by the Workers’ group.
- 956.** The amendment was adopted as subamended and clause (h) of point 25 was adopted as amended.

New point before point 26

A.229

- 957.** The Worker Vice-Chairperson introduced an amendment to insert a new point that read:

All employers, including multinational enterprises, should demonstrate supply chain responsibility through due diligence, ensuring adherence to ILO fundamental principles and rights at work, including occupational safety and health, throughout their operations.
- 958.** It was important that employers, including multinational enterprises, performed due diligence along their supply chain and operations. That obligation was recognized in the MNE Declaration and increasingly included in trade and investment agreements.
- 959.** The Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and Singapore did not support the amendment. They noted that other similar amendments had not found support in the Committee.
- 960.** The Employer Vice-Chairperson said the amendment was political and not related to biological hazards and its adoption could jeopardize the support of her group for the Convention.
- 961.** The Worker Vice-Chairperson said that that the amendment was not political in nature but related to human rights, which included the right to a safe and healthy working environment. He nevertheless acknowledged the lack of support in the room and the amendment was withdrawn.

Point 26

- 962.** Three amendments (A.230, A.240 and A.262) were withdrawn.

A.259

- 963. The Employer Vice-Chairperson introduced an amendment to delete point 26 because its content was already included in Convention No.155 and was also not specific to biological hazards. However, her group would be flexible if there was no support.
- 964. The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Singapore and Canada did not support the amendment.
- 965. The amendment was withdrawn and point 26 was adopted without amendment.

New title before point 27

A.260

- 966. The Employer Vice-Chairperson introduced an amendment to insert before point 27 a new title that read: "Emergency preparedness in case of outbreaks, epidemics and pandemics in the workplace". She highlighted the need to differentiate between risks in the workplace arising from work activities and situations of outbreaks, epidemics and pandemics that affect workplaces, but also other places such as schools, in the sense that not only workers are affected.
- 967. The Worker Vice-Chairperson did not support the amendment, noting that the instrument should cover much more than just outbreaks, epidemics and pandemics, and should also include all working environments, including schools and hospitals.
- 968. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment, explaining that emergency situations could originate from accidents and incidents in the workplace itself, and the text should not be limited only to epidemics and pandemics.
- 969. The Government members of Chile, speaking on behalf of GRULAC, and the Islamic Republic of Iran also did not support the amendment.
- 970. The amendment was withdrawn.

Point 27

A.271

- 971. The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to replace the entire text after "Employers should" with "establish measures to deal with accidents, incidents and emergencies, related to biological hazards in the working environment, taking into account outbreaks of communicable diseases. These measures should comply with the guidance provided by competent authorities or be more comprehensive." It was important for employers to establish measures for communicable disease outbreaks, and to have an opportunity to go beyond minimum standards set by competent authorities.
- 972. The Worker Vice-Chairperson proposed a subamendment to insert "preparedness and response" after "establish" to ensure coherence in the text.
- 973. The Employer Vice-Chairperson supported the amendment but did not support the subamendment. She proposed to replace "comply" with "be consistent," and to delete "or be

more comprehensive.” The reasons are to avoid confusion and provide legal certainty to employers by adopting a text that is clear.

- 974.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, and Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment as subamended by the Employers’ group.
- 975.** The subamendment proposed by the Workers’ group was withdrawn and the amendment was adopted as subamended.

A.261

- 976.** The Employer Vice-Chairperson proposed an amendment to insert “according to the location, size, and nature of its activities,” after “response arrangements,” stressing that the measures which were put in place should reflect the needs and range of different situations of the undertaking.
- 977.** The Worker Vice-Chairperson proposed a subamendment to delete “location” noting that it was not always relevant for preparedness and response measures.
- 978.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment as subamended.
- 979.** The amendment was adopted.
- 980.** Two amendments (A.231 and A.241) were withdrawn and point 27 was adopted as amended.

Point 28

A.268, A.269 and A.270

- 981.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced three amendments to delete point 28 with its two clauses from the Convention and to insert it into the Recommendation, in order to provide more flexibility.
- 982.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Qatar speaking on behalf of the GCC countries, and China supported the amendments.
- 983.** The amendments were adopted and the text of point 28 was moved to Part C of the proposed Conclusions.

Title of section 9

A.288

- 984.** The Worker Vice-Chairperson introduced an amendment to delete “and duties” after “Rights” noting that Convention No. 155 did not explicitly use the term duties. He highlighted that workers have rights, and specifically, the responsibility to cooperate in applying OSH measures, rather than duties.
- 985.** The Employer Vice-Chairperson did not support the amendment, noting that workers represent active stakeholders, and rights and duties form the basis of fundamental rights on OSH. She noted that Convention No. 155 clearly outlined legal obligations for workers and employers. She also cited Conventions Nos 187, 174 and 170, and Recommendation No. 197, which referred to duties of workers.

- 986. The Government members of Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and the Islamic Republic of Iran also did not support the amendment.
- 987. The Worker Vice-Chairperson introduced a subamendment to replace “and duties” with “and responsibilities,” reiterating that Convention No.155 did not refer to duties but to the responsibility to cooperate.
- 988. The Government member of the United States supported the subamendment, noting the lack of enforceable duties of workers regarding OSH measures in his national legislation.
- 989. The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Canada did not support the subamendment.
- 990. The subamendment and the amendment were withdrawn and the title of section 9 – Rights and duties of workers and their representatives – was adopted.

Point 29, introductory sentence

A.297

- 991. The Employer Vice-Chairperson introduced an amendment to insert “, in line with national laws and practices” after “representatives” and to replace “include:” with “cover information, training, consultation and participation.” at the end of the sentence. She explained that different types of rights were applied to workers or their representatives according to national regulations.
- 992. The Worker Vice-Chairperson did not support the amendment since workers’ rights were not subject to national laws and regulations but were universal.
- 993. The Government member of Belgium, speaking on behalf of the EU Member States, did not support the amendment and introduced a subamendment to start the sentence with “In accordance with national laws and practices” instead of inserting “in line with national laws and practices”, and to delete the addition proposed by the Employers’ group at the end of the sentence. She stated that workers’ rights concerning biological hazards in the working environment were universally recognized and did not depend on specific national laws and practices.
- 994. The Employer Vice-Chairperson supported the subamendment by the EU Member States and proposed to insert “/or” after “workers and”.
- 995. The Worker Vice-Chairperson stressed that workers’ rights concerning biological hazards in the working environment were not only those covered by the fundamental OSH Conventions but also by 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).
- 996. The Government members of Chile speaking on behalf of GRULAC, Zimbabwe speaking on behalf of the Africa group, Oman speaking on behalf of the GCC countries, Australia, the United Kingdom and Indonesia preferred the original text.
- 997. The subamendment was withdrawn and the amendment was not adopted.
- 998. An amendment (A.282) was withdrawn and the introductory sentence of point 29 was adopted without amendment.

Point 29(a)

- 999.** Two amendments (A.289 and A.298) were withdrawn and clause (a) of point 29 was adopted.

Point 29(b)**A.299**

- 1000.** The Employer Vice-Chairperson withdrew the proposal to move the text of clauses (b), (e), (g), (h), (j) and (k) to after point 41 from six amendments (A.299, A.302, A.304, A.305, A.308 and A.309), as well as the amendments to delete clauses (c), (d) and (f) (A.300, A.301 and A.303). She introduced an amendment to replace “the identification of hazards and” with “the process for”.
- 1001.** The Worker Vice-Chairperson and the Government members of Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, the United Kingdom, Canada and the Islamic Republic of Iran did not support the amendment. They preferred the original text because workers needed to be involved in the identification of hazards, which was the starting point for the risk assessment.
- 1002.** The Government member of Indonesia supported the amendment.
- 1003.** The Employer Vice-Chairperson clarified that being consulted on identifying risks was not the same as being involved and asked the Secretariat to clarify the legal implications.
- 1004.** A representative of the Secretariat explained that Article 19(d) and (e) of Convention No. 155 enabled workers and their representatives to be consulted by the employer on all aspects of OSH related to their work, including risk assessments. That process had to be carried out in the framework of national legislation.
- 1005.** The amendment was not adopted and clause (b) of point 29 was adopted without amendment.

Point 29(c)

- 1006.** Clause (c) of point 29 was adopted.

Point 29(d)

- 1007.** An amendment (A.290) was withdrawn.

A.275 and A.283

- 1008.** The Committee had before it two amendments proposing to replace “all” with “relevant”, since consultation on all aspects was not possible. One was submitted by the Government member of Belgium, speaking on behalf of the EU Member States, and the other by the Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye.
- 1009.** The Worker Vice-Chairperson did not support the amendments because it was not clear who would decide what was relevant.
- 1010.** The Employer Vice-Chairperson and the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Indonesia and the Islamic Republic of Iran supported the amendments.
- 1011.** The amendments were adopted and clause (d) of point 29 was adopted as amended.

Point 29(e)**A.302**

- 1012.** The Employer Vice-Chairperson introduced an amendment to replace “participating in” with “being informed of the results of”.
- 1013.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Australia, the United Kingdom and the Islamic Republic of Iran did not support the amendment. The reasons were that workers needed to be involved in investigations, as well as in their results.
- 1014.** The amendment was withdrawn.

A.284

- 1015.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “participating in” with “collaborating to” and to add “and being consulted about conclusions of these investigations” at the end. That would align the text with that used in other Conventions and better convey the relevance of collaboration as a right and duty of workers.
- 1016.** The Employer Vice-Chairperson introduced a subamendment to replace “collaborating” with “cooperating”, which was the word used in Convention No. 155, and to replace “consulted” with “informed”.
- 1017.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that there was an established precedence for consultations between employers and workers representatives for investigations of occupational diseases, accidents, and dangerous occurrences. The conclusions of such consultations would lead to discussions about the measures to be put in place to prevent the recurrence of such diseases and accidents.
- 1018.** The Worker Vice-Chairperson supported the amendment but did not support the subamendment.
- 1019.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Canada and the United States indicated a preference for keeping “participating in” from the original text, but agreed with the second part of the proposed amendment.
- 1020.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Belgium, speaking on behalf of the EU and its Member States, and the Worker Vice-Chairperson supported the proposal to keep the “participating in”.
- 1021.** The Government member of Indonesia expressed reservations with the word “participating in” and supported the second part of the amendment.
- 1022.** In response to the request from the Employer Vice-Chairperson to clarify the meaning of the terms “consultation”, “participation” and “cooperation” and how they should be used, a representative of the Secretariat read paragraph 3.12.2 of the *Guidelines on occupational safety and health management systems: ILO-OSH 2001*: “Such investigations should be carried out by competent persons, with the appropriate participation of workers and their representatives.”

- 1023. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the amendment was in line with the European Framework, which explicitly stated that the “employers shall consult with workers and other representatives and allow them to take part in discussions on all questions relating to safety and health at work”.
- 1024. The Employer Vice-Chairperson stated that the word consultation had a legal significance and entailed a particular process and thus was not appropriate. She also stated that adopting that language would create problems in Member States. Finally, she expressed her group’s preference for the original text.
- 1025. The subamendment proposed by the Employers’ group was not adopted and the amendment was adopted as subamended by the Africa group.

A.278

- 1026. The Government member of Japan, speaking also on behalf of the Government members of Switzerland and Türkiye, introduced an amendment to move “as appropriate” to the end of the sentence to provide more flexibility, since investigations could not be conducted on all occupational diseases, accidents and dangerous occurrences.
- 1027. The Government member of the Islamic Republic of Iran supported the amendment.
- 1028. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, and Belgium, speaking on behalf of the EU and its Member States, expressed a preference for the original text.
- 1029. The Government member of Japan said that if the reason for the preference for the original text by certain members was not that they denied the need for flexibility but rather that such flexibility could be read from the original text and it was therefore unnecessary to change the original text, he could withdraw his proposal while recording the interpretation. There were no comments to reject his interpretation of the reason for the preference for the original text. The amendment was withdrawn and clause (e) of point 29 was adopted as amended.

Point 29(f)

A.285

- 1030. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “receiving reports” with “if requested receiving relevant information” and to replace “subject to confidentiality rules for personal and medical data” with “in an anonymous and aggregated way”. When health surveillance information and medical data had to be provided, it was important to inform workers and their representatives about that and to anonymize data to protect privacy.
- 1031. The Employer Vice-Chairperson expressed flexibility to support the amendment only if it was limited to providing information on the general health situation in the undertaking, not the information that a worker received about their bill of health and medical examinations.
- 1032. The Worker Vice-Chairperson introduced a subamendment to delete “if requested”.
- 1033. The Government members of Zimbabwe, speaking on behalf of the Africa group, Chile, speaking on behalf of GRULAC, Saudi Arabia, speaking on behalf of the GCC countries, the United States and China preferred the original text.
- 1034. The amendment was withdrawn and clause (f) of point 29 adopted without amendment.

Point 29(g)

A.304

- 1035.** The Employer Vice-Chairperson introduced an amendment to insert “and informing the employer” after “appealing to the competent authorities”, as workers should inform their employer about insufficient measures before appealing to the competent authorities.
- 1036.** The Worker Vice-Chairperson did not support the amendment. In most cases, workers would inform their employers first. Nevertheless, in line with whistleblower protection measures, workers should be able to appeal to the competent authorities without risking their employment.
- 1037.** The Government member of Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Australia and Indonesia, supported the original text.
- 1038.** The amendment was withdrawn and clause (g) of point 29 was adopted without amendment.

Point 29(h)

A.286

- 1039.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to move clause (h) to point 31. The clause was important, but to be consistent with other rights and duties of workers, namely, the fact that they had to call their supervisor in case of a biological hazard in the working environment and that they had the right to remove themselves from such a work situation, the text would be better placed in point 31.
- 1040.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1041.** The amendment was adopted and clause (h) of point 29 of the proposed Conclusions was moved to point 31.

Point 29(i)

A.306

- 1042.** The Employer Vice-Chairperson introduced an amendment to delete the clause because systems worked differently across countries and the point was more related to employment benefits, compensation systems and social security.
- 1043.** The Worker Vice-Chairperson did not support the amendment, noting that a similar text was reflected in Recommendation No.171.
- 1044.** The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment. It was standard practice that when occupational physicians advised that a worker could not continue working for health-related reasons, particularly following exposure to biological hazards, they be given the possibility to take up another job within the company.
- 1045.** The Government members of Zimbabwe, speaking on behalf of the Africa group, and Chile, speaking on behalf of GRULAC, also did not support the amendment.
- 1046.** The amendment was withdrawn.

A.279

- 1047.** The Government member of the United States, seconded by the Government member of Switzerland, introduced an amendment to insert “in accordance with national law” at the beginning of the clause, because it was not always feasible to transfer workers to another job.
- 1048.** The Employer Vice-Chairperson, the Government members of Saudi Arabia, speaking on behalf of the GCC countries, Zimbabwe, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Member States, the United Kingdom, the Islamic Republic of Iran and Singapore supported the amendment.
- 1049.** The Worker Vice-Chairperson did not support the amendment.
- 1050.** The amendment was adopted and clause (i) of point 29 was adopted as amended.

Point 29(j)

A.308

- 1051.** The Employer Vice-Chairperson introduced an amendment to delete “an illness” and “or exacerbate”. She considered that “illness” and “disease” were synonyms and inclusion of “exacerbate” could lead to confusion.
- 1052.** The Worker Vice-Chairperson did not support the amendment. “Illness” referred to conditions not covered by the term “disease”, such as respiratory illnesses.
- 1053.** The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the deletion of “an illness”, but not of “or exacerbate”, but indicated flexibility.
- 1054.** The Government members of Saudi Arabia, speaking on behalf of the GCC countries, Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Canada and Indonesia preferred the original text.
- 1055.** The Employer Vice-Chairperson said that the difference between illness and disease was not very clear, and the word “disease” had been used throughout the text.
- 1056.** The amendment was not adopted.
- 1057.** Another amendment (A.307) was withdrawn and clause (j) of point 29 was adopted without amendment.

New clause after point 29(j)

A.291

- 1058.** The Worker Vice-Chairperson introduced an amendment to insert a new clause that would be very relevant for ensuring business continuity in case of a pandemic. The text read:

when quarantined or required to self-isolate, receive normal compensation and benefits and be protected from dismissal, as far as practicable;
- 1059.** The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, and Zimbabwe, speaking on behalf of the Africa group, did not support the amendment as the Committee had already agreed to address the issue of pandemics in the Recommendation.
- 1060.** The amendment was withdrawn.

Point 29(k)

A.309

- 1061.** The Employer Vice-Chairperson introduced an amendment to insert “in the working environment” after “any discrimination”. An employer could only protect a worker within the working environment, not outside it.
- 1062.** The Worker Vice-Chairperson and the Government member of Canada did not support the amendment as it was already covered in the introductory sentence of point 29.
- 1063.** The amendment was withdrawn.

A.292

- 1064.** The Worker Vice-Chairperson introduced an amendment to add “and stigmatization” after “discrimination”. Stigmatization had been a very serious issue in the early stages of the spread of HIV and AIDS. The language was taken from the HIV and AIDS Recommendation, 2010 (No. 200).
- 1065.** The Employer Vice-Chairperson proposed to add “in accordance with national laws” after “stigmatization”.
- 1066.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment but not the subamendment.
- 1067.** The subamendment and the amendment were withdrawn and clause (k) of point 29 was adopted without amendment.
- 1068.** Point 29 was adopted as amended.

Point 30, introductory sentence

A.293

- 1069.** The Worker Vice-Chairperson introduced an amendment to replace the text by the following, which was in line with Article 19 of Convention No. 155: “When employers have made necessary arrangements, workers and their representatives should:”.
- 1070.** The Employer Vice-Chairperson did not support the amendment as workers had obligations in the same way that employers and governments did. The issue had already been discussed in amendment A.288.
- 1071.** The Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC countries, did not support the amendment.
- 1072.** In response to a request for clarification by the Worker Vice-Chairperson, a representative of the Secretariat said that OSH standards included a variety of references to arrangements. Article 19(f) Convention No. 155 referred to the arrangements by which workers should report any hazardous situation they encountered in the workplace. Other OSH Conventions, such as the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Mines Convention, 1995 (No. 176), and the Safety and Health in Agriculture Convention, 2001 (No. 184), referred to workers’ duty to comply with prescribed safety and health measures. Those provisions normally comprised two associated elements, namely the duty of workers to comply with OSH regulations and the duty of employers to provide information and training to workers in that respect.

1073. The Worker Vice-Chairperson insisted that, if the wording of the introductory sentence was any less comprehensive than that contained in the fundamental Convention No.155, he could not withdraw the amendment.

1074. The amendment was not adopted.

A.281

1075. The Government member of the United States, seconded by the Workers' group, introduced an amendment to replace "should" with "may, where permitted by national laws,". The intention was to allow the necessary flexibility for those Member States in which workers had no legal obligations with respect to OSH.

1076. The Employer Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Zimbabwe, speaking on behalf of the Africa group, Saudi Arabia, speaking on behalf of the GCC countries, China and Indonesia did not support the amendment.

1077. The amendment was withdrawn.

1078. Another amendment (A.310) was withdrawn and the introductory sentence to point 30 was adopted without amendment.

New clause before point 30(a)

1079. The Worker Vice-Chairperson withdrew an amendment (A.320), which would no longer make sense because his group's amendment to the introductory sentence had not been adopted. The Workers' group stressed that the reason for submitting those amendments was because they believed that the original text undermined the protection provided by fundamental OSH Conventions. He asked the Office to take those views into account when preparing the report to be submitted to the second Conference discussion in 2025.

Point 30(a)

A.311

1080. The Employer Vice-Chairperson withdrew from three amendments (A.311, A.312 and A.314) the proposal to move the three clauses of point 30 to after point 41 of the proposed Conclusions. She also withdrew the proposal to insert a new introductory sentence before clause (a).

1081. She introduced an amendment to delete ", in accordance with the instructions received, and the training and means provided by their employers," because it was too detailed and unnecessary.

1082. The Worker Vice-Chairperson did not support the amendment because it removed the need for training, which was required by the fundamental Conventions. The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Australia, Indonesia and Saudi Arabia did not support the amendment.

1083. The Employer Vice-Chairperson agreed that workers should be trained and explained that the intention of the amendment was not to remove that right. However, her group could agree to keeping the original text and the amendment was withdrawn.

A.294

- 1084.** The Worker Vice-Chairperson introduced an amendment to add “adequate” before “personal protective equipment”.
- 1085.** The Employer Vice-Chairperson did not support the amendment and noted that it was implied that personal protective equipment should be adequate.
- 1086.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Chile, speaking on behalf of GRULAC, Zimbabwe, speaking on behalf of the Africa group, Canada, the Islamic Republic of Iran and the United Kingdom supported the amendment.
- 1087.** The amendment was adopted.
- 1088.** Clause (a) of point 30 was adopted as amended.

Point 30(b)

A.312

- 1089.** The Employer Vice-Chairperson introduced an amendment to replace “promptly” with “forthwith” and to add, after clause (b), a new clause that read “reporting any incident, accident, or injury to health, which arises in the course of or in connection with work;”. The wording was taken from Recommendation No. 164 and was in the interest of workers.
- 1090.** The Worker Vice-Chairperson and the Government members of Belgium, speaking on behalf of the EU and its Member States, the United States and Indonesia did not support the amendment.
- 1091.** The Government member of Chile, speaking on behalf of GRULAC, supported the amendment.
- 1092.** The amendment was not adopted.

A.295

- 1093.** The Worker Vice-Chairperson introduced an amendment to delete “or safety and health representative” as workers should report concerns directly to their immediate supervisor.
- 1094.** The Employer Vice-Chairperson supported the amendment.
- 1095.** The amendment was adopted and clause (b) of point 30 was adopted as amended.

Point 30(c)

A.314

- 1096.** The Employer Vice-Chairperson introduced an amendment to delete “, following an occupational safety and health management systems approach” because not all companies had OSH management systems.
- 1097.** The Worker Vice-Chairperson did not support the amendment. One of the reasons that occupational injuries, occupational diseases and other adverse health effects occurred was because employers did not have OSH management systems.
- 1098.** The Government member of the United States supported the amendment. Many SMEs in the United States did not follow the OSH management systems approach. The Government

members of Singapore, Indonesia, the Islamic Republic of Iran and China also supported the amendment.

- 1099.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Zimbabwe, speaking on behalf of the Africa group, suggested that the issue of OSH management systems should be revisited during the second Conference discussion in 2025.
- 1100.** The amendment was adopted and, as consequence another amendment (A.296) fell.
- 1101.** Clause (c) of point 30 was adopted as amended and point 30 was adopted as amended.

New point before point 31

A.315

- 1102.** The Employer Vice-Chairperson proposed to insert a new point that read:

The workers' representatives should respect the obligations of secrecy with regard to the information which, in the legitimate and objective interest of the undertaking or the workplace, has been communicated to them as being of a confidential nature.
- 1103.** It was important to safeguard businesses and prevent disclosure of confidential information that could harm a company's competitiveness in the market.
- 1104.** The Worker Vice-Chairperson did not support the amendment because the proposed text would need to be subamended to include protection for whistleblowers and that would require extensive discussions.
- 1105.** The Government member of the United States did not support the amendment and noted that confidentiality was primarily a matter of contract law in the United States. It was the responsibility of employers to reach agreements with their workers on handling confidential information. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the amendment and agreed with the views expressed by the Workers' group and the Government member of the United States.
- 1106.** The Government members of Zimbabwe, speaking on behalf of the Africa group, Oman and Singapore did not support this amendment.
- 1107.** The Employer Vice-Chairperson stated that her group would resubmit the amendment during the second Conference discussion in 2025 and requested the Office to take into account when preparing the report for that discussion, how a clause dealing with confidential information could be implemented. The Worker Vice-Chairperson added that the report prepared by the Office should also consider the protection of whistleblowers.
- 1108.** The amendment was not adopted.

Point 31

A.287

- 1109.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace all the text after "Workers should" with "with respect to biological hazards in the working environment", and add the following three clauses:
 - (a) report forthwith to their immediate supervisor any situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health;

- (b) not be required by their employer to return to a work situation where there is continuing imminent and serious danger to life or health until the employer has taken remedial action;
- (c) have the right to remove themselves from a work situation without undue consequences, where there they have reasonable justification to believe that there is an imminent and serious danger to their life or health, and also inform their immediate supervisor of the situation without delay.

1110. The Employer Vice-Chairperson proposed the following subamendments:

- in clause (b): replace “continuing” with “demonstrated” and insert “, if necessary” after “remedial action”;
- in clause (c): delete “to believe” and “situation” and replace “and also inform their immediate supervisor of the situation without delay” with “due to biological hazards in the working environment, and also shall inform their immediate supervisor of the imminent and serious danger without delay”.

1111. The Worker Vice-Chairperson proposed reordering the clauses as follows: (c), (a) and (b).

1112. The Government member of Zimbabwe, speaking on behalf of the Africa group, supported the amendment as subamended by the Workers’ group and proposed to introduce the text of point 29(h) as a new clause (d).

1113. The Government member of Switzerland, seconded by the Government member of Japan, did not support the subamendments and proposed to insert in the introductory sentence “in accordance with national law and practice” after “with respect to biological hazards in the working environment”.

1114. The Government member of Belgium, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Government member of Switzerland because workers had the right to remove themselves from imminent and serious danger to their life or health due to exposure to biological hazards irrespective of national law and practice. In response to the proposal made by the Africa group, she said that the content of point 29(h) had been integrated into her group’s amendment.

1115. The Worker Vice-Chairperson did not support the subamendment introduced by the Government member of Switzerland or the subamendment introduced by the Africa group. He supported the text as subamended by the Employers’ group.

1116. The subamendments proposed by the Government members of Zimbabwe, speaking on behalf of the Africa group, and Switzerland were withdrawn.

1117. The Government member of Belgium, speaking on behalf of the EU Member States, introduced a further subamendment to delete “if necessary”, which was proposed in the subamendment by the Employers’ group.

1118. The Government member of Canada introduced a further subamendment to delete “due to biological hazards in the working environment” from the proposed clause (a), since those words were included in the introductory sentence.

1119. The Government member of Chile, speaking on behalf of GRULAC, supported the amendment as subamended by the Workers’ group, the EU and its Members States and Canada.

1120. The Government member of Belgium, speaking on behalf of the EU Member States, proposed deleting “demonstrated” in clause (c).

- 1121. The Employer Vice-Chairperson did not support the text as subamended and expressed a preference for the original text.
- 1122. The Worker Vice-Chairperson and the Government members of Chile, speaking on behalf of GRULAC, Belgium, speaking on behalf of the EU and its Member States, Japan, the United Kingdom and Australia supported the amendment as subamended.
- 1123. The amendment was adopted as subamended and point 31 was adopted as amended.

Title of section 10 and point 32

- 1124. The title of section 10 – Methods of application – and point 32 were adopted.

Adoption of the proposed Conclusions and the draft resolution

- 1125. The representative of the Secretary-General explained that in the proposed Conclusions, the points that had not been considered due to lack of time had been put in italic font and placed within brackets. With the adoption of the proposed Conclusions, all the amendments to the bracketed text would fall and would have to be resubmitted at the next session, if their proponents so wished. Similarly, the amendment proposing to insert in point 11(b)(i) the term “gender-responsive”, which the Committee had put in brackets pending further discussion would also fall and it was therefore no longer reflected in the text. The points that the Committee had decided to move from the Convention to the Recommendation had been included at the end of the text. All bracketed text would be reproduced in the proposed instruments.
- 1126. The Committee adopted the proposed Conclusions as amended and reviewed by the Drafting Committee.
- 1127. The Committee adopted a draft resolution to place on the agenda of the next session of the Conference an item entitled “Biological hazards in the working environment” for a second discussion with a view to the adoption of a Convention supplemented by a Recommendation.⁸

Closing statements

- 1128. In their closing statements, Committee members expressed their gratitude to the Chairperson for his excellent leadership throughout the discussions. They acknowledged that those discussions had not always been easy, especially during the first week, but recognized that the spirit of tripartism and compromise had prevailed and led to a successful conclusion of the important work of the Committee.
- 1129. They also thanked the Employer and Worker Vice-Chairpersons for their commitment and willingness to engage in constructive dialogue, and the Government regional spokespersons and other government members. The work by the Drafting Committee, at very inhospitable hours, was applauded. Speakers thanked members of the Secretariat for their excellent support and guidance and, especially, the interpreters.
- 1130. The Employer Vice-Chairperson underlined the importance of the Committee’s work to address the management of biological hazards, which would make a difference to workers and employers worldwide. She shared some reflections from the Employers’ group. The

⁸ See ILC.112/Record No. 6A.

overarching aim of the Employers' group had been to work towards a result that could be ratified and implemented at national level by the highest possible number of Member States. However, employers remain concerned by the level of detail in the proposed Conclusions, as well as the degree of overlap with other OSH instruments, some of them with a low degree of ratification. The definitions could prove problematic in practice and there is ambiguity in them. That added to the confusion with respect to OSH and public health roles and responsibilities; employers advocated for a clear distinction between situations produced by factors external to the employer's activity, like pandemics and situations arising from the employer's activities. The reason is that responsibilities and actions to be taken are completely different. While very important discussions had taken place, political debates should be avoided when the item to discuss was a technical one, like biological hazards. Procedures needed to be clear and based on consensus; consensus is the foundation stone of the ILO and must be preserved. Regarding the future, she requested that consultations be held with the groups to strengthen the draft texts before the second discussion.

- 1131.** The Worker Vice-Chairperson expressed the commitment of his group to extending protection to all workers who encountered biological hazards in the working environment, the risks of which were increasing as evidenced by the COVID-19 pandemic, the emergence of antimicrobial resistant pathogens and climate change, among other worrying trends. As part of the framework of fundamental principles and rights at work, the OSH Conventions Nos 155 and 187 could not be undermined by the biological hazards instrument. Protection was especially urgent for workers in the informal economy and other vulnerable groups, as well as equally for women and men. The work of the Committee had provided a good basis to achieve the goal of adoption of a strong Convention and Recommendation in 2025.
- 1132.** The Government member of Zimbabwe, speaking on behalf of the Africa group, expressed her satisfaction with the decision to adopt proposed Conclusions with a view to a Convention supplemented by a Recommendation. Protecting workers' right to a safe and healthy working environment in sectors including healthcare, agriculture and transport would in turn support business productivity. The new standards would cover the gaps in Member States' legislation, systems and programmes in the workplace and would complement other OSH instruments such as Convention No. 170. She highlighted several issues that deserved particular attention in preparation for the second discussion, including the need for a risk-based approach, integration of occupational health services into primary healthcare, clearly defined duties, responsibilities and rights for all, and special provisions regarding vulnerable workers including those in the informal economy.
- 1133.** The Government member of Belgium, speaking on behalf of the EU and its Member States, noted that North Macedonia, Montenegro, Albania, Ukraine, Bosnia and Herzegovina and Norway aligned themselves with her statement. Despite the challenging discussions, the constructive spirit of consensus had ultimately allowed the Committee to conclude its work. The proposed Conclusions represented a crucial step towards providing a legal framework to protect all workers from biological hazards in the working environment that extended beyond outbreaks and pandemics, and agreement had been reached on its most important elements. She looked forward to finalizing that important work in 2025.
- 1134.** The Government member of Switzerland highlighted the importance of developing solutions through consensus. She expressed concern over the broad definition of biological hazards that might hinder the ratification and effective implementation of the new Convention and Recommendation.

- 1135.** The Government member of the United Kingdom noted that, despite sometimes challenging discussions, the tripartite spirit had demonstrated what was possible through collaboration. The work of the Committee had provided a valuable opportunity to create international policy coherence, promote workers' health worldwide and help contain the spread of infection through biological hazards.
- 1136.** The Government member of the United States said that the Committee had successfully navigated its way through a challenging discussion, demonstrating what could be achieved through democratic decision and tripartite social dialogue to successfully respond to the most challenging issues in the world of work, including biological hazards in the working environment. He looked forward to continuing the work in the same spirit.
- 1137.** The Government member of Cuba also noted how tripartite negotiations and social dialogue had allowed the Committee to deal with significant challenges and differences. Protecting the safety and health of workers in the work environment was a priority for his government. The new instruments on biological hazards would benefit public health, the global economy and the well-being of all workers.
- 1138.** The Government member of Indonesia noted the spirit of mutual respect by all parties which had been crucial for reaching the outcome. While the Government of Indonesia supported most of the text of the Conclusions, it was concerned about the use of the term "gender-responsive".
- 1139.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, noted the importance of unifying efforts to protect workers against biological hazards in the working environment. He pledged his group's full commitment to continuing the work.
- 1140.** The representative of the Secretary-General summarized the work accomplished by the Committee. Based on its outcomes, the Office would continue its work with a view to completing the standard-setting process in June 2025.
- 1141.** The Chairperson thanked the Committee for the trust it had placed in him. He thanked the two Vice-Chairpersons and all the Committee members for their hard work and dedication, and the Secretariat for its support both in the meeting room and behind the scenes. He expressed his firm conviction that the outcome of the rich deliberations would shape important instruments that would contribute to the realization of the fundamental principle and right to a safe and healthy working environment around the world.



► Record of Proceedings

6C

International Labour Conference – 112th Session, Geneva, 2024

Date: 4 July 2024

Plenary sitting: Outcome of the work of the Standard-Setting Committee on Biological Hazards

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Friday, 14 June 2024, 10.20 a.m.

President: Mr Buzu

Outcome of the work of the Standard-Setting Committee on Biological Hazards: Presentation and discussion

The President

This morning we shall turn our attention to the outcome of the work of the Standard-Setting Committee on Biological Hazards, namely the Committee's proposed resolution and Conclusions. These texts, which are being presented to the plenary for adoption, can be found in [Record of Proceedings No. 6A](#). The report on the Committee's proceedings is contained in [Record of Proceedings No. 6B](#). Needless to say, we look forward to listening to the Committee's presentation.

It is my pleasure to welcome the Officers of the Committee and its Reporter, namely: Mr Claudino de Oliveira (Portugal), Chairperson; Ms Maya Rubio (Spain), Employer Vice-Chairperson; Mr Ritchie (New Zealand), Worker Vice-Chairperson; and Ms Nghidengwa (Namibia), Reporter.

I will first give the floor to Ms Nghidengwa (Reporter), so that she may give us a summary of the Committee's work. The Officers of the Committee will then take the floor.

Ms Nghidengwa

Reporter of the Standard-Setting Committee on Biological Hazards

It is an honour for me to report to the Conference on the work and outcome of the Standard-Setting Committee on Biological Hazards.

Our mandate from this esteemed Conference was to hold a first discussion on protection against biological hazards with a view to establishing a new international labour standard or standards. I am happy to report that the Committee has managed to review a significant part of the proposed Conclusions presented in Report ILC.112/IV(2), which the Office compiled from the responses of 87 governments, 50 employers' organizations and 94 workers' organizations to the questionnaire shared with Member States in December 2022. The questionnaire was included in the initial report to the Conference, Report ILC.112/IV(1).

I am proud to report that the Committee has reached an agreement that the International Labour Conference should adopt standards concerning biological hazards in the working environment and that these standards should take the form of a Convention supplemented by a Recommendation. I must say that such an agreement was not an easy achievement, but rather the result of lengthy, and sometimes heated, debates. The Committee was successful in achieving consensus on a set of Conclusions with a view to a Convention. It has achieved this remarkable result through tripartite negotiation and compromise, following intensive and constructive deliberations in 24 sittings over 10 days.

The proposed Conclusions with a view to a Convention include a Preamble which recalls the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work by the International Labour Conference in June 2022. The proposed Conclusions define the term "biological hazards" for the purposes of the new instruments, and the scope of the Convention. The Conclusions also state that each Member should, consistent with national law and practice and in consultation with the most

representative organizations of employers and workers, integrate the protection against biological hazards in the working environment into its national policy on occupational safety and health, which would be periodically reviewed.

The tripartite constituents have also agreed on a set of preventive and protective measures required for the management of biological hazards in the working environment, defining the role of the competent authorities in regulating and providing guidance on these specific hazards, and requested the progressive extension of occupational health services to all workers in all branches of economic activity. The Conclusions also include provisions on data collection, recording and notification of occupational diseases and occupational accidents, and on enforcement of laws and regulations. The collection and analysis of data pertaining to biological hazards provide for informed responses, effective planning and the successful prevention of accidents and injuries to health in the working environment. Finally, the proposed Conclusions have also defined the duties and responsibilities of employers and the rights and duties of workers and their representatives.

Due to the technical nature and the complexity of the issues involved and the diversity of approaches in different countries and regions, as well as the fact that this was the first time the Conference had been called on to address biological hazards in the working environment, the Committee did not have adequate time, within the sittings allocated, to finish its review of the Conclusions proposed by the Office, including the proposed Conclusions with a view to a Recommendation. The Committee requests the Office to propose, on the basis of the amendments submitted and the discussion of the Committee at this session, a revised text with a view to a Recommendation for the second discussion at the 113th Session of the International Labour Conference.

Before closing, I wish to acknowledge the contribution of all participants in the Committee. The Government members, the Employer members and the Worker members discussed in a spirit of openness and mutual respect throughout the entire process. Despite initial challenges with divergent perspectives, the Committee was able to refocus on the substantive issues. The commitment of the tripartite members of the Committee to overcoming differences in opinion and positions by making compromises led to a consensus that aligns with the ILO's mission to promote safety and health at work. The Chairperson, Mr Claudino de Oliveira, Government member of Portugal, and the two Vice-Chairpersons, Ms Maya Rubio for the Employers and Mr Ritchie for the Workers, ably navigated these complex discussions and found solutions which ensured the success of our Committee's ambitious task. We thank Mr Claudino de Oliveira for his wisdom and patience in seeking consensus, which facilitated tripartite collaboration in achieving substantial outcomes. We are also thankful to our two Vice-Chairpersons, whose mastery of tripartite negotiation and the decision-making process was instrumental in getting the job done. Furthermore, we would like to express our gratitude to all members of the Secretariat for their invaluable support, under the able leadership of Ms Seppo, representative of the Secretary-General. These colleagues worked tirelessly, day and night, both on and behind the scenes. Their excellent work has ensured the successful conduct of our business.

Ms Maya Rubio

**Employer Vice-Chairperson of the Standard-Setting Committee on Biological Hazards
(Original Spanish)**

In this process, the concept of safety and health as a new fundamental principle and right at work has provided us with context and clear limits. The Employers' group took part in the

debate in full awareness of its relevance and potential, with a view in particular to addressing the important issue of biological hazards in the working environment.

Governments, Workers and Employers met with the aim of working constructively towards the common goal of addressing biological hazards in the working environment. This is a very important issue for all of us, given that our work may have real and concrete impacts in the workplaces of the world. Preventing, managing and controlling the hazards related to biological agents is essential, both for employers and for workers.

It was and continues to be our shared responsibility to consider, in a balanced and coherent way, the perspectives of the three constituent groups and to consult all those who may be affected, both in developed countries and developing countries, in both small and large companies, and also workers, whatever their place of work. The instruments that we have developed this year, and will be working on next year, have to be able to provide a practical approach balanced between worker protection and the sustainability of companies, as well as a coherent risk-based approach that guarantees adequate protection and minimizes labour market disruptions. For that reason, it is important that they have the necessary flexibility to be adapted to the situation in each country.

The Employers have been clear about their goal of achieving an outcome that can be implemented in national legislation and in practice for the largest possible number of Member States. In their current form, the conclusions are not sufficiently practical to guarantee robust and generalized ratification. At present, the conclusions repeat what has been set out in other instruments and introduce excessively complicated elements, thereby creating uncertainty with regard to the application of other standards. We are concerned that the conclusions are based on too many instruments on the subject of workplace health and safety that have not been ratified sufficiently and lack flexibility, rather than relying on the weight and authority of the two fundamental Conventions on workplace health and safety.

Regarding scope of application and definitions, which are critical parameters on which to focus efforts and provide a solid basis for action, these are, in our respectful opinion, problematic. The definition of biological hazards presents significant practical problems when considered in the context of operational provisions. This creates ambiguity and legal uncertainty in terms of what will be required of employers in relation to the workplace and we have heard from many Governments that they share similar concerns with respect to their own obligations. This ambiguity is exacerbated by the blurring of the dividing line between responsibilities for public health matters and responsibilities for safety and health at work. The Employers argue for a clear distinction between, on the one hand, situations where exposure to a biological hazard has its origin directly in the workplace and, on the other hand, situations linked to external factors, such as pandemics, which evidently affect workplaces. The conclusions do not reflect this, but rather confuse those two types of situation. We need to establish a clear distinction, because the responsibilities and measures needed to protect the safety and health of workers differ between the two cases.

However, we do believe that the spirit of consensus and the expertise of all those involved in the search for compromise has broken through just in time to reach significant conclusions through the tripartite negotiations. We have seen the progress that has been achieved through our discussions and we have emerged from them with more experience and more appreciation for different perspectives, and this is reflected in the draft text, laying the foundations for next year and offering opportunities for success.

Having made these remarks, we will come back to this discussion next year with the best intentions and ready to devote all the necessary effort to achieving a good outcome. We would

ask the Office to continue to consult the groups before the second discussion and we are confident that, at the Committee next year, we will be able to develop applicable instruments that the Employers can promote and support. To that end, we anticipate significant improvements to the text in order to achieve greater practicality, clarity and coherence with other instruments. We have a year ahead of us in which to address the main concerns of the constituents. In the chamber of social dialogue, we must adhere to the collective objective of achieving an instrument that is practical and ratifiable.

I would add that it has been an honour for me to take part in the work of the Standard-Setting Committee on Biological Hazards and to act as Vice-Chairperson for the Employers. Allow me to conclude by thanking all those present and all those who participated in the discussion.

Mr Ritchie

Worker Vice-Chairperson of the Standard-Setting Committee on Biological Hazards

The Standard-Setting Committee on Biological Hazards has reached its Conclusions, with proposals for a Convention supplemented by a Recommendation concerning biological hazards in the working environment, with a view to consulting the tripartite constituents and finalizing these standards at the next session of the International Labour Conference, in 2025.

The Workers' group is pleased with the progress made at this session of the Conference and wishes to thank the Employers' and Government groups for their diligent and constructive work in reaching our Conclusions. Our discussions were expertly guided by the Chairperson of the Committee, Mr Claudino de Oliveira, from the Government of Portugal. We also wish to thank Ms Maya Rubio, the Employer Vice-Chairperson. The Office gave invaluable support, led by Ms Seppo.

The Workers' group came to these discussions committed and determined to do everything possible to extend protections to all workers who encounter biological hazards within the working environment. We did this in the knowledge that, since 2022, occupational safety and health (OSH) has been included in the fundamental principles and rights at work, as mandated by the tripartite constituents of this house. Along with freedom of association and the right to organize and engage in collective bargaining, the right to be free from discrimination, and the prohibition on forced labour and child labour, OSH is now included in the United Nations (UN) human rights framework. The right to a safe workplace will be greatly enhanced by the adoption of a Convention and guiding Recommendation on biological hazards in 2025 and, so far, we have a clear and unambiguous text for a proposed Convention.

Given the pandemic experience of the last few years, together with the growing incidence of antimicrobial-resistant pathogens and the increased risk of exposure to biological hazards arising from the climate crisis and loss of biodiversity, there is no other legitimate option within the UN framework for the promotion of rights, peace and sustainability than to make every effort to enhance protection against biological hazards in the working environment.

The Workers' group, as one of the tripartite constituents of this house, advocates for all workers, including workers in the informal economy and other vulnerable workers, including migrant workers. In addressing the risks posed by biological hazards, it is important that all constituents recognize the reality of national and global economies, which have significantly reduced employment security, increased inequalities and consigned millions of workers and their families to insecure and inadequate incomes, which are insufficient to realize the rights to food, education, health and housing. We are in danger of being mere spectators, as the insatiable demands of capitalism intensify this crisis with every passing day. This house and its

tripartite constituents have an obligation to uphold its standards, including the fundamental principles and rights at work, and to ensure that these standards are accessible to all workers.

There is, of course, a public health and OSH imperative to reaching agreement on definitions and scope, which must be inclusive. Just as access to vaccines is a universal requirement to ensure global protection from infectious diseases, universal access to a safe working environment is a prerequisite to containing the spread of disease and to preventing unnecessary suffering and death. Cooperation between public health agencies and OSH agencies is a prerequisite to protecting our communities from exposure to biological hazards.

Public health policy and OSH policy must be complementary, but we endanger lives, increase suffering and disrupt business continuity if we believe that public health policy and action are enough to contain biological hazards in the working environment. By using the “hierarchy of hazard control” approach, workers and employers can remove, minimize and control biological hazards, which in turn enhances the effectiveness of public health and builds safer communities. It is important to be clear about this as we advance our discussions next year.

The effective management of biological hazards in the working environment, including new or emerging hazards, necessitates the development of preparedness and response plans and, where necessary, precautionary measures to deal with accidents and emergencies, as well as the need to take into account workers’ physical, mental and general well-being. We are pleased that the Committee has agreed to include these important mechanisms in the draft text of the Convention. Looking forward to next year, we must also agree on the language that will be used to ensure that both women and men have equal protection in line with their different needs and vulnerabilities. We have a good basis from this year’s discussions to meet our common goal, and we will devote our best efforts to achieving a strong Convention and Recommendation at the 2025 session of the Conference.

I want to thank everybody involved in the Committee, the Chairperson, the Employer Vice-Chairperson, the Workers’ group secretariat and the Bureau for Workers’ Activities (ACTRAV) for their brilliant support, and the Drafting Committee in particular for going beyond the call of duty by working diligently at such an inhospitable hour. Most of all, I want to thank the Workers’ group members as a whole for their wise and considered contributions to our input, their patience, good humour and commitment. They come with a mandate from the workers they represent, and to those workers I say, you have great leaders committed to your well-being and safety.

Mr Claudino de Oliveira

Chairperson of the Standard-Setting Committee on Biological Hazards

I have the honour, in my capacity as the Chairperson of the Standard-Setting Committee on Biological Hazards, to present to you some observations on the proceedings and the outcome of the Committee’s work.

Allow me to start by informing the Conference that we agreed that international instruments on biological hazards in the working environment are required, and that these instruments should take the form of a Convention supplemented by a Recommendation.

May I recall that this Committee met as the result of a decision of the ILO Governing Body at its 341st Session (March 2021) to place on the agenda of the 112th and 113th Sessions of the International Labour Conference an item related to occupational safety and health protection against biological hazards. This decision is a follow-up to the assessment of the ILO’s

normative framework on occupational safety and health conducted in 2017 by the Standards Review Mechanism Tripartite Working Group. It recommended that a regulatory gap related to these occupational hazards be addressed so as to complement and supersede one of the first ILO instruments, the Anthrax Prevention Recommendation (No. 3), which was adopted in 1919.

Since then, as we know, more than 40 international labour standards on occupational safety and health have been adopted by this house. But other than very limited references to some preventive measures in some standards, the ILO has never discussed biological hazards on their own for standard-setting purposes. This is also the first standard-setting process dedicated to safety and health after the historic decision of the Conference in June 2022 to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, designating the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as fundamental Conventions.

We have before us a unique opportunity. The protection of workers against sickness, disease and injury arising out of employment is a constitutional objective of the ILO. While the Organization's response to challenges related to occupational safety and health has changed over time, the adoption of OSH-related instruments is the gold standard for ensuring that the management of occupational hazards, both at the national and workplace levels, takes into account emerging and re-emerging risks. Climate change, for example, is exacerbating many workers' exposure to biological hazards, namely due to an increased risk of vector-borne diseases in workers through the effects of changing weather patterns on vector population sizes, survival rates, and reproduction. COVID-19 and epidemics that have severely affected workplaces in many regions in recent decades have also reminded us of the dire consequences of a lack of sound and resilient occupational safety and health systems when facing biological hazards.

If adopted next year, as currently proposed by the Conclusions approved by the Committee, the ILO will add to its normative framework specific references to biological hazards in the working environment. If so confirmed, they will be the first international instruments addressing these particular occupational hazards.

To guide its work, the Committee had before it two informative pre-Conference reports, which were the result of extensive research and consultations both within the Office and with constituents. Report ILC.112/IV(1) (the "white report") compiled information on national law and practice addressing biological hazards in a work context. The information collected enabled the Office to draft a questionnaire, which was sent to all Member States in order to obtain their views on the need for an instrument or instruments, and on the content. The complexity of the issues at stake started to emerge at this point, as the Office twice needed to postpone the deadline for replies to the questionnaire, which resulted in a more comprehensive view of ILO Members' perspectives. The Office received 87 replies from governments, 50 from employers' organizations, and 94 from workers' organizations. Based on the information received from Members, a second report was drafted (Report ILC.112/IV(2)), which contained a set of proposed Conclusions, including 32 points with a view to a Convention and 12 with a view to a Recommendation.

During our deliberations, we were cognizant that agreeing on the key principles and elements would be challenging, given the complexity of the subject matter being addressed, diverging points of view from tripartite constituents, and the quite different approach by national jurisdictions. Questions relating to the definition of biological hazards, the scope of

the instruments, and the form and content of national policies represented a significant part of the discussions.

The Committee was nevertheless able to build consensus and reach joint decisions on critical questions that will allow the process to move forward. Among these, the Committee agreed that international instruments on biological hazards in the working environment are required, and that these should be in the form of a Convention supplemented by a Recommendation. The Committee also agreed on the definition of biological hazards for the effects of the proposed standards. It is proposed that the standards would apply to all branches of economic activity and all workers, while providing for some flexibility for Member States, in consultation with employers' and workers' organizations, to make temporary exclusions based on certain premises.

Elements of the national policy on biological hazards in the working environment were agreed on, including the need for coherence with broader national occupational safety and health policies, taking into account the best available information and promoting coordination between relevant national authorities. The Committee also agreed on preventive and protective measures to be adopted, including the development of national guidance, inter alia, for preparedness and response measures to deal with accidents and emergencies, taking into account new and emerging risks. The Committee also reached consensus on points related to occupational data collection, recording and notification of occupational diseases and accidents, duties and responsibilities of employers, and rights and duties of workers and their representatives. Other agreed points referred to employment protection measures and enforcement of laws and regulations.

Looking back and taking into account the range of issues raised during the work of the Committee and the different points of view offered, I am very pleased to inform you that the Committee was able to deliver on its mandate to a great extent. It is to be noted that time did not allow us to discuss the proposed points with a view to a Recommendation, but I believe that the Office now has the elements that will allow the process to move forward.

We were entrusted with a complex task – to start the discussion on the regulation of biological hazards in the working environment in order to address a normative gap in the ILO. I believe that, given the intricacy of the endeavour, the Committee has made a major breakthrough, upon which constituents will build in 2025. This was made possible by Committee members working towards consensus and demonstrating flexibility in accepting each other's views around all issues.

In this respect, I would like to extend my sincerest appreciation to all delegates representing governments, employers and workers, as they all brought constructive proposals and views. I must confess that I did not expect the negotiations to be so complex, but I am also delighted to report to you that consensus was the rule for decision-making in the Committee, valuing the importance of tripartism.

I would like to thank the Vice-Chairpersons – Ms Maya Rubio for the Employers' group and Mr Ritchie for the Workers' group – for their passion, professionalism and commitment. I would also like to thank the Government members for their useful contributions and full engagement throughout. My thanks also go to the Office – the representative of the Secretary-General, Ms Seppo, the deputy representative, Ms Paquete-Perdigao, the senior advisers, Mr Pintado Nunes and Mr Santos O'Connor, and the team of experts – for the excellent preparation of this standard-setting discussion, the comprehensive background reports, which provided an excellent basis for discussion, and their competent support during the deliberations. Last but not least, I thank the coordinators – Ms Wong-Ramesar, Ms Pinoargote and Ms Ramirez Abarca

– and all members of the Committee Secretariat, who provided continuous, smooth and efficient support throughout, and who worked long hours to support the Committee in producing its outcome. Please also allow me a word of thanks for the colleagues of the Portuguese delegation, who were always there for me.

The work of our Committee has ended for this session, but the work is not finished here. As a next step, the Office will prepare a new report containing a draft text of the instruments and a commentary, and will circulate it for Members' comments. This consultation will form the basis for the final report, which will facilitate the work of the Standard-Setting Committee at the 113th Session of the International Labour Conference next year. It has been my privilege to serve as Chairperson of this Committee.

The President

The discussion on the outcome of the work of the Standard-Setting Committee on Biological Hazards is now open.

Ms Ponnet

Government (Belgium), speaking on behalf of the European Union and its Member States

I have the honour to speak on behalf of the European Union and its Member States. North Macedonia, Montenegro, Albania, Ukraine, Bosnia and Herzegovina, and Norway align themselves with this statement.

We want to express our warm thanks to Mr Claudino de Oliveira, the Chairperson of the Committee, for leading the discussions successfully, despite the fact that our discussions were sometimes difficult. We also thank the Employer and Worker Vice-Chairpersons and our colleagues in the Government group for the fruitful contributions, which allowed us to gain a common understanding of this crucial matter.

The Conclusions we are adopting today are an important step towards improving the ILO's body of standards and protecting workers from biological hazards in the working environment, as well as to promoting and realizing the fundamental right to a safe and healthy working environment. They are a crucial step towards achieving the first international instrument on this key matter, and will provide a framework with the objective of protecting all workers in regard to biological hazards in the working environment, which goes beyond protection in the event of outbreaks and pandemics.

The Conclusions provide the basis for a new Convention and give guidance on what should be included in the accompanying Recommendation. We welcome the fact that we could agree on the most important elements, including the form of the instruments and the definition of biological hazards in the working environment. We are looking forward to finalizing this important work next year and to working towards a new Convention, supplemented by a Recommendation, on biological hazards in the working environment.

We would like to convey our great gratitude to the Secretariat for its support and guidance, and to all the interpreters for their excellent job in facilitating our work – even though it was sometimes difficult for them because we were talking a little too fast. We also thank the members of the Drafting Committee for reviewing the language of the instrument at late hours. Our thanks also go to the whole staff who supported the work of the Committee and of this session of the Conference. Lastly, I thank all the people who were working behind the scenes to make it possible for the Committee to produce its Conclusions.

Mr Mc Clashie**Minister of Labour (Trinidad and Tobago)**

The first standard-setting discussion on the issue of biological hazards has been an engaging and timely one, especially on the heels of COVID-19. Over the past two weeks, the Committee held in-depth discussions on the issue of biological hazards, the importance of ensuring protection from threats that may arise from such hazards in the working environment, and the possible mitigations to ensure protection to life and limb.

Let me take this opportunity to highlight at the national level the commitment of Trinidad and Tobago to ensuring protection against biological hazards. Our country, through its Occupational Safety and Health Authority, has a steadfast commitment to ensuring safe and healthy work environments. Established under the Occupational Safety and Health Act, this advisory body encourages compliance with the OSH Act in the workplace, develops codes of practice, and engages in research activities that will continue to promote a safe and healthy environment. Currently, work is under way to amend this legislation to ensure a robust national framework to promote workplace safety and health. This should positively impact my country's ability to comply with the new instrument.

We look forward to continued tripartite discussions on this matter next year, and to this body adopting a new instrument on biological hazards.

In closing, I want to commend the ILO on the work undertaken in addressing this critical issue and its continued support to countries such as Trinidad and Tobago.

Ms Ajam**Worker (South Africa)**

Thank you to the Secretary-General, all the Officers of the Conference, all the staff across the divide who have a role in making this Conference a success, all delegates, and particularly the members of the Standard-Setting Committee on Biological Hazards. On behalf of the Workers' group, I wish to highlight some of the issues that have been characterized in the Committee.

We are pleased with the Conclusions and the outcomes. They are incredibly important for all workers of the world, recognizing the rights of both male and female workers, but especially vulnerable workers from Africa. This approach sets the tone, demonstrates goodwill and provides assurance that no one is left behind. The extension of protection to all workers insofar as biological hazards are concerned is absolutely remarkable, taking due cognizance of the exacerbation of biological hazards due to climate change. Climate change poses significant risks to workers in Africa and the global village, particularly the increased exposure to biological hazards. These risks are especially concerning for informal, outdoor and frontline workers. We therefore remain deeply committed to mitigating all risks posed by climate change and the increased exposure to biological hazards in ensuring sustainable and resilient workplaces in the face of these global challenges.

For this reason, clear inspiration has been drawn from the spirit and progress of the negotiations that have officially culminated in a Convention supplemented by a Recommendation. While we are flexible with the Conclusions, it is our hope that the strength and concretized outcome of an even more solidified text in 2025 will guarantee inclusivity and the extension of protection against biological hazards for all citizens of the world.

Mr Moraes**Employer (United States of America)**

On behalf of the United States Council for International Business, the Employers' delegation, I would like to thank Isabel, Pierre, Robert, Matthias and Laura from the International Organisation of Employers, and the Bureau for Employers' Activities (ACT/EMP) for guiding us in the last couple of weeks. Also, I want to thank my fellow members of the Employers' group for the valuable contributions during our group meetings. Thanks to the Chairperson, Mr Claudino de Oliveira, the Governments' representatives and to the Workers' group for the fruitful discussions and negotiations that, although many times challenging, are necessary to ensure that decisions made in this house are made by consensus. Last but not least, I would like to thank my fellow brave colleagues from the Drafting Committee for the hours we spent in the last few days to make this document easier to be understood and aligned in English, French and Spanish.

The spirit of constructive work, focusing on achieving consensus, was present during the entire session. However, there are important and concerning topics to be considered for next year, especially related to the definitions and scope section, as well as the distinction between public health and occupational health and safety.

In conclusion, speaking for myself now, I would like to say that, as a physician specialized in occupational medicine and infectious disease, I am leaving here with a positive feeling that the document produced at this session of the Conference will set the stage for a productive discussion next year, focusing on the development of a standard that will be able to be ratified and implemented. This will contribute to strengthening health and safety in the workplace, which is one of the elements of the mission of the ILO, the only tripartite UN agency.

Ms Landry**Worker (Canada)****(Original French)**

I wanted to share with you the importance of the work being done in this house on the Convention on biological hazards in the working environment, a subject that may sometimes seem arduous and daunting, but which is essential to ensuring the recognized fundamental right to a safe and healthy working environment for all workers, regardless of their place of employment, occupation or gender. Having a safe and healthy job, free of biological hazards, also means having the right to return from work in good health, in a way that promotes our personal development and the development of our families and our communities.

Over the past two weeks, I have witnessed how difficult it is to achieve a genuine and flexible tripartite dialogue to move the discussions forward. I would like to invite all those who will sit on the Standard-Setting Committee on Biological Hazards next year to come with an openness to dialogue in order to advance the work we must finish, which will certainly again require long hours of work as we have seen over the past two weeks, but which I hope will do credit to the millions of workers who are exposed to biological hazards that jeopardize their health and safety every day. Because improving their conditions and thereby respecting their fundamental right to a safe and healthy working environment is why we are here.

The Convention on biological hazards will be even more crucial as workplaces face additional challenges in the wake of climate change. In Canada, global warming is already exposing workers to zoonotic diseases that were unknown to us just two decades ago, and this is only the beginning.

In conclusion, I would like to thank my colleagues from the Workers' delegation, and underscore the extraordinary work of the Worker Vice-Chairperson, Mr Ritchie, and group Secretariat members, Mr O'Neill and Ms Llanos, who brought us together so well around the common goal of obtaining a Convention and Recommendation on biological hazards in the working environment. We look forward to continuing the discussion next year.

Mr Chester
Employer (South Africa)

I speak as a technical expert on behalf of Business Unity South Africa (BUSA).

Our task, as a Committee, was to produce a document focusing on fundamental principles relating to biological hazards, whether from operational or incidental sources – for example, tuberculosis, malaria, influenzas, SARS-CoV-2 and whichever the next one is around the corner. The task was huge, and the detail was complex. The passion of the tripartite groups – Government, Workers' and Employers' – was highly evident and set a dynamic tone for our negotiations.

We all know that changing mindsets can be challenging, and our discussions have been testament to this. While we found common ground in many areas, consensus on some fundamentals, including the definition of "biological hazards", proved elusive. Further to this, the placement and understanding of definitions and concepts within the instruments sparked considerable debate. Terms such as "risk", "risk assessment", "risk-based approach", "reasonably practicable" and, of course, "biological hazard" were discussed repeatedly, which underscored their importance in the instruments. We devoted substantial time to broad debates, perhaps at the expense of technical detail, even though existing Conventions like the Occupational Safety and Health Convention, 1981 (No. 155), provide ample coverage.

Despite these lengthy, and sometimes frustrating, discussions, we reached consensus on many key issues. We now have a document that is significantly improved from the base text. I eagerly anticipate our continued engagement to strive towards a Convention that is widely understood, appreciated and, above all, ratified. Improper oversight in these areas would have disastrous consequences for governments, workers and employers.

In closing, I would like to thank BUSA for my invite – I am honoured – and extend my deepest appreciation for the Biological Hazards Committee Chairperson, Mr Claudino de Oliveira, the coordinators, governments and especially my South African Government representative, Bulelwa, and the Africa group representatives, Betty and Benjamin. They were an example of social dialogue. I also extend my gratitude to the Vice-Chairpersons, Mr Ritchie and, of course, my own group's Vice-Chairperson, Ms Maya Rubio, whose courage under fire was truly commendable. They, and particularly Pierre on our side, provided a calming presence amidst the storm. And I thank, of course, the Drafting Committee and interpreters. I also want to acknowledge the Secretariat and representatives of the International Organisation of Employers for their deep understanding of the Conventions and working methods, and the entire Employers' group team for their passion, knowledge, temperament and wisdom. I do look forward to collaborating with you all again.

Mr Zuccotti

Worker (Argentina)

(Original Spanish)

Just two years ago, a fifth fundamental right was added, guaranteeing a safe and healthy working environment for all workers. This decision made it possible to take a more comprehensive look at all the fundamental rights and, since then, it has been a matter of fulfilling a duty of care to people, which also includes the environment in which they work. Recent history has shown us that biological hazards are never far away and that, if we do not address them, the consequences can be devastating and unpredictable. We cannot ensure that there will be no new pandemics, but we must ensure that we do everything possible to achieve the fullest level of prevention so as to protect workers around the world from being exposed.

The Conclusions before the plenary will give rise to the first standard that will make operational various aspects of the fundamental Conventions on occupational safety and health. This Convention and the Recommendation will be the first international labour standards to address the important issue of the protection of all workers from biological hazards. As constituents, we should do all we can to reach agreements in this house of social dialogue that will result in an up-to-date text that covers all productive activities that are subject to these risks.

I assure you that this will lead to a better working environment and offers real potential for saving lives: the ultimate objective when it comes to decent work. The Workers' group can be counted on for its effort, commitment and, fundamentally, its good faith in continuing to build a world with more social justice for all. Lastly, my thanks go to the remarkable Workers' group for the opportunity to participate in this discussion.

Resolution and Conclusions**Proposed Conclusions: Adoption****The President**

There being no further speakers, we shall now proceed with the adoption of the proposed Conclusions of the Standard-Setting Committee on Biological Hazards, as set out in Record of Proceedings No. 6A.

If there are no objections, may I take it that the Conference adopts the proposed Conclusions?

(The Conclusions are adopted.)

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Biological hazards in the working environment": Adoption**The President**

Let us now move to the adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Biological hazards in the working environment".

If there are no objections, may I take it that the Conference adopts this resolution?

(The resolution is adopted.)

I would like to extend my warmest thanks and congratulations to the members and Officers of the Committee for their work. I would also like to thank the Secretariat for its support. We already look forward to the outcomes of this double discussion standard-setting procedure.

(The Conference continues its work in plenary.)



► Record of Proceedings

7A

International Labour Conference – 112th Session, Geneva, 2024

Date: 13 June 2024

Outcome of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work

Proposed resolution and conclusions submitted to the Conference for adoption

This Record of Proceedings contains the text of the proposed resolution and conclusions submitted by the Committee to the Conference for adoption.

The Report of the Committee on its proceedings will be published in Record of Proceedings No. 7B after the closure of the session.

► Resolution concerning the third recurrent discussion on fundamental principles and rights at work

The General Conference of the International Labour Organization, meeting at its 112th Session, 2024,

Having undertaken a third recurrent discussion on fundamental principles and rights at work, in accordance with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the ILO Declaration on Social Justice for a Fair Globalization (2008), and duly taking into account the ILO Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019), to consider how the Organization should respond to the realities and needs of its Members,

1. Adopts the following conclusions which contain priorities for ILO action for the effective and universal respect, promotion and realization of fundamental principles and rights at work;
2. Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them; and
3. Requests the Director-General to:
 - (a) prepare a plan of action giving effect to the conclusions for consideration by the Governing Body at its 352nd Session in November 2024;
 - (b) communicate the conclusions to relevant international and regional organizations for their attention, including in the context of the Second World Summit for Social Development;
 - (c) take into account the conclusions when allocating resources within the existing programme and budget, preparing future programme and budget proposals, and mobilizing extrabudgetary resources; and
 - (d) keep the Governing Body informed of their implementation.

► Conclusions concerning the third recurrent discussion on fundamental principles and rights at work

I. Fundamental principles and rights at work are more needed and relevant than ever

1. Fundamental principles and rights at work (FPRW) are universal human rights and immutable in nature. They are inseparable, interrelated and mutually reinforcing. They are key to human dignity and well-being and to the foundation of inclusive and just societies. They are important for ensuring that economic and social progress advance together in the pursuit of social justice. FPRW are rights and enabling conditions that are necessary for the full realization of the strategic objectives of the International Labour Organization (ILO).
2. In line with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (the 1998 Declaration), all Members, even if they have not ratified the fundamental Conventions, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights that are the subject of these Conventions.
3. There has been some progress and new developments since 2017:
 - (a) At the national level, Member States have undertaken multiple legal reforms, policies and programmes to guarantee and protect freedom of association and the effective recognition of the right to collective bargaining, to combat child labour and forced labour, address discrimination in respect of employment and occupation, and implement occupational safety and health measures and systems. In addition, the number of ratifications of fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and their incorporation into national legal and policy frameworks has increased;
 - (b) At the international level, the right to a safe and healthy working environment was elevated in 2022 to a fifth category of FPRW, widening and strengthening international commitment to respect, promote and realize all FPRW, and the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) were considered as fundamental Conventions within the meaning of the 1998 Declaration. In 2020, the Worst Forms of Child Labour Convention, 1999 (No. 182) became the first ILO instrument to reach universal ratification. FPRW have been reflected in a number of new international labour standards, such as the Violence and Harassment Convention, 2019 (No. 190). References to FPRW in legal and policy frameworks have increased, including in trade and investment agreements, safeguard policies of international financial institutions, international and national framework agreements and due diligence legislation and initiatives;
 - (c) Employers' and workers' organizations, together with their members, have also taken important steps to advance FPRW.
4. At the same time, challenges remain.
5. We are far from achieving the universal ratification of fundamental Conventions and significant implementation gaps remain. According to ILO global estimates, child labour has increased in absolute terms to 160 million children, with 79 million in hazardous work; forced labour has

grown to 27.6 million; and annually, 3 million workers die related to occupational accidents or diseases. Gender labour force participation and pay gaps remain stuck at 25 percentage points and 19 per cent, respectively.

6. While statistics for the period 2000–2019 suggest an overall improvement in workplace safety, workers across the world continue to be exposed to unsafe and unhealthy working environments and certain risks have intensified, including heat stress and psychosocial risks.
7. Freedom of association and the effective recognition of the right to collective bargaining are severely threatened around the world. Certain categories of workers are excluded from the scope of labour policy, labour legislation and labour dispute resolution institutions.
8. Various emerging forms of work can offer both opportunities and risks. When providing decent work, they can be an avenue for workers and their families to escape poverty and enter the formal economy. When they do not provide decent work, or workers are misclassified, they can be insecure and pose challenges to the realization of FPRW.
9. Threats to and impairment of freedom of association and the effective recognition of the right to collective bargaining are exacerbating risks of child labour, forced labour, discrimination and hazardous working conditions.
10. Persistent informality continues to represent a major barrier to FPRW advancement, sustainable development and decent work.
11. Failures to protect and respect FPRW continue to be observed within supply chains. Disruptions of supply chains during recent crises have adversely affected the full realization of FPRW in some countries.
12. Inequalities and poverty are persistent challenges contributing to the failure to respect and realize FPRW. They were exacerbated by the COVID-19 pandemic, social and economic crises, conflicts and geopolitical instability, natural disasters and climate change.
13. Weak governance, erosion of the rule of law and civil liberties, restrictions on freedom of association and on the effective recognition of the right to collective bargaining, inadequate enabling environments for sustainable enterprises, inadequate regulation, under-resourced and ineffective labour administrations and inspectorates, and other relevant labour authorities, and ineffective labour migration governance, among other causes, have impeded progress to respect, promote and realize FPRW.
14. Demographic, environmental and digital transitions, including the rise of artificial intelligence and related technologies, are transforming the world of work, reinforcing the urgency of promoting the FPRW to address challenges and seize opportunities.
15. These complex developments create risks for, require renewed emphasis on, and reaffirm the importance of FPRW. FPRW provide a framework to navigate complex and turbulent times to prevent and manage future crises, especially crises in the world of work. This requires stronger policy and action for their respect, promotion and realization.

II. Strengthening action for the effective respect, promotion and realization of fundamental principles and rights at work

16. The respect for human rights, the rule of law, and democratic and fundamental freedoms are prerequisites for the full realization of FPRW. Responding to emerging challenges and realizing FPRW require political will, effective labour market governance and social dialogue. To strengthen action for the effective respect, promotion and realization of FPRW, including in

pursuit of the Sustainable Development Goals, governments, in consultation with the most representative employers' and workers' organizations, and taking account of national circumstances, should:

- (a) engage in tripartite social dialogue and take action to consolidate the progress made, stop reversals and address regulatory and implementation gaps;
- (b) seize the momentum generated by the recognition of a safe and healthy working environment as a fundamental principle and right at work to strengthen national laws and practices to accelerate progress to respect, promote and realize this principle and right;
- (c) give particular attention to freedom of association and the effective recognition of the right to collective bargaining, noting their particular importance to enable the attainment of the four strategic objectives, while ensuring balanced attention to all five categories;
- (d) take necessary steps to reduce informality in line with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- (e) effectively incorporate FPRW into a just transition and into a human-centred approach when dealing with technological and demographic shifts, *inter alia*, that are transforming the world of work;
- (f) adopt policies to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and create an enabling environment for sustainable enterprises, noting that business activity, investment and innovation are major drivers of productivity, inclusive growth and job creation;
- (g) continue efforts to advance the interrelated and mutually reinforcing nature of FPRW.

17. Areas of focus should include:

Strengthening governance

- (a) ratify and effectively implement all fundamental Conventions, including the Protocol of 2014 to Convention No. 29;
- (b) expand the coverage of labour laws, establish enabling regulatory frameworks, ensure effective enforcement and strengthen relevant institutions to uphold the rule of law, good governance, and protection and promotion of human rights;
- (c) build and strengthen the capacity of labour administration, labour dispute resolution and labour inspection systems, and provide appropriate human, technological and financial resources, to effectively implement, monitor and enforce national labour legislation and policies, with specific attention to working conditions and protection of workers;
- (d) ensure effective, independent, impartial and accessible judicial and non-judicial labour dispute prevention and resolution mechanisms for all, including grievance mechanisms;
- (e) enhance coherence between national public policies, including migration, employment, labour and social protection policies;
- (f) ensure an evidence-based approach to decision-making and monitor progress by building effective and transparent information systems, including databases and statistical systems;

Freedom of association and social dialogue, including collective bargaining

- (g) protect and promote respect of the right of freedom of association and the effective recognition of the right to collective bargaining in light of their particular importance to

enable the attainment of the four strategic objectives, notably social dialogue and tripartism;

- (h) strengthen the capacity of mechanisms and institutions for social dialogue to formulate policies to promote, respect and realize FPRW and their interconnectedness with ILO strategic objectives; and promote and engage in meaningful social dialogue in all its forms and at all levels to guide implementation, assess progress, and respond and adapt to complex and multiple challenges;

Formalization and sustainable enterprises

- (i) accelerate progress on the transition from the informal to the formal economy, based on the guidance provided in Recommendation No. 204 and on tripartism and social dialogue, to address some of the root causes of decent work deficits and advance an enabling environment for sustainable enterprises;
- (j) create an enabling environment for sustainable enterprises, including micro, small and medium-sized enterprises, which is conducive to realizing FPRW;
- (k) raise awareness of the central role of FPRW in productivity improvement, inclusive growth and job creation;
- (l) support the social and solidarity economy to prosper, innovate and create decent work;

Equality and inclusion

- (m) continue strengthening legal and policy frameworks to eliminate discrimination in employment and occupation for all workers and on all grounds protected by international labour and human rights standards, and ensure that their application is effective, regularly monitored and evaluated;
- (n) promote gender equality in pay and labour market participation, including through the implementation of equal pay for men and women for equal work or work of equal value, pay transparency measures, maternity protection, parental leave and measures to prevent and protect against gender-based violence and harassment;
- (o) adopt targeted measures for groups more at risk of serious deficits regarding FPRW, including persons belonging to one or more vulnerable groups or groups in situations of vulnerability facing exclusion and discrimination, often on multiple and intersecting grounds;
- (p) adapt national laws and policies to ensure adequate protection for all workers, in line with the ILO Centenary Declaration on the Future of Work (2019), ensuring respect for their fundamental rights;
- (q) meaningfully tackle poverty, insecurity and inequalities, as major drivers of FPRW deficits, including through adequate wages set through collective bargaining and adequate minimum wages, whether statutory or negotiated, and income support through social protection.

18. Governments should reaffirm their commitment to the respect, promotion and realization of FPRW. This would entail coherence among legal frameworks, policies, strategies and programmes, and the development of synergies aimed at realizing the FPRW and those aimed at implementing all strategic objectives of the ILO through which the Decent Work Agenda is expressed, namely employment, social protection, social dialogue and tripartism, and FPRW.

III. Priorities for ILO action

Thematic priorities

19. The ILO should focus on the following agreed priorities to promote FPRW, which now include a safe and healthy working environment, in support of its tripartite constituents based on national circumstances and needs:
- (a) informal economies with due attention to rural areas;
 - (b) enterprises and supply chains;
 - (c) situations of crisis and fragility;
 - (d) just transition towards environmentally sustainable economies and societies for all;
 - (e) the digital economy.

Means of action

20. The Office should update its integrated strategy on FPRW to balance its action across the five FPRW categories and address gaps in implementation, while being responsive to the needs of constituents and focusing its work on the following areas:

Standards-related action

- (a) intensify efforts to promote the universal ratification of the ten fundamental Conventions and the Protocol of 2014 to the Convention No. 29, in particular those that are least ratified, including by pursuing specific campaigns and providing technical advisory services to countries interested in ratification;
- (b) continue to provide technical advisory services, including gap analyses and trainings, to ILO constituents on the effective implementation of the above-mentioned instruments, guided by the ILO supervisory bodies and the annual follow-up to the 1998 Declaration;
- (c) enhance the potential of the annual follow-up to the 1998 Declaration, including through an improved use of the information gathered therein;
- (d) increase synergies among the ILO supervisory bodies, development cooperation, technical assistance and research, including by enhancing efforts to mainstream understanding of the functioning and outputs of the ILO supervisory mechanisms across the Organization, both in the field and in headquarters;

Enhanced research and capacity

- (e) continue to promote and conduct research, and develop tools, guidelines, statistical measurement methodologies, and associated training resources, for qualitative and quantitative data collection, including disaggregated data on discrimination and other under-addressed FPRW categories, and research on FPRW;
- (f) support national institutions to collect and analyse data on the status of FPRW and the characteristics of the populations affected to support evidence-based policy-making;
- (g) produce, in collaboration with Member States, global estimates on child labour and forced labour, and other FPRW issues as data permit, and based on international statistical standards and measurement practices;
- (h) increase the visibility and accessibility of ILO's data and research, including through global platforms such as the Forced Labour Observatory;

- (i) continue to undertake research and analysis on the intersection of FPRW and trade and investment;
- (j) continue to undertake research and data collection on workplace-related injuries, accidents, diseases and fatalities, and on emerging occupational health and safety risks, including psychosocial risks;
- (k) in the context of the ILO Social Dialogue Flagship Report, undertake research and collect good practices on the role of effective social dialogue in addressing challenges related to FPRW in support of the five thematic priorities;
- (l) examine the nature, causes and consequences of FPRW deficits and build the body of policy-based evidence on the role of the ILO decent work strategic objectives on the realization of FPRW and the social and economic impacts of FPRW at the country and global levels;
- (m) undertake research on the economic and social impact of informality, and in particular its impact on the realization of FPRW;
- (n) undertake action-oriented research on best practices to integrate respect for FPRW into the business of MSMEs and newly formalized enterprises, including through greater synergies between the work on FPRW and the SCORE programme;
- (o) undertake research and impact assessments on the challenges and opportunities of digitalization, including artificial intelligence in relation to FPRW, in line with the resolution and conclusions concerning the second recurrent discussion on labour protection (2023);

Strengthening capacity and knowledge-sharing

- (p) build the capacity of constituents, and other relevant national authorities, to develop and implement policies and programmes that support the realization of FPRW and to integrate these rights in policies related to the ILO's strategic objectives, including in collaboration with the International Training Centre in Turin;
- (q) conduct targeted capacity-building for employers' and workers' organizations with regard to all five FPRW, with a focus on retaining and expanding membership, providing services and engaging in effective social dialogue;
- (r) strengthen the ILO Helpdesk for Business on International Labour Standards, which is an important vehicle for assisting enterprises and tripartite constituents in their efforts to respect the principles of international labour standards, including FPRW, and promote the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022, and the United Nations Guiding Principles on Business and Human Rights;
- (s) strengthen the ILO Global Business Network on Forced Labour, the ILO Global Business and Disability Network and the Child Labour Platform, and seek ways to ensure their sustainability;
- (t) encourage peer learning, information-sharing, cooperation and policy coherence within, and among, Member States, at the regional and international levels, including through the next Global Conference on the Elimination of Child Labour;
- (u) document and share good and innovative practices on FPRW;

Policy coherence and partnerships

- (v) promote policy coherence on FPRW:
 - (i) within the UN system and with multilateral organizations, development banks and international financial institutions;
 - (ii) in trade and investment policies and agreements, including through strengthened engagement with the World Trade Organization;
 - (iii) in decent work country programmes and UN sustainable development cooperation frameworks;
- (w) accelerate progress on FPRW through the Global Coalition for Social Justice, and leverage advocacy and cooperation through partnerships, such as:
 - (i) Alliance 8.7;
 - (ii) the Equal Pay International Coalition;
 - (iii) the relevant business initiatives such as the Child Labour Platform, the Global Business Network on Forced Labour and the Global Business and Disability Network;
 - (iv) the Global Accelerator on Jobs and Social Protection for Just Transitions;

Planning, mobilization and allocation of resources and development cooperation

- (x) ensure that technical assistance and development cooperation reflect the mutually reinforcing nature of FPRW and their interconnectedness with all ILO strategic objectives;
- (y) enhance support to governments to develop and implement domestic resource mobilization strategies;
- (z) mobilize resources for development cooperation at the country, regional and global levels, including by engaging with UN Resident Coordinator's Offices;
- (aa) explore innovative ways to more efficiently deliver technical assistance and development cooperation, including South-South and Triangular Cooperation, taking into consideration the diversity of circumstances of individual Member States;
- (ab) monitor and evaluate the impact of the support provided by the ILO to its constituents, with a view to improving the design and implementation of future activities;
- (ac) follow through on the direction of the resolution and conclusions concerning the second recurrent discussion on fundamental principles and rights at work (2017) to develop a plan of action for resource mobilization to support projects around target 8.8 of the Sustainable Development Goals to protect labour rights with a focus on freedom of association and the effective recognition of the right of collective bargaining.

► Record of Proceedings

7B**International Labour Conference – 112th Session, Geneva, 2024**

Date: 30 July 2024

Report of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work

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Introduction

1. The Committee for Fundamental Principles and Rights at Work, established by the International Labour Conference at its first sitting on 3 June 2024, was originally composed of 193 members (109 Government members, 8 Employer members and 76 Worker members). To achieve equality of strength, each Government member entitled to vote was allotted 152 votes, each Employer member 2071 Votes and each Worker member 218 votes. The composition of the Committee was modified four times during the session and the number of votes attributed to each member adjusted accordingly.
2. The Committee had before it Report V: *Fundamental principles and rights at work at a critical crossroads* (ILC.112/Report V(Rev.)), prepared by the International Labour Office (hereinafter the Office report) for consideration under the fifth item on the agenda of the 112th Session of the International Labour Conference: “A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022” (Social Justice Declaration).

The Committee elected its Officers as follows:

Chairperson: Ms Claudia Fuentes Julio (Government member, Chile) at its first sitting

Vice-Chairpersons: Mr Tom Mackall (Employer member, United States of America) and Mr Magnus Norddahl (Worker member, Iceland) at its first sitting

3. The Committee appointed a drafting group to prepare and submit a set of draft conclusions for its consideration. The drafting group was composed as follows:

Government members: Mr A. Fall (Senegal), Mr C. F. Kamara (Sierra Leone), Mr S. Gao (China), Mr N. Komada (Japan), Ms S. Morgan (United States), Ms C. H. Greenidge (Barbados), Mr I. Liberatore (France), Mr T. Bevers (Belgium)

Employer members: Mr T. Mackall (United States), Mr G. Ricci (Guatemala), Mr A-S Oyerinde (Nigeria), Mr D. Opio (Uganda), Ms E. Nagasawa (Japan), Ms J. Tinsley (Australia), Ms A. Vauchez (France), Ms C. Barsan (Germany)

Worker members: Mr M. Zante (Burkina Faso), Mr A. Amoussou (Benin), Mr J. Vogt (United States), Mr J. E. Onate (Mexico), Mr C. Roberts (Canada), Ms S Amponah (United Kingdom), Mr M. Norddahl (Iceland), Mr P. Dimitrov (Bulgaria)

4. The Chairperson noted that the Committee was taking place at an opportune moment. Changes and challenges, highlighted in the Office report prepared for the Committee, were affecting progress on the fundamental principles and rights at work (FPRW). The Committee should ensure that the International Labour Organization (ILO) and its members were equipped to address the challenges and make use of the opportunities that arose.
5. The Representative of the Secretary-General (Ms Manuela Tomei, Assistant Director-General) said that fundamental principles and rights at work (FPRW) were essential to people’s well-being and dignity and to fostering sustainable economic growth and social progress. The

ILO Declaration on Fundamental Principles and Rights at Work, as amended in 2022 (1998 Declaration) underscored the obligation to uphold freedom of association and collective bargaining, the abolition of forced labour and all forms of discrimination, the elimination of child labour, and the right to a safe and healthy working environment. As such, it represented a cornerstone of social justice. In the past seven years, since the last recurrent discussion, unprecedented challenges, linked to crisis, geopolitical tensions and climate change had arisen. This directly led to a slow down, stagnation, if not reversal, in respect of FPRW, including freedom of association and collective bargaining, which remained under threat in many regions. More than 27.6 million people were trapped in forced labour, child labour had increased since 2017, discrimination continued to undermine opportunities for people, and in 2019 almost 3 million people died from occupational accidents and diseases while 395 million workers sustained a non-fatal work injury. At the same time, new opportunities were arising. Major transformations spurred by technological progress and climate change were opening up unprecedented opportunities for innovation, productivity and economic growth. There was a need to promote FPRW with renewed vigour, promoting integrated and holistic approaches, balancing attention across the five FPRW, strengthening national legislation and enforcement, reinforcing social dialogue, improving evidence-based actions and impact measurement, building partnerships for promotion of FPRW in tandem with the other strategic objectives of decent work and mainstreaming FPRW in responses to emerging challenges on digitalization of work, climate change and shifting economic dynamics. The Committee's guidance would be crucial leading up to the 2025 Second World Summit for Social Development.

General discussion

Opening statements and discussion point 1

Since the last recurrent discussion in 2017, what have been the most important developments and how have these impacted the respect, promotion and realization of fundamental principles and rights at work?

6. The Employer Vice-Chairperson recalled that the mandate of the discussion was to understand the realities on the ground and assess the results achieved and inform future action. The Committee should not engage in policy discussions. However, the 1998 Declaration remained an important framework, strongly supported by the Employers' group and, as universal human rights that were inseparable, interrelated, indivisible and mutually reinforcing, applicable to both workers and employers. FPRW were on an equal footing with each other, with no hierarchy. The Office report emphasized that since the 1998 Declaration considerable progress had been achieved but that there were significant implementation gaps. Further progress required political will, effective labour market governance and inclusive social dialogue.
7. The Employers' group considered that the Office report disproportionately focused on negative aspects and did not properly account for positive action taken, such as the universal ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). However, statistics showed an overall increase in child labour, demonstrating that ratification alone was insufficient to the realization of FPRW. Another positive development was in improvements in workplace safety. There had been a 10 per cent decrease in work-related mortality from 2000 to 2019. Since 2017, national action plans on child labour and forced labour had been adopted, as well as reforms to discriminatory legal provisions barring women from specific occupations and types of work. In 2022, a safe and healthy working environment had been included in the ILO's framework of fundamental principles and rights at work.

8. Despite progress, challenges linked to root causes persisted and impeded realization of FPRW. Such challenges included failure to implement Conventions, whether ratified or not, the breadth of informality, lack of good governance and rule of law, the need to mitigate corruption, inadequate capacity-building and awareness-raising of the social partners. They also included a lack of education and training, specifically within small and medium-sized enterprises and, finally, a lack of evidence-based data and reporting. High levels of informality impeded formal markets: diligent efforts were required to promote formalization. Weak governance and corruption also undermined progress. Quality data were key to inform effective decision-making.
9. The Committee's conclusions must be practical, based on learning from failures and successes; they must uphold Member States' primary obligation to respect human rights; they must acknowledge the importance of root causes and promote good governance, the rule of law and social protection; they must address informality and incorporate the role of sustainable enterprises; they must be faithful to the 1998 Declaration in promoting an enabling environment for sustainable enterprises, affirming the practical reality that economic development through sustainable enterprises advanced FPRW and decent work. Strong building blocks from the employers' standpoint were therefore effective good governance, formalization and strong social dialogue. Continued efforts in that direction were needed from the Office and the constituents.
10. The Worker Vice-Chairperson stressed that the current discussion came at a critical point, as FPRW, and human rights more generally, were coming under attack worldwide. He stated that the world was further away than ever from delivering the agreed objectives to attain sustainable development, including Sustainable Development Goal 8. Deregulations, employment insecurity and precarious, non-standard forms of employment were on the rise. Independent, self-employed workers, workers on variable working hours contracts, on temporary contracts or in multiparty employment relationships continued to be deprived of fundamental labour rights and basic labour protection. Independent workers encountered barriers to trade union representation and were unable to negotiate working conditions. The use of artificial intelligence (AI) was an alienating influence and contributed to employment insecurity. Global supply chains contributed to social dumping, with low wages and low labour costs, while labour had never been, and never would be, a commodity. Governments were failing to regulate in favour of worker rights. There were over 2 billion workers employed in the informal economy, working outside the rule of law. Demographic ageing and pressures on public budgets made it difficult to protect FPRW.
11. Multiple crises, including armed conflict and climate change, darkened the picture further. Climate change was already impacting seriously on workers, notably through heat stress. Technological changes required just transition measures. Trade union rights were under attack across the world, especially freedom of association and collective bargaining rights. According to the International Trade Union Confederation Global Rights Index, 87 per cent of countries were violating the right to strike, while other countries were violating civil liberties and collective bargaining. Moreover, forced labour and child labour were on the rise, along with discrimination in employment. Occupational safety and health were major issues globally, with 3 million workers dying each year and a 5 per cent increase in the mortality rate since 2015. Such trends did not reflect natural phenomena: inadequate regulation, austerity and incentives for hiring workers on precarious contracts were all measures promoted by international financial institutions.
12. Political will, labour market governance and social dialogue were critical to solutions. Universal ratification and implementation of FPRW should be promoted. Following the inclusion of a safe

and healthy working environment as a fifth category of FPRW, a strategy should be set out to promote the ILO Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). There was an urgent need to boost multilateral coherence, including ILO engagement with the World Trade Organization (WTO) and with international financial institutions. The Office should ensure that FPRW were integrated into its technical support to the constituents and Member States, with emphasis on freedom of association and non-discrimination. Progress had been made in that connection, but more efforts were needed, given that FPRW were instrumental in promoting international labour standards in general and achieving the constitutional objectives of the ILO. FPRW were immutable, enabling rights for the achievement of the ILO strategic objectives. The ILO should build on the commitments of the ILO Centenary Declaration for the Future of Work, 2019 (ILO Centenary Declaration), with all workers guaranteed enjoyment of FPRW, including limits on working time and protection of health and safety. The mutually reinforcing nature of FPRW called for an integrated approach for their realization. There was a need for space to reflect on how the ILO could do that better and to promote a higher level of commitment in the future.

13. The Government member of Belgium, speaking on behalf of the European Union (EU) ¹ and its Member States, said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, Georgia, Iceland and Norway aligned themselves with the statement. He expressed regret that a revised version of the Office report, specifically of its paragraph 96, had been uploaded without transparent communication to the constituents. While there was regression in advancing FPRW since 2017, there was current momentum to advance the rights. The inclusion of a safe and healthy working environment among FPRW in 2022 was welcome. Multiple crises, including COVID-19 and the geopolitical disruption caused by armed conflicts, deterioration in the rule of law and climate change, all hampered realization of FPRW. Digitalization and the development of artificial intelligence introduced possibilities for improved productivity and working conditions, but they also brought threats to privacy and to transparency of working conditions. Informality was a challenge for a large section of the labour force. Labour markets could not keep up with the number of entrants, resulting in increased precarity. There was pressure on working conditions and an increased risk of forced labour. FPRW should be fully applied in global supply chains. Enforcement had been a key challenge, and a horizontal approach was needed. Sustainability and just transition needed to be addressed through policy coherence and respect for rights at all levels. Freedom of association and collective bargaining were a gateway for all FPRW rights. The Committee's conclusions should be action-oriented, in order to assist the ILO and the constituents to fully and urgently implement all FPRW and guarantee their effectiveness.
14. The Government member of Gabon, speaking on behalf of the Africa group, noted that important progress had been made since the adoption of the 2017 framework for action. However, COVID-19, armed conflict and poverty all had an impact on realization of FPRW. In respect of the rural economy, the Office report highlighted different challenges to the recognition of FPRW and a slowing down in progress towards universal ratification 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), with notable gaps observed for agricultural and domestic workers who were still without freedom of association

¹ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Government members of the group or organization in question who are Members of the ILO and are attending the Conference.

or collective bargaining rights. Some informal workers became victims of forced labour through lack of access to credit and a lack of awareness of their rights, due to insufficiently trained public institutions.

15. Child labour impacted everyone on the African continent. There was an alarming increase in child labour resulting from lax protections for farm workers. The ILO should examine root causes, including poverty, lack of social protection and informality. Discrimination inhibited decent work and social justice. Persons with disabilities were often victims of discrimination, with inadequate social protection, unable to enjoy their FPRW. The inclusion of a safe and healthy working environment among FPRW was an important step. The group invited other countries to ratify Convention No. 187 and to implement policies that addressed the gaps. The group welcomed the greater attention being paid to mental health at work. In the promotion of FPRW and their effective implementation, it was important to avoid controversial terms, which could result in their disrespect. The ILO should respect general terminology for communities facing discrimination.
16. The Government member of Qatar, speaking on behalf of the countries of the Cooperation Council for the Arab States of the Gulf (GCC), noted the different factors that had hindered implementation of FPRW since 2017, stemming from many years of crisis. Those problems highlighted in the Office report all impacted labour and decent work, with the COVID-19 pandemic as a key factor in undermining resilience. The result was backsliding from progress previously made, including in respect of child labour. For the GCC, lessons must be learned from those events, in order to mitigate or avoid vulnerabilities in future health crises. It was important to protect all people from all kinds of dangers. The inclusion of a safe and healthy working environment among FPRW was welcome, adding an important dimension to the rights. GCC countries had taken initiatives to strengthen policy coherence through national strategic plans, including in relation to forced labour and migration, with labour inspection systems put into place to ensure proper working hours. GCC countries benefited from experience-sharing on policy formulation and implementation. Those advances allowed GCC states to create a propitious environment for women's employment, with zero tolerance for sexual harassment. Initiatives had also been taken to improve social protection for migrant workers and to make sure they benefited from social insurance and had access to their rights.
17. The Government member of Switzerland, agreeing with the comment made by the Government member of Belgium, speaking on behalf of the EU and its Member States, regretted not having received a corrigendum, and wished that in future the Office would communicate all changes made to the report. Switzerland recognized the role of FPRW in ensuring sustainable economies and stressed the need to take all FPRW together on an equal basis. Important progress had been made in Switzerland with the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, and in developing the National Action Plan to Combat Human Trafficking 2023–2027, including implementation mechanisms at federal and cantonal levels and efforts to strengthen labour inspection and identify victims.
18. The Government member of Australia noted the importance of combating all grounds of discrimination. Since 2017, the Office and the constituents had taken important steps towards realization of the 1998 Declaration. Australia welcomed ratifications and improved implementation efforts but noted that renewed focus was required. Australia had ratified nine of the ten fundamental Conventions, as well as the Protocol of 2014 to the Forced Labour Convention, 1930. The country had taken steps to promote health and safety, to improve the collective bargaining framework and protections against sexual harassment. Australia had introduced new protections for workplace delegates and established a new clear pathway for casual employees to convert to permanent work. It had established the first federal

Anti-Slavery Commissioner and was working with partners in the Asia Pacific region on the Better Work programme to promote labour standards. The ILO should promote and achieve universal ratification of FPRW.

19. The Government member of the United Kingdom of Great Britain and Northern Ireland welcomed the inclusion of occupational safety and health among FPRW. The Government was disappointed that references to the Office's work to address discrimination of LGBT+ workers had been removed from the Office report. The United Kingdom was committed to tackling gender equality and in March 2023 had held its first strategic summit on the employment of women and girls. It was important to promote capacity-building to improve social conditions in global supply chains. She noted that capacity-building for those participating and investing in supply chains was key to effecting lasting change. The United Kingdom's Partnership Against Child Exploitation (PACE) programme was an example of a tool to help enterprises and investors to identify and understand child labour risks in specific supply chains. Since the last discussion, AI technologies had brought improvements, but the deployment of this technology needed to respect human rights. A global response was needed, as a recent United Kingdom AI safety summit had highlighted, when discussing options for internationally coordinated action.
20. The Government member of Saudi Arabia said that his Government wished to share its vision for 2023 and its commitment to sustainable development. That vision required continued social dialogue with the tripartite constituents. The Government rejected all types of discrimination and had taken steps to enrich its national protection framework. Women's empowerment had increased from 19 per cent in 2014 to 34 per cent in 2023. Many more people with disabilities were employed in the country and there were important initiatives to combat child labour. Saudi Arabia was interested in advancing the right to maternity leave and committed to the provision of proper health services. The Government had put in place national programmes on occupational safety and health and had taken steps to combat forced labour.
21. The Government member of Japan stressed his Government's commitment to decent work. In order to address root causes, the ILO should embrace a "One ILO" approach. More holistic and coordination action was needed. Japan had recently joined the Global Coalition for Social Justice and had held the presidency of the Group of Seven (G7) in 2023. The G7 countries remained committed to supporting decent work and Japan had encouraged other countries to join the Alliance 8.7 in fighting child labour. In relation to human rights violations in global supply chains, Japan had intensified its efforts in providing technical assistance on occupational safety and health issues in global supply chains, with a focus on the Asia Pacific region.
22. The Government member of Honduras welcomed the discussion as vitally important to ensure recognition of FPRW. Since the last meeting, humanity had seen many events affecting decent work, including COVID-19, digitalization and the climate crisis. Efforts should be made to combat such crises, to address forced labour and child labour, and to eliminate all sources of discrimination in work. Honduras had ratified all the fundamental Conventions and was committed to decent work. Representation at international forums was important in allowing nations to advance collectively. Honduras was proud to be a member of the Global Coalition for Social Justice and was actively seeking to realize social justice for all.
23. The Government member of Türkiye noted the destructive effects of the various crises and armed conflicts, and their costs in terms of the economic and social fabric, including the loss of millions of jobs. Climate change had brought adverse risks but including occupational safety

and health as part of FPRW was an historic achievement. Informality threatened efforts to realize decent work, while technological progress could increase informal work models. Technological transformation had resulted in higher levels of precariousness. The increased use of AI could lead to the loss of millions of jobs. Artificial intelligence could also increase worker surveillance, degrading job quality further. Freedom of association and collective bargaining were indispensable to attaining decent work, but the lack of protection against anti-union discrimination continued to be an important obstacle to progress.

24. The Government member of Canada noted that, since 2017, governments, workers and employers had faced challenges, including COVID-19 and growing international conflicts. Unionization had declined and fewer workplaces were covered by collective bargaining agreements. Economies had undergone structural challenges that presented both opportunities and challenges for FPRW, including the transition towards an environmentally sustainable economy, the digital transformation of the world of work, and an increasing number of workers in non-standard forms of employment, including in the platform economy, which posed challenges for workers and could complicate the provision of labour and social protection in law and collective agreements. Workers in vulnerable situations should be protected through a sound occupational safety and health system. The ILO had a proactive leadership role in eliminating discrimination in the world of work for all groups and on all grounds, including on sexual orientation and gender identity. It was noted with regret that the Office report removed references to the tools related to LGBTIQ+ persons.
25. The Government member of China noted the importance of FPRW in view of its large population of workers. This was emphasized through its labour laws and regulations enacted since 2017 for the protection of workers' rights. The focus was on four key areas, firstly the promotion of collective bargaining, which included undertaking tripartite coordination of labour relations at all levels and collaboration with the ILO office in Beijing to gather collective bargaining cases to develop training and manuals for the promotion of collective bargaining. Second, she underlined China's consistent opposition to forced labour and noted China's 2022 ratification of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), which had demonstrated commitment to workers' protection, to opposition to forced labour and to participation in international labour governance. Third, she highlighted China's vigorous actions to eliminate discrimination in employment, and in particular gender-based discrimination in the recruitment practices of employers. Measures had also been taken on labour inspection and labour market discrimination, particularly for women. The number of women in new forms of labour had risen due to flexible working arrangements. Fourth, actions had been taken to strengthen the protection of the rights and interests of workers in new forms of employment. China had seen a rapid increase in the number of workers relying on internet platforms for work and had issued guidance defining labour protection responsibilities for enterprises in accordance with labour and civil relations. Through administrative guidance on the use of labour, strengthening supervision and inspection, and other means, China had guided and urged enterprises to use labour in accordance with the law, and to effectively safeguard the rights and interests of workers in new forms of employment.
26. The Government member of the United States of America emphasized the significant ongoing and new challenges facing FPRW since 2017, including restrictions on civic space, breakdowns in the rule of law, growth in the informal economy, green and digital transitions (including the rapid increase in development and use of AI), and a pandemic. Trade union density rates had continued to decline globally, and vulnerable groups of workers were not fully represented. Workers had faced violence and threats, including intimidation, blacklisting, and gender-based

violence and harassment. New forms of work had presented new opportunities, but also challenges to workers' effective representation and collective voice. Forced labour and child labour had increased globally despite the universal ratification of Convention No. 182 in 2020.

27. More needed to be done to address discrimination and the promotion of inclusive labour markets for all workers, in particular to address the unique needs of women, persons with disabilities, migrant workers, LGBTQI+ persons, and other members of underserved communities. The inclusion of a safe and healthy working environment was welcomed as a FPRW, and the United States was open to discussing how occupational safety and health could be included in the integrated strategy on fundamental principles and rights at work.
28. Governments, multilateral organizations, the business community and civil society were increasingly recognizing the importance of integrating the worker's voice into supply chain risk assessments, and in approaches to remedy. The Global Coalition for Social Justice would provide an important opportunity to promote multilateral coherence and to highlight the importance of FPRW to achieving social justice and inclusive economic growth.
29. The Government member of Argentina also noted the global challenges since 2017, and in particular COVID-19, which had resulted in a loss of jobs and livelihoods that had reversed achievements made. Although these economic repercussions had reduced, armed conflicts resulting in upheavals in supply chains remained. In addition, the deterioration of the rule of law, erosion of civil and human rights, and the shrinkage of the democratic space had undermined FPRW. A long-term view must be taken to see the effects of climate change and the impact on structural formations of how workers organized. Further political, legal and instructional efforts should be made to close the gaps in implementation of the 1998 Declaration. FPRW must be guaranteed to uphold other labour rights, and to bring about inclusive, sustainable and lasting development. A renewed, coherent commitment to promote FPRW must be made.
30. The Government member of Barbados underscored Barbados' critical development in the expansion of the legal frameworks for the protection of workers' rights, through the extension of current laws and the development of new laws. These were a result of in-depth consultations among stakeholders and included a law on safety and health at work. Barbados had ratified the Violence and Harassment Convention, 2019 (No. 190), and had passed laws on safeguards against sexual harassment and discrimination and the prevention of discrimination. Through a minimum wage order of 2021, minimum wages had been set at a national level, with specific hourly rates for certain sectors. However, poverty crises and debt, cost-of-living and climate crises had had implications on the progress towards Sustainable Development Goal 8. In particular, the 2022 Bridgetown Initiative for the Reform of the Global Financial Architecture had brought sharply into focus the need to ensure livelihoods were climate resilient and supported a just transition in employment.
31. The Government member of Côte d'Ivoire outlined its achievements in promoting FPRW, noting that the right to collective bargaining had been enshrined in the Ivorian Constitution and the Labour Code. Forced labour had been prohibited by the Labour Code and the Protocol of 2014 to the Forced Labour Convention, 1930, had been ratified. An early warning system of child labour had been established as an essential component of the national action plan to combat child trafficking and exploitation. Discrimination in employment had also been prohibited by the Labour Code, which outlined equal pay for work of equal value, regardless of gender. Côte d'Ivoire had ratified Convention No. 155 and had produced a national occupational safety and health policy and programme for the country. In addition, a global

strategy for labour inspectorates had been planned to address related issues in the coming years, but further action would be required in that respect.

32. The Government member of Senegal concurred with the challenges in realizing FPRW in several countries, including Senegal, particularly due to obstacles to exercising civil liberties and human rights, informality, political instability and the decreasing democratic space, particularly in enterprises. Senegal had analysed its system of social dialogue and, as a result, had implemented a national action plan to strengthen social dialogue to enhance collective bargaining by providing capacity-building for stakeholders on freedom of association, the right to organize and collective bargaining, and negotiation techniques. Child labour had been aggravated by the loss of family income due to the economic crises caused by the pandemic. Senegal had adopted a national framework plan on the elimination of child labour, which aimed to eliminate the worst forms of child labour by 2030. Senegal had drafted a national occupational health and safety policy to address health and safety at work. The country had also ratified Convention No. 187. In addition, the labour and social security inspectorates had increased inspection activities to ensure compliance with regulations.
33. A representative of the Institution of Occupational Safety and Health said that the Office report showed that policy and regulatory gaps, as well as limited institutional capacity, had been persistent barriers to realizing occupational safety and health at a national level. The extension of legal occupational safety and health protection to unprotected workers had remained unaddressed and underdiscussed. While some initial progress had been made, the institution had often been unable to reach more vulnerable and marginalized workers in informal economies due to resourcing constraints. With the ILO and other partners, the institution had supported workers in the agriculture, fisheries and garment industries in remote rural locations to better understand their working conditions and the compounding risk factors and harms faced. Further partners would be welcome to join in that work.
34. A representative of the International Young Christian Workers pointed to the shortage of decent work opportunities that had forced many young workers to accept poor-quality, lowly paid jobs, without access to social protection. The contractualization, informalization, flexibilization and digitalization of work had denied the basic rights of workers on freedom of association, having a decent salary and access to social protection. Those problems had never been addressed by the authorities concerned, while young workers maintained the right to just work and a dignified life, which could not be achieved if they were continually exploited.
35. The Employer Vice-Chairperson highlighted the numerous points of convergence during the discussion, and the clear and widespread commitment to FPRW. There were structural barriers, widely mentioned by speakers, in particular the prevalence of informality and the adverse consequences of persistent informality, and the importance of addressing those and other root causes impeding implementation of FPRW. All FPRW must be addressed in an integrated manner, and they were universally applicable to all. The Employers welcomed the strong recognition of the value and importance of occupational safety and health as a FPRW and hoped that those areas of alignment would provide a solid foundation for a constructive and balanced outcome.
36. Precarious work did exist in the informal economy, however use of the terms such as “precarious”, “insecure” and “non-standard forms of work” should be avoided, in favour of the agreed language of “diverse forms of work.” The associated language had been linked to the platform economy, and care should be taken not to pre-judge prior to the forthcoming standard-setting discussion on the platform economy in 2025. Regarding global supply chains, the real challenges lay with the small and medium-sized enterprises that were purely domestic

in nature. Moreover, businesses that remained in the informal economy fell outside of the programmatic efforts of governments.

37. The Worker Vice-Chairperson reaffirmed the validity of the 1998 Declaration and reiterated that FPRW remained universal, inalienable and enabling rights, and applicable to all workers regardless of the sector, type of work or type of contract. The Committee's conclusions should underscore that point. Governments had made efforts to promote FPRW, including the work on strengthening the minimum wage. As stated by the Government member of Gabon, child labour trends were worrying, and there was a need for effective implementation. The Government member of Qatar had raised an important point, when outlining his Government's efforts on initiatives and cooperation on labour migration and labour inspection, regarding the vital nature of learning from each other. The Workers' group welcomed the news from Saudi Arabia regarding the increase in participation of women in the labour market, and from China on the promotion of collective bargaining, increasing the number of workers who were covered by collective agreements, and the access to employment protection for those in non-standard forms of work. Argentina had made a valid point regarding the importance of FPRW in times of crisis and the need to be able to have inclusive and sustainable development.
38. The overall regression in FPRW since the last recurrent discussion was deeply worrying. New problems included the challenges of digitalization, the rise of AI, the rise of the platform economy, growing numbers of armed conflicts and disasters, situations of fragility, climate change, the rise of global supply chains, and the rise in precarious forms of work. The ILO's priorities and future actions, including the new integrated strategy on FPRW, should specifically seek to address those conditions.
39. As previous speakers had noted, the breadth of informality was impeding FPRW. Formalization efforts had to be a part of any strategy for the promotion of workers' rights. The ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) provided an important framework for action. The Workers' group supported all action to strengthen labour inspectorates, a point made by several governments. Greater multilateral coherence to promote FPRW was a necessity. The Worker's group echoed the request for the Global Coalition of Social Justice to serve as a vehicle for the promotion of labour rights internationally.

Discussion point 2

Which policies, initiatives and practices at national and global levels have contributed to the respect, promotion and realization of fundamental principles and rights at work and, taking stock of the Integrated Strategy on Fundamental Principles and Rights at Work 2017–2023, which challenges and lessons learned should be drawn by ILO Member States and the Office in view of advancing social justice?

40. The Worker Vice-Chairperson stated that there were worrying deficits in policies and practices needed to support the realization of FPRW. The situation was compounded by the lack of ratification by Member States of core labour standards and, even where there was ratification, systematic violations occurred. Deregulation, the weakening of employment protection and collective bargaining had in many countries been adopted as part of a strategy for job creation, often promoted by international organizations. That approach was erroneous. Countries should take measures to promote formalization, in line with Recommendation No. 204. Member States' enforcement capacity must be strengthened to identify rights and sanction non-compliant employers. More action should be taken to protect domestic workers, platform workers, self-employed workers and to address the gender pay gap and labour migration issues. Regulation should extend throughout the entire length of global supply chains, in

particular regarding respect and promotion of freedom of association and collective bargaining. The group welcomed efforts made by some countries and regional organizations to extend protections to workers in non-standard forms of employment. It was important to highlight the continued relevance of the employment relationship as a primary gateway for ensuring labour rights. Employment misclassification would be combated by introducing a legal presumption of an employment relationship. Robust anti-discrimination legislation and effective enforcement should be introduced to counter multiple and intersecting forms of discrimination. The gender pay gap could be addressed through the introduction of transparency measures, as well as work-life measures. Migrant policies were undermining workers' rights in some countries and should be addressed through an examination of the intersection between migration and social and labour policies. The group reaffirmed its desire for strengthened international level frameworks to support decent work in supply chains, currently under ongoing discussion at the ILO. Responsible business conduct in supply chains could not be guaranteed without respect by multinational enterprises for freedom of association and collective bargaining. Better conditions should be put in place for transnational union organizing. With respect to climate change, the group recognized that an increasing number of countries were putting in place plans to safeguard workers who might be affected, but in very few cases, through collective bargaining on just transition. Finally, greater coherence between the lending conditions imposed by international financial institutions and fundamental labour standards was required.

41. The Employer Vice-Chairperson said that important policies, programmes and practices had contributed to the advancement of FPRW, including occupational safety and health policies, and reforms to discriminatory practices for women. The social partners had contributed to progress in recruitment and had provided support to micro, small and medium-sized enterprises (MSMEs) and self-employment. They had engaged with informal enterprises to support their formalization and had undertaken capacity-building on FPRW to support their members and in social dialogue to foster joint action. ILO technical assistance at the national level had been key for the constituents, such as in Uzbekistan and Qatar. The conclusions must acknowledge the importance of ILO initiatives to advance FPRW, including the ILO Helpdesk for Business on International Labour Standards of the Tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration), and the ILO Global Business Network on Forced Labour, a powerful tool for sharing best practice on FPRW. Funding should be streamlined to allocate further resources to the network. The Better Work programme and Alliance 8.7 both helped promote FPRW and had an impact at local and global levels. The Office report could have capitalized better on those positive aspects, and should have assessed follow-up to the 2017 resolution concerning the second recurrent discussion on fundamental principles and rights at work (2017 resolution), which informed the following points that should be included in the conclusions: firstly, the need to recognize that resources were limited. The focus must be on agreed thematic areas, rather than on creating new areas. The 2017 resolution called for an integrated strategy for FPRW, involving balanced support for all FPRW, and ensuring coherence with other ILO strategic objectives. The conclusions should reaffirm the need for demand-driven focusing of efforts responding to the constituents' needs and fostering synergies between the ILO's four strategic objectives. Conversely, the Employers did not support the Office's description of a new "integrated approach", which would most likely diffuse, rather than sharpen, the focus on targeted interventions. Integrated strategies should address the root causes of the decent work deficit at the national level. The conclusions should highlight the positive relationship between sustainable enterprises, productivity growth and the promotion of and respect for FPRW. The Annual Review under the follow-up to

the 1998 Declaration provided an opportunity to develop and drive good practice, and that should also be reflected in the conclusions.

42. The Government member of Gabon, speaking on behalf of the Africa group, said that Member States in Africa continued to promote respect for and implementation of FPRW. Action taken to promote freedom of association and collective bargaining included the repeal of legislation prohibiting union membership for reasons of age or nationality. Member States had taken steps to strengthen the labour inspectorates, for example in the fishing sector. The group had also taken measures to align the school-leaving age with the minimum age of employment, as a means of combating child labour. Integrated action had been engaged regarding child labour, in conformity with the Durban Call to Action on the Elimination of Child Labour. Africa lacked specialists and doctors in occupational safety and health, and work was required to strengthen the capacities of government officials and labour inspectors. The countries also needed a tool to evaluate existing policies and programmes.
43. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, Georgia, Iceland and Norway aligned themselves with the statement. She enumerated recent initiatives adopted by the EU on minimum wages and pay transparency, social dialogue and health and safety legislation, and trade policies. The EU had a zero-tolerance policy regarding child labour, and had adopted legislation on corporate sustainability due diligence, forced labour, corporate sustainability reporting and on platform work. The EU recalled that freedom of association and collective bargaining were enabling rights that underpinned the realization of FPRW. Protection from all grounds of discrimination should be promoted, paying due attention to multiple and intersecting forms of discrimination – the ILO could step up its action in that connection. Following the inclusion of the right to a safe and healthy working environment as a fifth category, it should be integrated into a holistic strategy to advance the mutually reinforcing nature of FPRW. The EU counted on the Global Coalition for Social Justice to enhance policy coherence leading up to the 2025 Second World Summit for Social Development.
44. The Government member of Qatar, speaking on behalf of the GCC, noted the consensus in the Committee on commitments and progress made, but also noted comments concerning insufficient attention paid to the root causes of FPRW deficits, and systematic problems related to implementation. Lack of human and financial resources should be addressed through specific methodologies, efficient governance and sustainable reform.
45. The Government member of the United Kingdom listed some of the latest initiatives taken in the United Kingdom, including legislation related to Convention No. 190 and the United Kingdom's LGBT rights programme focused on eliminating violence, discrimination and stigma. Gender participation and pay gaps remained a challenge at the domestic level and specific measures had been adopted accordingly. Since 2017, the United Kingdom had concluded 17 trade agreements that referenced FPRW, and research had recently been undertaken on levers to reduce business and human rights abuse in supply chains – an initiative in which the ILO could play a role.
46. The Government member of Canada stressed that FPRW contributed to achieving social, economic and development objectives, with freedom of association and collective bargaining as enabling rights. Canada, at the federal level, had recently taken action to prohibit the use of replacement workers during a strike or lockout, while the Government had enacted legislation to address forced labour in the context of supply chains, banning the importation of goods produced using forced labour, as well as legislation at the provincial level to protect young

workers, for example from hazardous forms of work. Regarding discrimination, Canada had introduced two new designated groups in the Employment Equity Act: Black people and 2SLGBTQI+ people. Work on reducing the pay gap was also going ahead.

47. The Government member of the United States highlighted the Presidential Memorandum on Advancing Worker Empowerment, Rights and High Labor Standards Globally, signed in November 2023, which included action to protect and promote respect of FPRW. In 2021, a task force on worker organizing and empowerment had been established, together with the Forced Labor Enforcement Task Force, while in 2022, the Interagency Task Force to Combat Child Labor Exploitation had been created. The Government advocated a whole-of-government approach to promoting FPRW, emphasizing the enabling rights of freedom of association and collective bargaining. Research had shown that the prevalence of child labour was lessened where adult workers enjoyed those rights.
48. The Government member of Honduras referred to the recent tripartite meeting held in the country, with ILO support, to define its Decent Work Country Programme for 2024–27. Honduras had reopened tripartite social dialogue, in order to prevent collective labour conflicts and anti-union violence. The Government was in the process of ratifying Conventions Nos 155 and 187, as well as Convention No. 190. Regarding the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), a labour inspectorate protocol to identify and sanction discrimination at work was under development. International cooperation and multilateralism were critical to guaranteeing sustainable and inclusive social protection.
49. The Government member of Mexico outlined the 2019 reforms introduced by the Government to restructure the labour system to allow trade unions to undertake their work freely and democratically. Over 30,500 collective labour agreements had since been concluded, benefiting more than 5 million workers. Gender equality in union representation was promoted. The labour reform included provisions for employers and workers to implement measures against discrimination and harassment in the workplace and further provisions to combat trafficking in persons and child labour. The Government had engaged the process of ratifying Convention No. 187.
50. The Government member of Colombia indicated that the Government was taking steps to guarantee access to social protection for workers in precarious or informal employment. Digitalization and the use of AI required special attention with regard to safeguarding FPRW, by ensuring human participation both at the design stage and in system supervision. Colombia was working to identify risks arising from remote work and in designing appropriate inspection, surveillance and control strategies for such work. Freedom of association and collective bargaining must be inclusive, with strengthened trade unions. It must cover formal employment, but also rural and emerging employment.
51. The Government member of Türkiye said that FPRW were guaranteed under the Constitution in her country. The social partners engaged in social dialogue to address issues arising from the world of work, such as in setting minimum wages. The Government had implemented plans and programmes to prevent industrial accidents and occupational diseases, and those were effectively monitored. Türkiye prioritized the prevention of child labour and promoted the access of women, persons with disabilities and young persons to the labour market, through specific incentives and financial mechanisms.
52. The Government member of Brazil noted worldwide challenges to the effective application of FPRW. Social dialogue was essential to addressing those issues. In Brazil, tripartite councils, and tripartite and interministerial working groups, had been reactivated and were deliberating on platform work and the implementation of the Labour Relations (Public Service) Convention,

1978 (No. 151). The Employ More Women Act of 2023 had introduced the concept of gender equality in parenthood, making it possible for women and men to share parental leave. Further action had been taken to ensure equal pay for men and women under the Equal Pay Act.

53. The Government member of Mozambique said that the Government had ratified Conventions Nos 155 and 187 in 2024 and was in the process of ratifying Convention No. 190. Also in 2024, legislation had extended maternity leave from two to three months and had introduced paternity leave and remote work. Efforts were under way to improve the protection of agricultural workers and to extend social security to self-employed workers.
54. The Government member of India said that India was making strides towards fulfilling its Sustainable Development Goal targets. International labour standards were key to advancing principles of governance in the world of work and to mitigating the effects of economic and social crises. Social dialogue was a core pillar of decent work and provided a linkage between international labour standards and the country's legal framework. India's labour regulatory system was informed by international labour standards, with four individual codes, respectively on wages; social security; industrial relations; and occupational safety, health and working conditions. Social security cover had been extended to informal sector workers, migrant workers, and gig economy and platform workers. Discriminatory legislation had been amended to allow women to take up work previously prohibited to them. Action had been taken to install a minimum wage in the formal and informal sectors, and to prevent gender discrimination in matters related to wages and recruitment. The informal sector occupied a significant portion of employment and economic activity, and the Government had taken a number of initiatives to improve the skills and lifelong learning of informal workers. The Government had also instigated a range of in-kind social protection measures. India's latest Decent Work Country Programme was focused on promotion of FPRW.
55. The Worker Vice-Chairperson said that, while efforts made by governments to promote various aspects of FPRW were commendable, major challenges persisted. The role of social dialogue and collective bargaining as enabling rights made it all the more important to protect those rights and remove barriers to union organizing. The group agreed with its Employer counterparts on the importance of social dialogue to support FPRW, although the Employer Vice-Chairperson had not included freedom of association and collective bargaining to that end. The inclusion of a safe and healthy working environment among FPRW was encouraging countries to examine the ratification of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), and Convention No. 187. Universal ratification and implementation of those instruments was essential. The group upheld their view, contrary to the Employer Vice-Chairperson's statement of his group's view, that an integrated approach to implementation of FPRW was essential.
56. The Employer Vice-Chairperson highlighted the points of convergence his group had observed during the discussion, noting the success stories that had been evoked by the Africa group, India and the Government member of Belgium on behalf of the EU and its Member States. However, matters had been raised that could not be endorsed by the Employers' group, such as the mischaracterization of work as "precarious, insecure or non-standard". In the ILO Centenary Declaration, the term "diverse forms of work" was used. Such forms of work should not only be considered in negative terms. They could also create opportunities in the formal economy. Precarity was an informal economy issue. Criticism had been levelled at global supply chains, however the ILO focused on all supply chains, whether global or not. While the group did not maintain that supply chains were free of problems, the Office report also highlighted their importance in advancing FPRW. Moreover, there was an ILO supply chain strategy that spanned the period up to 2027, which was not to be negotiated in the current

discussion. Mandatory human rights due diligence, under agreed ILO policy, was promoted under the voluntary framework of the United Nations (UN) Guiding Principles on Business and Human Rights. Some countries had asserted that freedom of association and collective bargaining were enabling rights for the other FPRW. That was a variation of the language used in the 2008 Social Justice Declaration, which referred to FPRW as “both rights and enabling conditions”. The group agreed with the importance of freedom of association and collective bargaining, but the root causes of FPRW deficits were not due to the absence of those rights. In Latin America, a reduction in child labour had resulted from policies including aligning the minimum school leaving age with the minimum age of employment. Access to social protection and wage policies could also help. Promoting sustainable enterprises and an enabling environment would help address informality and establish social protection floors. The group supported an integrated strategy, indeed it considered it critical to making progress. However, an integrated approach, where one FPRW could not be addressed without addressing all the others, would simply complicate and impede progress.

Discussion point 3

In pursuing social justice, how can the Organization scale up its action to support Member States, including through an integrated strategy, and which additional efforts are needed to further respect, promote and realize fundamental principles and rights at work? What priorities should be identified within the areas of partnerships, international policy coherence, institutional capacity-building, research, development cooperation, Decent Work Country Programmes and standards-related action? What actions should the Office and Member States take to achieve the universal ratification and effective implementation of the ten fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930?

57. The Employer Vice-Chairperson recalled the gaps in implementation of FPRW at the national level, the need to address the root causes of those gaps, and the need for inclusive economic growth to foster sustainable enterprises. In order to achieve this, Member States must: eliminate implementation gaps; promote formalization in line with Recommendation No. 204; promote sustainable and inclusive economic growth; create an enabling environment for sustainable enterprises as a major driver of productivity and job creation; innovate to support MSMEs and newly formed enterprises; establish means to monitor and adapt policies and practices; and harness the potential of technology and digitalization.
58. The Employers’ group supported the following ILO actions on internal coherence: continuing to develop and pursue an integrated strategy on FPRW providing balanced support to all FPRW, integrating efforts on occupational safety and health; strengthening existing tools and instruments (in particular better resourcing for the ILO Helpdesk for Business on International Labour Standards, the ILO Global Business Network on Forced Labour, and the Child Labour Platform); and continuing to focus on the three thematic areas articulated in 2017 by strengthening the synergies between all ILO actions. ILO action should target root causes, the capacity of labour inspectorates, promoting sustainable enterprises, including building on synergies between the Fundamental Principles and Rights at Work Branch and the Sustaining Competitive and Responsible Enterprises (SCORE) programme. More should be done to increase the visibility of the ILO as a central, widely accessible repository for reliable FPRW data.
59. The Employers’ group wished the Office to undertake: peer-reviewed and scientifically rigorous research on the economic and social impact of informality on the realization of FPRW; evidence-based research and collection of data leveraging technology and digitalization to tackle the root causes of FPRW deficits; and action-oriented research on best practices on

integrating FPRW into MSMEs and newly formalized enterprises. Greater priority must be given to effective implementation of FPRW at the national level. To that end, a restructuring of the Annual Review questionnaire and the development of a user-friendly survey instrument to facilitate follow-up actions and support from the ILO were proposed.

60. The Worker Vice-Chairperson stressed the importance of the Office continuing to promote universal ratification and effective implementation of ILO core instruments, with a special focus on freedom of association and collective bargaining. The ILO should better promote ratification of core labour standards in Decent Work Country Programmes and technical assistance efforts and better respond to and ensure the allocation of resources for technical assistance requests made under the Annual Reviews.
61. Regarding standards, the Office should specifically promote Conventions Nos 87, 98, 155 and 187. The Office should improve linkages between the 1998 Declaration and the ILO supervisory system outcomes and the ILO integrated strategy on FPRW. Violations and deficits noted by the ILO supervisory system should result in immediate responses at the national level and should affect development cooperation, Decent Work Country Programmes and technical assistance.
62. The Office should continue an integrated approach to FPRW and to focus on the five thematic areas of: informality; conflict and crisis situations; digital platform work and other emerging forms of work; supply chains; and climate change action and just transition. There should be a balance in attention and resources across all five FPRWs, with freedom of association, collective bargaining, gender equality, non-discrimination and inclusion kept as cross-cutting priorities in the integrated strategy. The ILO should build the capacity of workers' organizations to promote the realization of rights at work for all workers, with a focus on the most vulnerable.
63. The Workers' group requested more regular data collection and research on: (i) forced labour and updates on the Forced Labour Observatory; (ii) transnational social dialogue; (iii) public procurement; (iv) the impact of non-standard forms of work and new technologies on FPRW; (v) FPRW in the context of a just transition towards a zero-carbon economy; (vi) human rights due diligence laws and their implementation in line with international labour standards; and (vii) trade and labour provisions in trade agreements on FPRW, as well as on import bans on goods made using forced labour. The recent decision for the Office to publish its Social Dialogue Flagship Report regularly was welcome. It was stressed that the ILO must actively engage in ongoing discussions for international business and human rights, especially with regard to a binding UN business and human rights treaty.
64. To build partnerships for supporting FPRW, the ILO should further engage with the World Bank, the International Monetary Fund and multilateral development banks, as well as with the WTO. The ILO must advocate for high-level political commitment to FPRW, including universal ratification of ILO labour standards, and within the UN system. FPRW must be a core part of the Global Coalition for Social Justice and the forthcoming Second World Summit for Social Development.
65. The Government member of Gabon, speaking on behalf of the Africa group, stated that the ILO must examine the root causes of barriers to implementation of international labour standards in many contexts, including Africa. That would require implementation of the integrated strategy, taking account of the social and cultural context. The ILO should also increase support for ratification of other fundamental ILO Conventions and increase monitoring and follow-up of activities, policies and plans on respecting FPRW at work. The Africa group welcomed the ILO's commitment to strengthening the capacity of governments in the area of labour inspections and institutions to solve labour disputes. The Organization

should ensure that national strategies related to FPRW at work were adequately resourced to allow an appropriate response to needs.

66. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the ILO's priorities and future actions must match the challenges of transition and crises, and recalled the relevance of the 2030 Agenda for Sustainable Development. The ILO should continue analysing the impact of climate change on FPRW and associated climate adaptation and mitigation measures. A follow-up to the integrated strategy covering all five FPRWs, in line with the "One ILO" approach, would be appreciated. The Office should continue providing technical assistance, taking into account the interdependence and mutually reinforcing nature of FPRW. A holistic and integrated approach to the respect, realization and promotion of FPRW was required. There should be better interplay between the findings of ILO supervisory bodies and the technical assistance provided.
67. The ILO should further explore how the decline of collective bargaining and trade union density could be addressed, including the gaps in representation for most vulnerable workers. Continued attention should be paid to strengthening the capacity of the social partners, and to cooperation with civil society, including in the context of the Global Coalition for Social Justice. Further research was required into barriers to the full realization of FPRW and into good policy practices. The ILO should continue its work on data collection and analysis as a basis for evidence-based policymaking and should make efforts to reinforce Member States' data capacities as well. It should maintain its advocacy in the multilateral system on mainstreaming FPRW across all policy fields, including within the United Nations, with international financial institutions and regional economic organizations.
68. The Government member of Switzerland indicated the Government's wish to see greater coherence in internal and external ILO policies. The "One ILO" approach should be applied in a coherent fashion throughout all ILO offices. The Organization should collaborate with partners, including international financial institutions, at an international level on economic development cooperation. The Better Work programme and the interdepartmental approach in Ethiopia were examples that should be expanded more broadly in the ILO and among the constituents.
69. The Government member of the United Kingdom suggested an iterative process of continual improvement to be developed through constituent knowledge-sharing and Office operationalization through technical assistance and decent work country programmes. The ILO supervisory system could also play a key part in diffusing knowledge within the Organization of developments and trends to support equal focus on ratifying and implementing FPRW. The United Kingdom's locally led approach to international development could be an example approach to respond to the different needs of Member States. New capacity-building levers could include business investors who had an influence on combating human trafficking and forced labour in supply chains.
70. The Government member of Mexico provided examples of the ILO initiatives to combat child labour in Latin America and the Caribbean, and highlighted its partnerships, including as a Pathfinder Country of Alliance 8.7 and as Co-chair, with Qatar, of the Fair Recruitment Initiative. Those types of exchanges of experience, capacity-building, and cooperation could help boost respect for, and implementation of, FPRW.
71. The Government member of China recommended the strengthening of policy coordination and cooperation, as well as the enhancement of development cooperation for developing countries. More discussions should be held to explore Member States' diversity in terms of culture, history and legal systems. The supervisory system should ensure that its comments

on implementation efforts were up to date, fact based and took consideration of diversity. Platform workers must be protected, as flexible and new forms of employment had been important channels for Chinese workers to increase income, while at the same time posing challenges in the protection of workers' rights. The Office should conduct research on: (i) employers' responsibilities and the employment relationship; (ii) extending social security coverage; and (iii) the impact of and responses to digital technological advancement and AI on labour rights and lifelong learning.

72. The Government member of the United States emphasized that FPRW were mutually reinforcing and should be implemented in a balanced manner. That had not yet been achieved through the current strategy. Reports had outlined that less focus had been given to freedom of association than to forced labour and child labour, which were increasing in global estimates. The Government strongly supported according higher visibility and work density to less frequently covered FPRW categories, in particular freedom of association and collective bargaining, and announced in November 2023 in this regard a new project of up to US\$40 million to support countries and research activities on freedom of association and collective bargaining. Additional attention was also needed to promote gender equality, non-discrimination and inclusion. The Office should, for example, develop country-based qualitative and quantitative research on the labour market situation of women, persons with disabilities, people living with HIV, indigenous and tribal peoples and other population groups affected by discrimination and exclusion, including on the grounds of race, sexual orientation and gender identity. ILO development cooperation and the ILO supervisory machinery should develop synergies. Given the lack of information on "One ILO" initiatives undertaken from 2017 to 2023, further details in that regard would be welcome.
73. The Government member of Canada echoed the recommendations for the Office to streamline its operations through increased internal coordination, and to maximize the use of resources when addressing the uneven distribution of funding between FPRW. Regarding discrimination, the ILO had a key role in assisting the constituents to better understand barriers and gaps by providing disaggregated data on discrimination and the intersectionalities of discrimination. Particular focus should be placed on the inclusion of mental health considerations when integrating safe and healthy work environments. Regarding technical assistance, priority should be given to the integration of FPRW into the UN Sustainable Development Cooperation Framework and ILO Decent Work Country Programmes, complemented by building the capacity of employers' and workers' organizations for meaningful social dialogue. The ILO supervisory system could take on an important role in identifying targeted interventions. The Government strongly encouraged initiatives such as the Equal Pay International Coalition (EPIC) for equal pay for work of equal value. The ILO should provide ongoing advice on FPRW in the context of increasing due diligence legislation, responsible business conduct in supply chains, and labour provisions in trade agreements.
74. The Government member of Barbados recommended action to leverage the regional similarities in the design of context-specific programmes to promote FPRW and to facilitate knowledge-sharing among members in real time. Priorities for action included the modernization of labour legislation, which should be informed by related gap analyses. This was of particular importance to small island developing States, where the effects of the climate crisis were clear. It was also vital that resources were directed to capacity-building in labour inspection, which was essential to promoting FPRW. The ILO must continue to form and strengthen relationships within the UN system and international financial institutions to promote FPRW. The ILO must intensify advocacy to ensure that FPRW were included in international treaties for trade and financing. The Global Coalition for Social Justice could

provide a common backdrop for the development of coherent policies at the international level. Promotion of FPRW must include the actors in the social and solidarity economy.

75. The Government member of Türkiye reflected positively on the ILO's assistance in Türkiye and noted a desire to see an expansion of these activities in the region. The ILO should limit itself to universally accepted terminology, in order to respect Member States' diversity of culture and legal systems. There was a need to strengthen support for women in the labour market, to continue the eradication of child labour and forced labour, and to offer training for non-employment educational training.
76. The Government member of Egypt outlined several legislative efforts, projects and programmes the Government had undertaken in support of FPRW, including freedom of association and collective bargaining. Measures had been taken that aimed at achieving gender equality, empowering women economically, enabling them to reconcile family duties with work requirements, and eliminating all forms of discrimination. The Egyptian delegation, while supporting much of the content of the Office report, rejected in substance paragraphs 41 and 96 as they introduced new categories that did not align with international human rights law and did not enjoy the consensus of all ILO constituents.
77. The Government member of Indonesia noted the importance of the protection of a safe and healthy working environment, which was reflected in Indonesian national legislation. The aftermath of COVID-19 effects had been ongoing, including hiring and labour issues, layoffs and furloughs. In addition, digitalization had fundamentally transformed the economy, diversifying and expanding job opportunities, resulting in the growth of MSMEs. Working conditions were regulated not only through national legislation but also through collective agreements between enterprises and trade unions.
78. The Government member of Algeria highlighted the efforts made by Algeria to strengthen the social security system, employ new talent from universities, extend social security for vulnerable groups, and increase maternity leave. The labour law had been revised to provide greater opportunities for workers to establish unions and to facilitate union registration and provide for "entrepreneurship leave" whereby workers could return to their former employment should a venture fail. The Government was taking steps to boost entrepreneurship through the establishment of micro enterprises and start-ups. Algeria aimed to strengthen its continental role in social security by becoming a central depository for social security knowledge for the continent.
79. The Government member of Peru said that coherence between national and international policies was needed to ensure that there were no conflicts between economic and labour rights objectives. Ratification of the core Conventions should be pushed forward, together with efforts to ensure their implementation. The Government reaffirmed its commitment to working with the international community by exchanging good practices, strengthening capacities and promoting technical cooperation.
80. The Government member of Chile invited the Office to support the exchange of practices within regions, and through Alliance 8.7 and related coalitions. It was important to maintain and integrate the gender perspective within normative instruments in a holistic approach. Chile also attached great importance to occupational safety and health within FPRW. Partnerships were key to increasing respect for and implementing FPRW: governments, the social partners and the Office could not work alone.
81. The Employer Vice-Chairperson stressed that the outcome of the Committee's work should be balanced and based on consensus. There were many points of convergence among

participants. Some speakers had called for the need to evaluate impact in order to assess good practices. Technical assistance should be demand driven and responsive to Member States' and constituents' needs. Thus, there was a need for high-quality data to allow informed decisions to be taken. The focus should be on capitalizing on ILO initiatives that worked well, which could be duplicated elsewhere. The Employers acknowledged the relationship between FPRW and the four pillars of the ILO strategic objectives, in line with the 2008 Social Justice Declaration. The group wished to be clear that the 2008 Declaration stated that FPRW were "rights and enabling conditions" for the pillars, rather than "enabling rights". The Employers also urged the Committee not to ignore the fact that digitalization could create opportunities for economic development and growth. The following priorities should inform the conclusions of the Committee: decisive action to eliminate the implementation gap, moving beyond ratification; strong political will and commitment to addressing root causes; the imperative of building constituents' core capabilities appropriate to national circumstances; creating an enabling environment for sustainable enterprises; and transitioning from informality to formality. ILO actions must support these imperatives, while being anchored in evidence-based research. These actions should be taken without losing sight of resource limitations and should be prioritized to ensure the greatest impact.

82. The Worker Vice-Chairperson referred to the Employer group's rejection of the terms "non-standard forms of work", made on the grounds that the term was not agreed ILO terminology, and that the term "diverse forms of work" should be used. There had in fact been no agreed terminology, and the language proposed by the Employers obscured the fact that certain forms of work came with less security and lower rights and protections for workers. The Workers also disagreed with the Employers' words "moving beyond ratification of core ILO instruments". Ratification was needed to ensure that national legislation was in line with international standards and to engage the ILO supervisory machinery. Many governments had stressed the importance of ratifying standards. The group had, however, heard constructive proposals, including calls for further technical support for labour inspection, calls to reinforce development cooperation and to integrate FPRW into decent work country programmes. The group was in favour of strengthened cooperation with international financial institutions to improve policy coherence at the international level and promote FPRW in international trade. The Global Coalition for Social Justice could serve as a crucial forum for promoting FPRW at the international level. The Africa group had highlighted that it was not only workers that profited from the fundamental Conventions, but also employers. The Workers held that governments also profited from those instruments. The group wholeheartedly concurred with the view that social dialogue was of critical importance and recalled that collective bargaining was a central element of social dialogue.

Discussion of the draft conclusions

83. The Chairperson introduced the draft conclusions prepared by the drafting group, noting that 160 [amendments](#) had been submitted for consideration. Amendments addressing points of the draft conclusions that remained in brackets would be dealt with in the same manner as non-bracketed text.

Draft conclusions concerning the third recurrent discussion on fundamental principles and rights at work

Title

84. The title “Draft conclusions concerning the third recurrent discussion on fundamental principles and rights at work” was adopted.

Subtitle

I. Fundamental principles and rights at work are more needed and relevant than ever

85. The subtitle of part I “I. Fundamental principles and rights at work are more needed and relevant than ever” was adopted without amendment.

Points 1 to 4

86. Points 1 to 4 were adopted.

Point 5

87. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment (A.96) to replace the words “per cent” with “percentage points”.
88. The Worker and Employer Vice-Chairpersons and Government members supported the amendment.
89. The amendment was adopted.
90. Point 5 was adopted as amended.

New point to be inserted after point 5

91. The Worker Vice-Chairperson introduced an amendment (A.167) to insert a new point after point 5, to read “Workers in all sectors and across the world continue to be exposed to unsafe and unhealthy working environments and new risks have emerged, including heat stress and psychosocial risks”. It would highlight the continued challenges of ensuring the right to a healthy and safe working environment and emerging occupational safety and health risks, as raised in paragraphs 17, 49 and 52 of the Office report.
92. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to replace “new risks have emerged” with “risks have intensified”, given that they were not new risks.
93. The Government member of Gabon, speaking on behalf of the Africa group, supported the amendment by the Workers’ group, as subamended by the EU Member States.
94. The Government member of China made a reservation to the wording “Workers in all sectors” in the new point proposed by the Workers’ group, considering the situation to have been exaggerated, particularly in his country.
95. The Government member of Norway, also speaking on behalf of the Government of Iceland, supported the Workers’ amendment as subamended by the Government member of Belgium.
96. The Employer Vice-Chairperson proposed a subamendment to insert the word “certain” before “risks have intensified”. He proposed a further subamendment to replace “Workers” with “While workers” at the start of the sentence, to replace the full stop after “psychosocial risks”

with a comma, and to then insert the wording “statistics for the period from 2000 to 2019 suggest an overall improvement in workplace safety, marked by a 10 per cent decrease in the work-related mortality rate”. He proposed another subamendment to insert a second sentence, to read “This calls for the promotion, respect and realization of a safe and healthy work environment to protect workers, enhance work performance and productivity, improve staff retention, and minimize tension and conflict”.

97. The Government member of Mexico, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), supported the amendment proposed as subamended.
98. The Government member of China, expressing appreciation for the efforts to reach consensus, proposed a subamendment to replace “all sectors” with “certain sectors”, and supported the other language proposed.
99. The Worker Vice-Chairperson, pointing out that point 4 noted that challenges remained, and that the subsequent points discussed the challenges while the previous points had discussed progress and positive developments, expressed a reservation about the location of the proposed new point as worded. He proposed a subamendment, to read “While statistics for the period from 2000 to 2019 suggest an overall improvement in workplace safety, including a 10 per cent decrease in the work-related mortality rate, workers in all sectors across the world continue to be exposed to unsafe and unhealthy working environments and certain risks have intensified, including heat stress and psychosocial risks”. The Office report addressed all sectors, not certain sectors, and there were certain risks that applied to all sectors.
100. The Employer Vice-Chairperson said that, in the interests of moving forward, the Employers would agree to inserting their proposed second sentence elsewhere, provided that the sentence was framed as it stood. The Employers supported the subamendment proposed by China for “certain sectors” to replace “all sectors”.
101. The Worker Vice-Chairperson, emphasizing that paragraph 49 of the Office report referred to “all sectors”, said that his group preferred to retain the term.
102. The Government member of the United States appreciated the reference to “heat stress” and “psychosocial risks”, which were of particular importance to her Government. She proposed a subamendment to delete “including a 10 per cent decrease in the work-related mortality rate,” from the additional sentence proposed in the Employers’ subamendments as, although that percentage was noted in the Office report, the latter also subsequently noted that the challenge had not diminished in absolute terms, and that as the global labour force had increased over the period, 0.33 million more work-related mortalities had been seen. She was therefore concerned that the context would not be clear in the draft conclusion. She supported the wording “all sectors”.
103. The Government member of Canada seconded the subamendment.
104. The Government member of China said that, while “all sectors” was indeed in the Office report, the latter was just the basis for discussion; the conclusions should accurately reflect the different realities of Member States.
105. The Government member of Canada proposed a further subamendment to delete “in all sectors”.
106. Several Governments seconded the subamendment proposed by Canada, including Belgium, speaking on behalf of the EU and its Member States, and Mexico, speaking on behalf of GRULAC.

107. The Government member of Algeria proposed a subamendment to replace “Workers in all sectors” with “Workers in sectors and regions around the world”.
108. The Government member of Tunisia seconded the subamendment proposed by Algeria.
109. The Government member of Türkiye supported the subamendment proposed by Canada but did not support the subamendment proposed by Algeria.
110. The Worker Vice-Chairperson did not support the subamendment proposed by Algeria but supported the subamendment proposed by Canada.
111. The Employer Vice-Chairperson said that he would not block the consensus to either of the proposed formulations.
112. The Government member of Ghana proposed a subamendment to the subamendment proposed by Canada to insert a comma after “safety” and to replace “and” before “certain risks” with “with” and to replace “have” with “being”. The sentence would therefore read “While statistics for the period 2000 to 2019 suggest an overall improvement in workplace safety, workers across the world continue to be exposed to unsafe and unhealthy working environments with certain risks being intensified, including heat stress and psychosocial risks.”
113. The Government member of Cameroon seconded the subamendment proposed by Ghana.
114. The Government member of Mexico, speaking on behalf of GRULAC, supported the subamendment proposed by Canada and expressed flexibility on the subamendments proposed by Ghana.
115. The Government member of Sierra Leone supported the subamendment proposed by Canada but did not support the subamendment proposed by Ghana.
116. The Government member of the United Kingdom supported the subamendment proposed by Canada and expressed flexibility on the subamendment proposed by Ghana.
117. The Government member of Algeria supported the subamendment proposed by Ghana.
118. The Government member of Mexico, speaking on behalf of GRULAC, supported the subamendment proposed by Canada but preferred to retain the word “and” rather than “with”, which had been proposed by Ghana, as “unsafe and unhealthy working environments” and “certain risks have intensified” were separate concepts.
119. The Government member of the United States supported the first part of the subamendment proposed by Ghana to insert a comma after “safety” but preferred to retain “and certain risks being intensified”.
120. The subamendment proposed by Algeria fell.
121. The amendment was adopted as subamended by Canada and Ghana.
122. The new point to be placed after point 5 was adopted as amended.

Point 6

123. Point 6 was adopted.

Point 7

124. The Government member of Gabon, speaking on behalf of the Africa group, introduced an amendment (A.169) to replace the draft as follows: “the prevalence and nature of certain forms of work pose special challenges for protecting and promoting these workers’ fundamental

rights.” His group was proposing that wording in the interests of conciseness and precision, highlighting the specific elements of the prevalence and nature of forms of work and the special challenges they posed for the protection of FPRW.

125. The Worker Vice-Chairperson proposed a subamendment to delete “certain forms of work” and to replace it with “insecure forms of work and misclassification of workers”. It was important to add the reference to insecure forms of work and misclassification of workers because it was an issue debated extensively, including in relation to platform workers. Moreover, the language “certain forms of work” obscured the fact that certain forms of work came with less security and lower rights and protection for workers. The last two recurrent discussions of the Conference, on employment policy and labour protection, had not shied away from the need to address insecure forms of work.
126. The Employer Vice-Chairperson proposed a subamendment to insert before “At the same time,” the wording “Diverse, new and emerging forms of work create both opportunities and risks. They can be an avenue for workers and their families to escape poverty and enter the formal economy”. The remainder of point 7 would continue as per the Africa group’s proposed amendment (A.169).
127. The Worker Vice-Chairperson did not support the Employers’ proposed subamendment, as it watered down the exact point that the Workers sought to make: the fact that there were more workers in insecure forms of work and misclassified and therefore excluded from labour legislation, labour rights protection and FPRW.
128. The Government member of Mexico, speaking on behalf of GRULAC, supported the subamendment; it was important to mention diverse, new and emerging forms of work. It was also important to note that there were risks and opportunities but that there was a need for a better understanding of them.
129. The Government member of China supported the subamendment.
130. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to replace “certain forms of work can pose certain challenges for protecting and promoting FPRW” with “insecure forms of work and misclassifying workers can exacerbate challenges and decent work deficits and pose challenges to the realization of FPRW”.
131. The Government member of Algeria sought clarification on the rationale for replacing “misclassification” with “misclassifying” workers.
132. The Government member of Belgium, speaking on behalf of the EU and its Member States, explained that “misclassification” implied the absence of legislation, whereas “misclassifying” referred to the lack of enforcement and application of existing legislation.
133. The Employer Vice-Chairperson said that the use of terms such as “insecure” and “precarious” would stigmatize a particular sector or contractual arrangement and impound a certain subjectivity, bias and ideology, which the Employers’ group could not support. He proposed a subamendment to replace “the prevalence and nature of insecure forms of work and misclassifying workers can exacerbate challenges and decent work deficits and pose challenges to the realization of FPRW” with “the prevalence and nature of certain forms of work can exacerbate challenges and decent work deficits and pose challenges to the realization of FPRW”.
134. The Worker Vice-Chairperson proposed a subamendment to replace the wording of point 7 with “Various emerging forms of work can offer both opportunities and risks. When adequately regulated to provide decent work, they can be an avenue for workers and their families to

escape poverty and enter the formal economy. At the same time, insecure forms of work and misclassifying workers can exacerbate decent work deficits and pose challenges to the realization of FPRW”.

135. The Employer Vice-Chairperson did not support the subamendment, as the text retained the inappropriate mention of “insecure forms of work”. In addition, decent work did not require adequate regulation and the Employers could therefore not agree to “when adequately regulated to provide decent work”. Furthermore, it was not just various emerging forms of work that could provide those opportunities; some so-called “emerging” forms of work had been around for a long time.
136. The Government member of Mexico, speaking on behalf of GRULAC, underlined the importance of addressing the issue of worker classification, as it related to certainty of the employment relationship and the ability of workers to better defend their working conditions.
137. The Worker Vice-Chairperson said that his group could agree to the deletion of the word “emerging”, to ensure the wording was more inclusive. He noted that there were many workers in insecure forms of work who were sometimes misclassified, and that forms of work needed to be more accurately regulated in order for workers to obtain their rights. Adequate regulation would be required for decent work.
138. The Employer Vice-Chairperson proposed a subamendment to delete “when adequately regulated to provide decent work”, “insecure” and “and misclassifying workers”. He remained open to discussing “misclassification” but, in lieu of misclassification, “failure to determine correct status to avoid employment relationship” could be accepted as more precise and factual. His proposed subamended text would therefore read “Various forms of work can offer both opportunities and risks. They can be an avenue for workers and their families to escape poverty and enter the formal economy. At the same time, certain forms of work and failing to establish the correct status of workers in order to avoid an employment relationship can exacerbate and pose challenges”.
139. The Worker Vice-Chairperson preferred to maintain “when adequately regulated”, as regulation was needed to ensure the clarity of worker status. He proposed a subamendment, to read “Various forms of work can offer both opportunities and risks. When providing decent work there can be an avenue for workers and their families to escape poverty and enter the formal economy. At the same time, insecure forms of work and misclassifying workers can exacerbate decent work deficits and pose challenges to the realization of FPRW”.
140. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Workers’ group.
141. The Government member of China preferred the language “new and emerging forms of work” but could support “various forms of work.” If the term “regulated” were not to be used, he would suggest instead “when appropriately regulated in accordance with the national context” after “providing decent work”, so as to ensure taking account of the diverse economic situations of different Member States. In most developing countries, job creation came before decent work; it would be difficult for all jobs created to be decent. In the interests of reaching consensus, he could be flexible on “insecure forms of work” and “misclassification of workers or “misclassifying workers”.
142. The Government member of Mexico, speaking on behalf of GRULAC, said that his group would prefer to keep “emerging” but supported the subamendment proposed by the Workers’ group.

143. The Government member of the United States appreciated the mention of addressing the priority area of misclassification of workers, as her Government had focused on that area recently. She also preferred to keep “new” or “emerging” forms of work but could be flexible.
144. The Government member of Canada said that she would like to see some reflection of emerging forms of work, but could be flexible, and supported retaining “When providing decent work”. The term “insecure forms of work” had been agreed in previous Conference discussions, and misclassification of workers remained a significant challenge for the platform and gig economy. She supported the text as subamended by the Workers’ group.
145. The Employer Vice-Chairperson, as a basis for moving forward, proposed a subamendment so that the point would read “Various emerging forms of work can offer both opportunities and risks. When providing decent work, they can be an avenue for workers and their families to escape poverty and enter the formal economy. When they do not provide decent work, or are misclassified, they can be insecure and pose challenges to the realization of FPRW”.
146. The Worker Vice-Chairperson requested a clarification on whether misclassification referred to the form of work or to the worker. It would be clearer to address the misclassification of workers than of work. The notion of insecurity was missing in the text, and he proposed a subamendment to replace “or are misclassified” with “or are insecure and are misclassified”.
147. The Employer Vice-Chairperson could not agree to including the reference to insecurity and deferred to the Office on how to deal with misclassification.
148. The Representative of the Secretary-General said that, in the ILO, misclassification was in relation to workers, not to work or a form of work.
149. The Worker Vice-Chairperson and the Employer Vice-Chairperson agreed to propose a subamendment, which read “Various emerging forms of work can offer both opportunities and risks. When providing decent work, they can be an avenue for workers and their families to escape poverty and enter the formal economy. When they do not provide decent work, or workers are misclassified, they can be insecure and pose challenges to the realization of FPRW”.
150. The Government member of China proposed a subamendment to delete “to escape poverty”, as decent work was not the only way to escape poverty, seconded by the Government members of Algeria and Sierra Leone.
151. The Government member of Gabon, on behalf of the Africa group, and the Government member of South Africa, supported the subamended text proposed by the Worker Vice-Chairperson and the Employer Vice-Chairperson, as subamended by the Government member of China.
152. The Government member of Belgium, on behalf of the EU and its Member States, wished to retain “to escape poverty”.
153. The Government member of Sierra Leone proposed a subamendment to replace “escape poverty” with “reduce poverty”, seconded by the Government members of Cameroon, Ghana and Morocco.
154. The Government member of Mexico, speaking in his national capacity, proposed a subamendment to replace “escape poverty” with “end poverty”, as it was the agreed language of the UN 2030 Agenda for Sustainable Development, seconded by the Government member of Brazil.

- 155. The Government member of China said that the issue was with decent work appearing as a precondition to escaping poverty, which was not the case in China. As a compromise, he could agree to “When creating jobs and providing decent work, they can be an avenue for workers and their families to escape poverty and enter the formal economy”. It should not be expected that emerging forms of work would be decent work in the first instance. In practice, new opportunities of work or informal forms of work could also help to lift workers out of poverty.
- 156. The Government member of the United Kingdom did not support the subamendment proposed by the Government member of Mexico, as ending poverty applied to national contexts rather than individual workers or their families. She preferred retaining “escape poverty”.
- 157. The Government member of Mexico withdrew his Government’s subamendment.
- 158. The Worker Vice-Chairperson also wished to retain the notion of escaping poverty. The Employer Vice-Chairperson noted that decent work could indeed be an avenue to escaping poverty, but that there were other pathways as well. They both reiterated their support for their agreed subamendment.
- 159. The Government member of China said that he could accept the language, on the understanding that it was not exclusive and that there were other avenues to escape poverty.
- 160. The amendment was adopted as subamended.
- 161. Point 7 was adopted as amended.
- 162. Amendments A.98, A.166, A.165, A.196, A.18, A.170, A.19, A.15 and A.197 fell as a consequence.

Point 8

- 163. The Government member of Sierra Leone, speaking on behalf of the Africa group, proposed an amendment (A.168), that would read “Lack of freedom of association, protection of the right to organize and collective bargaining increase vulnerability, especially for non-unionized workers and; those who are at risk of child labour, forced labour, discrimination and hazardous working conditions”. It highlighted the risks to non-unionized workers because only unionized workers, with an opportunity to exercise the enabling right to freely associate and bargain as a group, were able to improve their working lives and the lives of their families.
- 164. The Worker Vice-Chairperson proposed a subamendment to delete “non-unionized workers and”.
- 165. The Employer Vice-Chairperson proposed a subamendment to the text so that it would read “Those who are most at risk of child labour, forced labour, discrimination and hazardous working conditions may also lack voice and representation, which increases their vulnerability”.
- 166. The Government member of the United States welcomed that the amendment proposed by the Africa group supported the idea that a lack of freedom of association could create additional risks for workers. She proposed a subamendment to the text so that it would read “Lack of freedom of association and the protection of the right to organize and bargain collectively increases vulnerability, including the risk of child labour, forced labour, discrimination or hazardous working conditions”, seconded by the Government members of Canada and Türkiye.
- 167. The Government member of Algeria supported the Africa group’s amendment.
- 168. The Government member of Ghana proposed a subamendment to delete “child labour” from the subamendment proposed by the Government member of the United States. Child labour

in Ghana was linked to poverty, a lack of legal framework and poor law enforcement, not necessarily to a lack of collective bargaining and freedom of association.

169. The Government member of China seconded the subamendment.
170. The Government member of the United States said that a lack of freedom of association and collective bargaining often impacted parents' ability to obtain well-paid jobs, which could put children at risk of child labour.
171. The Employer Vice-Chairperson said that the proposed text was a very different statement from the original text and was no longer appropriately placed; it should be placed elsewhere in the draft conclusions. The original text prepared by the Office was a fair statement of a challenge faced by all but had morphed into a statement of ideology and universality that was not supported by solid evidence.
172. The Worker Vice-Chairperson disagreed; the text was well placed in the section on challenges to be addressed in the document. He supported the subamendment proposed by the Government member of the United States to retain the reference to child labour.
173. The Employer Vice-Chairperson reiterated that the Employers' group was comfortable with the original Office text, as reference to action was necessary to address the issues and the proposed text should therefore be moved to the section on actions.
174. The Government members of Mexico; Türkiye; Norway, also speaking on behalf of Iceland; Belgium speaking on behalf of the EU and its Member States; the United Republic of Tanzania; and Gabon supported the text as subamended by the Government member of the United States.
175. The Government member of Sierra Leone proposed a subamendment to insert "of workers" after "increases vulnerability", seconded by the Government members of Canada, Cameroon, Morocco and Ghana.
176. The Government member of Sierra Leone underlined that it was clear in the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), that children should not work and should be in school or engaged in light work. He supported the proposal of the Government member of Ghana to delete "child labour".
177. The Government member of Ghana reiterated that children should not be at the workplace nor imbued with right to freedom of association and collective bargaining. Furthermore, not all workers were parents, and the term "vulnerability of workers" should be sufficient.
178. The Government member of the United Kingdom agreed with the inclusion of the risk of child labour but considered that the wording implied that children were also workers. She proposed a subamendment to replace "including" with "and", to avoid confusion.
179. The Government members of Canada; Ghana; Belgium, on behalf of the EU and its Member States; Sierra Leone; Mexico; Norway, also speaking on behalf of Iceland; and Chile seconded the subamendment.
180. Point 8 as amended (A.168) by the Africa group and subamended was as follows "Lack of freedom of association and the protection of the right to organize and bargain collectively increases vulnerability of workers, and the risk of child labour, forced labour, discrimination or hazardous working conditions;".
181. The Employer Vice-Chairperson proposed a further subamendment to the amendment to replace the first words "Lack of" with "Threats to and impairment of"; replace the phrase "the protection of the right to collective bargaining" with "effective recognition of the right to

collective bargaining”; to delete the phrases “increases vulnerability of workers,” and “and the risk”; and instead insert “are exacerbating risks”; and to replace the word “or” with “and”.

- 182.** The Worker Vice-Chairperson supported the amendment as subamended.
- 183.** The Government members of Canada; Belgium on behalf of the EU and its member States; Barbados; Gabon; and the United States supported the amendment.
- 184.** The amendment (A.168) was adopted as subamended.
- 185.** Point 8 was adopted as amended.
- 186.** Amendments A.191, A.20, A.164, A.163, A.21, A.192, A.193 and A.175 fell as a consequence.

Point 9

- 187.** Point 9 was adopted.

New point after point 9

- 188.** The Worker Vice-Chairperson introduced an amendment (A.162) to insert a new point after point 9, to read “Major violations of FPRW continue to be observed within global supply chains due to an attenuated chain of responsibility. Disruptions of supply chains during recent crises, including the COVID-19 pandemic, have further challenged the enjoyment of FPRW in some countries”. Issues of violations of FPRW in supply chains were inadequately addressed in the draft conclusions, while it was clear that working conditions in supply chains had been affected.
- 189.** The Employer Vice-Chairperson did not support the amendment because it was singling out global supply chains, with no basis for doing so. Any statement of risk should be respectful of the ILO strategy on decent work in supply chains and there should not be a reopening of difficult discussions that had taken place in recent years, including in the general discussion of the 2016 session of the Conference on decent work in global supply chains. He suggested that the amendment be rejected.
- 190.** The Government member of Gabon requested a clarification of the term “attenuated chain of responsibility”.
- 191.** The Worker Vice-Chairperson said that it meant a “decreased chain of responsibility”. He would agree if the Employers’ group would like to delete “global” before “supply chains”.
- 192.** The Government member of Belgium on behalf of the EU Member States, supported the spirit of the new point and proposed a subamendment to delete “major,” replace “attenuated” with “weakened” and delete “the enjoyment of”.
- 193.** The Government member of Mexico asked for examples of how the disruption in global supply chains had created an obstacle to the enjoyment of FPRW.
- 194.** The Worker Vice-Chairperson said that it was discussed in paragraphs 5 and 22 of the Office report.
- 195.** The Government member of Norway, also speaking on behalf of Iceland, supported the subamendment proposed by the Government of Belgium, on behalf the EU Member States.
- 196.** The Employer Vice-Chairperson noted that nowhere in the Office report was the issue of supply chains and attenuated responsibilities in supply chains identified. The issue of COVID-19 and disruption in supply chains was mentioned. Moreover, there was nothing in ILO documents that had been agreed upon regarding attenuated or weakened responsibility in supply chains. He stressed that it was not the Committee’s purpose to discuss the issue; rather, it was to take

stock of the last seven years and to make recommendations on the way forward. That should be done within the context of authoritative documents, including the resolution concerning decent work in global supply chains (2016) and the ILO strategy on decent work in supply chains that addressed FPRW. The Employers' group was willing to find a statement that could address supply chains but not global supply chains.

197. The Government member of China did not support including global supply chains in the conclusions, as there was already a clear global supply chain track being followed by the Office. He emphasized that if the focus was on how COVID-19 and other challenging situations had impacted FPRW, he could propose specific language, but could not support the Workers' proposed amendment.
198. The Government member of Türkiye said that, although he supported the purpose of the new point proposed by the Workers' group, he could not support it as currently worded. He noted that paragraph 5 of the Office report not only underlined the negative impact of COVID-19, but also geopolitical tensions and several major armed conflicts.
199. The Government member of Canada echoed the concerns of the Employers' group and proposed a subamendment to the Workers' amendment, to insert "including" before "due to" and after "global supply chains". She also proposed a subamendment to the subamendment proposed by the Government member of Belgium, speaking on behalf of the EU Member States, to replace "the enjoyment of FPRW" with "the realization of FPRW", to align the language. She supported the Workers' proposed amendment as subamended by the Government member of Belgium, speaking on behalf of the EU Member States, as there were gaps in the realization of FPRW in supply chains.
200. The Government members of Japan, the United States, and Mexico seconded the subamendments.
201. The Employer Vice-Chairperson said that there were a number of issues with the proposed language. The most fundamental issue was the attribution of violations of FPRW within supply chains to the chain of responsibility. The topic had already been discussed in depth in 2016, with the focus on the implementation gaps and failures in host countries to enforce their laws. Therefore, there was no reason to single out global supply chains, and the Committee was not the place for a policy discussion on the matter. He proposed a subamendment to delete the first sentence and to replace "further challenged" in the second sentence with "adversely affected" to acknowledge that disruption in supply chains during recent crises had adversely affected the full realization of FPRW in some countries.
202. The Worker Vice-Chairperson could not accept the deletion of the first part of the first sentence, only deletion of the second part; he proposed a subamendment to the first sentence, to read "Violations of FPRW continue to be observed within global supply chains". He could accept "adversely affected" in the second sentence.
203. The Employer Vice-Chairperson did not support the subamendment, as violations occurred in supply chains but not more so than outside supply chains, and likely more in the informal economy and in small and medium-sized enterprises where there were probably larger sources of risk. The issue should focus on the disruption and the broader impact beyond FPRW.
204. The Worker Vice-Chairperson agreed to delete the word "global" from "global supply chains".
205. The Government member of Canada recalled that the 2022 Recurrent Discussion on Employment, where specific language referring to violations of labour rights in global supply chains was used. Based on the agreed language and ongoing discussions beyond the ILO in

other international organizations, it was important that the Committee included that language, especially given the focus on FPRW.

- 206.** The Government member of China supported the subamendment to the second sentence of the point but did not support the subamendment to the first sentence, even if the word “global” was removed. As the Government member of Canada had noted, this was discussed in other forums, but it was an ILO topic, and the Committee was not the appropriate place to re-open the discussion on supply chains.
- 207.** The Government member of Gabon, speaking on behalf of the Africa group, supported the subamendment to remove “global” from “global supply chains”.
- 208.** The Employer Vice-Chairperson said that, although his group did not see the need to include the language proposed by the Workers in the first sentence, it recognized the United Nations Guiding Principles on Business and Human Rights, under which governments had a duty to protect workers, while employers had a duty to respect the principles. Accordingly, the group proposed a subamendment, to read “Failures to protect and respect fundamental principles and rights at work continue to be observed in supply chains. Disruptions of supply chains during recent crises have adversely affected the full realization of FPRW in some countries”.
- 209.** The Governments of Japan, Mexico on behalf of GRULAC, and the United Kingdom, supported the subamendment proposed by the Employers.
- 210.** The Government member of China accepted the subamendment, at the same time maintaining its position that the issue of supply chains should not be addressed.
- 211.** The Government member of Sierra Leone questioned the word “failure”, asking to whom that word applied.
- 212.** The Employer Vice-Chairperson clarified that under the United Nations Guiding Principles, failure to protect applied to the State, while failure to respect applied to enterprise.
- 213.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of the United States supported the subamendment.
- 214.** The amendment was adopted as subamended.
- 215.** The new point to be included after point 9 was adopted as amended.

Point 10

- 216.** The Government member of Mexico, speaking on behalf of GRULAC, introduced an amendment (A.176) that aimed at increasing the precision of point 10, to read “Failure to realize FPRW accentuates inequalities and poverty. This has been exacerbated by the COVID-19 pandemic, social and economic crises, conflicts and geopolitical instability, natural disasters and the adverse effects of climate change”.
- 217.** The Worker Vice-Chairperson, the Employer Vice-Chairperson, the Government member of Gabon, speaking on behalf of the Africa group, and the Government members of Ghana and the United Republic of Tanzania did not support the amendment.
- 218.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that they could accept either version.
- 219.** The Representative of the Secretary-General indicated that the issues of concern to GRULAC were covered under another point in the draft conclusions.

220. The Government member of Mexico, speaking on behalf of GRULAC, withdrew the proposed amendment, although was keen to keep the reference to the adverse effects of climate change.

221. Point 10 was adopted.

Point 11

222. The Government member of Mexico, speaking on behalf of GRULAC, proposed an amendment (A.177) to replace point 11 to read “Weak governance, erosion of the rule of law and civil liberties, restrictions on freedom of association and effective recognition of the right to collective bargaining, inadequate regulation, under-resourced labour administrations and inspectorates, and other relevant labour authorities, and ineffective migration governance, among other causes, have impeded progress”.

223. The Employer Vice-Chairperson said that his group could accept the inclusion of “freedom of association and effective recognition of the right to collective bargaining”, with the insertion of the words, following a comma placed after “collective bargaining,” “inadequate enabling environment for sustainable enterprise”.

224. The Worker Vice-Chairperson said that his group had supported deletion of the bracketed phrase concerning an enabling environment.

225. The Government member of Ghana proposed replacing the words “effective recognition” with the words “ineffective recognition”, and replacing the term “under-resourced” with “ineffective”.

226. The Government member of Japan seconded the proposal by the Government member of Ghana, and supported the proposal put forward by the Employers’ group.

227. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that his group was flexible, but preferred “lack of an enabling environment”, wished to pluralize “environments”, and favoured “under-resourced labour administrations”.

228. The Government member of Sierra Leone, speaking on behalf of the Africa group, wished to maintain “under-resourced”. He queried what was meant by “other relevant authorities”.

229. The Government member of China supported “inadequate enabling environment” but was flexible.

230. The Government member of Canada said that in earlier texts, including the 2017 resolution, the issue of sustainable enterprises was addressed in a standalone paragraph. The point as it stood listed various elements required to ensure an enabling environment. She requested clarification from the Office regarding other elements to ensure an enabling environment that were not covered by the present text.

231. The Employer Vice-Chairperson stated that the issue of an enabling environment was very widely recognized in ILO texts, including in the 2017 resolution. It was also evoked in the ILO Centenary Declaration. Economic prosperity and a robust job market could not be taken for granted. Access to decent work was contingent on work being available. The ILO Centenary Declaration recognized the role of sustainable enterprises as generators of employment and promoters of innovation and decent work. By definition, sustainable enterprises operated with respect for FPRW.

232. The Representative of the Secretary-General said that other elements of an enabling environment for enterprise included physical infrastructure, information and communication technology, services and macroeconomic policies.

- 233.** The Government member of Türkiye proposed a subamendment to replace “ineffective recognition” by “effective recognition”, seconded by the Government member of the United Kingdom.
- 234.** The Government member of the United Republic of Tanzania supported the term “inadequate enabling environment”. He asked for clarification of the term “other labour authorities”.
- 235.** The Worker Vice-Chairperson said that “other labour authorities” could apply to different concepts in different countries, depending on how the labour administrations were structured. He stated that the issue under discussion was that of FPRW, on which the Committee should concentrate. He proposed that the wording regarding labour authorities could read “under-resourced and/or ineffective”, since under-resourced labour inspectorates could be effective through great dedication, while others might still not work effectively despite adequate resourcing.
- 236.** The Employer Vice-Chairperson was unable to agree with his Worker counterpart, whose argument was fundamentally flawed. Moreover, it was redundant, since sustainable enterprises by definition respected the FPRW. However, he agreed that the text should focus on FPRW but the Employers’ group held that the enabling business environment was a fundamental issue that required special mention and action from the ILO. The failure to provide such an environment was a root cause of lack of realization of FPRW.
- 237.** The Worker Vice-Chairperson stated that the mention in point 2(b) of the 2017 resolution mentioned adopting policies to enable sustainable growth, but the context of the present discussion was different. The issue concerned sustainable enterprises as a vehicle for the promotion of FPRW. He proposed a further subamendment to add the words “to respect the FPRW” after “inadequate enabling environments for sustainable enterprises”.
- 238.** The Employer Vice-Chairperson said that the language undermined the sense of the 2017 resolution and diminished the importance of sustainable enterprises as being engines of full employment, decent work and a robust economy, which evidence showed as being effective in the reduction of poverty, in combating informality and in advancing FPRW. His group could accept the insertion, in line with the 1998 Declaration, after “have impeded progress,” of the words “to respect, promote and realize FPRW”.
- 239.** The Worker Vice-Chairperson supported the Employer Vice-Chairperson’s latter subamendment.
- 240.** The Government member of Sierra Leone supported “inadequate enabling environments”. He reiterated his question, echoed by the Government member of the United Republic of Tanzania, regarding the meaning of “other relevant labour authorities”. He stressed the importance of the term “under-resourced”. In practice, labour administrations were ineffective because they lacked personnel, vehicles, equipment, office space, and so forth. With reference to the Labour Administration Convention, 1978 (No. 150), he proposed a subamendment to delete the term “and other relevant authorities”.
- 241.** The Representative of the Secretary-General explained that under Article 1(b) of Convention No. 150, the term “system of labour administration covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration – and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations”.

- 242. The Government member of Sierra Leone withdrew his subamendment to delete the term: “other relevant authorities”.
- 243. The Government member of the United States proposed subamending the term “ineffective” to “effective” for the phrase to read “restrictions on freedom of association and the effective recognition of the right to collective bargaining”.
- 244. The Government member of Belgium, speaking on behalf of the EU Member States, seconded that subamendment. She suggested deletion of the words “and/or ineffective” after “under-resourced”, as they were not needed. She supported the inclusion of “to respect, promote and realize FPRW” at the end of the paragraph as subamended according to the proposal made by the Employers and agreed by the Workers. She also proposed a subamendment to insert “labour” before “migration governance”.
- 245. The Government member of Ghana supported keeping the term “and ineffective” after “under-resourced”. Labour administrations could be well-resourced, but abuse of those resources would make the administrations ineffective.
- 246. The Government member of Morocco seconded the proposal.
- 247. The amendment was adopted as subamended.
- 248. Amendments A.150, A.23, A.102, A.25 and A.104 fell as a consequence.
- 249. Point 11 was adopted as amended.

Point 12

- 250. The Employer Vice-Chairperson proposed an amendment (A.27) to delete the bracketed phrase “including the rise of artificial intelligence and algorithmic management”. While “algorithmic management” was currently a hot topic, there was no agreed definition of the term, and the subject would be covered in the discussion on the item on decent work in the platform economy to be held at the 113th Session (2025) of the International Labour Conference. The singling out of two concepts, of which one was subordinate to the other, in a document that would be guiding ILO action for the next seven years did not seem appropriate. It should be left to the general discussion to provide a definition of the two terms.
- 251. The Worker Vice-Chairperson did not support the proposed deletion. The terms “artificial intelligence” and “algorithmic management” had been subject to extensive discussion during the opening sittings of the Committee. Paragraph 21 of the Office report read “AI has the capacity to transform jobs by automating tasks, which could lead to either job displacement or a transformation of job roles... The integration of AI into the workplace could profoundly influence working conditions, autonomy, the pace and intensity of work, skill utilization and workers’ interactions with management and peers”. The inclusion of that one sentence did not pre-empt the 2025 Conference discussion. Platform work was only part of the group’s concern.
- 252. The Employer Vice-Chairperson observed that paragraph 21 of the Office report made no reference to FPRW violations, neither did it provide a definition of algorithmic management. The discussion constituted policy dialogue and was not appropriate to the discussion on FPRW. The Committee should concentrate on identifying opportunities to promote FPRW.
- 253. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the two elements in question were new developments that had, and would have, significant impact on the world of work. They should remain in the conclusions.

254. The Government member of Brazil supported the statement made by the Government member of Belgium, speaking on behalf of the EU and its Member States.
255. The Government member of Mexico, speaking in his national capacity and also on behalf of Chile, wished to maintain the reference to artificial intelligence, but not to “algorithmic management” since it had not been clearly defined. He proposed amending the reference to read “including the rise of artificial intelligence”.
256. The Government member of Japan said that the Government could support both proposals but did not wish to pre-empt the 2025 discussion.
257. The Government member of China supported mention of artificial intelligence, but not that of algorithmic management, the meaning of which was not clear.
258. The Government member of the United Kingdom wished to maintain reference to both terms.
259. The Government member of Cameroon agreed with the Employer Vice-Chairperson’s proposal to delete. The term “digital transition” already included artificial intelligence and algorithmic management.
260. The Government member of the United States said that the focus should be on analysing artificial intelligence and algorithmic bias in the world of work. The United States had previously issued a joint statement with Spain on those issues, highlighting their impact on discrimination, workers’ well-being and FPRW. The Government supported the original text.
261. The Worker Vice-Chairperson said that it was important to address algorithmic management and proposed bracketing the text for later discussion. Under no circumstances could his group accept the “adaptation” of the FPRW, which were enshrined in the 1998 Declaration and could not be altered. The term algorithmic management had already been used by the ILO in high-level discussions that had underscored the need for human control in management practices.
262. The Employer Vice-Chairperson underlined the importance of retaining or strengthening the phrase “seize new opportunities”. He cited an example, from an ILO study published in March 2024, where artificial intelligence had been used to assist the labour inspectorate detect undeclared labour in Albania. His group supported the “need for” option presented above and was flexible with regard to “and adapting”, although FPRW were referred to elsewhere in the document as “immutable”. The “adapting” certainly meant “adapting the use of FPRW”, not altering them in any way.
263. The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed with the Workers’ group that the FPRW should not be adapted in any way. He supported the phrase “seize new opportunities”, as such opportunities would certainly be presented by artificial intelligence. He preferred the variant “urgency of” to “need for”.
264. The Government member of Türkiye was against including “and adapting” and favoured the words “urgency of” as against “need for”. He tabled a subamendment to the first five words of point 12, to read: “Demographic and environmental changes, and digital transitions, ...” to clearly separate the various elements of meaning, seconded by the Government member of Canada.
265. The Government member of Japan supported retaining the phrase “seize new opportunities”.
266. The Government member of China also supported “seize new opportunities” as well as the subamended first phrase tabled by the Government member of Türkiye. His Government could accept either variant, “urgency of” or “need for”. He agreed with the deletion of “and adapting”.

- 267.** The Government member of Canada, while noting the potential improvements that artificial intelligence could bring, also pointed to research showing that it could reinforce gender, race and class biases. With reference to the resolution concerning the second recurrent discussion on labour protection (111th Session of the International Labour Conference, 2023), and the High-level section of the 350th Session (March 2024) of the Governing Body of the ILO, she supported inclusion of the phrase “and algorithmic management” in point 12. Likewise, she supported “seize new opportunities” and deletion of “and adapting”.
- 268.** The Government member of Mexico, speaking on behalf of GRULAC, withdrew the group’s amendment “and adapting”, seeing it lacked support. Speaking in his national capacity and on behalf of Mexico, Chile and Peru, he expressed a preference for “the need for” over the “urgency of” option. The digital divide made it hard for some countries to respond urgently to rapid technological change.
- 269.** The Employer Vice-Chairperson recognized the substantial support for the notion of seizing new opportunities. His group retained its preference for the “need for” option. Algorithmic management was simply one aspect and an inherent part of artificial intelligence. The reference should refer to artificial intelligence only.
- 270.** The Worker Vice-Chairperson pointed to the earlier mention of the resolution concerning the second recurrent discussion on labour protection, 2023, where artificial intelligence and algorithmic management had been included in the same sentence. The phrase “and algorithmic management” should be included in point 12. He reiterated his group’s preference for the “urgency of” text option.
- 271.** The Employer Vice-Chairperson stressed the need not to pre-empt the discussion to be held at the 113th Session (2025) of the International Labour Conference on the platform economy. He repeated that algorithmic management was an inherent part of artificial intelligence.
- 272.** The Worker Vice-Chairperson reiterated that the two phenomena had been discussed during the negotiation for the resolution concerning the second recurrent discussion on labour protection. He proposed removing the strike through from the words “including the rise of artificial intelligence and algorithmic management” and from the words “seize new opportunities” but maintaining their brackets for further discussion later.
- 273.** The Government member of the United States suggested a re-phrasing to read: “artificial intelligence and the use of algorithms”.
- 274.** The Employer Vice-Chairperson subamended the amendment (A.27) to replace the phrase “the use of algorithms” with “related technologies” and to replace the phrase “seize new opportunities and address challenges” with “address challenges and seize opportunities”. The text had been discussed at length with the social partners, in the full understanding that the point would only be appropriate if it had full tripartite support. His group was trying to present a way forward.
- 275.** The Worker Vice-Chairperson supported the amendment as subamended, which presented a balanced approach. His group preferred the “urgency of” option, rather than “need for”.
- 276.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment as subamended and preferred the “urgency of” option. He queried the meaning of “related technologies”.
- 277.** The Employer Vice-Chairperson explained that “related technologies” referred to all the technologies for which artificial intelligence acted as an “umbrella term”: machine learning, algorithmic management and others. All presented both challenges and opportunities.

- 278. The Worker Vice-Chairperson supported the language.
- 279. The Government members of Barbados, Türkiye and the United States, supported the amendment as subamended and preferred the “urgency of” option.
- 280. The Government member of Sierra Leone supported the text, but questioned why it should not read “seize opportunities to address challenges”.
- 281. The Employer Vice-Chairperson said that the draft aimed at acknowledging that both challenges and opportunities would arise from new technologies and sought to keep the two separate.
- 282. The amendment (A.27) was adopted as subamended, including the “urgency of” option.
- 283. Point 12 was adopted as amended.
- 284. Amendments A.28, A.149, A.105, A.178 and A.148 fell as a consequence.

Point 13

- 285. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment (A.106), which proposed adding the words “policy and” between the words “stronger” and “action”.
- 286. The Employer and Worker Vice-Chairpersons supported the amendment.
- 287. The amendment was adopted.
- 288. Point 13 was adopted as amended.

Subtitle

II. Strengthening action for the effective respect, promotion and realization of fundamental principles and rights at work

- 289. The subtitle of part II “II. Strengthening action for the effective respect, promotion and realization of fundamental principles and rights at work” was adopted.

Point 14

Chapeau to point 14

- 290. Four amendments to the first line of the chapeau to point 14 submitted similar proposals for insertion between the terms “FPRW” and “be advanced”. Two amendments (A.194) (GRULAC) and (A.147) (Worker members) both proposed the insertion of “can only” between those terms. One amendment (A.1) (China) proposed the insertion of the word “will” between the two terms. Another amendment (A.93) (Canada, the EU Member States, Switzerland, Türkiye, the United Kingdom and the United States) proposed the insertion of the words “will only” between the two terms.
- 291. The Government member of China said that his amendment (A.1), seconded by Cameroon, was because the language should align with that of the 2017 resolution, which used the word “will”.
- 292. The Worker Vice-Chairperson withdrew his group’s amendment (A.147) in favour of “will only” (A.93).

- 293.** The Government member of Ghana proposed a subamendment to insert “can” between “FPRW” and “be advanced”, arguing that the use of the term “can only” suggested that the realization of FPRW could only be advanced where the elements included in the paragraph (an environment of respect for human rights, the rule of law and democratic freedoms) were present. Many other factors had an impact on the advancement of FPRW. The paragraph should not be restrictive.
- 294.** The Government member of China seconded the subamendment.
- 295.** The Government member of the United States stated that the aspects listed were necessary conditions for “full realization”, but their inclusion in the text did not mean they alone were sufficient.
- 296.** The Employer Vice-Chairperson maintained a position of flexibility.
- 297.** The Worker Vice-Chairperson reiterated his group’s support for “will only”.
- 298.** The Government member of the United Republic of Tanzania agreed that inclusion of the word “only” unnecessarily limited the scope of the text.
- 299.** The Government member of Mexico, speaking on behalf of GRULAC, said that it was fundamental to retain “can only”. If there were not an environment conducive to human rights, FPRW could not be realized. The group could consider the “will only” option, but its preferred position was “can only”.
- 300.** The Government member of China said that his Government could accept the word “only” because a majority of participants had agreed to that language. However, it diverged from the language of the 2017 resolution. In making the concession, he noted that his Government had already shown considerable flexibility, and hoped that others would do likewise in the coming discussions. He requested that his statement be clearly recorded in the record of proceedings.
- 301.** The Government member of Ghana stated that the three conditions listed in point 14 were not enough to achieve full realization of FPRW. Climate change and high levels of youth unemployment might negatively impact the realization of FPRW. His Government could not support inclusion of the word “only”. He requested that the record of proceedings should clearly show his point of view.
- 302.** The Government member of Sierra Leone said that the use of the word “only” was confusing, since it limited conditions for the realization of FPRW to those listed in point 14: an environment of respect for human rights, the rule of law and democratic freedoms.
- 303.** The Employer Vice-Chairperson was ready to accept either “can only” or “will only” in the sense that it was a necessary but not sufficient set of conditions.
- 304.** The Worker Vice-Chairperson indicated his group’s willingness to join the consensus.
- 305.** The Government member of Sierra Leone said that his Government’s position was for either “can” or “will”, but he would agree to keeping the word “only”, provided his position was clearly recorded in the record of proceedings.
- 306.** The Government member of Ghana proposed a subamendment to delete the words from “The full realization” to “advanced by”, to insert the word “An” before “environment”, and to insert the phrase “is necessary for the realization of FPRW” after the word “freedom”. The full sentence would read “An environment of respect for human rights, the rule of law and democratic freedoms is necessary for the realization of FPRW”. The Government member of Gabon, speaking on behalf of the Africa group, seconded the subamendment.

307. The Worker Vice-Chairperson did not support the subamendment, as point 14 was concerned specifically with the “full” realization of FPRW, and that could not occur in an environment lacking the elements listed.
308. The Government member of the United Kingdom and the Government member of Mexico, speaking on behalf of GRULAC, supported “will only”.
309. The Government member of the United States, observing that there had been broad consensus for “will only”, said that the word “only” was not synonymous with “solely” and did not exclude other necessary conditions. It simply meant that the conditions listed in point 14 were essential to the “full” realization of FPRW.
310. The Government member of Belgium, speaking on behalf of the EU Member States, in the interests of breaking the impasse over the term “will only”, proposed a subamendment to replace the first sentence of the chapeau to point 14, to read “The respect for human rights, the rule of law and democratic freedoms are prerequisites for the full realization of FPRW”.
311. The Government member of Ghana, the Government member of Gabon, speaking on behalf of the Africa group, the Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
312. The Government member of China said that he could accept the proposal on the understanding that the prerequisites listed did not preclude other elements.
313. The Government member of Mexico, speaking on behalf of GRULAC, could agree to the subamendment with an additional subamendment to replace “democratic” freedoms with “fundamental” freedoms to align with the wording of the Universal Declaration of Human Rights.
314. The Government members of China, Switzerland and Gabon, in its national capacity, supported the subamendment.
315. The Worker Vice-Chairperson sought clarification from the Office on why “democratic” and not “fundamental” had been used in the initial draft text.
316. The Representative of the Secretary-General clarified that “democratic” had been used in the 2017 resolution. The term “democratic freedoms” referred to the environment that could enable FPRW, whereas “fundamental freedoms” referred to freedoms embedded in the Universal Declaration of Human Rights. Both types of freedoms were relevant, therefore the word choice should be selected based on the context.
317. The Worker Vice-Chairperson preferred to keep the term “democratic” to be consistent with what had been agreed in the previous recurrent discussion on FPRW.
318. The Employer Vice-Chairperson supported being consistent and aligning with prior approved texts to ensure no misunderstanding; however, he was willing to support the prevailing view among the governments.
319. The Government member of Belgium, speaking on behalf of the EU Member States, noted that the two concepts of freedom were different but both relevant in the context and proposed a subamendment to include “fundamental” and “democratic” freedoms in the text.
320. The Government member of Switzerland supported the subamendment.
321. The Government member of the United States would prefer a focus on democratic freedoms but could be flexible with keeping both terms in the interests of consensus.

- 322. The Government member of Mexico, speaking on behalf of GRULAC, proposed a subamendment to switch the order of the terms “fundamental” and “democratic”, to read “The respect for human rights, the rule of law, democratic and fundamental freedoms are prerequisites for the full realization of FPRW”.
- 323. The Government member of China said that “fundamental freedoms” was more appropriate in the context, but for the sake of consensus he could accept “democratic and fundamental”.
- 324. The Worker Vice-Chairperson and Employer Vice-Chairperson supported the subamendment.
- 325. The chapeau to Point 14 was adopted as subamended by the Government member of Belgium.
- 326. Amendments A.194, A.1, and A.93 all fell as a consequence.

Point 14(a)

- 327. Point 14(a) was adopted.

Point 14(b)

- 328. Point 14(b) was adopted.

Point 14(c)

- 329. The Employer Vice-Chairperson proposed an amendment (A.29) to delete point 14(c), expressing concern about the placement of the text in the draft conclusions. By definition freedom of association and the effective recognition of the right to collective bargaining were of equal importance to the other categories of FPRW. It had been agreed that FPRW were equal, interrelated and mutually reinforcing without hierarchy or causation. He called on the Committee not to adopt a text that would change the notion of FPRW as being equally important rights.
- 330. The Worker Vice-Chairperson said that the placement of the paragraph was correct in part II on strengthening action on FPRW and would not agree to its deletion. Particular attention to freedom of association and the effective recognition of the right to collective bargaining was needed as compared to the other FPRW, given the persistent deficits in many countries and their underpromotion. Since the last discussion, there had been threats to trade union rights and civil liberties, a lack of protection against anti-union discrimination, and the violation of collective bargaining rights, with interference being the most frequent issue. As per the Office report, more focus on freedom of association and the right to collective bargaining was needed.
- 331. The Employer Vice-Chairperson noted that the Office report identified similar deficits with other FPRW. As the five categories of FPRW were of equal importance, there should be no hierarchy and having a balance was of critical importance.
- 332. The Government member of the United States strongly agreed with the Workers’ group on the placement. She underscored that the text was seeking to highlight gaps, not only in the Office engagement, but also within the actions taken by governments. Freedom of association and the effective recognition of the right to collective bargaining were also enablers and key rights for social dialogue. In order to be effective, social dialogue required strong social partners, and it was useful to note the importance of freedom of association and the effective recognition of the right to collective bargaining for social dialogue. Moreover, in the ILO Declaration concerning the aims and purposes of the International Labour Organization (Declaration of

Philadelphia) one of the key aspects highlighted was the right to freedom of expression and association to achieve sustained progress.

333. The Government member of China said that the text should convey a clear and coherent message to the international community that the five categories of FPRW should be treated equally. He strongly supported the wording “ensuring balanced attention to all categories”. He could be flexible regarding the Employers’ group’s proposed deletion of the paragraph, provided a clear message was conveyed to the governments, as they were responsible for ensuring the realization of all five categories of FPRW.
334. The Government members of Gabon, speaking on behalf of the Africa group, Belgium, speaking on behalf of the EU and its Members States, Norway, Türkiye and Iceland supported keeping point 14(c).
335. The Government member of Japan agreed that FPRW should be treated equally and was concerned that the first sentence excluded other FPRW. He supported the wording of China’s proposed amendment (A.2).
336. The Government member of Canada did not support the removal of the point. She recalled the decline in the unionization rate, which could have broader implications for civic life, political participation and social welfare in the respective countries. Freedom of association and the effective recognition of the right to collective bargaining were at the core of FPRW.
337. The Worker Vice-Chairperson said that his group was not of the view that there was a hierarchy between the different categories of FPRW. He recalled the binding decisions recognizing freedom of association and the right to collective bargaining as an enabling right in the ILO Centenary Declaration and Social Justice Declaration, which were adopted by the International Labour Conference. Likewise, in the high-level evaluation of the ILO’s strategies and actions to promote fundamental principles and rights at work 2018–23 (high-level evaluation) and the Office report, one of the key lessons learned was that the Office had neglected to prioritize freedom of association and collective bargaining as a critical enabling right and that the ILO should expedite its ongoing efforts to strengthen its strategy and action in those areas. The text should align and reflect what had previously been agreed.
338. The Employer Vice-Chairperson, while acknowledging the desire to maintain a reference to freedom of association and collective bargaining in part II, reiterated that the text might be more appropriate elsewhere. He withdrew his amendment.
339. The Government member of China introduced an amendment (A.2), so that the point would read “Ensure balanced attention to all five categories”. Retaining the last part of the sentence would convey the message to the international community that all five categories of rights should be treated equally.
340. The Employer Vice-Chairperson seconded the amendment. He proposed a subamendment to insert after “categories” “of fundamental principles and rights at work to enable the attainment of the four strategic objectives”.
341. The Worker Vice-Chairperson emphasized that his group wished to retain the wording of the first part of the original text but was open to discussing the amendment proposed by the Government member of China and the subamendment thereto proposed by the Employers’ group.
342. The representative of the Government of Norway supported the Workers’ group in retaining the first part of the paragraph. She proposed a subamendment to insert “of the Decent Work Agenda” after “the four strategic objectives”.

- 343.** The representative of the Government of Türkiye also supported retaining the first part of the paragraph and seconded the subamendment proposed by Norway.
- 344.** The Government member of Mexico, speaking in his national capacity and also on behalf of Brazil and Chile, proposed a subamendment to delete the words “particular” in both instances in the text, as it would make the text less prescriptive and more neutral.
- 345.** The Government members of the United States and Argentina did not support the subamendment.
- 346.** The Government member of Ghana agreed with the Worker Vice-Chairperson, as freedom of association and the effective recognition of the right to collective bargaining were key vehicles for ensuring safety and health in the workplace, for providing a platform to engage the social partners, and to ensure that if there were any infractions or issues at the workplace there was an opportunity for dialogue. To ensure that the interests of workers, employers and governments were all catered for, he proposed a subamendment, so that the paragraph would read “While recognizing the importance of all the five categories of FPRW, there is a need to ensure particular attention to freedom of association and effective recognition of the right to collective bargaining, noting their particular importance to enabling the attainment of the four strategic objectives of the Decent Work Agenda”.
- 347.** The subamendment was seconded by the Government member of Gabon.
- 348.** The Employer Vice-Chairperson proposed reverting to the original text of point 14(c) of the draft conclusions.
- 349.** The Worker Vice-Chairperson, the Government members of Belgium, speaking on behalf of the EU and its Member States, the United States, Gabon, speaking on behalf of the Africa group, Mexico, speaking on behalf of GRULAC, Indonesia, Japan and China supported the suggestion of the Employer Vice-Chairperson.
- 350.** The subamendment was withdrawn.
- 351.** Amendments A.29 and A.2 were withdrawn.
- 352.** Point 14(c) was adopted.

Point 14(d)

- 353.** Point 14 (d) was adopted.

Point 14(e)

- 354.** Point 14(e) was adopted.

Point 14(f)

- 355.** The Worker Vice-Chairperson introduced an amendment (A.146) to delete the point.
- 356.** The Employer Vice-Chairperson did not support the amendment, as it was a critically important part of any programme to realize FPRW.
- 357.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment (A.107) to retain the original paragraph but to end it after “sustainable enterprises”, as the rest of the sentence was a statement of fact that did not directly relate to FPRW.

- 358. The Government member of China did not support either amendment and preferred to retain the whole paragraph.
- 359. The Worker Vice-Chairperson withdrew his group's amendment (A.146) to delete the point and agreed to the original text of point 14(f) of the draft conclusions.
- 360. The Employer Vice-Chairperson agreed.
- 361. The Government member of Belgium, speaking on behalf of the EU Member States, also agreed to the original text and withdrew their amendment (A.107).
- 362. The Government members of Switzerland, China, the United Kingdom, Indonesia, Mexico, speaking on behalf of GRULAC, Barbados, and Gabon, speaking on behalf of the Africa group, supported the original text.
- 363. Point 14(f) was adopted.

Point 14(g)

- 364. Point 14 (g) was adopted.
- 365. Point 14 was adopted in its entirety as amended.

Point 15

- 366. The Government member of Gabon, speaking on behalf the Africa group, introduced an amendment (A.172) to delete "policy" and "and fostering synergies", as synergy would normally apply to actions taken by institutions and not to legal frameworks, while coherence would be better applied to legal frameworks.
- 367. The Employer Vice-Chairperson did not have any material objection to the language proposed.
- 368. The Worker Vice-Chairperson did not support the amendment.
- 369. The Government member of Ghana and the Government member of Barbados supported the amendment.
- 370. The Government member of Algeria supported the amendment but a small adjustment to the text might be needed with regard to coherence, as it was public policy that set the general framework, which was then be implemented by the legal framework.
- 371. The Employer Vice-Chairperson noted a preference for the original text but would not object to the amendment should there be majority support for it.
- 372. The Worker Vice-Chairperson concurred with the Employer Vice-Chairperson and would go with the majority.
- 373. The Government member of Belgium, speaking on behalf of the EU and its Member States, preferred the original text but would not stand in the way of consensus.
- 374. The Government member of the United States proposed a subamendment to the second sentence of point 15, so that it would read "This would entail coherence between legal frameworks, policies, strategies and programmes, and to develop synergies aimed at realizing FPRW", which was seconded by the Government member of Gabon.
- 375. The Government members of Japan, Argentina and Switzerland supported the proposal from the United States.

- 376.** The Government member of the United Kingdom supported the amendment but proposed a further subamendment to replace “to develop” with “development of”, which was seconded by several Government members.
- 377.** The Government member of Ghana proposed an additional subamendment to replace “between” with “among”, to be grammatically correct, which was seconded by the Government member of Barbados.
- 378.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and Mexico, speaking on behalf of GRULAC, as well as the Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 379.** The amendment was adopted as subamended.
- 380.** Point 15 was adopted as amended.

Point 16

Heading

- 381.** The heading “Areas of focus” before point 16 was adopted.

Chapeau to point 16

- 382.** The Worker Vice-Chairperson introduced an amendment (A.145) to delete “, with consideration to national circumstances”, which was identical to an amendment (A.89) tabled by the Governments of Canada, Switzerland, Türkiye, the United Kingdom, the United States and the EU Member States. Reference to the consideration of national circumstances was redundant, as point 14 referred to taking account of national circumstances.
- 383.** The Employer Vice-Chairperson preferred the original text of the draft conclusions and did not agree to the amendment.
- 384.** The Government member of China did not support the amendment, as the wording of point 14 did not cover what was being discussed in point 16. For the whole section to be workable for every government, to some extent the national circumstances or context should be taken into consideration, otherwise it would be difficult to implement the list of actions.
- 385.** The Government members of Malaysia, Indonesia, Gabon, speaking on behalf of the Africa group, and Saudi Arabia, speaking on behalf of the GCC, supported China’s position.
- 386.** The Government member of Canada agreed with the importance of considering national circumstances. That being said, it was by virtue of ILO membership that all had to commit to respecting, promoting and realizing FPRW. For that reason, she supported the amendment.
- 387.** The Government member of the United Kingdom supported the amendment for the reasons set out by the Government member of Canada.
- 388.** The Government member of China emphasized the importance of including the phrase to ensure that the actions listed were put into practice. He agreed with Canada that governments had to respect, promote and realize FPRW; however, the issue was how to put that into action. It was of crucial importance to respect the diversity of ILO membership in order to realize FPRW.
- 389.** The Worker Vice-Chairperson reiterated that point 14 included taking into account national circumstances as a frame to the whole section. If it was also mentioned in point 16, it would narrow the scope and exclude consultation and dialogue.

- 390. The Employer Vice-Chairperson noted that it would be necessary for certain governments to buy into the actions and that the inclusion of the language would be harmless.
- 391. The Government member of Belgium, speaking on behalf of the EU and its Member States, pointed to the fact that implementing the actions would involve many actors, not just national governments, and it was self-evident that none would act without taking into account their own national contexts or circumstances. The additional text was not needed.
- 392. The Government member of Canada submitted an amendment (A.89), which was identical to an amendment submitted by the worker members (A.145), to the chapeau of point 16, deleting the wording: "Action should be taken in the following areas" and replacing it with the wording "Areas of focus should include". She also subamended the amendment to propose moving the entire point 16 up the numerical order to place it under point 14(g), thus exchanging places with point 15.
- 393. The Worker Vice-Chairperson and the Employer Vice-Chairperson fully supported the amendment as subamended.
- 394. The Government members of Indonesia and the United Republic of Tanzania supported the amendment as subamended.
- 395. The amendments (A.89 and A.145) were adopted as subamended.
- 396. The chapeau to point 16 was adopted as amended.

Point 16, first subheading

- 397. The first subheading "Strengthening governance" was adopted.

Point 16(a)

- 398. Point 16(a) was adopted.

Point 16(b)

- 399. The Government member of Mexico, speaking on behalf of GRULAC, submitted an amendment (A.180) which replaced the words "of and respect for civil liberties" with "and promotion of human rights", to give broader meaning to the point and to connect with the United Nations Universal Declaration of Human Rights.
- 400. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment, since human rights included civil liberties.
- 401. The Government members of Barbados, Belgium, speaking on behalf of the EU and its Member States, supported the amendment.
- 402. The amendment was adopted.
- 403. Point 16(b) was adopted as amended.

Point 16(c)

- 404. The Government member of Mexico, speaking on behalf of GRULAC, presented an amendment (A.181) to insert the words "and strengthen" between the words "build" and "the capacity" at the beginning of point 16(c).
- 405. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

- 406. The Government member of the United Republic of Tanzania put forward a subamendment to insert the words “and the institutions dealing with dispute resolution systems” after the words “labour inspection systems”.
- 407. The Government member of China seconded the amendment.
- 408. The Worker Vice-Chairperson proposed a subamendment reformulating that insertion to read “build and strengthen the capacity of labour administration, labour dispute and labour inspection systems, and provide [...]”
- 409. The Employer Vice-Chairperson supported the subamendment.
- 410. The Government member of Gabon, speaking on behalf of the Africa group, and the Government members of Japan and the United Republic of Tanzania supported the amendment as subamended.
- 411. The amendment (A.181) was adopted as subamended.
- 412. Point 16(c) was adopted as amended.

Point 16(d)

- 413. Point 16(d) was adopted.

New subheading after point 16(d)

- 414. The Worker Vice-Chairperson tabled an amendment (A.159) to introduce a new subheading after point 16(d). However, his group wished to subamend its amendment by adding the words “and social dialogue” after “freedom of association”, deleting “promoting” and adding “including” before “collective bargaining”. The proposed subheading would therefore read “Freedom of association and social dialogue, including collective bargaining”.
- 415. The Employer Vice-Chairperson supported the amendment as subamended.
- 416. The Government members of Norway, Türkiye, Switzerland and Canada supported the amendment as subamended.
- 417. The amendment was adopted as subamended.
- 418. The new subheading after point 16(d) was adopted as amended.

Point 16(e)

- 419. The Employer Vice-Chairperson withdrew his group’s amendments (A.32 and A.33) to point 16(e).
- 420. The Worker Vice-Chairperson withdrew his group’s amendment (A.144) to point 16(e) and wished to return to the original text.
- 421. The Government members of Belgium, speaking on behalf of the EU and its Member States, and of China, withdrew their amendments to point 16(e) (A.108 and A.3, respectively).
- 422. The Worker Vice-Chairperson withdrew his group’s remaining amendments (A.143 and A.142) to point 16(e).
- 423. Point 16(e) was adopted.

Point 16(f)

- 424. The Government member of Belgium, speaking on behalf of the EU Member States, presented an amendment (A.109) to insert the words “employers’ and workers’ organizations and of” between the words “capacity of” and “mechanisms and” in the first line of draft point 16(f). It was important to strengthen the capacity of employers’ and workers’ organizations.
- 425. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the original draft text.
- 426. The Government member of Türkiye supported the original draft text.
- 427. The Government member of Belgium, speaking on behalf of the EU Member States, withdrew the amendment (A.109).
- 428. The Government member of China submitted an amendment (A.4) to point 16(f) to delete the words “in all its forms and at all levels”. He argued that “social dialogue” was already a broad enough concept, and that the phrase he proposed to delete was redundant.
- 429. The amendment was seconded by the Government member of Cameroon.
- 430. The Employer Vice-Chairperson and the Worker Vice-Chairperson stated that they preferred the original draft text.
- 431. The Government member of China withdrew his amendment (A.4).
- 432. The Worker Vice-Chairperson withdrew his group’s amendment (A.141) to point 16(f).
- 433. Point 16(f) was adopted.

Point 16(g)

- 434. The Worker Vice-Chairperson presented an amendment (A.161) to move point 16(g) up the list under point 16(d).
- 435. The Employer Vice-Chairperson supported the amendment.
- 436. The Government members of Switzerland, the United Kingdom, Canada and Türkiye endorsed the amendment.
- 437. The amendment (A.161) was adopted.
- 438. Point 16(g) was adopted as amended.

Point 16(h)

- 439. The Government member of the United Kingdom submitted an amendment (A.90), seconded by the Governments of Canada, Switzerland, the United Kingdom and the United States, to insert the words “and risk” between the words “evidence” and “based approach. The aim was to ensure that existing resources were better focused.
- 440. The Worker Vice-Chairperson recalled that the Drafting Group had discussed this issue at length, and his group preferred the original text.
- 441. The Government member of the United Kingdom withdrew the amendment (A.90).
- 442. The Worker Vice-Chairperson presented his group’s amendment (A.160) to move point 16(h) higher up the list to come after point 16(d).
- 443. The Employer Vice-Chairperson supported the amendment.

444. The Government members of Türkiye, Mexico and Belgium, speaking on behalf of the EU and its Member States, supported the amendment.

445. The amendment (A.160) was adopted.

446. Point 16(h) was adopted as amended.

Subheading after point 16(h)

447. The Worker Vice-Chairperson withdrew his group's amendment (A.158) to the subheading under point 16(h).

448. The subheading under 16(h): "Formalization and sustainable enterprises", was adopted.

Point 16(i)

449. The Worker Vice-Chairperson withdrew his group's amendment (A.157) to point 16(i).

450. Point 16(i) was adopted.

Point 16(j)

451. The Worker Vice-Chairperson presented his group's amendment (A.156) to point 16(j). The group wished to subamend the amendment, which had been to delete the entire point, by reverting to the original text, but to replace the words "essential for" with "conducive to".

452. The Employer Vice-Chairperson supported the proposed subamendment.

453. There was broad support for the subamendment from the government benches.

454. The amendment (A.156) was adopted as subamended.

455. Point 16(j) was adopted as amended.

456. Amendments A.151, A.155, A.154, A.38, A.153, A.39, and A.152 all fell as a consequence.

Point 16(k)

457. The Worker Vice-Chairperson withdrew his group's amendment (A.140) to delete point 16(k).

458. The Government member of China tabled an amendment (A.5) to delete point 16(k) due to doubts as to whether FPRW really played a central role in productivity improvement, inclusive growth and job creation.

459. The Government member of Indonesia seconded the amendment.

460. The Employer Vice-Chairperson opposed the amendment and wished to revert to the original text.

461. The Worker Vice-Chairperson supported the original text.

462. The Government members of Belgium, speaking on behalf of the EU and its Member States, Mexico, speaking on behalf of GRULAC, Türkiye and the United States opposed the amendment and supported the original text.

463. The Government member of China withdrew his amendment (A.5).

464. The Employer Vice-Chairperson withdrew his group's amendments (A.41, A.42 and A.43).

465. Point 16(k) was adopted.

New point after 16(k)

- 466. The Employer Vice-Chairperson withdrew his group's amendment (A.44) to insert a new point after point 16(k).
- 467. The Worker Vice-Chairperson withdrew his group's amendment (A.139) to insert a new point after 16(k).

Point 16(l)

- 468. The Employer Vice-Chairperson withdrew his group's amendment (A.45) to delete paragraph 16(l).
- 469. The amendment submitted by the Government member of Argentina to delete paragraph 16(l) was not seconded and fell.
- 470. Point 16(l) was adopted.

Subheading after point 16(l)

- 471. The subheading under 16(l): "Equality and inclusion", was adopted.

Point 16(m)

- 472. The Government member of Gabon, speaking on behalf of the Africa group, submitted an amendment (A.171) to delete the words "and on all grounds," from point 16(m). His group wished the conclusions to remain within the context of the FPRW. The fundamental text in this case was the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The words "and on all grounds" did not feature in that instrument. As a result, the phrase did not add value to point 16(m).
- 473. The Employer Vice-Chairperson and the Worker Vice-Chairperson said that they would align with the majority.
- 474. The Government member of China supported the amendment.
- 475. The Government members of Belgium, speaking on behalf of the EU and its Member States, Canada, Mexico, speaking on behalf of GRULAC, Norway, also speaking on behalf of Iceland, the United Kingdom, and the United States supported the original wording.
- 476. The Employer Vice-Chairperson and the Worker Vice-Chairperson, noting an apparent majority in favour of the original wording, said that their groups supported that wording.
- 477. The Government member of Sierra Leone said that this issue should be governed specifically by Article 1 of Convention No. 111. The current wording was vague.
- 478. The Government member of Indonesia supported the deletion of the phrase "and on all grounds".
- 479. The Government member of Cameroon said that inclusion of the words "and on all grounds" might be used by persons engaging in terrorist or political activity seeking impunity through invoking the protection accorded to workers. It was therefore preferable from the perspective of the protection of the State to delete the phrase.
- 480. The Government member of Senegal said that the Committee should bolster the legal framework of protection of workers from discrimination. Point 16(m) referred to eliminating "discrimination in employment and occupation for all workers". The phrase "and on all

grounds” was superfluous. The Africa group sought support on this issue, which was important to the group. The group unanimously supported deletion.

481. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that it did not seem possible that frameworks to protect workers from discrimination in employment and occupation would ever lead to terrorism.
482. The Government member of the United States noted that the wording had been included in the tentative conclusions prepared by the Office. The United States found the phrase useful. She requested further explanation of the wording from the Secretariat.
483. The Representative of the Secretary-General said that under Convention No. 111, the term “discrimination” referred to differential treatment, consisting of a given preference, exclusion or different treatment of someone, relative to someone else. To restrict the point to eliminating discrimination in employment and occupation for all workers was not sufficient because discrimination occurred due to various unlawful distinctions. Article 1 of Convention No. 111 listed seven grounds of discrimination. However, grounds for discrimination evolved over time. Behaviour considered acceptable in the past might not be considered so in the present. New causes of discrimination might arise. Thus, Article 1(b) of Convention No. 111 allowed Member States, after consulting with employers’ and workers’ organizations, to determine additional grounds of discrimination, if they so decided. The ILO had responded to this, issuing Recommendations for example on disability, HIV/AIDS, health status and age. International humanitarian law likewise took account of the shifting nature of discrimination.
484. The Government member of Sierra Leone, speaking on behalf of the Africa group, proposed a subamendment to the group’s amendment, to replace the phrase “and on all grounds” with “in accordance with ILO Convention No. 111, based on national circumstances”.
485. The Government members of Cameroon, Gabon, Ghana and Indonesia supported the subamendment.
486. The Government member of Mexico, speaking on behalf of GRULAC, rejected the subamendment, stating that it did not cover the meaning of “and on all grounds”, as the Secretariat had explained it.
487. The Employer Vice-Chairperson recognized the importance accorded by various governments to the issues under consideration, and the genuine concern felt by parties. His group had therefore looked for guidance where the issues had been discussed in a tripartite setting. The resolution concerning inequalities and the world of work, adopted by the 109th Session (December 2021) of the International Labour Conference contained a possible solution. He proposed a subamendment to point 16(m), to read “Continue strengthening legal and policy frameworks to eliminate discrimination in employment and occupation for all workers and on all grounds protected by international law and human rights standards, and ensure that their application is effective, regularly monitored and evaluated;”.
488. The Worker Vice-Chairperson supported the proposed subamendment.
489. The Government member of Gabon, speaking on behalf of the Africa group, supported the subamended text.
490. The Government members of Belgium, speaking on behalf of the EU and its Member States, and of Norway said that they could join the consensus.
491. The Government member of Mexico, speaking on behalf of GRULAC, said that his group could join the consensus.

- 492.** The Government member of Canada asked for clarification as to whether the proposed formulation would include interpretations by the Committee of Experts and by UN treaty bodies.
- 493.** The Representative of the Secretary-General said that in the ILO the term “standards” referred to the Organization’s Conventions, Protocols and Recommendations. In the United Nations, the term was used to refer to the standards laid down in the UN human rights treaties and the work of the treaty bodies often helped to clarify them. Human rights standards are also contained in non-binding instruments such as the Universal Declaration of Human Rights and may take the form of customary international law or general principles of law.
- 494.** The Government member of Canada said that her Government could join the consensus.
- 495.** The amendment (A.171) proposed by the Africa group was adopted as subamended.
- 496.** The Employer Vice-Chairperson withdrew his group’s amendment (A.48) to point 16(m).
- 497.** Point 16(m) was adopted as amended.

Point 16(n)

- 498.** The Government member of Japan presented an amendment (A.97) submitted jointly with the Government member of Türkiye to insert the word “equal” between the words “women for” and “work”, and “or work” before the words “of equal value”, to read “for equal work or work of equal value”. That wording was in line with agreed wording in labour ministerial meetings such as the Group of 20 (G20) Labour and Employment Ministers’ Meeting Declaration of 2020.
- 499.** The Employer Vice-Chairperson and the Worker Vice-Chairperson said that their groups supported the original language but would join the consensus.
- 500.** The Government members of Gabon, speaking on behalf of the Africa group, and the United States joined the consensus.
- 501.** The amendment (A.97) was adopted.
- 502.** The Employer Vice-Chairperson withdrew his group’s amendment (A.50) to point 16(n).
- 503.** Point 16(n) was adopted as amended.

Point 16(o)

- 504.** The Government member of Belgium, speaking on behalf of the EU Member States and Türkiye, submitted an amendment (A.110) to delete the words “domestic workers, workers in the rural and informal economy, and migrant workers, as well as other groups” and replace them with the phrase “persons belonging to one or more vulnerable groups or groups in situations of vulnerability”, language that was in line with the resolution concerning a just transition towards environmentally sustainable economies and societies for all, adopted by the 111th Session (June 2023) of the International Labour Conference and which took account of the variety of vulnerable groups as well as national contexts.
- 505.** The Worker Vice-Chairperson said that the Worker group preferred the original language.
- 506.** The Government members of Canada, China, Indonesia, the United Kingdom and the United States supported the amendment, which used agreed language and reflected an inclusive approach.
- 507.** The Government member of Mexico, speaking on behalf of GRULAC, stressed the importance for the governments of his group of adopting a progressive approach to this issue. The fact

was that the three groups historically at risk of exclusion and discrimination were so on grounds of race, gender, or ethnicity. With that statement reflected in the record of proceedings, GRULAC could support the amendment proposed by the EU Member States.

- 508.** The Worker Vice-Chairperson and the Employer Vice-Chairperson said that their groups would join the consensus around the amendment.
- 509.** The amendment (A.110) was adopted.
- 510.** The Government member of Belgium, speaking on behalf of the EU Member States, and Türkiye tabled an amendment (A.111) to replace the term “compounding” with “intersecting”.
- 511.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 512.** The Government members of Canada, Gabon, speaking on behalf of the Africa group, Mexico, speaking on behalf of GRULAC, the United Kingdom, and the United States, supported the amendment.
- 513.** The Government member of Indonesia said he would prefer the original text but could join the consensus. He requested that his preference be reflected in the record of proceedings.
- 514.** The amendment (A.111) was adopted. Amendments A.52 and A.6 fell as a consequence.
- 515.** Point 16(o) was adopted as amended.

New point after point 16(o)

- 516.** The Worker Vice-Chairperson introduced an amendment (A.138). His group wished to make a subamendment to that text, by placing a full stop after the words “fundamental rights”, and deleting the remaining phrases.
- 517.** The Employer Vice-Chairperson supported the amendment as subamended.
- 518.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Switzerland and Türkiye supported the amendment as subamended.
- 519.** The amendment (A.138) was adopted as subamended.
- 520.** The new point to be placed after point 16(o) was adopted as amended.

Point 16(p)

- 521.** The Worker Vice-Chairperson presented an amendment (A.137) to insert the words “and inequalities”, delete the following word “a”, and pluralize the word “driver” to “drivers”.
- 522.** The Employer Vice-Chairperson supported the amendment.
- 523.** There was broad support from the government benches for the amendment.
- 524.** The amendment (A.137) was adopted.
- 525.** The Employer Vice-Chairperson withdrew his group’s two remaining amendments (A.54 and A.55) to point 16(p).
- 526.** The Worker Vice-Chairperson withdrew his group’s two remaining amendments (A.135 and A.136) to point 16(p).
- 527.** Point 16(p) was adopted as amended.

New point after point 16(p)

- 528.** The Worker Vice-Chairperson withdrew his group's amendment (A.134) to insert a new point after point 16(p).
- 529.** Point 16 was adopted in its entirety. The Committee noted that point 16 would be moved to become point 15.

Subtitle**III. Priorities for ILO action**

- 530.** The subtitle of part III "III. Priorities for ILO Action" was adopted.

Heading

- 531.** The heading before point 17 "Thematic priorities" was adopted.

Point 17**Chapeau to point 17**

- 532.** The Employer Vice-Chairperson introduced an amendment (A.56) to delete "promote FPRW as a stand-alone objective as well as" which was discussed together with two other identical amendments (A.112 and A.7) submitted by the EU Member States and China, respectively, and two amendments (A.133 and A.113) to delete "continue to" submitted by the Workers and the EU Member States, respectively. The Employer Vice-Chairperson argued that promotion of FPRW as a stand-alone objective did not add to the substance of the sentence and almost inferred a siloed approach and strategy that was not consistent with the Office's integrated strategy on FPRW.
- 533.** The Worker Vice-Chairperson did not support the Employers' amendment, referring to the Office report, which highlighted the need to promote FPRW as a stand-alone objective.
- 534.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the deletion of both phrases, as the EU Member States were in favour of adding two additional priorities to the list of thematic priorities.
- 535.** The Worker Vice-Chairperson, the Government members of the United States, Mexico, speaking on behalf of GRULAC, Gabon, speaking on behalf of the Africa group, and Türkiye said that they could be flexible and could go with the consensus.
- 536.** The Employer Vice-Chairperson clarified that there were two distinct amendments and that the "continue to" amendment depended on the outcome of the discussion on the thematic priorities; in other words, "continue to" would apply if the same three priorities were retained but should be removed if there were more than three priorities agreed or if there was a change in the designation of the priorities. Thus, the only issue at the current juncture before the Committee was whether to include "promote FPRW as a stand-alone objective as well as".
- 537.** The amendments (A.56, A.112 and A.7, A.133 and A.113) were adopted.
- 538.** The chapeau to point 17 was adopted as amended.

Point 17(a)

- 539.** Point 17(a) was adopted.

Point 17(b)

- 540.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment (A.114) to delete the word “sustainable” before “supply chains”, noting that it was important for all enterprises to be sustainable.
- 541.** The Employer Vice-Chairperson did not object to the amendment.
- 542.** The Government member of Argentina and the Worker Vice-Chairperson supported the amendment.
- 543.** The amendment was adopted.
- 544.** Point 17(b) was adopted as amended.

Point 17(c)

- 545.** Point 17(c) was adopted.

Points 17(d) and 17(e)

- 546.** The Employer Vice-Chairperson introduced an amendment (A.59) to delete point 17(d), arguing that, even though the first three priorities had been in place for three years, they still required much work; it was thus inappropriate to add to the thematic priorities, which would use up limited ILO budget resources.
- 547.** The Worker Vice-Chairperson did not support deleting the point, noting that just transition linked to FPRW had been mentioned in paragraph 129 of the Office report in terms of endangering jobs and livelihoods across the world, and in Part II(A) of the ILO Centenary Declaration, which stated that “In discharging its constitutional mandate, [...] the ILO must direct its efforts to: ensuring a just transition to a future of work that contributes to sustainable development [...]”. It was an urgent issue being addressed worldwide and must be included.
- 548.** The Employer Vice-Chairperson said that the topic had been discussed at the International Labour Conference in 2023 and that the conclusions had not requested the Office to create a nexus between just transition and FPRW, rather the resolution had simply asked the Office to strengthen the capacity of the constituents.
- 549.** The Government member of China supported the Employers’ position.
- 550.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Canada, Türkiye, Switzerland, the United States, and Mexico, speaking in his national capacity and on behalf of Brazil and Argentina, supported retaining point 17(d).
- 551.** The Government member of Gabon, speaking on behalf of the Africa group, said that he could be flexible on the amendment.
- 552.** The Employer Vice-Chairperson said that the Employers recognized that there was a majority of support for maintaining the text, but insisted the same principle could not apply to the subsequent thematic priorities on the list, so it was difficult to reach a decision on the two amendments in isolation.
- 553.** The Worker Vice-Chairperson disagreed, noting that it was important to address both issues, and the Committee had not yet heard the governments’ views on digitalization and the platform economy. As the overwhelming majority supported keeping the addition on just transition, it would not be prudent to discuss it on basis of programme and budget, which was a separate topic.

- 554.** The Employer Vice-Chairperson withdrew his group's amendment (A.59).
- 555.** The Employer Vice-Chairperson introduced amendment (A.60) to delete point 17(e), arguing that unlike just transition, the subject of the digital economy was a topic in a state of flux, with emerging work arrangements due to be discussed in the standard-setting discussion on decent work in the platform economy in the International Labour Conference in 2025. The Employers opposed the addition of both themes to the list of thematic priorities.
- 556.** The Worker Vice-Chairperson did not support deleting point 17(e), considering that the work on the first three thematic priorities would never be completed and emerging trends relevant to FPRW needed to be addressed. Paragraph 129 of the Office report referred to digital platforms, which were providing work for workers but with critical challenges to addressing their rights. The Office must be equipped with the requisite competencies to advise Member States on the issues in question.
- 557.** The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed that it was important not to pre-empt the normative work of the Office. On behalf of the EU Member States, he proposed a subamendment to delete the reference to emerging work arrangements, while maintaining the reference to the digital economy.
- 558.** The Government member of the United Kingdom noted that both a just transition and the digital economy were key changes affecting the world of work.
- 559.** The Government member of Türkiye supported maintaining both point 17(d) on a just transition and point 17(e) on emerging work arrangements in its future work but could be flexible concerning the subamendment proposed by the EU Member States.
- 560.** The Government member of Indonesia supported retaining point 17(d) on a just transition and expressed flexibility on point 17(e), suggesting it was inclined to support the subamendment proposed by Belgium, to remove the reference to emerging work arrangements.
- 561.** The Government member of the United States said that she could be flexible regarding the digital economy.
- 562.** The Government member of Mexico, speaking in his national capacity and on behalf Brazil, supported both concepts in point 17(e) and did not support the subamendment proposed by the EU Member States.
- 563.** The Government member of Canada saw the need to keep both phrases under point 17(e) but indicated she would be open to accepting the subamendment proposed by the EU Member States if it helped reach consensus.
- 564.** The Government member of Barbados expressed flexibility in accepting the subamendment proposed by the EU Member States but noted that, if consensus could not be achieved, it would be important to include a statement indicating the importance of looking at emerging work arrangements as part of the process of examining FPRW.
- 565.** The Government member of Gabon, speaking on behalf of the Africa group, said that if the ILO supported a just transition and the digital economy it would benefit African countries; it therefore supported the subamendment proposed by the EU Member States.
- 566.** The Employer Vice-Chairperson appreciated the constructive discussion, but reiterated his group's concerns, noting that taking stock and making recommendations required practical advice and sufficient resources at a time of zero budget growth in the ILO. With great reluctance, he indicated that the Employers would not block consensus and would accept the

subamendment proposed by the EU Member States. He withdrew his group's amendment (A.60).

- 567.** The Worker Vice-Chairperson agreed to the subamendment proposed by the EU Member States.
- 568.** The subamendments proposed to point 17(e) by the Government member of Belgium, on behalf of the EU Member States, were adopted.
- 569.** Point 17(d) was adopted.
- 570.** Point 17(e) was adopted as amended.
- 571.** The Government member of Kiribati introduced an amendment (A.187) to add a new clause, to read "labour mobility to enhance and promote fair and inclusive employment opportunities for all".
- 572.** The amendment was not seconded and therefore fell.
- 573.** Point 17 was adopted in its entirety as amended.

Point 18

- 574.** Amendments (A.182, A.115 and A.61) to delete point 18 had been submitted by GRULAC, the EU Member States and the Employers, respectively. An amendment (A.188) to replace the text of point 18 with "Just transition towards environmentally sustainable economies and societies for all, with special consideration for small island developing States, least-developed countries and migrant workers" had been proposed by Kiribati.
- 575.** The Employer Vice-Chairperson said that, given the discussion that had just taken place, the language was superfluous and point 18 should be deleted.
- 576.** Amendments A.182, A.115 and A.61 were adopted.
- 577.** Amendment A.188 fell as a consequence.
- 578.** Point 18 was deleted.

Heading

- 579.** The heading before point 19 "Means of action" was adopted.

Point 19

Chapeau to point 19

- 580.** The Government member of the United States introduced an amendment (A.99) tabled by the Government members of Canada, Switzerland and the United States, arguing that since the current strategy on integrating FPRW ended in 2023, it was important to ask the Office to develop and implement a new strategy on FPRW.
- 581.** The Worker Vice-Chairperson said that his group's amendment (A.132) was similar and indicated that the Workers would consider withdrawing their amendment in favour of A.99 if it facilitated consensus.
- 582.** The Employer Vice-Chairperson said that the Employers preferred the original chapeau text, but they could propose subamendments if there was support for the amendment.

- 583.** The Government members of Norway, speaking also on behalf of Iceland, Belgium, speaking on behalf of the EU and its Member States, and the United Kingdom supported the amendment.
- 584.** The Government member of China said it was important to take into account the national context of Member States, and proposed a subamendment to insert “, taking into account the national contexts of Member States,” at the end of the amendment.
- 585.** The Chairperson noted that China had submitted an amendment (A.8) to the same effect but agreed to accept their amendment as a subamendment to facilitate the discussion.
- 586.** The Government members of Japan, Indonesia and Senegal seconded China’s subamendment.
- 587.** The Employer Vice-Chairperson proposed subamendments to delete the reference to the high-level evaluation, as it was neither a tripartite document, nor adopted by the Governing Body; to replace “develop and implement a new integrated strategy on FPRW” with “include in its integrated strategy on FPRW”; to delete “, paying”; and to insert “, while remaining responsive to needs of constituents”, after “categories”. The subamended text would read “The Office should include in its integrated strategy on FPRW particular attention to promoting a balance in Office action across the five FPRW categories, while remaining responsive to needs of constituents, and focus its work on the following areas:”.
- 588.** The Worker Vice-Chairperson did not support the subamendments proposed by the Employers, as it was important to emphasize “develop and implement”, given that the document was intended to guide the Office. It would also be difficult for the Office to take into account FPRW across the Office while taking into account national circumstances. The Workers agreed to delete the reference to the high-level evaluation, but not the other subamendments, given that the imbalances in FPRW were referenced in the Office report.
- 589.** The Employer Vice-Chairperson further explained the rationale behind each proposed subamendment, noting that any strategy was adapted towards the perspective of the future, so it was appropriate to allow for flexibility, whether developing a new strategy or adjusting an existing one. Addressing imbalances seemed not to be a strategy statement but a remedial statement. The Employers’ intention was to be positive in the approach, while recognizing that technical assistance was often driven by the demand perceived from the constituents.
- 590.** The Worker Vice-Chairperson recalled that the main purpose of the recurrent discussion was to take stock of the past and address what could be done better. Citing paragraph 124 of the Office report, where it was indicated that, with some exceptions, the Office had pursued more singular focus efforts and not an integrated approach, he emphasized the need to say what needed to be done better.
- 591.** The Government member of China agreed to the Employers’ subamendment to delete mention of the high-level evaluation, but insisted on the importance of maintaining the reference to the national context of Member States.
- 592.** The Government member of Gabon, speaking on behalf of the Africa group, supported the subamendments proposed by the Employers and the Government member of China.
- 593.** The Government member of Türkiye supported the text as subamended by the Employers and expressed flexibility on the subamendment proposed by the Government member of China.
- 594.** The Government member of Ghana supported the subamendment proposed by the Government member of China.

- 595.** The Government member of the United States proposed a subamendment to provide new wording, to read “The Office should update its integrated strategy on FPRW, including addressing the imbalances in Office action across the five FPRW categories, and focus its work on the following areas, while remaining responsive to the needs of constituents:”.
- 596.** The Government members of Japan, Belgium, speaking on behalf of the EU Member States, the United Kingdom and Norway seconded the subamendment.
- 597.** The Employer Vice-Chairperson agreed to the subamendment but made a further subamendment to replace “addressing the imbalances” with “promoting balance”, given that the language was more constructive.
- 598.** The Government member of Cameroon supported the subamendment but proposed an additional subamendment to insert “taking into account the national context of Member States”.
- 599.** The Government members of Ghana and Senegal seconded the subamendment.
- 600.** The Worker Vice-Chairperson noted that a reference to national circumstances was included under point 17 and it was therefore unnecessary to repeat it. His group supported the subamended text proposed by the Government member of the United States, as subamended by Employers, but did not support the subamendment proposed by the Government member of Cameroon. He proposed a subamendment to replace “addressing the imbalances in Office action” with “ensuring balance in Office action”.
- 601.** The Government member of Mexico, speaking in his national capacity, proposed a subamendment to insert “taking into account the context of constituents”.
- 602.** The Government member of Indonesia supported the subamendment.
- 603.** The Government member of China said that “ensuring balance” was too strong a term. She proposed a subamendment to place greater emphasis on the phrase “taking into account the national context” by moving it before the reference to “the five categories of FPRW”.
- 604.** The Government member of Cameroon seconded the subamendment proposed by the Government member of China.
- 605.** The Government member of Türkiye supported the text as subamended by the Workers’ group.
- 606.** The Employer Vice-Chairperson, sharing the Government member of China’s view that the word “ensuring” was too strong and prescriptive, proposed a subamended text, to read “The Office should update its integrated strategy on FPRW to balance Office action across five FPRW categories, address gaps in implementation, and respond effectively to the needs of constituents, while taking into account the national contexts of Member States and focusing its work on the following areas:”.
- 607.** The Worker Vice-Chairperson expressed a concern regarding the role of the Office, which did not get involved in national-level support unless requested, and proposed a subamendment to maintain “while being responsive to the needs of constituents” but delete “taking into account the national contexts of Member States”.
- 608.** The Government member of Ghana did not support the Workers’ subamendment and proposed a subamendment to replace “balance Office action” with “balance its action”.
- 609.** The Governments of Cameroon, Indonesia, Malaysia and the United Republic of Tanzania seconded the subamendment.

- 610.** The Employer Vice-Chairperson said that the phrase “taking into account their national contexts” implied that the national context of tripartite constituents was considered, but proposed a subamendment to replace the comma after “categories” with “and”. It would then be a strong sentence that would address all interests.
- 611.** The Worker Vice-Chairperson supported the subamendment, providing it was the majority view.
- 612.** The Government member of the United States agreed that the Office needed to respond to national needs but given the global-level nature of some of the actions, she sought advice from the Office as to whether the Employers’ proposal would address the context of global and national level actions.
- 613.** The Representative of the Secretary-General confirmed that the ILO did indeed support activities and actions of constituents at different levels, such as support to the International Organization of Employers at the global level or the capacity-building needs of workers’ organizations at regional, intra-regional and local levels. Actions appearing under the chapeau of point 19 included references to national institutions, where support was provided only upon request and support would necessarily be tailored. But the draft means of action also included global-level activities such as producing global estimates on child labour or forced labour, encouraging peer learning and information-sharing across regions and within regions. Thus, a combination of different activities was foreseen, some of which would need to be conducted at the national level.
- 614.** The Government member of Canada agreed that the needs of constituents would encompass the national context, as well as intra-regional and global activities. Canada proposed a subamendment to delete “taking into account their national contexts”, which was seconded by the Government member of the United States.
- 615.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Japan and Iceland, also speaking on behalf of Norway, as well as the Worker and Employer Vice-Chairpersons, supported the subamendment proposed by the Government member of Canada.
- 616.** The amendment (A.99) was adopted as subamended.
- 617.** Amendments A.132 and A.8 fell as a consequence.
- 618.** The chapeau to point 19 was adopted as amended.

Subheading

- 619.** The subheading “Standards-related action” before point 19(a) was adopted.

Point 19(a)

- 620.** The Government member of Canada introduced an amendment (A.91), submitted by the Governments of Canada, the EU Member States, Switzerland, the United Kingdom, and the United States. The amendment deleted “, including the Protocol of 2014 to Convention No. 29”, and inserted, following “the ten fundamental Conventions”, “and the Protocol of 2014 to the Convention No. 29”. It was a technical amendment and aimed at acknowledging the fact that the Protocol constituted the eleventh fundamental Convention.
- 621.** The Government member of the United Kingdom said that the amendment made it clearer that the Protocol was indeed one of the fundamental Conventions.

622. The Worker Vice-Chairperson supported the amendment but sought the guidance of the Office regarding the status of the Protocol.
623. The Representative of the Secretary-General said that the Protocol of 2014 could only be ratified by Member States that had already ratified the Forced Labour Convention, 1930 (No. 29), after which it became part and parcel of Convention No. 29.
624. The Employer Vice-Chairperson, while habitually against singling out individual instruments, supported the amendment, given that the Protocol of 2014 had a separate ratification process before becoming part of Convention No. 29.
625. The Government members of Argentina, Gabon, speaking on behalf of the Africa group, Iceland, Mexico, speaking on behalf of GRULAC, and Norway supported the amendment.
626. The amendment was adopted.
627. The Worker Vice-Chairperson introduced an amendment (A.130) which inserted, between “specific campaigns” and “and providing technical advisory services”, the phrase “to promote the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)”. The intention was to highlight that a safe and healthy working environment had become a new FPRW, and therefore to advocate for specific campaigns to promote the Conventions, building on the momentum.
628. The Employer Vice-Chairperson said that the intention was already covered by the wording encouraging ratification campaigns “in particular for those [Conventions] that are least ratified”. The Conclusions had a seven-year time span to cover. Over that period, priorities might change, and overly specific guidance could become obsolete.
629. The Government member of Ghana did not support singling out individual Conventions.
630. The Government member of the United Kingdom, noting that the Workers had tabled a further amendment (A.131) to point 19(a), singling out another two fundamental Conventions, queried whether a list of Conventions was in the making.
631. The Government member of Mexico, speaking on behalf of GRULAC, said that the first part of the point covered all ten fundamental Conventions.
632. The Government member of Türkiye said that the proposed amendment limited the scope of the point.
633. The Worker Vice-Chairperson withdrew amendment A.130 and introduced his group’s other amendment (A.131), which inserted the words “to promote 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)” between “specific campaigns” and “and providing technical advisory services”. Those two instruments were acknowledged in many ILO texts as being the most important of the fundamental Conventions. They were critical enabling rights. The independent high-level evaluation of the ILO’s strategies and actions to promote fundamental principles and rights at work, 2018–23 had underlined that freedom of association and collective bargaining were inadequately addressed.
634. The Employer Vice-Chairperson did not support the amendment. The high-level evaluation report was not a document that had tripartite consensus. Each of the FPRW was an enabling condition, supporting the strategic objectives of the ILO. Individual areas should not be highlighted.
635. The Government member of Argentina supported the proposed amendment.

- 636.** The Government member of Belgium, speaking on behalf of the EU and its Member States, acknowledged the importance of Conventions Nos 87 and 98, but could not support an amendment that singled them out.
- 637.** The Government members of China, Türkiye and the United Kingdom aligned themselves with the statement made by the Government member of Belgium on behalf of the EU and its Member States.
- 638.** The Government member of Ghana pointed out that amendment A.91 had been adopted, already highlighting the Protocol of 2014. Which fundamental Convention was more important than another could depend on the situation in individual countries – one fundamental Convention might be more important to one country than another.
- 639.** The Worker Vice-Chairperson said that the language of the amendment was based on agreed language from the Social Justice Declaration, which spoke of “respecting, promoting and realizing the fundamental principles and rights at work, which are of particular significance, as both rights and enabling conditions that are necessary for the full realization of all of the strategic objectives [...] freedom of association and the effective recognition of the right to collective bargaining are particularly important to enable the attainment of the four strategic objectives”. The ILO Centenary Declaration placed “a focus on freedom of association and the effective recognition of the right to collective bargaining as enabling rights”. The proposed amendment was required in order to set guidelines for future work and address existing shortcomings.
- 640.** The Employer Vice-Chairperson disagreed that Conventions Nos 87 and 98 should be elevated above the other fundamental Conventions, such as the instruments on child labour and forced labour.
- 641.** The Worker Vice-Chairperson said that the purpose of the ILO at its establishment in 1919 had been to attain social peace. That could only be secured through freedom of association and the effective recognition of the right to collective bargaining. Certainly, combating child labour was crucial, but one of the most effective ways to address it was through promotion of freedom of association and collective bargaining.
- 642.** The Government member of Cuba, speaking also for Mexico and Brazil, supported the statement made on behalf of the EU and its Member States and the Employer group’s position. In his national capacity, he believed that it was important to retain a balance, and not highlight individual instruments.
- 643.** The Government member of Canada agreed with the statement made by the Government member of Belgium on behalf of the EU and its Member States, observing that Conventions Nos 87 and 98 already figured among the least ratified Conventions. However, it was true that the two fundamental Conventions were the foundation of social dialogue, and as such the cornerstone of democracy in the workplace. The Government of Canada was therefore open to the inclusion of those Conventions but would not block consensus.
- 644.** The Government member of Ghana agreed with the importance of Conventions Nos 87 and 98 but thought it important to take heed of the needs of all constituents, which might vary by country and region. The text already called for intensified efforts to increase ratification of the two instruments, as they were included in the category of “least ratified Conventions”.
- 645.** The Representative of the Secretary-General, at the request of the Worker Vice-Chairperson, informed the Committee that the Governing Body of the ILO had recently adopted two strategies on collective bargaining and occupational safety and health, respectively; the latter

strategy following the elevation of occupational safety and health as an FPRW. Both strategies included ratification campaigns for the fundamental Conventions concerned, and both were funded under the Programme and Budget for 2024–25.

646. The Worker Vice-Chairperson, in light of the information concerning ongoing ILO action to promote the least ratified fundamental Conventions, withdrew his group's amendment (A.131).

647. Point 19(a) was adopted as amended.

Point 19(b)

648. Point 19(b) was adopted.

Point 19(c)

649. The Government member of Mexico, speaking on behalf of GRULAC, introduced an amendment (A.183) to delete point 19(c). The implications of the point were unclear and might place too great a burden on Member States. He asked for clarification of the phrase "to enhance the potential of the annual follow-up to the 1998 Declaration".

650. The Representative of the Secretary-General explained that the annual follow-up included the preparation of reports containing information from all Member States on ratification of the fundamental Conventions, identifying obstacles to such ratification. The Employers' group had suggested that the questionnaires sent to Member States for that purpose might be improved and consequently allow the Office to offer better services, more closely targeted countries' needs, where requested to do so by Member States. The aim would be to tighten the link between the Office and Member States. Better information from Member States would enable the Office to align its actions more closely to needs, creating a virtuous circle.

651. The Employer Vice-Chairperson and the Worker Vice-Chairperson opposed the amendment.

652. The Government member of Mexico, speaking on behalf of GRULAC, withdrew the amendment.

653. The Worker Vice-Chairperson tabled another amendment (A.129) to point 19(c), which proposed deleting the first three words: "Explore avenues to".

654. The Employer Vice-Chairperson and the Government member of Ghana supported the amendment.

655. The amendment was adopted.

656. The Chairperson asked the Committee to turn its attention to a further amendment (A.9), submitted by China.

657. The Government member of China withdrew the amendment.

658. The Government member of the United States introduced an amendment (A.101), tabled by the Governments of Canada, Switzerland, the United Kingdom and the United States, to insert "to better inform technical assistance in response to requests" between "use of the information" and "gathered therein". The purpose was to make clearer the use of the additional information gathered.

659. The Employer Vice-Chairperson said that his group preferred the original language, which allowed the information to be used in any number of ways. The wording made the text restrictive.

660. The Worker Vice-Chairperson said that his group supported the amendment but would join a contrary consensus if necessary.
661. The Government member of Ghana did not support the amendment, which limited the scope of point 19(c).
662. The Government member of Argentina and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment.
663. The Government member of Senegal proposed a subamendment to insert “specifically” after “information”, to read “through an improved use of information specifically to better inform technical assistance in response to requests gathered therein”, which was seconded by the Government Members of Cameroon and Morocco.
664. The Employer Vice-Chairperson found the text even more restrictive in that it directed use of the information specifically to technical assistance, stifling the full potential of gathering information in that way.
665. The Government member of the United States agreed that the follow-up to the 1998 Declaration was a useful source of information. The amendment was aimed specifically at the question “what are your technical assistance needs?” She asked for clarification regarding the Office’s views on an “improved use of information”.
666. The Representative of the Secretary-General said that currently the Office made the information gathered available through the baseline reports. The Office made other use of the information, but not exclusively for technical assistance. The follow-up to the 1998 Declaration was potentially a rich mine of information for the ILO, useful for multiple purposes. She suggested wording to read “including through an improved use of the information gathered therein to, among other purposes, better inform technical assistance in response to requests” to be considered by the Committee.
667. The Employer Vice-Chairperson proposed a subamendment to place a full stop after “technical assistance” and delete the remaining four words.
668. The Worker Vice-Chairperson supported the subamendment.
669. The Government member of China did not support the proposed wording, as “among other purposes” could be ambiguous.
670. The Government member of Ghana proposed reverting to the original text, which avoided placing the accent on informing technical assistance.
671. The Government member of the United States withdrew the amendment.
672. Point 19(c) was adopted as amended.

Point 19(d)

673. The Worker Vice-Chairperson introduced an amendment (A.128), the purpose of which was to allow the supervisory bodies to better guide development cooperation, technical assistance and research. The amendment replaced the first three words of the draft text “Ensure synergies between” by “Ensure that the outcomes of”, and inserted “guide” between “supervisory bodies” and “development cooperation”. However, the group withdrew the amendment in favour of an amendment (A.103) submitted by the Governments of Canada, Switzerland, the United Kingdom and the United States.

- 674. The Government member of the United States introduced an amendment (A.103), which inserted “, including by enhancing efforts to mainstream understanding of the functioning and outputs of the ILO supervisory mechanisms across the Organization, both in the field and in headquarters” after “technical assistance and research”. The aim was to connect the work of the supervisory bodies with technical cooperation and research.
- 675. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Mexico, speaking on behalf of GRULAC, supported the amendment.
- 676. The Government member of the United States explained that her Government, and the other governments tabling the amendment, believed there was room to build bridges between development cooperation and technical assistance and the supervisory mechanisms.
- 677. The Government member of Ghana proposed a subamendment to replace “between” with “among”, which was seconded by the Government members of Cameroon and Morocco.
- 678. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Senegal supported the subamendment but requested clarification of the meaning of “in the field”.
- 679. The Representative of the Secretary-General explained that the text should say “Office” rather than “Organization”. The meaning was to ensure that all ILO employees, in field offices, but also those not attached to field offices and at headquarters, should be fully conversant with the functioning of the supervisory machinery.
- 680. The amendment was adopted as subamended.
- 681. Point 19(d) was adopted as amended.

Subheading

- 682. The subheading before point 19(d) “Enhance research and capacity” was adopted.

Point 19(e)

- 683. The Employer Vice-Chairperson introduced an amendment (A.65) to insert before “develop” the words “continue to”, and to insert after “develop” the words “for all constituents”. It was a technical rather than a substantive amendment.
- 684. The Worker Vice-Chairperson said that it was self-evident that the ILO worked for all constituents and therefore the phrase was redundant. He proposed a subamendment to delete the words.
- 685. The Government member of Türkiye supported the amendment as subamended.
- 686. The Worker Vice-Chairperson, responding to a request for clarification from the Government member of Canada on the rationale behind the deletion of “for all constituents”, said that the phrase could create an obligation for the Office to respond to requests from one group of constituents for tools specific to their group. By definition the ILO promoted and conducted activities for all constituents.
- 687. The Employer Vice-Chairperson withdrew the phrase “for all constituents” from his group’s amendment.
- 688. The Government member of Ghana agreed with the withdrawal. He proposed a subamendment to insert the words “promote and conduct” before “research”, given that research was conducted, rather than developed, so that it would read “promote and conduct

research, develop tools, guidelines, statistical measurement methodologies, and associated training resources, for qualitative and quantitative data collection and research on FPRW". The Government members of Sierra Leone and Senegal seconded the subamendment.

- 689.** The Worker Vice-Chairperson supported the subamendment.
- 690.** The Employer Vice-Chairperson supported the subamendment and proposed a further subamendment to insert the word "and" before "develop tools".
- 691.** The amendment was adopted as subamended.
- 692.** The Government of Canada introduced an amendment (A.92), tabled by the Governments of Canada, Switzerland, the United Kingdom and the United States, to insert "; including disaggregated data on discrimination and other under-addressed FPRW categories," after "data collection". The high-level evaluation had highlighted the uneven distribution of development cooperation funding for freedom of association and collective bargaining and for discrimination, while the Office report referred to the lack of disaggregated data to assess progress and gaps in the area of discrimination.
- 693.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, the Government members of Belgium, speaking on behalf of the EU and its Member States, and of Mexico, speaking on behalf of GRULAC and in his national capacity, supported the amendment.
- 694.** The Government member of Gabon questioned why discrimination was being highlighted in the amendment.
- 695.** The Government member of Canada explained that non-discrimination at work was one of the FPRW where disaggregated data was lacking. Without data, it was not possible to identify gaps, and thus the Office could not assess progress made. The high-level evaluation noted that freedom of association and collective bargaining and discrimination were allocated the smallest share of development cooperation funding.
- 696.** The Government member of Sierra Leone said that the basic definition of research involved systematic collection and analysis, including disaggregation. If the data was not analysed, it was not complete. Therefore, the phrase "including disaggregated data" was redundant. He did not support the amendment.
- 697.** The Government member of China submitted a subamendment to delete the words "and other under-addressed FPRW categories", which was seconded by the Government member of Cameroon.
- 698.** The Government member of the United Kingdom, the Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Gabon supported the original amendment as submitted.
- 699.** The Government member of China withdrew her subamendment.
- 700.** The Government member of Ghana preferred the original text from the Drafting Group. Research should focus on all FPRW categories, and not be concentrated in one area.
- 701.** The Government member of the United States saw value in specifically pointing to the need for more disaggregated data, a shortcoming nonetheless highlighted in paragraph 108 of the Office report.
- 702.** The Government of Gabon expressed support for amendment A.92.
- 703.** The amendment was adopted.

704. Point 19(e) was adopted as amended.

Point 19(f)

- 705.** The Employer Vice-Chairperson introduced his group's amendment (A.67), which was technical and aimed at improving clarity. It replaced the word "institutions" with "capacities".
- 706.** The Worker Vice-Chairperson said that his group could be flexible regarding the amendment, although the word "institutions" was more precise.
- 707.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that when talking of research bodies, the term "institutions" was more common.
- 708.** The Government member of Mexico, speaking in his national capacity, proposed subamending to "institutional capacities". The subamendment was seconded by the Government member of the United Republic of Tanzania.
- 709.** The Government member of Norway supported the statement made by the Government member of Belgium on behalf of the EU and its Member States.
- 710.** The Employer Vice-Chairperson withdrew the amendment.
- 711.** The Government member of Mexico, speaking in his national capacity, withdrew his subamendment.
- 712.** The Employer Vice-Chairperson introduced a second amendment (A.68) to point 19(f) to replace the words "prevalence of deficits" with the less negative term "status".
- 713.** The Worker Vice-Chairperson supported the amendment.
- 714.** The Government members of Argentina; Belgium, on behalf of the EU and its Member States; Cameroon, also speaking for Morocco; Canada; Gabon, speaking on behalf of the Africa group; Ghana; Mexico; Norway; and the United States supported the amendment.
- 715.** The amendment was adopted.
- 716.** Point 19(f) was adopted as amended.

Point 19(g)

- 717.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment (A.116) to delete the words "if data permit".
- 718.** The Worker Vice-Chairperson supported the amendment.
- 719.** The Employer Vice-Chairperson explained that if the amendment was adopted, then a subsequent amendment (A.70) affecting the deleted words and tabled by the Employers, would necessarily fall. He therefore proposed submitting amendment A.70 as a subamendment to amendment A.116, with the wording to read ", as data permit". It recognized that perfect data often did not exist, but there was a threshold of data which, while not perfect, might allow valid work to go ahead.
- 720.** The Worker Vice-Chairperson supported the subamendment.
- 721.** The Government member of Mexico, speaking in his national capacity, preferred the amendment without the subamendment.
- 722.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to remove the comma between "issues" and "as data permit".

- 723.** The Worker Vice-Chairperson supported the subamendment.
- 724.** The Government member of the United States proposed a subamendment to insert the word “on” between “and” and “other”, to read “and on other FPRW issues”, which was seconded by the Government members of Canada and the United Kingdom.
- 725.** The Employer Vice-Chairperson submitted a further subamendment to allow the phrase “as data permit” to qualify each of the areas of research listed, so that the text would read “continue to produce, in collaboration with Member States, global estimates on child labour, forced labour and on other FPRW issues, as data permit;”.
- 726.** The Worker Vice-Chairperson and the Government member of the United Republic of Tanzania agreed with the text as subamended.
- 727.** The Government member of the United States said that, given the consensus on the matter, she could be flexible. It would be important to ensure that what was being conveyed to the Office was clear. It was anticipated that the Office would continue to collect data and produce global estimates on child labour and forced labour, and the question around other FPRW issues had been well discussed.
- 728.** The Representative of the Secretary-General clarified that the Office currently produced global estimates on child labour and forced labour, where the minimum data necessary existed. However, in other areas of the FPRW, where data collection was difficult, that was not the case. There were, for example, challenges to forming estimates on data on disability-based discrimination. On the other hand, data on gender inequalities and participation were available, albeit unevenly. It might therefore be preferable to revert to the previous formulation.
- 729.** The Employer Vice-Chairperson withdrew his group’s subamendment.
- 730.** The Government member of Ghana proposed a subamendment to delete the second “on”, between “and” and “other”, which was seconded by the Government member of Senegal.
- 731.** The Government member of the United States said that she found the word “on” useful but could withdraw her subamendment if necessary.
- 732.** The Government member of China asked whether the Office had already produced global estimates for other FPRWs and, if not, why the phrase “continue to produce” might be thought appropriate.
- 733.** The Representative of the Secretary-General said that the Office produced global estimates for forced labour and child labour on a regular basis. In collaboration with the World Health Organization (WHO), it also produced global estimates on some aspects of occupational safety and health. Regarding migrant workers vis-à-vis their treatment compared to nationals, the ILO produced global estimates on migrant workers, although not on a regular basis. In the past, the ILO had run a survey on indigenous peoples’ labour market participation as compared to non-indigenous populations’ labour market participation. There were, moreover, several FPRW for which estimates had never been produced.
- 734.** The Government member of China said that, in light of the response, the phrase “continue to produce” was questionable, given that the Office was not producing certain global FPRW estimates.
- 735.** The Representative of the Secretary-General also clarified that surveys were produced with Gallup on violence and harassment. Possibly the text should be amended to distinguish between the different types of data produced.

- 736.** The Government member of China presented an amendment (A.190), to insert the words “based on reliable evidence, facts and data” between the terms “FPRW issues” and “[if data permit];”. She explained that the amendment sought to express an understanding that, while data was imperfect, it should nevertheless reflect reality. The Government member of Senegal seconded the amendment.
- 737.** On request, the Secretariat provided an alternative formulation to the amendment (A.116) submitted by the Government members of the EU to point 19(g), to read: “Produce, in collaboration with Member States, global estimates on child labour and forced labour, and other FPRW issues as data permit, and based on international statistical standards and measurement practices;”
- 738.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the alternative formulation.
- 739.** The Government member of China supported the alternative formulation but requested clarification regarding international statistical standards and measurement practices.
- 740.** The Deputy Representative of the Secretary-General said that the ILO had been producing global estimates for over 20 years. The estimates were an approximation in terms of numbers and were not intended to provide a basis for policy guidance at the national level. The Global estimates on child labour and forced labour had been more and more robust based on an increased number of national statistical data. On the other hand, the statistical definition of child labour had evolved over the years and had been adopted by the International Conference of Labour Statisticians (ICLS). The methodology used for the publication of global estimates on child labour and forced labour was transparent and was annexed to the respective reports issued.
- 741.** The Government member of China said that his Government was actively involved in the ICLS and proposed to subamend point 19(g) by adding, after the words “international statistical standards”, the words “adopted by the ICLS”.
- 742.** The Deputy Representative of the Secretary-General said that the phrase was redundant to the extent that international statistical standards were necessarily adopted by the ICLS, just as international labour standards were necessarily adopted by the International Labour Conference.
- 743.** The Government members of China and Gabon, on behalf of the Africa group, supported the draft text provided by the Secretariat.
- 744.** The alternative formulation was adopted.
- 745.** The Government member of China withdrew his amendment (A.190) to point 19(g).
- 746.** Point 19(g) was adopted as amended.

Point 19(h)

- 747.** The Worker Vice-Chairperson withdrew his group’s amendment (A.126), in preference for the original text submitted by the Drafting Group.
- 748.** The Government member of China introduced an amendment (A.11), explaining that the wording was similar to the previous one his Government had proposed.
- 749.** The amendment was not seconded and therefore fell.
- 750.** Point 19(h) was adopted.

New point after point 19(h)

- 751.** The Worker Vice-Chairperson introduced an amendment (A.123) to insert a new clause after point 19(h), to read “continue to undertake research and analysis on the intersection of FPRW and trade and investment, including in relation to labour rights clauses in trade and investment agreements, the use of forced labour import bans, and the use of public procurement to support FPRW;”. The 2023 recurrent discussion on labour protection had identified a need for further knowledge development on capacity-building around labour provisions in trade and investment agreements, including in public procurement, and that the ILO should undertake research into public procurement to foster adherence to labour rights. The Workers were proposing that such research should give a central place to FPRW and were incorporating a new element of forced labour import bans, given that many countries had introduced, or were discussing introducing, import bans on goods produced with forced labour. Hence more research was warranted, as the consequences were serious.
- 752.** The Employer Vice-Chairperson noted that there was agreement elsewhere in the draft conclusions on priority research topics but, for the sake of consensus, proposed a subamendment to delete “, the use of forced labour import bans, and the use of procurement to support FPRW” so that the work of the Office would not be limited.
- 753.** The Government member of Canada supported the Workers’ amendment, but not the Employers’ subamendment, noting that it was important to uphold FPRW benefits to all constituents.
- 754.** The Government member of China supported the Employers’ subamendment, expressing strong concern about the language “labour rights clauses in trade and investment agreements, the use of forced labour import bans, and the use of public procurement to support FPRW”. It was up to the negotiating parties to decide on the scope of trade and investment agreements and for governments to decide on their procurement policies. Some countries were using forced labour import bans as a way to introduce protectionist policies, which had severe consequences for the countries subjected to unfair, unilateral sanctions.
- 755.** The Government member of Malaysia aligned with China and supported the Employers’ subamendment.
- 756.** The Government members of Switzerland, the United Kingdom and the United States supported the Workers’ amendment.
- 757.** The Government member of Belgium, speaking on behalf of the EU Member States, preferred to retain the Workers’ original amendment, but proposed a subamendment to replace the two instances in the text of the word “use” with “impact”, noting that it was important for the ILO and its constituents to learn about the impact of such measures, not to promote their use. As for the comment about using protectionist policies, the Social Justice Declaration explicitly stated that labour standards should not be used for protectionist trade purposes; thus, the risk should be non-existent.
- 758.** The Employer Vice-Chairperson said that there was nothing in the language of the clause before “, including” that would prevent the Office from engaging specifically in those areas of research.
- 759.** The Worker Vice-Chairperson said that his group would go with the consensus.
- 760.** The Government member of Canada supported the subamendment proposed by the EU Member States.

- 761.** The Government member of Türkiye supported the subamendment but proposed a further subamendment to reference child labour bans, in addition to forced labour bans.
- 762.** The subamendment from Türkiye fell, as it was not seconded.
- 763.** The Employer Vice-Chairperson proposed further subamendments to replace “including in relation to” with “including the impact of”, to delete the two instances of “the impact”, and to insert after FPRW the wording “which are matters of disagreement among Member States”, so that the point would read “continue to undertake research and analysis on the intersection of FPRW and trade and investment, including the impact of labour rights clauses in trade and investment agreements, of forced labour import bans, and of public procurement to support FPRW, which are matters of disagreement among Member States;”.
- 764.** The Worker Vice-Chairperson said that, while he agreed to the Employers’ subamendments, with the exception of the wording at the end “which are matters of disagreement among Member States”, what was being suggested was already included in the text. He proposed a subamendment to end the point after “investment”, so that it would read “continue to undertake research and analysis on the intersection of FPRW and trade and investment;”.
- 765.** The Employer Vice-Chairperson agreed and withdrew those subamendments.
- 766.** The Government member of Belgium, speaking on behalf of the EU Member States, agreed and withdrew their subamendment.
- 767.** Amendment A.123 was adopted as subamended.
- 768.** The Worker Vice-Chairperson introduced another amendment (A.125) to insert a new clause after point 19(h), to read “continue to undertake research and data collection on workplace-related injuries, accidents, illnesses and deaths, and undertake research on new occupational health and safety risks, including psychosocial risks;”. In light of the recent recognition of occupational safety and health as one of the FPRW, it was important to reflect it as an additional action point under the research agenda. The Office report referred to a lack of reliable data in relation to national recording and notification systems on workplace-related injuries, accidents, illnesses and deaths in many countries, and the 2023 recurrent discussion on labour protection had also called for more data on emerging occupational safety and health risks linked to digitalization. Moreover, there were new exacerbated risks due to climate, heat stress and mental health at work.
- 769.** The Employer Vice-Chairperson agreed with the concept but questioned the need to include “continue to undertake” on research that was already being carried out. Moreover, he did not see the value in calling out psychosocial risks and proposed a subamendment to delete “including psychosocial risks”.
- 770.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to replace “illnesses” with “diseases”, as it was the more usual wording, and to delete the word “new” before “occupational health and safety”, as many risks had been around for a long time, including psychosocial risks. He echoed the Employers’ question over the need to call out “psychosocial risks”.
- 771.** The Employer Vice-Chairperson sought the Office’s clarification as to whether research was already under way on occupational safety and health risks and, if so, he proposed a subamendment to delete the second “undertake research”, so that the text would read “continue to undertake research and data collection on workplace-related injuries, accidents, diseases and deaths, and on occupational health and safety risks”.

- 772.** The Representative of the Secretary-General said that research on occupational safety and health risks was under way, including in cooperation with the WHO. There were significant changes in the way work was organized, including use of new technology, which created new occupational hazards and risks; it was a constant process of learning and adjustment. Using a qualifier such as “emerging” or similar could be useful to refer to the fact that there were new risks or risks that were acquiring growing visibility in light of constant adjustments occurring in the organization of production and the implications for the organization of work arising from the increased use of technology, heat stress and climate change.
- 773.** The Employer Vice-Chairperson said that he was flexible on including a qualifier for occupational safety and health risks, if there was support to do so, and suggested “evolving”, for example. He proposed a further subamendment to replace “deaths” with “fatalities”.
- 774.** The Worker Vice-Chairperson agreed to the subamendment proposed by the EU Member States to replace “illnesses” with “diseases” and to the subamendment proposed by the Employers to replace “deaths” with “fatalities”. He also agreed to delete the second “undertake research”, given that the research was already under way. He wished to retain “new” and “including psychosocial risks” because the issue should be specifically addressed in the context of FPRW.
- 775.** The Government member of Sierra Leone supported the subamendments to replace “illnesses” with “diseases” and “deaths” with “fatalities”, and to delete the second “undertake research”, as well as to delete “including” before “psychosocial risks”. He agreed with the Workers that it was important to reference newly emerging workplace risks but proposed a subamendment to replace “new” with “emerging” and to replace “risks” with “hazards and their associated risks”. The Government member of Senegal seconded the subamendment.
- 776.** The Representative of the Secretary-General suggested that it was better not to replace “risks” with “hazards and risks”, as hazards were not emerging; rather, were defined within four categories (biological, economic, physical and chemical).
- 777.** The Government member of Sierra Leone agreed to remove from his subamendment the replacement of “risks” with “hazards and their associated risks”.
- 778.** The Government member of Mexico, speaking in his national capacity and also on behalf of Brazil, supported the subamendment to replace “illnesses” with “diseases” but did not support the subamendment to replace “deaths” with “fatalities”, arguing that the term fatality was associated only with accidents. He also preferred to retain the reference to psychosocial risks, as the COVID-19 pandemic had generated an increase in those risks.
- 779.** The Worker Vice-Chairperson said that the Workers were flexible on the terms “deaths” or “fatalities” but wished to retain “including psychosocial risks”, given that work-related diseases were increasing and psychosocial risks played a significant role in that trend.
- 780.** The Employer Vice-Chairperson reiterated that the Employers preferred “fatalities” to “deaths”, as it was the term normally used in the context of occupational safety and health risks, and that there was no added value in including psychosocial risks. However, in the interests of reaching consensus, the Employers could agree to the language.
- 781.** The Government member of Sierra Leone agreed with the Employers that “fatalities” was the most appropriate term in the context of occupational safety and health.
- 782.** The Government member of Mexico, speaking in his national capacity and also on behalf of Brazil, said that, for the sake of consensus, they could accept “fatalities”.
- 783.** Amendment A.125 was adopted as subamended.

- 784.** The Worker Vice-Chairperson introduced an additional amendment (A.124) to insert a new clause after point 19(h), to read “in the context of the ILO Social Dialogue Flagship Report, undertake research and collect good practices on the role of social dialogue, including collective bargaining, and on addressing challenges related to the enjoyment of FPRW, including on just transition and transnational social dialogue;”. Given the value added of the ILO’s Social Dialogue Flagship Report series, coupled with the importance of social dialogue, and especially of collective bargaining, highlighted in the 2023 resolution concerning a just transition towards environmentally sustainable economies and societies for all, the proposed new point would be helpful in identifying how the social partners could address new and emerging phenomena in the world of work related to the enjoyment of FRPW.
- 785.** The Employer Vice-Chairperson said that, in his view, the point was a superfluous call for research. As a compromise, he proposed a subamendment to delete the last clause of the sentence “, including on just transition and transnational social dialogue”, especially given the divergent established viewpoints between the social partners on transnational social dialogue.
- 786.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of the United States supported the amendment proposed by the Workers and were flexible regarding the Employers’ subamendment.
- 787.** The Government member of the United States supported the ILO Social Dialogue Flagship Report and appreciated the additional focus on collective bargaining. Her Government could be flexible on the wording.
- 788.** The Worker Vice-Chairperson noted that some of the issues related to a just transition were transnational, not just national. Moreover, he cited the 2018 conclusions concerning the second recurrent discussion on social dialogue and tripartism, in which Members had been called on “to provide an enabling environment for and promote, where appropriate, cross-border social dialogue to foster decent work, including for vulnerable groups of workers in global supply chains”, and to “play a stronger role in an international context, in particular through cross-border social dialogue based on knowledge and research provided by the ILO”. Thus, there had been a direct request for research to be provided by the ILO.
- 789.** The Employer Vice-Chairperson insisted that the Employers would not support the language on transnational social dialogue in the text.
- 790.** The Worker Vice-Chairperson tabled a subamendment to his group’s amendment (A.124) for a new point following point 19(h), to insert the word “effective” before “social dialogue” and to replace the phrase “including collective bargaining, and on addressing challenges related to the enjoyment of FPRW, including on just transition and transnational social dialogue” with “in addressing challenges related to FPRW in support to the five thematic priorities.” Social dialogue had many aspects, of which only one was collective bargaining.
- 791.** The Employer Vice-Chairperson proposed a subamendment to replace “support to” with “support of”.
- 792.** The Chairperson noted the broad support of the government benches for the amendment as subamended.
- 793.** The amendment (A.124) was adopted as subamended.
- 794.** The new point to be inserted after point 19(h) was adopted.

Point 19(i)

- 795.** Point 19(i) was adopted.

First new point after point 19(i)

- 796.** The Employer Vice-Chairperson introduced an amendment (A.72) to insert a new clause after point 19(i), to read “undertake peer-reviewed and scientifically rigorous research on the economic and social impact of informality, and in particular its impact on the realization of fundamental principles and rights at work;”. Informality played a significant role in impeding progress on realization of FPRW, thus the Employers’ proposal was for the ILO to undertake peer-reviewed research on the role of informality and link it to FPRW.
- 797.** The Worker Vice-Chairperson supported the Employers’ amendment but proposed a subamendment to replace “fundamental principles and rights at work” with the acronym “FPRW”.
- 798.** The Government member of Belgium, speaking on behalf of the EU Member States, supported the amendment as subamended by the Workers, and proposed a further subamendment to remove “peer-reviewed and scientifically rigorous research”; it was recognized that the Office undertook quality research and the phrase was not used in the other parts of the research agenda, thus it was not needed.
- 799.** The Government members of the United States and Gabon supported the subamendment.
- 800.** The Employer Vice-Chairperson agreed to the subamendments proposed by the Workers and the EU Member States.
- 801.** Amendment A.72 was adopted as subamended.
- 802.** The first new point after point 19(i) was adopted.

Second new point after point 19(i)

- 803.** The Employer Vice-Chairperson introduced an amendment (A.74) to insert a new point after point 19(i), to read “action-oriented research on best practices to integrate respect for FPRW into the business of MSMEs and newly formalized enterprises, including through greater synergies between the work on FPRW and the SCORE programme;”. Noting the extent of the FPRW implementation gap, particularly with enterprises, including MSMEs, transitioning to the formal economy, he highlighted the need to identify good practices, in addition to academic research, with a focus on how to integrate respect for FPRW, including through greater synergies between the ILO SCORE Programme and the Fundamental Principles and Rights at Work Branch.
- 804.** The Worker Vice-Chairperson supported the amendment.
- 805.** The Government member of the United Kingdom supported the amendment but proposed a subamendment to insert the word “undertake” before “action-oriented research”, which was seconded by the Government member of Canada.
- 806.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Sierra Leone and Mexico supported the amendment as subamended by the United Kingdom.
- 807.** Amendment A.74 was adopted as subamended.
- 808.** The second new point after point 19(i) was adopted.

Third new point after point 19(i)

- 809.** The Worker Vice-Chairperson introduced an amendment (A.122) to insert a new point after point 19(i), to read “undertake research and impact assessments on the challenges and

opportunities of digitalization, including artificial intelligence and algorithmic management, in relation to FPRW, in line with the 2023 Conclusions on labour protection;”. Referring to paragraph 21 of the Office report on digitalization of work and its impact on FPRW, he argued that it would be appropriate to request the Office to carry out specific research into the challenges and opportunities posed by digitalization in order to inform constituent choices. Algorithmic management had been included as it was related the new FPRW on occupational safety and health.

- 810.** The Employer Vice-Chairperson agreed that digitalization and the digital economy would be a new priority and was clearly linked to FPRW but proposed a subamendment to delete “including artificial intelligence and algorithmic management” and “, in line with the 2023 Conclusions on labour protection”, as they were superfluous. Research was already under way in that area. Moreover, there was no reference to “algorithmic management” in the Office report and the Worker Vice-Chairperson had not explained what it meant; it was likely to be a term more appropriate for the standard-setting discussion in 2025.
- 811.** The Worker Vice-Chairperson clarified that “algorithmic management” was the strategic tracking, evaluating and managing of workers through algorithms. It was not something the Workers could accept without having more research and knowledge; humans must always be in control of human resources and management.
- 812.** The Employer Vice-Chairperson said that his Worker counterpart had confirmed the Employers’ point that before using such terms there was a need to defer to the work to be undertaken in the standard-setting discussion in 2025.
- 813.** The Government member of the United States supported the Workers’ amendment but did not support the Employers’ subamendment. It would be helpful to specify the particular research, but not limit it to that, and to highlight those two areas as being of specific interest. The research would be useful in the field of labour protection, and it would be helpful in the broader context of FPRW to make the cross-linkages between the two recurrent discussions.
- 814.** The Government members of Belgium, speaking on behalf of the EU and its Member States, and China supported the amendment and expressed flexibility on the wording.
- 815.** The Government member of Mexico, speaking on behalf of GRULAC, stressed the importance of retaining the reference to artificial intelligence, given the rapid technological changes worldwide, but could be flexible on the wording of the rest of the sentence.
- 816.** The Government member of the United Kingdom supported the amendment, as subamended by the Employers, but could be flexible on the final wording.
- 817.** The Government member of Canada preferred the original text of the Workers’ amendment, as her Government deemed algorithmic management to be a key element of labour protection.
- 818.** The Employer Vice-Chairperson said that the Employers could support language referencing artificial intelligence in relation to FPRW.
- 819.** The Worker Vice-Chairperson said that the Workers could agree to deleting the reference to algorithmic management but would like to maintain “, in line with the 2023 Conclusions on labour protection”.
- 820.** The Employer Vice-Chairperson sought clarification on the value added of including the reference.

- 821. The Worker Vice-Chairperson cited paragraph 24(g) of the 2023 Conclusions on labour protection, in which the Organization was called on to “intensify knowledge development and capacity-building activities, particularly in relation to an impact assessment and awareness on the challenges and opportunities of digitalization, including artificial intelligence and algorithmic management”. Thus, it was a document already agreed on, in which artificial intelligence and algorithmic management were specifically addressed.
- 822. The Employer Vice-Chairperson said that, in view of the clarification, he would not object to the reference to the 2023 Conclusions on labour protection.
- 823. Amendment A.122 was adopted as subamended.
- 824. The third new point to be inserted after point 19(i) was adopted.

Point 19(j)

- 825. The Worker Vice-Chairperson proposed a subamendment to his group’s amendment (A.121) to replace the text, to read “conduct targeted capacity-building for workers’ and employers’ organizations with regard to all five FPRW, with a focus on retaining and expanding membership, providing services and engaging in effective social dialogue”.
- 826. The Employer Vice-Chairperson and the Government member of Türkiye supported the amendment as subamended.
- 827. The Government member of Belgium, speaking on behalf of the EU Member States, also supported the Workers’ amendment as subamended and withdrew their amendment (A.117), on the understanding that “expanding membership” included specific attention to vulnerable workers.
- 828. The Worker Vice-Chairperson confirmed that expansion of membership particularly aimed at covering vulnerable workers.
- 829. The Government member of Cuba also supported the amendment as subamended. He sought clarification from the Office as to whether the language of the original amendment was more neutral, and that the amendment could be interpreted as an interference; he therefore sought clarification from the Office.
- 830. The Representative of the Secretary-General explained that the point was partly linked to the regular Office activities to ensure the promotion and respect of fundamental rights. In the point in question, it referred to the training activities provided by the Office aimed at ensuring the promotion and respect of FPRW for workers’ and employers’ organizations and could not be construed as government or State interference. The International Training Centre of the ILO (ITC-ILO) organized the training activities, including capacity-building for trade union organizations and other programmes for employers’ organizations.
- 831. The Government member of the United States, noting that the Office could play an important role in strengthening the capacity of independent employers’ and workers’ organizations, deferred to the Workers and Employers the decision on the best wording.
- 832. The Government member of Sierra Leone said that workers and employers had a right to join, or not join, unions, which had an obligation to serve their memberships. Growth in membership would depend on the quality and effectiveness of the services provided. It therefore might be better for a focus on service provision and engaging in effective dialogue, rather than on retaining and expanding membership.

- 833.** The Employer Vice-Chairperson said that quality services and social dialogue, and the overall demonstration of effectiveness and capacity were the best way to attract and retain membership but, with an increase in membership and the associated systemic and organizational challenges, Office support for capacity-building was needed to help member organizations to adapt to changes in membership.
- 834.** The Government member of Gabon, speaking on behalf of the Africa group, supported the amendment as subamended.
- 835.** Amendment A.121 was adopted as subamended.
- 836.** Amendments A.87, A.184, A.117 and A.76 fell as a consequence.
- 837.** Point 19(j) was adopted as amended.

Subheading

- 838.** The subheading “Strengthening capacity and knowledge-sharing” before point 19(k) was adopted.

Point 19(k)

- 839.** The Government member of Mexico, speaking on behalf of GRULAC, proposed an amendment (A.185) to delete “and all other national authorities” and to insert “tripartite” before “constituents”, to reflect the structure of the Organization. Since all constituents were tripartite, there was no need to mention specifically “all other national authorities”.
- 840.** The Worker Vice-Chairperson requested clarification from the Office on whether national authorities were considered part of Member States.
- 841.** The Representative of the Secretary-General clarified that the reference to “all other national authorities” was to reflect that it was not only labour administrations that could deal with issues, such as some of the structural causes, impeding the realization of FPRW but that there was a need for other entities and a whole-of-government approach. The term “constituents” covered the tripartite constituents of governments and employers’ and workers’ organizations, and national authorities (namely the governments) were part of the constituents.
- 842.** The Worker Vice-Chairperson, in light of the clarification, proposed a subamendment to replace “constituents, and all other national authorities,” with “the tripartite constituents and relevant national authorities”.
- 843.** The Employer Vice-Chairperson noted that any relevant national authority would be within a tripartite constituent as part of the government. He questioned how authorities that were not part of the government, and thus not part of the constituents, would fall within the ILO's purview.
- 844.** The Representative of the Secretary-General said that, for the ILO to deal with the structural issues and to ensure policy coherence and that the different streams of work converged and did not neutralize each other, it must deal with the whole range of ministries and national authorities that belonged to the various powers covering different areas, such as industrial policies, technological development, economic matters and planning, and whose action had a major bearing on the respect and realization of FPRW.
- 845.** The Worker Vice-Chairperson proposed a subamendment to delete the word “other” because employers’ and workers’ organizations were not national authorities.

- 846.** The Government member of Mexico, speaking on behalf of GRULAC, withdrew their amendment (A.185) in light of the discussion.
- 847.** The Government member of Switzerland proposed an amendment (A.88) tabled by Canada and Switzerland to insert the word “relevant” before “national authorities”, as the original phrase “all other national authorities” was too broad. He proposed a further subamendment to delete the word “other”.
- 848.** The Worker Vice-Chairperson seconded the subamendment to delete “other” and supported the amendment as subamended.
- 849.** The Employer Vice-Chairperson indicated his flexibility with regard to the language used.
- 850.** The Government member of the United States preferred the word “other” to be included, otherwise it would imply that labour administrations were not relevant national authorities. She proposed a subamendment to read “and other relevant national authorities”, which was seconded by the Government member of Gabon, speaking on behalf of the Africa group and several other governments.
- 851.** Amendment A.88 was adopted as subamended.
- 852.** Point 19(k) was adopted as amended.

Move point 19(j) after point 19(k)

- 853.** The Employer Vice-Chairperson proposed an amendment (A.73) to move point 19(j) after point 19(k) to bring the text regarding strengthening the capacity of organizations under the subheading “Strengthening capacity and knowledge-sharing” rather than under “Enhanced research and capacity”.
- 854.** The Worker Vice-Chairperson and the governments agreed.
- 855.** The amendment was adopted.

Insert a new point after point 19(k)

- 856.** The Employer Vice-Chairperson, in view of the agreements reached on the capacity-building clauses, withdrew an amendment (A.77) to insert a new point after point 19(k), to read “conduct capacity-building to support policy, legal and institutional frameworks to address root causes of FPRW deficits at the country level, with due attention to measures to tackle informality and build the capacity of labour inspectorates for that purpose;”.

Point 19(l)

- 857.** The Employer Vice-Chairperson proposed an amendment (A.79) to include “and constituents” between the words “enterprises” and “in their efforts”. Workers’ organizations were the second largest users of the ILO Helpdesk for Business on International Labour Standards and it was too limiting to say that it was “an important vehicle for assisting enterprises”.
- 858.** The Worker Vice-Chairperson, the Government members of Belgium, speaking on behalf of the EU and its Member States, the United States and numerous other government members supported the amendment.
- 859.** The Government member of Gabon, speaking on behalf of the Africa group, proposed a subamendment to insert “tripartite” before “constituents”.
- 860.** The Employer Vice-Chairperson and the Worker Vice-Chairperson agreed to the subamendment.

- 861.** Amendment A.79 was adopted as subamended.
- 862.** The Employer Vice-Chairperson proposed an amendment (A.80) to include “principles of the” before “ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the United Nations Guiding Principles on Business and Human Rights” to reflect that it was the principles being promoted through the work of the Helpdesk for Business.
- 863.** The Worker Vice-Chairperson preferred to retain the original wording of the Office text because the MNE Declaration was much broader in scope than some of the principles.
- 864.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the United States preferred the original text, without the amendment in question.
- 865.** The Employer Vice-Chairperson withdrew amendment A.80.
- 866.** Point 19(I) was adopted as amended.

Insert a new point after point 19(I)

- 867.** The Employer Vice-Chairperson proposed an amendment (A.81) to insert a new point after point 19(I), to read “strengthen the ILO Global Business Network on Forced Labour, the ILO Global Business and Disability Network and the Child Labour Platform and seek new ways to streamline funding channels;”. They were ongoing initiatives under the Fundamental Principles and Rights at Work Branch that had experienced bureaucratic challenges to enable funding from outside sources to support their work.
- 868.** The Worker Vice-Chairperson considered the amendment to be redundant, as the activities had already been addressed under the subheading “Policy coherence and partnerships”.
- 869.** The Employer Vice-Chairperson said that the paragraph actually dealt with synergies and interactions between the entities within the Organization, referring to the benefits to strengthening them by streamlining their funding to make them more effective. There could be benefits to seeking to strengthen the networks and platform and in particular through streamlining funding to make the initiatives more effective, which came primarily under extrabudgetary funding.
- 870.** The Worker Vice-Chairperson could not support the amendment as there were many other business initiatives for which the Workers would like to streamline funding.
- 871.** The Employer Vice-Chairperson clarified that the Child Labour Platform was not a business initiative and involved workers and employers; it had experienced the same funding challenges as the other networks.
- 872.** The Government member of the United States requested clarification on the meaning of “streamline funding channels”.
- 873.** The Deputy Representative of the Secretary-General said that the Child Labour Platform and the ILO Global Business Network on Forced Labour had a different type of governance mechanism but the same type of funding mechanism, created to provide a platform for the exchange of experiences between businesses. One challenge was the increasing number of requests from enterprises and multinationals and the need to ensure the sustainability of the services provided by both platforms, given their funding based on annual membership fees. Another issue was the way the funding needed to be managed by the Office.
- 874.** The Employer Vice-Chairperson added that there were often significant steps to complete that could take several months or more to allow an interested party seeking to fund activities to be able to do so. There were also challenges with some government funding mechanisms that

applied to those initiatives. The amendment sought to address procedural barriers to enabling the networks to be funded robustly.

- 875.** The Worker Vice-Chairperson disagreed on calling out specific issues of funding; they should be taken up in the programme and budget.
- 876.** The Employer Vice-Chairperson had not expected resistance to proposing minor steps to make existing initiatives more sustainable and effective. The three initiatives in question were encountering particular funding issues but had the potential to have impact with very little effort. He proposed a subamendment to his group's amendment (A.81), to read "Strengthen the ILO Global Business Network on Forced Labour, the ILO Global Business and Disability Network and the Child Labour Platform and seek ways to ensure their sustainability;".
- 877.** The Worker Vice-Chairperson supported the amendment as subamended.
- 878.** The Government member of Belgium, speaking on behalf of the EU and its Member States, as well as the Government members of Cuba, Mexico and the United States supported the amendment as subamended.
- 879.** Amendment A.81 was adopted as subamended.
- 880.** The new point to be inserted after point 19(l) was adopted.

Point 19(m)

- 881.** Point 19(m) was adopted.

Point 19(n)

- 882.** Point 19(n) was adopted.

Subheading

- 883.** The subheading before point 19(o) "Policy coherence and partnerships" was adopted.

Point 19(o)

Chapeau to point 19(o)

- 884.** The chapeau of point 19(o) was adopted.

Point 19(o)(i)

- 885.** Point 19 (o)(i) was adopted.

Point 19(o)(ii)

- 886.** The Government member of China submitted an amendment (A.12) to delete point 19(o)(ii). While he could accept the Office undertaking research on the intersection between trade and FPRW, the proposal had serious implications. He noted that there were divergent views within the Committee regarding linkages between FPRW and trade and investment policy agreements.
- 887.** The amendment was seconded by the Government member of Cuba.
- 888.** The Worker Vice-Chairperson said that the impact of trade on FPRW had been highlighted during the discussion. There was a need to create safeguards to prevent such practices as

social dumping. Increasing numbers of trade agreements included labour clauses. Further engagement by the Office to bring FPRW into trade agreements would be useful.

- 889.** The Employer Vice-Chairperson said that his group was aligned with the Workers' group on this issue.
- 890.** The Government members of Belgium, speaking on behalf of the EU and its Member States, Canada, the United Kingdom and the United States supported the position taken by the Workers and Employers.
- 891.** The Government member of China withdrew amendment A.12.
- 892.** The Worker Vice-Chairperson introduced an amendment (A.120) to add the words ", including through strengthened engagement with the World Trade Organization and other relevant institutions;" after the words "policies and agreements". Labour rights were already integrated into the work of the WTO, in that the 1998 Declaration applied to ILO Member States that were members of the WTO. The Workers' group felt that the ILO should reinforce its relationship with the WTO in order to promote FPRW. The two organizations should work together to ensure countries abided by their obligations under ILO standards.
- 893.** The Employer Vice-Chairperson supported the text as subamended by the Workers.
- 894.** The Government member of China considered the wording "and other relevant institutions" to be ambiguous and put forward a subamendment to delete it.
- 895.** The subamendment was seconded by Cameroon.
- 896.** The Worker Vice-Chairperson and the Employer Vice-Chairperson agreed to that deletion.
- 897.** The Government member of the United Republic of Tanzania supported the text as subamended.
- 898.** The amendment (A.120) was adopted as subamended.
- 899.** Point 19(o)(ii) was adopted as amended.

Point 19(o)(iii)

- 900.** Point 19(o)(iii) was adopted.

New point to be inserted after point 19(o)(iii)

- 901.** The Worker Vice-Chairperson withdrew his group's amendment (A.119) to insert a new point after point 19(o)(iii).

Point 19(p)

Chapeau to point 19(p)

- 902.** The Government member of Belgium, speaking on behalf of the EU Member States, tabled an amendment (A.118) to add a comma between the words "Social Justice" and "and leverage". Without that comma, the clause centred the proposed action solely on the work carried out through the Global Coalition for Social Justice, and not through other possible channels.
- 903.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 904.** Amendment A.118 was adopted.
- 905.** Point 19(p) was adopted as amended.

Point 19(p)(i)

906. Point 19(p)(i) was adopted.

Point 19(p)(ii)

907. Point 19(p)(ii) was adopted.

Point 19(p)(iii)

908. Point 19(p)(iii) was adopted.

Point 19(p)(iv)

909. Point 19(p)(iv) was adopted.

Subheading

910. The subheading "Planning, mobilization and allocation of resources and development cooperation" before point 19(q) was adopted.

Point 19(q)

911. Point 19(q) was adopted.

Point 19(r)

912. The Government member of China tabled an amendment (A.13) to remove the words "and guidance" from point 19(r). He did not feel that the ILO could provide guidance to Member States in relation to mobilizing domestic resources.

913. The Government member of Cameroon seconded the amendment.

914. The Worker Vice-Chairperson said that there had been extensive discussion in the Drafting Group on this point. His group wished to maintain the original wording.

915. The Employer Vice-Chairperson said that "guidance" was not synonymous with "direction". He proposed a subamendment to replace "capacity and guidance" with "support".

916. The Worker Vice-Chairperson said that there could be instances where guidance was needed and requested by Member States. It would therefore be prudent to retain the original wording. However, he understood that "support" could encompass both guidance and support.

917. The Government member of China asked the Secretariat to clarify what guidance from the Office might entail.

918. The Representative of the Secretary-General said that the Office could provide comprehensive guidance, information on how other countries had implemented domestic resource mobilization strategies, support in developing such strategies, comparative analysis, and identification of the most effective strategies to assist governments. It did not imply imposition.

919. The Government member of China agreed with the Employers' subamendment.

920. The amendment (A.13) was adopted as subamended.

921. Point 19(r) was adopted as amended.

Point 19(s)

922. Point 19(s) was adopted.

Point 19(t)

923. Point 19(t) was adopted.

Point 19(u)

924. Point 19(u) was adopted.

New point to be inserted after point 19(u)

925. The Employer Vice-Chairperson withdrew his group's amendments (A.86 and A.85) to insert a new point after point 19(u).

Point 19(v)

926. The Employer Vice-Chairperson introduced his group's amendment (A.84) to point 19(v). While the original amendment had been to delete point 19(v), the group wished to table a subamendment to replace the original text, to read "Follow through on the 2017 direction to develop a plan of action for resource mobilization to support projects around target 8.8 of the Sustainable Development Goals to protect labour rights with a focus on freedom of association and the effective recognition of the right of collective bargaining".

927. The Worker Vice-Chairperson proposed a subamendment replacing the word "direction" with "FPRW conclusions".

928. The Employer Vice-Chairperson suggested that a more correct wording would be "follow through on the 2017 FPRW resolution's direction to [...]".

929. The Government members of Belgium, speaking on behalf of the EU and its Member States, China, the United Kingdom and the United States supported the subamendment.

930. The amendment (A.84) was adopted as subamended.

931. The Government members of China and Mexico, speaking on behalf of GRULAC, withdrew their identical amendments (A.14 and A.186 respectively) to point 19(v), as they supported the wording provided by the previous amendment to that point.

932. Point 19(v) was adopted as amended.

933. Point 19 in its entirety was adopted as amended.

Adoption of the Committee's draft conclusions

934. The draft conclusions of the Committee on the third recurrent discussion on fundamental principles and rights at work were adopted in their entirety.

Consideration of the draft resolution

935. The Committee considered the text of the draft resolution that would operationalize its conclusions.

936. The Employer Vice-Chairperson proposed an amendment to the draft resolution to insert a comma after the words "for their attention" in point 3(b), followed by the words "including in the context of the Second World Summit for Social Development;".

- 937.** The Worker Vice-Chairperson supported that amendment, which replaced missing wording that had been in a previous draft.
- 938.** There was broad support for the amendment from the government benches.
- 939.** The draft resolution concerning the third recurrent discussion on fundamental principles and rights at work was adopted as amended.

► Record of Proceedings

7C

International Labour Conference – 112th Session, Geneva, 2024

Date: 8 July 2024

Plenary sitting: Outcome of the work of the Recurrent Discussion Committee on the Fundamental Principles and Rights at Work

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Friday, 14 June 2024, 11.25 a.m.

President: Mr Buzu

Outcome of the work of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work: Presentation and discussion

The President

We will now proceed with the presentation and discussion of the outcomes of the work of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work. The text of the proposed resolution, which contains the Committee's conclusions, can be found in [Record of Proceedings No. 7A](#). The report on the Committee's proceedings is contained in [Record of Proceedings No. 7B](#).

I am pleased to welcome the Officers of the Committee and its Reporter, namely: Ms Fuentes Julio (Chile), Chairperson; Mr Mackall (United States of America), Employer Vice-Chairperson; and Mr Norddahl (Iceland), Worker Vice-Chairperson; as well as Ms Angonemane Mvondo (Cameroon), Reporter.

I now give the floor to Ms Angonemane Mvondo, so that she may present to us the outcome of the Committee's work. The Officers of the Committee will then take the floor.

Ms Angonemane Mvondo

Reporter of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work
(Original French)

It is an honour for me to take the floor today to present to this august assembly the outcome of the work of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work. Please allow me at the outset to thank the Africa group and, above all, its coordinator, for having chosen my country, Cameroon, and myself for this role. May I express Cameroon's deep gratitude to them.

I would also like to thank Ms Fuentes Julio for the remarkable way in which she steered the work of the Committee. Thanks to her human qualities, particularly her sense of humour, she made sure that nobody in the Committee felt excluded from its work. Her passion to achieve results enabled us to achieve conclusions which we can all support.

I would also like to applaud the contribution of the two Vice-Chairpersons, Mr Mackall, Employer member from the United States of America, and Mr Norddahl, Worker member from Iceland. Their wisdom, experience and skills, and the efforts made by both them and their teams to find common ground, made it possible to resolve situations that seemed to be leading to an impasse and played a key role in the successful completion of our Committee's work. I would also like to thank all the members of the Government group. They demonstrated impressive teamwork and commitment.

I cannot conclude my words of thanks without expressing the Committee's gratitude to the members of the Secretariat of the International Labour Organization. A tremendous team, in particular the précis-writers, editors, translators and interpreters, who I thank for their important work and who have helped us in the difficult task of summarizing the discussions of the Committee and faithfully reporting on the proceedings, facilitating many important exchanges that took place within our Committee.

The Committee held 12 sittings, during which, from Monday to Wednesday, working until late at night, it considered more than 160 amendments. While the tentative plan of work only allowed for very few extensions beyond 9.30 p.m., the plenary sittings and the drafting group meetings finished before 10 p.m. only once, on Tuesday, 4 June. Despite these demanding working hours, the members of the Committee never tired in their work. Quite the contrary. They stayed at their posts, showing great diligence, following the work of the Committee and making individual contributions to the work of their group.

Our discussions were sometimes technical, long and complex, and sometimes sensitive, in view of the different perspectives held. Fortunately, the spirit of dialogue, respect and consensus shown by each delegate prevailed at every stage of our work and this was clearly driven by a shared sense of the importance of our task, namely that of promoting the fundamental principles and rights at work, both for each of us individually and for our societies as a whole.

My intention this morning is not to present a detailed report on the work of the Committee. That is the purpose of the report. I will therefore limit myself to emphasizing the profound spirit of collaboration, sacrifice and above all respect and mutual understanding that inspired all our deliberations, both on points of detail and on sensitive issues.

The message of hope coming from our conclusions is not something that occurred by chance. It reflects the capability of the tripartite spirit to achieve something remarkable, as well as the importance that the tripartite constituents give to respect for the fundamental principles and for human rights at work.

Our conclusions thus mark both a break from and a sense of continuity with preceding recurrent discussions, in view of the challenges we now face. A break, because the conclusions are focused on identifying underlying causes and have produced guidelines for the tripartite constituents. A sense of continuity, because the conclusions build a bridge between two world summits: the World Summit for Social Development held in Copenhagen in 1995, and the other, which is to be held next year. The set of conclusions we have developed thus provide a solid basis for the activities to promote the fundamental principles and rights at work that will be undertaken by the tripartite constituents over the coming years with the support provided to them by the Office.

We have all been enriched by this experience. We will leave with a clearer vision of the path ahead. I sincerely hope that you will return home inspired by our work and that we will all be able to work together in the future in order to move forward on the path we have just charted for ourselves.

Lastly, I would like to thank the Committee for giving me the opportunity to speak on its behalf and I invite the Conference to adopt the outcome of its work.

Mr Mackall

Employer Vice-Chairperson of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work

The Employers' group is pleased to present the proposed resolution and conclusions for adoption. We must first share, however, our gratitude to the Chairperson, Ms Fuentes Julio, for her inclusive and effective leadership and her continuing and timely sense of humour amidst the work; to my Worker counterpart, Mr Norddahl, my friend Magnus, for advocating strongly, but respectfully and constructively; to our Government colleagues, whose commitments were clear and who worked tirelessly to help resolve differences through consensus; and to the

Office, the Fundamental Principles and Rights at Work Branch, the technical team, and the interpreters, who ensured a smooth operation with little noise, which enabled us to focus on the work at hand. Finally, I would like to thank my Employer colleagues, whose work, commitment and support, even into the wee hours of the morning, provided the energy to see the discussions through to a successful close.

From the very opening of this session of the International Labour Conference, all parties acknowledged the importance of the outcome of this discussion. Presumably, the next recurrent discussion will not occur for another seven years. More critically, fundamental principles and rights at work (FPRW) are at the heart of the values and work of this house, and governments, employers and workers alike see them as enabling the conditions necessary for the full realization of the ILO's strategic objectives. In short, this outcome does matter. These principles are universally recognized human rights that are inseparable, indivisible, interrelated and mutually reinforcing. Applicable to workers and employers alike, they all stand on an equal footing, not in a hierarchy of value or causation.

Coming into the discussion, we all appeared to agree that, despite ongoing commitments to FPRW, tremendous work at the ILO and at the national level, and very significant progress since the last recurrent discussion in 2017, significant implementation gaps remained. Ratifying Conventions and pledging commitments to respect, promote and realize FPRW is one thing; implementing those commitments is something else. In our discussions, most constituents shared the view that paying greater attention to the root causes of implementation failures is crucial. There was broad recognition of the critical importance of developing the capacities of governments and social partners, of strengthening governance, of addressing the persistence of informality, and of supporting social dialogue. The Employers' group also argued that creating an enabling environment for sustainable enterprises is essential for ensuring inclusive growth and economic development, providing people with avenues into the formal economy and out of poverty, and promoting the full realization of FPRW. Finally, there was agreement that the ILO's actions should be focused on supporting constituents, especially governments.

We would like to draw particular attention to the call to address informality. Informality remains one of the major obstacles to progress in the respect, promotion and realization of FPRW. Informality impedes both workers and employers from fully benefiting from FPRW. Informal enterprises, particularly micro, small and medium-sized enterprises (MSMEs), are faced with low productivity and a lack of access to finance. Governments are directly affected by informality, as it translates into lower economic growth and development and is a critical barrier to a sustainable social protection system. The outcome document calls on States to "take necessary steps to reduce informality in line with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)".

We welcome the reaffirmation of the key role of sustainable enterprises. The conclusions fully align with the ILO Centenary Declaration for the Future of Work, which recognized sustainable enterprises as key generators of employment and promoters of innovation and decent work. An adequate enabling environment for sustainable enterprises encourages productivity growth, decent work and the promotion and respect of FPRW. This is especially true for MSMEs, which are the backbone of our economies. The conclusions strongly reaffirm the essential, mutually reinforcing link between sustainable enterprises and FPRW, and call for due attention and support to be given to MSMEs.

We also welcome the fact that the ILO's priority actions include enhancing the potential of the annual follow-up to the ILO Declaration on Fundamental Principles and Rights at

Work (1998), as amended in 2022; examining the nature, causes and consequences, and the social and economic impacts of FPRW deficits at the country and global levels; and undertaking research into the economic and social impacts of informality on the realization of FPRW. Moreover, we support the undertaking of research on best practices for the integration of FPRW into the business of MSMEs and newly formalized enterprises, including through greater synergies between the work on FPRW and the Sustaining Competitive and Responsible Enterprises (SCORE) programme.

As our Reporter said, I do not wish to go through the terms of the document in greater detail. I hope that you will all read it and take to heart and recognize how it has embraced the viewpoints expressed so forcefully by the constituents in the room. We are pleased to have reached an agreement that will guide the Office's work for the coming years. The conclusions specifically state that the Office should update its integrated strategy on FPRW to balance action across all five FPRW categories and address gaps in implementation, while ensuring that the ILO continues to be responsive to the needs of constituents.

Mr Norddahl

Worker Vice-Chairperson of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work

The recurrent discussion is an important one, where we address both our success and what we could have done better, whether as the ILO, as Governments or as social partners. This year we dedicated this Committee to the discussion of fundamental principles and rights at work. I will not deny that it has been a week of very intense and spirited debates, and frankly sometimes quite difficult ones. But at the end of the day, there was a collective will to reach consensus on the conclusions.

From the perspective of the Workers' group, we believe that the final conclusions are balanced. They set out a clear path for the work that we, as constituents, as well as the Office, need to do in order to realize fully the fundamental principles and rights at work for all workers of the world, irrespective of their employment relationship. The debates that we had acknowledge that the world is currently undergoing a number of transformations that are affecting the capacity of workers to build and to enjoy fully their fundamental rights: their rights against forced labour, child labour and discrimination, as well as their rights to freedom of association, collective bargaining and a safe and healthy working environment.

Allow me to recall a number of developments and challenges that grounded our discussions. First, the pervasiveness of the informal economy is posing a major challenge to the enjoyment of fundamental principles and rights at work. Around 60 per cent of the global workforce continues to make a living through informal work. These workers are often excluded from labour laws and associated protections and rights. Technological changes and the rise of the digital economy, and accompanying developments such as the rise of digital platforms and employment misclassification, are contributing to workers' insecurity and are threatening the enjoyment of workers' fundamental rights. These include the right to organize and to join a trade union, as well as the right to negotiate improvements to working conditions in collective agreements.

The prevalence of global supply chains is continuing to facilitate social dumping, as companies and countries compete on the basis of low wages, a lack of protection and low labour costs, with business accountability compromised through an attenuated chain of responsibility. The global trading system is further putting downward pressure on labour standards and is constraining the policy space of governments to regulate sufficiently in favour

of the adequate protection of labour rights. The world at work is, at the same time, affected by multiple crises, including armed conflict and disasters, as well as climate change. These trends are creating new and emerging risks, including in relation to occupational safety and health, such as heat stress.

Within our discussion, the constituents reaffirmed their commitment to protect, respect and realize the fundamental principles and rights at work. These principles and rights at work are the heart of all of our work. It was agreed that governments will engage in tripartite social dialogue and take action to consolidate the progress made, stop reversals and address regulatory and implementation gaps. They will also seize the momentum generated by the recognition of a safe and healthy working environment as a fundamental principle and right at work to strengthen national laws and practices on occupational safety and health. They will also take the necessary steps to reduce informality in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and they will effectively incorporate the fundamental principles into a just transition.

We moreover reached an agreement that the ILO's work in the coming years in relation to the principles will pay due attention to the ongoing challenges. This work will be focused on five thematic areas: informal economies; enterprises and supply chains; crisis and fragility; and the two new ones, just transition and the digital economy. The relevance of the ten fundamental Conventions, as well as of the Protocol of 2014 to the Forced Labour Convention, 1930, was reaffirmed. That being said, major ratification gaps remain; major violations of fundamental rights have been observed around the world; and the work of the Office must seek to address these gaps. We are pleased that, as a result of our discussions, the Office will intensify efforts for universal ratification of the core Conventions and a specific campaign will focus on those least ratified Conventions.

In this respect, I would like to emphasize that, given the recent recognition of occupational safety and health as a fundamental right, now is the time to seize the moment to advance ratification of the related Conventions.

We also look forward to the Office's promotion 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), which still have major ratification gaps compared to most other core Conventions. Major violations of these two Conventions have been observed, including this week by the Committee on the Application of Standards, and those violations call for effective responses from all countries. Freedom of association and collective bargaining are not only fundamental rights; they are also enabling rights, as has been confirmed time and time again. They allow for the enjoyment of all four other fundamental principles and rights at work, as well as the five strategic objectives of the ILO's Decent Work Agenda. The enabling character of these rights was well reflected in the discussion and in the conclusions, and the Governments agreed to pay particular attention to the enjoyment of these rights going forward.

Within our discussion, it was also evident that we need greater policy coherence, both at the national level and internationally, to enable the true enjoyment of the fundamental rights. We reached an agreement that the Office will make better use of the information gathered in the annual follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and will increase synergies among the ILO supervisory bodies, development cooperation, technical assistance and research, including by enhancing efforts to mainstream understanding of the functioning and outputs of the ILO supervisory mechanisms across the Organization.

We also reached an agreement to promote policy coherence, both internally within the ILO and internationally. Going forward, the Office will engage with a number of relevant initiatives and institutions internationally, including the World Trade Organization, to better promote adherence to the fundamental principles and rights at work.

I wish to conclude by emphasizing that realizing the fundamental principles and rights at work is a prerequisite for achieving social justice. Each of us, Governments, Employers, Workers and the Office, have important but different roles and responsibilities in this regard. These conclusions provide an important framework for defining the way forward for the constituents and for the ILO itself and, if implemented, will make a real difference to the lives of workers all around the world.

These conclusions would not have been reached without my dedicated team from the International Trade Union Confederation and the Bureau for Workers' Activities (ACTRAV), and definitely not without my Employer counterpart, Mr Mackall, a wordsmith and a pathfinder of solutions. Neither would they have been reached without our distinguished, elegant and resourceful Chairperson, Ms Fuentes Julio. Under her leadership, and with all the distinguished representatives of Governments representing all regions of the world, in its complexity and with its diverse cultures, we have shown that social dialogue works if we are dedicated enough to listen, to understand, to communicate with respect and to be true to those who have chosen us to protect and promote their interests on our path towards social justice and a peaceful world.

Ms Fuentes Julio

Chairperson of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work (Original Spanish)

I would like, once again, to thank all those who granted me the great honour of chairing the work of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work, a privilege that was even greater since I could count on the valuable support of the two Vice-Chairpersons, Mr Mackall and Mr Norddahl.

Mr Mackall impressed me with his great eloquence and elegant language, his great knowledge and his ability to find the right words to sum up accurately and concisely the ideas that were brought up during the discussions, as well as his skill in building bridges and bringing the different positions of the members together.

Mr Norddahl also impressed me, particularly with his passion for the defence of workers' rights, his great knowledge and his capability in defending the interests of his group, while not forgetting about other collective and shared interests. I would like to thank both of them and acknowledge their great skill as negotiators.

Over the last two weeks, I would have to say that the interaction between them steadily improved, and by the end I would even go so far as to say that they developed a kind of symbiosis in their work. The result is that they managed to bring together the positions that separated their respective groups and also build bridges towards the positions of the Governments. The Governments, I am proud to say, did not restrict themselves just to being the third group, but also displayed a lot of knowledge, capacity for compromise and skill in formulating and conceiving proposals. The Government group made essential contributions to the work of the drafting group and during the discussion of amendments.

I would therefore like, once again, to thank all of the groups. It was truly a great pleasure to chair the discussions and contribute to the achievement of a satisfactory outcome. I would also like to thank the members of the Secretariat who displayed excellent attitude, professionalism and determination in their work and always provided support when needed. Lastly, I would like to thank the Reporter for her efforts to ensure that the work done in our Committee has been accurately reflected. Ms Angonemane Mvondo was present not only at all of our sittings, but also at the drafting group meetings, which has meant that she has a complete overview of all our work and the progress we have made.

Allow me now to say a few words about the outcome of our Committee's work. I believe that we have achieved more than we initially expected. The conclusions stress that the fundamental principles and rights at work are more necessary and relevant than ever. They are key to human dignity, to the foundation of more just societies and to ensuring that economic and social progress advance together. They are also key to building more peaceful societies. This is vital at a time when international peace is so elusive. The conclusions reaffirm the enabling nature of the fundamental principles and rights at work in creating the conditions that are necessary for the realization of the ILO's strategic objectives.

In a context in which demographic, environmental and digital transitions, and the rise of artificial intelligence and related technologies, are transforming the world of work and creating new challenges and opportunities, it is clear that we need to pay renewed attention to the fundamental principles and rights at work and also to more robust policies and measures.

The conclusions emphasize that respect for the rule of law and democratic freedoms are prerequisites for the full realization of the fundamental principles and rights at work and that persistent inequalities, poverty and informality continue to be significant obstacles to the advancement of these principles and rights, as well as to the advancement of sustainable development and decent work.

Our Committee identified four areas on which governments should focus their attention as a priority, in consultation with representative organizations of employers and workers.

The first area of focus is strengthened governance in the labour market, since the adoption of laws on respect for fundamental principles and rights at work is essential, but not sufficient to make them a reality. Effective institutions and measures are also required to ensure compliance.

The second area is full respect for and promotion of freedom of association, trade union rights and social dialogue, including collective bargaining, in order to identify suitable, legitimate and lasting solutions to address the challenges and opportunities that may arise in a world of work that is experiencing profound transformation.

The third concerns the acceleration of measures that will facilitate transition from informality to formality and the creation of an enabling environment for sustainable enterprises, which are defined as those that respect the fundamental principles and rights at work.

The last area of focus is the promotion of equality of treatment and opportunities in employment and occupation, without any kind of discrimination and with full inclusion both in economic and social terms, and in terms of the rights of the most vulnerable groups.

Part III of the conclusions sets out a road map for the ILO, and the Office in particular, for supporting the constituents of the Organization in the adoption of suitable measures to make this vision a reality.

I would like to point out, in particular, that the Office is called on to update its integrated strategy on the fundamental principles and rights at work, using the momentum generated by the recognition of a safe and healthy work environment as the fifth fundamental principle and right at work. This update should ensure a balance between actions related to the five categories of fundamental principles and rights at work, while recognizing at the same time the particular significance of freedom of association and the effective recognition of the right to collective bargaining to achieving the four strategic objectives.

In this respect, the Office is called on to intensify efforts to promote the universal ratification of the fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930; to strengthen synergies among the ILO supervisory bodies, development cooperation, technical assistance and research; to continue to promote and carry out studies and develop statistical measurement tools and methodologies in order to collect qualitative and quantitative data, with an emphasis on those categories of fundamental principles and rights at work that have not received sufficient attention up till now; and to promote policy coherence in relation to the fundamental principles and rights at work at national level, as well as within the United Nations system and with multilateral organizations, development banks and international financial institutions.

I am very pleased that the Committee has established a link between its work and the preparations for the upcoming Second World Summit for Social Development. I believe that the principles of social justice, social dialogue and tripartism should be key pillars of the Summit.

In reading the Committee's outcome document, it occurs to me that our work over the past two weeks bears a close similarity with an experience that some of you may perhaps have had, in particular if you have had the opportunity to visit the Swiss Alps or the majestic Andes. Just like when you go hiking, in a Committee like ours, it is important to take things step by step but, at the same time, to keep up a steady rhythm and demonstrate perseverance. Even though the walker might not see the summit they are aiming to reach until it is only a few metres ahead of them, they keep going without losing focus until finally they get to the top and then they can look around at the impressive panorama of the landscape.

When we started looking at the amendments this week, I imagine that many of us felt something similar and at times the path was very difficult, but I think that all of us then felt the sense of happiness that overcomes you when you reach that summit, look back and realize the importance of our achievement.

In conclusion, I would once again like to thank all the members of the Committee and reiterate that it was a pride and a pleasure for me to take this journey with them.

The President

I now declare open the discussion on the outcome of the work of the Committee.

Mr Tomita

Government (Japan), speaking on behalf of the Asia and Pacific group

Japan is honoured to speak on behalf of the Asia and Pacific group (ASPAG). I wish to thank Ms Fuentes Julio for her leadership of the Committee. Despite the Committee having to address a range of broad, complex and challenging issues, an agreement was reached thanks to the tremendous constructive efforts of the tripartite constituents of this Committee, who worked tirelessly. I would like to express my gratitude to all those involved in the discussions. However,

we have to draw attention to the fact that some meetings lasted until midnight due to so many unexpected breaks. We believe there is much room for improvement. We request the Office to make more efforts to develop efficient working methods and provide stronger support to the Chairperson, so that we can try all the means available to make full use of time. We have to avoid late sittings.

Asia and the Pacific is home to roughly 60 per cent of the world's population. It includes both advanced economies and those with significant development challenges. Despite this diversity, we are united by our shared aspirations for the fundamental principles and rights at work (FPRW). Last week, on the sidelines of the Conference, ASPAG held our ministerial meeting. We acknowledge that promoting social justice is necessary at this time of immense social and environmental challenges. We strive to ensure decent working conditions, advance social justice and achieve the Sustainable Development Goals.

ASPAG recognizes that FPRW are crucial to achieving decent work. These principles and rights are inseparable, interconnected and mutually reinforcing. Therefore, all five categories of FPRW should be treated equally. To pay due attention to environmental change and keep up with the fast-changing pace of the world of work, it is vital that technical assistance is provided in line with national circumstances, taking into consideration the different economic development status and unique vulnerability of small island developing States and the least developed countries. Areas of particular importance include the impact of climate change, natural disasters and constraints on economic diversification. With these considerations in mind, we will continue to contribute to respecting, promoting and realizing FPRW.

Since the discussion on FPRW in 2017, our region has seen significant progress and many developments. We have witnessed many governments making efforts to ratify the Conventions, especially those regarding a safe and healthy working environment, which was elevated to a fifth category of FPRW in 2022. We welcome that change, especially because workers continue to be exposed to unsafe and unhealthy working environments and because new risks like heat stress and psychological risk have emerged. Also, we have conducted legal reforms and established policies and programmes to respect FPRW, in collaboration with international organizations and groups. For example, regarding child labour, the Office report *Fundamental principles and rights at work at a critical crossroads* pointed to progress in the Asia and the Pacific, showing a steady decline in child labour since 2008.

On the other hand, there are some challenges: informal employment often falls outside the scope of labour regulations, leaving millions of workers inadequately protected. We highlight the need to respond to developments and trends in the world of work, such as demographic shifts, digital transitions and climate change, in order to continue addressing issues related to FPRW. We would also point out that diverse and emerging forms of work create both opportunities and risks and can pose special challenges for fully realizing FPRW. Furthermore, we express concern about the lack of freedom of association and collective bargaining, which increases the vulnerability of those workers who are often most at risk of child labour, forced labour, discrimination and hazardous working conditions.

We welcome the great efforts of all tripartite constituents to adopt these conclusions at this Conference session. We also welcome the ILO's prioritization of five thematic priorities in relation to FPRW. We endorse the ILO's future actions to promote FPRW and are eager to see how the ILO will enhance its support for its Members to ensure social justice and decent work for everyone. With this statement, we support the Committee's resolution and conclusions.

Mr Mangongo

Government (Gabon), speaking on behalf of the Africa group
(Original French)

The Africa group would like to thank the Officers of the Committee for the work that has been achieved and the interpreters who have facilitated our discussions. The group also thanks the Employers' group, the Workers' group and all the Governments that participated in the work of the Committee for the efforts they made and which have led to the conclusions that are before the Conference for adoption. These conclusions will guide the actions of the ILO and the tripartite constituents for the years ahead.

The Africa group reaffirms the importance of the fundamental principles and rights at work (FPRW) in a world where inequalities are widening owing to a number of factors, such as poverty, informality, social and economic crises, conflict and geopolitical instability. We believe that by addressing these factors, which are obstacles to the application of FPRW, and by continuing to promote these fundamental principles and rights, we will be able to achieve greater social justice through the achievement of decent work.

Further, despite the inseparable, interrelated and mutually reinforcing nature of FPRW, the integrated policies and strategies to be applied at the regional and national levels should take into account the context and needs expressed by the tripartite constituents.

Our region is determined to consolidate FPRW at the continental level, including by eliminating gaps in respect of the five categories of FPRW. We would like to emphasize that, as regards discrimination in employment and occupation, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), defines the grounds for discrimination and emphasizes the importance of the national context for addressing this issue.

Accordingly, the Africa group recalls the need for the Office to take into account the specificities of each regional and national context, and the needs authentically expressed by the tripartite constituents in their different contexts when developing and implementing the next action plan, which it will submit to the Governing Body in November 2024.

In closing, the Africa group supports the adoption of the resolution before us.

Ms Renard

Government, Belgium (EU and its Member States)

I have the honour to speak on behalf of the European Union and its Member States. North Macedonia, Montenegro, Albania, Ukraine, Georgia, Iceland and Norway align themselves with this statement.

First and foremost, we warmly thank the Chairperson, Ms Fuentes Julio, for her able chairing and steering of the discussions. We are equally grateful to the Vice-Chairpersons, Mr Norddahl and Mr Mackall, for their passionate engagement in this Committee, as well as to our fellow Government representatives for their meticulous approach. We would like to thank the Secretariat for its tireless work over the last two weeks, as well as all ILO staff, and especially our interpreters and translators, for their excellent efforts in facilitating our work.

Since the last recurrent discussion on fundamental principles and rights at work in 2017, they have been threatened by unprecedented challenges, such as public health, economic and political crises. This accelerated the process of adding the fifth fundamental right, the right to a safe and healthy working environment, in 2022. The current context places fundamental principles and rights at work at heightened risk, and at the same time reaffirms their

importance. They have to guide us through the demographic, digital and environmental transitions that lie ahead and that are rapidly changing the world of work.

At the outset of these discussions, we stated our ambition for conclusions that would look beyond the walls of this house, and that would be a reference point, not only for tripartite constituents, but also for international and multistakeholder action, feeding into the momentum created by the launch of the Global Coalition for Social Justice, and contributing to the preparations of the upcoming Second World Summit for Social Development. It was therefore also our hope that there would be convergence on strong, future-oriented and inclusive language on non-discrimination. In the Committee's journey to consensus, we regret that these considerations were sometimes secondary, yet we welcome the emphasis placed on balance, clarity and improvement based on constructive tripartite dialogue. In particular, we welcome that this house has agreed to add just transitions and the digital economy as two new priority areas, in addition to the informal economy, situations of fragility and enterprises in supply chains. We believe that this will enable the Office to take up meaningful work for a better tomorrow. We are also happy that the conclusions give due attention to increasing the synergies between the ILO supervisory bodies and ILO assistance to its constituents, as well as to policy coherence at all levels, and that they highlight the ILO's role in the multilateral system.

The EU and its Member States look forward to further collaboration with the ILO on informed policies based on its excellent research and expertise. We would like to ask the Office, and subsequently all constituents, to reflect on the working methods of Recurrent Discussion Committees. We trust that there are ways to work more efficiently, while fully respecting everyone's role and input. We bring many people together here for two full weeks and should make the most of their time and experience.

Finally, all of us in this room, as ILO constituents, are accountable for making fundamental principles and rights at work a reality for all. We hope that the adoption of these conclusions in the plenary serves to underscore the crucial importance of promoting, respecting and realizing fundamental principles and rights at work, now, more than ever, and consequently enhance progress under the Sustainable Development Goals. We look forward to continuing our joint work in following up on the conclusions.

Mr Oñate Vera
Worker (Mexico)
(Original Spanish)

We have concluded a recurrent discussion full of many challenges and difficulties. Many hours of work have allowed us to reach conclusions that will enable us to continue building a future of respect for and protection of the rights of all workers around the world.

For the Latin American region, talking about fundamental principles and rights is a very significant matter, with the region being one full of challenges and opportunities, where we see progress in some countries, but threats and exclusions in others. Therefore, the role that governments play in committing to the respect, promotion and achievement of fundamental principles and rights is vital.

The cornerstone of, or, as we would say in the aviation industry, the engines that move the aeroplane of, fundamental principles and rights are freedom of association and collective bargaining. These rights make it possible to guarantee that workers have representation that allows them to defend and fully realize their rights, along with social justice and the promotion of social dialogue.

Promoting gender equality in terms of remuneration and participation in the labour market, respect for and defence of people who belong to one or more vulnerable groups and effectively addressing issues of poverty, insecurity and inequalities are some of the points that were focused on and are ones that we must continue to pay attention to in order to respect all these fundamental rights. With the inclusion of occupational safety and health, there are new opportunities for all workers to have a safe and healthy working environment.

Challenges are arising in the world of work, including artificial intelligence and digitalization. Therefore, it is important for us to have all the elements that will make it possible to understand and face the coming challenges, while always, always, keeping human beings in the forefront and, thereby, guaranteeing respect for their rights. There are still many tasks to be done, which is why it is important to have the support of all those who participate in the world of work: the ILO, Governments, Employers and, of course, us Workers. If we understand that fundamental principles and rights are and will always be the vehicle, we will be on the right track to build a new social contract in favour of everyone around the world.

Ms Jantjies
Employer (South Africa)

One of the most pervasive challenges to economic development and the advancement of fundamental principles and rights at work (FPRW) is the persistence of the informal economy. While informality worldwide is estimated at 60 per cent of the workforce, in the region where I am from nearly 83 per cent work in the informal economy, according to ILO statistics.

Not only does informality affect the workforce, but it also affects the productivity of businesses and impacts society as a whole. Hence, to advance FPRW, we need to promote the transition to the formal economy, following the recommendations found in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and we call on all governments to ensure an enabling environment to promote it. Nevertheless, FPRW cannot be advanced around the world without addressing the common economic root causes, especially through practical, demand-driven policy solutions.

Therefore, we call on all Member States to ensure the implementation of effective policies and reforms to promote the transition to a formal economy, which is a win-win for all constituents. As an essential actor in this process, with a distinct role as the legitimate representative of the business community, we have a clear commitment to improving economies and work around the world, for which we call on the ILO to support all its constituents in transitioning towards formalization as a precondition to upholding FPRW in line with the ILO. The transition from the informal economy to the formal economy is paramount to this discussion, and we are quite pleased that the conclusions reinforce the need to give continuous attention to informality in order to advance the realization of FPRW.

Ms Moreau Avila
Worker (France)
(Original French)

It was particularly important for us that the Committee should reach conclusions, given the serious nature of the findings set out in the report *Fundamental principles and rights at work at a critical crossroads*, including the increase in child labour and the fact that the rights to collective bargaining and freedom of association are being called into question in many countries. It was therefore important to recall some of the gains made by the ILO, which must be maintained in order to guarantee and uphold social justice. The conclusions reached by the

Committee reiterate the particular importance of freedom of association and the right to collective bargaining in achieving the ILO's strategic objectives.

It was also essential that the conclusions should guide the actions of the ILO, to ensure that the Organization remains relevant for all workers, and especially young people. The ILO must address new challenges which, if not duly taken into account, will affect the labour rights of new generations. This is why it was so important to set the two new thematic priorities of just transition and the digital economy.

Respect for the fundamental principles and rights at work is key to ensuring that the exacerbation of climate change, the development of platform work and the growing use of artificial intelligence and algorithmic management do not lead to forms of work that are not decent. It was also important to reiterate that combating all forms of discrimination remains a priority for the ILO. Lastly, I believe that it is particularly important to ensure that the plan of action to be prepared by the Director-General to give effect to the conclusions does not overlook supply chains. It will be essential to develop and support legislation on due diligence, and to rethink globalization so that it is, at last, fair to workers.

Mr Díaz Mirón Salcedo

Employer (Mexico)

(Original Spanish)

The fundamental principles and rights at work include the means to obtaining progress and the ends we all wish to achieve. We have shown that symmetry in social dialogue is essential for reinforcing the link between the fundamental principles and rights at work, the pillars of decent work and the 2030 Agenda for Sustainable Development. In achieving our objectives, a discourse of acceptance implies that we have gathered around the negotiating table and demonstrated the strength of the relationship that we have. Today, we have managed to reach an agreement because of our common ground, despite our differences. After two weeks, I think I can safely say that guaranteeing the means and achieving the ends of the fundamental principles and rights at work would not be possible if we were not all fully participating. As Employers, I think it is right to acknowledge our social partners in achieving this excellent outcome. To find a viable solution to our problems, we must work together. Finally, in order to accomplish our goals, we must also focus on the resources needed to achieve them. Establishing an enabling environment for sustainable enterprises is vital for all our efforts, because we will never get to where we want to go or where we have to be without the means to get there. To achieve this, you can rely on our support.

Mr Dimitrov

Worker (Bulgaria)

I will briefly address two issues that we have included in our conclusions in this Committee: one is supply chains, including global supply chains, and the second one is inequalities, or tackling inequalities. As stated in point 11 of the conclusions, failures to protect and respect the fundamental principles and rights at work (FPRW) continue to be observed within supply chains. In point 19(b), we reaffirm that enterprises and supply chains are among the five thematic priorities on which the Office should focus in updating its integrated strategy on FPRW, while taking into account and building on the ILO strategy on decent work in supply chains (2023–27), adopted by our Governing Body.

Governments, in consultation with the social partners, should ensure the compliance of business practices with FPRW within global supply chains, including mandatory due diligence

legislation, in line with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022. We also call on the ILO to promote policy coherence on FPRW in ongoing international efforts to regulate, in international human rights law, the activities of multinational enterprises and other businesses.

Also, to ensure that governments will meaningfully tackle poverty, insecurity and inequalities, which are major drivers of FPRW deficits, as stated in point 17(q), we need to ensure the effective recognition of collective bargaining and require living wages to be set through such bargaining, taking into account the needs of workers and their families, and calculated for the work performed during normal hours of work, excluding overtime, in accordance with the ILO's principles on estimating living wages, as agreed by the Governing Body on a tripartite basis at its 350th Session.

Ms Nagasawa **Employer (Japan)**

Employers fully support the fundamental principles and rights at work (FPRW) as universal human rights which apply to workers and employers alike. The ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022 (Social Justice Declaration), constitute the international framework to promote, respect and realize FPRW. They are as relevant and as important as ever.

During the discussions, we agreed that substantial progress has been made, but significant gaps in the implementation of FPRW still remain. Sustainable enterprises that create decent jobs play a key role in tackling these gaps and challenges. In particular, micro, small and medium-sized enterprises need support to understand and integrate respect for FPRW into their businesses. They are the backbone of any economy by creating decent jobs and enabling productive and freely chosen employment. They are essential for the realization of FPRW. This reflects the clear interdependency between sustainable enterprises, economic and social development and the advancement of FPRW.

As you recall, many ministers from different regions who spoke at the inaugural forum of the Global Coalition for Social Justice emphasized the importance of an enabling environment for sustainable enterprises to achieving social justice for all. Therefore, an enabling environment for sustainable enterprises to promote decent work is a precondition to implement FPRW and to achieve concrete and effective outcomes on the ground, noting that business activity, investment and innovation are major drivers of productivity, inclusive growth and job creation. The Social Justice Declaration and the resolution concerning the second recurrent discussion on fundamental principles and rights at work (2017) both acknowledged the indispensable role of sustainable enterprises, and the Employers are very pleased to have achieved the reinforcement of this key role in the conclusions of this third recurrent discussion.

Resolution and conclusions concerning the third recurrent discussion on fundamental principles and rights at work

The President

There being no further speakers, we will now proceed with the adoption of the proposed resolution concerning the third recurrent discussion on fundamental principles and rights at work, which contains the Committee's conclusions, the text of which can be found in Record of Proceedings No. 7A.

If there are no objections, may I take it that the Conference adopts, as a whole, the proposed resolution and the conclusions contained therein?

(The resolution and conclusions are adopted.)

I would like to extend my warmest thanks and congratulations to the members and Officers of the Committee for their tireless work. I would also like to thank the Secretariat for its support. Good job, and congratulations to them all.

(The Conference adjourned at 12.30 p.m.)



► Record of Proceedings

8A

International Labour Conference – 112th Session, Geneva, 2024

Date: 13 June 2024

Outcome of the General Discussion Committee on Decent Work and the care economy

Proposed resolution and conclusions submitted to the Conference
for adoption

This Record of Proceedings contains the text of the proposed resolution and conclusions submitted by the Committee to the Conference for adoption.

The Report of the Committee on its proceedings will be published in Record of Proceedings No. 8B after the closure of the session.

► Resolution concerning decent work and the care economy

The General Conference of the International Labour Organization, meeting in Geneva at its 112th Session, 2024,

Having undertaken a general discussion on decent work and the care economy, and duly taking into account the ILO Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019), to pursue decent work in the care economy,

1. Adopts the following conclusions;
2. Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them;
3. Requests the Director-General to:
 - (a) prepare a plan of action on decent work and the care economy to give effect to the conclusions, for consideration of the Governing Body at its 352nd Session (October-November 2024);
 - (b) communicate the conclusions to relevant international and regional organizations;
 - (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extra-budgetary resources;
 - (d) keep the Governing Body informed of their implementation.

► Conclusions concerning decent work and the care economy

I. Context - decent work and the care economy: an urgent need for action

1. Care is central to human, social, economic and environmental well-being, and sustainable development. Care work, paid and unpaid, is essential to all other work. A well-functioning and robust care economy contributes to a healthier present and future workforce, creates jobs, supports businesses and enhances productivity. Transformative change in the world of work, driven by technological innovations, demographic shifts and environmental and climate change, affect the demand for and supply of, as well as access to, care.
2. A well-functioning and robust care economy is critical for building resilience to crises, including pandemics, and brain drain, and for achieving gender equality and inclusion, and addressing other inequalities, promoting economic and social development, a human-centred approach to the future of work, just transition and social justice. The care economy is fast-growing and creates and enables employment opportunities.
3. Women make up the majority of paid and unpaid care work throughout the world.
4. The COVID-19 pandemic emphasized the importance of the care economy and shed light on gaps in public policies. The pandemic exacerbated the disproportionate share of unpaid care work provided by women and girls, and the pre-existing decent work deficits of care workers, including long working hours and occupational health and safety risks – such as exposure to

violence and harassment, including gender-based violence and harassment – and severe staff and skill shortages.

5. The care workforce is heterogeneous. While care work is highly demanding and often requires high levels of skills and specialized knowledge, skills are not always fully recognized and valued accordingly. While some care workers are highly skilled and well-paid, many, including migrant and domestic workers, remain in the informal economy, low-paid and excluded, by law or in practice, from protections, including social and labour protection. Community health and care workers, often not recognized as workers, are also without such protection. Migrant workers, many of whom are women, often are not able to exercise fully the same rights as other workers. Further challenges to decent work and the care economy include strong ethnic, racial and gender-based occupational segregation, and undervaluation of care work. Women, especially those in vulnerable situations, provide an unequal share of unpaid care, which creates structural barriers to their participation, retention and progression in the labour force.
6. The fast pace of society ageing in some parts of the world brings more care burden, which intensifies the gaps in the demand for, supply of and access to care, and at the same time high quality services are more needed than ever before.
7. The International Labour Organization (ILO) plays a leadership role in promoting decent work in the care economy, based on a life-course approach to care, embracing the 5R Framework for Decent Care Work (recognition, reduction and redistribution of unpaid care and reward and representation of care workers). Some governments have made progress on the ratification of care-related and other relevant international labour conventions and have implemented integrated approaches to care policies. Employers and workers, through social dialogue, as well as employer-led initiatives, have led to the introduction of some family-friendly workplace policies and working arrangements to help improve the work-life balance of individuals while balancing care responsibilities. Care workers are increasingly organized. These efforts represent progress towards transforming the unequal division of care work between men and women into a more equal organization of care, promoting social co-responsibility among the State, the private sector, families, the social and solidarity economy (SSE) and the community.
8. However, significant gaps remain in public awareness, legislation, policies, funding and implementation. Urgent action is needed to ensure decent work in the care economy and promote decent work by ensuring access to care for all.

II. A common understanding of the care economy

9. The care economy comprises care work, both paid and unpaid, and direct and indirect care, its provision within and outside the household, as well as the people who provide and receive care and the employers and institutions that offer care. Care work consists of, among others, activities and relations that pursue sustainability and quality of life; nurture human capabilities; foster agency, autonomy and dignity; develop the opportunities and resilience of those who provide and receive care; address the diverse needs of individuals across different life stages; and meet the physical, psychological, cognitive, mental health and developmental needs for care and support of people including children, adolescents, youth, adults, older persons, persons with disabilities and all caregivers.
10. Care work is provided through the public sector and the private sector, including Micro, Small and Medium Enterprises (MSMEs). It is also provided by the non-profit sector, the SSE and households. Paid care work spans diverse occupations and sectors. The care economy, spanning formality and informality, includes, but may not be limited to, the activities of workers in education, early childhood care and education, and the health and social sectors, of

domestic workers and of individuals who perform unpaid care work. There is currently no internationally agreed statistical definition of care work and such a definition should be developed to promote harmonization and consistency of data on care, including in all applicable sub-sectors.

11. Direct care work refers to personal care activities that are relational, while indirect care work comprises activities that enable well-being in the absence of direct personal contact, such as cleaning and cooking.
12. Unpaid care work, often provided by the family and social network of care recipients, is of great value for care recipients, care providers and society. This care, which should be more equally shared between men and women, complements and supplements, but cannot replace paid care work.
13. The current social organization of care, that is who provides care and who accesses care, places a disproportionate share of unpaid care work on women, which hinders women's economic inclusion and effective labour market participation, widening gender gaps in the world of work, and leaves many without adequate access to social protection. The burden of paid and unpaid care work on women can be largely dependent on race, ethnicity, socio-economic conditions and place of origin.
14. The care economy comprises policies and regulatory frameworks, services, infrastructure, institutions, financing mechanisms, and social norms that influence and govern the provision and receipt of care and support throughout the life-course.

III. Guiding principles

15. In pursuing integrated, comprehensive and holistic policies and approaches for decent work and the care economy, Members should take into account the following principles.
16. Just as labour is not a commodity, labour in the care economy is not a commodity. All people should be able to provide and receive care, including self-care.
17. All care workers should enjoy decent work. Decent work for care workers contributes to quality care, recruitment and retention of workers, and promotion of gender equality, counteracts the shortage of workers and builds resilient societies and economies.
18. All Members have an obligation to respect, promote and realize the fundamental principles and rights at work in respect of care workers, namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment.
19. Ratification and implementation of the international labour standards relevant to the care economy are central to a rights-based approach to care.
20. Provision of, access to and receipt of care should be based on the principles of non-discrimination, solidarity, sustainability, equity, universality, and social co-responsibility.
21. Investing in the care economy promotes quality care and decent job creation, and can lead to enhanced human capabilities, productivity growth, quality education, improved health and well-being and gender equality, as well as decent work and stronger female participation in the labour market, and enables the transition to the formal economy.
22. The 5R Framework for Decent Care Work guides integrated and coherent strategies to achieve decent work in the care economy. Unpaid care work should be recognized, reduced and

redistributed. Paid care work should be rewarded through adequate remuneration including in accordance with the principle of equal pay for work of equal value, and effective labour and social protection.

23. Achieving decent work includes the adoption and effective implementation of well-designed care leave policies and services. This enables:
 - (a) workers with family responsibilities to enter, remain in and progress in the labour force, without discrimination;
 - (b) better work-life balance, and a more equal sharing of care responsibilities between men and women;
 - (c) productivity growth through maintaining the health and well-being of the workforce;
 - (d) addressing disadvantages faced by people with high care or support needs, as well as those faced by people providing unpaid care or support;
 - (e) addressing inequitable access to care and support services, including for workers in the informal economy.
24. The State has a primary responsibility for care provision, funding, regulation and ensuring high standards of quality, safety and health for care workers and care recipients. This includes the allocation of the necessary resources and the adoption and maintenance of a robust policy and regulatory framework.
25. Public-private partnerships that leverage the strengths of both public and private sectors can help scale quality care services without overburdening either side, fostering a more sustainable care ecosystem.
26. Public and private enterprises, cooperatives and other SSE entities, play a role in the provision of quality care, investment in sustainable and modern care infrastructure, and provision of training and employment opportunities.
27. Community-based care provision, including through partnership with indigenous and tribal peoples where applicable, can assist in meeting local needs.
28. Collecting data disaggregated by all forms of care work and measuring the scope and value of unpaid care are critical to understanding the care economy and informing policy design. These data should be disaggregated by income, sex, age, race, ethnic origin, migration status, disability, geographical location and other relevant characteristics, in line with national context.
29. Coordination across levels and sectors of government, taking a whole-of-government approach, fosters coherent, effective and integrated approaches to care.

IV. Advancing decent work in the care economy

30. Taking into account the above principles, governments, employers' and workers' Organizations, as appropriate to their spheres of responsibility, with support from the ILO, should:
 - (a) design and implement integrated and coherent care policies and systems for decent work and gender equality. These policies should contribute to a rights-based approach for care and be grounded in international labour standards and social dialogue. The 5R Framework for Decent Care Work provides valuable guidance in this regard;

- (b) mainstream care into relevant public policies, including employment, skills, macroeconomic, social and labour protection, migration and environmental policies, while ensuring adequate public financing and coordination taking into account national circumstances;
- (c) promote employment and macroeconomic policies that create decent jobs in the care economy, including through the formalization of informal care jobs and enterprises, and the prevention of informalization of formal ones, and ensure sufficient fiscal space;
- (d) promote active labour market policies, education and training, upskilling and re-skilling, skills recognition and skills certification within and, where appropriate, across national borders, openness to learning and access to lifelong learning opportunities, in line with technological developments, to promote career development and attract and retain a skilled care workforce;
- (e) address the undervaluation of care work, including by raising public awareness about the social and economic value of care work;
- (f) address the unequal gender distribution of paid and unpaid work, and promote women's economic inclusion and autonomy beyond caregiving, including by changing social norms and gender stereotypes around caregiving roles;
- (g) ensure appropriate responses to the needs of all workers with care responsibilities by ensuring comprehensive maternity protection and care leave and protection policies, including paternity, parental leave and long-term care leave;
- (h) strengthen policies and measures facilitating work-life balance, paid work and care responsibilities. This includes measures related to the organization, time and location of work, and other terms and conditions of employment;
- (i) build and maintain universal social protection systems that provide adequate protection to care workers in all types of employment and recognize unpaid care work, including through care credits in social insurance;
- (j) create an enabling environment for sustainable enterprises and develop a conducive environment for SSE entities, including gender-responsive policies that promote productivity, investment in education and skills development, and enhanced access to business opportunities, formalization and finance;
- (k) invest in and make available high-quality, affordable, adequate and accessible care services, including childcare, health care and long-term care for all workers, including for workers in the informal economy, enabling their transition to the formal economy;
- (l) ensure measures consider culturally appropriate services and workforce considerations for indigenous and tribal peoples, including the development of community-based approaches;
- (m) enhance the availability of assistance and support services for persons with disabilities to promote individual autonomy and independence, including by taking a disability-inclusive approach to increase access to employment opportunities;
- (n) prevent and address all forms of discrimination against care workers, with particular attention to women, migrant workers, racialized groups and persons in situations of vulnerability;
- (o) ensure effective access to labour protection and social security, including through labour inspection, for all care workers, in all types of employment, especially to those most at risk

of insufficient or inadequate protection such as domestic workers, migrant workers or community health and care workers;

- (p) design and implement policies and strategies to achieve: maximum limits on working time, occupational safety and health, including preventing and addressing violence and harassment, including gender-based violence and harassment, and adequate minimum wages whether statutory or negotiated. Public sector care providers should lead by example in this regard;
- (q) monitor the impacts of climate change and technological change on care, including unpaid care work, and consider care issues in relation to emerging labour market governance issues and climate change adaptation and mitigation policies and actions;
- (r) support MSMEs and SSE entities, including cooperatives and other community-led initiatives, that deliver quality care services, including through capacity-building, skills development and access to finance;
- (s) collect and disseminate data on unpaid and paid care work, in line with existing international statistical standards and with international statistical standards that will be developed to provide an evidence base for policy-making;
- (t) promote the voice and representation of, and consult with, care worker organizations, including those of domestic workers, community health and care workers, and migrant workers, organizations of employers of care workers and unpaid family carers, where these exist;
- (u) Support multilateral initiatives such as the Equal Pay International Coalition (EPIC).

V. The Role of the International Labour Organization

- 31.** In line with the principles and priorities set out in these conclusions, the Organization, in consultation with constituents should further develop its comprehensive work on the care economy across its strategic objectives and direct its efforts to:
- (a) promote the ratification and implementation of international labour standards relevant to the care economy, including all fundamental Conventions;
 - (b) prepare research to be discussed by a tripartite meeting, to be determined by the Governing Body at the earliest date possible, so as to enable the Organization to assess whether there are gaps in the ILO's body of international labour standards related to paternity and parental protection, and other care leave (for sick or critically-ill family members, older persons or persons with disabilities) and, if so, what normative and/or non-normative actions could be appropriate;
 - (c) support the development of internationally-agreed statistical standards as the basis for the collection of detailed, comparable and harmonized data on the care economy, taking into account all relevant unpaid and paid care work, for discussion at the 22nd International Conference of Labour Statisticians in 2028;
 - (d) provide technical support and policy guidance, including through Decent Work Country Programmes, for the development of national care policies and systems that ensure universal access to care, promote professionalization and formalization of care jobs, and the highest attainable standards of quality, safety and health for care workers and care recipients, guided by the 5R Framework for Decent Care Work;

- (e) provide technical assistance to promote the effective protection of migrant care workers; domestic workers; community health and care workers; workers in cooperatives and other SSE entities; care workers in the informal economy; and workers with family responsibilities;
- (f) promote policies and legislation for care and support services for those with physical and mental illnesses, persons living with HIV and persons with disabilities, with the participation of persons from the groups concerned;
- (g) enhance further its expertise on the care economy through strengthened research and improved dissemination and communication on decent work and the care economy in economies at different levels of development, including by providing regular trends and analyses, coverage gaps and public investments in care and their impacts on gender equality, employment, pay, working conditions and social protection of care workers, including migrant workers, and the quality of care service provision;
- (h) research and publish information on challenges and opportunities in the introduction and use of technology in the care economy, including digital technologies and artificial intelligence, and its impact on working conditions;
- (i) provide ongoing support to countries for the measurement of both paid and unpaid care work, applying the latest international statistical standards and good measurement practices;
- (j) collect and share best practices, and conduct research on skills development that promotes career development and attracts and retains a skilled care workforce;
- (k) support constituents in ensuring sustainable and adequate financing for care, including through conducting socio-economic feasibility and costing studies, measuring financing gaps and exploring options to expand fiscal space, as well as the development of adequate pro-employment macroeconomic policies, both fiscal and monetary, in line with ILO instruments on employment policy and social protection;
- (l) provide, with the International Training Centre of the ILO in Turin, and in collaboration with other relevant training centres, as appropriate, technical capacity-building for the design, adequate financing, implementation and monitoring of inclusive policies for the care economy, including mainstreaming care into all other relevant policies;
- (m) reinforce the capacities of tripartite constituents to engage in the formulation, implementation and monitoring of national care policies, and strengthen all forms of social dialogue, including collective bargaining and tripartite cooperation. Encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions;
- (n) reinforce its global leadership role in advancing the care agenda at the global, regional and national levels by promoting, supporting and setting legal and statistical standards, ensuring policy coherence and inter-institutional cooperation on decent work and the care economy in the multilateral system;
- (o) continue to promote the Guidelines for a just transition towards environmentally sustainable economies and societies for all (2015), including in relation to the care economy;
- (p) leverage the Global Coalition for Social Justice and the UN Global Accelerator on Jobs and Social Protection for Just Transitions to strengthen partnerships with UN entities,

international financial institutions, international networks and research centres, and to create a South-South platform to promote decent care work;

- (q) ensure adequate resources towards its work on the care economy and integrate decent work and gender equality in the care economy into all relevant ILO development cooperation projects and activities to harness fully the care economy's potential to contribute to the Decent Work Agenda, the achievement of the Sustainable Development Goals and a just transition;
- (r) provide support to, particularly, small island developing States and least developed countries, in mitigating the risk of brain drain.

► Record of Proceedings

8B

International Labour Conference – 112th Session, Geneva, 2024

Date: 2 August 2024

Report of the General Discussion Committee on Decent Work and the Care Economy

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Introduction

1. The General Discussion Committee on Decent Work and the Care Economy was set up by the International Labour Conference at its first sitting on 3 June 2024 to deal with the sixth item on the agenda of its 112th Session.
2. The Committee elected its Officers and reporter as follows:

Chairperson: Mr Carlos Sorreta (Government member, Philippines) at its first sitting

Mr Colin Jordan (Government member, Barbados) at its seventh sitting, in replacement of Mr Sorreta

Vice-Chairpersons: Ms Sonya Janahi (Employer member, Bahrain) and
Ms Lily Chang (Worker member, Canada) at its first sitting

Reporter: Mr Alfredo Novales (Government member, Spain), at its third sitting

3. At its third sitting, the Committee appointed a drafting group composed of the following members to prepare and submit a set of draft conclusions for consideration by the Committee:

Government members: Ms N. Gasman Zylberman (Mexico), Mr J. Dale (United States of America), Mr A. M. Amar (Senegal), Mr S. Muperi (Zimbabwe), Ms L. Rankin (Australia), Mr M. Sarinanto (Indonesia), Mr N. Dumas (France), Ms L. Verschingel (Belgium)

Employer members: Ms S. Janahi (Bahrain), Ms L. Sephomolo (Lesotho), Ms N. Chenard (Congo-Brazzaville), Ms S. Mayers-Granville (Barbados), Mr J. R. Moya (Philippines), Ms L. Høj Larsen (Denmark), Mr D. Naumann (Germany), Mr D. Hamel (Canada)

Worker members: Ms L. Chang (Canada), Mr D. Moore (United States), Ms J. d. C. Britez (Argentina), Mr L. Vanderlinden (Belgium), Mr D. Joyce (Ireland), Ms C. Gonzalez (Australia), Ms J. B. Coronacion (Philippines), Ms B. Modise (South Africa)

4. The Committee held 12 sittings.
5. The Committee had before it Report VI, entitled *Decent work and the care economy*, and three points for discussion prepared by the International Labour Office.
6. The representative of the Secretary-General (Ms Celeste Drake, Deputy Director-General), presenting the Office report, said that the discussion on decent work and the care economy was critical, in light of the significant demographic, technological and environmental transitions taking place. The report highlighted the ongoing impacts of the COVID-19 pandemic and underscored the centrality of care work to societies and economies, while revealing weaknesses in working conditions and staffing in the care sector. The pandemic had particularly highlighted the substantial amount of unpaid care work done by women, which

impacted their labour market participation. The report presented statistics, highlighting that care jobs constituted 11.5 per cent of total global employment and that women accounted for two thirds of the care workforce. It also noted the increasing demand for care, with 2.3 billion people projected to need care by 2030.

7. The transformative potential of the care economy in achieving gender equality was emphasized in the ILO Centenary Declaration for the Future of Work (2019) (hereafter Centenary Declaration). The Declaration promoted equal opportunities, participation and treatment for women and men, advocating for better work-life balance and investment in the care sector. Investment in care was beneficial not only for enhancing care infrastructure and service resilience to shocks, such as pandemics, but also for improving the skills of care workers, creating decent jobs and addressing the unfair distribution of unpaid care work. Workers with family responsibilities could be supported to participate fully in the labour market, thus boosting productivity and promoting human rights and well-being for caregivers and care recipients alike.
8. The general discussion was intended to further elevate the care economy on global, regional and national policy agendas, contributing to the achievement of the United Nations Sustainable Development Goals (SDGs), particularly those related to poverty, health, gender equality, decent work and reduced inequalities. The three points for discussion, which would guide the Committee's deliberations, focused on forming a common understanding of the care economy, examining effective measures by constituents to promote decent work and gender equality in the care economy, and identifying gaps. The discussion would provide guidance on priorities for ILO, emphasizing the importance of social dialogue, multilateral coordination and partnerships to foster a resilient and well-functioning care economy.

General discussion

Opening statements and point for discussion 1

Given the diverse social, economic, and political contexts in which paid and unpaid care is provided and the highly heterogeneous nature of the care workforce, what are the critical aspects and components that constitute the care economy?

9. The Chairperson emphasized the urgency of addressing decent work challenges in the care economy, especially those highlighted by the impact of the COVID-19 pandemic, on unpaid and paid care work. The pandemic exposed severe issues, such as poor working conditions and gender inequalities in the care sector, while also highlighting the critical role of care work for the well-being of society and the economy. The Committee was invited to examine decent work and the care economy and propose conclusions to be adopted at the Conference's plenary session.
10. The Employer Vice-Chairperson said that the outcome of the Committee's work would be crucial to promote a robust and sustainable care economy, as a vital component of the global economy, which required the support of the private sector. A well-supported care economy was essential for a healthier, more productive and agile workforce, which would bolster enterprise competitiveness and innovation, resulting in more jobs and greater economic opportunities for businesses, thus enabling more individuals to remain productive in the workforce.
11. To deliver an outcome to the benefit of workers, employers and governments alike, the Committee's conclusions should focus on three pillars. First, the Committee should address

the global challenge of attracting and retaining skilled workers in the care sector to redress current labour shortages and skills mismatches. Policy measures to that end should include developing skills anticipation tools, promoting active labour market policies promoting public and private employment services, embedding innovation and digital transformation for service efficiencies, promoting all forms of social dialogue, including workplace cooperation, aligning the technical and vocational education and training systems with industry needs to bridge the skills gap and enhance care quality, and promoting pathways and opportunities for workers to move into more productive and sustainable sectors through cross-sectoral pathways.

12. Second, the Committee should emphasize the need to frame care as a societal issue rather than solely as a women's issue. Owing to its multifaceted nature, investing in the care economy required a whole-of-government approach; coordinated action would ensure coherent care policies. Women's economic inclusion should be promoted beyond caregiving; societal norms around caregiving roles must be changed to ensure a diverse workforce, inclusive of men, and recognize the contribution of the care economy to economic development. Those in the care economy should see it as a viable career with opportunities for growth. Trends of women in higher-paid and higher skilled care occupations should be documented globally and analysed for insights.
13. Third, the Committee should recognize the role of private care enterprises, services and agencies in complementing public services, reducing pressures on healthcare systems and driving innovation and quality improvements. The private sector contributed to job creation, income generation, enhanced entrepreneurship and providing diverse care options, which enhanced the overall effectiveness and responsiveness of the care economy. The private sector also invests in care infrastructure, ensuring sustainability, and quickly adapts to changing demographics and care needs. Additionally, they provide training and employment opportunities, addressing skill shortages in the care sector. Overall, private care services enhance the care economy's effectiveness, diversity, and responsiveness, promoting economic growth and innovation.
14. Turning to point for discussion 1, on critical aspects and components of the care economy, she underscored that a well-functioning, resilient and sustainable care economy, required recognition both of care workers and their employers. The private sector played an undeniable role in care provision and management, often in cooperation with governments. Public-private partnerships would heighten service efficiency and sustainability, and thus improve the quality of care for recipients and decent work for care workers.
15. The gender gap in the care economy must be redressed by increasing women's participation in the labour market and facilitating women's economic inclusion. Empowering women and supporting their transition from unpaid care work to entrepreneurship and formal employment are needed. An enabling environment for private care institutions was needed, including policies that promoted investment in education and skills development, enhanced access to business opportunities and finance, harnessed a flexible business environment, enhanced access to finance and venture capital, increased access to markets, fostered productivity and entrepreneurial activities, and support for social protection systems. Such an environment would facilitate the formalization of care work and support workforce participation for those with caregiving responsibilities.
16. Upskilling and reskilling in the care sector were crucial to bridge workforce gaps and improve service delivery. The Committee's conclusions should include specific measures to promote skills development, lifelong learning, and the certification of care workers, to ensure a diversified skill set that blended technical competencies with core work skills.

17. The Worker Vice-Chairperson stated that the care economy was crucial for advancing decent work, gender equality, social justice, and sustainable development, and as such was a key priority for the Workers' group, which commended regional and international efforts to promote care as a human right, encompassing the rights to receive care, provide care and exercise self-care. The Global Day of Action for Care initiated by trade unions was now recognized by the United Nations international day. The human right to care should be universally recognized. Social dialogue, freedom of association, and collective bargaining were vital for securing decent work for care workers and expanding labour protections and paid leave entitlements.
18. Global gender and economic inequalities were rooted in injustice, including care systems that relied heavily on unpaid labour, predominantly undertaken by women. Despite women entering the paid workforce in great numbers over the recent decades, progress towards transforming care organization and meeting care needs had been slow. The lack of a common understanding of the care economy led to fragmented national policy responses, which in turn resulted in considerable gaps and challenges in the sector. Decades of austerity, underinvestment and privatization had resulted in hundreds of millions of working people lacking access to quality public care services and gender-responsive social protection, and not benefiting from care leave policies. Marginalized communities were disproportionately affected.
19. Care work was central to the health, welfare and well-being of societies, and to the sustainability of economies. No other work was possible without it. Care workers, despite being briefly championed during the pandemic, had not seen any improvements in their pay or working conditions. Increasing care needs, driven by demographic change, climate change and escalating conflicts, which were culminating in a global care crisis, required care to be recognized as a public good. Comprehensive public care systems, care leave policies, increased public financing, decent job creation, universal access to care services, and gender-responsive social protection would all be crucial to tackling that crisis. Decent job creation in care, including the formalization of informal care jobs, was a key demand of the workers' call for a New Social Contract. The provision and receipt of care should be based on solidarity, equity and universality, with States playing a leadership role in direct care provision, funding, regulation of care providers, and ensuring high standards of quality, safety, and health for care workers and care recipients.
20. Women shouldered a disproportionate burden of unpaid care work, with two thirds of such work globally performed by women, a situation which had barely improved over the past two decades. That imbalance in social organization had hindered women's opportunities in paid work, education and training, and had confined many to part-time, insecure or informal jobs, impacting their earnings and income security, and increasing their risk of poverty. The gendered division of labour shaped the organization, value and quality of care, which remained highly feminized: women accounted for over 70 per cent of the global care workforce. Paid care work was characterized by low pay, poor working conditions, lack of access to social protection and limited bargaining power. Persistent discriminatory social norms and stereotypes reinforced the notion that care work was inherently women's work and less valuable than other work, thus perpetuating occupational segregation and gender inequalities.
21. Addressing the interdependence of paid and unpaid care work and labour force participation required ensuring decent work and reinforcing international labour standards, including the fundamental principles and rights at work. The true social and economic value of care work must be recognized, shifting the perception of care work from a private responsibility to a

collective social responsibility, and recognizing care as a public good. Public investments in care should be viewed not simply as a cost, but as an investment in well-functioning societies and economies and in the future world of work. A rights-based approach to the care economy was crucial; the rights of care workers and care recipients were deeply intertwined. The 5R Framework for Decent Care Work (hereafter 5R Framework) (recognize, reduce, redistribute, reward and represent) should transform the way paid and unpaid care work were viewed and valued.

22. A common understanding of care work was needed. The role of social and solidarity economy entities in providing care in underserved communities must be recognized. When care needs were met by robust care systems, and those who provided care had access to decent work, everyone would benefit. With a vast number of unpaid carers excluded from the labour force due to care responsibilities, unpaid care accounting for around 9 per cent of global GDP, and a global care workforce of over 380 million, the time had come to reach a common tripartite understanding of the care economy and agree on a new way forward.
23. The Government member of Belgium, speaking on behalf of the European Union (EU) and its Member States,¹ said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Georgia and Norway aligned themselves with her statement. She underscored the critical role of the care economy in ensuring decent work, gender equality, and social justice. She commended the comprehensive Office report, which placed the care economy within the context of global megatrends such as demographic shifts, climate change, and technological developments. Access to high-quality, affordable care services, adequate training, skills development, lifelong learning, better working conditions, social protection, fair leave entitlements, and work-life balance for care workers were crucial for ensuring decent work in the care economy. Advancing gender equality and the equal sharing of care responsibilities were key to increasing women's participation in the labour market. The ILO had a unique normative role in promoting decent work in the care economy, and the EU and its Member States were ready to contribute to action-oriented conclusions to build resilient care systems.
24. Both paid and unpaid care work were crucial for human, social, and economic development. The value of care was key; access to affordable, good quality care services with equal sharing of unpaid care work between men and women, and improved working conditions in the care economy were particularly important. Gender-based segregation and challenging work conditions, inadequate remuneration, workplace violence and harassment, poor working conditions, undeclared work and lack of access to social protection were commonplace and complex problems in the care economy, which disproportionately affected women and migrant workers. Investing in decent work in the care economy would yield significant returns in human capital, productivity, well-being, gender equality, and formal labour market participation. Policies must be designed equitably, and must take account of all aspects of care workers' well-being; decent work and training opportunities were key to attracting and retaining workers, and creating conditions to uphold the rights of care workers and care recipients alike. Social dialogue, freedom of association and collective bargaining would be key.

¹ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments, members of the group or organization in question, who are members of the ILO and are attending the Conference.

25. The Government member of Barbados highlighted serious challenges within his country's care economy resulting from demographic shifts. An ageing population was placing significant strain on the social security system. Demand for care was driven by the increasing number of older people, higher female workforce participation, and a growing awareness of the needs of persons with disabilities. The supply of care services had been influenced by the creation of paid opportunities, improved training, and a reduction in stigma associated with care work. Broadening the scope of care work in Barbados had, however, given rise to challenges, including inadequate remuneration, high levels of work stress, and the need for better working conditions, social security and collective bargaining. The care economy had a crucial impact on the quality of life, economic productivity and well-being of current and future generations. It was integral to the nation's social and economic fabric.
26. The Government member of Japan said that care services encompassed a variety of recipients, including children, persons with disabilities and older persons. Japan's ageing population was impacting demand for care, particularly long-term care services, which had implications both for older and younger people, as a lack of care for the older population would result in younger persons needing to leave the labour market to care for their older family members. With the working-age population declining, more care workers were needed. The Government of Japan was taking measures in that regard, including raising caregivers' wages, reducing working hours, improving working conditions, and using technology where possible to replace some caregiving duties, improve productivity and reduce workload. The use of technology could thus improve the work environment and increase satisfaction at work.
27. The Government member of the United Kingdom of Great Britain and Northern Ireland emphasized the importance of transitioning towards sustainable economies. A resilient response framework was crucial to respond to challenges, as highlighted by the COVID-19 pandemic. The ILO's proposal to integrate care economy issues, beyond gender-specific issues, into its development cooperation projects, was welcome. Gender equality in the care economy must be improved, and the right to quality services promoted. An understanding of the care economy should include childcare, and various forms of paid and unpaid care, including for older persons and persons with disabilities. Relationships between unpaid and paid care work, gender equality and decent work must be strengthened. A transformative and disability-inclusive approach should be taken.
28. The Government member of Australia highlighted her Government's recent focus on care for older persons, disability support, veterans' care and early childhood education and care, areas which had been comparatively undervalued, having traditionally been provided by women as unpaid work. In Australia, paid care work was also predominantly done by women, including migrant workers. Care took place in diverse social contexts. In Aboriginal and Torres Straits languages there was no word for "disability"; impairment or illness was perceived as part of an individual's role or responsibility. As a result, First Nations people did not always perceive themselves as "carers". While care and support work, paid and unpaid, were the backbone of Australian society, workers in the care economy were experiencing low pay, insecure work, burnout, harassment and unsafe working conditions. Gender stereotypes contributed to an imbalance in care responsibilities in families which should be redressed. The Australian Government prioritized policies that supported families, and policy settings that did not entrench inequality.
29. The Government member of Norway stated that women's financial independence was fundamental for achieving gender equality and economic growth, and that the care economy played a vital role enabling women to work. Accessible childcare was essential for women's economic participation. Advances in Norway were the result of decades of progressive gender

equality policies, tripartite dialogue and leadership by the women's movement. Elements, such as affordable kindergartens, increased parental leave and paid breastfeeding breaks had resulted in a more equitable division of unpaid care work, as well as support for women's careers. Challenges persisted, however, such as women more being more likely to work part-time than men, which contributed to gender-based differences in pay, working conditions and career development. The care economy could be strengthened by recognizing, reducing, and redistributing unpaid care work through financial investment in care systems and infrastructure, countering gender-stereotypical educational and occupational choices, achieving a better gender balance in female-dominated sectors, and ensuring decent work for care workers. Freedom of association, social dialogue, and collective bargaining for care workers would be key to achieving that goal.

30. The Government member of Switzerland stated that the current shortage of health workers was a global problem, which had been exacerbated by the COVID-19 pandemic and had underscored the critical importance of nurses. More than 85 per cent of Switzerland's nurses were women. Many were leaving the profession, citing difficulties in balancing home and work life due to work schedules, such as night shifts, short-term deployment and last-minute changes in programming. The understanding of the care economy should encompass both paid and unpaid sectors, including domestic work, which, in Switzerland was often done by migrant women on temporary work and residence permits. A common definition of the care economy, covering all forms of care, was needed.
31. The Government member of Türkiye noted that care work affected everyone, either as recipients or providers. As care was the fastest-growing area of work globally, weaknesses in the care economy must be addressed. Entrenched gender roles and stereotypes meant that women had more responsibility for unpaid care work than men and were less likely to be engaged in paid employment. Those who were active in the labour market were often limited to part-time or informal employment. Thus, gender inequalities in unpaid care exacerbated gender pay gaps. Additionally, engagement in unpaid care activities that hindered women's advancement in the paid labour force significantly impacted their overall well-being. The COVID-19 pandemic had highlighted the significance of care work and exacerbated the burden of care for women. The burden and responsibilities of care work must therefore be redistributed. Migrant workers played a significant role in caring for older persons in many countries and should be taken into account when developing policies for the care economy. Investing in the care economy could enhance incomes, increase productivity, lead to more equitable economic recovery and growth and create decent jobs. A comprehensive and holistic approach was needed, engaging tripartite partners, representatives of carers and care recipients.
32. The Government member of Denmark, said that by investing in skills and professional development for care workers, high-quality care could be provided, better job opportunities created, and inclusive economic growth fostered. Decent work conditions, fair wages, and robust social protections must be ensured. Improved investment in care infrastructure and services was also needed, and young women should not be limited to caregiving responsibilities in their families. Rather, they should be given opportunities to advance their careers. The gender-segregated labour market must be addressed; segregation led to unequal opportunities. Policies were therefore needed to ensure equality, uphold equal pay, support parental leave for both parents, and promote family-friendly workplaces. The creation of inclusive workplaces that celebrated diversity was vital. Lastly, access to education and developmental opportunities would enable workers to succeed in an evolving world.

33. The Government member of Argentina said that in hearings before the Inter-American Court of Human Rights on the content of the right to care and its relation to other rights, his Government had stated the importance of care work, in particular for social and economic development and well-being. Social dialogue and collective bargaining played a key role in the defence of fundamental rights and had facilitated improvements in working conditions in Argentina, including: the extension of maternity and paternity leave periods; the creation of new leaves of absence for caregiving; the establishment of monetary compensation mechanisms for childcare expenses, and the provision of infrastructure for caregiving. The Government was also developing professional training and qualification systems that would improve both the quality of care services and workers' wages. Due to the cross-cutting and interdisciplinary nature of the care economy, the Committee should consider it in a coordinated and comprehensive manner in order to develop a common concept, analyse measures adopted for the proper functioning of the care economy, and identify priority actions for policy development to ensure that all people had access to quality care, and that care was provided with full respect for the rights of caregivers, of people to be cared for, and of those who wished to exercise self-care.
34. The Government member of Brazil said that care was a universal need and an essential activity for societies' and economies' well-being. Decent work in the care economy was crucial for achieving equal opportunities and equal pay for women and men in the world of work. Care was both a right and a public good, since it produced social and economic value that went beyond individual benefits. The current distribution and social organization of care was unfair, unequal, and unsustainable, with responsibility falling predominantly on (often disadvantaged) families and women. Lack of social co-responsibility and gender co-responsibility for care work overburdened women and compromised the enjoyment of their rights, contributing to the perpetuation of poverty and social inequality. Lack of legislative policies constituted structural discrimination, which prevented women, in particular women from minority groups, from participating in the labour market. Valuing care work (including domestic work), by tackling informality and creating public and legislative policies to correct highly feminized and racialized responsibility for care work, was essential for achieving egalitarian societies.
35. The Government member of the United States of America noted that care work was critical for the global economy, enabling full labour market participation by reassuring workers that the needs of their families and dependents were being met. Care work, particularly unpaid care work, was often undervalued, was a burden largely carried by women and girls. Care work often involved low wages, difficult working conditions difficult and exposure to violence and harassment. Flexible skills recognition and qualification frameworks could facilitate entry into care work, including for migrant workers. Informality was a challenge, especially for domestic workers, as it increased occupational safety and health risks, and left many without access to the basic labour and social protection. Freedom of association and collective bargaining could address current deficits in decent care work. Increased investment in the care economy could improve access to high-quality, affordable care, as well as enhancing care workers' skills, improving working conditions, increasing recruitment of men into the care workforce, addressing the unequal distribution of unpaid care work, and promoting work-life balance. Additional investment could also help reduce the inequalities associated with care work by improving societal perception of care work and care workers.
36. The Government member of Canada highlighted that addressing unpaid care work would contribute to achieving gender equality, economic growth and the SDGs, and was a priority for her Government. Most paid and unpaid care work in Canada was done by women, many of

whom were migrants and racialized. Despite the importance of their work, those care workers often remained invisible, underpaid and undervalued. The care economy's contribution to the economy and to society must be recognized, along with the challenges faced by care workers in accessing labour and social protection. A common, internationally agreed understanding of the care economy was needed. Canada's international assistance policy took a feminist approach to redressing the disproportionate care work done by women and girls around the world.

37. The Government member of China highlighted the fundamental importance of care work, stressing that the demand for care work correlated with the number of pre-school-aged children and older people in the population. As people lived longer, the number of older persons with disabilities was growing, and the demand for care was increasing. In the context of smaller families, family care capabilities have been reduced and demand had shifted to social care. That growth in demand for care was driving the development of the care economy. From the supply side, the care economy required the care service system to provide infrastructure, including childcare and long-term care. Decent work in the care service system would not only address the care needs of infants, young children, and older persons with care needs, but could also increase employment of women. Public investment in childcare services, and the use of social policies to ensure care of persons with disabilities and older persons should be increased. Efforts to strengthen the care economy could include policies on training of care providers, social security, and employment protection (such as maternity).
38. The Government member of Honduras noted that, with regard to the care economy, the Honduran social, economic and political context was similar to the overall context in Latin America. Care work was undervalued, unfair and unpaid, and, in some cases, discriminatory and without social protection. Challenges included a lack of statistics in the care economy. Steps were being taken to ratify the ILO Domestic Workers Convention, 2011 (No. 189).
39. The Government member of Philippines said that care workers from the Philippines provided care all over the world. The Committee must clearly define the scope of care work, establish which aspects of care work were paid and which were unpaid, and encourage the creation of policy spaces among Members for the ethical recruitment of migrant care workers, to be sustainably co-managed by care-provider and care-receiver countries. His Government had ratified ILO Convention No. 189 and incorporated it into national law in an effort to improve protection for workers engaged in domestic work by ensuring that, when locally hired, they were provided with protection at the place of employment and opportunities for decent and productive work.
40. The Government member of Namibia said that, in Namibia, care work was not necessarily considered to be work, but rather a family responsibility. The tendency to rely on women for childcare and eldercare meant that women struggled to access or advance in the labour market. The gender dimension of care was not acknowledged by policymakers, owing to a lack of data. While issues of childcare and specialized eldercare were not considered to be societal issues, demographic change meant that extended family "safety nets" for care were shrinking. Older people were often required to care for their grandchildren. Funding care services and ensuring that care work was decent work were crucial, especially since those who most needed care were those who could least afford it. A comprehensive understanding of the multifaceted nature of the care economy was essential, with consideration of issues related to how care was provided by families, employment, provision of social protection, and funding. The care economy crossed sectors, policy frameworks and budgets, with only some aspects of care work covered by collective bargaining.

41. The Government member of Côte d'Ivoire, affirming his Government's commitment to social justice, said that various initiatives had been undertaken to incorporate Côte d'Ivoire's commitments under international law, in particular on the right to work for persons with disabilities and on the provision of social protection for the most vulnerable, into domestic legislation. Steps had been taken in that regard to put decent work at the forefront of its development strategy, as a key aspect of guaranteeing the security, health and well-being of all.
42. The United Nations Special Rapporteur on Extreme Poverty and Human Rights commended the ILO for its report on decent work in the care economy. Unemployment and underemployment levels remained high, yet official figures did not account for those who left employment owing to circumstances beyond their control, including lack of childcare. Some 470 million people would be seeking jobs in developing countries by 2035. Yet there would not be a shortage of jobs. Meeting the care needs of the global population would require an additional 170 million jobs. The care economy must provide decent jobs. The COVID-19 pandemic had highlighted not only that care work was vital but also that it was often significantly underpaid.
43. The representative of the Office of the United Nations High Commissioner for Human Rights said that the COVID-19 pandemic had underscored the essential role of care and support systems. Care and support systems must be redesigned from a human rights perspective, to advance the rights of workers, whether paid or unpaid, and the recipients of care and support. Access to decent work and social protection for care workers should be guaranteed. Transformation must not, however, lead to increased institutionalized care. It must promote family unity, create residency pathways, address discrimination and strengthen protections for migrant workers. Care and support systems must be gender-responsive, disability-inclusive and age-sensitive. The value of care and support must be recognized, and unpaid care must be reduced and redistributed. Investment in care and support promoted a human rights economy that would enhance social well-being, equality and inclusion.
44. The representative of UN Women said that the time had come to recalibrate the approach to sustainable development to connect care work, gender equality, economic prosperity and social well-being. There were over 14 times as many working-age women as men outside the labour market, owing to unpaid care responsibilities. Care was central to the UN Women vision for social and economic transformation and its mandate of advancing the full realization of women's rights and opportunities. Care needs must be addressed through a life-course approach, from childhood to old age. The value of unpaid care work must be acknowledged, public investment in essential services and social protection must be enhanced, pay and working conditions for paid care work must be improved and the rights and contributions of caregivers and care recipients must be recognized. The partnership between UN Women and the ILO had been instrumental in bringing gender equality, the care economy and decent work to the forefront of the global agenda. Decent work for all women and a thriving care economy must not be mere aspirations.
45. The representative of the Economic Council for Latin America and the Caribbean (ECLAC) said that care was essential throughout the life course as a means of guaranteeing quality of life for all. Governments in the Latin American and Caribbean region had recognized care as essential work, and as a key sector for revitalizing economies, through the Buenos Aires Commitment, adopted in 2022. Population ageing, epidemics and climate change were likely to vastly increase the demand for care work. A care crisis must be averted by building a future in which care burdens were shared equitably, and time and resources were redistributed for a paradigm shift to a new, more egalitarian type of development and society. To do so, care

objectives must be incorporated into all public policies, including on employment, labour, health, social protection, the environment, and macroeconomic and fiscal policies.

46. The representative of the World Health Organization (WHO) said that the global care workforce had been exposed to decades of chronic underinvestment, which had hindered global progress towards gender equality. Evidence had shown that addressing such underinvestment could simultaneously strengthen health systems and women's economic empowerment, provided the care work was decent work. Governments could use the WHO Global Health and Care Worker Compact to inform policies and legislation to protect and support health and care workers. Partnerships should be built across sectors to facilitate dialogue, evidence and information sharing, and policy changes, all of which would enhance the value, recognition and impact of the care economy.
47. The representative of the International Cooperative Alliance said that community-based cooperatives were a unique and innovative model for the provision of care, which was rapidly increasing in popularity. They were resilient care providers, ensuring affordable, uninterrupted care services, with good quality working conditions for caregivers. Multistakeholder governance allowed cooperatives to take account of the interests of various parties and to raise finances from multiple sources. ILO constituents were invited to promote cooperative provision of care as a community-based solution to address care gaps.
48. The representative of UNI Global Union said that all care work must be decent work. Too often, home and community care workers were in the informal economy without access to social protection. Many did not receive adequate training and in many countries care workers were overworked owing to staff shortages. Lack of access to decent work hampered quality of care. To ensure decent work for all care workers, governments and employers must formalize all care work, provide comprehensive training and professional development activities, ensure safe staffing numbers and guarantee all care workers the right to join unions and engage in collective bargaining.
49. The representative of the International Domestic Workers' Federation said that decent work conditions were not being realized for domestic workers, the majority of whom were women; domestic work remained invisible to governments, employers and society as a whole, yet domestic workers accounted for 25 per cent of the global workforce. Domestic work, in all its forms, should be recognized, and effective public policies should be put in place to promote decent work, gender equality and sustainable development.
50. The representative of Public Services International said that as a childcare worker, she had endured long working hours, physically difficult work and low pay, as a migrant woman with no access to paid medical leave or holiday, no formal training and a constantly changing job description. Despite the increasing global demand for care, care workers' working conditions had not improved. A radical new approach to care was needed, which not only valued and supported the workforce but also delivered better quality of care for all, underpinned by gender equality. The public nature of care must be reclaimed, with the State being primarily responsible for good quality care services.
51. The representative of Make Mothers Matter said that women who were mothers suffered discrimination in accessing and advancing in the labour market. While the gender pay gap was largely due to motherhood, data in that regard was lacking. A statistical framework was therefore needed to measure, monitor and address the motherhood penalty. The links between unpaid and paid care work should be recognized, and a holistic approach should be taken to decent work. The time had come for a paradigm shift to a world of work that should adapt to workers with care responsibilities.

52. The representative of the Intercontinental Network for the Promotion of Social and Solidarity Economy said that the care economy must be advanced in a human rights framework, both for users and providers of care services. The social and solidarity economy provided good quality, affordable care that respected the rights of care workers, including in the transition from the informal to the formal economy. The Committee's conclusions should support the social and solidarity economy as a contributor to the care economy as a global public good.
53. The representative of the Institution of Occupational Safety and Health said that while care work, paid and unpaid, represented humanity and sustained communities and societies, care workers were commonly undervalued and overlooked. Many domestic and informal care workers did not have decent work and were excluded from social protection. Workers in care-related jobs were among the most vulnerable in society, with migrant and ethnic minority women disproportionately affected. Care work must be transformed, through sustainable investment in human capital and decent work in the care economy.
54. The Representative of StreetNet International, speaking also on behalf of HomeNet International, said that street-based and home-based workers around the world suffered from lack of access to care services. They must be recognized as workers and participants in social dialogue, allowed access to affordable childcare and eldercare facilities and given full maternity benefits. Social and solidarity economy and cooperatives for childcare and eldercare services should be recognized. All workers should have access to care, and should enjoy the rights to decent work and dignity.
55. The representative of International Young Christian Workers, also speaking on behalf of International Coordination of Young Christian Workers, said that care workers often faced poor working conditions, low wages and lack of recognition. Decent work was crucial for a thriving care economy. Fair compensation, safe working conditions and social protection should be afforded to all care givers. Greater public investment in care was required, along with its recognition as a public good.
56. The representative of Social and Solidarity Economy International Forum welcomed the fact that the Office report mentioned cooperatives among the community groups providing care. Social and solidarity economy enterprises and organizations had a key role to play in bridging gaps and contributing to a more resilient and better functioning care economy. When considering policies on and investment in the care economy, ILO constituents should take account of the role of the social and solidarity economy and cooperatives in care provision.
57. The representative of the International Catholic Migration Commission said that care was work and work was care. Care was a way of being, doing and existing that implied dignity, generosity, freedom and responsibility, inspired by concern for unity. In the world of work, caring should pay particular attention to migrants and refugees. The ILO 5R Framework was particularly welcome in that regard. Work that did not care and did not respect the dignity of workers could not be considered decent. Work that cared for and contributed to the restoration of human dignity would contribute to a sustainable future.
58. The Employer Vice-Chairperson said it was clear that there was common recognition that a well-functioning care economy would be to the benefit of all. The care economy required a holistic policy approach, which went beyond normative measures and spanned economic, social and fiscal policies. Decent work in the care economy did not only require a human rights-based approach; it required a principles-based approach, involving considerations for institutions and their roles, economic incentives and development. Care as a human right would require a universally agreed definition of care. The Employers' group would prefer not to enter into a discussion on that topic, since it would require an in-depth mapping of the care

economy as a whole, which was complex and cross-sectoral. Care as a human right should therefore not be addressed in the Committee's conclusions. Collective bargaining was not necessarily the best tool to address bottlenecks or gaps in the labour market. Collective bargaining required a formal employment relationship, which was not in place for many care workers. Collective bargaining was part of social dialogue, and when referred to in the Committee's conclusions, the language used should be in line with that of the Centenary Declaration. The conclusions should be pragmatic and progressive and focus on the care economy, which is distinct from the social and solidarity economy. It must not overlook the role of micro, small and medium-sized enterprises (MSMEs) in care provision. Care was not only a public good; private care providers had better resources and incentives to innovate and could provide more effective treatment and personalized care than public care settings. Competition drove continuous service improvement. The impact of increased regulation, such as paid leave entitlements, on MSMEs with limited capacities must be taken into account, and consultations with employers would be essential to assess its potential costs. Governments were responsible for building care infrastructure and expanding social protection. The Employers' group strongly discouraged the use of language regarding the social contract. The social contract would be the subject of discussion at the forthcoming World Social Summit, the work of which must not be pre-empted.

59. The Worker Vice-Chairperson said that, in the midst of a care crisis, the Committee's discussion was timely. A clear agenda must be set for the future. She noted that several points of alignment had arisen throughout the discussion. The ILO and its constituents must work together to transform the realities of the millions of people struggling to balance work and caring responsibilities. Care should be reinforced as essential to the pursuit of the Centenary Declaration. Public investment in comprehensive care systems was essential. The Committee's conclusions should constitute a clear road map for the ILO and its constituents, grounded in a common tripartite understanding of the care economy, embracing the 5R Framework and understanding care as a human right and a public good. The conclusions must recognize the interdependence of decent work for all care workers and the quality of care services, and should acknowledge the crucial role of social dialogue, freedom of association and collective bargaining in building a resilient and well-functioning care economy.

Point for discussion 2

What are the gaps, and what effective measures have ILO constituents taken towards a resilient and well-functioning care economy that promotes decent work, gender equality, quality and accessible care services, and inclusive and sustainable economic and social development?

60. The Worker Vice-Chairperson said that cuts in public funding and chronic underinvestment had contributed to fragmentation and significant gaps in national care systems, which had been exposed and exacerbated by the COVID-19 pandemic. Millions of people worldwide were either not receiving the care and support they needed or were receiving suboptimal care at high costs. The most vulnerable, marginalized and disadvantaged were impacted disproportionately. Care was marked by widespread decent work deficits; millions of care workers provided essential care services in dire working conditions, risking their health for little or inadequate pay. They faced discrimination, violence and harassment, work-related hazards, excessive working hours, heavy workloads and poor work-life balance. Those who tended to face multiple and intersecting forms of discrimination, including racialized and migrant workers, tended to be over-represented in low-paid and low status jobs.

61. Care work was physically and emotionally demanding, yet the skills required were not always recognized or valued, and workers often lacked access to training, lifelong learning and promotion opportunities. Care workers often faced obstacles to joining trade unions and bargaining collectively, which left them particularly vulnerable and exposed them to exploitation and abuse. The numerous challenges faced by care workers, coupled with inadequate public funding, had resulted in an increase in insecure, precarious and informal work, labour shortages and understaffing. Many care workers were leaving their profession, which contributed to staff shortages and declining quality of care. Migrant workers were increasingly filling those workforce gaps, and by doing so exacerbated brain drain in their home countries. The care gaps they left behind would inevitably be filled by unpaid carers, most of whom would be women. Migrant care workers' visas were often tied to a particular employer, and live-in domestic workers in particular encountered exploitation and abuse throughout the migration cycle. Domestic work and community health work remained largely invisible, and as a result, workers were excluded from social protection and decent wages.
62. Care leave policies and family-friendly policies, such as flexible working arrangements, could help reduce the amount of unpaid care work done predominantly by women, and facilitate better work-life balance. Paid paternity leave and parental leave entitlements would support men's involvement in childcare, breaking down gender stereotypes and redistributing the care burden. Gaps in legislation and investment for care leave, however, together with a lack of access to care services, had a disproportionate impact on women's effective labour force participation and thus contributed to the gender pay gap and gender pension gap.
63. For the care economy to be resilient and function well, care must be recognized as a global public good, which would ensure comprehensive care systems, universal access to care, and gender-responsive social protection. States must take the lead and increase the public funding needed to generate decent jobs, putting in place comprehensive policy and regulatory frameworks for national care systems grounded in international labour standards and social dialogue, and guided by the 5R Framework. Such policy frameworks should cover all care workers, including those in the informal economy and should ensure that all workers with family or caring responsibilities were covered by paid care leave entitlements. Fundamental principles and rights at work should be respected for all care workers, irrespective of their employment or migration status. Freedom of association and the right to collective bargaining were enabling rights. Targeted measures should be taken to address discrimination and redress the undervaluation of paid care work. Wage policies and wage-setting mechanisms were needed to promote gender equality, equity and non-discrimination. Migrant care workers' labour and social protection rights must be upheld, including through bilateral agreements between countries of origin and destination and rights-based migration pathways. International standards on the fair and ethical recruitment of migrant workers must be respected. Destination countries must reduce over-reliance on migrant care workers, while countries of origin must boost efforts to retain the care workforce. Increased public investment in care would require revenue generation and broad fiscal space; external debt burdens prevented States from investing in care and must be addressed.
64. The Employer Vice-Chairperson said that, on the supply side, workforce shortages in the care economy affected various sectors: global shortages of 4.5 million nurses and 10 million health workers were expected by 2030. To meet the challenges posed by those shortages, the private sector would complement and boost public sector care and care provided by families. The professional development of care workers was essential for creating career pathways and opportunities for advancement to make care jobs more attractive. Comprehensive vocational training and certification, and the mutual recognition of skills could elevate the quality of care

and improve workers' job satisfaction and retention, while also improving the quality of care services provided.

65. Over-reliance on unpaid work, done primarily by women, impacted women's participation in the labour market. Women's economic inclusion was crucial, yet a lack of affordable, accessible and good quality care services prevented many women from seeking paid employment. Care systems must be transformed through infrastructure expansion and technological innovation, and an attitudinal change was needed to recognize the economic value of care. Despite the crucial role of care in economies and societies, the global care economy remained under-funded. Quality care services required public investment in facilities and social protection systems, including care credits in social insurance, childcare subsidies and unemployment and disability benefits. Such public investment should not place undue burdens on companies.
66. MSMEs and entrepreneurs were vital to the care economy, providing essential services and employment opportunities while fostering community engagement and innovation. They offered accessible solutions tailored to local needs and generated employment opportunities. However, they often lacked the resources, technical support and information and networking opportunities needed to improve their services and expand their operations. Government support should therefore be provided in the form of capacity-building, entrepreneurial skills development, targeted microfinance and venture capital for start-ups, among others. Such measures were particularly important for women, for whom entrepreneurship could be a means to achieve flexibility, control and balance in managing care responsibilities. The informal nature of the care economy must be addressed by incentivizing the formalization of micro and small enterprises.
67. Family-friendly employment policies and flexible working arrangements could help reconcile work with care responsibilities, ensuring that companies' and workers' needs were met. Such arrangements could help increase women's labour participation rates. Major leave entitlements could be a significant burden for MSMEs; extended leave entitlements, such as parental leave, were more feasible for large employers. Private employment services should be supported since they played a key role in matching care workers with suitable employers. Collaboration between private employment services and public employment programmes could broaden job opportunities in the care economy. Policies to expand the care services provided by the private sector were essential, including financial incentives, such as tax breaks, for companies investing in care services. Public-private partnerships could be effective for leveraging private sector resources, such as for the construction or renovation of healthcare facilities. Partnerships with technology companies could be used to enhance telemedicine, electronic health records and data analytics, all of which could contribute significantly to meeting the growing demand for care services.
68. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Georgia and Norway aligned themselves with her statement. The majority of both paid and unpaid care work was done by women, often with inadequate remuneration, leading to a gender employment gap and a gender pay gap. Policies and measures must be developed to address the value of care work, promote the transition to formality, ensure decent work and equal pay for work of equal value, and eliminate violence and harassment in the care economy. Unpaid care work inhibited women's participation in the labour market and lowered their economic self-sufficiency. Equal sharing of care between women and men and the provision of high-quality affordable care services were therefore key to women's economic empowerment.

69. Active labour market policies were needed to help all those who had withdrawn from the labour force due to care responsibilities. Such policies could include employment opportunities, training, upskilling and reskilling, and employment services for jobseekers. Effective and robust social dialogue in the care economy were crucial, as were broader labour policies for the improvement of work–life balance, family leave and family-friendly working time arrangements. Access to high-quality affordable childcare and long-term care services, including through the social and solidarity economy, would improve possibilities for combining work and care responsibilities throughout the life course.
70. The Government member of Barbados said that deficiencies had been identified in the care economy in Barbados, including gaps in labour and social protection, lack of a policy and legislation on sexual harassment and discrimination, the absence of a national minimum wage, lack of occupational safety and health in domestic contexts, insufficient training and lack of accessible early childhood education. Steps had been taken to bridge those gaps, including the ratification of the ILO Violence and Harassment Convention, 2019 (No. 190), and ILO Convention No.189, and the provision of training in early childhood education and eldercare, measures to grant paternity leave to fathers, as well as the development of national policies on ageing and on improving the lives of persons with disabilities. The national protocol on migrant labour was being revised. Despite those efforts, much remained to be done, in particular to ensure that occupational safety and health standards were upheld in domestic workplaces.
71. The Government member of Cuba said it had adopted a new Family Code, which contained provisions on co-responsibility and which cemented the key role of the State in putting in place programmes and policies for persons in need of care. The Code included provisions on respect for dignity and autonomy and set out the rights and responsibilities of care givers and care recipients. It prohibited violence and balanced care responsibilities with personal, professional and family aspirations, while also recognizing the importance of support networks for carers. Along with other legislative revisions in Cuba over recent years, the adoption of the new Code had been central to establishing Cuba’s national system of care as an integral part of life. Data and evidence were essential to inform public policies on the care workforce. One of the most significant challenges was to overcome the tendency to allocate roles on the basis of gender stereotypes. Education would be crucial in that regard.
72. The Government member of the United Kingdom said that in the United Kingdom, social protection for care workers was established in law; legislation had been enacted concerning matters such as carer’s leave, flexible working arrangements and equal pay. A national living wage had been instituted and a carer’s allowance provided for financial support for full-time carers. Inclusive initiatives were in place to support women and persons with disabilities in the world of work. A campaign for women’s economic empowerment was driving economic, policy and care sector reform to reward and redistribute care work, while a disability inclusion and rights strategy was being implemented to improve access to care services for persons with disabilities. Social protection and gender equality, which were key to achieving economic and social development, depended on the availability of inclusive, good quality and accessible care services.
73. The Government member of Australia said that expert panels had been established on pay equity and on the care and community sector in Australia’s national workplace relations tribunal, to review care workers’ wages. Fee-free vocational education was provided for certain care work qualifications. Respectful workplaces were promoted, and employers had a positive duty to eliminate harassment. Community-led and culturally sensitive services were being piloted in First Nations communities, targeted to local needs. Legislative amendments had

been made to guarantee migrant workers equal workplace rights to others. Carers of older persons and persons with disabilities had access to flexible income support and working arrangements. Flexible work arrangements were also in place for parents of young children. A childcare subsidy would help parents, women in particular, to engage in paid work. Men were being encouraged to take paternity leave. Parental leave payments would soon include superannuation, which would reduce the gender gap in retirement contributions. Cross-sector coordination was important.

74. The Government member of Switzerland said that Switzerland was party to ILO Convention No. 189, and as such was committed to the protection of the rights of domestic workers. An increasing demand for care services in private homes was resulting in more migrant workers coming to Switzerland for temporary work. A specific contract for domestic workers had thus been introduced, to guarantee them equal labour rights. Regarding paid care work, an initiative to bolster nursing care was being undertaken, under which nursing training was being promoted and access to good quality nursing care was guaranteed. New legislation was being prepared to improve working conditions for nurses, with a view to encouraging retention and preventing staffing shortages. Those measures were helping to redress gender imbalances in the healthcare sector. A national survey of care workers was due to take place, to assess the impacts of the initiatives undertaken.
75. The Government member of Türkiye said that increasing the interest of the international community in the care economy was crucial for bridging gaps in decent work. Leveraging new technologies would be key to enhancing efficiency, reducing costs and improving the quality of care services. The ILO should provide guidance on well-functioning care economy models, including a compendium of best practices from its Member States.
76. The Government member of Mexico said that her Government was creating a new national care system, which set out care modalities for children, persons with disabilities and older persons, based on the principles of universality, progress and sustainability. The system would: ensure that care needs were met by good quality and accessible services; relieve the care burden on women, allowing them to join the labour market; and boost employment and economic growth. Equitable distribution of care would also benefit peace, security and environmental sustainability. The new care system would have gender equality at its heart. Key measures to promote decent work and gender equality in the care economy included: paid care leave, including maternity and paternity leave; preschool and early childhood education and eldercare services; care cooperatives; professional training schemes; and policies for equal treatment of migrant care workers.
77. The Government member of Brazil said that the gender and racial division of care work was rooted in discrimination and determined how jobs were valued. Her Government was trying to overcome the challenges of that reality by developing a comprehensive national care policy and plan to guarantee all people the right to care. The plan sought to ensure access to quality care, promote decent work for care workers, implement measures to balance work and care responsibilities and promote co-responsibility for care between the State, private companies and communities. Care was not a commodity. It was a human right and a public good. Unpaid care work should be redistributed, and decent jobs must be guaranteed. The Government of Brazil had set up a coordination office to promote equal opportunities at work, with a focus on tackling gender-based and racial discrimination and eliminating informality in paid domestic work. A specialized labour inspectorate had been established to enforce the rights of domestic workers. The elimination of domestic slave labour was a priority.

78. The Government member of Canada said that decent work deficits and labour shortages negatively affected the quality of care services and could increase the burden on unpaid caregivers. Her Government was working with provincial, territorial and indigenous partners to give all families in Canada access to high-quality, affordable, flexible and inclusive early learning and childcare. An early learning and childcare workforce strategy was being developed, based on recruitment, retention and recognition. Steps were being taken to address decent work deficits and labour shortages in long-term and home care, and to develop a specific indigenous long-term and continuing care framework, to ensure culturally safe long-term and continuing care programming and services in or near indigenous communities. Maternity and parental leave and childcare benefits were provided to support working women during pregnancy and motherhood. The Government had recently announced the development of a national caregiving strategy, as well as a new programme for migrant workers to grant home care workers permanent residence on arrival in Canada. At the international level, the Government was contributing financial assistance for gender transformative unpaid and paid care work programming in low- and middle-income countries.
79. The Government member of China said that her Government was taking measures to promote decent work and the care economy, including pilot programmes for the provision of long-term care and a long-term care insurance scheme, which covered 49 municipalities across 27 provinces. A cross-sectoral approach was being taken. Social security contributions needed to be at 70 per cent for individuals to benefit from the long-term care provisions. Long-term care workers were being trained and the number of care staff in the areas covered by the pilot programmes had reached 300,000. The programme had bolstered the perception of care work and attracted more people to the care workforce. In some provinces, measures were in place to retain women in the labour market, including maternity insurance, which ensured paid maternity leave, as well as flexible working hours and breastfeeding policies.
80. The Government member of the United States said that an Executive Order had been passed in the United States to boost the supply of childcare and long-term care and to support family caregivers, in line with which measures were being taken to: increase compensation and benefits for childcare workers, early childhood educators and long-term care professions; expand learning opportunities to improve job quality and attract new entrants to the care workforce; improve jobs for domestic workers; and improve the quality of data on the care workforce. Employment agreements for domestic workers and their employers had been published in seven languages. Legislation had been enacted to protect workers from wage theft and prohibit violations of leave protection entitlements for family caregivers. A comprehensive approach was being taken to prevent gender-based violence and harassment. The 5R Framework had been incorporated into the national strategy for women's economic security, which aimed for women and girls to meaningfully and equally contribute to and benefit from economic growth and global prosperity.
81. The Government member of Namibia said that legacies of Namibia's apartheid system included low wages and poor working conditions for domestic workers, who constituted around 11 per cent of the national workforce. Although legislative measures had been taken to regulate domestic work, the minimum wage for domestic workers had stagnated. A new national minimum wage had recently been set, however, which would effectively double the minimum wage for domestic workers, constituting a first step towards eliminating income inequality and gender pay gaps. Given the prevalence of informality, application of the new minimum wage was likely to be challenging initially, although compliance was expected to increase progressively in tandem with real economic growth. Amendments to the Labour Act, currently before Parliament, would include automatic cost of living increases in statutory

minimum wages, and provisions on maternity protection and the right to breastfeeding, family leave for fathers, occupational safety and health, and the prohibition of violence and harassment in the workplace.

82. The Government member of Zimbabwe said that the care economy was characterized by serious decent work deficits and deprivation of workers' labour rights. Care and domestic workers were exposed to high levels of harassment and violence at work. Unpaid work constituted a significant share of care work; in many parts of Africa, community healthcare work was considered voluntary. Most care workers in Zimbabwe were employed informally and therefore lacked access to sick leave or care leave, occupational safety and health and social protection. Care workers were left vulnerable to exploitation, and the lack of decent work weakened the quality of care provided. Progressive measures were, however, being taken to bridge decent work gaps and formalize the care economy, and to enable care workers to join trade unions and bargain collectively. Training for social workers had been successful and national guidelines on labour migration were being developed in response to the increasing demand for Zimbabwean social workers abroad.
83. The Government member of the Philippines said that laws and practices had been put in place for the protection of healthcare workers, caregivers, teachers and domestic workers in the Philippines. Gaps in protection persisted owing to: broad informality, which hampered access to labour and social protection; and gender inequality, which resulted in exclusions and discrimination. Her Government had taken measures to address those challenges by providing universal social protection and universal health coverage, conducting reviews of labour legislation, strengthening labour inspection and actively engaging with workers' and employer's groups. Meanwhile, the global care economy relied largely on migrant care workers, many of whom were from the Philippines. Those workers faced challenges in access to decent employment, owing to the non-recognition of their qualifications. Given the disproportionate prevalence of women in the care workforce, gender perspectives must be integrated into policymaking and the unequal distribution of unpaid care work must be addressed. Her Government was collaborating bilaterally with other governments to promote sustainable and ethical recruitment and rights-based labour migration, promote the use of standard employment contracts, provide upskilling opportunities, and promote decent work for Filipino migrant workers through a whole-of-society and whole-of-government approach.
84. The Government member of the Democratic Republic of the Congo said that internationally recognized statistical standards for care work were lacking. The conceptual framework and indicators applicable to care work, due to be considered by the 22nd International Conference of Labour Statisticians, would encourage consistency and comparability of data at the international level. The burden of unpaid care work was disproportionately shouldered by women and hampered their access to employment in managerial and decision-making roles, and thus to higher salaries. Unpaid care work was often provided by family members and was thus not legally recognized as work. Legislative and institutional mechanisms relevant to decent work and the care economy were in place, but the war in the east of the country posed serious challenges to their implementation, causing mass displacement and lack of access to healthcare. Despite those challenges, measures such as free maternity care, free basic education and universal health coverage had been successful.
85. The Government member of Senegal said that the care economy was growing fast and had become a means of generating employment and tackling gender inequality. It remained, however, associated with various negative aspects, including: lack of social protection for workers, inadequate remuneration, exposure to physical and psychological violence, and in some cases, sexual abuse. The care economy had a key role in the functioning of households

and communities. An agenda had thus been set for long-term economic and social reform. Legislative reform was under way, policies had been put in place for the provision of social protection and basic infrastructure to redistribute care responsibilities between women and men, and a new framework for a social and solidarity economy had been put in place. A national policy for early childhood provided for pre-school care, thereby enabling mothers to work. An increase in healthcare facilities had enhanced training and professional integration for healthcare workers. An action plan for decent work and equal opportunities in the care economy provided for a balanced sharing of family responsibilities between women and men. Affordable social protection, adapted to the needs of women, provided legal and financial support and reduced the financial burden of child rearing. A UN Women project for the redistribution of unpaid work between women and men had been under way since 2021 to find solutions for the unpaid care needs of rural women.

86. The Government member of Egypt said that several measures had been taken in Egypt to promote gender equality and women's economic empowerment, including the establishment of a special unit in the Ministry of Labour, responsible for eliminating all forms of discrimination. A national plan for gender equality had been adopted and the capacities of labour inspectors had been strengthened with a focus on issues such as gender equality, the application of international labour standards and the rights of domestic workers. The ILO had provided guidance in the preparation of a manual for labour inspectors on gender equality and a just transition and on training women for work in high-level professions and entrepreneurship. Legislation on domestic workers was under preparation. A national campaign had been launched to accelerate societal change to eliminate gender inequality, and public-private dialogue was being encouraged to increase private sector investment in childcare facilities.
87. The Government member of Sri Lanka said that labour law was being reformed in Sri Lanka, which would improve the terms and conditions of employment and would benefit the care economy. A national policy and action plan on migration had been launched to improve labour migration governance, secure migrant workers' rights and promote opportunities for employment. In collaboration with the ILO and the International Organization for Migration (IOM) the Sri Lankan Government had: produced an evidence-based report on the care economy and decent work in Sri Lanka; developed demand-driven skills training to promote paid care work; and developed a labour migration strategy for caregiving and hospitality sectors to increase the employability of Sri Lankan labour migrants, in particular women, in countries of destination. Further technical collaboration with the ILO and IOM was planned, to develop an integrated approach to tackle the challenges faced by care workers in Sri Lanka, including through gender-responsive care policies, a new maternity insurance scheme, a digital application for registering domestic workers and including them in social protection coverage, and measures to strengthen skills development.
88. The Worker Vice-Chairperson said that care must be recognized as a public good, requiring comprehensive public care systems and adequate public financing. Well-funded care policies and regulatory frameworks should be developed in a coherent, integrated and complementary manner. They must be grounded in international labour standards and social dialogue, and based on the recognition, reduction and redistribution of unpaid care work and the 5R Framework. Workers voices must be included in the design, implementation and monitoring of care systems. Increased public investments in care, through progressive taxation and broadening fiscal space, would ensure universal access to quality care services throughout the life course, including for the most marginalized and disadvantaged communities. Public investments were needed to improve wages and ensure equal pay for work of equal value and

decent working conditions, by, among others: supporting formalization of care work, recognizing and enhancing workers' skills, addressing labour shortages, redressing unequal distribution of unpaid care work and improving work-life balance for families with care responsibilities. Care, just like labour, was not a commodity; it was a right. If profit was the sole motive for care, it came at the expense of decent work for care workers and quality of care for recipients, and access to care for those who could not afford high user fees. Public-private partnerships had proven costly for governments in the long term. Social dialogue and collective bargaining had been key drivers of advancements in the care economy. The rights to freedom of association and collective bargaining must therefore be guaranteed for all care workers.

89. The Employer Vice-Chairperson said that the terms "precarious" and "insecure" forms of work were not agreed definitions in the ILO context but were based on subjective interpretations. Their use in the current context ran the risk of stigmatizing workers in the care economy. Work could be done in diverse forms and under various arrangements, which allowed for greater opportunities to enter the labour market and escape poverty. Mental health diagnoses were complex and influenced by multiple factors and were therefore difficult to link directly to working conditions. While mental health was an important issue, it could not be addressed through regulation. Rather, employers should be supported in implementing good practices to assess and manage psychosocial risks and encouraging a culture of dialogue and pragmatic action in the workplace.
90. The rights to freedom of association and collective bargaining should not be referred to as "enabling rights", since that language was not aligned with the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022. Furthermore, collective bargaining is considered a form of social dialogue, which includes other forms such as tripartite cooperation, bipartite cooperation and workplace cooperation. More than 80 per cent of the formal economy did not use collective bargaining agreements as a tool of social dialogue; it was more important to build a culture of trust among social partners.
91. The concept of the "living" wage should be operationalized in line with ILO principles on wage setting. To achieve a "living" wage, the involvement of the State would be crucial, and the root causes of low pay, informality, low productivity, and weak institutions and compliance systems must be addressed. On equal pay for work of equal value, the pay gap was caused by a multiplicity of factors and could only be addressed through social dialogue, in consultation with employers, to re-evaluate care work, according to diverse national contexts and situations faced by care workers. Lastly, while migrant workers in the care economy must be protected, the legal pathways to bring skilled workers into the care economy must be up to date. Smooth processes must be in place to make work permits available for foreign workers to be able to contribute to filling skills gaps.

Point for discussion 3

In light of the ILO's mandate, transformations in the world of work, and developments in the care economy, what priority actions should the ILO's constituents and the International Labour Office take to promote, advance, and support coherent and integrated policies and investments in the care economy, including through social dialogue, multilateral coordination and partnerships?

92. The Employer Vice-Chairperson said that, in the context of transformations in the world of work, the ILO and its constituents should prioritize coherent, integrated policies and public investments in the care economy. The care economy contributed significantly to a healthier

workforce, which could increase productivity, give businesses and economies a competitive advantage and enhance overall business performance. The business case for a well-functioning care economy should be reflected in the policy recommendations proposed by the Office in the 5R Framework. The Framework, however, lacked market incentives and flexibility that drove innovation, efficiency and scale. Employers needed public policies that provided such incentives for businesses to innovate and improve care delivery. Moreover, the Framework should emphasize that continuous professional development and training for care workers were essential to deliver high-quality care. Policies should support investment in vocational training, apprenticeships, skills recognition and lifelong learning opportunities. Initiatives to boost career progression and professional recognition should make care work an attractive career option. The ILO should support its constituents in ensuring that their policies covered the full spectrum of care workers, from high-skilled to low-skilled.

93. She cautioned that directly attributing increased care demands to climate change was an oversimplification, and that integrating climate change considerations into the care economy could divert attention from care needs. The ILO would do better to support its constituents in improving care services, training care workers and enhancing infrastructure. More research was needed on the potential benefits of public-private partnerships. ILO research on attraction and retention strategies for care workers could also be helpful. The ILO should focus on its mandate, rather than broader issues such as progressive taxes or mental health, concentrating on local realities and constituents' needs at the national level.
94. Employers needed policies that would help manage costs, while improving care quality. The 5R Framework should encourage the use of cost-effective solutions and technology that enhanced efficiency. It should include provisions for financial support mechanisms, such as subsidies or low-interest loans, for care providers to help manage the initial costs of implementing improved care standards. Governments could provide tax breaks for investment in care infrastructure and workforce development, subsidies for technology adoption, or grants for research and development in care services. Risk-sharing between the public and private sectors could help mitigate the financial burden on businesses. Without adequate resources, other components of the 5R Framework could not be fully realized. The rights-based approach should be complemented with economic, operational, and practical considerations, and a comprehensive approach would ensure that care systems were not only equitable but also effective and sustainable. A sixth "R": "resources", should be added to the 5R Framework, to represent the financial support mechanisms and continuous investment needed for workforce development.
95. Central to ILO constituents tailoring the 6R Framework is a strong focus on social dialogue. Effective social dialogue was crucial to create policies that balanced the needs of care enterprises with those of the workforce, and that developed strategies for businesses to thrive while supporting decent work. The Office should continue carrying out research and building constituents' technical capacities in labour migration, social protection, gender equality, sustainable enterprises, tackling informality, public-private partnerships, employment and macroeconomic policies. Further attention should be paid to talent mobility, including policies that facilitated work permits and recognized the skills and qualifications of migrant care workers.
96. The Office should support ILO constituents in adopting a balanced mix of normative and non-normative actions as recommended by the Standards Review Mechanism Tripartite Working Group. Technical support and guidance on maternity protection was needed, moving from employers' liability to social security schemes for financing maternity benefits. That shift should be supported by comprehensive childcare infrastructure and incentives for mothers to

return to work. Measures to promote decent work in the care economy should support public and private care providers alike. Arguments against privatization often overlooked its benefits; privatization introduced competition, which drove innovation, which in turn improved care quality. Privatized care did not prioritize profit over patient care. Many private institutions reinvested profits into services. They underwent rigorous oversight and invested in the workforce, which resulted in better patient outcomes and organizational success.

97. Lastly, non-normative actions were required to address gaps in paternity and parental protection; promoting healthier families and balanced gender roles would sustain societal change. Stringent leave policies could, however, discourage companies from hiring young parents and could place a burden on small and medium-sized enterprises.
98. The Worker Vice-Chairperson called for the ILO to further develop its comprehensive work on the care economy across its strategic objectives. It should increase work to monitor public investment trends in care, pay and working conditions of care workers, quality of care service provision and employment. The decision to launch an international statistical standard-setting process on care work was welcome. The process should consider all forms of unpaid and paid care work, including work performed by domestic workers, community health workers and community care workers.
99. Member States should enhance their efforts to build national integrated care systems. To that end, ILO could convene a tripartite meeting of experts to examine how to address gaps in the care economy, including through normative or non-normative action, to recognize care as a public good and provide practical guidance to ILO constituents on how to design, implement, and monitor national integrated care systems, in line with the 5R Framework.
100. The ILO should provide technical support and policy guidance to countries, including through the Decent Work Country Programmes and the United Nations Global Accelerator on Jobs and Social Protection for Just Transitions, for the development of national care policy and regulatory frameworks to ensure universal access to care, and promote the professionalization and formalization of care jobs. Such policy and regulatory frameworks would also ensure the highest attainable standards of quality, safety and health for care workers and care recipients, and would be guided by the 5R Framework and based on social dialogue. Technical support should include guidance on how to recognize and value unpaid and paid care work in employment policy frameworks and social protection systems, including through the use of care credits. Such support and guidance should focus on ensuring sustainable and adequate financing for care, including by conducting a variety of feasibility, costing and financial studies, in line with ILO instruments on employment policy.
101. The ILO should examine ways to address gaps in the effective implementation of existing international labour standards and provide technical support and guidance to Member States on guaranteeing protection to all care workers, including persons in precarious and informal work. Such guidance should take into account transformations in the world of work, including migration, the introduction of new technologies, and the impact of climate change.
102. A new international labour standard on paternity and parental protection was needed to address normative gaps, building on the conclusions issued in 2023 by the Standards Review Mechanism Tripartite Working Group. The process of preparing such a standard could also include consideration of other care-related leave entitlements, such as leave to care for older persons, persons with disabilities or family members who were critically ill. The ILO should scale up campaigns and technical assistance to ensure ratification and implementation of ILO instruments relevant to the care economy, standards related to social security, instruments related to working time and wage-setting, and the ten fundamental Conventions.

103. Technical support and guidance should also cover actions to remove barriers that prevented migrant care workers from fully accessing and exercising their labour and social protection rights. Labour inspectorates must be strengthened, and freedom of association and the right to bargain collectively at all levels should be effectively guaranteed for all care workers. The ILO should conduct research into the key obstacles and challenges to care workers' effective exercise of the right to freedom of association and collective bargaining.
104. The ILO should enhance the capacities of its tripartite constituents to formulate, implement and monitor national care policies and strengthen social dialogue, including collective bargaining. Working conditions and working arrangements of community health and care workers, should be examined, and guidance provided on their formal recognition as care workers.
105. ILO leadership was needed to strengthen inter-institutional cooperation and promote alignment between multilateral institutions on the need to promote ILO standards and the Decent Work Agenda. The ILO should further strengthen its leadership role, including through its the Global Coalition for Social Justice and the World Social Summit in 2025, and should convene a high-level event on the role of the care economy in the context of the Global Coalition for Social Justice.
106. The Government member of South Africa, speaking on behalf of the Africa group, said that when considering decent work in the care economy, attention should be given to the unique challenges and context of the African continent. In pursuing a more just and equitable society, the empowerment of women and girls, who bore a disproportionate burden of unpaid care work in Africa, should be a priority. Measures in that regard would include promoting education and economic opportunities, and challenging traditional gender norms that perpetuated unequal caregiving responsibilities. The power of community-based care systems, which had long been central to African societies, must be leveraged by investing in community-based health workers, traditional healers and other informal caregivers. Access to care services should be improved, particularly in rural and underserved areas. Capacity-building for care workers should also be a priority, in particular through training and skills development.
107. Social dialogue should be encouraged to negotiate collective bargaining agreements and set standards to improve working conditions and social protection for care workers. Investment in care infrastructure was crucial, in particular in childcare facilities and eldercare services, which would create employment opportunities and alleviate the burden of unpaid care work, while also promoting gender equality in the labour market. The intersectionality between care work and marginalization should be addressed in policymaking, to ensure that the needs and rights of all care workers, particularly those from marginalized communities, were fully recognized and supported. She called on the ILO to assist constituents in data collection and research to inform policies to strengthen the care economy in Africa. Cross-border collaboration and sharing of experiences could be leveraged to build a more inclusive and sustainable care economy for all.
108. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Georgia and Norway aligned themselves with her statement. A global, human rights-based approach to the care economy was needed. A universally agreed understanding of the concept of the care economy would ensure recognition of its value for social and economic development, well-being and social justice. The rights and needs of givers and receivers of care and support, particularly those in situations of vulnerability, should be

guaranteed to tackle inequalities. Internationally established statistical standards would help fill data gaps. Evidence-based policies should be rooted in relevant, high-quality data on paid and unpaid care work, disaggregated by sex, age and disability.

- 109.** Investment in the care economy had positive impacts, including productivity growth, improved well-being, formalization and professionalization of care workers, better working conditions, enhanced skills and higher rates of participation of women in the labour market. Promoting the 5R Framework would contribute to sustainable development, alleviating poverty and realizing social and economic rights for caregivers. While the relational nature of care work meant that digital technologies were unlikely to replace human labour, their potential to facilitate and complement service delivery should be harnessed. Despite numerous international labour standards on various aspects of equality and women's rights, women continued to face unequal opportunities compared to men, including in respect of labour market participation and pay. Equal sharing of responsibilities, both in the workplace and in caregiving, was essential to achieving gender equality.
- 110.** The full realization of fundamental principles and rights at work in the care sector was essential to ensure decent work. The ILO should promote gender equality through a transformative agenda to redistribute care work. Social dialogue, freedom of association and collective bargaining were the cornerstones of decent work in the care economy. Engagement between social partners and care economy entities was needed to facilitate the transition from the informal to the formal economy and ensure adequate social protection coverage for care workers. Lastly, knowledge sharing and strategic partnerships should be fostered between the ILO and other United Nations entities, including through the Global Coalition for Social Justice.
- 111.** The Government member of Brazil, speaking on behalf of the group of Latin American and Caribbean Countries (GRULAC), noted the important progress that the region had made on reaching a common understanding on care and its importance for sustainable living and for the development of society and the economy. The recently approved Buenos Aires Commitment recognized the human right to care, be cared for and exercise self-care, based on the principles of equality, universality and co-responsibility. Care work, both paid and unpaid, was recognized as fundamental, and as having the potential to revive economies.
- 112.** Progress had also been made in the region in measuring care and unpaid work, and in adopting methodologies that served as regional standards. By filling gaps in statistics and boosting the visibility of figures on care, awareness would be raised of both the contribution of care work to the economy, and its impact on inequality. Those statistics could be used as the basis for evidence-informed public policies that contributed to equality and social justice.
- 113.** Despite the progress made, challenges persisted, such as discrimination in the social organization of care, the burden of which was carried disproportionately by women. Structural change, beginning with cultural change and education, would be needed to eliminate discrimination from the care economy. Care was not a commodity; it was a right and a public good, with social and economic value, which benefited the whole of society. New ways of creating quality jobs in the care economy, including new forms of employment such as teleworking, should be explored. Ways to improve social security coverage, expand labour rights and address inequalities in the provision of care could also be explored, which would contribute to the economic inclusion of women and the advancement of more egalitarian societies. Decent work in the care economy should be strengthened, so that it was no longer precarious, feminized or racialized. Occupational safety and health measures should be strengthened for paid and unpaid care workers alike.

- 114.** The Government member of Barbados said that the ILO Global Coalition for Social Justice was essential to achieve decent work in the care economy. Organizations that impacted the development of the care economy must remain cognizant of the particular context and vulnerabilities of small island developing States. Policy coherence was crucial. Given the key role of migration in the care economy, governments and regional groups should develop migration protocols and policies that took account of the particularities of workers who migrated for the purpose of participating in the care economy. Training and development opportunities should be provided for workers in the care economy, especially those in informal work arrangements, and efforts should be made to raise public awareness of the value of care work. Investment in care infrastructure should not be the responsibility of governments alone; businesses and civil society organizations could also contribute. Informal care workers must be included in social security schemes since social protection was a key pillar of decent work.
- 115.** The Government member of India said that to meet India's 2030 national health and education policy targets, an additional 22.74 million workers would be needed. The care economy had a crucial role in India's economic development and gender equality efforts. Investment in paid and unpaid care would be essential to meet increasing demand. Measures were needed to address the challenge of unpaid care work faced disproportionately by women and enhance women's workforce participation. In India, legislation had been enacted to increase the duration of paid maternity leave and provide childcare facilities in certain categories of workplace, and dedicated healthcare facilities were being established for older persons. An ageing population meant increasing demand for care, which, unlike other services, was likely to remain labour-intensive. Skills development initiatives were therefore under way to align the skills of India's care workers with international standards. The Government was engaging with other States bilaterally to facilitate the movement of skilled care workers and ensure decent working conditions for migrant workers.
- 116.** The Government member of the United Kingdom said that the ILO should integrate Member States' best practices for improving quality of and access to care into its work on universal social protection. Data gaps must be bridged; gathering data from individual households was essential to understand the intergenerational nature of unpaid care and domestic work. A gender equity and disability-inclusive focus in social protection policies and programmes would reduce discriminatory barriers to coverage. Regarding access to quality jobs, gender inequalities must be reduced using a transformative approach, particularly through the provision of additional care support. Policies that rewarded paid care work by fostering decent job creation and guaranteeing equal pay for work of equal value should be promoted to redistribute unpaid care in line with the ILO 5R Framework. Care and support systems must acknowledge the needs and rights of all who required and all who provided care and support; many people were both users and providers of those systems.
- 117.** The Government member of Australia welcomed the ILO gap analysis on paternity and parental protection, which was crucial to ensure adequate support for all parents, regardless of gender. Her Government supported the 5R Framework's objectives and policy recommendations, but suggested referring to "human rights-based care and support systems" rather than a "right to universal access to care", in line with the language used by other United Nations forums. Governments played a critical role in creating a sustainable, equitable care system that ensured decent work. Investment was required in workforce development to recruit, retain and upskill care workers. Policies must promote gender equality, address the gender pay gap and fairly distribute unpaid care work. Decent work must extend to workers in vulnerable situations, such as First Nations people and migrants, and climate change impacts on the care economy must be given due consideration. Social partners must ensure that care

workers' voices were heard, advocating for fair wages and working conditions. Beyond tripartite structures, individuals, families, the media and education institutions should also be involved in efforts to foster positive change.

- 118.** The Government member of Switzerland stated that investment in improving the working conditions of care workers was crucial; social dialogue was a key tool for negotiating such improvements. The ILO played a vital role in promoting consistency between policies on employment, social protection, worker protection and the environment, to support the care economy. International cooperation was crucial for sharing best practices in that regard. The ILO also played a role in managing the complex dynamics between migration and the care economy. Migrant workers must enjoy the same protections and opportunities as local workers. Measures must therefore be taken to tackle exploitation, human trafficking and discrimination, while promoting the social and professional integration of migrants in the care economy. Policy monitoring and evaluation were crucial. In Switzerland, the results of a national survey on the care workforce were due to be published, providing an up-to-date view of the situation.
- 119.** The Government member of Türkiye emphasized that care was vital for economic growth, social justice and individual well-being. Measures must be taken to address forced labour, child labour and discrimination, which were prevalent in the care economy, with women disproportionately affected. Access to care services and care leave policies would help workers balance family responsibilities and improve labour market attachment. The ILO should continue leading initiatives on the care economy, in particular the development of international statistical standards to guide data collection and bridging data gaps for evidence-based policymaking. The 5R Framework would provide a foundation for progressive care policies. The Office should also provide tailored policy advice, support implementation and build strong partnerships. Gaps in international labour standards on paternity and parental protection should be bridged, and social dialogue in the care economy should be promoted to ensure that care workers' voices were heard. Focus should be placed on improving employment conditions, developing skills and accreditation programmes, and transitioning to formal, professional care work.
- 120.** The Government member of Mexico said that the human right to care had three dimensions: the right to provide care, to be cared for and to exercise self-care. The enjoyment of that right required ensuring decent work, reconciling professional and personal life, and promoting social dialogue and the right to collective bargaining. Local and national care systems should be universal, sustainable and progressive. Multicultural and multisectoral approaches would ensure inclusivity. Budgetary allocations, with a gender perspective, should be increased to enhance the sustainability of the care economy. The care economy should be financed by a combination of State funding, private investment and international development cooperation. Cooperative care provision, led by women, should be promoted, fostering a social and solidarity economy. Agreements should be concluded between migrant sending and receiving countries to protect the rights of temporary migrant workers. Ratification of the ILO's ten fundamental Conventions was also imperative. Lastly, the ILO should develop a new international standard on paid and unpaid care work that recognized care as a job, as a public good and as a human right.
- 121.** The Government member of Brazil said that care, while currently highly feminized, should be the responsibility of society as a whole. This common responsibility must be fully understood if women workers were to be valued. In that regard, measures should be taken to ensure equal pay for work of equal value and effective rights for women care workers. To uphold those rights, it was necessary to tackle informality, especially for domestic workers. The social

organization of care work should be redressed through the adoption of public policies that guaranteed social and gender co-responsibility, making men equally responsible for care. To that end, the ILO should set international standards for paternity and parental leave. It should also encourage the professionalization and training of women care workers. To achieve decent work in the care economy, the work of women, especially those in situations of vulnerability, must be valued.

122. The Government member of the United States said that the ILO should continue developing a statistical definition of care work and a collective understanding of the care economy. The collection and compilation of harmonized data was crucial for evidence-based policymaking and peer learning. The ILO should enhance its research on employment trends and decent work in the care economy, including workers' unionization and collective bargaining. It should also assist its constituents in estimating care needs and gaps, reviewing innovative financing mechanisms, and conducting policy impact analyses. Strong national and global partnerships were essential for advancing care policy packages aligned with the 5R Framework on decent care work. The ILO's Global Coalition for Social Justice could serve as a platform for further strengthening partnerships with other multinational stakeholders. The ILO should also address gaps in international labour standards related to paternity and parental protection and promote social dialogue in the care economy through Decent Work Country Programmes.
123. The Government member of Canada emphasized the importance of prioritizing a gender transformative approach to the care economy, in line with the Centenary Declaration. Inclusive care economy measures should take account of the particular needs of vulnerable groups, including migrant workers. A statistical standard to identify care economy jobs could support analysis of paid care working conditions. The ILO's leadership in promoting integrated policy approaches, based on the 5R Framework, positioned it to guide and build capacity for its constituents, advancing gender equality and non-discrimination. Recognizing the high rates of violence and harassment faced by care workers, Member States should ratify and implement ILO Convention No. 190 on violence and harassment. Efforts to promote gender equality through multilateral initiatives, such as the Global Alliance for Care and the Equal Pay International Coalition, were welcome. The ILO should integrate efforts to transform the care economy throughout all its work, and ensure coordination with other international organizations.
124. The Government member of China stated that many women reduced their working hours or left jobs altogether after childbirth, impacting their income and career prospects. Studies had shown that the "motherhood penalty" had increased over time. Maternity leave, while protecting careers, could also exacerbate employment discrimination. The ILO should encourage men to share childcare responsibilities, fulfil their roles as fathers and reduce workplace gender discrimination linked to motherhood. Reliance on women's unpaid care work would thus decrease, thereby promoting gender equality, and enhancing women's well-being.
125. The Government member of Namibia said that, from the perspective of a developing country with limited fiscal capacity, her Government urged the ILO to deepen its research on care gaps, decent work deficits and gender inequality in developing nations, with a view to strengthening capacities to meet the needs of the poor and underserved. The ILO should assist Member States in conducting situational analyses to identify care needs and develop strategies for expanding care and promoting decent work. The Office could help by sharing the experiences and best practices of Member States in mainstreaming decent care work strategies across policies in various sectors. The Office could also provide information on the creation of cooperatives to support the care economy, and on ensuring decent work in that context. A

South-South platform should be established to promote care expansion and decent work among developing countries.

- 126.** The Government member of Indonesia affirmed his Government's commitment to promoting decent work and a resilient care economy, in line with the Centenary Declaration and the ILO Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, 2021 (hereafter Global Call to Action). Indonesia's national development plan focused on social transformation to enhance workforce participation of women, persons with disabilities, and vulnerable groups; economic transformation to increase female labour participation to 70 per cent by 2045; and socio-cultural resilience to protect the rights of children, women, youth, persons with disabilities, and older persons. Companies were encouraged to provide childcare, lactation rooms, healthcare and family planning services. Indonesia's Care Economy Investment Roadmap included accessible childcare, eldercare, inclusive care for vulnerable groups, improved maternity care and new laws to improve the welfare of working women and children. The Indonesian Government ensured robust support for care workers, providing decent work conditions, fair wages, social security, manageable workloads, occupational safety and union rights.
- 127.** The Government member of the Philippines highlighted his Government's efforts to support care workers through effective social dialogue and collaboration with social partners. Policies and actions were being implemented to ensure decent work for care workers, including universal social protection, health and welfare, and protection of rights with a gender-inclusive approach to promote empowerment and work-life balance. The rights of care workers to organize and bargain collectively had been strengthened. Measures were being taken to mitigate the effects and costs of climate change-induced migration and provide care for migrants and their families. Regional frameworks and bilateral agreements on ethical recruitment were being implemented. New areas for bilateral cooperation had been identified, including: digitalizing ethical recruitment processes; encouraging employers to provide financial support to migrant healthcare workers who were awaiting credentials in countries of destination; and offering grants for further learning for care workers. Sector-specific reintegration programmes for migrant care workers were being developed. The ILO should: provide technical assistance; promote the development of national care economy strategies; ensure policy coherence across ministries; facilitate multilateral coordination; and advocate for increased investment to improve care economy infrastructures and working conditions.
- 128.** The Employer Vice-Chairperson cautioned that there were diverging interpretations of the 5R Framework, and underscored the need for an additional "R" for resources. Canada had substituted "reward" with "respond", and others used alternative terms such as "reclaim" and "remunerate". Consensus on the Framework's key components was essential. Care should not be considered as a public good, but rather as a service provided by both public and private sectors, as well as families. Holding technical meetings on the care economy would not be an optimal use of the ILO's limited resources, which would be better spent on research into skills attraction and retention strategies for care workers, with a view to addressing employment issues and skills shortages.
- 129.** Freedom of association should be voluntary and free from undue pressure or interference by authorities of Member States; collective bargaining should not be mandatory. The Employers' group was against developing new standards on parental or paternity leave and advocated instead for a more flexible approach, focusing on practical implementation and technical assistance.

- 130.** The effectiveness of some existing instruments in bringing about progress was questionable. The low level of ratification of the ILO Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000, was evidence of their limited impact. The concept of intersectionality was complex and often associated with progressive political ideologies. The Committee's conclusions should take a simpler approach, promoting "gender equality and diversity", in line with terminology commonly used in the United Nations context.
- 131.** The Worker Vice-Chairperson emphasized the essential role of ILO leadership and its tripartite constituents in advancing a comprehensive care agenda, which advanced the human rights of care workers and those dependent on care, and ensured resilient, gender-responsive, integrated care systems. The ILO should convene a tripartite meeting of experts to examine how to address care economy gaps, including through recognition of care as a public good, and to provide practical information for constituents on how to design and monitor national integrated care systems according to the 5R Framework.
- 132.** The ILO should scale up promotional campaigns and technical assistance for the ratification and implementation of relevant ILO instruments. A new international labour standard was required on paternity and parental protection, which should also take account of leave entitlements for caring for elderly, disabled or critically ill family members. The ILO should conduct research into the obstacles to freedom of association and collective bargaining for all care workers.
- 133.** Enhanced technical guidance was needed to recognize and value unpaid and paid care work, ensure sustainable public financing, guarantee access to labour and social protection for all care workers, recognize community health workers as workers, and strengthen labour inspectorates. Enforcing ILO leadership would ensure policy coherence on the care economy, thereby promoting decent work, gender equality, social justice and sustainable development.

Discussion of the draft conclusions

- 134.** The Chairperson introduced the draft conclusions prepared by the drafting group and informed the Committee that 228 amendments had been received. Some aspects of the text of the draft conclusions had not been agreed upon by the group, and thus had been placed in square brackets. He proposed that, once all amendments had been discussed, the Committee would consider the text of the draft conclusions accepted, and would agree to delete any text that remained in square brackets, after which the conclusions would be submitted to the Plenary session of the Conference on Friday, 14 June.
- 135.** It was so agreed.
- 136.** The Worker Vice-Chairperson welcomed the work done by the drafting group and looked forward to a fruitful discussion.
- 137.** The Employer Vice-Chairperson thanked the Office for its work on the initial text of the draft conclusions and commended the efforts of the drafting group. Given the complexity and breadth of the care economy, the Committee would be calling on the Office for guidance during the forthcoming discussions, in particular on matters related to tripartite agreed terminology.

Title "Draft conclusions concerning decent work and the care economy"

- 138.** The title was adopted.

Part I. Context – decent work and the care economy: an urgent need for action

139. The title was adopted.

Point 1

[A.140 and A.30]

140. The Employer Vice-Chairperson and the Government member of Belgium, speaking on behalf of the EU and its Member States and on behalf of the Governments of Australia and New Zealand, introduced identical amendments to delete the words “social reproduction” from the first sentence. The term was confusing, was likely to be misinterpreted, and was not common United Nations parlance.
141. The Worker Vice-Chairperson did not support the amendments. Social reproduction referred to the concept of ensuring future generations of workers to contribute to healthy and productive societies and economies. The concept was particularly important in ageing societies with insufficient young working people to meet the increasing needs for care and support.
142. The Government member of Brazil, speaking on behalf of GRULAC, concurred. Care work, whether paid or unpaid, was essential for the functioning of societies and economies. Social reproduction referred to education, training and development throughout the life course and was essential to the reproduction of a healthy and productive workforce.
143. The Government member of Belgium, speaking on behalf of the EU and its Member States and the Governments of Australia and New Zealand, said that while she understood and agreed with the concepts explained by the Workers’ group and GRULAC, the use of the term “social reproduction” remained problematic and could be misconstrued as the perpetuation of social status between generations.
144. The Government member of Mexico proposed a subamendment to replace “social reproduction” with by “reproduction of life”. The Government member of Chile seconded the proposal.
145. The Worker Vice-Chairperson supported the subamendment as proposed by Mexico and proposed a further subamendment to add the words “and labour workforce” after “reproduction of life”.
146. The Government members of Brazil, Colombia and Chile and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the two subamendments.
147. The Government member of Türkiye requested clarification of the meaning of “labour workforce”, as proposed by the Workers’ group; standard wording would be either “labour force” or “workforce”.
148. The Employer Vice-Chairperson, following a discussion on a proposed subamendment to replace “reproduction of life and labour workforce” by the words “societal functioning”, which had not received sufficient support, proposed replacing “labour” by “future”. The amendment, as subamended, would thus read, “reproduction of life and future workforce”.
149. The Worker Vice-Chairperson supported that subamendment.
150. The Government member of Brazil, speaking on behalf of GRULAC, could not support the subamendment. The concept of social reproduction encompassed the whole of the life course, not just workers, and “future workforce” was therefore not an appropriate replacement.

- 151. The Government member of Belgium, speaking on behalf of the EU and its Members States, said that the lack of consensus pointed in favour of the original amendment, to simply delete the words “social reproduction”.
- 152. The Employer Vice-Chairperson agreed.
- 153. The Government members of Türkiye and Switzerland and the Government member of South Africa, speaking on behalf of the Africa group, expressed support for the amendments introduced by the Employer Vice-Chairperson and the Government member of Belgium on behalf of the EU Member States.
- 154. The amendments were adopted.

[A.156]

- 155. The Worker Vice-Chairperson introduced an amendment, in the final sentence of point 1, to replace “demand and supply of” with “demand for and access to”. The concept of “access” rather than “supply” would better reflect the reality that care services were not items to be exchanged. Care was a matter of human relationships, human rights and people’s ability to live a healthy, fulfilling and dignified life. The sentence related to circumstances that could exacerbate the need for or reliance on care, or which could create staffing shortages. Care was not a commodity. Reference to “supply” and “demand” of care was therefore not appropriate.
- 156. The Employer Vice-Chairperson said that if all parties were to be involved in creating an ecosystem that supported the care economy, there must be supply to meet demand. The role of employers in providing opportunities for training and development and equipping workers with the skills they needed should not be ignored. The Employers’ group therefore wished to propose a subamendment, after “demand”, to replace “for” by “and supply” and to replace “and” by “as well as” before “access to”.
- 157. The Worker Vice-Chairperson did not support the subamendment or the marketization of the care economy. The Government member of Colombia agreed.
- 158. The Government member of Barbados pointed out that supply and demand were fundamental concepts of any economic discussion, including discussion of the care economy.
- 159. The Government member of Türkiye felt that the word “supply” was at odds with a human-centred concept of care. He suggested a further subamendment to replace the word “supply” by “provision”. The proposed subamendment was seconded by the Government member of Barbados.
- 160. The Worker Vice-Chairperson suggested a further subamendment for the purposes of clarification, to read “the demand for, provision of, as well as access to”.
- 161. The Employer Vice-Chairperson said that supply and demand was a universally understood economic principle, not a marketing tool. “Demand and provision” was not universally understood. The concept of supply and demand was critical for several reasons: growing demand for care services driven by demographic changes, changing family structures and increasing care needs necessitated a robust supply of care providers; workforce availability and quality of care related to the supply of care workers; and accessibility and affordability of care were linked to supply, as were innovation and efficiency. Supply was thus a crucial concept, which must remain in the text.
- 162. The Worker Vice-Chairperson said that, in the absence of consensus, her group could agree to a compromise, reading “demand for, supply of, and access to care”.

- 163. The Employer Vice-Chairperson agreed.
- 164. The Government member of Brazil, speaking on behalf of GRULAC, could also agree.
- 165. The amendment was adopted as subamended.
- 166. Point 1 was adopted as amended.

Point 2

[A. 111]

- 167. The Government member of Kiribati, speaking also on behalf of the Government of Samoa, introduced a proposed amendment to add the words “brain drain”, after the word “pandemics” in the first sentence. Brain drain was a central theme in the care economy, posing a threat for small island developing States and rural community contexts with relatively small and fragile healthcare systems and households.
- 168. The Employer Vice-Chairperson supported the amendment.
- 169. Following a discussion on the alignment between the three language versions, the Worker Vice-Chairperson agreed to the proposed amendment.
- 170. The amendment was adopted.

[A.137]

- 171. The Employer Vice-Chairperson introduced an amendment to replace “addressing gender and other inequalities” with “achieving gender equality and inclusion”, to strengthen the language and make it more inclusive.
- 172. The Worker Vice-Chairperson did not support the amendment. A well-functioning care economy would help to address gender inequalities as well as other inequalities, including income inequalities or inequalities affecting migrant or racialized care workers, who were often over-represented in low-status and low-paid care jobs.
- 173. The Government member of Brazil, speaking on behalf of GRULAC, did not support the amendment. Many inequalities persisted in access to care and in the conditions of the provision of care work. There was significant inequality in the disproportionate number of indigenous women, women of African descent, migrant women, rural women and women from low-income households in unpaid care work and in the most precarious forms of informal work.
- 174. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to add “and addressing other inequalities” after “and inclusion”.
- 175. The Government members of Canada, Switzerland and Mexico supported the subamendment.
- 176. The Employer Vice-Chairperson and the Worker Vice-Chairperson also supported the subamendment.
- 177. The amendment was adopted as subamended.

[A.31 and A.41]

- 178. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment (A.31) to delete the words “employment, particularly for youth and women” and add, after “creates”, “and enables employment opportunities”. Employment opportunities

should be created for all, in an effort to move away from the current gender-based segregation in care.

- 179.** The Government member of Switzerland said that her Government, together with the Government of the United States, had submitted a similar proposed amendment (A.41), to replace “creates employment, particularly for youth and women” with “enables employment opportunities”, also in the spirit of promoting employment in the care economy for all.
- 180.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment proposed by the Government member of Belgium, speaking on behalf of the EU Member States.
- 181.** The Government member of South Africa, speaking on behalf of the Africa group, also supported the amendment proposed by the Government member of Belgium on behalf of the EU Member States.
- 182.** The Government member of Mexico could support the addition of “and enables employment opportunities”, as proposed by the EU Member States, but did not support the deletion of “particularly for youth and women”. A disproportionate number of women were in unpaid care work; creating employment opportunities for them was particularly important. The Government member of Brazil, speaking on behalf of GRULAC, agreed.
- 183.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not wish to reinstate the words “particularly for youth and women”.
- 184.** The Government member of Türkiye supported the amendment proposed by the Governments of Switzerland and the United States. Employment creation was implicit in the words “enables employment”.
- 185.** The Government member of the United States, speaking also on behalf of the Government of Switzerland, could support the amendment proposed by the EU Member States. It therefore withdrew its proposed amendment.
- 186.** The amendment submitted by the EU Member States was adopted.
- 187.** Three amendments (A.136 and A.135 and A.157) fell.

[A.114]

- 188.** In the light of the deletion of the words “particularly for youth and women”, the Government member of Kiribati, speaking also on behalf of the Government of Samoa, withdrew a proposed amendment to add “and men” to the end of the second sentence.
- 189.** Point 2 was adopted as amended.

New point after point 2

[A.26]

- 190.** The Government member of Switzerland, speaking also on behalf of the Government of the United States, proposed the introduction of a new point, after point 2, to read: “Women make up the majority of paid and unpaid care work throughout the world, particularly mothers”. It was important to reflect the fact that women did the overwhelming majority of work in the care economy.

- 191. The Worker Vice-Chairperson supported the addition of the new point but questioned the specific reference to mothers, which might not be factually accurate. She therefore proposed deleting the words “particularly mothers”.
- 192. The Employer Vice-Chairperson agreed.
- 193. The Government member of Switzerland agreed to the subamendment.
- 194. The amendment was adopted as subamended.
- 195. The new point after point 2 was adopted, as amended.

Point 3

[A.133]

- 196. The Employer Vice-Chairperson introduced an amendment to replace “, including in public policy” by “; it shed light on gaps in public policies”.
- 197. The Worker Vice-Chairperson agreed with the sentiment of the proposal but suggested, for the sake of clarity, replacing “; it” by “and”, and ending the sentence after “public policies”. The words “The pandemic” should then be added before “exacerbated” to start the second sentence.
- 198. The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of Mexico supported the subamendment.
- 199. The amendment was adopted as subamended.

[A.131]

- 200. The Employer Vice-Chairperson introduced a proposed amendment to replace the word “poor” with the word “challenging” when referring to the working conditions of care workers. Qualifying working conditions as “poor” was subjective and not in line with ILO terminology.
- 201. The Worker Vice-Chairperson strongly opposed the amendment. The COVID-19 pandemic had shed light on the poor working conditions faced by many care workers worldwide. Those workers had been at increased risk of contracting the virus, as a result of which thousands had died. During the pandemic, care workers had faced increased violence, harassment and mental distress. Thousands had since left their jobs. The word “challenging” was therefore wholly inadequate. Working conditions had been poor.
- 202. The Government member of Türkiye did not support the amendment.
- 203. The Government member of Mexico agreed with the Workers’ group that the conditions of work during the pandemic had been particularly difficult. She proposed replacing the word “poor” by “precarious”.
- 204. The Government member of Brazil, speaking on behalf of GRULAC, and the Government member of Colombia supported that subamendment.
- 205. The Government member of the United Arab Emirates, speaking on behalf of the Member States of the Cooperation Council for the Arab States of the Gulf (GCC) supported the amendment as originally proposed by the Employers’ group.
- 206. The Employer Vice Chairperson proposed a further subamendment to use “difficult” instead of “challenging”.

- 207.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of China supported the subamendment proposed by the Employers' group.
- 208.** The Worker Vice-Chairperson insisted that the word "poor" should be maintained.
- 209.** The Employer Vice-Chairperson said that during the pandemic everything had been challenging and difficult. The reference to "poor working conditions" was too generic and therefore not acceptable; the challenges of the pandemic had been specific and unprecedented. Similarly, the word "precarious" was not appropriate. The words "challenging" or "difficult", however, would be acceptable.
- 210.** The Worker Vice-Chairperson said that "poor working conditions" was commonly used language in various documents adopted at the international level, especially when describing conditions of work during the pandemic. Replacing "poor" by "difficult" or "challenging" would minimize the experiences of workers during the pandemic. She recalled the long hours worked, including by those who had worked around the clock because there had been no one to relieve them, shortages of personal protective equipment, workers having been unable to return home after shifts for fear of transmitting the virus to their families, and the tens of thousands of deaths of people working in care. The words "poor working conditions" were therefore an accurate description of the dire situation at the time.
- 211.** The Government members of Switzerland, Kiribati, the Philippines, and the Government member of South Africa, speaking on behalf of the Africa Group, did not support the proposed amendment; the original wording, "poor working conditions" was commonly understood language. The Government members of the United States and the United Kingdom agreed, while noting that poor working conditions during the pandemic had not necessarily been the fault of employers.
- 212.** The Government member of Brazil, speaking on behalf of GRULAC, said that while the English "poor working conditions" was acceptable, a literal Spanish translation would be meaningless, and it would therefore be difficult to align the different language versions of the text.
- 213.** The Government members of India and Zambia and the Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, supported the proposed amendment, since the term "poor" seemed to imply that no efforts for improvement had been made, whereas "challenging" was a clear indication that the circumstances had been the reason for the difficulties, not a lack of will.
- 214.** The Employer Vice-Chairperson, in the absence of a consensus, said that her group could accept "poor working conditions", provided that the words "care workers" could be replaced by "some care workers at the time,".
- 215.** The Worker Vice-Chairperson said that the word "some" was wholly inadequate to describe the situation in which tens, if not hundreds, of thousands of people had died. Her group categorically could not accept the subamendment.
- 216.** The Government members of Australia and Canada concurred. The Government member of Canada requested clarification from the Office on the definition of "poor working conditions".
- 217.** The deputy representative of the Secretary-General stated that the Office included the term "poor working conditions" as it was used by several Office documents in relation to COVID-19, including the ILO Monitor on COVID-19 and the world of work, and the recently published flagship report, *World Employment and Social Outlook: Trends 2024*.

- 218. Following further discussion and in the absence of consensus, the deputy representative of the Secretary-General recalled the wording of the ILO Global Call to Action, which referred to “pre-existing decent work deficits”.
- 219. The Worker Vice-Chairperson said that her group could accept that language.
- 220. The Employer Vice-Chairperson, withdrawing her group’s subamendment, proposed a further subamendment to replace “the poor working conditions” by “pre-existing decent work deficits”, in line with the Global Call to Action.
- 221. It was so agreed.
- 222. The amendment, as subamended in line with the Global Call to Action, was adopted.

[A.204]

- 223. The Government member of the United Kingdom, also speaking on behalf of Government of the United States, introduced an amendment to insert “, including gender-based violence and harassment” after “such as exposure to violence and harassment”. Gender-based violence and harassment were a particular issue of concern in the care sector.
- 224. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 225. The Government member of Mexico introduced a subamendment to add a reference to ILO Convention No. 190, to read “as defined in ILO Convention No. 190”, immediately after the proposed language “, including gender-based violence and harassment”. The Government member of Philippines seconded the subamendment.
- 226. The Employer Vice-Chairperson did not support the subamendment; it would be preferable not to quote instruments in the conclusions.
- 227. The Worker Vice-Chairperson, while understanding the objective of the proposed subamendment, cautioned that many Member States had not yet ratified the Convention.
- 228. The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of Kiribati, did not support the subamendment.
- 229. The Government member of the United Kingdom appreciated the intention behind the proposed subamendment and pointed out that other proposed amendments had been submitted that referred to issues related to Convention No.190. The matter might therefore be revisited later in the Committee’s deliberations.
- 230. The subamendment was rejected.
- 231. The amendment was adopted.

[A.222]

- 232. The Employer Vice-Chairperson introduced a proposal to amend the end of the point by starting a new sentence after “harassment”, to read “The pandemic increased the demand for care, heightening the severe staff and skill shortages”. The amendment was intended to ensure a balanced and comprehensive point, which took account not only of policy areas, decent work deficits and staff and skills shortages exposed by the pandemic, but also of the increase in demand for care caused by the pandemic.
- 233. The Worker Vice-Chairperson did not accept the amendment, which suggested that staff shortages had only begun as a result of increased demand for care during the pandemic. Staff shortages in eldercare, for example, had predated the pandemic.

234. The Government member of Brazil, speaking on behalf of GRULAC, and the Government members of Türkiye, Switzerland and Australia did not support the amendment.

235. The amendment was withdrawn.

[A.223]

236. The Employer Vice-Chairperson introduced an amendment to add “faced by public organizations and businesses, specifically MSMEs” after the word “shortages” at the end of the point.

237. The Worker Vice-Chairperson acknowledged that organizations providing care services had faced skills and staff shortages during the pandemic. Point 3 of the draft conclusions was, however, intended to highlight the poor working conditions faced by care workers. The Workers’ group did not support the amendment.

238. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported by the Government members of Australia and the United Kingdom, while acknowledging that skills and staff shortages were broad issues, would prefer not to include a list, which would be unnecessarily limiting. The Government member of Kiribati also opposed the amendment.

239. The amendment was withdrawn.

240. Point 3 was adopted as amended.

Point 4

[A.213]

241. The Government member of Brazil, speaking on behalf of GRULAC, proposed an amendment to divide point 4 into three points, for the sake of clarity.

242. The Worker Vice-Chairperson did not support the amendment. The point dealt with one theme and should remain as a single point.

243. The Employer Vice-Chairperson did not support the amendment.

244. The amendment was withdrawn.

[A.27]

245. The Government member of Switzerland, speaking also on behalf of the Governments of New Zealand and the United Kingdom, proposed an amendment to insert “often” before “requires”, and replace “a high level of skill” by “high levels of skills”.

246. The Employer Vice-Chairperson supported the amendment.

247. The Worker Vice-Chairperson did not support the amendment; all care work required skills and to suggest otherwise would be to continue to undervalue care work.

248. The Government members of Türkiye and Kiribati and the Government of Belgium, speaking on behalf of the EU and its Member States, supported the amendment.

249. The Government member of Switzerland clarified that the insertion of “often” did not exclude any level of skill.

250. The Worker Vice-Chairperson underscored that all care work was important and required various skills. There should be no distinction between high- or low-level skills. Provided due note was taken of that clarification, the Workers' group could accept the amendment.

251. The amendment was adopted.

[A.224]

252. The Government member of Türkiye introduced an amendment to replace the word "expert" by "specialized" before "knowledge", to refer to more in-depth, detailed knowledge.

253. The Employer Vice-Chairperson seconded the amendment.

254. The Worker Vice-Chairperson considered the amendment unnecessary but could accept it in a spirit of consensus, provided there was broad support for it among the rest of the Committee.

255. The Government member of Switzerland supported the amendment.

256. The amendment was adopted.

[A.227]

257. The Government member of Türkiye introduced a proposed amendment to insert the word "fully" before "recognized", to read, "skills are not always fully recognized".

258. The Employer Vice-Chairperson seconded the amendment.

259. The Worker Vice-Chairperson supported the amendment.

260. The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, and the Government members of the Philippines, Switzerland, Mexico and Kiribati also supported the amendment.

261. The amendment was adopted.

[A.225]

262. The Government member of Brazil, speaking on behalf of GRULAC, introduced an amendment to recast the fourth sentence from, "Migrant workers, many of whom are women, often are not able to exercise fully the same rights as other workers", to "Migrant workers, especially women, face additional obstacles to the enjoyment of the same rights as other workers".

263. The Worker Vice Chairperson did not support the amendment; the original language was stronger. The Employer Vice Chairperson concurred.

264. The amendment was withdrawn.

[A.22]

265. The Government member of Kiribati, speaking also on behalf of the Government of Samoa, introduced an amendment to delete the words "many of whom are women" after "migrant workers", since there were many male care providers.

266. The Worker Vice Chairperson did not support the amendment. The ILO had produced extensive reports acknowledging the overwhelmingly disproportionate number of female migrant care workers and migrant domestic workers.

267. The Employer Vice Chairperson did not support the amendment.

268. The amendment was withdrawn.

[A.128]

- 269. The Employer Vice Chairperson introduced an amendment to remove the word “strong” before “ethnic, racial and gender-based occupational segregation”. The text was already comprehensive.
- 270. The Worker Vice Chairperson did not support the amendment; in the nursing sector, for example, women faced strong segregation.
- 271. The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, and the Government member of Canada also preferred to maintain the word “strong”, as it was factually accurate.
- 272. The amendment was withdrawn.

[A.228, A.127 and A.126]

- 273. The Government member of Türkiye proposed an amendment to delete the words “ethnic, racial and” before “gender-based occupational segregation” and to delete the words “especially the racialized and poor” after “Women,”. The proposal was intended to simplify and clarify the point and maintain the focus on gender-related challenges.
- 274. The Employer Vice Chairperson seconded the amendment.
- 275. The Worker Vice Chairperson did not support the amendment. Care workers were often subject to intersectional discrimination based on more than one ground, with race and socio-economic background being predominant factors. In the context of the International Decade on People of African Descent, it would be opportune to reflect on the historical realities underpinning current inequalities. Indigenous workers and workers of African descent were disproportionately represented in care provision and most likely to be engaged in low-wage care work. They often faced racism, racial violence and abuse while working. Segregation in unpaid care was also significant. References to ethnic and racial segregation, and to racialized and poor women should therefore remain in the text.
- 276. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that while many groups faced specific difficulties, she would prefer not to create a list of grounds for discrimination. With that in mind, the EU and its Member States had also submitted a proposed amendment (A.32), which would be discussed subsequently, to replace the words “racialized and poor” with “those in vulnerable positions”.
- 277. The Government member of Brazil, speaking on behalf of GRULAC, said that GRULAC comprised 33 countries in Latin America, with a total of approximately 134 million people of African descent. One in four people living in Latin America was either of African descent or indigenous. Many were migrant workers, were mobile within and outside the region, and experienced strong gender-based segregation. There was a disproportionate number of women, including women of African descent, in the Latin American care sector. Domestic workers in particular experienced severe deficits in decent work. Women of African descent, migrants, indigenous people and people living in poverty experienced multiple and exacerbated forms of discrimination. Those inequalities must be clearly referenced in the text of the conclusions.
- 278. The Government member of Türkiye withdrew the proposed amendment in favour of the amendment due to be proposed by the EU Member States.
- 279. In the light of the foregoing and given a distinct lack of support, the Employer Vice-Chairperson withdrew two amendments: the first, to delete “ethnic, racial and” before “gender-based

occupational segregation”; and the second, to delete “especially the racialized and the poor” after “Women”. The Government member of Brazil, speaking on behalf of GRULAC similarly withdrew an amendment (A.226) to delete the words “especially the racialized and poor” after “Women”, in favour of the subsequent amendment proposed by the EU Member States.

[A.32]

- 280.** The Government member of Belgium, speaking on the behalf of the EU Member States, proposed an amendment (A.32) to replace “the racialized and poor” with “those in vulnerable situations”.
- 281.** Both the Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 282.** The amendment was adopted.
- 283.** Point 4 was adopted as amended.

New point after point 4

[A.149]

- 284.** The Government member of China introduced a proposal, seconded by the Government of Brazil, to introduce a new point, after point 4, to read, “The fast pace of society ageing brings more care burden, which intensified the conflict between the care services supply and demand, and at the same time high quality services are more needed than ever before.”. An ageing population was increasing the demand for eldercare worldwide, heightening the need for good quality paid care services and increasing the burden of unpaid care. Efforts to meet the increased demand both for formal and informal care must be strengthened. The conclusions should place greater emphasis on the pressure that an ageing population put on the qualitative and quantitative demand for care services.
- 285.** The Government member of Japan supported the proposal.
- 286.** The Government member of Brazil, supported by the Government members of Mexico and Chile, proposed a subamendment to replace the word “conflict” by “gap”.
- 287.** The Government member of Tunisia, supported by the Government member of Türkiye and the Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, proposed a further subamendment to replace “conflict” by “imbalance”.
- 288.** The Government member of Türkiye proposed a subamendment to delete the word “before” from the end of the point. The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, supported that proposal.
- 289.** The Government member of Zimbabwe said that Africa did not have an ageing population but in fact had a youth dividend; the words “in some parts of the world” should therefore be inserted after “ageing”, since the phenomenon was not global. The Government member of South Africa, speaking on behalf of the Africa group, and the Government member of Kiribati supported that subamendment.
- 290.** The Government member of Mexico opposed the subamendment proposed by the Government of Zimbabwe.
- 291.** The Government member of Indonesia pointed out that while the fast pace of society ageing brought challenges, it also afforded opportunities. He therefore proposed replacing the words

“burden” by “challenges and opportunities”. The Government member of Kiribati seconded that proposal.

292. The Employer Vice-Chairperson could agree to the proposal by China as subamended by Indonesia, Zimbabwe, Tunisia and Türkiye.
293. The Worker Vice-Chairperson did not support the addition of the new point. Reference to the demographic shift had been agreed in point 1; the addition of a point on population ageing constituted unnecessary repetition. The Workers’ group remained uncomfortable with references to “supply and demand” in relation to care work.
294. The Government member of China recalled the importance of recognizing the impact of the global ageing of the population and increasing life expectancy, which were in turn increasing the number of people needing care. Ageing was an important factor in the care economy.
295. The Government member of Mexico proposed deleting the words “which intensifies the conflict between the care services supply and demand,”.
296. The Worker Vice-Chairperson said that if there was support for the inclusion of a new paragraph on the ageing population, her group would propose the following: “The pace of population ageing intensifies the need for and access to care, and at the same time demonstrates that high-quality care services are more needed than ever before.”.
297. The Government member of Switzerland supported that proposal.
298. The Employer Vice-Chairperson did not support the proposal by the Workers’ group.
299. The Government member of Belgium, speaking on behalf of the EU and its Member States could support the Workers’ proposal but wished to subamend it, for the purposes of clarity, by adding “fast” before “pace”, replacing “intensifies” by “impacts”, and deleting “before”.
300. The Government members of Tunisia and Mexico did not support the Workers’ proposal, preferring the wording of the original amendment proposed by the Government of China.
301. The Government member of China proposed a compromise, which had been prepared in conjunction with the Governments of Brazil and Japan, to read, “The fast pace of population ageing, in some parts of the world, increases the burden of unpaid and paid care work and intensifies the gap between demand for and provision of care. This demonstrates that high-quality care services are more needed than ever before.”.
302. The Government member of Mexico, and the Government member of Belgium speaking on behalf of the EU and its Member States, welcomed the efforts to seek consensus and supported the proposed new point, as revised by the Governments of China, Brazil and Japan.
303. The Worker Vice-Chairperson expressed appreciation for the effort to reach a compromise. The Workers’ group could support the revised point.
304. The Government member of Switzerland cautioned that the word “services” implied something that would be provided by qualified professionals and would be paid for. The term “services” therefore seemed incompatible with “paid and unpaid”.
305. The Employer Vice-Chairperson agreed that the proposal was contradictory. Paid work should not be referred to as a “burden”. The spirit of the new point as originally proposed by the Government of China, which had focused on ensuring a balance between supply and demand for care work, had been lost. Her group could only support the original proposal by the Government of China, as subamended by Indonesia, Tunisia, Türkiye and Zimbabwe.

- 306.** The Government member of Mexico, supported by the Government member of Brazil, speaking on behalf of GRULAC, said that high-quality services were required to ease the burden of unpaid care work currently shouldered by women.
- 307.** The Government member of the United Kingdom proposed a subamendment as follows: “The growth of population ageing in some parts of the world can increase the care burden and highlight the need for high-quality, age-sensitive care systems.”. The Government member of Australia seconded that subamendment.
- 308.** The Government members of Japan, Switzerland and the United States, and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported that proposal.
- 309.** The Employer Vice-Chairperson asked how “age-sensitive care systems” could be defined.
- 310.** The Government member of Switzerland said that “age-sensitive” could be defined as responding effectively to age-specific needs at all stages of the life course. It did not imply exclusively eldercare.
- 311.** The Government member of China, while welcoming the efforts to reach a consensus, could not support the proposal by the Government of the United Kingdom.
- 312.** Following informal consultations, the Employer Vice-Chairperson proposed reverting to the original amendment as proposed by the Government of China.
- 313.** The Worker Vice-Chairperson did not support the amendment as proposed by the Government of China and proposed subamendments to introduce, after the word “ageing” the words “in some parts of the world”, and to replace “conflict between the care services supply and demand” with “gaps in care services”.
- 314.** The Employer Vice-Chairperson said that her group could accept the subamendments as presented by the Worker Vice-Chairperson, except the deletion of “supply and demand”.
- 315.** The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Colombia, Australia and the United Kingdom supported the subamendments as proposed by the Workers’ group.
- 316.** The Government member of New Zealand also supported the subamendments as proposed by the Workers’ group and pointed out that reference to supply and demand related to demographic shifts was included in point 1 of the draft conclusions.
- 317.** The Government member of Brazil echoed the comments made by the Employer Vice-Chairperson: she could accept the subamendments proposed by the Workers’ group except the deletion of “supply and demand”. She proposed a further subamendment to replace “conflict” by “gaps in” and reinstate “supply and demand” after “care services”.
- 318.** The Employer Vice-Chairperson seconded that subamendment.
- 319.** The Government members of China, India, Japan and Mexico also supported the subamendment proposed by the Government member of Brazil.
- 320.** The Worker Vice-Chairperson proposed a further subamendment, “gaps in the demand for, supply of and access to care”.
- 321.** The Employer Vice-Chairperson agreed to that proposal.

- 322.** The Government member of Belgium, speaking on behalf of the EU and its Members States, the Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Australia, Brazil, Chile, China, Colombia, New Zealand, Mexico, and the United States supported the subamendment by the Workers' group.
- 323.** The amendment was adopted as subamended.
- 324.** The new point after point 4 was adopted as amended.

Point 5

[A.125]

- 325.** In the absence of support from the Workers' and Government groups, the Employer Vice-Chairperson withdrew a proposed amendment to replace "leadership" by "leading".

[A.124]

- 326.** The Employer Vice-Chairperson introduced amendment to add, after the first sentence, a new sentence to read "Adequate resources are critical to advance the 5R Framework for Decent Care Work." The amendment was intended to reflect the crucial nature of resources, without placing the burden entirely on the public sector.
- 327.** The Worker Vice-Chairperson did not support the amendment; while her group agreed that resources were needed for a robust and well-functioning care economy, they were not required for the 5R Framework, which pertained to public policy. Reference to resources would be more appropriately placed in part IV – the operational part – of the draft conclusions.
- 328.** The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment.
- 329.** The Employer Vice-Chairperson said that her group would prefer to move the reference to point 19, under part III, Guiding principles, to link the resources to the 5R Framework for Decent Care Work. On the understanding that the words "Financial resources and incentives to invest in the care infrastructure and workforce are essential" could be added to point 19, then the proposed amendment to point 5 could be withdrawn.
- 330.** The Worker Vice-Chairperson proposed a subamendment to add the words "Adequate resources are critical" in point 19.
- 331.** The Employer Vice-Chairperson accepted that subamendment.
- 332.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, the Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Australia, Canada, Mexico and New Zealand agreed to the proposed way forward.
- 333.** The amendment was withdrawn, on the understanding that the agreed wording would be included in point 19.

[A.158]

- 334.** The Worker Vice-Chairperson introduced an amendment to replace "Employers have increasingly" by "Social dialogue, including collective bargaining, has led to the introduction of". The amendment was intended to highlight the crucial role of the social partners in achieving the better working conditions necessary for States to uphold their obligations under international labour standards. The introduction of family-friendly workplace policies should

not be attributed exclusively to employers. All stakeholders had contributed to the progress made.

- 335.** The Employer Vice-Chairperson objected to the removal of reference to the efforts made by employers with respect to building skills and creating jobs. Those efforts were crucial to creating a proper ecosystem for the care economy. Employers could not be excluded from the equation of the care economy. Social dialogue was at the heart of the work of the ILO, not collective bargaining.
- 336.** The Worker Vice-Chairperson said that social dialogue, by definition, included the employers. Similarly, collective bargaining could not be done by workers alone. The amendment had been proposed in a spirit of inclusivity.
- 337.** The Government member of Cameroon, supported by the Government member of Switzerland, agreed that the concept of social dialogue by its very nature included three parties: the government, employers and workers. His Government supported the amendment.
- 338.** The Government member of the United States proposed a subamendment, recognizing the efforts of employers and the results of social dialogue, to read, “Employers and social dialogue, including collective bargaining, have led to the introduction of”.
- 339.** The Government members of Mexico and Chile supported the subamendment proposed by the Government of the United States.
- 340.** The Government member of Zimbabwe said that “and” should be replaced by “as well as” before “social dialogue” for grammatical accuracy.
- 341.** The Government member of Belgium speaking on behalf of the EU and its Member States, also supported the proposal by the Government of the United States and suggested replacing “Employers and” by “Employers, through”.
- 342.** The Employer Vice-Chairperson proposed the insertion of “and workplace cooperation” after “collective bargaining”.
- 343.** The Worker Vice-Chairperson did not accept the insertion of “and workplace cooperation”. She suggested a further subamendment, to read, “Employers and workers, through social dialogue, as well as employer-led initiatives, have led to the introduction of”.
- 344.** The Employer Vice-Chairperson agreed to that proposal.
- 345.** The amendment, as subamended, was adopted.

[A.123]

- 346.** In the absence of support from the Workers’ and Government groups, the Employer Vice-Chairperson withdrew a proposed amendment to insert the word “flexible” before “working arrangements”.

[A.205]

- 347.** The Government member of Brazil, speaking on behalf of GRULAC, introduced a proposed amendment to add, at the end of point 5, a new sentence to read, “These efforts represent progress towards transforming the unequal distribution of work between men and women into a fair organization of care, which promotes co-responsibility between governments, the private sector, families and the community.”

- 348.** The Employer Vice-Chairperson could support the amendment with two subamendments: the first, to delete the word “fair” before “organization” and the second, to replace “co-responsibility” by “cooperation”. Co-responsibility was not a term used commonly in ILO documents, and cooperation between tripartite constituents was a well-recognized concept.
- 349.** The Worker Vice-Chairperson did not support the amendment; while the content might be acceptable, its inclusion in point 5 would be misplaced.
- 350.** The Government member of the United States agreed with the Workers’ group that the sentence would be better placed elsewhere in the conclusions.
- 351.** The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed that the proposal would be better placed elsewhere. She proposed adding a reference to the social and solidarity economy at the end of the sentence.
- 352.** The Government member of Mexico supported that proposal.
- 353.** The Government member of Brazil, speaking on behalf of GRULAC, with a view to allaying the concerns of the Employers’ group, suggested replacing “fair” by “more equal”. She could not accept the replacement of “co-responsibility” by “cooperation” but instead suggested “shared responsibility”.
- 354.** The Employer Vice-Chairperson could not accept “shared responsibility”. The private sector complemented the State and cooperated with it, but did not share responsibility equally. The word “partnership” might be amenable to all parties.
- 355.** The Government member of Brazil, speaking on behalf of GRULAC, introduced a subamendment to revise the proposed new sentence at the end of point 5 to read, “These efforts represent progress towards transforming the unequal distribution of work between men and women into a fair organization of care promoting social co-responsibility between the State, the private sector, families, the social and solidarity economy and the community.”
- 356.** The Worker Vice-Chairperson did not support the subamendment or the amendment. Part I of the draft conclusions referred to the context and realities of the current care economy and to the 5R Framework for Decent Care Work. The statement proposed by GRULAC would be better placed elsewhere in the conclusions.
- 357.** The Employer Vice-Chairperson supported the subamendment and proposed a further subamendment to replace “fair” with “more equal”. The concept of fairness was subjective.
- 358.** The Government member of Kiribati agreed with the Workers’ group and felt that the proposal from GRULAC would be better placed in the part of the conclusions on transformation.
- 359.** The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, suggested a further subamendment to insert “care” before “work”, to read “unequal distribution of care work between men and women”.
- 360.** The Employer Vice-Chairperson seconded the subamendment, which was also supported by the Government members of New Zealand and the United States.
- 361.** The Government member of Brazil supported the subamendments proposed. She proposed a further subamendment to the English language version, to replace “distribution” by “division”.
- 362.** The Worker Vice-Chairperson said that despite considering that the sentence would be better placed elsewhere in the draft conclusions, her group would not stand in the way of consensus. It could agree to the amendment, as subamended.
- 363.** The Employer Vice-Chairperson supported the amendment, as subamended.

- 364. The Government members of the United Kingdom, Australia, the United States, Canada, New Zealand and Colombia supported the amendment as subamended.
- 365. The amendment was adopted as subamended.
- 366. Point 5 was adopted as amended.

Point 6

[A.1]

- 367. The Government member of Türkiye introduced an amendment to insert the words “public awareness” before “, legislation” to underscore the importance of an informed public and of fostering societal support for legislative and policy changes.
- 368. The Employer Vice-Chairperson seconded the proposed amendment. The involvement of the public sector was particularly important; it was a key player in the care economy.
- 369. The Worker Vice-Chairperson said that her group would not object to the amendment, although she questioned the need for the reference to public awareness, which was already mentioned in point 26(e) of the draft conclusions.
- 370. The Government member of Belgium speaking on behalf of the EU and its Member States, the Government member of South Africa speaking on behalf of the Africa group, the Government member of the United Arab Emirates speaking on behalf of the member States of the Gulf Cooperation Council, and the Government member of Kiribati supported the amendment.
- 371. The Government member of Kiribati pointed out that public awareness raising would incur costs. She hoped that the ILO would consider that in its support to Member States.
- 372. The amendment was adopted.

[A.23]

- 373. The Government member of Kiribati, speaking also on behalf of the Government of Samoa, proposed an amendment to replace “to care” by “for all” at the end of the paragraph.
- 374. The Worker Vice-Chairperson cautioned that the amendment would alter the focus of the point to access to decent work, rather than access to care.
- 375. The Employer Vice-Chairperson said that while her group could accept the addition of “for all” it wished to retain the reference to care. She therefore proposed a subamendment, to read “access to care for all”.
- 376. The Government member of Brazil, speaking on behalf of GRULAC, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Malaysia, Australia and Dominican Republic supported the amendment as subamended.
- 377. The amendment was adopted as subamended.
- 378. Point 6 was adopted as amended.
- 379. Part I, as a whole, was adopted as amended.

Part II. A common understanding of the care economy

- 380. The title was adopted.

Point 7

[A.12]

- 381.** The Government member of Türkiye introduced a proposed amendment to delete the words “the household” in its first instance, to avoid unnecessary repetition.
- 382.** The Employer Vice-Chairperson seconded the proposed amendment.
- 383.** The Worker Vice-Chairperson supported the amendment.
- 384.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, the Government member of South Africa, speaking on behalf of the Africa group, and the Government member of the United States, supported the amendment.
- 385.** The amendment was adopted.

[A.165]

- 386.** The Government member of Brazil, speaking on behalf of GRULAC, proposed an amendment to insert the words “and emotional effort” after “relations” in the second sentence of point 7. The amendment was proposed with the intention of acknowledging the mental and emotional burden on care providers.
- 387.** The Worker Vice-Chairperson supported the amendment.
- 388.** The Employer Vice-Chairperson did not support the amendment. The term “emotional effort” was too broad and detracted from the focus of point 7.
- 389.** In the absence of any further expressions of support, the amendment was withdrawn.

[A.168]

- 390.** The Government member of Brazil, speaking on behalf of GRULAC, introduced a proposed amendment to insert the words “mental health” between “cognitive,” and “and developmental”. Mental health needs were different to psychological and cognitive needs. Mental health needs had become particularly prominent during and since the COVID-19 pandemic. Mental health issues had a significant impact on people the world over and merited mention in the conclusions.
- 391.** The Worker Vice-Chairperson supported the amendment.
- 392.** The Employer Vice-Chairperson did not support the amendment; mental health was covered broadly by “psychological” and “cognitive” needs. The addition of a specific reference to mental health risked narrowing the understanding of those terms. The list in point 7 was already comprehensive.
- 393.** The Government members of the United States and the United Kingdom also felt that mental health was already covered by “psychological” needs.
- 394.** The Government members of the Dominican Republic, Chile and Benin supported the proposed amendment. The inclusion of a specific reference to mental health needs was important. The Government member of Chile added that the mental health needs of those who provided care or worked in emotionally stressful jobs, such as frontline emergency services, should also not be forgotten.

- 395. The Government member of Brazil speaking on behalf of GRULAC underscored the importance of referring specifically to mental health. “Psychological needs” and “cognitive needs”, while related to mental health, were not broad enough terms to encompass all aspects of mental health. The scope of mental health encompassed care provision for prevention, clinical treatment and day-to-day care, but also reflected emotional support needs. Those aspects were not covered by “psychological” or “cognitive” needs. The WHO estimated that 12 billion days of productive work were lost per year owing to mental health issues, in particular depression and anxiety.
- 396. The Government member of the United States thanked the Government member of Brazil for the explanation, in light of which his Government would support the amendment.
- 397. The Government member of Belgium, speaking on behalf of the EU and its Member States, also supported the amendment.
- 398. The Employer Vice-Chairperson asked the Office to clarify whether any ILO instruments relating to occupational safety and health included reference to “mental health”.
- 399. The Government member of Kiribati said that the term “mental health” was commonly used in ILO documents. She supported the amendment.
- 400. The deputy representative of the Secretary-General said that the ILO recognized both the concepts of “mental health” and “psychological needs” and used both terms.
- 401. The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Canada, Kiribati and the United States reiterated their support for the amendment.
- 402. The Worker Vice-Chairperson and the Employer Vice-Chairperson agreed to the amendment.
- 403. The amendment was adopted.

[A.121]

- 404. The Employer Vice-Chairperson introduced a proposed amendment to delete “/and” before “support” in the last sentence, to read, “care or support”, and to delete the words “care, and when necessary, support” in square brackets. The ILO Workers with Family Responsibilities Convention, 1981 (No. 156), referred to “care or support”. Moreover, in placing the item on the agenda of the 112th Session of the International Labour Conference, the Governing Body of the ILO had mandated a discussion to review “developments concerning care work, across the ILO’s strategic objectives, as a critical area for advancing the transformative agenda for gender equality and promoting an ecosystem of care for all” (GB.343/INS/2(Rev.1). Moreover, care “and” support was restrictive, as it implied that both must be provided at all times, whereas “or” gave the flexibility of choice.
- 405. The Worker Vice-Chairperson did not support the amendment. Her group had submitted an amendment (A.159) proposing the counterargument that care “or” support was restrictive, as it implied that a choice needed to be made. The words “care and support” reflected the broad range of jobs that could be required at all levels of care across the life course. That language was reflected in the United Nations Convention on the Rights of Persons with Disabilities, resolutions of the United Nations Human Rights Council and a recently adopted resolution of the General Assembly of the United Nations establishing the International Day of Care and Support.

- 406.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of Brazil, speaking on behalf of GRULAC, said that their groups had both submitted identical amendments (A.171 and A.29) to that submitted by the Workers' group, in favour of the wording "care and support". They could not support the Employers' amendment.
- 407.** The Government members of Austria, Canada, Chile and the United States, and the Government member of South Africa, speaking on behalf of the Africa group, also expressed a preference for "care and support" and thus did not support the Employers' amendment.
- 408.** In the light of guidance provided by the Office on recent developments in common ILO language usage, and following informal consultations, the Employer Vice-Chairperson, in the spirit of compromise, agreed to withdraw her group's amendment and accept "care and support".
- 409.** The amendment was withdrawn.

[A.159, A.171 and A.29]

- 410.** In the light of the foregoing, the Chairperson said he took it that the Committee wished to adopt the amendment submitted by the Workers' group as well as two identical amendments submitted by the Government members of the EU Member States and the Government members of GRULAC, to refer to "care and support".
- 411.** It was so agreed.
- 412.** The amendments were adopted.

[A.170]

- 413.** The Government member of Brazil, speaking on behalf of GRULAC, presented a proposed amendment to add the word "adolescents" to the list of life-course categories, since adolescents had distinct care needs from children.
- 414.** The Worker Vice-Chairperson said that "youth", already in the list, was a comprehensive term that encompassed "adolescents" but that her group could agree to the amendment.
- 415.** The Employer Vice-Chairperson, having received confirmation requested from the Office on the recognition of the category "adolescents" in the work of the International Conference of Labour Statisticians, said that her group could support the amendment.
- 416.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of South Africa speaking on behalf of the Africa group, and the Government members of Zimbabwe, the United States and Türkiye supported the amendment.
- 417.** The amendment was adopted.

[A.167]

- 418.** The Government member of Brazil, speaking on behalf of GRULAC, proposed an amendment to add the words "and all caregivers" at the end of the final sentence, to be inclusive of all those who provided care, whether paid or unpaid, as professional care workers or providing care on an unpaid basis in their families or communities.

- 419. The Employer Vice-Chairperson said that the amendment was unnecessary, given that the whole paragraph referred to “care work, both paid and unpaid”, as stipulated in the first sentence. Including caregivers in the list of life-course categories seemed incongruous.
- 420. The Worker Vice-Chairperson said that her group could support the amendment.
- 421. The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Vanuatu and Kiribati supported the amendment.
- 422. The amendment was adopted.
- 423. Point 7 was adopted as amended.

Point 8

[A.216]

- 424. As it was not seconded, an amendment submitted by the Government of Türkiye, fell.

[A.2]

- 425. The Government member of Mali proposed an amendment that affected the French version only.
- 426. The proposal was seconded by the Government member of Senegal.
- 427. The amendment to the French version was adopted.

[A.33]

- 428. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to remove the term “work” after “social” in the fourth sentence of point 8. Reference to the broader concept of “health and social sectors” would be preferable to “health and social work sectors”.
- 429. The Employer Vice-Chairperson supported the amendment.
- 430. The Worker Vice-Chairperson requested guidance from the Office, since the term “social work sectors” was used in the Office report, including in a quote from the European Agency for Safety and Health at Work.
- 431. The deputy representative of the Secretary-General clarified that the Office had used the term “social work” in the context of statistics, in line with the United Nations International Standard Industrial Classification of all Economic Activities, which referred to “social work sectors”.
- 432. The Government member of Brazil said that in Brazil, “social work” was a crucial aspect of social policy, encompassing non-contributory social protection. She did not support the amendment. In the Latin American context, social work included care services, such as childcare, long-term care, and care for persons with disabilities.
- 433. The Government member of Belgium, speaking on behalf of the EU and its Member States, cautioned that some categories of care workers, such as long-term care providers and nursing assistants, might not be covered by the term “social work”, which, when defined in the European context, referred to a specific profession in the social sector. The broader social sector should be referenced in point 8; a reference to “social work” would limit the scope.
- 434. The Worker Vice-Chairperson said that, similarly, in her country, social work was a specific profession. She could therefore support the amendment.

435. The amendment was adopted.

[A.132]

436. The Government member of the United Kingdom, speaking also on behalf of the Governments of Australia, Canada and the United States, introduced an amendment to insert the word “internationally” before “agreed statistical definition of care work”.

437. The Worker Vice-Chairperson and the Employer Vice-Chairperson both supported the amendment.

438. The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of South Africa, speaking on behalf of Africa group, and the Government member of Türkiye supported the amendment.

439. The amendment was adopted.

[A.219]

440. In the absence of a second, an amendment proposed by the Government of Türkiye fell.

441. Point 8 was adopted as amended.

Point 9

442. Point 9 was adopted.

New point after point 9

[A.35]

443. The Government member of Netherlands, speaking on behalf of the EU Member States, introduced a proposed amendment to insert a new point after point 9 to read “Unpaid care work, often provided by the family and social network of care recipients, was of great value for care recipients, care providers and society. Care providers from within the recipient’s social network know the recipients well and are often in the best position to understand their needs. This care, which should be more equally shared between men and women, complements and supplements, but cannot replace paid care work”. In the light of informal consultations, however, he wished to propose a subamendment to delete the second sentence of the new point, which had proven problematic for some parties.

444. The Employer Vice-Chairperson said that, while the Employers’ group had preferred the original amendment, it could support the proposal as subamended.

445. The Worker Vice-Chairperson welcomed the proposal to subamend; the second sentence had been a cause of concern for her group. She wished to hear the views of the governments before stating a position on the proposal.

446. The Government member of Kiribati expressed disappointment that States, such as Kiribati, which relied heavily on unpaid care work had not been approached for their input. In the Pacific Island States, unpaid care work was a highly valued aspect of national priorities and cultural norms. His Government was particularly opposed to last sentence of the proposed new point, which was not in line with the policies and practices of small island developing States, or indigenous or remote communities, which relied on unpaid care work.

447. The Government members of Mexico, the United Kingdom, Brazil and New Zealand supported the amendment, as subamended.

448. The Worker Vice-Chairperson, in a spirit of consensus, accepted the amendment, as subamended.

449. The new point after point 9 was adopted as amended.

Point 10

[A.7]

450. As it was not seconded, an amendment proposed by the Government of Türkiye fell.

[A.120 and A.162]

451. The Employer Vice-Chairperson introduced a proposed amendment to replace the word “many” by “some” before the word “countries” in the second sentence, to avoid generalization.

452. The Worker Vice-Chairperson did not support the amendment. The word “many”, reflected more accurately the disproportionate amount of care work done by women, who were often further marginalized by their race, ethnicity and migration status.

453. The Government member of Brazil, speaking on behalf of GRULAC, said that it would be preferable not to make a quantitative judgement as it was unclear how “many” and “some”, were defined; different countries included different ethnic and social variables in their data collection. In Latin America and the Caribbean, one in four people were of African or indigenous descent. If required to choose between “some” and “many” countries, “many” would be preferable.

454. The Government member of Mexico concurred. She did not support the amendment.

455. The Government member of Belgium, speaking on behalf of the EU and its Member States, stated that the burden of paid and unpaid female care work could depend on many factors. She wished to know whether the Office had data on the matter.

456. The deputy representative of the Secretary-General stated that the ILO had microdata from 119 countries disaggregated by sex, education, country of birth and citizenship but not by race or ethnicity.

457. The Government member of the United States proposed a subamendment to delete the words “In [some/many] countries,” from the beginning of the sentence, to begin, “The burden of paid and unpaid care work”.

458. The Employer Vice-Chairperson seconded the subamendment.

459. The Worker Vice-Chairperson supported the subamendment.

460. The Government member of South Africa speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, and the Government member of Mexico supported the subamendment.

461. The amendment was adopted as subamended.

462. A subsequent amendment (A.162) fell.

463. Point 10 was adopted as amended.

Point 11

[A.163]

464. The Worker Vice-Chairperson proposed an amendment to insert, after “financing mechanisms”, the words “policy and regulatory frameworks underpinning care systems”. A reference to regulation should be made in the definition of the care economy in point 11, and would be in line with point 26(a), which referred to integrated and coherent care policies and systems.
465. The Government members of Mexico, Brazil, Chile, Colombia, the United States, Canada and the Philippines, and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment.
466. The Government member of Zimbabwe supported the amendment in principle but, since “policies” were already included as the first item on the list of aspects comprising the care economy, there was no need to include it a second time.
467. The Employer Vice-Chairperson agreed that it would be preferable to avoid the repetitive use of the word “policy” and therefore proposed a subamendment to insert the words “regulatory frameworks,” after “policies,”. The words “underpinning care systems” were redundant and should not be added.
468. The Worker Vice-Chairperson did not support the subamendment. It was not sufficient to only mention regulatory frameworks. Comprehensive policy frameworks ensured that care was mainstreamed in all relevant policy areas and included all care workers, including those in the informal economy, ensuring policy coordination and coherence among all relevant ministries and public authorities and taking account of the demographic, socio-economic and environmental aspects that were increasing the demand for care. They also ensured comprehensive coverage and access to protections and paid care leave entitlements for all workers with family or caring responsibilities, regardless of employment status. Regulatory frameworks provided clear career pathways, training, skills development and lifelong opportunities accessible to all care workers, including migrant workers, promoting the professionalization and formalization of care work, and ensuring decent work.
469. The Employer Vice-Chairperson stated that an enabling environment was also important for businesses, particularly MSMEs. While her group could agree to linking “policies and regulatory frameworks”, it could not accept the addition of “underpinning care systems”.
470. The Worker Vice-Chairperson could not agree to the deletion of the reference to care systems.
471. The Government member of Brazil, speaking on behalf of GRULAC, shared the concern of the Workers’ group and did not support the subamendment.
472. The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the words “The care economy comprises” at the beginning of the point covered the concept of care systems. It was therefore not necessary to mention care systems a second time. She supported the subamendment.
473. The Government members of the United Kingdom, China and the United States supported the subamendment.
474. The Worker Vice-Chairperson said that, in a spirit of compromise, her group would accept the subamendment.
475. The amendment was adopted as subamended.

[A.119]

- 476. The Employer Vice-Chairperson withdrew an amendment to delete the words “and support” after “receipt of care”.
- 477. Point 11 was adopted as amended.
- 478. Part II as a whole, as amended, was adopted.

Part III. Guiding principles

- 479. The title was adopted.

Point 12

- 480. Point 12 was adopted.

Point 13

[A.118]

- 481. The Employer Vice-Chairperson proposed an amendment, which she wished to subamend, to replace “Care work is not a commodity” by “Labour in the care economy is not a commodity”, in line with the language used in the ILO Declaration of Philadelphia, 1944.
- 482. The Worker Vice-Chairperson did not support the subamendment. Labour was not a commodity in any sector. She proposed a further subamendment, to read, “Just as labour is not a commodity, labour in the care economy is not a commodity.”
- 483. The deputy representative of the Secretary-General stated that the proposed subamendment by the Workers’ group would strengthen the alignment with the language of the ILO Declaration of Philadelphia, 1944.
- 484. The Government members of the United States, Australia and the United Kingdom, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of Brazil, speaking on behalf of GRULAC, supported the subamendment proposed by the Workers’ group.
- 485. The Government member of China preferred the subamendment presented by the Employers’ group.
- 486. The Employer Vice-Chairperson said that given the broad support from the governments, her group could accept the subamendment proposed by the Workers’ group.
- 487. The amendment was adopted as subamended.

[A.6]

- 488. The Government member of Australia, speaking also on behalf of the Governments of Canada, New Zealand and Switzerland, introduced a proposed amendment to replace “It is a right of all people to provide and receive care, including self-care” by “The care and support system must be firmly grounded on a human rights-based approach that unequivocally upholds and protects the human rights of both caregivers and recipients”. There was no internationally recognized right to care. The amendment was intended to acknowledge the importance of human rights, rather than stating that care was a right per se. A subsequent amendment due to be proposed by the EU Member States, which sought to revise the second sentence of point

13 to read, “All people should be able to provide and receive care, including self-care”, was welcome and should be included, before the new sentence.

489. The Employer Vice-Chairperson considered that a focus on human rights should mention a principles-based approach. Her group could therefore not support the proposed new sentence contained in the amendment submitted by the Government of Australia. It could, however, support the amendment proposed by the EU Member States for the revision of the second sentence. The Worker Vice-Chairperson said that the amendment, as proposed by the Government of Australia, reflected the worker group’s views.
490. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment proposed by the Government of Australia, and welcomed the suggestion to also include the wording, due to be proposed through a subsequent amendment (A.37) submitted by the EU Member States, to read, “All people should be able to provide and receive care, including self-care”. She said she could also accept the Employers’ group suggestion to include reference to a principles-based approach.
491. The Government member of Brazil, speaking also on behalf of ten States from Latin America, supported the revision of the second sentence as per the amendment submitted by the EU Member States, to read “All people should be able to provide and receive care, including self-care.”.
492. In light of the broad support for the revision of the second sentence as proposed by the EU Member States, the Chairperson said he took it that the Committee wished to approve the amendment of that sentence.
493. It was so agreed.
494. Turning to the proposed amendment introduced by the Government member of Australia, the Government member of the United Kingdom expressed support but wished to propose a subamendment to delete “human” before “rights-based approach”. The subamendment was seconded by Government member of South Africa and supported by the Government members of the United States and Mali.
495. The Employer Vice-Chairperson supported the subamendment presented by the Government of the United Kingdom and proposed a further subamendment to read “rights- and principle-based approach”. The only international human rights instrument that explicitly covered the provision of care, under very specific circumstances, was the Convention on the Rights of Persons with Disabilities. Comprehensive care was not recognized as a human right. A rights-based approach would relate to normative action and legally binding instruments, whereas a principle-based approach would relate to promoting values and principles, sharing best practices, peer learning, developing a sense of community, promoting respect, building cooperation and partnerships and applying soft law. Redressing the disproportionate volume of unpaid care work done by women would require changes in mindset and behaviour, which would require an adaptable and flexible approach aligned with the local context. A principle-based approach was therefore as important as a rights-based approach.
496. The Worker Vice-Chairperson said that her group would prefer to keep the words “human rights-based approach”. Adding reference to a principles-based approach would weaken the text; voluntary principles were not equivalent to rights. A human rights-based approach would be rooted in the application of international human rights standards, including international labour standards. The addition of reference to a principle-based approach would be incongruous with the subsequent wording, “unequivocally upholds and protects the human rights of both caregivers and recipients.”. She recalled the opening remarks of the

representative of the Office of the United Nations High Commissioner for Human Rights, who had highlighted that care and support systems must be redesigned from a human-rights perspective to advance the rights of all care workers and all recipients of care and support.

497. The Government member of Belgium, speaking on behalf of the EU and its Member States, expressed strong support for the inclusion of the words “human rights-based”. She could also accept the addition of “principle-based”.
498. The Government members of Canada and Kiribati, and the Government member of Brazil, speaking also on behalf of ten States from Latin America, did not support the subamendment proposed by the Government of the United Kingdom.
499. In light of the foregoing and having received further clarification from the Government member of Australia that the “human rights-based approach” referred to the application of existing international human rights instruments, the Government member of the United Kingdom withdrew the subamendment to delete the word “human”.
500. Following informal consultations, the Government member of Australia proposed a subamendment, by which references to the contested “human rights-based” and “principles-based” approaches would be deleted. The sentence would thus read, “The care and support system must unequivocally uphold and protect the human rights of both caregivers and recipients”.
501. The Worker Vice-Chairperson supported the subamendment.
502. The Employer Vice-Chairperson proposed a further subamendment to delete the word “unequivocally” and to replace “care and support system” by “State”, in line with the United Nations Guiding Principles on Business and Human Rights, which referred to “States’ existing obligations to respect, protect and fulfil human rights”.
503. The Worker Vice-Chairperson wished to replace “The State” by “Members”. States were not solely responsible for upholding human rights: trade unions and employers were also required to uphold human rights.
504. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Workers’ group.
505. The Government member of Kiribati pointed out that in certain circumstances, workers found themselves outside States’ jurisdiction and relied wholly on trade unions to uphold their rights. Such had been the case for many seafarers abandoned at sea during the COVID-19 pandemic. He therefore supported the subamendment proposed by the Workers’ group.
506. The Government member of Cameroon proposed a subamendment to replace “human” before rights by “labour”. The subamendment was seconded by the Government member of China.
507. The Employer Vice-Chairperson supported the subamendment proposed by the Government of Cameroon, which complemented the Workers’ group proposal to begin the sentence with the word “Members”.
508. The Worker Vice-Chairperson could not agree to the removal of the reference to human rights. The recipients of care could be infants. Referring to labour rights in that context would not be appropriate.
509. A representative of the Secretariat said that it was clear that all work done by organizations of the United Nations Development System, including the ILO, must be grounded in human rights. While that did not mandate the ILO to work on all human rights, the Organization had a mandate to work on labour rights, which were human rights. As the first organization to

become a specialized agency of the United Nations in 1946, it was entirely appropriate for conclusions adopted in the context of the ILO to refer to human rights.

510. In the absence of any consensus on the amendment and at the conclusion of the Committee's work, the Chairperson said he took it that the Committee agreed that the amendment and three subsequent amendments to point 13, which had not been introduced, would fall. The agreed text of point 13 would thus read, "Just as labour is not a commodity, labour in the care economy is not a commodity. All people should be able to provide and receive care, including self-care."

511. It was so agreed.

512. Point 13 was adopted as amended.

Point 14

[A.9]

513. As it was not seconded, an amendment proposed by the Government of Türkiye fell.

514. Point 14 was adopted.

Points 15 and 16

515. Points 15 and 16 were adopted.

Point 17

[A.172]

516. The Government member of Brazil, speaking on behalf of GRULAC, introduced an amendment to insert the word "intersectionality" after "equity" to reflect the risks faced by certain groups of being discriminated against on multiple intersecting grounds.

517. The Worker Vice-Chairperson supported the amendment.

518. The Employer Vice-Chairperson did not support the inclusion of "intersectionality".

519. The Government member of Zimbabwe requested further clarification of the term "intersectionality".

520. The Government member of Brazil drew attention to the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), a fundamental Convention, which listed seven grounds of discrimination that could intersect, and ILO Convention No. 190, which referred to "multiple and intersecting forms of discrimination" in its Preamble. Intersecting discrimination had a significant impact on the lives of vulnerable groups.

521. The Government member of Belgium, speaking on behalf of the EU and its Member States, considered that intersectionality was not a principle to which to aspire, and therefore was not in line with the other items listed in point 17. The list already included "non-discrimination", which included discrimination on any or multiple grounds of discrimination operating simultaneously, such as in the case of intersectional discrimination. However, they thought that non-discrimination covered intersectionality, as intersectionality was a characteristic of discrimination, and they also thought it would be unwise to add intersectionality to the list of elements that society hoped for or was based on. They did not support the amendment.

522. The Employer Vice-Chairperson concurred.

- 523.** The Government members of Mali and Saudi Arabia, and the Government member of Qatar, speaking on behalf of the Member States of the GCC, did not support the amendment.
- 524.** The Government member of the United States, while agreeing that a reference to intersectionality might be appropriate elsewhere in the conclusions, did not support the amendment.
- 525.** Given the broad lack of support for the proposal, the Government member of Brazil, speaking on behalf of GRULAC, withdrew the amendment.

[A.115]

- 526.** The Employer Vice-Chairperson introduced an amendment, which she wished to subamend to delete the words “and gender” before “co-responsibility” from the end of the point. Employers, workers and governments shared responsibility for providing good care for all. The addition of a reference to “social co-responsibility” would reflect that.
- 527.** The Worker Vice-Chairperson wished to defer to the Government group before pronouncing an opinion on the amendment.
- 528.** The Government member of Kiribati emphasized the importance of the social responsibility of the private sector.
- 529.** The Government member of South Africa, speaking on behalf of the Africa group, and the Government member of Mexico supported the amendment.
- 530.** The Worker Vice-Chairperson said that her group could support the amendment.
- 531.** The amendment was adopted.
- 532.** Point 17 was adopted as amended.

Point 18

[A.174]

- 533.** The Government member of Brazil, speaking on behalf of GRULAC, introduced an amendment to insert the words “from a gender and rights perspective”, after “Investing in the care economy”. Gender and rights must be taken into account as a prerequisite for promoting quality care, decent work, health and well-being.
- 534.** The Worker Vice-Chairperson supported the amendment.
- 535.** The Employer Vice-Chairperson did not support the amendment.
- 536.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that while the EU supported the spirit of the amendment, it did not support the proposed location of the new wording, which risked limiting the scope of the paragraph. The EU Member States had submitted an amendment on the same point (A.38), which included gender equality in the list of aspects enhanced by investment in the care economy.
- 537.** The Government member of Saudi Arabia, speaking on behalf of the Member States of the GCC, did not support the amendment.
- 538.** The Government member of Mexico stressed that investing in the economy without a gender perspective could have negative consequences for women. By including a gender perspective in investment, the impacts of pre-existing gender inequality would be taken into consideration.

The ILO had published research showing that omitting the gender perspective from the investment phase could lead to increased inequality.

- 539. The Government member of Brazil added that the amendment proposed by the EU Member States listed gender equality as a result of investment, whereas the amendment proposed by GRULAC emphasized the need for a gender perspective in the overall approach to investment in the care economy; those two aspects were in fact complementary.
- 540. The Government member of South Africa, speaking on behalf of the Africa group, did not support the amendment.
- 541. The Government member of Kiribati supported the amendment.
- 542. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to the text, to replace “from” by “with” before “a gender perspective”.
- 543. The Worker Vice-Chairperson supported the subamendment.
- 544. The Employer Vice-Chairperson did not support the amendment; the matter had already been addressed and covered in point 15 and there was no need to repeat it.
- 545. The Government members of the United States and the United Kingdom, and the Government member of Brazil, speaking on behalf of GRULAC, supported the subamendment.
- 546. The Employer Vice-Chairperson said that her group would not support the amendment as it would prefer to amend the point in line with the subsequent amendment due to be presented by the EU Member States, which included aspects on gender equality, improved well-being and productivity growth.
- 547. The Government member of Qatar, speaking on behalf of the Member States of the GCC, agreed with the Employers’ group.
- 548. The Government member of Mexico, speaking on behalf of GRULAC, said that despite the Employers’ lack of support, there appeared to be a majority in favour of the amendment. Mainstreaming the gender perspective into investment in the care economy affected all aspects of investment not only investment by private institutions.
- 549. Following informal consultations, the Government members of Kiribati and the United States and the Government member of Belgium, speaking on behalf of the EU and its Member States, expressed support for the amendment. The Employer Vice-Chairperson reiterated that her group could not support the amendment. The Worker Vice-Chairperson said that her group did not have strong feelings and would be willing to support the majority.
- 550. In the absence of consensus, the Government member of Brazil, speaking on behalf of GRULAC, withdrew the amendment.

[A.38]

- 551. The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment (A.38) to insert “job creation and can lead to human capital increases, productivity growth, improved well-being and gender equality, as well as decent work and stronger female participation in the labour market” after “decent”. The Office report, *Decent work and the care economy* (ILC.112/Report VI) had underscored the significant return on investment in the care economy, not only with regard to the workforce and economy, but also for society in general. She suggested including a reference to gender equality, as per the previous amendment discussed (A.174), and also including the word “education”, as per the

subsequent amendment, due to be presented by the Government members of GRULAC (A.175).

552. The Employer Vice-Chairperson expressed her group's full support for the proposed amendment.
553. The Worker Vice-Chairperson introduced a subamendment, to replace the words "human capital increases" with "enhanced human capabilities", in line with the terminology used in the ILO's report *World Employment and Social Outlook*. The Workers' group could also support the inclusion of the word "education" in the list of aspects improved by investment in the care economy.
554. The Employer Vice-Chairperson supported the subamendment.
555. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Workers' group and suggested that education might be considered to be included in "enhanced human capabilities".
556. The Government member of Brazil, speaking on behalf of GRULAC, supported the amendment as subamended by the Workers' group. An explicit reference to education would be preferable.
557. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to insert the word "education" after "productivity growth".
558. The Employer Vice-Chairperson proposed a further subamendment to add "quality" before "education".
559. The Government member of Mexico asked why the word "health", which had been in the original Office text, had been deleted in the amendment proposed by the EU Member States.
560. The Government member of Belgium, speaking on behalf of the EU Member States, explained the rationale that health was included in the term "well-being". The EU would not, however, object to the addition of an explicit reference to health.
561. The Worker Vice-Chairperson supported the subamendments to insert "quality education" after "productivity growth".
562. The Employer Vice-Chairperson proposed a subamendment to insert "health and" before "well-being". She proposed a further subamendment to delete the word "decent" before "job creation", as decent work had already been mentioned, and the terminology "decent job creation" was questionable.
563. The Worker Vice-Chairperson did not support the proposal to delete "decent"; the ultimate aim was to ensure that all work, including new jobs, was decent.
564. The Government member of Belgium, speaking on behalf of the EU Member States, underscored the importance of explicitly referring to decent job creation: the creation of new decent jobs was a separate issue to ensuring that existing work was decent.
565. The Employer Vice-Chairperson drew attention to the Centenary Declaration, which referred to "job creation" rather than "decent job creation". The word "decent" should be deleted.
566. The Worker Vice-Chairperson referred to point 14 of the draft conclusions, which underscored the importance of decent work for all care workers. All new jobs created in care work should be decent.
567. The Government members of Australia, the United States, the United Kingdom, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the

Government member of Brazil, speaking on behalf of GRULAC, did not support the proposal to delete “decent” before “job creation”.

- 568.** The Employer Vice-Chairperson withdrew the subamendment to delete the word “decent”.
- 569.** The Chairperson said he took it that the Committee wished to accept the remaining subamendments, to replace “human capital increases” with “enhanced human capabilities”, to insert “quality education” before “productivity growth”, and to insert “health and” before “well-being”.
- 570.** It was so agreed.
- 571.** The amendment was adopted as subamended.
- 572.** A related amendment (A.175) fell.
- 573.** Point 18 was adopted as amended.

Point 19

[A.113]

- 574.** The Employer Vice-Chairperson proposed an amendment to replace “rewarded with fair and adequate wages” with “adequately remunerated”.
- 575.** The Worker Vice-Chairperson fully supported the ILO 5R Framework for Decent Care Work, as presented in proposed point 19, as a guide to integrated and coherent strategies to achieve decent work in the care economy. The wording used in the 5R Framework should not be changed. The Workers’ group therefore could not accept the proposed amendment.
- 576.** The Employer Vice-Chairperson proposed a subamendment to read, “should be rewarded through adequate remuneration”.
- 577.** The Worker Vice-Chairperson did not support the subamendment.
- 578.** The Employer Vice-Chairperson pointed out that agreement had not been reached on the 5R Framework. Replacing “fair and adequate wages” by “remuneration” was more appropriate in the context of being “rewarded”.
- 579.** The Worker Vice-Chairperson requested guidance from the Office.
- 580.** The deputy representative of the Secretary-General explained that the 5R Framework was to recognize, reduce and redistribute unpaid care work, and to reward and represent paid care workers. The term “rewarded with fair and adequate wages” was often used; however, “rewarded through adequate remuneration” could be accepted. The word “remuneration” was defined in the Equal Remuneration Convention, 1951 (No. 100), as “the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly”.
- 581.** In the light of that explanation, the Worker Vice-Chairperson said that she could accept the subamendment.
- 582.** The Government members of Mexico, South Africa, the United States, Canada, and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment.
- 583.** The amendment was adopted as subamended.

[A.4]

- 584. The Government member of Japan, speaking also on behalf of the Government of Türkiye, introduced a proposed amendment to replace “including” by “in accordance with the principle of” before “equal pay for work of equal value”, in line with the wording of Convention No. 100.
- 585. The Worker Vice-Chairperson requested guidance from the Office.
- 586. The representative of the Secretary-General confirmed that the wording of the amendment was consistent with Article 2(1) of Convention No.100.
- 587. The Employer Vice-Chairperson supported the amendment.
- 588. The Government members of New Zealand and Mexico also supported the amendment.
- 589. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment, to insert the word “including” before “in accordance with”, as there were multiple principles to be taken into account.
- 590. The Government members of the United States and Australia supported the amendment, as subamended.
- 591. The Government member of Japan also supported the subamendment.
- 592. The Worker Vice-Chairperson welcomed the confirmation provided by the representative of the Secretary-General. Her group could accept the amendment but did not agree to the subamendment to insert “including” before “in accordance with”.
- 593. The Employer Vice-Chairperson said that her group could be flexible and accept either the amendment or the amendment as subamended.
- 594. The Government member of Belgium, speaking on behalf of the EU Member States, reiterated that the subamendment was intended to ensure that all relevant principles were included.
- 595. The Government members of Mexico and the United Kingdom supported the subamendment.
- 596. The Worker Vice-Chairperson said that in a spirit of compromise, her group would accept the proposed subamendment.
- 597. The amendment was adopted as subamended.

[A.112]

- 598. The Employer Vice-Chairperson proposed an amendment to insert “of care employers and workers” after “Representation” in the penultimate sentence, to include all parties in the principle of representation.
- 599. The Worker Vice-Chairperson could not accept the amendment. The 5R Framework referred specifically to the representation of care workers.
- 600. The Employer Vice-Chairperson asked the Office to clarify whether the 5R Framework referred exclusively to workers and did not include employers.
- 601. The deputy representative of the Secretary-General stated that the 5R Framework, in its aspect on representation, referred primarily to representation of care workers. However, given that it included social dialogue and collective bargaining, employers were not excluded.
- 602. The Employer Vice-Chairperson noted the importance of including all constituents in the discussion on the 5R Framework. Care employers, as well as workers, should be included in the aspect on representation, thereby specifying the constituents involved in social dialogue.

- 603.** The Government member of Brazil supported the amendment by the Employers' group. Social dialogue including collective bargaining should include organized workers and employers. Both sides should be represented.
- 604.** The Government member of Mexico supported the amendment and the intervention made by the Government member of Brazil.
- 605.** The Government member of Chile said that her Government supported the amendment. She cautioned, however, that the subsequent amendment, also due to be introduced by the Employers' group, sought to delete the reference to collective bargaining.
- 606.** The Worker Vice-Chairperson agreed that employers needed to be represented but underscored that the 5R Framework referred to the need to rectify the fact that many care workers were not represented. She therefore proposed a subamendment to delete "of care employers and workers" after "Representation", and instead insert "with workers' and employers' organizations," after "social dialogue".
- 607.** The Government member of New Zealand pointed out that collective bargaining usually took place between workers' representatives and employers, rather than employers' organizations.
- 608.** The Government members of Mexico, Brazil, Canada and Zimbabwe supported the text as subamended.
- 609.** The Government member of Canada added that the 5R Framework was embedded in Canada's international assistance policy.
- 610.** In the absence of any consensus on the amendment and at the conclusion of the Committee's work, the Chairperson said he took it that the Committee agreed that the amendment and three subsequent amendments to point 19, which had not been introduced, would fall. The remaining text in square brackets (the last two sentences of the point) would therefore be deleted. The text of point 19 would thus read, "The 5R Framework for Decent Care Work guides integrated and coherent strategies to achieve decent work in the care economy. Unpaid care work should be recognized, reduced and redistributed. Paid care work should be rewarded through adequate remuneration, including in accordance with the principle of equal pay for work of equal value, and effective labour and social protection."
- 611.** It was so agreed.
- 612.** Point 19 was adopted as amended.

Point 20

Chapeau

[A.108]

- 613.** The Employer Vice-Chairperson introduced an amendment (A.108) to delete "and funded" after "well designed". Care leave policies were a matter of national legislation; some were unpaid. Calling for the funding of all care leave policies would place undue burden on the public sector.
- 614.** The Worker Vice-Chairperson pointed out that in point 17 of the draft conclusions, the Committee had agreed to the universality of access to and provision of care, which would require well-funded care leave policies and services. She could therefore not support the amendment.
- 615.** The Government members of New Zealand and China supported the amendment.

- 616.** The Government member of the United States, supported by the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of Canada, requested clarification of the rationale behind the proposed deletion of “funding”, which seemed inconsistent with the Employers’ group’s emphasis on the need for adequate resources in previous parts of the discussion.
- 617.** The Employer Vice-Chairperson said that not all of the items enumerated in the clauses following the chapeau of point 20 required funding. If an employee needed to take emergency leave for personal care-related reasons, there were options for unpaid leave, which was not funded by the Government. Some countries did not have options for paid care leave.
- 618.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, and the Government members of Canada, the United States, Mexico and the United Kingdom did not support the amendment.
- 619.** At the initiative of the Government member of the United Kingdom, the Employer Vice-Chairperson proposed a subamendment to retain “and funded”, and add “,where appropriate” after “services”.
- 620.** The Worker Vice-Chairperson could not support either the subamendment or the amendment.
- 621.** The Government member of China supported the subamendment since care leave policies varied according to national contexts.
- 622.** The Government members of Argentina, New Zealand, Mali, Saudi Arabia and Mexico, and the Government member of Qatar, speaking on behalf of the Member States of the GCC, supported the subamendment.
- 623.** The Government member of Belgium, speaking on behalf of the EU and its Member States, reiterated her lack of support for the subamendment; unpaid care leave did not foster gender equality. To the extent possible, care leave should be funded.
- 624.** The Worker Vice-Chairperson concurred. The point, which was included in the guiding principles of the conclusions, aimed to enumerate the effects of well-designed and well-funded care leave policies.
- 625.** The Committee did not have time to reach a consensus on the amendment at its last sitting. The following text was considered for adoption: “Achieving decent work includes the adoption and effective implementation of well-designed care leave policies and services. This enables:”.
- 626.** It was so agreed.
- 627.** The chapeau was adopted, as amended.

Point 20(a)

- 628.** Point 20, clause (a) was adopted.

Point 20(b)

[A.176]

- 629.** The Government member of Brazil, speaking on behalf of GRULAC, introduced an amendment to insert the words “between men and women and between the government, the private sector, the community and families” after “care responsibilities”, for the purposes of clarification.

- 630. The Worker Vice-Chairperson considered that the proposed wording might be inappropriate, given that “equal sharing of care responsibilities” referred to care responsibilities at the household level.
- 631. The Employer Vice-Chairperson said that since social co-responsibility was addressed in point 17, her group did not support the amendment.
- 632. The Government member of the United Kingdom agreed that such wording could be better placed elsewhere.
- 633. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to only retain “between men and women” in the amended language, deleting “and between the government, the private sector, the community and families”.
- 634. The Government member of Brazil, speaking on behalf of GRULAC, and the Government members of the United Kingdom and Switzerland supported the subamendment.
- 635. The Worker Vice-Chairperson supported the subamendment.
- 636. The Employer Vice-Chairperson proposed a subamendment, to insert a comma after “better work–life balance”.
- 637. The Worker Vice-Chairperson supported the subamendment.
- 638. The Government member of Brazil, speaking on behalf of GRULAC, and the Government member of Belgium, speaking on behalf of the EU and its Member States, also supported the subamendment.
- 639. The amendment was adopted as subamended.
- 640. Point 20, clause (b) was adopted as amended.

Point 20(c) and (d)

- 641. Point 20, clauses (c) and (d) were adopted.

New clause after point 20(d)

[A.164]

- 642. The Worker Vice-Chairperson introduced an amendment to insert a new clause after point 20 (d), to read “addressing inequitable access to care and support services, including for workers in the informal economy” to draw attention to the reality that workers in the informal economy were often excluded by law or by practice from social protection. Low wages and other structural inequalities, prevented them from accessing the same kind of care and support that they provided, thereby denying them access to decent work and putting them and their families at risk.
- 643. The Employer Vice-Chairperson proposed a subamendment to replace “inequitable access to care and support” by “the gap in supply and demand of”.
- 644. The Worker Vice-Chairperson did not support the subamendment; the proposal referred to ensuring access, not filling gaps.
- 645. The Government members of Mexico, Brazil, the United States and Canada, and the Government member of South Africa, speaking on behalf of the Africa group, supported the amendment as proposed by the workers. They did not support the subamendment.

- 646. The Employer Vice-Chairperson said that in the spirit of compromise, she wished to withdraw the subamendment.
- 647. The Worker Vice-Chairperson expressed her group's gratitude for that flexibility.
- 648. The amendment was adopted.
- 649. The new clause after point 20, clause (d) was adopted.

New point after point 20

[A.10]

- 650. As it was not seconded, an amendment (A.10) submitted by the Government of Türkiye to add a new point after point 20, fell.

Point 21

[A.28]

- 651. As it was not seconded, an amendment to delete point 21, proposed by the Government of Argentina, fell.

[A.39]

- 652. The Government member of Belgium, speaking on behalf of the EU Member States, presented a proposed amendment to delete the words "Care has characteristics of a public good, which implies that" and to replace "primary" by "specific" before "responsibility".
- 653. The Worker Vice-Chairperson supported the deletion of the opening of the point, but did not agree with replacing "primary" by "specific". She proposed a subamendment to reinstate "primary".
- 654. The Employer Vice-Chairperson supported the amendment as subamended by the Workers' group.
- 655. The Government member of Belgium, speaking on behalf of the EU and its Member States, said she could accept the subamendment.
- 656. The Government member of Brazil, also speaking on behalf of ten other States from Latin America, explained that care was considered a public good in Latin America. She did not support the amendment.
- 657. The Government members of New Zealand, Argentina and Bangladesh supported the amendment as originally presented by the Government member of Belgium on behalf of the EU Member States.
- 658. The Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Canada, the United Kingdom, the United States and the Syrian Arab Republic supported the amendment as subamended.
- 659. The amendment was adopted as subamended.
- 660. Three amendments (A.107, A.188 and A.169) subsequently fell.

[A.106, A.105 and A.104]

- 661.** In the light of the adoption of the previous amendment, the Employer Vice-Chairperson withdrew three further amendments.

[A.45]

- 662.** The Government member of Belgium, speaking on behalf of the EU Member States, presented a proposed amendment to replace “requires” by “includes” before “the allocation of the necessary resources”.
- 663.** The Employer Vice-Chairperson said her group could accept the amendment.
- 664.** The Worker Vice-Chairperson supported the amendment.
- 665.** The Government member of Argentina presented a subamendment to insert after “includes”, the words “, in line with national circumstances”.
- 666.** The Government member of the Syrian Arab Republic seconded the subamendment.
- 667.** The Government member of South Africa, speaking on behalf of the Africa group, and the Government member of Cuba supported the subamendment.
- 668.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the subamendment.
- 669.** The Government member of Canada sought clarification regarding whether the alignment with national circumstances was implicit in “the allocation of the necessary resources”.
- 670.** The deputy representative of the Secretary-General said that as part of the guiding principles of the care economy, the allocation of resources in line with national circumstances would go without saying.
- 671.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the word “necessary” before “resources” implicitly accounted for national circumstances.
- 672.** The Government members of Australia, the United States, Mexico and Canada supported the amendment as originally presented. They did not support the subamendment.
- 673.** The amendment was adopted.

[A.42]

- 674.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to add, at the end of the point, “and the adoption and maintenance of a robust policy and regulatory framework.”.
- 675.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 676.** The Government members of Bangladesh, the United States, Mexico, the Syrian Arab Republic and Brazil also supported the amendment.
- 677.** The amendment was adopted.
- 678.** One subsequent amendment (A.166) fell.
- 679.** Point 21 was adopted as amended.

New point after point 21

[A.102]

- 680.** The Employer Vice-Chairperson introduced an amendment (A.102) to insert a new point after point 21, which read: “Public-private partnerships that leverage the strengths of both public and private sectors can help scale quality care services without overburdening either side, fostering a more sustainable care ecosystem.” Public-private partnerships played a significant role in the creation of infrastructure and services, boosting innovation and competition, which could improve job creation, employment prospects, and upskilling and reskilling for care workers.
- 681.** The Worker Vice-Chairperson said that her group would not accept any reference to public-private partnerships in the guiding principles. There was currently no agreed tripartite ILO language referring to public-private partnerships at the national level. The role of the private sector was addressed in point 8 of the draft conclusions. Public-private partnerships did not necessarily deliver quality, efficiency or value for public money. Private finance could lead to public debt.
- 682.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member Saudi Arabia, speaking on behalf of the Member States of the GCC, and the Government member of Zimbabwe supported the amendment.
- 683.** The Government members of Mexico, Canada and Brazil acknowledged the importance of public-private partnerships but suggested that the reference would be better placed in part IV of the conclusions, on advancing decent work in the care economy, rather than in part III on guiding principles.
- 684.** The Government member of New Zealand said that the role of public and private enterprises was addressed in point 22 and the new point was therefore not necessary.
- 685.** Following informal consultations, the Employer Vice-Chairperson reiterated the importance of referring to public-private partnerships and acknowledging their role in fostering a sustainable care economy as a framework for cooperation between the public and private sectors through public and private investment and the public regulatory framework.
- 686.** The Worker Vice-Chairperson said that, on the understanding that the regulatory framework referred to in point 21 would apply, her group could support the amendment.
- 687.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of South Africa, speaking on behalf of the Africa group, the Government member of Qatar, speaking on behalf of the Member States of the GCC, the Government member of Brazil, speaking on behalf of GRULAC, and the Government members of the United States, Bangladesh and Mexico supported the amendment.
- 688.** The Government member of Bangladesh pointed out that in the context of public-private partnerships, public and private resources should be shared.
- 689.** The amendment was adopted.
- 690.** The new point after point 21 was adopted.

Point 22

- 691.** Following informal consultations, the Employer Vice-Chairperson withdrew two amendments submitted by her group in relation to point 22.

692. Point 22 was adopted.

Point 23

693. Point 23 was adopted.

Point 24

[A.98]

- 694. The Employer Vice-Chairperson introduced a proposed amendment to replace “forms” by “types”; many types of work could not be classed as “forms” of work.
- 695. The Worker Vice-Chairperson did not support the amendment. The reference to “all forms of care work” was intended to reflect the forms of care work identified and agreed in point 8 of the draft conclusions.
- 696. The Government member of Mali could not support the amendment; the International Conference of Labour Statisticians referred to “forms” of work.
- 697. A representative of the Secretariat said that in statistical standards, forms of work had a clear definition, whereas types of work did not. The point called for disaggregated data. Data could only be collected and disaggregated by categories with clear definitions. Without clear definitions, disaggregation would be difficult.
- 698. The Employer Vice-Chairperson proposed a subamendment to insert “on care work and” after “Collecting data” and to delete the words “all types of care work and by”.
- 699. The Worker Vice-Chairperson said that her group could not support the subamendment or the amendment.
- 700. In the light of the comments from the Office, the Government member of South Africa, speaking on behalf of the Africa group, did not support the amendment.
- 701. The Government member of Brazil, speaking on behalf of GRULAC, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Mexico, Canada and Zimbabwe did not support the amendment.
- 702. Following informal consultations, the Employer Vice-Chairperson withdrew the amendment.

[A.142]

- 703. The Government member of Brazil, speaking on behalf of GRULAC, introduced a proposed amendment to add a new sentence to the end of point 24, to read, “These data should be disaggregated by income, sex, age, race, ethnic origin, migration status, disability, geographical location and other relevant characteristics, in line with national context.”. The list comprised key components for describing the care economy and care work.
- 704. Both the Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 705. The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of South Africa, speaking on behalf of the Africa group, expressed support for the amendment.
- 706. The amendment was adopted.

[A.51]

- 707.** In the light of the adoption of that amendment, the Government member of Belgium, on behalf of the EU Member States, withdrew a subsequent amendment.

[A.97]

- 708.** The Employer Vice-Chairperson also withdrew a subsequent amendment to point 24.
- 709.** Point 24 was adopted as amended.

Point 25

[A.179]

- 710.** The Government member of Brazil, speaking on behalf of GRULAC, introduced an amendment to insert “government, social and private” before “levels” and to replace “taking a whole-of-government approach” by “taking an approach involving all entities”.
- 711.** The Worker Vice-Chairperson did not support the amendment; the intention of the point was for the State to coordinate across various ministries and State bodies to mainstream care across public policies and ensure coherence.
- 712.** The Employer Vice-Chairperson concurred. Her group did not support the amendment.
- 713.** The Government member of Australia did not support the amendment; it was particularly important to take a whole-of-government approach to the care economy. A lack of cross-sector coordination could lead to policy gaps and mismatches. The Government member of Belgium, speaking on behalf of the EU and its Member States, also could not support the amendment.
- 714.** The amendment was withdrawn.
- 715.** Point 25 was adopted.
- 716.** Part III as a whole, as amended, was adopted.

Part IV. Advancing decent work in the care economy

- 717.** The title was adopted.

Point 26

Chapeau

- 718.** The chapeau was adopted.

Point 26(a)

[A.177]

- 719.** The Worker Vice-Chairperson withdrew an amendment to insert a reference to a regulatory framework, since the importance of regulatory frameworks had already been sufficiently reflected in the draft conclusions.

[A.96]

- 720.** The Employer Vice-Chairperson introduced an amendment to replace “agenda” by “and principles-based approach”. She wished, however, to subamend it, removing the words “and principles-based” to simply replace the word “agenda” by “approach”.
- 721.** The Worker Vice-Chairperson supported the amendment and thanked the Employers’ group for its flexibility.
- 722.** The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of the United Kingdom and New Zealand supported the amendment.
- 723.** The amendment, as subamended, was adopted.

[A.94 and A.93]

- 724.** The Employer Vice-Chairperson withdrew two subsequent amendments.
- 725.** Point 26, clause (a) was adopted as amended.

Point 26(b)

[A.180]

- 726.** The Government member of Brazil, speaking on behalf of GRULAC, withdrew an amendment to replace “depending on the country’s level of development;” by “taking account of national circumstances;”.

[A.178 and A.92]

- 727.** The Workers’ and Employers’ groups had submitted identical amendments to delete the words “depending on the country’s level of development”.
- 728.** The Government member of South Africa, speaking on behalf of the Africa group, said that the African continent faced unique challenges related to care services, demographics and economic conditions. Tailoring policies to national circumstances would ensure effective solutions to those challenges. Public financing must be aligned with countries’ budgetary capacity and priorities. Understanding national nuances would allow targeted investment, efficient coordination and sustainable care systems. She therefore proposed a subamendment to add “taking into account national circumstances” at the end of the clause.
- 729.** The Employer Vice-Chairperson and the Worker Vice-Chairperson both supported the subamendment.
- 730.** The Government member of Argentina also supported the subamendment.
- 731.** The amendment, as subamended, was adopted.
- 732.** One subsequent amendment (A.92) fell.
- 733.** Point 26, clause (b) was adopted as amended.

Point 26(c)

[A.183]

- 734.** The Worker Vice-Chairperson withdrew an amendment to include the words “gender responsive”, since the need for gender-responsive policies had been addressed elsewhere in the draft conclusions.

[A.90]

- 735.** The Employer Vice-Chairperson withdrew an amendment to add a reference to public–private partnerships, since those had already been sufficiently referenced in the draft conclusions.

[A.62]

- 736.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “the expansion of the” by “ensure sufficient” before “fiscal space”. If there was already sufficient fiscal space for adequate investment in the care economy, expansion would not be necessary.
- 737.** The Worker Vice-Chairperson and the Employer Vice-Chairperson said they would defer to the government majority on the matter.
- 738.** The Government member of Argentina did not support the amendment.
- 739.** The Government members of the Syrian Arab Republic, Mexico, New Zealand, Australia, Kiribati, Bangladesh and the United States supported the amendment.
- 740.** The amendment was adopted.
- 741.** A subsequent amendment (A.220) fell.

[A.221]

- 742.** The Employer Vice-Chairperson withdrew an amendment to delete the words “invest in the care economy” from the end of the clause.
- 743.** Point 26, clause (c) was adopted as amended.

Point 26(d)

[A.82]

- 744.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced a proposed amendment to replace “skilling” by “upskilling”.
- 745.** The Worker Vice-Chairperson said that her group could accept the amendment.
- 746.** The Employer Vice-Chairperson concurred.
- 747.** The Government member of Brazil, speaking on behalf of GRULAC, and the Government member of South Africa, speaking on behalf of the Africa group, supported the amendment.
- 748.** The amendment was adopted.

[A.150]

- 749.** The Government member of the United Kingdom, speaking also on behalf of the Governments of Australia, Canada and the United States, introduced a proposed amendment to add “where

appropriate” before “across national borders”, to incorporate a degree of flexibility to take account of national systems and bilateral agreements.

750. The Employer Vice-Chairperson supported the amendment.

751. The Worker Vice-Chairperson said her group could accept the amendment.

752. The Government members of New Zealand and Mexico and the Government member of South Africa, speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of Brazil, speaking on behalf of GRULAC, supported the amendment.

753. The amendment was adopted.

754. Point 26, clause (d) was adopted as amended.

Point 26(e)

755. Point 26, clause (e) was adopted.

Point 26(f)

[A.70]

756. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment, for the purposes of clarity, to insert the word “gender” between “unequal” and “distribution”, and to delete the words “between women and men” after “unpaid work”.

757. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

758. The Government member of Mexico, speaking on behalf of GRULAC, and the Government members of the United Kingdom, Australia, New Zealand, Canada and the United States supported the amendment.

759. The amendment was adopted.

[A.17]

760. As it was not seconded, an amendment proposed by the Government of Türkiye fell.

[A.88]

761. The Employer Vice-Chairperson introduced a proposed amendment to delete the words “within the context of national values” from the end of the clause.

762. The Worker Vice-Chairperson supported the amendment.

763. The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Mexico, speaking on behalf of GRULAC, and the Government member of the United States supported the amendment.

764. The Government member of South Africa, speaking on behalf of the Africa group, said that with regard to the reference to “by changing norms and gender stereotypes”, Africa had rich and diverse cultures, traditions and practices. Those cultural nuances must be taken into account. By incorporating national cultural values, interventions would be more inclusive and attractive to local communities. She therefore proposed a subamendment replace “within the context of national values” by “taking into account cultural values”, which would contribute to sustainable shifts in caregiving norms in Africa.

- 765.** The Employer Vice-Chairperson supported the subamendment.
- 766.** The Worker Vice-Chairperson did not support the subamendment. The language of the clause was already sufficiently flexible and did not impose any specific measures to be taken.
- 767.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that the clause was intended to promote gender equality and women's economic inclusion. While there might be circumstances that determined the pace at which some countries moved forward in that regard, adding a reference to cultural values would detract from the focus of the clause.
- 768.** The Government members of Australia, Argentina, Canada, Brazil the United Kingdom and the United States did not accept the subamendment.
- 769.** In view of the broad lack of support, the Government member of South Africa, speaking on behalf of the Africa group, withdrew the proposed subamendment but underscored the importance of giving due consideration to countries' differing cultural values.
- 770.** The amendment was adopted.
- 771.** Two subsequent amendments fell.
- 772.** Point 26, clause (f) was adopted as amended.

Point 26(g)

[A.86 and A.85]

- 773.** The Employer Vice-Chairperson withdrew amendments to replace "ensure" by "through social dialogue, provide" and to delete the word "all" before "workers".

[A.151]

- 774.** The Government member of the United Kingdom introduced a proposed amendment to replace the word "strengthening" by "ensuring comprehensive" before "maternity protection".
- 775.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 776.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of South Africa, speaking on behalf of the Africa group, also supported the amendment.
- 777.** The amendment was adopted.

[A.186]

- 778.** The Worker Vice-Chairperson withdrew an amendment to add "and other types of care leave" at the end of the clause.
- 779.** Point 26, clause (g) was adopted.

Point 26(h)

[A.84]

- 780.** The Employer Vice-Chairperson withdrew a proposed amendment to replace the clause by "provide scope for achieving better work-life balance by enabling workers and employers to

agree on solutions, including on working time, that consider their respective needs and benefits;”.

[A.152]

- 781.** The Government member of the United Kingdom, speaking also on behalf of the Governments of Australia and the United States, withdrew a proposed amendment to insert the words “flexible working” after “facilitating”.

[A.187]

- 782.** The Worker Vice-Chairperson withdrew a proposed amendment to add the words “, including for workers in the informal economy” at the end of the first sentence.
- 783.** Point 26, clause (h) was adopted.

Point 26(i)

[A.217 and 218]

- 784.** The Employer Vice-Chairperson withdrew two proposed amendments, to replace “build and maintain universal” by “achieve universal access to comprehensive, adequate and sustainable” and to delete “adequate” before “protection”.

[A.189]

- 785.** The Worker Vice-Chairperson withdrew a proposed amendment to insert “all” before “workers”.
- 786.** Point 26, clause (i) was adopted.

Point 26(j)

[A.192]

- 787.** The Worker Vice-Chairperson proposed adding “and SSE entities” after “sustainable enterprises”.
- 788.** The Employer Vice-Chairperson did not support the amendment; sustainable enterprises included entities of the social and solidarity economy. The amendment was therefore not necessary.
- 789.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Australia, Canada, Brazil and Mexico supported the amendment.
- 790.** The Employer Vice-Chairperson wished to propose a subamendment, based on the Conclusions concerning decent work and the social and solidarity economy adopted at the 110th Session of the International Labour Conference, to replace “and SSE entities” by “and develop a conducive environment for SSE entities”.
- 791.** The Worker Vice-Chairperson supported the subamendment.
- 792.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of New Zealand, Australia and Canada also supported the subamendment.
- 793.** The amendment was adopted as subamended.

[A.81]

- 794. The Employer Vice-Chairperson introduced a proposed amendment to insert “productivity and” before “investment”. Productivity was not linked to profit-making but rather to career development and opportunities for workers.
- 795. The Worker Vice-Chairperson cautioned against linking productivity and investment. She proposed a subamendment to replace “and” by a comma.
- 796. The Employer Vice-Chairperson accepted the subamendment.
- 797. The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of New Zealand, Argentina, Brazil and Canada supported the subamendment.
- 798. The amendment was adopted as subamended.

[A.87]

- 799. The Government member of Belgium, speaking on behalf of the EU Member States, introduced a proposed amendment to insert “gender equal” before “business opportunities”, since women entrepreneurs faced greater obstacles to business opportunities than their male.
- 800. The Worker Vice-Chairperson supported the amendment.
- 801. The Employer Vice-Chairperson did not support the amendment. The meaning of “enhanced access to gender equal business opportunities” was unclear. Business opportunities should be accessed on merit, not on the basis of gender. There were many programmes in place to support women entrepreneurs. The insertion of “gender equal” in clause (j) seemed incongruous.
- 802. The Government members of the United States and the United Kingdom, and the Government member of Brazil, speaking on behalf of GRULAC, supported the amendment.
- 803. The Government member of Belgium, speaking on behalf of the EU Member States, said that, unfortunately, women entrepreneurs were often discriminated against on grounds of gender, and were afforded fewer opportunities. She proposed a subamendment to insert “gender-responsive” before “policies”, rather than “gender equal” before “business opportunities”.
- 804. The Employer Vice-Chairperson agreed to the subamendment.
- 805. The Worker Vice-Chairperson also agreed to the subamendment.
- 806. The Government members of Canada and the United Kingdom supported the subamendment.
- 807. The amendment, as subamended, was adopted.

[A.91]

- 808. The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to delete the words “, including in the care economy” from the end of the clause, which it considered redundant, given that the conclusions as a whole were explicitly related to the care economy.
- 809. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 810. The Government members of Zimbabwe, and the Government member of Brazil, speaking on behalf of GRULAC, also supported the amendment.
- 811. The amendment was adopted.

812. Point 26, clause (j) was adopted as amended.

Point 26(k)

[A.80 and A.79]

813. The Employer Vice-Chairperson withdrew two amendments, to insert “short-term” before “and long-term” and to delete “all” before “workers”.

[A.95]

814. The Government member of Belgium, speaking on behalf of the EU Member States, withdrew a proposed amendment to replace the word “workers” by “people”.

815. Point 26, clause (k) was adopted.

New clause after point 26(k)

[A.3]

816. The Government member of Australia, speaking also on behalf of the Governments of Canada, Japan, New Zealand and the United States, introduced a proposed amendment to add a new clause, after (k), to read, “ensure measures consider culturally appropriate services and workforce considerations for indigenous and tribal peoples, including the development of community-based approaches;”. Gaps in the availability of community-based, culturally appropriate care services supporting indigenous people could lead to indigenous people seeking services outside their communities or not accessing services at all. Both outcomes had negative impacts for indigenous people and distorted data on demand for care services. Approaches to filling carer roles that were not grounded in community knowledge or cultural safety could contribute to a care workforce that was not recognized, remunerated or supported professionally to deliver appropriate services. Owing to differences in interpretation of care and workforce challenges, aspects of care in indigenous communities could require different considerations and approaches to the care economy.

817. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

818. The Government member of Brazil, speaking on behalf of GRULAC, the Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Mexico, the Syrian Arab Republic, Kiribati and New Zealand supported the amendment.

819. The amendment was adopted.

820. The new clause after point 26 (k) was adopted.

Point 26(l)

[A.153]

821. The Government member of the United Kingdom, speaking also on behalf of the Governments of Australia, Canada and the United States, introduced an amendment to insert “by taking a disability-inclusive approach to increase” before “access to employment opportunities” to integrate a more explicit measure for fostering inclusive employment opportunities.

822. The Worker Vice Chairperson and the Employer Vice-Chairperson supported the amendment.

- 823. The Government member of Mexico, the Government member of Brazil, speaking on behalf of GRULAC, and the Government member of Belgium, speaking on behalf of the EU and its Member States, supported the amendment.
- 824. The amendment was adopted.
- 825. Point 26, clause (l) was adopted as amended.

Point 26(m)

[A.181]

- 826. The Government member of Brazil, speaking on behalf of GRULAC, introduced a proposed amendment to insert “all forms of” before “discrimination”.
- 827. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 828. The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Canada and the United States supported the amendment.
- 829. The amendment was adopted.

[A.182]

- 830. The Government member of Brazil, speaking on behalf of GRULAC, proposed an amendment to delete “based on any prohibited ground”, which was redundant and should therefore be removed.
- 831. The Worker Vice-Chairperson requested confirmation from the Office that the language was redundant.
- 832. The deputy representative of the Secretary-General said that, in the light of the adoption of the previous amendment by which “all forms of” had been inserted before “discrimination”, the words “based on any prohibited ground” could indeed be considered redundant.
- 833. The Worker Vice-Chairperson and the Employer Vice-Chairperson accepted the amendment.
- 834. The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of the United Kingdom, Guinea and the United States supported the amendment.
- 835. The amendment was adopted.

[A.77]

- 836. The Employer Vice-Chairperson withdrew an amendment to delete “, with particular attention to women, migrant workers and racialized groups,”, in favour of the subsequent amendment submitted by the Member States of the European Union.

[A.99]

- 837. The Government member of Belgium, speaking on behalf of the EU Member States, introduced a proposed amendment to replace “migrant workers and racialized groups” by “and persons in vulnerable situations”.
- 838. The Government member of the United Kingdom expressed support for the amendment.
- 839. The Employer Vice-Chairperson supported the amendment.

- 840. The Worker Vice-Chairperson did not support the amendment. Her group preferred the original text as prepared by the Office, referring specifically to “women, migrant workers and racialized groups”.
- 841. The Government member of Brazil, speaking on behalf of GRULAC, concurred with the Workers’ group.
- 842. The Government member of Zimbabwe requested clarification of the definition of the term “persons in vulnerable situations”.
- 843. The Government member of Belgium, speaking on behalf of the EU Member States, said that the wording “persons in vulnerable situations” was proposed, in line with language used in the resolution concerning decent work and the social and solidarity economy (ILC.110/Resolution II) and the resolution concerning the second recurrent discussion on labour protection (ILC.111/Resolution IV), to draw attention to people in vulnerable situations in an inclusive manner. Migrant workers and racialized groups would be covered by “vulnerable situations”, along with all other examples of vulnerability, without exception.
- 844. In the light of that explanation, the Government members of Zimbabwe and Australia supported the amendment.
- 845. The Government member of Mexico did not support the amendment; certain groups of individuals required particular support and should be named specifically. Generalizing the wording was not advisable.
- 846. The Worker Vice-Chairperson proposed a subamendment to add, after “women”, “, migrant workers, racialized groups and other persons in situations of vulnerability”.
- 847. The representative of the Secretary-General cautioned against referring to women as “people in situations of vulnerability”.
- 848. The Worker Vice-Chairperson proposed a further subamendment to delete the word “other”.
- 849. The Government member of Belgium, speaking on behalf of the EU and its Member States, supported the subamendment.
- 850. The Employer Vice-Chairperson said her group could accept the subamendment.
- 851. The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Brazil, speaking on behalf of GRULAC, and the Government members of the United States, Bangladesh and Mexico supported the subamendment.
- 852. The amendment was adopted as subamended.
- 853. Point 26, clause (m) was adopted as amended.

Point 26(n)

[A.78 and A.76]

- 854. The Employer Vice-Chairperson withdrew two amendments, the first to add at the beginning of the clause “improve legal pathways for skills mobility to fill skills shortages in the care economy and”, and the second to replace the word “ensure” by “enable” before “the protection of migrant care workers”.

[A.193]

- 855.** The Worker Vice-Chairperson introduced an amendment to insert “all” before “migrant care workers”. The large number of amendments submitted to clause (n) were testament to the importance of the subject of migrant workers. Migrant workers deserved protection as much as any other worker. Migrant care workers left families behind to look after children and sick and older persons in other countries. They left their own loved ones behind to be cared for by others, usually women and girls. The pandemic had not only demonstrated the important contribution of migrant care workers to societies and economies but also the enormous challenges they faced. Undocumented migrant workers comprised a significant part of the care workforce. They were often rendered vulnerable to exploitation and other labour rights violations, as unscrupulous employers used their irregular status to intimidate and silence them. Fundamental labour rights must be for all workers, regardless of their employment or migration status. In many countries, migrant workers, both regular and irregular, were denied the right to freedom of association, to join or form a union, and to bargain collectively. While ILO instruments, standards and decisions enshrine the principle that all ILO core labour standards were fundamental for all workers, regardless of their immigration status, non-binding instruments, such as the Global Compact for Migration, had systematically tried to limit freedom of association and collective bargaining rights for migrant workers, taking migrant care workers out of the protections of labour law and viewing them only in the context of migration management.
- 856.** The Employer Vice-Chairperson accepted the amendment.
- 857.** The Government member of South Africa, speaking on behalf of the Africa group, and the Government members of the Syrian Arab Republic and Bangladesh supported the amendment.
- 858.** The Government member of the United Kingdom could not support the amendment and suggested that the clause required more comprehensive discussion and consultation.
- 859.** The Government member of Türkiye concurred. Ensuring the protection of all migrant workers was unrealistic. The portability of social protection rights was also exceptionally challenging, as different countries had different legal frameworks. Offering protection to all migrant workers could be in conflict with national laws and international agreements. The strong connections between migrant workers and the informal economy rendered the situation particularly complex.
- 860.** The Government member of Kiribati agreed that the matter was sensitive and complex and required further comprehensive discussion.
- 861.** Owing to a lack of consensus at the conclusion of the Committee’s work, the amendment and 11 subsequent amendments (A.103, A.211, A.212, A.194, A.117, A.75, A.73, A.195, A.122, A.72 and A.16) were not adopted.
- 862.** Owing to lack of consensus at the conclusion of the Committee’s work, point 26, clause (n) fell.

Point 26(o)

[A.71]

- 863.** The Employer Vice-Chairperson withdrew an amendment to replace the word “ensure” by “promote” at the beginning of the clause.

[A.196]

- 864.** The Worker Vice-Chairperson withdrew an amendment to add, after “ensure” the words, “the effective exercise of the right to freedom of association and collective bargaining and the”.

[A.69]

- 865.** The Employer Vice-Chairperson withdrew an amendment to delete the words “including through labour inspection”.

[A.129]

- 866.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to insert the words, “and other relevant authorities where applicable” after the words “labour inspection”.
- 867.** The Worker Vice-Chairperson did not support the amendment. The reference to labour inspection was sufficient.
- 868.** The Employer Vice-Chairperson also did not support the amendment.
- 869.** The amendment was withdrawn.

[A.68, A.67 and A.66]

- 870.** The Employer Vice-Chairperson withdrew three amendments to delete “all” before “care workers”, to replace “all” by “different” before “types of employment”, and to delete the words “such as domestic workers, migrant workers or community health and care workers”.

[A.134]

- 871.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed an amendment to delete the words “such as domestic workers, migrant workers or community health and care workers”.
- 872.** The Worker Vice-Chairperson and the Employer Vice-Chairperson opposed the amendment.
- 873.** The Government members of the United States, Mexico, Brazil and Kiribati did not support the amendment; it was important to refer specifically to the needs of domestic workers.
- 874.** The amendment was withdrawn.
- 875.** Point 26, clause (o) was adopted.

Point 26(p)

[A.64]

- 876.** The Employer Vice-Chairperson introduce an amendment, which she immediately subamended, to replace “appropriate limits to working hours and overtime, prevent and address violence and harassment and progressively ensure living wages and fair remuneration, including through collective bargaining” by “maximum limits on working time, occupational safety and health, including preventing and addressing violence and harassment, and adequate minimum wages, whether statutory or negotiated.”
- 877.** The Worker Vice-Chairperson said her group could accept the amendment, as subamended.

- 878.** The Government member of Qatar, speaking on behalf of the Member States of the GCC, and the Government members of the Syrian Arab Republic and Bangladesh, supported the amendment as subamended.
- 879.** The Government member of the United States, supported by the Government member of Zimbabwe, said that, as drafted, there appeared to be maximum limits on occupational safety and health. He suggested a reordering of the sentence for the purposes of clarity.
- 880.** The Employer Vice-Chairperson said that the drafting had been closely aligned with the text of the Centenary Declaration.
- 881.** The Worker Vice-Chairperson suggested inserting a colon after “achieve”.
- 882.** It was so agreed.
- 883.** The amendment, as subamended, was adopted.
- 884.** A subsequent amendment (A.202) fell.
- 885.** The Worker Vice-Chairperson said that the issues addressed in the clause were particularly important to the Workers’ group. The decent work deficits in the care economy were profound. The Workers’ group had hoped that agreement would be reached on more specific language relating to working time, rest periods, compensation for overtime, regular and predictable working hours and occupational safety and health, to move beyond the Centenary Declaration. However, in a spirit of compromise, the Workers’ group had agreed to the text as approved, in order to maintain a reference to working conditions in the Committee’s conclusions.

[A.139]

- 886.** The Government member of Belgium, speaking on behalf of the EU Member States, withdrew an amendment to replace “address” by “combat” and to insert “in the world of work” after “harassment”.

[A.206]

- 887.** The Government member of the United States proposed an amendment to add the words “, including gender-based violence and harassment,” after “harassment”, to ensure that the gender imbalance in the care economy was adequately referenced.
- 888.** The Worker Vice-Chairperson supported the amendment.
- 889.** The Government members of Zimbabwe, Kiribati, Switzerland, Australia, Canada and Bangladesh, the Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government member of South Africa, speaking on behalf of the Africa group, supported the amendment.
- 890.** The Employer Vice-Chairperson agreed to the amendment.
- 891.** The amendment was adopted.

[A.203, A.207, A.208, A.199 and A.209]

- 892.** The Worker Vice-Chairperson withdrew five amendments: to insert “, establish minimum safe staffing levels,” after “overtime”, as the clause already referred to occupational safety and health; to replace “to achieve appropriate: by “that provide for rest periods,”; to replace “to achieve appropriate limits to working hours” by “that provide for maximum limits on working time”; to insert” promote regular and predictable working hours and schedules” before

“prevent and address”, and to insert “guarantee compensation for overtime” after “harassment”.

[A.65 and A.63]

893. The Employers withdrew two amendments, to delete “hours and over” between “working” and “time” and to replace “progressively ensure living wages and fair remuneration, including through collective bargaining” by “ensure an adequate minimum wage, whether statutory or negotiated”.

894. Point 26, clause (p) was adopted as amended.

Point 26(q)

[A.61]

895. The Employer Vice-Chairperson introduced an amendment to delete from “including unpaid care work” to the end of the clause.

896. The Worker Vice-Chairperson did not support the amendment.

897. Following informal consultations, the Employer Vice-Chairperson withdrew the amendment.

898. Point 26, clause (q) was adopted.

Point 26(r)

[A.60]

899. The Employer Vice-Chairperson introduced an amendment to replace “and” by “as well as” and to delete the word “including” before “cooperatives”.

900. The Worker Vice-Chairperson did not support the amendment.

901. Following informal consultations, the Employer Vice-Chairperson withdrew the amendment.

902. Point 26, clause (r) was adopted.

Point 26(s)

[A.59]

903. The Employer Vice-Chairperson withdrew an amendment to insert the word “analyse” after “collect,”.

[A.141]

904. The Government member of Belgium, speaking on behalf of the EU Member States, introduced a proposed amendment, which she wished to subamend, to insert the word “existing” before “international” and to insert “and international statistical standards that will be developed” after “statistical standards”.

905. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment as subamended.

906. The Government members of the United Kingdom, the United States, Zimbabwe, Mali and Kiribati, and the Government member of Brazil, speaking on behalf of GRULAC, supported the amendment as subamended.

907. The amendment was adopted as subamended.

908. Point 26, clause (s) was adopted as amended.

Point 26(t)

[A.58]

909. The Employer Vice-Chairperson withdrew an amendment to replace “promote the voice and representation of, and consult with” by “in consultation with national employers’ and workers’ organizations, support”.

[A.143]

910. The Government member of Belgium, speaking on behalf of the EU Member States, presented an amendment to insert “family care workers,” before “domestic workers”.

911. The Worker Vice-Chairperson asked how “family care workers” would be defined.

912. The Government member of Belgium, speaking on behalf of the EU Member States said that “family care workers” referred to people who cared for their family members or friends, perhaps going to live with them to provide temporary care. The term “caregiving relatives” might also be used. Such carers were unpaid.

913. The Worker Vice-Chairperson expressed concern that the clause referred to paid work, and the reference to family care workers was therefore not appropriate in that context.

914. The Employer Vice-Chairperson did not support the amendment.

915. The Government member of Brazil, supported by the Government member of Mexico, supported the proposed amendment. Unpaid carers who provided care to relatives and friends at home were an important aspect of the care economy. Those carers were often women. The voice and representation of such carers was important. They should therefore be included in the clause, and the fact that they were not paid should be specified.

916. The Government member of Canada and the Government member of the United States agreed that unpaid caregivers should be included, but suggested that they be added towards the end of the list, after “organizations of employers of care workers”.

917. The Worker Vice-Chairperson said her group was not opposed to the inclusion of unpaid family carers in the list but agreed with the Government member of Canada that the reference would be better placed later in the clause.

918. The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to remove “family care workers” and insert the words “and unpaid family carers” before “where these exist”.

919. The Employer Vice-Chairperson supported the subamendment.

920. The Government member of Bangladesh felt that the reference to “unpaid family carers” was not well placed in the clause, which was on the subject of organizations. He therefore did not support the subamendment.

921. The Government member of South Africa, speaking on behalf of the Africa group, and the Government member of Kiribati supported the subamendment. The Government member of Kiribati particularly appreciated the inclusive use of language being applied.

922. The amendment was adopted as subamended.

[A.144]

- 923.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced a further amendment to insert the words “and groups that represent people needing care” before “where these exist”.
- 924.** The Employer Vice-Chairperson said that her group could accept the amendment.
- 925.** The Worker Vice-Chairperson said that the words “where these exist” should not apply to “unpaid family carers and groups that represent people needing care”. They should therefore be inserted before “unpaid family carers”.
- 926.** The Government member of Switzerland said that organizations of unpaid family carers existed in Switzerland. The words “where these exist” should therefore be inserted after “unpaid family carers”.
- 927.** In the absence of consensus, at the end of the Committee’s work the amendment was not adopted.
- 928.** Point 26, clause (t) was adopted as amended.

New clause after point 26(t)**[A.201]**

- 929.** The Government member of Canada, speaking also on behalf of the Government of the United States, introduced a proposed amendment to add a new clause after (t), to read “support multilateral initiatives such as the Equal Pay International Coalition (EPIC).”. EPIC was a multistakeholder initiative of the ILO, the Organisation for Economic Co-operation and Development and UN Women, which supported governments in taking specific measures to achieve SDG target 8.5 on equal pay for work of equal value by 2030. The Coalition shared knowledge, awareness and lessons learned. It was a tripartite arrangement, which paid particular attention to the health and the care sector. Leveraging the efforts of such initiatives could contribute to ensuring decent work for care workers.
- 930.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 931.** The Government members of Mexico, Brazil, the United Kingdom and Switzerland, and the Government member of South Africa, on behalf of the Africa group, supported the amendment.
- 932.** The amendment was adopted.
- 933.** The new clause after point 26(t) was adopted.

New clause after point 26(t)**[A.145]**

- 934.** The Government member of Belgium, speaking on behalf of the EU Member States, withdrew an amendment to add a further new clause after (t) to read, “leverage multilateral networks such as the Global Alliance for Care.”.
- 935.** Point 26, as a whole, as amended, was adopted.
- 936.** Part IV, as a whole, as amended, was adopted.

Part V. The role of the International Labour Organization

937. The title was adopted.

Point 27

Chapeau

[A.57]

- 938. The Employer Vice-Chairperson introduced an amendment to add “in consultation with national employers’, workers’ organizations, and governments”, to make explicit reference to the need to ensure dialogue between all constituents.
- 939. The Worker Vice-Chairperson stated that her group could accept the amendment.
- 940. The Government member of Belgium, speaking on behalf of the EU and its Member States, agreed with the spirit of the amendment but felt that the term “national” could be limiting. She therefore proposed a subamendment to replace “national employers’, workers’ organizations, and governments” by “constituents”.
- 941. The Employer Vice-Chairperson and the Worker Vice-Chairperson agreed to the subamendment.
- 942. The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Brazil, speaking on behalf of GRULAC, the Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, and the Government members of Saudi Arabia, Chile, the United States and India supported the subamendment.
- 943. The amendment was adopted as subamended.
- 944. The chapeau was adopted as amended.

Point 27(a)

[A.154]

- 945. The Government member of the United Kingdom, speaking also on behalf of the Governments of Australia, Canada and the United States, introduced an amendment to add “and the ILO Violence and Harassment Convention, 2019 (No. 190)” at the end of the clause. The Convention was particularly relevant in the context of protecting women and girls and those who were vulnerable in the care workforce.
- 946. The Worker Vice-Chairperson, while acknowledging that the Convention was indeed important and relevant to the care economy, cautioned against listing international labour standards in the conclusions.
- 947. The Employer Vice-Chairperson agreed that it was not necessary to list instruments and did not support the amendment.
- 948. The Government member for South Africa, speaking on behalf of the Africa group, the Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, similarly did not support the amendment.
- 949. The Government member of the United Kingdom withdrew the amendment.
- 950. Point 27, clause (a) was adopted.

Point 27(b)

[A.56]

- 951.** The Employer Vice-Chairperson withdrew an amendment to revise the clause, in favour of the two subsequent amendments due to be presented (A.190 and A.191).

[A.190]

- 952.** The Government member of Belgium, speaking on behalf of the EU Member States, introduced an amendment to replace “assess gaps in” by “conduct an assessment of”. The objective should be to conduct a broad assessment of all provisions in the ILO’s body of care-related international labour standards.
- 953.** The Worker Vice-Chairperson did not support the amendment. The word “gaps” was in line with the wording used in the report of the eighth meeting of the ILO Standards Review Mechanism Tripartite Working Group.
- 954.** The Employer Vice-Chairperson introduced a subamendment to align the wording fully with the report of the Tripartite Working Group by replacing “Conduct an assessment of” by “Assess whether there are gaps”, and to delete the words “leave and” after “parental”.
- 955.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that while it was clear that there were gaps, the outcome of the assessment should not be pre-empted. The original amendment was intended to stipulate that an assessment should be conducted. The EU and its Member States could, however, accept the subamendment as proposed by the Employers’ group.
- 956.** The Worker Vice-Chairperson supported the subamendment as presented by the Employers’ group.
- 957.** The Government member of Brazil, speaking on behalf of GRULAC, the Government member of South Africa, speaking on behalf of the Africa group, and the Government member of Mexico also supported the subamendment.
- 958.** The amendment was adopted as subamended.

[A.191]

- 959.** The Government member of Belgium, speaking on behalf of the EU Member States, submitted an amendment to add the words, “and report back to the Governing Body” at the end of the clause.
- 960.** The Employer Vice-Chairperson proposed a subamendment to replace “report back to the Governing Body” with “to be discussed through a tripartite committee”, in line with the wording of the report of the eighth meeting of the ILO Standards Review Mechanism Tripartite Working Group (GB.349/LILS/1).
- 961.** The Worker Vice-Chairperson asked the Office to clarify whether the addition of that language was necessary.
- 962.** A representative of the Secretariat said that the proposed subamendment reflected the decision taken by the Tripartite Working Group of the Standard Review Mechanism, which had requested that the Office prepare research to be discussed by a tripartite meeting. The Governing Body should decide on the form such a tripartite meeting should take.
- 963.** The Worker Vice-Chairperson said that she did not support the amendment.

- 964.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said, with regard to the possibility of aligning the wording with that of the Standards Review Mechanism Tripartite Working Group report, that the report only referred to research into gaps in parental protection, not the other items listed in the clause. If the scope of that research could not be extended to cover all aspects of the clause, the amendment should remain as originally proposed.
- 965.** At the request of the Employer Vice-Chairperson, a representative of the Secretariat explained that the Standards Review Mechanism Tripartite Working Group had conducted a review of the Maternity Protection Convention, 1919 (No. 3), Maternity Protection Convention (Revised), 1952 (No. 103), the Maternity Protection Recommendation, 1952 (No. 95), the Maternity Protection Convention, 2000 (No. 183) and the Maternity Protection Recommendation, 2000 (No. 191). In the context of that review, questions had been raised regarding potential gaps in international labour standards in respect of paternity and parental protection. The Tripartite Working Group had recommended that research be conducted in that regard. In its subsequent decision concerning the report of the eighth meeting of the Standards Review Mechanism Tripartite Working Group, the Governing Body had requested the Office to “prepare research to be discussed by a tripartite meeting, to be determined by the Governing Body at the earliest date possible, so as to enable the Organization to assess whether there are gaps in respect of paternity and parental protection and, if so, what normative and/or non-normative actions could be appropriate”. The Committee could thus consider whether to keep the present clause in line with the recommendation of the Tripartite Working Group, thereby restricting it to paternity and parental protection, or to extend the scope of the clause to other care responsibilities. The Committee could invite the Governing Body to either broaden the scope of the tripartite meeting already foreseen, or to convene a separate tripartite meeting.
- 966.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment, in light of the guidance provided by the Office, and in line with wording used in the resolution concerning a just transition towards environmentally sustainable economies and societies for all, to read “and consider convening a tripartite meeting, the format of which is to be decided by the Governing Body”. Such an approach would reflect the language of the Standards Review Mechanism Tripartite Working Group, while also allowing for a broader list of care leave policies, and would allow the Governing Body to decide whether to broaden the scope of the planned tripartite meeting to cover those aspects of care leave, or to convene a separate one.
- 967.** The Employer Vice-Chairperson did not support the subamendment and would prefer to see the same language as used by the Standards Review Mechanism Tripartite Working Group, in line with which the clause would read, “assess whether there are gaps in the ILO’s body of international labour standards in respect of paternity and parental protection, and if so, what normative and non-normative actions could be appropriate to be discussed through a tripartite committee;”.
- 968.** The Government member of Brazil supported the subamendment proposed by the EU Member States.
- 969.** The Government member of Australia noted the importance of inviting the Governing Body to expand the scope of the tripartite meeting beyond parental protection to cover other care leave policies, if possible.
- 970.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment, to replace the clause by: “prepare research to be discussed by a tripartite meeting, to be determined by the Governing Body at the earliest date possible, so as to assess

whether there are gaps in the ILO's body of care-related international labour standards, paternity and parental protection, and other care leave (for sick or critically-ill family members, older persons or persons with disabilities) and, if so, what normative and/or non-normative action could be appropriate".

- 971.** The Employer Vice-Chairperson supported the subamendment and proposed a further subamendment, to remove "care-related" before "international labour standards". The research should relate to all international labour standards.
- 972.** It was so agreed.
- 973.** The Worker Vice-Chairperson proposed a further subamendment to add "related to" before "paternity" for grammatical reasons.
- 974.** The Employer Vice-Chairperson supported the subamendment.
- 975.** The amendment was adopted as subamended.
- 976.** Point 27, clause (b) was adopted as amended.

Point 27(c)

[A.55]

- 977.** The Employer Vice-Chairperson submitted an amendment to delete clause (c). The conclusions should remain in line with the recommendations of the Standards Review Mechanism Tripartite Working Group. Clause (b), as adopted, reflected those recommendations. Clause (c) did not. It should therefore be deleted.
- 978.** The Worker Vice-Chairperson could not support the amendment. Clause (b) related to normative gaps in parental protection, whereas clause (c) requested an assessment of normative and non-normative gaps on decent work and the care economy. The Committee, in its conclusions, had noted the existence of gaps in public awareness, legislation, policies, funding and implementation. An assessment of such gaps was required, and should be conducted by a tripartite group.
- 979.** The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, supported the amendment.
- 980.** The Government member of Brazil, speaking on behalf of GRULAC, did not support the amendment.
- 981.** In the absence of consensus at the conclusion of the Committee's work, the amendment was not adopted.
- 982.** Having not been agreed by the Committee, clause (c) was not adopted.

Point 27(d)

- 983.** Point 27, clause (d) was adopted.

Point 27(e)

[A.54]

- 984.** The Employer Vice-Chairperson introduced an amendment to insert "including" before "through Decent Work Country Programmes", since there were many countries that did not have Decent Work Country Programmes.

- 985. The Worker Vice-Chairperson supported the amendment.
- 986. The Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Bangladesh, the United States, Mexico, Brazil, Chile and the Syrian Arab Republic supported the amendment.
- 987. The amendment was adopted.

[A.53]

- 988. Following informal consultations, the Employer Vice-Chairperson withdrew an amendment to include “; adequate resources are critical to advance the 5R Framework” before “for Decent Care Work”.
- 989. Point 27, clause (e) was adopted as amended.

Point 27(f)

[A.215]

- 990. The Employer Vice-Chairperson introduced an amendment (A.215) to replace the text, “migrant care workers; domestic workers; community health and care workers; workers in cooperatives and other SSE entities; care workers in the informal economy; workers with family responsibilities” with “care workers”. The intention was to avoid an exclusive list. Care workers in general must be protected.
- 991. The Worker Vice-Chairperson did not support the amendment. Given the Committee’s long discussions on the vulnerabilities and challenges faced by particular groups of workers in the care economy, those specific groups must be identified explicitly.
- 992. The Government member of Mexico agreed with the Workers’ group and could not support the amendment. The list was important and should be retained.
- 993. The Government member of the Syrian Arab Republic supported the amendment, with a view to ensuring that all workers were included.
- 994. The Government member of Brazil introduced a subamendment to insert “all care workers including” before the list, thereby making specific categories of care workers explicitly visible, while ensuring that no care workers were excluded.
- 995. The Government member of Mexico seconded the subamendment proposed by the Government member of Brazil.
- 996. The Government members of Zimbabwe and China supported the subamendment.
- 997. The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, supported the original amendment.
- 998. The Government member of Belgium, speaking on behalf of the EU Member States, introduced a further subamendment to replace the list with “all care workers, and workers with family responsibilities”, since workers with family responsibilities were not covered by “all care workers”.
- 999. The Government members of the United Kingdom and the United States supported that subamendment.
- 1000. The Employer Vice-Chairperson also supported the subamendment, as proposed by the Government member of Belgium on behalf of the EU Member States.

- 1001.** The Government member of Bangladesh said that he could support either the proposal to maintain the entire list or the proposal to replace the list by “care workers”. He could not, however, support the removal from the list of some categories of workers.
- 1002.** In the absence of any consensus and following informal consultations, the Employer Vice-Chairperson withdrew the amendment and a subsequent amendment (A.214) to insert the words “to address the root causes of exclusion from labour protection and” before “to promote”.
- 1003.** The Government member of Belgium, speaking on behalf of the EU Member States, withdrew an amendment (A.147) to insert the word “care” before “workers in cooperatives”.
- 1004.** Point 27, clause (f) was adopted.

Point 27(g)

- 1005.** Point 27, clause (g) was adopted.

Point 27(h)

[A.34]

- 1006.** The Employer Vice-Chairperson introduced an amendment to remove “including migrant workers” after “social protection of care workers”, since issues relating to migration had been mentioned several times in the conclusions.
- 1007.** The Worker Vice-Chairperson strongly opposed the amendment. Migrant workers played a crucial role in the care economy and faced enormous challenges. More expertise and research were needed the impacts of the aspects mentioned in clause (h) on migrant care workers.
- 1008.** The Employer Vice-Chairperson explained that the proposed deletion of “including migrant workers,” was not intended to exclude migrant workers. The aspects included in the clause related to all care workers, including migrant workers.
- 1009.** The Government members of Mexico, Bangladesh, Canada, Brazil, the Plurinational State of Bolivia, Australia, Philippines, Chile, the United States and Mali did not support the amendment.
- 1010.** The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, and the Government member of the Syrian Arab Republic supported the amendment.
- 1011.** The Government member of Belgium, speaking on behalf of the EU and its Member States, said that she could support the amendment, in the spirit of compromise.
- 1012.** In view of the lack of consensus, the Employer Vice-Chairperson withdrew the amendment.
- 1013.** Point 27, clause (h) was adopted.

New clause after point 27(h)

[A.5]

- 1014.** The Government member of Japan introduced an amendment, which was seconded by the Government member of Belgium on behalf of the EU Member States, to add a new clause after point 27(h) to read, “research and publish information on examples of the use of

technology in care workplaces that can enable a better working environment;”. In the context of shifting demographics, technology could perform some duties for care workers, such as record keeping, which would improve productivity and reduce workload. Consideration must be given to which aspects of care could be supported or replaced by technology, to best contribute to a sustainable care economy.

- 1015.** The Worker Vice-Chairperson welcomed the amendment and agreed that the use of technology was an important issue. She proposed a subamendment to revise the new clause to read: “research and publish information on challenges and opportunities of the introduction and use of technology in the care economy, including digital technologies and artificial intelligence”.
- 1016.** The Employer Vice-Chairperson welcomed the amendment and supported the subamendment. However, she wished to propose a further subamendment to add the words “in workplaces that can enable a better working environment” at the end of the clause.
- 1017.** The Worker Vice-Chairperson said that the reference to the challenges of the introduction of technology earlier in the clause meant that “can enable a better working environment” was no longer coherent within the clause. She would be open to reconsidering the wording.
- 1018.** The Government member of the United States proposed a subamendment to replace “in workplaces that can enable a better working environment” by “and its impact on working conditions”.
- 1019.** The member of Australia seconded the proposed subamendment.
- 1020.** The Government member of South Africa, speaking on behalf of the Africa group, and the Government members of Japan, Canada, Argentina and Brazil supported the subamendment.
- 1021.** The Government member of the Syrian Arab Republic also supported the subamendment and underscored the importance of access to digital technology and artificial intelligence, which for some countries, such as his, was restricted by geopolitical situations, thereby hampering economic development.
- 1022.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 1023.** The amendment (A.5) was adopted as subamended.
- 1024.** The new clause after point 27(h) was adopted as amended.

Point 27(i)

- 1025.** Point 27, clause (i) was adopted.

Point 27(j)

[A.50]

- 1026.** The Employer Vice-Chairperson introduced an amendment to replace “the effective exercise of the right to freedom of association and collective bargaining by all care workers, including those most at risk of exploitation and abuse” with “respecting, promoting and realizing the fundamental principles and rights at work”. Fundamental principles and rights at work were broader in scope but still included the right to freedom of association and collective bargaining.

- 1027.** The Worker Vice-Chairperson did not support the amendment, which changed the objective of the clause to examine specific obstacles to specific rights. The rights to freedom of association and collective bargaining for care workers who were most at risk of exploitation and abuse were particularly important, enabling rights.
- 1028.** The Government member Belgium, speaking on behalf of the EU and its Member States, the Government member of South Africa, speaking on behalf of the Africa group, the Government members of the United States, Canada, Chile, Mexico, Brazil and the Syrian Arab Republic did not support the amendment.
- 1029.** The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, supported the amendment.
- 1030.** In the absence of a consensus, at the conclusion of the Committee's work, the amendment was not adopted.
- 1031.** Having not been agreed by the committee, clause (j) was not adopted.

New clause after point 27(j)

[A.49]

- 1032.** The Employer Vice Chairperson introduced an amendment to insert a new clause after point 27(j), to read, "collect and share best practices, and conduct research on skills attraction, retention strategies of care workers and the benefits of harnessing technology in advancing decent work in the care economy;"
- 1033.** The Worker Vice Chairperson supported the request for research to help attract and retain care workers, but did support the reference to "skills attraction". Workers were not skills; workers had skills and qualifications. She therefore proposed a subamendment, to revise the new clause to read, "collect and share best practices, and conduct research on skills development that promotes career development and attracts and retains a skilled care workforce".
- 1034.** The Employer Vice Chairperson supported the subamendment.
- 1035.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of the United States, Bangladesh, Japan, Brazil Chile and Mexico supported the subamendment.
- 1036.** The Government member of the Syrian Arab Republic supported the original amendment but did not support the subamendment.
- 1037.** The amendment was adopted as subamended.
- 1038.** The new clause after point 27 (j) was adopted.

Point 27(k)

- 1039.** Point 27, clause (k) was adopted.

Point 27(l)

[A.148]

- 1040.** The Government member of France, speaking on behalf of the EU Member States, introduced an amendment to include "and WHO Academy in Lyon", to complement the expertise of the

International Training Centre of the ILO (ITCILO) in Turin with respect to capacity-building for the care economy.

- 1041.** The Employer Vice-Chairperson did not support the amendment. It was the prerogative of ITCILO Turin to decide with which partners to collaborate.
- 1042.** The Government members of Mexico Chile and Senegal supported the amendment.
- 1043.** The Government member of the Syrian Arab Republic supported the amendment and suggested a subamendment to add “and other specialized centres” after “Lyon”, to ensure wider collaboration.
- 1044.** The Government member of South Africa, speaking on behalf of the Africa group, seconded the subamendment, which was also supported by the Government member of France.
- 1045.** The Employer Vice Chairperson requested clarification from the Office regarding whether the ILO had any control or capacity in relation to other centres not under its jurisdiction, bearing in mind that the clause referred to technical capacity-building for “adequate financing”.
- 1046.** The representative of the Secretary-General responded that the ILO had no influence over the WHO Academy in Lyon, which would open at the end of 2024 offering online courses. However, the ITCILO cooperated with relevant United Nations agencies at many levels, and could select appropriate partners to work with on appropriate topics.
- 1047.** The Government member of the United States, supported by the Government member of the United Kingdom, supported the amendment as subamended; there were important benefits to the ILO working with other international bodies.
- 1048.** The Government members of Mali and Guinea also supported the amendment as subamended.
- 1049.** The Government member of the United Arab Emirates, speaking on behalf of the Member States of the GCC, and the Government members of Cameroon and Zimbabwe, supported the reference to other specialized centres but did not support the inclusion of a reference to the WHO Academy.
- 1050.** The Employer Vice-Chairperson proposed a subamendment to replace the amendment by “and collaboration with other relevant training centres”, to open the scope for other organizations to be included.
- 1051.** The Government members of Mexico and Chile did not support the subamendment. Specific reference should be made to the WHO Academy.
- 1052.** The Government member of South Africa, speaking on behalf of the Africa group, and the Government members of China, Kiribati and Bangladesh supported the subamendment as proposed by the Employers’ group.
- 1053.** The Worker Vice-Chairperson proposed a subamendment to include “, as appropriate” after “relevant training centres.”
- 1054.** The Employer Vice-Chairperson supported that subamendment.
- 1055.** The Government member of France, speaking on behalf of the EU and its Member States, and the Government members of Chile, Bangladesh Argentina, Mali, Cameroon, Kiribati, New Zealand, the Syrian Arab Republic and Zimbabwe supported the subamendment.
- 1056.** The amendment was adopted as subamended.
- 1057.** Point 27, clause (l) was adopted as amended.

Point 27(m)

[A.48]

- 1058.** The Employer Vice-Chairperson introduced an amendment to delete “mechanisms” after “collective bargaining.”
- 1059.** The Worker Vice-Chairperson said that “collective bargaining” and “workplace cooperation” should not be placed as equally weighted aspects of a list. Workplace cooperation was a tool, whereas collective bargaining was a fundamental right. As such, she did not support the removal of “mechanisms”.
- 1060.** The Employer Vice-Chairperson said that the fundamental principles and rights at work were the effective recognition of the right to collective bargaining, but that collective bargaining was not, in itself, a right.
- 1061.** The Government member of New Zealand, noting the concern of the Workers’ group, proposed a subamendment, to read “collective bargaining, as well as workplace cooperation”.
- 1062.** The Government member of Belgium, speaking on behalf of the EU Member States, proposed a subamendment to end the clause after the words “social dialogue”, thereby deleting the references to collective bargaining and to workplace cooperation.
- 1063.** The Employer Vice-Chairperson supported the subamendment proposed by the EU Member States.
- 1064.** The Worker Vice-Chairperson suggested aligning the wording with the Centenary Declaration, to read, “including collective bargaining mechanisms and encourage, where appropriate, effective workplace cooperation;”.
- 1065.** The Employer Vice-Chairperson did not support the subamendment.
- 1066.** The Government member of Qatar, speaking on behalf of the Member States of the GCC, and the Government members of Türkiye, Switzerland and Bangladesh did not support the subamendment.
- 1067.** The Government member of Belgium, speaking on behalf of the EU and its Member States, and the Government members of Brazil, the United States and Canada supported the subamendment.
- 1068.** Following informal consultations, the Employer Vice-Chairperson proposed a further subamendment to revise the clause to read, “reinforce the capacities of tripartite constituents to engage in the formulation, implementation and monitoring of national care policies and strengthen all forms of social dialogue including collective bargaining and tripartite cooperation. Encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way as it respects collective bargaining and its outcomes, and does not undermine the role of trade unions;”.
- 1069.** The Worker Vice-Chairperson supported the subamendment.
- 1070.** The Government member of South Africa, speaking on behalf of the Africa group, also supported the subamendment.
- 1071.** The amendment, as subamended, was adopted.
- 1072.** One subsequent amendment (A.210) fell.
- 1073.** Point 27, clause (m) was adopted as amended.

Point 27(n)

[A.47 and A.40]

- 1074.** The Employer Vice-Chairperson withdrew two proposed amendments to replace “leadership” by “leading” before “role” and to replace “ensuring” by “enhancing” before “policy coherence”.
- 1075.** Point 27, clause (n) was adopted.

New clause after point 27(n)

[A.155]

- 1076.** The Government member of the United Kingdom, speaking also on behalf of the Government of Canada, introduced a proposed amendment to insert a new clause after (n), to read, “continue to promote the Guidelines for a just transition towards environmentally sustainable economies and societies for all (2015), including in relation to the care economy;”.
- 1077.** The Worker Vice-Chairperson and the Employer Vice-Chairperson both said that their groups could accept the amendment, provided it was also supported by the majority of governments.
- 1078.** The Government member of South Africa, speaking on behalf of the Africa group, the Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, and the Government member of Kiribati supported the amendment.
- 1079.** The amendment was adopted.
- 1080.** The new clause after point 27 (n) was adopted.

Point 27(o)

- 1081.** Point 27, clause (o) was adopted.

Point 27(p)

[A.46]

- 1082.** The Employer Vice-Chairperson withdrew an amendment to delete clause (p).
- 1083.** Point 27, clause (p) was adopted.

New clause after point 27(p)

[A.20]

- 1084.** The Government member of Kiribati, speaking also on behalf of the Government of Samoa introduced a proposed amendment to add a new clause after (p) to read, “strengthen social dialogue, cooperation and coordination for long-term sustainability of economies and societies for all.”.
- 1085.** The Worker Vice-Chairperson, supported by the Employer Vice-Chairperson did not support the amendment, since sufficient reference had been made to strengthening social dialogue in point 27(m).
- 1086.** The amendment was not adopted.

New clause after 27(p)

[A.18]

- 1087.** The Government member of Kiribati, speaking also on behalf of the Government of Samoa introduced a proposed amendment to add a new clause after (p) to read, “bring about transformational changes to address care employment challenges both in labour sending countries and in labour receiving countries, including strengthening regulatory institutions, social monitoring and audits, legal protections, occupational safety and health, equal access to ensure decent work in the care economy and promote decent work for all care workers.”. Care had a very different context in small island Pacific States than in the rest of the world, and was considered a privilege and part of daily life, intrinsically linked to island community culture. There was no formal provision of childcare, palliative care or eldercare homes. Care for all vulnerable members of society was provided by the community and the provision of care was considered a great mark of honour. The cultural devotion to care had been supported and perpetuated by migrant workers and the remittances they sent back to their home communities. Without specific provisions for migrant workers from small island developing States, the Committee’s conclusions would not be universally applicable.
- 1088.** The Government member of Australia thanked the Governments of Kiribati and Samoa. Circumstances in small island developing States were distinct from elsewhere in the world. Her Government could support the amendment.
- 1089.** The Government member of Brazil, speaking on behalf of GRULAC, and the Government member of China supported the amendment.
- 1090.** The Worker Vice-Chairperson did not support the amendment. It contained several aspects that were already covered by other provisions of the conclusions, and other aspects that were not clearly defined.
- 1091.** The Employer Vice-Chairperson did not support the amendment.
- 1092.** The amendment was rejected.

New clause after point 27(p)

[A.19]

- 1093.** The Government member of Kiribati, speaking also on behalf of the Government of Samoa introduced a proposed amendment to add a new clause after (p) to read, “provide support to, particularly, small island developing States and least developed countries, in mitigating the risk of brain drain”.
- 1094.** Responding to a request for clarification from the Employers’ group regarding how the ILO could provide the support requested, the representative of the Secretary-General said that support could be provided including through programmes to help establish care systems and develop skills.
- 1095.** In light of that explanation, the Employer Vice-Chairperson supported the amendment.
- 1096.** The Worker Vice-Chairperson supported the amendment.
- 1097.** The Government member of Australia thanked the Governments of Kiribati and Samoa and expressed strong support for the proposal, which would make a significant difference in the Pacific region.

- 1098.** The Government member of Belgium, speaking on behalf of the EU and its Member States, the Government member of Brazil, speaking on behalf of GRULAC, and the Government members of the United States, Canada and China supported the amendment.
- 1099.** The amendment was adopted.
- 1100.** The new clause after 27(p) was adopted.
- 1101.** Point 27, as a whole, as amended, was adopted.
- 1102.** Part V, as a whole, was adopted as amended.
- 1103.** The conclusions concerning Decent Work and the Care Economy, as a whole, as amended, were adopted.

Approval of the draft resolution concerning decent work and the care economy

- 1104.** The Chairperson introduced the draft resolution, which had been circulated among the Committee members. The resolution was a technical element to give effect to the conclusions adopted by the Committee.
- 1105.** The resolution was adopted.

Closing remarks

- 1106.** The Employer Vice-Chairperson thanked the Chairperson for his impartiality, professionalism and focus in steering the Committee in its challenging work. She expressed appreciation to the Worker Vice-Chairperson and to all government members, as well as to the Office for its support.
- 1107.** The Worker Vice-Chairperson echoed the words of thanks to the Chairperson, who had done well to guide the discussions on a complex subject. She thanked all those who had provided support to the Workers' group and expressed her appreciation to the Employer Vice-Chairperson and to the government members, who had contributed to the work of the drafting group and of the Committee.
- 1108.** The Government member of Belgium, speaking on behalf of the EU and its Member States, thanked the Chairperson for having taken over the reins of the Committee in unprecedented circumstances and expressed appreciation to the social partners and all government members who had been active in seeking solutions together, in a spirit of compromise. The support of the Office had been invaluable.
- 1109.** The Government member of Brazil, speaking on behalf of GRULAC, thanked all those who had participated in the work of the Committee for their efforts, and drew attention to the world's migrant and domestic workers, whose voices the governments of her region represented.
- 1110.** The representative of the Secretary-General thanked the Chairperson and all constituents for their hard work and dedication throughout the Committee's work, which, although difficult, had been infused with a spirit of goodwill from the outset.
- 1111.** The Chairperson commended the spirit of cooperation that had prevailed throughout the Committee's work, even during difficult moments. The subject of the care economy meant a great deal to the social partners. He thanked the governments for their pragmatism. The results of the Committee's work were testament to the goodwill that had prevailed.

- 1112.** The Chairperson declared the Committee on the general discussion on decent work in the care economy closed.

► Record of Proceedings

8C

International Labour Conference – 112th Session, Geneva, 2024

Date: 9 July 2024

Plenary sitting: Outcome of the work of the General Discussion Committee on Decent Work and the Care Economy

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Friday, 14 June 2024, 2.35 p.m.

President: Mr Buzu

Outcome of the work of the General Discussion Committee on Decent Work and the Care Economy: Presentation and discussion

The President

I am pleased to declare open this 17th and last plenary sitting of the 112th Session of the International Labour Conference.

We resume our proceedings by turning our attention to the work of the General Discussion Committee on Decent Work and the Care Economy and its proposed resolution, which contains the Committee's conclusions, the text of which can be found in [Record of Proceedings No. 8A](#). The report on the Committee's proceedings is contained in [Record of Proceedings No. 8B](#).

It is my pleasure to welcome the Officers of the Committee, namely: Mr Jordan (Barbados), Chairperson, who replaced Mr Sorreta (Philippines); Ms Janahi (Bahrain), Employer Vice-Chairperson; and Ms Chang (Canada), Worker Vice-Chairperson. The Reporter is Mr Novales Bilbao (Spain).

I will first give the floor to Mr Novales Bilbao, so that he may present to us the outcome of the Committee's work. The Officers of the Committee will then take the floor.

Mr Novales Bilbao

Reporter of the General Discussion Committee on Decent Work and the Care Economy (Original Spanish)

It is an honour for me to present for adoption the proposed resolution and conclusions of the General Discussion Committee on Decent Work and the Care Economy. First of all, allow me to thank the Committee for the trust it showed in appointing me as Reporter.

The subject of this discussion is very significant for my country, Spain, which over recent years has made important progress in the pioneering use of innovative approaches in health and social care and family support, which has made it possible to improve outcomes in the fields of health and longevity and has improved citizens' quality of life, including work-life balance for both women and men.

The Committee believes that our deliberations have been extremely timely and that taking action in favour of decent work and the care economy is urgent. The debates affirmed the centrality of care work to our societies and economies, highlighted the persistent effects of the COVID-19 pandemic and shed light on the huge amount of unpaid care work that is done by women, which impacts their participation in the labour market. They also recognized the shortcomings in working conditions and staffing in the care sector and that sector's importance in a period of demographic, technological and environmental changes.

Over the past two weeks, the Committee's delegates have focused their discussions on three points.

Firstly, the essential aspects and components that make up the care economy, taking into account the diversity of social, economic and political contexts in which care, paid or unpaid, is provided, as well as the great heterogeneity of the care workforce.

Secondly, the gaps that remain, as well as the effective measures that the constituents have taken to foster resilience and the good functioning of a care economy that promotes decent work, gender equality, accessible and quality care services, and inclusive and sustainable economic and social development.

Thirdly, the priority actions that the ILO constituents and the Office should take to promote, advance and support coherent and integrated policies and investments in the sphere of the care economy, including through social dialogue, multilateral coordination and partnerships.

In total, 12 plenary sittings were held, with two extended sittings. In addition, the drafting group held 6 sittings with one extended sitting. The number of sittings and the discussion of the more than 228 amendments received are a testament to our collective effort that has led to these detailed conclusions.

We have had fruitful, frank and direct discussions that were always characterized by a true spirit of social dialogue. The Committee has managed to accomplish its work and reach a consensus thanks to the tireless work of the Chairperson, Mr Sorreta from the Government of the Philippines, who actively guided discussions during the first week. Unfortunately, owing to unexpected health issues, Mr Sorreta was unable to continue working with the Committee. Mr Jordan, Minister of Labour, Social Security and Third Sector of Barbados, was appointed to lead the Committee during the second week. I would take this opportunity to thank him most sincerely for his skilful guidance, insightful contributions and unwavering commitment to ensuring that our dialogue was productive and effective.

The outcome has also been the fruit of the work of the two Vice-Chairpersons, Ms Janahi, representing the Employers' group, and Ms Chang, representing the Workers' group, as well as the Government members. I wish to thank all the Committee's members for their commitment and constructive contributions, which often resulted in them working late into the night. I would also like to express appreciation for the dedication of the members of the drafting group, who proposed to the Committee a set of draft conclusions for discussion.

Allow me also to acknowledge the great efforts made by the Office in preparing and presenting an exhaustive report with a vision of the future. In particular, I wish to thank the representative of the Secretary-General, Ms Drake, the deputy representative of the Secretary-General, Ms Dasgupta, the Coordinator of the Committee, Ms Licata, the senior expert, Ms King, and all the technical and coordination staff of the Secretariat, including experts, translators, interpreters, editors, report writers, technicians and administrative staff, for their invaluable contribution and support.

The proposed conclusions are structured in five parts. Part I is entitled "Context – decent work and the care economy, an urgent need for action" and acknowledges that a well-functioning and robust care economy is critical in order to improve resilience against crises and achieve gender equality and inclusion, while addressing other inequalities. However, significant gaps remain and urgent action is needed to ensure decent work in the care economy.

Part II, entitled "A common understanding of the care economy", clarifies what elements make up the care economy and who its main actors are. Our Committee's conclusions highlight the heterogeneous nature of the care economy and the organization of care, both within and outside the household, which relies to a great extent on work done by women, particularly in the social sector, in health and education and by domestic workers, community health and care workers, and workers in the social and solidarity economy.

In Part III, entitled “Guiding Principles”, on the 80th anniversary of the Declaration of Philadelphia our tripartite Committee members were unanimous in reaffirming that “as labour is not a commodity, labour in the care economy is not a commodity”. All care workers should enjoy decent work. Investing in the care economy and promotion of the protection of all care workers, including migrant workers, can lead to social and economic development. The ILO’s 5R Framework for Decent Care Work provides a framework for developing integrated and coherent strategies to achieve decent work in the care economy through recognition, reduction and redistribution of unpaid care work, as well as reward and representation of care workers. Our conclusions also recognize the primary role played by the State in care provision, along with the private sector, the social and solidarity economy, and households.

Part IV, entitled “Advancing decent work in the care economy”, contains a range of recommendations to guide the policy action of governments, employers’ organizations and workers’ organizations, with the support of the ILO, to achieve a resilient, productive and inclusive care economy, especially in the context of the technological, demographic and environmental changes that the world of work is experiencing.

Finally, Part V, entitled “The Role of the International Labour Organization”, covers the leadership role of the ILO in promoting the care agenda on a global scale through its research reports, international statistical standards, and its technical support and policy guidance. Mobilizing partnerships, including in the context of the Global Coalition for Social Justice, will be decisive to harnessing the potential of the care economy to contribute to the Decent Work Agenda, the achievement of the Sustainable Development Goals and a just transition.

To conclude, I sincerely believe that the conclusions drawn from our discussion will greatly guide and enhance our collective efforts to promote decent work and social justice in the care economy. On one final note, looking beyond these conclusions, during the discussion there were ideas that perhaps have not yet found their moment, such as that care should be considered a public good and, therefore, is the responsibility of governments, like health, education and so forth, or that access to care could be recognized as a human right. Personal testimonies were heard and the inclusion of emotions as an essential component of care was advocated.

We also considered the mental health perspective that was ultimately incorporated into the conclusions, as it often involves caring for the elderly, children or people with disabilities, which requires special skills, and we also discussed social reproduction, a concept not yet fully defined that can be understood as factors of inequality inherited between generations that will have to be accounted for better in the future. There were intense moments that allowed us to appreciate the profound human element of this broad sector of activity. These discussions introduced what we might call a more real element to the debate and the message is that societies must continue to progress so that social justice becomes a reality in the care economy.

And with that I have the honour and privilege of presenting to the International Labour Conference the proposed resolution and the conclusions related to the general discussion on decent work and the care economy, with a view to their adoption.

Ms Janahi

Employer Vice-Chairperson of the General Discussion Committee on Decent Work and the Care Economy

Today I stand before the Conference for good reason, not to close off a session of the Conference so that we can each get back to our daily work, but because we each played our

part, and that is the very purpose of the ILO: advancing social justice and decent work throughout the world through tripartite dialogue and action. Today, I stand here on behalf of the Employers, to proudly share the collective vision of the tripartite constituents, reached through robust dialogue on the care economy and care workers.

The COVID-19 pandemic put our care economy to the ultimate test: could it expand and specialize, so as to mitigate the number of people turning into patients or – even worse – fatalities? Since the pandemic, we have been seeing staggering statistics on the care economy. The demand for care is increasing at pace. The demand for paid care services is projected to rise from 8.7 per cent of global gross domestic product to 14.9 per cent in 2030. The United States of America voiced its wish to boost the supply of long-term care and caregivers. Japan mentioned in our Committee that it will need 2.53 million caregivers by 2025; that, for the record, is next year. This makes sense. Humans are living longer and healthier lives, and demographics reveal large cohorts of ageing populations in certain countries. This is why the supply of care is fundamental. Without a supply of quality care, we simply cannot create jobs, promote career development and achieve decent work. There is already a projected skills shortage of 10 million health and care workers by 2030, and today we already require an additional 3 million health and care workers to keep our care system running. In short, we are here at the ILO today to advance decent work in the care economy for good reason.

During our discussions in the Committee, we found common ground on many topics. Most workers in the care economy, both paid and unpaid, are women. As such, our Committee took a position on promoting gender equality and social co-responsibility and on supporting the provision of formalized care work. Our Committee agreed that the provision of quality care requires upskilling and reskilling, ultimately enabling jobseekers and workers to work as caregivers, nurses, doctors and supervisors. Strengthening the role of the care economy has a positive multiplier effect, as healthier people, enterprises and societies boost productivity across countries and regions. The opposite also holds true. Not investing in the care economy denies a lifeline to other sectors and puts economic and social health and growth on the line, as witnessed during the COVID-19 pandemic.

Skills recognition and skills certification are needed to facilitate swift and effective labour market transitions to the care economy. Advancing decent work in the care economy necessitates the creation of an enabling environment for sustainable enterprises, and these enterprises, including micro, small and medium-sized enterprises, need support to ensure the much-needed supply of care. Importantly, we recognize the added value of the private sector in promoting decent work in the care economy. The private sector complements public services and the care economy creates jobs and sustainable careers, reduces health and care costs and drives innovation in the industry. Therefore, public-private partnerships have leveraged the strengths of both the public and the private sectors and can help scale quality care services without overburdening either side, fostering a more sustainable care ecosystem.

This may not come as a surprise, but we also disagreed on some issues. We took some time to discuss whether care can really be considered as an absolute human right, the notion of linking a rights-based approach with a principles-based approach, and the importance of collaborative efforts between employers and workers on effective workplace cooperation.

We would like to strengthen and enrich the 5R Framework for Decent Care Work, as we missed the “how” in this concept. In other words, how will the 5R Framework be implemented? Our proposal was to include another “R”: resources. Although this is not an official sixth “R”, we firmly believe that adequate resources are critical to advancing the 5R Framework. We also stressed the need for representation to refer to the representation of employers as well as of

workers. Employers in the care economy may also require representational strength and association if they are to effectively contribute to promoting decent work in the care economy. While we were unable to mutually agree on the scope of representation, we believe that there is significant value in care employers and service providers being represented, if appropriate, so that their collective voice can be heard in negotiations and decision-making processes.

These are just some examples of our different views, which demonstrate the diversity and breadth of the care economy, the need for enhanced mutual understanding between different stakeholders, and the need for more dialogue. And we are here at the ILO for these reasons. Through social dialogue, the Employers and Workers narrowed their differences in the evening of the Committee's last sitting. I sincerely thank Ms Chang and her team for the intense negotiation, which led us to many agreements and enabled us to reach consensus.

The outcome of today is that we did as much as possible to get to a set of conclusions. Some points require additional discussions, and we will take these forward in our capitals. It makes sense that we sometimes disagree, because we each have our own backgrounds, experience and roles to play. And, even more importantly, we work towards a common objective to reach an agreement. This is key, because having common objectives enables us to share a common interest.

On a more personal note, I would also like to share some observations after my first time as an Employer spokesperson for a Committee discussion. After these intense two weeks, I cannot stress enough how fundamental it is for everyone to stay curious. No representative takes the floor or submits an amendment for the sake of amending. No; every proposal consists of an idea, and ideas shape discussions, and discussions shape the world of work that we live in. Throughout these two weeks, I experienced from our Chairperson, the ILO experts, our Government representatives, and the Workers, a natural curiosity. This curiosity, in terms of willingness and ability to participate, even with respect to concepts that not everybody could grasp, such as social reproduction, is not only conducive to moving the discussion forward, but it also moved me. The eagerness of the representatives to understand, encourage and influence one another speaks volumes about why we are here today, and I thank them for that.

I would like to thank the Chairperson for stepping in and accepting the unexpected, involuntary, formidable task. His patience, humour and enduring personality carried us through, and we were not always an easy class to manage. I also thank the ILO experts. Without them, we would be left sifting through facts and figures and not engaging in a content-driven discussion as we did. Thanks also to the coordinator, operators, note-takers and interpreters for their hard work. Without them, we would not understand one another enough to have made a tripartite agreement possible. Thanks to the Government representatives. They represented their countries well and we were honoured to work with them. Thanks also to the Workers, and especially the Worker Vice-Chairperson, my friend. She truly is a great counterpart, and I am sincere when I say that I hope we will have another opportunity to work with each other again in the near future. It was a pleasure to meet and work with her. Lastly, thanks to my fellow Employer representatives, and the teams from the International Organisation of Employers and the Bureau for Employers' Activities. They are now my "care family". I cannot thank them enough for their unwavering support. I wish them safe travels and will miss them all until we meet again. Lastly, I would like to thank everyone in this room for their curiosity in this discussion, and the ILO, for we could not work without it.

Ms Chang**Worker Vice-Chairperson of the General Discussion Committee on Decent Work and the Care Economy**

On behalf of the Workers' group, I am pleased to speak to you today about the conclusions of the General Discussion Committee on Decent Work and the Care Economy. Workers came to this Conference with very high expectations. Inspired by the ILO's groundbreaking 2018 report *Care Work and Care Jobs for the Future of Decent Work* and the 5R Framework for Decent Care Work, workers and their trade unions across the globe have been organizing, advocating and campaigning to draw attention to the importance of decent work in care, the centrality of care for achieving gender equality, and the need to future-proof our economies by investing in quality care services for the people who depend on care. We have also stepped up our efforts, claiming care as a public good and as a universal human right, which includes a right to provide care, to receive care and to exercise self-care.

The COVID-19 pandemic uncovered the ways in which care is fundamental to human, social, economic and environmental well-being, as well as to sustainable development. It exposed and exacerbated the vulnerabilities and inequalities within our care systems. It brought into stark relief the severe labour shortages, low pay and poor working conditions of care workers and the challenges experienced by workers with care responsibilities, in particular women who are juggling paid work and unpaid care work.

It is within the backdrop of the pandemic and its devastating impacts that our Committee was tasked with crafting a road map for the ILO and its constituents to advance decent work in the care economy. We would not be here today if it were not for the care workers, informal and formal, the domestic workers, the community health and care workers, the migrant care workers, and all the other millions of care workers who have been tireless in their advocacy. They have really pushed to keep this high on the agenda of the global trade union movement.

We wanted to see workers' voices, their stories and their lived experiences reflected in the discussion. We indeed agreed in the Committee that we need to pay particular attention to workers with care responsibilities – in particular women, and racialized and ethnic minority workers who assume a disproportionate share of unpaid care work – and to care workers who are most at risk of insufficient or inadequate protection, including due to obstacles to accessing and exercising their rights to freedom of association and collective bargaining. Like the informal economy workers who lack adequate access to social protection and care services. Like the many healthcare workers who often have to work excessive hours without any rest breaks and who, during the pandemic, continued to care for us while risking their own health and unable to see and care for their own families. Like the domestic workers who are often denied an employment contract and a living wage. Like the elderly care, home care and disability support workers who are often trapped in precarious and insecure work. Like the community, health and care workers who are not even considered as workers and have no access to opportunities for training and skills development. Like the migrant care workers who often fall victim to predatory recruitment agencies, and many others who continue providing care for our loved ones in the most difficult circumstances.

We agreed that urgent action is needed if we are to reverse the global care crisis and build resilience in the face of ongoing transformations in the world of work, demographic shifts, climate change and technological change. We emerged with a clear, common understanding of the care economy and a set of guiding principles and actions for the development of national care policies and systems. The conclusions that we have in front of us recognize the primary responsibility of the State to provide care, fund, regulate and ensure high standards of quality,

safety and health for care workers, and ensure and recognize the need to allocate the necessary resources, as well as ensure that national care systems are underpinned by robust policy and regulatory frameworks.

Above all, care work is fundamentally a human activity. The labour involved is multifaceted, physical, mental and emotional, and requires a high level of skill. For too many care workers, these skills are not always recognized. Our conclusions underscore the importance of skills recognition and the need to recognize, reduce and redistribute unpaid care work and to reward care work, including through equal pay for work of equal value, and to guarantee representation of care workers through social dialogue and collective bargaining, as guided by the 5R Framework for Decent Care Work and grounded by international labour standards.

Decent work builds resilient economies and societies, whether it is caring for children, the elderly, the sick or the disabled. All care workers should enjoy decent work. Our conclusions recall the Declaration of Philadelphia of 1944 in stating that, just as labour is not a commodity, labour in the care economy is not a commodity. This was an important statement to make, especially in the context of migration and care work and the global care chain. In today's world, care labour is too often treated like a commodity. We speak of skills shortages and mobility as if care workers were assets to be traded, gained or lost, rather than human beings who, like anyone, deserve decent jobs that will help them live healthy and fulfilling lives, support their families and feel like part of the community.

While the text of the conclusions includes good language on migrant care workers, we had hoped to deliver more for these workers who are among the most marginalized and vulnerable, despite their vital contribution to economies, communities and families. It was also important for our conclusions to acknowledge the impact of care worker migration on origin countries, particularly small island developing States and other countries that are experiencing what was referred to in our discussion as "brain drain". It is important that our future work on care keeps in mind the realities of countries of both origin and destination.

We also emerged with a tripartite commitment to build on the strong foundation of the ILO's work in promoting decent work in the care economy, and we agreed that, by reinforcing the ILO's leadership role within the multilateral system, we can help ensure the centrality of decent work in advancing the care agenda at the global, regional and national levels. I truly believe that what you have here before you today are conclusions that can help transform the lives of millions of people worldwide who provide and receive care. While governments and employers' and workers' organizations all have a role to play, this change must be informed and led by workers' organizations and workers themselves. This change must also incorporate strategies to address the social norms and gender stereotypes that continue to place a disproportionate share of unpaid and paid care work on women and others affected by multiple and intersecting discrimination, contributing to ethnic, racial and gender-based occupational segregation and the undervaluation of care work.

To this end, the ILO's technical support on strengthening social dialogue, including collective bargaining, will be a key driver for achieving decent work for all care workers, in particular the most exposed to exploitation and abuse, and expanding access to paid leave entitlements and services for workers with care responsibilities. The ILO's technical support to the constituents for the development of national care policies and systems, as well as support on ensuring sustainable and adequate financing for care, would promote quality care, decent job creation, gender equality, professionalization and formalization of care jobs and help ensure universal access to care. The convening of a tripartite meeting of experts would be a

crucial first step in assessing gaps in the ILO's body of international labour standards in relation to paternity, parental protection and other types of care leave entitlements. We are looking forward to the action plan that the Office will develop to present to the Governing Body. Let us all work together to make it a reality.

Mr Jordan

Chairperson of the General Discussion Committee on Decent Work and the Care Economy

My colleagues have already presented very ably the work done by the Committee. I will draw your attention to a few points that I consider to be important.

Care work, both paid and unpaid, is essential to all other work. The Committee's discussion on the care economy and the world of work was a historic first. Never before have the tripartite constituents formally and comprehensively discussed the care economy and the world of work at the highest institutional level of the Organization. Accelerating global transformations – including the impacts of the climate crisis and rapid advances in technology – have made this discussion extremely timely. Urgent action is needed to ensure decent work in the care economy and to promote decent work by ensuring access to care for all.

Understanding and putting in perspective the social and economic complexities of the care economy has been challenging. The two Vice-Chairpersons spoke about some of these challenges. But the Committee nonetheless succeeded in arriving at important common understandings. Listening and sharing experiences have been the drivers for a successful outcome.

The care economy, decent work and gender equality are intimately linked. Women carry out a disproportionate share of unpaid care work. This is a structural barrier for substantive gender equality, including in respect of women's equal participation in the labour market. Women are also the greater part of the care workforce, with strong occupational segregation by gender, race or ethnicity persisting. It is clear from our discussion that a well-functioning and robust care economy is critical for achieving gender equality and inclusion, and addressing other inequalities.

Based on the discussion and its outcomes, it is evident that building a well-functioning and robust care economy is a shared policy objective of countries across all regions, irrespective of their level of development or their size. This is also illustrated by the active participation of ILO Members from large countries, advanced and developing countries, and small island developing States. While the nature and scale of the challenge may differ, according to national contexts, countries all around the globe face the challenge of building comprehensive and strong care systems that are resilient to crises, in order to advance on the path of inclusive and equitable sustainable development.

Sharing our respective challenges and experiences has helped the Committee to build a forward-looking common agenda. The conclusions chart an important tripartite road map. They articulate principles to guide the process of designing and implementing integrated and holistic approaches and policies for decent work and the care economy, and they identify actions that governments and the social partners, as appropriate to their spheres of responsibility, should take. Importantly, the State has a primary responsibility for care provision, funding, regulation and ensuring high standards of quality, safety and health for all workers and all recipients of care.

The conclusions highlight the importance of the fundamental principles and rights at work, and of labour and social protection for care workers, particularly for groups of workers

who may be excluded from such protection, such as migrant workers, domestic workers, and community health and community care workers. They also highlight the decent job creation potential offered by the care economy and the important role of skills development. Critically, the Committee stressed the need for well-designed care leave policies and services as a lever for gender equality, for supporting workers with family responsibilities and for achieving work–life balance.

Solutions and support will have to be tailored to diverse needs and contexts. In this regard, the conclusions call on the ILO to leverage the Global Coalition for Social Justice and the United Nations Global Accelerator on Jobs and Social Protection for Just Transitions, and propose the creation of a South–South platform to promote decent care work.

Bringing together governments, workers and employers, key actors in the care economy, the ILO plays a leadership role in promoting decent work in and through the care economy. The conclusions place a responsibility on the Organization to strengthen and expand its work further in this area, including through collaboration and partnerships with other players and providing technical support and policy advice to the constituents. The 5R Framework for Decent Care Work, as developed by the Office, was acknowledged as offering useful guidance in this regard.

It has been a great honour for me to step in to chair this Committee after Mr Sorreta of the Philippines was prevented from completing his tenure owing to health reasons. I give very special thanks to the two Vice-Chairpersons and to the Reporter for their patience, for their support, for their advice – sometimes guidance – and the spirit of genuine cooperation throughout our discussions.

Last, but certainly not least, I cannot but express on behalf of the Committee our sincere gratitude to the entire ILO team for their professionalism, their high quality technical knowledge and their tireless efforts, without which we would not have been able to succeed. I must offer my own specific gratitude to Ms Drake, and to Ms Dasgupta, who were to my right, both of them, and to Ms Licata, who was to my left, who I leaned to and on quite frequently and who was an excellent team member for me.

A strong and functioning care economy is key for sustainable prosperity, gender equality and social justice for all. This is an important part of our pursuit of a human-centred approach to the future of work. We have a historic opportunity and a responsibility to move this agenda forward jointly with our partners. Let us grasp that opportunity.

The President

I thank the Reporter and the Officers of the Committee for their statements. I now open the floor for the discussion of the outcome of the Committee's work.

Ms Abramo

Government (Brazil), speaking on behalf of the group of Latin American and Caribbean countries
(Original Spanish)

It is an honour to speak again on behalf of the group of Latin American and Caribbean countries (GRULAC) at this session of the Conference. Once again, the importance and power of this unique forum for tripartite dialogue on the core issues of the world of work are evident. I would like to begin by thanking all the members of the Committee, who have worked tirelessly over the past few days. I would like to thank the Chairperson of the Committee, Mr Jordan, for

conducting the work in an impeccable manner, which was key to our success. I would like to thank the Employers' and Workers' representatives for their commitment, collaboration and constructive spirit and the Governments for their invaluable cooperation. I would also like to convey our sincere thanks to the Office for its continued support.

Over the past few days, we have taken a huge step towards societies that place care, people's well-being and decent work at their core. As we have already stated, our region has reached important agreements that prioritize the care agenda. In various regional forums, we have reached a common understanding of the importance of care for equality, social justice and the sustainable development of our societies and economies. In these agreements, we affirm that care is a form of work, a necessity for all people and a right: to care, to be cared for and to exercise self-care. In addition, nine countries in the region have argued before the Inter-American Commission on Human Rights of the Organization of American States that care is a human right. These views have been expressed in the discussions that have taken place over the last few days, and we very much welcome their outcomes.

The conclusions of the discussion state, in accordance with the ILO Constitution and the Declaration of Philadelphia, that care work is not a commodity. They also state that the current social organization of care is unjust and that it is necessary to make progress towards a better division of care work, whether paid or unpaid, between men and women, and to promote social co-responsibility for the provision of care among the State, which has primary responsibility for it, the private sector, families, the community and the social and solidarity economy.

The care economy is characterized by multiple and intersecting forms of inequality that, in our region, are structural and persistent. Making these inequalities visible and recognizing them is the first step towards confronting them. Recognizing them means, inter alia, naming and measuring them. Statistical and cognitive invisibility is a severe form of discrimination. This is why, during the discussions, we reiterated the importance of explicitly mentioning these inequalities and generating statistical evidence in order to develop better informed and more efficient public policies. We are referring to the poorest women, indigenous women, women of African descent and all other racialized women, domestic workers, migrant women, women in the informal sector, young women whose education and work is put on hold because of their family care responsibilities, women living in rural areas, women with disabilities, women living in the most precarious urban areas and community caregivers.

We are sure that the conclusions of the Committee will be crucial for reinforcing the work undertaken by the ILO's tripartite constituents to promote decent work and the care economy. This will undoubtedly be strengthened by the action plan that the Office will have to present to the Governing Body at its next session. We hope that the next steps will be towards an instrument that is able to address the current gaps in the ILO's body of standards on key issues such as paternity and parental protection and long-term leave.

Ms Coenen

Government (Belgium), speaking on behalf of the European Union and its Member States

I am honoured to speak on behalf of the European Union and its Member States. North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Georgia, Iceland and Norway align themselves with this statement. We sincerely thank both of the Chairpersons we had during this session of the International Labour Conference, Mr Sorreta and Mr Jordan. On Tuesday morning, Mr Jordan took up the mantle at very short notice and ably guided us through the rest of the discussions to these conclusions. We also

express our appreciation for all the work that Mr Sorreta had carried out prior to that, and we wish him good health.

Ongoing megatrends in the global world of work, including demographic shifts, climate change, technological developments and, more recently, growing labour shortages and the repercussions of the COVID-19 pandemic, have accentuated the need to put the topic of decent work and the care economy on the agenda. At a time when the topic of care has moved up on the agenda, the General Discussion Committee on Decent Work and the Care Economy has sought to tackle issues such as the unfair distribution of unpaid care work, gender equality, investment in care, access to quality care services, decent working conditions, labour shortages and skills mismatches. The Committee, under the agile leadership of Mr Sorreta and Mr Jordan, now presents a set of conclusions that will guide constituents and the ILO in their work, not only to ensure decent work for care workers, but also to foster the benefits that investing in care brings to society and humanity as a whole.

As you all know, the unique tripartite structure of the ILO, founded on social dialogue, gives an equal voice to workers, employers and governments. This practice does not make it easy, but we were once again able to agree to a broad set of conclusions in our Committee. We warmly thank the social partners, in particular the Employer and Worker Vice-Chairpersons, and of course, all our colleagues in the Government group for their engagement and valuable contributions. We also express our warmest gratitude to the Office for its support and guidance. The European Union and its Member States acknowledge the strength of the ILO, with its unique tripartite composition and its expertise deeply rooted in the world of work. This expertise should be used to point us in the right direction to build robust and resilient care systems, improve decent work prospects and eliminate gender inequality.

Everyone in the Committee, including a large team of technical, security and logistical staff behind the scenes, has worked very long hours, and our Committee may even hold the record for the longest sitting. This did lead some of us to start reflecting on the discrepancy between the kind of working conditions that we are striving for worldwide and the ones we have experienced ourselves over the last few days. I will leave this up to the consideration of everyone here, but the most important message that I want to give you is that we are very grateful for what we were able to achieve. We look forward to continuing our joint work in following up on these conclusions.

Ms Mayers-Granville **Employer (Barbados)**

I have two words: intense and rewarding. The discussions, the insights and the conclusions we reached will have a lasting impact on the future of work in the care economy. We considered: the demand for care being impacted by ageing populations; the supply of care, noting the global skill shortages and contextual issues of family and community carers; and access to care and the need for adequate resourcing. While time prevented consensus on a few areas, what was overwhelmingly obvious to all three groups of constituents was that the care economy is critical. We acknowledged the vital role that women play and called for a re-evaluation of gender norms towards better balance.

I would like to express my heartfelt gratitude to all members of the Committee. Their contributions were invaluable. The advocacy of Ms Chang, the Worker Vice-Chairperson, on behalf of migrant and domestic care workers and persons facing vulnerabilities, was particularly admirable. The contributions made by various Governments added significant context to our discussions. And special thanks to Mr Sorreta of the Philippines, for his

chairmanship, despite having to step down due to illness. Mr Jordan of Barbados, at short notice, expertly continued to chair the Committee, ultimately leading to the conclusions.

I must also express my thanks to Ms Janahi, our dedicated Employer Vice-Chairperson, for effectively conveying the Employers' positions. She was ably supported by the International Organisation of Employers and officers from the Bureau for Employers' Activities and guided by Employer representatives.

As the long nights wore on, the coffee from the vending machine became crucial for sustenance. By 2 a.m. on Thursday, fatigue was setting in, but our determination and perseverance were commendable as we worked tirelessly to ensure that as many areas as possible were included in the final outcome document. I am proud of the work done and the impact that we will have on the care economy.

Ms Coronacion **Worker (Philippines)**

Thank you for this opportunity to once again address the International Labour Conference and thank you to the Committee for the extraordinary effort that went into drafting and crafting this document. We have achieved successes, particularly in asserting that labour in the care economy is not a commodity and that the State carries the primary responsibility for care provision, funding and regulation. However, I must register the Philippine Workers' delegation's vehement objection to the insertion of a reference to public-private partnerships in the outcome document's guiding principles. It is difficult for me to understand why the Employers and most Governments could not accept such straightforward language as "care work is the right of all people". Perhaps admitting this would make it impossible for them to justify their main agenda. I refer to paragraph 25, which states, "[p]ublic-private partnerships that leverage the strengths of both public and private sectors can help scale quality care services without overburdening either side, fostering a more sustainable care ecosystem". Including this in the guiding principles contradicts our assertion that decent work in the care economy is the primary responsibility of States. It can and will worsen the experiences of many care workers around the world, including the migrants and domestic workers we represent.

The historical and practical record is clear. Public-private partnerships have consistently fallen short of delivering on their promises of improving care services without overburdening either sector. From a human rights perspective, the commodification of care through public-private partnerships often leads to the prioritization of profit over people, undermining the quality and accessibility of essential services. Paragraph 25 undermines all of the strong and positive provisions that we have agreed upon in this text. We remain adamant that we cannot accept any language on public-private partnerships, as this institutionalizes further privatization in the care economy. We emphasize that this represents a disservice, especially to our migrant workers, who stand to suffer from further abuse and rights violations. As such, we do not treat this matter as settled. Workers and unions will continue to push back against all efforts to commodify care work and undermine the rigid protections that we have fought hard to enshrine.

Mr Babu **Government (Bangladesh)**

Allow me to express my heartfelt thanks and deep appreciation to my outstanding colleagues from all three benches, who have been actively engaged in discussing and negotiating the outcome document on the care economy. I would also like to thank the

Chairperson of the Committee, Mr Jordan of Barbados, the Deputy Director-General, Ms Drake, and other colleagues of the Office.

As we see the present, and project the future of the world of work, we come across the predominance of care workforces and the increasing demand for care work. Workers with a wide range of expertise and experience are contributing to health and community-held social sectors and domestic care work. Hence, the ILO, with its values grounded in the Declaration of Philadelphia and the ILO Centenary Declaration for the Future of Work, has responded in the form of the outcome that has been presented to the Conference for adoption today.

Bangladesh considers that care workers in all sectors equally deserve a decent working environment, social protection, fair wages, and the right to organize and bargain collectively. However, the protection of migrant care workers requires our special attention, as they are often engaged in highly informal care work and face cultural, legal and many other obstacles in realizing their rights as workers and as human beings. The outcome document mandates the Office to promote international labour standards, provide technical support and policy guidance, provide technical assistance to protect migrant care workers, support the constituents in exploring fiscal space, and so on. At the same time, the tripartite constituents have also been urged to design and implement integrated and coherent care policies and systems, promote policies to create decent jobs in the care economy and strengthen policies to tackle inequalities, discrimination, violence and harassment. We strongly believe that governments, especially from the developing world, will need more technical assistance and financing, as well as effective social dialogue, to achieve the goals we agree on here today. We are optimistic that the spirit of cooperation shown in drafting the document will continue, for the purposes of effective implementation.

Mr Naumann
Employer (Germany)

We appreciate the outcome of the discussions of the General Discussion Committee on Decent Work and the Care Economy and the fruitful tripartite negotiations which took place. I want to sincerely thank the Chairperson and the Vice-Chairpersons of the Committee, especially Ms Janahi, and the International Organisation of Employers for their outstanding contributions throughout. Members of the Employers' group will be able to carry back many important impressions and experiences.

The spirit of the tripartite discussions and the tripartite character of the ILO encourage all stakeholders to take other perspectives into account, and this is exactly the way we need to handle the major challenges we face in our societies. For example, in Germany, the demographic shift and its consequences are one of the most debated issues. We feel the demographic consequences on the ground. Social security systems are under financial pressure and even the best ideas and biggest budgets cannot succeed if we do not have the workforce to do the job. Therefore, a well-balanced approach is needed. The importance of skills and labour shortages cannot be underestimated. We should also put emphasis on the value of private care enterprises, services and agencies for good quality care. In conclusion, all of society benefits from a well-advanced care system, and social dialogue and the social partners have to play a major role in it.

Ms Britez
Worker (Argentina)
(Original Spanish)

On behalf of the Workers, we would like to reaffirm everything that our spokesperson in the General Discussion Committee on Decent Work and the Care Economy has said, and express our support for the statement made by our colleague from the Philippines. We are delighted to be here to present the conclusions reached by the Committee.

These two weeks were intense and emotional. We highlighted the importance of care as a crucial driver in our lives. Care is not a commodity and, here at the ILO, we know what that means. We paid tribute to carers and I would like to give special thanks to all those who have devoted their lives to caring for others.

The discussions enabled us to identify the enormous challenges faced in care sectors, and in particular those faced by domestic workers. In this respect, I would like to note that I represent the International Domestic Workers Federation, which serves as the voice of more than 75 million domestic workers. We also identified the challenges faced by migrant workers who, as our colleagues have pointed out, continue to suffer violations of their rights, and by care workers in the health sector, community care workers, care workers employed in the informal economy, home care workers and all those who carry out this type of activity.

We gave thought to the importance of receiving high-quality care and to the central role of governments in developing public policies that support care systems. The conclusions presented here contain a framework of principles that will guide the work of the ILO and of us all, whether Workers, Employers or Governments. Emphasizing the importance of guaranteeing decent working conditions for care workers and quality services for those who receive care, we also developed guidance for ILO action. We are very proud of this work and of course fully support its implementation.

I would like to thank all the members of the Committee, in particular the members of the drafting group, our spokesperson, Ms Chang, her advisory team and all the colleagues from the Bureau for Workers' Activities, who provided the Committee with their constant support. The Workers will continue to strive for a world that is more equitable and that provides opportunities, and for a care economy that is more visible and based on decent work.

Mr Nirmal
Government (India)

I wish to begin by thanking all the Committee members and ILO experts for the intense and productive discussion on this important subject of global significance. As the global population ages, the demand for care services is set to rise, creating numerous job opportunities.

India recognizes the importance of the care economy for job creation and boosting female labour force participation. India is undertaking various skilling, upskilling and reskilling initiatives to align care workers' skills with international standards. India is also engaging with various countries to facilitate demand-driven supply of skilled care workers from these countries, ensuring decent working conditions for the migrant workers. Global skills mapping in the field of the care economy is the need of the hour to provide equitable, sustainable and inclusive access to decent standards of living for all.

The Committee's conclusions underscore the essential role that care work plays in achieving the Sustainable Development Goals with the active participation of all stakeholders. The care burden on women hinders gender equality and limits women's participation in the labour force. The conclusions will not only help in improving female labour force participation and economic activities, they will also foster equality and quality skilled and affordable care services that can enhance human capital development, which is vital for global economic growth. The way forward requires a concerted effort and policymaking at the national, regional and global levels to recognize the demand for the care economy, thereby promoting gender equality and fostering a robust and resilient labour market.

Ms Chenard

Employer (Congo)
(Original French)

It is a great honour for me to participate in my very first session of the International Labour Conference within the General Discussion Committee on Decent Work and the Care Economy. First of all, I would like to congratulate the ILO for its excellent organization and the work accomplished. I also applaud the professionalism and leadership of our Chairpersons, including Mr Jordan, and our Vice-Chairpersons, including Ms Janahi, as well as the dedication of the teams, in particular the International Organisation of Employers and the Bureau for Employers' Activities, and the delegates who worked tirelessly, even beyond 3 a.m. when necessary.

After long and sometimes intense discussions, we succeeded in producing a balanced text that takes into account the concerns of all constituents. A key point highlighted was the importance of public-private partnerships in promoting the care economy. Public-private partnerships are essential to the development of the care economy sector. These partnerships can play a crucial role in improving health services and, more generally, in ensuring sustainable economic growth.

I look forward to exploring this subject further in future discussions, particularly those on the informal economy, which, according to the reports we have from the United Nations Development Programme and the ILO, creates 80 per cent of jobs in Africa, 68 per cent in Asia and the Pacific and 53 per cent in Latin America. The situation of workers in regions that represent 80 per cent of the global population cannot be improved without addressing the problem of the informal economy.

I will conclude by saying that participating in this session of the Conference has allowed me to come to understand the importance and profound impact of the work accomplished here. The instruments prepared here have the potential to improve the lives of so many people. However, this will be the case only if they are actually implemented at the local level. I therefore ask and implore Governments that have ratified instruments to ensure their monitoring and effective application at the national level.

Ms Gandiwa Magaya

Worker (Zimbabwe)

The care economy is composed of both paid and unpaid workers. Among them are marginalized and vulnerable groups, such as domestic workers, community healthcare workers, migrant care workers, and informal economy care workers, the majority of whom are women who have already been socially, economically and culturally disadvantaged. Most care workers suffer discrimination for reasons of gender, disability, race, social status, ethnicity or

economic status, to name but a few. It is therefore a milestone achievement that we are gathered here to celebrate strong conclusions that include the need to promote: gender equality and equity in the care economy; equal access to skills development, business opportunities and social protection for care workers; the protection of migrant care workers in situations of vulnerability; gender-responsive policies in the care economy; and our roles as tripartite partners.

The incorporation of the 5R Framework for Decent Care Work will enable us to monitor progress in ensuring that decent work in the care economy is achieved in an equitable manner. This was a journey that was painful but worth taking, as today we adopt conclusions that will see a more gender-equal, human-rights-based and inclusive care economy with decent work. There can never be social justice without gender equality in any part of the world. On behalf of the care workers of the world, allow me to conclude by saying, “Nothing for us, without us”.

Resolution and conclusions concerning decent work and the care economy

The President

We will now proceed with the adoption of the proposed resolution concerning decent work and the care economy, which contains the Committee’s conclusions, the text of which has been published in Record of Proceedings No. 8A.

If there are no objections, may I take it that the Conference adopts, as a whole, the proposed resolution and the conclusions contained therein?

(The resolution and conclusions are adopted.)

I would like to thank all the members of the Committee, and the members of the Secretariat working behind the scenes, for their commitment and dedication. Good job, and congratulations to them all for these excellent results. I take note of the comments made with regard to the working conditions in the Committee. We will see how we can improve them next year.

(The Conference continues its work in plenary.)

► Record of Proceedings

2A

International Labour Conference – 112th Session, Geneva, 2024

Date: 5 June 2024

Report of the General Affairs Committee

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Introduction

1. At its opening sitting, on 3 June 2024, the International Labour Conference established the General Affairs Committee. In accordance with article 7(2) of the Standing Orders, the Conference referred to the General Affairs Committee the proposed abrogation of four international labour Conventions for its consideration (item VII on the agenda of the Conference).
2. The Committee had before it the questionnaire and report prepared by the Office in relation to the item (ILC/112/VII(2)).
3. In accordance with article 7(1) of the Standing Orders, the Committee was composed of 56 members (28 members nominated by the Government group, 14 members nominated by the Employers' group and 14 members nominated by the Workers' group).
4. The Committee held one sitting.

Election of the Officers of the Committee and a Reporter

5. In accordance with article 37(2) of the Standing Orders, the Committee elected its Officers, and a Reporter, as follows:

Chairperson: Mr Mehdi Aliabadi (Government member, Islamic Republic of Iran)

Employer Vice-Chairperson: Ms Jacqueline Mugo (Employer member, Kenya)

Worker Vice-Chairperson: Ms Catelene Passchier (Worker member, the Netherlands)

Reporter: Ms Hana Elgallal (Government member, Libya)

6. In accordance with article 37(6) of the Standing Orders, the Officers approved the report of the Committee submitted to them by the Reporter.

Proposed abrogation of four international labour Conventions

7. The Committee examined proposals for the abrogation of four international labour Conventions, namely the Underground Work (Women) Convention, 1935 (No. 45), Safety Provisions (Building) Convention, 1937 (No. 62), Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63) and Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85). The proposals were placed on the agenda of the Conference by the Governing Body upon the recommendation of the Standards Review Mechanism Tripartite Working Group (SRM TWG).
8. The Legal Adviser indicated that since the publication of the report, two Member States, Jamaica and Oman, had expressed support for the proposed abrogation.
9. The Worker Vice-Chairperson recalled the role of the SRM TWG and emphasized the need to ensure that the body of international labour standards continued to protect workers. In 2018 when the SRM TWG reviewed the four Conventions in question and recommended their abrogation, the Workers expressed their reluctance to abrogate instruments which, although outdated, were ratified by an important number of Member States and offered a level of protection to workers, such as Conventions Nos 62 and 85. She regretted the inadequate response of governments to the calls made for the ratification of the corresponding up-to-date

Conventions. Once outdated Conventions were abrogated, there was no protection left for workers in the absence of ratification of more modern ILO standards. It was striking that 68 countries were still bound by Convention No. 45 but only one Member State had ratified the Safety and Health in Mines Convention, 1995 (No. 176), since the Governing Body had decided to recommend the abrogation of Convention No. 45. Similarly, 19 Members were still bound by Convention No. 62 but only two had ratified the up-to-date Home Work Convention, 1996 (No. 177). As for Convention No. 63, 14 Members were still parties to it while no new ratifications had been registered for the Repatriation of Seafarers Convention (Revised), 1987 (No. 166). She noted the concerns expressed by two national trade unions with respect to the abrogation of Conventions Nos 45 and 62, as reflected in the Office's report.

10. While not challenging the decision to abrogate the four Conventions, the Worker Vice-Chairperson wished to put on record the very serious concerns of her group that the work of the SRM TWG had become a mere standards abrogation exercise since it did not involve the effective promotion of the ratification of relevant up-to-date Conventions and that the development of new standards following recommendations of the SRM TWG was too slow. With respect to women's work in mining, she stated that while it was true that the prohibition of women's underground work to provide them with protection against the specific hazards of work in mining was contrary to the principle of equality, there was still need for protection of women, and indeed of all workers, men and women, when working in mines, which was exactly what the more modern instrument Convention No. 176 provided for.
11. The Employer Vice-Chairperson reiterated the disagreement of her group with the Workers' position that the abrogation or withdrawal of an instrument necessarily led to a gap in coverage unless States parties ratified a more up-to-date Convention. Whether there was a gap or not could only be decided on a case-by-case basis and not in a mechanical manner. A case in point was Convention No. 45 which banned the work of women and constituted discrimination in violation of a fundamental principle and right at work. The Employers were of the view that the abrogation of outdated instruments was to be achieved as soon as possible in keeping with the mandate of the SRM TWG to ensure that the ILO had a clear, up-to-date and robust body of standards.
12. The Chairperson recalled that the overall objective of the SRM TWG was to ensure that the ILO had an up-to-date body of standards and acknowledged that the abrogation of outdated Conventions should go hand in hand with, or even be conditioned upon, the promotion and formal ratification of more modern and relevant Conventions. At the same time, he noted that this was the fifth time that the Conference was called upon to engage in the abrogation of obsolete instruments and that the applicable procedure had been implemented diligently and successfully so far. This procedure guaranteed thorough preparation by the Office and ample consultations with the tripartite constituents. The procedure was reinforced with the establishment of the SRM TWG that further ensured careful reflection before the abrogation or withdrawal of any obsolete standard was recommended to the Conference.
13. ***The General Affairs Committee decided to recommend to the Conference that it take the decision, pursuant to article 52(2) of the Standing Orders, to submit the final proposals for the abrogation of four international labour Conventions to a final record vote to be held on 6 June 2024.***

Appendix

Final proposals concerning the abrogation of four international labour Conventions

1. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Underground Work (Women) Convention, 1935 (No. 45).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

2. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Safety Provisions (Building) Convention, 1937 (No. 62).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

3. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

4. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

► Record of Proceedings

2B

International Labour Conference – 112th Session, Geneva, 2024

Date: 19 June 2024

Plenary sitting: Report of the General Affairs Committee

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Thursday, 6 June 2024, 10.10 a.m.

President: Mr Buzu

Report of the General Affairs Committee: Presentation and noting of the report and adoption of the Committee's recommendation

The President

Without further ado, we shall begin with the presentation of the report of the General Affairs Committee. This report has been published on the Conference website, in [Record of Proceedings No. 2A](#).

It is my pleasure to recall the names of the Officers and of the Reporter of the Committee, all of whom are with us in the room here today. They are: Mr Ali Abadi (Islamic Republic of Iran), Chairperson; Ms Mugo (Kenya), Employer Vice-Chairperson; Ms Passchier (Netherlands), Worker Vice-Chairperson; and Ms Elgallal (Libya), Reporter.

I will begin by giving the floor to Ms Elgallal, so that she may present to us the Committee's report. The Officers will then take the floor.

Ms Elgallal

Reporter of the General Affairs Committee

I have the honour to present to the Conference the outcome of the deliberations of the General Affairs Committee. The report of the Committee has been published in Record of Proceedings No. 2A. It presents a summary of the proceedings and the outcome of the discussions on the only matter that the Conference referred to the Committee this year, that is, the proposed abrogation of four international labour Conventions. Two of these Conventions, namely the Underground Work (Women) Convention, 1935 (No. 45), and the Safety Provisions (Building) Convention, 1937 (No. 62), concern occupational safety and health; the third, the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), deals with statistics; and the fourth, the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), refers to labour inspection in non-metropolitan territories. They have in common the fact that they were all examined by the Governing Body's Standards Review Mechanism Tripartite Working Group in 2018, which determined that they are no longer relevant and that they no longer make a useful contribution to the attainment of the objectives of the Organization.

The discussion in the General Affairs Committee was expeditious and consensual. The Committee decided to recommend to the Conference that it submit the proposals for the abrogation of the four Conventions to a final record vote, to be held later today. The proposals are set out in the appendix to the report.

This is the fifth time that the Conference will be called upon to decide on the abrogation of obsolete international labour Conventions. If the four Conventions are abrogated, the Conference will have removed from the body of standards a total of 23 Conventions since 2017. As in previous exercises, the focus of the reflection by the constituents has been the need to find a careful balance, on the one hand, striking out outdated standards in the interest of preserving the relevance of the ILO system of norms and, on the other, avoiding the creation of gaps in coverage or protection. It somehow involves looking back, and burning away what is no longer relevant, but also looking ahead, and making sure that modern approaches and

solutions are accepted. It is all about associating progress not only with the denunciation of old instruments, but also with the ratification and application of modern ones.

With these words, I have the honour to submit the report of the General Affairs Committee to the 112th Session of the International Labour Conference.

Ms Mugo

Employer Vice-Chairperson of the General Affairs Committee

It is our pleasure to take part in the presentation of the report of this General Affairs Committee. We examined the instruments that were proposed for abrogation and we are in agreement. We believe, as Employers, that this is a decision of key relevance, and it comes at the end of a very long process. The work done by the Standards Review Mechanism Tripartite Working Group played a key role in advising and informing the decision of the Governing Body on the way forward towards securing the continued relevance and up-to-date nature of the framework of standards that we have in this house.

The Employers' group believes that we, as a body, need to continue to make efforts to make a contribution towards having legal certainty in the instruments that guide our work and to keep them current for the world of work that we have today. With these brief remarks, the Employers confirm that we support the Committee's report.

Ms Passchier

Worker Vice-Chairperson of the General Affairs Committee

We have before us the report of the General Affairs Committee, focusing especially on the abrogation of four Conventions. The process was initiated on the recommendation of the Standards Review Mechanism Tripartite Working Group, with the approval of the Governing Body, and included steps by the Office to consult national governments and constituents. The Workers' group has supported the decisions made throughout this process. In the General Affairs Committee, however, I raised the concerns of my group regarding the situation, namely that we are currently abrogating four Conventions, of which some still have a very high ratification rate, while the more modern instruments have not been ratified. A case in point is Convention No. 45, on the protection of women in mining, where 68 ratifications are still valid; only one of the 68 countries has in the meantime ratified the more modern instrument, which is the Safety and Health in Mines Convention, 1995 (No. 176), regarding the protection of men and women workers in mines. Although the approach of Convention No. 45 certainly is outdated – and we agreed with that – its abrogation, without having any further newer instruments applicable, leaves women in mines without any protection. While we do not question the current proposals for abrogation and can support the report of the General Affairs Committee, we want to come back to this worrying situation in the future.

Mr Ali Abadi

Chairperson of the General Affairs Committee

I have the honour to stand before you as the Chairperson of the General Affairs Committee. I was privileged to have been elected to this position. The General Affairs Committee is one of the standing committees of the Conference. It exemplifies the critical coordination and synergy between the Conference and the Governing Body.

The Conference has submitted to the Committee one item this year, which was the consideration of the proposed abrogation of four international labour Conventions, on the

basis of the questionnaire and report prepared by the Office, contained in document ILC.112/VII(2)(Rev.1).

In addition to what you have just heard from the Reporter of the Committee, I wish to recall that, due to the institutional significance of the act of removing Conventions in force from the body of standards, a meticulous and multistep process has been devised and must be carried out before the Conference can take a record vote with a qualified majority on the matter. This process is aimed at ensuring that the obsolescence of the instruments concerned is generally recognized and that the broader implications for the coherence of the ILO's normative system have been thoroughly considered. This process is deliberately lengthy and includes an initial examination by the dedicated Standards Review Mechanism Tripartite Working Group, a debate on that Group's recommendations by the Governing Body, consultations with the tripartite constituents at the national level, further discussion by the General Affairs Committee of the Conference and a formal decision by the Conference in plenary on whether to put the proposed abrogation to a record vote, which is precisely the purpose of the sitting this morning.

The Conference is the supreme deliberative body of the ILO and has the power to adopt and remove standards from the so-called "international labour code". It does so with vision and pragmatism. It is for the Member States, of course, to translate this vision into reality, not only by distancing themselves from the outdated standards, but also, and perhaps more importantly, by promptly embracing and effectively implementing the new standards that this Conference diligently crafts.

To conclude, I wish to thank the members of the Committee, and of course Ms Jacqueline Mugo, the Employer Vice-Chairperson, and Ms Catelene Passchier, the Worker Vice-Chairperson, for their engagement and expertise.

The President

I thank the Reporter and the Officers of the Committee for their statements. As there are no requests for the floor or objections, may I take it that the Conference agrees to take note of the report of the General Affairs Committee?

(The Conference takes note of the report.)

Abrogation of four international labour Conventions

The President

The General Affairs Committee has recommended to the Conference that it take the decision, pursuant to article 52(2) of the Standing Orders of the Conference, to submit the formal proposals for the abrogation of four international labour Conventions, namely the Underground Work (Women) Convention, 1935 (No. 45), the Safety Provisions (Building) Convention, 1937 (No. 62), the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), as set out in the appendix to the report of the General Affairs Committee, to a final record vote. The vote will be held by electronic means later today. You are strongly encouraged to exercise your right to vote on these issues of institutional importance.

If there is no objection, may I take it that this decision is adopted by the Conference?

(It is so decided.)

Closing of the sitting

The President

That brings us to the end of our proceedings related to the work of the General Affairs Committee. I now declare closed this plenary sitting of the 112th Session of the International Labour Conference.

(The Conference adjourned at 10.25 a.m.)

(The Conference continues its work in plenary.)

Friday, 7 June 2024, 10.05 a.m.

President: Mr Dubey

Employer Vice-President of the Conference

Abrogation of four international labour Conventions: Announcement of the results of the record vote

The President

It is my honour to declare open the eighth plenary sitting of the 112th Session of the International Labour Conference.

This morning we shall begin by announcing the results of the final record vote on the proposed abrogation of four international labour Conventions, which was held electronically yesterday afternoon. The quorum was set at 286 votes.

I am pleased to announce that, as a result of the final record vote, all four instruments have been abrogated, the quorum and the required two-thirds majority having been reached. These instruments are:

Abrogated Conventions

- Underground Work (Women) Convention, 1935 (No. 45)
- Safety Provisions (Building) Convention, 1937 (No. 62)
- Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)
- Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

(The detailed results of all the votes are available on the [Conference website](#).)

(The Conference continues its work in plenary.)

► Record of Proceedings

1

International Labour Conference – 112th Session, Geneva, 2024

Date: 10 June 2024

Results of the elections to the Governing Body of the International Labour Office for the period 2024–2027

In accordance with article 57 of the Standing Orders of the Conference, the results of the vote of the three electoral colleges to elect the members of the Governing Body for the period 2024–2027 are communicated to the Conference in this Record of proceedings. The Government Electoral College met on 7 June, the Employers' and the Workers' on 10 June 2024.

Government group

► Regular members

Africa	Americas	Asia-Pacific	Europe
Gabon	Barbados	Bangladesh	Lithuania
Libya	Canada	Brunei Darussalam	Poland
Malawi	Dominican Republic	Oman	Spain
Niger	Peru	Republic of Korea	
Senegal	Uruguay		
Sudan			

► Deputy members

Africa	Americas	Asia-Pacific	Europe
Benin	Bolivia, Plurinational State of	Australia	Austria
Congo	Colombia	Iran, Islamic Rep. of	Croatia
Ethiopia	Cuba	Iraq	Cyprus
Mozambique	Honduras	Lao, People's Dem. Rep.	Denmark
South Africa	Mexico	Nepal	Hungary
Tanzania, United Rep. of	Paraguay	Malaysia	Netherlands
Tunisia		Philippines	Uzbekistan
		Qatar	

Employers' group

Regular members	Deputy members
Mr Niklas BECKMAN (Sweden)	Mr Farooq AHMED (Bangladesh)
Mr Hamidou DIOP (Senegal)	Mr Abdulghani AL-SAYEGH (Saudi Arabia)
Mr Alexandre FURLAN (Brazil)	Ms Joséphine ANDRIAMAMONJIARISON (Madagascar)
Ms Renate HORNUNG-DRAUS (Germany)	Ms Nancy CHENARD (Congo)
Ms Sonya JANAHI (Bahrain)	Mr Khelil GHARIANI (Tunisia)
Mr Thomas MACKALL (United States of America)	Ms Laura GIMÉNEZ (Argentina)
Mr Blaise MATTHEY (Switzerland)	Mr Derrick HYNES (Canada)
Ms Jacqueline MUGO (Kenya)	Ms Hansong LIU (China)
Ms Emiko NAGASAWA (Japan)	Ms Sheena MAYERS-GRANVILLE (Barbados)
Mr Atul SOBTI (India)	Ms Marina MOSKVINA (Russian Federation)
Ms Jessica TINSLEY (Australia)	Mr Kaizer MOYANE (South Africa)
Ms Anne VAUCHEZ (France)	Mr Douglas OPIO (Uganda)
Mr Fernando YLLANES (Mexico)	Mr Adewale-Smatt OYERINDE (Nigeria)
Mr Hicham ZOUANAT (Morocco)	Ms Miriam PINTO LOMEÑA (Spain)
	Mr Guido RICCI (Guatemala)
	Ms Stefania ROSSI (Italy)
	Mr Ton SCHOENMAECKERS (Netherlands)
	Mr Syed Hussain SYED HUSMAN (Malaysia)
	Mr Manuel TERÁN (Ecuador)

Workers' group

Regular members	Deputy members
Ms Hedia ARFAOUI (Tunisia)	Mr Antonio de Lisboa AMANCIO VALE (Brazil)
Mr Francis ATWOLI (Kenya)	Mr Zahoor AWAN (Pakistan)
Ms Amanda BROWN (United Kingdom of Great Britain and Northern Ireland)	Mr Anthony BAAH (Ghana)
Ms Lily CHANG (Canada)	Ms Sylvia CHOO (Singapore)
Mr Wei DICHUN (China)	Mr Plamen DIMITROV (Bulgaria)
Ms Akiko GONO (Japan)	Ms Eulogia FAMILIA (Dominican Republic)
Mr Mody GUIRO (Senegal)	Mr Kassahun FOLLO (Ethiopia)
Ms Béatrice LESTIC (France)	Mr Rafael LAMAS (Belgium)
Mr Gerardo MARTÍNEZ (Argentina)	Ms Zingiswa LOSI (South Africa)
Mr Magnús NORDDAHL (Iceland)	Ms Leida Marcela LEÓN MOLINA (Venezuela, Bolivarian Rep. of)
Ms Michele O'NEIL (Australia)	Mr Daniel MONGO (Congo)
Ms Catelene PASSCHIER (Netherlands)	Ms Toni MOORE (Barbados)

Regular members	Deputy members
Mr Gongalla Satyajeet REDDY (India)	Ms Liliana OCMIN (Italy)
Mr Jeffrey VOGT (United States of America)	Mr José Enrique OÑATE VERA (Mexico)
	Mr Shaher A.F. SAED (Occupied Palestinian Territory) ¹
	Ms Phyo Sandar SOE (Myanmar)
	Ms Maria Joaquina VEIGA DE ALMEIDA (Cabo Verde)
	Ms Annika WÜNSCHE (Germany)
	Mr Alexey ZHARKOV (Russian Federation)

¹ The expression “Occupied Palestinian Territory” does not imply the expression of any opinion whatsoever on the part of the International Labour Organization concerning the legal status of that territory.

► Record of Proceedings

3A

International Labour Conference – 112th Session, Geneva, 2024

Date: 7 June 2024

Reports on Credentials

First report of the Credentials Committee

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1. The Credentials Committee of the 112th Session of the International Labour Conference is composed as follows:

Chairperson:	Mr Aniefiok Etim Essah (Government delegate, Nigeria)
Employer Vice-Chairperson:	Mr Fernando Yllanes Martínez (Employers' substitute delegate, Mexico)
Worker Vice-Chairperson:	Ms Zingiswa Losi (Workers' delegate, South Africa)
Substitute:	Ms Amanda Brown (Workers' delegate, United Kingdom of Great Britain and Northern Ireland)

Composition of the Conference

Status of accreditation of Member States

2. As at 5 June 2024 at 6 p.m., 173 of the 187 Member States of the International Labour Organization (ILO) have accredited a delegation, of which 131 deposited their credentials within the time limit set for their submission, 14 May 2024. The following 13 Member States ¹ (14 in 2023) have not accredited a delegation:

Antigua and Barbuda	Saint Lucia
Comoros	Saint Vincent and the Grenadines
Dominica	Solomon Islands
Ecuador	Tajikistan
Marshall Islands	Tonga
Palau	Tuvalu
Saint Kitts and Nevis	

3. The following four Member States have accredited incomplete delegations:
 - El Salvador (no Employers' delegate)
 - Rwanda (no Employers' delegate)
 - Haiti (exclusively governmental)
 - Yemen (exclusively governmental)
4. The Committee recalls that the Governing Body decided ² that the present session of the Conference would be conducted in person, with the added option for passive remote attendance (the Plenary sittings via live stream on the Conference website and the public sittings of Committees via links provided by committee coordinators upon request). In accordance with article 3(1) of the ILO Constitution, Member States were expected to send

¹ Not counting Myanmar (see paragraphs 16-24 concerning the representation of Myanmar).

² GB.350/INS/2/2.

complete tripartite delegations to Geneva, with a minimum composition of two Government delegates, one Employers' delegate and one Workers' delegate.

5. The Committee notes with regret the number of Member States that have not accredited a delegation, or only an incomplete one. In this regard, it notes with concern that incomplete delegations remain a recurrent reality (see Appendix I) and, in particular, that one Member State, Yemen, has since 2015 only accredited incomplete, in most cases exclusively governmental, delegations. It wishes to stress again that, by not appointing a delegation, or by failing to accredit a fully tripartite delegation, the Government deprives the employers or workers of the country, as the case may be, of their right to be represented in person in the highest policymaking body of the ILO and to participate actively in its work. The appointment of a full tripartite delegation is also essential in view of article 4(2) of the ILO Constitution, which provides that if a Member State fails to nominate one of the non-Government delegates, the other non-Government delegate who has been accredited loses the right to vote. The Committee can only emphasize again that, without the participation of Governments, Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives.

Delegates and advisers

► Accredited delegates, substitute delegates and advisers

	Governments		Employers		Workers		Total	
	Accredited	Registered	Accredited	Registered	Accredited	Registered	Accredited	Registered
Delegates	338	290	169	118	171	129	678	537
Substitute delegates *	501	375	200	125	276	203	977	703
Advisers	857	587	398	238	555	400	1 810	1 225
Total	1 696	1 252	767	481	1 002	732	3 465	2 465

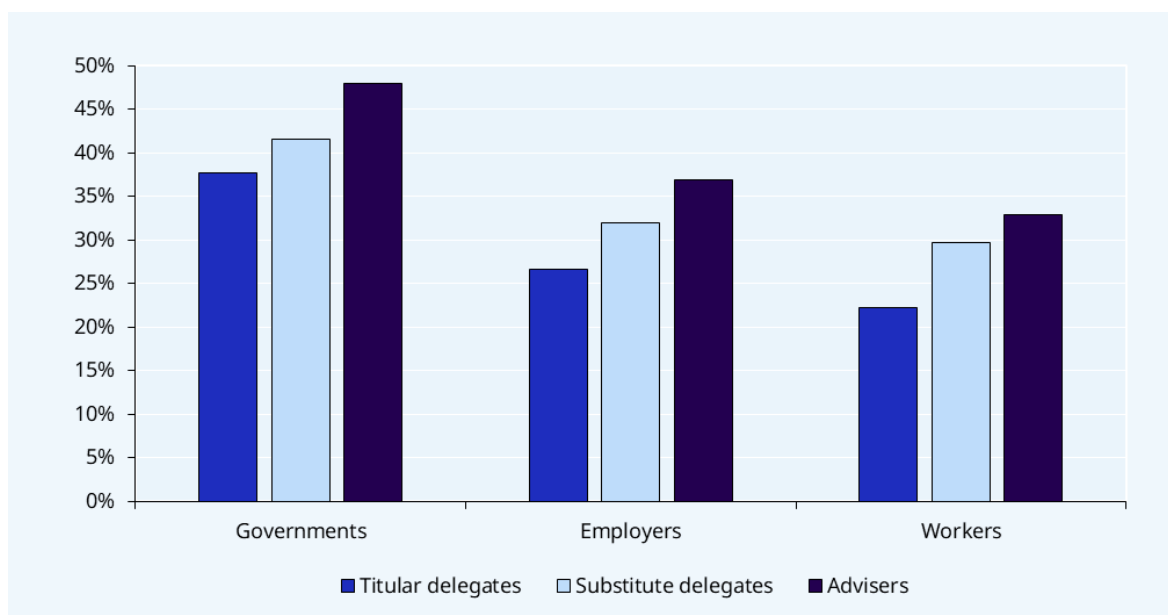
* Advisers who are permanently appointed as substitute delegates in the credentials.

6. Of the accredited 678 delegates, 537 have registered.
7. Detailed information by Member State is provided in Appendices II and III. Information on the composition of the Conference is also available at [Delegations to the 2024 International Labour Conference](#), which is regularly updated.

Proportion of women accredited in delegations

8. The overall proportion of women delegates and advisers that have been accredited to this session of the Conference is 37.8 per cent (36.6 per cent in 2023). There are 44.1 per cent of women in Government delegations (42.8 per cent in 2023), 33.4 per cent of women in the Employers' delegations (32.6 per cent in 2023) and 30.4 per cent of women in the Workers' delegations (29.5 per cent in 2023).

► Proportion of women by function and group



9. While those overall figures represent a continued improvement and the minimum target of 30 per cent of women's participation has been reached in all three groups, the Committee notes that, as shown in the above table, titular delegates from across the Government, Employers' and Workers' groups are still predominantly men, a situation that does not live up to the Committee's expectations.
10. Moreover, the Committee observes that, as shown in Appendix IV to this Report, six delegations to the present session of the Conference, Fiji, Haiti, Jordan, Liberia, Rwanda and Yemen, are exclusively composed of men, while noting that some of the delegations concerned are of a small size. The Committee calls upon the governments, employers' organizations and workers' organizations concerned to take appropriate steps with a view to redressing the situation.

Quorum

11. The following 13 Member States accredited to the Conference are in arrears in their financial contributions to the Organization under the terms of article 13(4) of the ILO Constitution and therefore may not, at present, participate in the voting of the Conference, including in its committees:

Afghanistan

Sao Tome and Principe

Chad

Sudan

Congo

Suriname

Equatorial Guinea

Uganda

Gambia

Venezuela (Bolivarian Republic of)

Guinea-Bissau

Yemen

Lebanon

12. Therefore, 32 delegates from among these Member States who have registered a delegation are not taken into account in calculating the quorum.
13. In conformity with article 17(3) of the ILO Constitution and article 22 of the Standing Orders of the Conference, as at 5 June 2024 at 6 p.m. the necessary quorum to give a vote validity is 284. Regularly updated information regarding the composition of the Conference and the quorum for votes is available on the [Conference website](#).

Other participants

14. A total of 171 Ministers or Vice-Ministers have been accredited.
15. The Conference is also being attended by the following observers: one non-Member State (Holy See), one liberation movement (Palestine), representatives of the United Nations and some of its bodies, as well as representatives from specialized agencies and other official international organizations, non-governmental international organizations with consultative status, and representatives of other non-governmental international organizations.

Representation of Myanmar

16. The Committee had before it two communications containing credentials for two tripartite delegations of Myanmar designated respectively by the military authorities and the "National Unity Government" (NUG). The first communication was received on 10 May 2024 from the Permanent Mission of Myanmar in Geneva and included employers' representatives from the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and workers' representatives from the Myanmar Seafarers Federation. The second communication was received on 14 May 2024 from the Ministry of Labour of the NUG and the Permanent Mission of Myanmar in New York and included employers' representatives from the Myanmar Nway Oo Employers Federation (MNEF) and workers' representatives from the Confederation of Trade Unions of Myanmar (CTUM). In a further communication dated 28 May 2024, the NUG Ministry of Labour made certain changes to its credentials and explained the reasons for its choice of an employers' delegation from MNEF and a workers' delegation from CTUM, which is part of the Myanmar Labour Alliance (MLA), those being the only organizations that truly represent, respectively, the employers and workers of the country.
17. The Committee also had before it a communication dated 20 May 2024 addressed to it by CTUM. The purpose of the letter was to present the credentials of the "Workers Delegation of Myanmar to the 112th Session of the International Labour Conference". Referring to paragraph 29 of the first report of the Credentials Committee of the 111th Session (2023) of the Conference, the CTUM considered that there was no legal obstacle for the Conference to accredit both employers' and workers' delegates of Myanmar given that the position taken by the United Nations General Assembly concerned only Government delegates.
18. *The Committee recalls that at the three previous sessions of the Conference, competing credentials had been received on behalf of the same two entities. Taking into account the United Nations General Assembly resolution 396(V) of 14 December 1950 and the position adopted by the General Assembly and by other UN system organizations on this matter, the Committee decided that no delegates for Myanmar would be accredited (ILC.109/Records Nos 3B and 3E, ILC.110/Record No. 2A, ILC.111/Record No. 2A(Rev.1)).*
19. *The Committee takes note of the developments that have taken place in the ILO concerning Myanmar since the closure of the last session of the Conference in June 2023, in particular, the Governing Body discussions at its 349th (October–November 2023) and 350th Sessions (March 2024) on the 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 the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29).

20. The Committee recalls once again that, according to United Nations General Assembly resolution 396(V) of 14 December 1950, whenever more than one authority claims to be the government entitled to represent a State, the attitude adopted by the General Assembly concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies. Consequently, a consistent line of precedents has it (see Dominican Republic (1965), Cambodia (1998), Libyan Arab Jamahiriya (2011), Myanmar (2021–2023) that the question of recognition of governments and their representation in the ILO is considered a political matter in relation to which the Organization should be guided by any position adopted by the United Nations General Assembly.
21. The Committee notes that on 6 December 2023, the Credentials Committee of the United Nations General Assembly decided to postpone its consideration on the credentials of Myanmar. Its report was approved on 18 December 2023 by the General Assembly, which has not re-examined the question since then. It is further noted that other organizations have similarly deferred consideration of the credentials of Myanmar and kept its seat vacant pending further guidance from the United Nations General Assembly, most recently, at the 77th Session of the World Health Assembly of the World Health Organization on 29 May 2024.
22. Noting that the situation has not evolved in the United Nations General Assembly and taking into account the United Nations General Assembly resolution 396(V) of 14 December 1950, the Committee decides that no delegates for Myanmar will be accredited at the 112th Session of the Conference.
23. The Committee nonetheless reiterates its regret in relation to the continued ambiguity on the question of representation of Myanmar and notes that in the absence of guidance from the United Nations General Assembly, it may need to make its own determination in due course so as to enable the tripartite constituents of Myanmar to resume active participation in the work of the annual Conference. In the meantime, the Committee wishes to invite the Governing Body, through the Conference, to urgently consider possible options that could allow employers' and workers' representatives from Myanmar to contribute to the work of future sessions of the Conference.
24. As regards the communication from the CTUM, the Committee recalls that credentials are the instrument used by a State to designate persons entitled to represent it and act on its behalf at an international conference. Accordingly, the credentials of the tripartite delegations of Members to the International Labour Conference must be signed by, or on behalf of, an authority with the power to bind the State, such as the Head of State, the Minister of Foreign Affairs, or the Minister responsible for labour questions. No valid credentials can be deposited by any other entity, such as a workers' organization, be it only for a partial delegation. Other entities can accredit participants to represent them at the Conference, such as international non-governmental organizations invited by the Governing Body, but the Committee notes that the CTUM does not qualify as such an organization.

Monitoring cases, objections and communications

25. In addition to the four cases of monitoring (concerning the nomination of the Workers' delegations of Djibouti, Mauritania, and the Bolivarian Republic of Venezuela, and the Employers' delegation of Nicaragua), of which the Committee is seized in accordance with article 34 of the Standing Orders following decisions taken at the last session of the Conference, the Committee has before it several objections and communications. It has forthwith commenced their examination. The Committee believes that its work is facilitated

when credentials reach the International Labour Office within the time limit set for their submission.

26. The Credentials Committee submits the present report to the Conference so that it may take note of its content.

Geneva, 7 June 2024

(Signed)

Mr Aniefiok Etim Essah, Chairperson
Mr Fernando Yllanes Martínez
Ms Amanda Brown

Appendix I

Incomplete delegations (2018–2023)

2018	2019	2021	2022	2023
Armenia (exclusively governmental)	Saint Lucia (exclusively governmental)	Haiti (exclusively governmental)	Yemen (exclusively governmental)	Antigua and Barbuda (exclusively governmental)
Brunei Darussalam (exclusively governmental)	Yemen (exclusively governmental)	Saint Lucia (exclusively governmental)	Sudan (no Workers' delegate)	Gambia (exclusively governmental)
Solomon Islands (exclusively governmental)	Rwanda (no Employers' delegate)	Yemen (no Employers' delegate)		Sudan (exclusively governmental)
Tajikistan (exclusively governmental)		Slovenia no Workers' delegate)		Yemen (exclusively governmental)
Yemen (no Employers' delegate)		Vanuatu (no Workers' delegate)		Armenia (no Employers' delegate)
				Suriname (no Employers' delegate)

Appendix II

- 1) Government delegates
2) Employers' delegates
3) Workers' delegates

- 4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	1	1	1	3	-	-	Ecuador.....	-	-	-	-	-	-	Madagascar.....	2	1	1	4	1	1	Seychelles.....	2	1	1	2	2	-
Albania.....	2	1	1	1	1	1	Egypt.....	2	1	1	11	7	10	Malawi.....	2	1	1	12	5	7	Sierra Leone.....	2	1	1	2	1	3
Algeria.....	2	1	1	9	10	10	El Salvador.....	2	-	1	3	-	3	Malaysia.....	2	1	1	20	5	10	Singapore.....	2	1	1	9	4	10
Angola.....	2	1	1	4	-	-	Equatorial Guinea.....	2	1	1	4	2	2	Maldives.....	2	1	1	6	7	8	Slovakia.....	2	1	1	2	3	2
Antigua and Barbuda.....	-	-	-	-	-	-	Eritrea.....	2	1	1	1	-	1	Mali.....	2	1	1	20	4	10	Slovenia.....	2	1	1	5	1	1
Argentina.....	2	1	1	12	10	10	Estonia.....	2	1	1	2	-	-	Malta.....	2	1	1	8	4	5	Solomon Islands.....	-	-	-	-	-	-
Armenia.....	2	1	1	1	-	-	Eswatini.....	2	1	1	4	2	3	Marshall Islands.....	-	-	-	-	-	-	Somalia.....	2	1	1	5	-	4
Australia.....	2	1	1	14	2	2	Ethiopia.....	2	1	1	5	10	10	Mauritania.....	2	1	1	11	1	5	South Africa.....	2	1	1	5	4	6
Austria.....	2	1	1	9	2	4	Fiji.....	2	1	1	3	-	-	Mauritius.....	2	1	1	1	1	-	South Sudan.....	1	1	1	2	2	1
Azerbaijan.....	2	1	1	5	5	10	Finland.....	2	1	1	5	5	3	Mexico.....	2	1	1	11	10	10	Spain.....	2	1	1	10	8	8
Bahamas.....	2	1	1	13	3	9	France.....	2	1	1	19	7	9	Mongolia.....	2	1	1	3	4	5	Sri Lanka.....	2	1	1	4	-	2
Bahrain.....	2	1	1	7	5	6	Gabon.....	2	1	1	20	10	10	Montenegro.....	2	1	1	3	1	1	Sudan.....	2	1	1	2	1	3
Bangladesh.....	2	1	1	18	6	9	Gambia.....	2	1	1	-	-	-	Morocco.....	2	1	1	13	5	10	Suriname.....	2	1	1	1	-	1
Barbados.....	2	1	1	2	4	4	Georgia.....	2	1	1	3	4	6	Mozambique.....	2	1	1	4	-	1	Sweden.....	2	1	1	7	4	4
Belarus.....	2	1	1	3	2	10	Germany.....	2	1	1	17	4	6	Myanmar.....	-	-	-	-	-	-	Switzerland.....	2	1	1	15	3	7
Belgium.....	2	1	1	20	5	10	Ghana.....	2	1	1	20	10	10	Namibia.....	2	1	1	5	1	1	Syrian Arab Republic.....	2	1	1	2	8	4
Belize.....	2	1	1	-	-	-	Greece.....	2	1	1	11	6	4	Nepal.....	2	1	1	7	-	-	Tajikistan.....	-	-	-	-	-	-
Benin.....	2	1	1	4	-	7	Grenada.....	2	1	1	-	-	-	Netherlands.....	2	1	1	19	4	9	Thailand.....	2	1	1	20	10	10
Bolivia (Plurinational State of).....	2	1	1	2	-	1	Guatemala.....	2	1	1	4	3	3	New Zealand.....	2	1	1	3	1	1	Timor-Leste.....	2	1	1	8	-	-
Bosnia and Herzegovina.....	1	1	1	1	-	1	Guinea.....	2	1	1	20	10	10	Nicaragua.....	2	1	1	1	1	1	Togo.....	2	1	1	14	5	10
Botswana.....	2	1	1	15	10	10	Guinea-Bissau.....	2	1	1	1	1	2	Niger.....	2	1	1	9	9	9	Tonga.....	-	-	-	-	-	-
Brazil.....	2	1	1	7	5	6	Guyana.....	2	1	1	3	-	-	Nigeria.....	2	1	1	20	10	10	Trinidad and Tobago.....	2	1	1	2	7	10
Brunei Darussalam.....	2	1	1	5	-	-	Haiti.....	2	-	-	-	-	-	North Macedonia.....	2	1	1	2	-	-	Tunisia.....	2	1	1	5	2	6
Bulgaria.....	2	1	1	8	5	2	Honduras.....	2	1	1	7	3	4	Norway.....	2	1	1	6	3	5	Türkiye.....	2	1	1	20	10	10
Burkina Faso.....	2	1	1	8	2	5	Hungary.....	2	1	1	8	3	5	Oman.....	2	1	1	13	10	10	Turkmenistan.....	2	1	1	3	-	-
Burundi.....	1	1	1	3	-	-	Iceland.....	2	1	1	4	1	1	Pakistan.....	2	1	1	16	4	2	Tuvalu.....	-	-	-	-	-	-
Cabo Verde.....	2	1	1	2	-	-	Israel.....	2	1	1	4	2	-	Palau.....	-	-	-	-	-	-	Uganda.....	2	1	1	3	10	10
Cambodia.....	2	1	1	6	3	6	India.....	2	1	1	20	10	10	Panama.....	2	1	1	7	5	6	Ukraine.....	2	1	1	2	-	4
Cameroon.....	2	1	1	3	6	10	Indonesia.....	2	1	1	20	9	9	Papua New Guinea.....	2	1	1	2	-	-	United Arab Emirates.....	2	1	1	7	3	3
Canada.....	2	1	1	13	5	4	Iran (Islamic Republic of).....	2	1	1	9	5	5	Paraguay.....	2	1	1	8	1	10	United Kingdom.....	2	1	1	14	3	4
Central African Republic.....	2	1	1	8	1	5	Iraq.....	2	1	1	9	10	9	Peru.....	2	1	1	11	4	9	United Republic of Tanzania.....	2	1	1	20	2	10
Chad.....	2	1	1	20	1	5	Ireland.....	2	1	1	7	-	1	Philippines.....	2	1	1	8	2	3	United States of America.....	2	1	1	19	10	5
Chile.....	2	1	1	8	6	6	Italy.....	2	1	1	9	4	8	Poland.....	2	1	1	12	5	5	Uruguay.....	2	1	1	6	2	7
China.....	2	1	1	20	5	7	Jamaica.....	2	1	1	5	-	-	Portugal.....	2	1	1	17	6	6	Uzbekistan.....	2	1	1	6	1	4
Colombia.....	2	1	1	8	10	10	Japan.....	2	1	1	20	4	8	Qatar.....	2	1	1	10	4	5	Vanuatu.....	2	1	1	5	-	-
Comoros.....	-	-	-	-	-	-	Jordan.....	2	1	1	10	1	4	Republic of Korea.....	2	1	1	14	4	10	Venezuela (Bolivarian Republic of).....	2	1	1	7	8	10
Congo.....	2	1	1	20	10	10	Kazakhstan.....	1	1	1	5	1	8	Republic of Moldova.....	2	1	1	3	1	1	Viet Nam.....	2	1	1	2	4	1
Cook Islands.....	2	1	1	1	-	-	Kenya.....	2	1	1	20	10	10	Romania.....	2	1	1	4	3	7	Yemen.....	2	-	-	2	-	-
Costa Rica.....	2	1	1	5	2	4	Kiribati.....	2	1	1	2	-	-	Russian Federation.....	2	1	1	9	2	8	Zambia.....	2	1	1	19	11	10
Côte d'Ivoire.....	2	1	1	20	10	10	Kuwait.....	2	1	1	6	2	2	Rwanda.....	2	-	1	1	-	3	Zimbabwe.....	2	1	1	16	4	8
Croatia.....	2	1	1	5	1	-	Kyrgyzstan.....	1	1	1	2	-	1	Saint Kitts and Nevis.....	-	-	-	-	-	-							
Cuba.....	2	1	1	3	1	1	Lao People's Democratic Repub.....	2	1	1	3	1	1	Saint Lucia.....	-	-	-	-	-	-							
Cyprus.....	2	1	1	7	7	8	Latvia.....	2	1	1	4	-	1	Saint Vincent and the Grenadines.....	-	-	-	-	-	-							
Czechia.....	2	1	1	7	1	3	Lebanon.....	2	1	1	1	4	10	Samoa.....	2	1	1	-	-	-							
Democratic Repub. of the Congo.....	1	1	1	18	9	9	Lesotho.....	2	1	1	5	-	2	San Marino.....	2	1	1	1	4	2							
Denmark.....	2	1	1	10	3	8	Liberia.....	2	1	1	-	-	3	Sao Tome and Principe.....	1	1	1	-	-	-							
Djibouti.....	2	1	1	7	-	3	Libya.....	2	1	1	8	1	2	Saudi Arabia.....	2	1	1	20	4	5							
Dominica.....	-	-	-	-	-	-	Lithuania.....	2	1	1	7	1	-	Senegal.....	2	1	1	8	1	10							
Dominican Republic.....	2	1	1	7	9	10	Luxembourg.....	2	1	1	6	7	7	Serbia.....	2	1	1	4	1	3							

Appendix III

- 1) Government delegates
2) Employers' delegates
3) Workers' delegates

- 4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	1	-	-	1	-	-	Ecuador.....	-	-	-	-	-	-	Madagascar.....	2	1	1	1	-	-	Seychelles.....	2	1	1	1	2	-
Albania.....	2	-	-	1	-	-	Egypt.....	2	1	1	11	6	10	Malawi.....	2	1	1	9	1	3	Sierra Leone.....	2	1	1	1	1	1
Algeria.....	2	1	1	8	7	7	El Salvador.....	1	-	-	2	-	-	Malaysia.....	2	1	1	15	4	7	Singapore.....	2	1	1	8	4	9
Angola.....	2	1	1	3	-	-	Equatorial Guinea.....	2	1	1	4	-	-	Maldives.....	2	1	1	6	3	-	Slovakia.....	1	1	1	2	3	2
Antigua and Barbuda.....	-	-	-	-	-	-	Eritrea.....	2	1	1	-	-	1	Mali.....	2	1	1	13	2	7	Slovenia.....	2	1	1	4	-	-
Argentina.....	2	1	1	5	9	9	Estonia.....	2	1	1	2	-	-	Malta.....	1	1	1	6	1	2	Solomon Islands.....	-	-	-	-	-	-
Armenia.....	2	1	1	1	-	-	Eswatini.....	2	1	1	3	2	2	Marshall Islands.....	-	-	-	-	-	-	Somalia.....	1	-	1	4	-	3
Australia.....	2	1	1	5	2	2	Ethiopia.....	1	-	1	3	4	10	Mauritania.....	2	1	1	9	-	5	South Africa.....	1	1	1	5	4	6
Austria.....	2	-	-	9	1	2	Fiji.....	2	1	1	1	-	-	Mauritius.....	2	1	1	1	-	-	South Sudan.....	1	1	1	2	1	1
Azerbaijan.....	2	1	-	5	4	10	Finland.....	1	1	1	3	2	3	Mexico.....	2	1	1	8	8	7	Spain.....	2	-	1	7	6	6
Bahamas.....	2	1	1	8	3	9	France.....	2	1	1	17	5	9	Mongolia.....	2	-	-	3	1	5	Sri Lanka.....	2	1	1	4	-	2
Bahrain.....	2	-	1	3	2	5	Gabon.....	1	1	1	10	-	4	Montenegro.....	2	-	-	3	-	-	Sudan.....	2	1	1	2	1	-
Bangladesh.....	2	1	1	17	4	3	Gambia.....	1	-	-	-	-	-	Morocco.....	2	-	1	10	4	9	Suriname.....	-	-	-	-	-	-
Barbados.....	2	1	1	2	-	-	Georgia.....	-	-	-	1	-	-	Mozambique.....	2	1	1	3	-	1	Sweden.....	2	-	1	5	3	4
Belarus.....	2	1	1	3	2	9	Germany.....	2	1	1	14	4	6	Myanmar.....	-	-	-	-	-	-	Switzerland.....	2	1	1	12	-	7
Belgium.....	2	1	-	11	5	8	Ghana.....	2	1	1	20	9	7	Namibia.....	2	1	1	5	1	1	Syrian Arab Republic.....	2	-	1	2	2	4
Belize.....	-	-	-	-	-	-	Greece.....	2	-	1	6	4	3	Nepal.....	2	-	-	5	-	-	Tajikistan.....	-	-	-	-	-	-
Benin.....	2	1	1	2	-	6	Grenada.....	1	1	1	-	-	-	Netherlands.....	2	1	1	15	3	6	Thailand.....	2	1	-	20	9	10
Bolivia (Plurinational State of).....	1	1	-	1	-	-	Guatemala.....	2	1	1	3	1	2	New Zealand.....	2	1	1	-	1	1	Timor-Leste.....	2	1	1	3	-	-
Bosnia and Herzegovina.....	-	-	-	-	-	-	Guinea.....	1	-	1	16	5	7	Nicaragua.....	2	1	1	1	-	-	Togo.....	2	1	1	12	5	10
Botswana.....	2	1	1	11	8	8	Guinea-Bissau.....	-	-	-	-	-	-	Niger.....	1	-	1	4	2	4	Tonga.....	-	-	-	-	-	-
Brazil.....	2	-	-	7	4	6	Guyana.....	2	-	-	2	-	-	Nigeria.....	2	1	-	6	6	5	Trinidad and Tobago.....	2	1	1	2	-	1
Brunei Darussalam.....	2	1	1	4	-	-	Haiti.....	2	-	-	-	-	-	North Macedonia.....	2	-	-	1	-	-	Tunisia.....	2	-	-	4	1	5
Bulgaria.....	2	1	1	6	3	2	Honduras.....	2	1	1	5	3	3	Norway.....	2	1	1	5	3	5	Türkiye.....	2	1	1	20	9	10
Burkina Faso.....	2	1	1	8	2	4	Hungary.....	-	1	1	6	3	3	Oman.....	2	1	1	13	3	10	Turkmenistan.....	2	1	1	3	-	-
Burundi.....	1	1	1	3	-	-	Iceland.....	1	1	1	1	-	1	Pakistan.....	2	1	1	6	-	-	Tuvalu.....	-	-	-	-	-	-
Cabo Verde.....	1	-	-	2	-	-	Israel.....	2	-	-	1	2	-	Palau.....	-	-	-	-	-	-	Uganda.....	2	1	1	3	6	3
Cambodia.....	2	1	1	6	2	6	India.....	2	1	1	17	9	10	Panama.....	2	-	1	6	4	6	Ukraine.....	1	-	-	2	-	3
Cameroon.....	2	1	1	3	4	7	Indonesia.....	2	-	1	12	2	8	Papua New Guinea.....	-	-	-	-	-	-	United Arab Emirates.....	2	1	1	7	3	2
Canada.....	2	-	1	12	4	4	Iran (Islamic Republic of).....	2	1	1	9	3	5	Paraguay.....	2	1	1	4	-	5	United Kingdom.....	2	1	1	6	3	4
Central African Republic.....	-	-	-	1	-	1	Iraq.....	2	-	-	5	2	5	Peru.....	2	1	1	3	2	5	United Republic of Tanzania.....	1	1	1	11	-	7
Chad.....	2	1	1	11	1	2	Ireland.....	2	1	1	4	-	-	Philippines.....	2	1	1	8	2	3	United States of America.....	-	1	1	13	10	4
Chile.....	2	-	1	5	6	5	Italy.....	1	-	1	6	-	6	Poland.....	2	1	1	10	5	4	Uruguay.....	2	1	1	4	2	5
China.....	2	-	1	16	3	6	Jamaica.....	2	1	1	5	-	-	Portugal.....	2	-	-	13	4	6	Uzbekistan.....	2	-	1	6	-	4
Colombia.....	1	1	1	3	8	10	Japan.....	2	1	-	17	4	8	Qatar.....	2	1	1	9	4	4	Vanuatu.....	2	-	-	2	-	-
Comoros.....	-	-	-	-	-	-	Jordan.....	2	1	1	8	1	3	Republic of Korea.....	1	1	1	9	3	8	Venezuela (Bolivarian Republic of).....	2	1	1	5	2	2
Congo.....	-	1	-	7	2	4	Kazakhstan.....	1	1	1	2	1	7	Republic of Moldova.....	2	-	-	1	-	-	Viet Nam.....	1	-	-	2	-	-
Cook Islands.....	2	1	1	1	-	-	Kenya.....	1	1	1	13	6	10	Romania.....	2	1	1	4	3	4	Yemen.....	2	-	-	1	-	-
Costa Rica.....	2	1	1	2	2	3	Kiribati.....	2	-	-	1	-	-	Russian Federation.....	1	1	1	2	1	7	Zambia.....	2	1	1	17	11	8
Côte d'Ivoire.....	2	1	1	13	5	8	Kuwait.....	2	1	1	6	2	2	Rwanda.....	2	-	-	1	-	-	Zimbabwe.....	1	1	1	14	3	8
Croatia.....	2	1	1	1	-	-	Kyrgyzstan.....	1	1	1	2	-	1	Saint Kitts and Nevis.....	-	-	-	-	-	-							
Cuba.....	2	1	-	3	1	1	Lao People's Democratic Repub.....	2	1	-	3	-	1	Saint Lucia.....	-	-	-	-	-	-							
Cyprus.....	2	1	-	4	1	3	Latvia.....	2	-	1	2	-	-	Saint Vincent and the Grenadines.....	-	-	-	-	-	-							
Czechia.....	1	-	1	4	1	3	Lebanon.....	2	1	-	1	4	9	Samoa.....	2	1	1	-	-	-							
Democratic Repub. of the Congo.....	1	1	1	4	6	4	Lesotho.....	2	1	1	5	-	2	San Marino.....	2	-	-	1	2	2							
Denmark.....	2	1	1	9	3	3	Liberia.....	2	1	1	-	-	-	Sao Tome and Principe.....	-	-	-	-	-	-							
Djibouti.....	2	1	1	5	-	2	Libya.....	2	1	1	8	1	2	Saudi Arabia.....	2	1	1	14	4	5							
Dominica.....	-	-	-	-	-	-	Lithuania.....	2	1	1	1	-	-	Senegal.....	2	1	1	8	1	10							
Dominican Republic.....	2	-	1	7	1	10	Luxembourg.....	-	-	1	2	2	2	Serbia.....	1	-	1	2	1	1							

	1)	2)	3)	4)	5)	6)
Total	290	118	129	962	363	603

► ILC.112/Record No. 3A

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► Record of Proceedings

3B

International Labour Conference – 112th Session, Geneva, 2024

Date: 13 June 2024

Reports on Credentials

Second report of the Credentials Committee

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Composition of the Conference

1. Since 7 June 2024, when the Credentials Committee adopted its first report (ILC.112/Record No. 3A), one more Member State (Ecuador) has accredited a delegation, bringing the total number of accredited Member States to 174. In addition, two Member States (Suriname and Uganda) have regained the right to vote.
2. There are altogether 6,246 persons accredited to the Conference (as compared to 6,095 in 2023) of whom 4,987 have registered. Among the persons accredited, there are 169 ministers and vice-ministers.
3. The overall proportion of women delegates and advisers remains at 37.8 per cent. The appendix contains more details on the proportion of women accredited in delegations.

Monitoring

4. The Committee was seized of four monitoring cases, pursuant to article 34 of the Standing Orders of the International Labour Conference, by virtue of a decision of the Conference taken at its 111th Session (2023).

Djibouti

5. At its 111th Session (2023), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (ILC.111/Record No. 2B(Rev.), paragraph 12). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report, substantiated with relevant documentation:
 - (a) concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and
 - (b) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations. Where more than one organization claims the same name, the report should also specify which organization was consulted and for which reasons.
6. The credentials of Djibouti for the current session of the Conference were submitted through the online accreditation system on 12 May 2024. The Government submitted on 26 May 2024 a brief report to the secretariat of the Committee.
7. In the report, the Government reiterated information provided previously regarding the establishment of criteria for the independent representation of workers in the country. The Government recalled that it had received, following its request for technical assistance, technical comments from the ILO concerning a draft decree on this topic. The Government reiterated that it would keep the Office informed in the near future on developments concerning this draft text. Pending the establishment of criteria, a system of rotation has been implemented since 2017 to nominate the representatives of the workers' organizations to the different functions in the delegation.

8. With respect to the nomination of Workers' delegates and advisers at the present session of the Conference, the Government reiterated the information provided previously regarding the existence of three main representative organizations: the Union Djiboutienne du Travail (UDT), the Union Générale des Travailleurs Djiboutiens (UGTD) and the Confédération Nationale des Employeurs de Djibouti (CNED). The Government stated that the two Workers' organizations – the UDT and the UGTD – as well as the Employers' organization had been invited to designate their representatives within the delegation by letters dated 6 May 2024. In separate communications dated 7 May 2024, the UGTD designated its Secretary-General, Mr Said Yonis Waberi as titular delegate and the Secretary-General of the Syndicat de travailleurs de Djibouti Télécom, Mr Abdo Bileh Guelleh, as advisor, while the UDT designated its President, Mr Mohammed Youssouf Mohamed to participate in the delegation and Mr Ali Mohammed Kamil as substitute delegate.
9. *The Committee notes that the Government's report is largely similar to the report submitted in the previous years and that, yet again, it does not provide satisfactory replies to the questions raised by the Conference. In particular, since 2014 the Government has referred to a draft decree in relation to the establishment of criteria for the independent representation of workers in the country and repeatedly promised to keep the Office informed. In particular, the Government had stated last year that the draft decree would be submitted to tripartite consultation in September 2023, while no update was given this year.*
10. *In addition, the Committee must express once again its concern regarding some contradictory information provided in the report. As last year, the Government has accredited as the Workers' titular delegate the Secretary-General of UGTD, and as an adviser the President of the UDT, whereas, in their nomination letters, the two organizations seemed to expect the opposite. In particular, the Committee notes with perplexity the continued reference by the Government to a rotation system which had been put in place since 2017, while the representative of the UGTD has been continuously designated by the Government as workers' titular delegate since the 108th Session of the Conference.*
11. *The Committee notes, in addition, that the situation having given rise to the monitoring is also the subject of review by the Committee of Experts on the Application of Conventions and Recommendations in relation to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Tripartite Consultation (International Labour Standards Convention, 1976 (No. 144), but that the Government has not submitted its reports or responded to comments submitted by workers' organizations (ILC.112/III(A)).*
12. *The Committee regrets that since the last session of the Conference, no steps have been taken to address the long-standing matters pending before the Committee and that, in general, there is a lack of cooperation from the government in relation to the examination, under established procedures of the Organization, of the question of the establishment of objective criteria for the representativeness of workers' organizations and the free choice of their representatives at the Conference.*
13. *The Committee is concerned by the stalemate reached by the situation. It deeply regrets that the Government has in essence ignored the Committee's report noted by the Conference at its 111th Session. Noting also that the Government has not fulfilled its obligations in relation to the submission of reports and information on the application of ratified Conventions, the Committee is concerned that it is not in a position to take an informed view on the pending matters by reason of the lack of any meaningful information from the Government.*

14. *The Committee strongly urges the Government to implement without delay the measures that it has called for, in order to put an end to a situation that started in 1997, thus lasting more than half of the duration of Djibouti's membership to the Organization.*
15. *Therefore, notwithstanding the fact that the Committee received no objection this year concerning the nomination of the Workers' delegation of Djibouti, the Committee considers that the situation justifies the renewal of its monitoring under terms similar to those decided by the Conference at its last session. Consequently, by virtue of articles 32(7) and 34 of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Djibouti to submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Djibouti, a detailed report, substantiated with relevant information:*
 - (a) *concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and*
 - (b) *on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations. Where more than one organization claim the same name, the report should also specify which organization was consulted and for which reasons.*

Mauritania

16. At its 111th Session (2023), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation ([ILC.111/Record No. 2B\(Rev.\)](#), paragraph 19), and consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report, substantiated with relevant information:
 - (a) the progress made in relation to the organization of elections with a view to determine the representativeness of the workers' organizations;
 - (b) the trade union situation in the country, including the name(s) of the representative workers' organizations, their coverage, their numerical membership, and other objective and verifiable criteria; and
 - (c) the procedure utilized to nominate the Workers' delegation, specifically, the organizations that have been consulted on the matter and according to which criteria; the date of the consultations, and the names and titles of the representatives consulted; information as to the measures taken by the Government to facilitate an agreement among the representative workers' organizations; and the names of the individuals nominated by the organizations during these consultations.
17. According to the credentials deposited through the online accreditation system on 15 May 2024, the Workers' delegate for this year's Conference was the Secretary-General of the Union des Travailleurs de Mauritanie, accompanied by one substitute delegate (the Secretary-General of the Confédération mauritanienne des Travailleurs) and four advisers (the Secretaries-General of the Confédération générale des Travailleurs de Mauritanie, of the Union générale du Travail et de la Santé en Mauritanie, of the Union de la Génération nouvelle des

Travailleurs de Mauritanie and a member of the Executive Board of the Union nationale des Travailleurs sociaux).

18. In its report submitted on 27 May 2024 in response to the decision taken by the Conference at its last session, the Government recalled that it had already started the process for the determination of the representativeness of trade unions. In particular, a commission had been established within the Ministry of Public Service and Labour on 10 October 2023, whose role would be to supervise this process. Pending the completion of this process, the Ministry of Public Service and Labour had put in place a list of criteria to evaluate the representativeness of trade unions, such as the age of the organization, number of shop stewards, territorial coverage, number of affiliated unions, number of collective or individual labour disputes supported by the organization, which permitted the Ministry to designate workers' representatives in international forums and in certain public institutions.
19. *The Committee notes the information provided by the Government. It once again deeply regrets that the process to determine the representativeness of the workers' organizations has still not been completed. It notes in this regard that the Government committed already more than ten years ago to organizing trade union elections (ILC.101/Record No. 4C, paragraph 69) and had provided to the Committee a detailed road map for the holding of elections by the end of 2022, approved at the ministerial level (ILC.110/Record No. 2B, paragraph 15). Under decree 156-2014 of 2014, trade union elections became a necessary requirement for trade unions to be able to claim representativeness, yet none were organized.*
20. *The Committee deeply regrets that the report submitted by the Government does not provide information as to whether consultations have taken place prior to the designation of the delegation to the Conference, while it had previously attempted such consultations. Furthermore, the Committee deeply regrets that only cursory information was provided by the Government with regard to the criteria applied for the purpose of the nomination of the Workers' delegation, a question on which the Committee had commented in previous years (ILC.110/Record No. 2B, paragraph 17; ILC.111/Record No. 2B(Rev.), paragraph 18), and that no information was provided on its concrete application to the nominations for this session.*
21. *The Committee welcomes the information provided by the Office according to which the Minister of Public Service and Labour, in a visit to Geneva in March 2024, had met with the Office to discuss the Government's road map to trade union elections to be held during the second half of 2024 and to request technical assistance from the Office. The Committee urges the Government to fully avail itself of any technical assistance that the Office may be able to provide in response to this request, so that the Government can follow through its commitment to organize elections as soon as possible with a view to determining the representativeness of trade unions. The Committee expects that this process will be completed in time to benefit the nomination of the Workers' delegation to the next session of the Conference.*
22. *Considering, on the one hand, the serious doubts that remain, as in previous years, as to the nominations made for this session of the Conference and, on the other hand, the commitments made by the Government, the Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those decided by the Conference at its last three sessions. Consequently, by virtue of articles 32(7) and 34 of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Mauritania to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report, substantiated with relevant information:*
 - (a) *the progress made in relation to the organization of elections with a view to determine the representativeness of the workers' organizations;*

- (b) *the trade union situation in the country, including the name(s) of the representative workers' organizations, their coverage, their numerical membership, and other objective and verifiable criteria; and*
- (c) *the procedure utilized to nominate the Workers' delegation, specifically, the organizations that have been consulted on the matter and according to which criteria; the date of the consultations, and the names and titles of the representatives consulted; information as to the measures taken by the Government to facilitate an agreement among the representative workers' organizations; and the names of the individuals nominated by the organizations during these consultations.*

Nicaragua

23. At its 111th Session (2023), the International Labour Conference decided, by virtue of article 32 (7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to monitor the nomination of the Employers' delegation of Nicaragua (ILC.111/Record No. 2B(Rev.), paragraph 103). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submits the credentials for the delegation of Nicaragua, a detailed report substantiated with relevant documentation on:
 - (a) the representative employers' organizations operating in Nicaragua, specifying their membership and comparative importance, including with respect to any de facto organizations, and
 - (b) the procedure followed for the nomination of the Employers' delegate and advisers, in consultation with representative employers' organizations, specifying the organizations consulted and according to which criteria.
24. The credentials of Nicaragua for the current session of the Conference were submitted through the online accreditation system on 14 May 2024. Following two reminders from the Office, the Government submitted a brief report to the secretariat of the Committee on 4 June 2024. In its report, the Government stated that the country's delegation to the present session of the Conference was nominated on 26 April 2024, in a tripartite manner by a unanimous decision of the representatives from workers' and employers' organizations, and the Government. In response to the Committee's request for documentation on the representativeness of employers' organizations, the Government stated that the delegation sufficiently represented the country's employers and provided documents to support its claims, including the records of the 26 April 2024 meeting, an invitation letter to that meeting addressed to the Asociación de Promoción al Desarrollo y Sostenibilidad de Nicaragua (APRODESNI), as well as documents attesting to the juridical personality of the Cámara Nacional de la Pequeña Industria (CONAPI) and APRODESNI.
25. *The Committee regrets that the report requested by the Conference was submitted only after two reminders from the Office and 21 days after the Government had submitted its credentials. It further regrets that the Government's report does not satisfactorily address several questions raised by the Conference. While the Government has provided information concerning the organization of a meeting for the nomination of the country's delegation to the Conference, it has entirely failed to indicate the criteria of representativeness on the basis of which the participating organizations were invited. Furthermore, the Government has not provided the information requested by the Committee on the representative employers' organizations operating in Nicaragua, including their membership figures and comparative importance, including with respect to any de facto organizations. The Committee observes with serious concern that, despite its conclusions on objections lodged at*

previous sessions of the Conference, an objection has once again been lodged against the Government of Nicaragua concerning the nomination of the Employers' delegation. Taking into account its conclusions on the examination of that objection (see paragraphs 88 to 92 below), the Committee considers that the situation justifies the renewal of the monitoring of the situation under terms similar to those decided by the Conference at its last session. Consequently, by virtue of article 32(7) of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Nicaragua to submit for the next session of the Conference, at same time as it submits the credentials for the delegation of Nicaragua, a detailed report substantiated with relevant documentation on:

- (a) the representative employers' organizations operating in Nicaragua, specifying their membership and comparative importance, including with respect to any de facto organizations, and*
- (b) the procedure followed for the nomination of the Employers' delegate and advisers, in consultation with representative employers' organizations, specifying the organizations consulted and according to which criteria.*

Bolivarian Republic of Venezuela

- 26.** At its 111th Session (2023), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (ILC.111/Record No. 2B(Rev.), paragraph 29), and consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report, substantiated with relevant information on:
 - (a) steps taken by the Government to obtain objective evidence regarding the representativeness of all workers' organizations in the country; and
 - (b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.
- 27.** In its report, which was submitted on 14 May 2024, the Government indicated that, based on the affiliation data available from the National Trade Union Registry (NTUR), the Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y la Pesca (CBST-CCP) remained the most representative organization in terms of the number of affiliate organizations and workers, according to the figures updated by the organization in April 2024. This year again, the Government had urged the trade union organizations to register and update their data in NTUR within the first three months of the year, as required by article 388 of the Organic Labour Law, and had granted an additional period of 60 days for doing so. As regards the determination of representativeness, the Government had also considered the fact that the CBST-CCP had engaged most frequently in collective bargaining and signed the largest number of collective agreements.
- 28.** The Government detailed the actions it had taken for the purposes of designating the Workers' delegation to the present session of the Conference, which had included a written call for all workers' organizations (ASI, CBST-CCP, CGT, CODESA, CTV and UNETE) to come up with a proposal and a dedicated meeting where the organizations participating in the Social Dialogue Forum (ASI, CBST-CCP, CGT and CTV) were invited with a view to reaching consensus on the composition of the delegation. However, subsequently, separate proposals were received from

ASI, CBST-CCP and CGT. The Government accredited the Workers' delegation based on the proposal received from the CBST-CCP, considering that it included the largest number of representatives of the different trade union organizations.

29. The Government further recalled that it had continuously and repeatedly requested the Office's technical assistance with the determination of representativeness of employers' and workers' organizations.
30. *The Committee notes that, this year again, the Government accredited the Workers' delegation to the present session of the Conference on the basis of a proposal received from the CBST-CCP. While in addition to the Workers' delegate, substitute delegate and advisers from the CBST-CCP, the Workers' delegation also includes representatives from the three other workers' organizations participating in the Social Dialogue Forum (ASI, CGT and CTV), their inclusion does not appear to result from an agreement amongst the organizations concerned. The Committee also notes that two workers' organizations that did not subscribe to the terms of the Plan of Action adopted by the Social Dialogue Forum (CODESA and UNETE) and have been excluded from the subsequent meetings of the Forum, have again, this year, filed an objection concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela, calling into question the independence of the CBST-CCP (see paragraphs 112 to 116 below).*
31. *The Committee recalls, once again, that where several representative organizations exist, Governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. However, while both the Government and the organizations concerned should strive to achieve such an agreement, and while a plurality of organizations may better represent the views of employers and workers in a country, such a plurality cannot be unilaterally imposed by the Government. Failing an agreement amongst most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative.*
32. *As regards the determination of representativeness on the basis of registration data available in the NTUR, the Committee recalls that the Commission of Inquiry appointed under article 26 of the ILO Constitution to examine the observance by the Government of the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), recommended, in consultation with the representative organizations, "the adoption of the necessary measures to ensure in law and practice that registration is a mere administrative formality and that in no event can it imply previous authorization" as well as "in general, the elimination in law and practice of any provisions or institutions that are incompatible with freedom of association, including the requirement to provide detailed information on members, taking into account the conclusions of the Commission and the comments of the ILO supervisory bodies" (see [Report of the Commission of Inquiry](#), paragraph 497(2)(i) and (v)). In this respect, the Committee notes that during the fourth session of the Social Dialogue Forum held in Caracas from 1 to 2 February 2024, the participating workers' organizations indicated that there were still "serious problems with the functioning of the National Register of Trade Union Organizations" ([GB.350/INS/12\(Rev.1\)](#), paragraph 6(c)). The Committee further notes that the "Follow-up to and updating of the plan of action resulting from the Social Dialogue Forum in the Bolivarian Republic of Venezuela" adopted by the participants in the fourth session of the Forum contains a commitment to "identify, by means of regular meetings, institutional formulas or processes to strengthen the functioning of the National Register of Trade Union Organizations and continue to address particular cases submitted by workers' organizations" ([GB.350/INS/12\(Rev.1\)](#)). Concerning the Government's request for the ILO's technical assistance with the determination of representativeness, the Committee recalls the relevant recommendation made by the Committee of*

Experts on the Application of Conventions and Recommendations in its report submitted to the last session of the Conference according to which “ILO technical assistance should be defined on a tripartite basis in the context of institutionalized dialogue” (ILC.111/Report III (Part A), p. 328).

- 33.** *In light of the foregoing, the Committee considers that it is necessary to renew the monitoring measures. Consequently, it unanimously recommends to the Conference that it request the Government of the Bolivarian Republic of Venezuela, by virtue of articles 32(7) and 34 of the Conference Standing Orders, to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report substantiated with relevant documentation on:*
- (a) steps taken by the Government to obtain objective evidence regarding the representativeness of all workers’ organizations in the country; and*
 - (b) the procedure followed to attempt to reach an agreement among the most representative workers’ organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers’ delegation.*

Objections

- 34.** The Committee has received and dealt with 17 objections. These relate both to the credentials of delegates and their advisers who were accredited to the Conference, as reflected in the provisional list of delegations published on 3 June 2024 and in the revised provisional list of delegations of 7 June 2024, as well as to incomplete delegations. The Committee has completed the examination of all objections, which are listed below.

Objection concerning the nomination of the Workers’ delegation of Belarus

- 35.** The Committee had before it an objection challenging the credentials of the Workers’ delegation of Belarus submitted by the International Trade Union Confederation (ITUC), alleging that the Government had not nominated the Workers’ delegation in conformity with article 3(5) of the ILO Constitution. The objecting organization submitted that both the Workers’ delegate and the substitute delegate, as well as two out of the nine Workers’ advisers, were from the Federation of Trade Unions of Belarus (FPB), an organization that did not genuinely represent the workers of Belarus as it was neither independent nor democratic. It considered that the FPB had been captured by the Presidential administration, as appeared from the fact that a number of its successive leaders had had a government career. The lack of independence of the FPB from the Government had been raised by the United Nations Special Rapporteur on the situation of human rights in Belarus during the High-level roundtable to discuss freedom of association in Belarus held in the ILO on 28 May 2024. The Director-General’s report on the latest development regarding the situation of freedom of association in Belarus submitted to the Committee on the Application of Standards at the current session of the Conference specifically quoted the observations made during the High-level roundtable by the Special Rapporteur regarding the severe workers’ rights violations in the country since August 2020 and the liquidation of independent trade unions, namely the Belarusian Congress of Democratic Trade Unions (BKDP) and the persecution of its leaders, since 2022 (CAN/D/Special sitting Belarus-C.87-C.98, p. 4).
- 36.** The ITUC recalled that, until April 2022, the state tripartite structure involved the BKDP, the only independent trade union confederation in the country, with 10,000 members in four affiliated unions. However, since the recent onslaught by the Government to destroy the independent trade unions, BKDP was no longer part of the national tripartite bodies set up following recommendations made by the 2004 Commission of Inquiry. In 2022, the Supreme

Court had issued rulings to discontinue the activities of the BKDP and four other major trade unions, and several BKDP leaders and activists had been detained and sentenced to prison.

37. The ITUC recalled the resolution adopted by the Conference at its 111th Session, concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus ([ILC.111/Resolution I](#)) and the Committee's conclusions on the objection filed by the ITUC concerning the nomination of the Workers' delegation of Belarus at the last session of the Conference ([ILC.111/Record No. 2B\(Rev.\)](#)). The Committee had not recommended the invalidation of the credentials of the Worker's delegation, in the hope that the Government would promptly and in good faith comply with the requests and recommendations of the ILO's supervisory bodies and would thereby ensure the nomination of the Workers' delegation to the current session of the Conference in agreement with the most representative, genuine and independent workers' organizations. According to the ITUC, the Government had thus far ignored these calls, leading the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in its report submitted to this session of the Conference to consider that "the failure of the Government to acknowledge, address and redress very serious allegations of violation of civil liberties or to act on the repeated specific requests of the ILO supervisory bodies, including those made by [the CEACR], reinforces the reality of wilful Government non-compliance with its obligations stemming from its membership in the Organization" ([ILC.112/Report III \(Part A\)](#), p. 142).
38. The objecting organization further recalled that the CEACR and the Conference Committee on the Application of Standards (CAN) had repeatedly denounced the express support and display of favouritism shown by the State authorities, and in particular the President, towards the FPB. It also noted that, in her latest report, the United Nations Special Rapporteur on the situation of human rights in Belarus, acknowledging the lack of independence of the FPB, had recommended suspending its participation in the International Labour Conference ([A/HRC/56/65](#), paragraph 131). The ITUC requested the Committee to reject the credentials of Workers' delegation of Belarus for its lack of representativeness and genuineness.
39. In a written communication addressed to the Committee at its request, the Government indicated that the objection was completely unfounded and based on unconfirmed and unsubstantiated claims which in no way reflected the actual situation. It indicated that the FPB was the only association of trade unions operating in the whole territory of the country, with a membership of around four million people from 15 national sectoral trade unions. It indicated that, in addition to the FPB, several other trade unions were registered in the country. However, the FPB was the only most representative workers' organization within the meaning of article 3(5) of the ILO Constitution. Consequently, the Government requested the FPB to designate its representatives to the Workers' delegation to the present session of the Conference, which it did, independently and freely, without any Government interference. The Government nominated the Workers' delegation based on the information received from the FPB.
40. As regards the question of the representative nature of the FPB, the Government explained that, in accordance with the Law on Trade Unions, the FPB carried out its activities independently, in accordance with its Charter. Its current President was elected at the Ninth Extraordinary FPB Congress on 5 April 2024. The FPB's activities, which included active participation in social dialogue, collective bargaining processes and the protection of workers' rights, are not financed or controlled by the Government. The Government emphasized the role of the FPB and its member organizations' in achieving a high number of collective agreements providing additional social and labour guarantees for workers with respect to the legislation. As a Co-Chairperson of the National Council on Labour and Social Issues (NCLSI),

the Chairman of the FPB indeed signed the General Agreement on behalf of the workers. In view of the above, the Government insisted that there were no grounds to cast doubt on the representative nature of the FPB. The Government considered that the objection was unfounded and politically motivated and proposed that it be set aside.

41. *The Committee deeply regrets that the Government merely reiterates the information provided in response to the objection presented to the Committee last year, affirming the representativeness of the FPB, without addressing the allegations concerning the destruction of independent trade unions, and namely the BKDP. In this regard, the Committee notes that the CEACR, in its report to this session of the Conference, noted “with deep concern the absence of any measures taken to review the situation of the dissolved trade unions so as to ensure that they may again function and fully participate in national tripartite bodies” and deplored “the total lack of progress in implementing the recommendations of the 2004 Commission of Inquiry and in addressing the outstanding recommendations of the ILO supervisory bodies, as well as the continuing deterioration of freedom of association in the country” (ILC.112/Report III (Part A), pp. 143–144).*
42. *The Committee observes that the issues raised by the objection relate to extremely serious violations of the principles of freedom of association whose examination fall outside of its mandate. However, as it found last year (ILC.111/Record No. 2B(Rev.), paragraph 46), there is nothing to impede the Committee from taking into account findings of competent ILO supervisory bodies on questions of freedom of association in examining allegations of non-respect of article 3(5) of the ILO Constitution. In this regard, the Committee wishes to reaffirm its conviction that the requirement of consultation and agreement with the most representative workers’ organizations under article 3(5) of the Constitution can only be satisfied if the organizations consulted were genuine organizations of workers, free and independent from the Government.*
43. *While the FPB undoubtedly has the largest membership, the Committee remains of the view that the FPB has not shown that it is a genuine organization of workers, free and independent from the Government. As the CEACR noted in its most recent report to the Conference, the FPB “enjoyed the publicly expressed support from State authorities at the highest level” and its “independence from the authorities was questionable” (ILC.112/Report III (Part A), p. 143). The Committee further notes the statement by the United Nations Special Rapporteur on the situation of human rights in Belarus regarding the lack of independence of the FPB.*
44. *These considerations, combined with the deplorable absence of any measures taken by the Government to review the situation of the dissolved trade unions, reinforce the Committee’s serious doubts that the nomination of the Workers’ delegation to the Conference has been made in accordance with article 3, paragraph 5, of the ILO Constitution. Noting the long-standing conclusions of the ILO’s supervisory bodies, and in particular, the measures under article 33 of the ILO Constitution adopted at the last session of the Conference, the Committee urges the Government to cooperate with the ILO and its supervisory bodies in securing compliance with the recommendations of the Commission of Inquiry of 2004, and thereby ensure that the Workers’ delegation to the next session of the Conference is nominated in agreement with the most representative, genuine and independent workers’ organizations. In the absence of progress, the Committee will consider proposing the invalidation of the credentials of the Workers’ delegation to the Conference.*
45. *Considering the grave allegations repeated in this year’s objection concerning the nomination of the Workers’ delegation of Belarus, the Committee considers that the nomination of the Workers’ delegation of Belarus should be monitored. By virtue of article 32(7) of the Conference Standing Orders, the Committee unanimously proposes that the Conference request that the Government of*

Belarus submit for the next session of the Conference, at the same time that it submits the credentials for the delegation of Belarus, a detailed report substantiated with relevant documentation:

- (a) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with most representative workers' organizations, specifying the organizations consulted and according to which criteria; and*
- (b) on the concrete measures undertaken, in line with the recommendations of ILO supervisory bodies, to ensure that organizations consulted on the nomination of the Workers' delegate and advisers are genuine organizations of workers, free and independent from the Government.*

Late objection concerning the nomination of the Workers' delegation of Cabo Verde

- 46.** The Committee received an objection concerning the nomination of the Workers' delegation of Cabo Verde presented by the International Trade Union Confederation (ITUC) on behalf of União Nacional dos Trabalhadores de Cabo Verde – Central Sindical (UNTC-CS).
- 47.** *The objection, dated 17 May 2024, was received by the Credentials Committee on 10 June 2024, at 8.39 a.m., well after the expiry of the time limit established by article 32, paragraph 1(a) of the Standing Orders of the Conference (i.e., Wednesday, 5 June, at 10 a.m. for this session of the Conference). The Committee considers that the objection is time-barred and thus not receivable.*

Objection concerning the nomination of the Workers' delegation of Colombia

- 48.** The Credentials Committee received an objection presented by Ms Miryam Luz Triana Alvis, President of the Confederación General del Trabajo (CGT), concerning the nomination of the Workers' delegate. The author of the objection alleged that the Ministry of Labour had unduly interfered in internal matters of the CGT, including by nominating Mr Percy Oyola Palomá as Workers' delegate for a second consecutive year. Following the removal of Mr Oyola Palomá as CGT President on 15 April 2023, the Ministry of Labour delayed issuing Ms Triana Alvis her certificate of legal representation and, once registered, overrode it through the subsequent issuance of one in favour of Mr Oyola Palomá, as CGT President. In July 2023, the CGT's highest organ (Congreso Confederado) met and reaffirmed Ms Triana Alvis' position as President, which was nevertheless not recognized by the Ministry. Her exclusion from the Workers' delegation amounted to bias, violating the right to union representation pursuant to the Workers' Representatives Convention, 1971 (No. 135) and article 3(5) of the ILO Constitution, and she requested that the Committee take action.
- 49.** On 4 June 2024, the Committee received an unsolicited communication signed by the Central Unitaria de Trabajadores (CUT), Confederación de Trabajadores de Colombia (CTC) and Mr Oyola Palomá for the CGT, as well as the Confederación de Pensionados de Colombia (CPC) and the Confederación Democrática de Pensionados de Colombia (CDP). The CUT, CTC and the CGT submitted that they were the most representative workers' organizations in the country and combined with the CPC and the CDP formed the Comando Nacional Unitario, representing the most important trade and social union movement. They expressed their surprise regarding Ms Triana Alvis' pretensions to be accredited as the Workers' delegate, explaining that the representation of the Colombian workers to the Conference was an annual joint decision made by the trade union confederations before the tripartite subcommittee on international relations. This year the mandate fell on the CGT in the person of its President, Mr Oyola Palomá. They requested that the Committee not respond positively to the claim.
- 50.** In a written communication addressed to the Committee at its request, the Government submitted detailed information on the method and mechanism for determining the most

representative organizations, which were the CUT, CGT and CTC. Regarding consultations, it limited itself to receiving the names transmitted by the most representative workers organizations that were communicated to it during a meeting held on 7 May 2024, for the purpose of designating the members of the delegation to this year's Conference. The Government was informed by the CUT that the Workers' delegate would be Mr Oyola Palomá, who was recognized as the CGT's legitimate representative by the Comando Nacional Unitario. The Government acknowledged having received two communications from the CGT but decided in favour of Mr Oyola Palomá, based on his registration status and his recognition as legitimate representative by the Comando Nacional Unitario. It stressed that it did not interfere with any decision made by the workers.

51. *The Committee notes that the representativeness of the CGT is not called into question, but rather the individuals representing it. It notes that the Government designated the Workers' delegate, Mr Oyola Palomá, on the basis of the nomination received from the CUT, CTC and others who form the Comando Nacional Unitario. Insofar as the objection before it arises from a conflict within the CGT, the Committee recalls its consistent line of jurisprudence that where a matter centres on an internal conflict within an organization, it lacks jurisdiction to examine the dispute. In these circumstances, the Committee is unable to reach further conclusions on the matter. It expresses its hope that the parties will endeavour to resolve their differences before the next session of the Conference.*

Objection concerning the failure to deposit credentials of an Employers' delegate by the Government of El Salvador

52. The Credentials Committee received an objection presented by the Employers' Group concerning the failure to deposit credentials of an Employers' delegate by the Government of El Salvador. The Employers' Group submitted that the Government had failed to fulfil its constitutional obligations by excluding the country's legitimate employers' representatives from the Conference. This exclusion took place in a country where non-compliance with ILO Conventions Nos 87 and 144 was ongoing and, in this regard, it referred to a 10 November 2022 communication from the International Organization of Employers (IOE) to the Committee of Experts on the Application of Conventions and Recommendations. It stressed that article 3 (5) of the ILO Constitution required that employer and worker delegates be appointed "in agreement with the most representative professional organizations of employers or workers." The Committee was requested to take all necessary measures, so that future delegations to the Conference were fully tripartite and nominated in consultation with the legitimate and most representative employers' organization in the country, namely the Asociación Nacional de la Empresa Privada (ANEP).
53. In a written communication addressed to the Committee at its request, the Government referred to consultations held in relation to the 111th (2023) Session of the Conference and explained that insofar as designations for employers' and workers' representatives were solicited, only the workers had responded last year. In the absence of a reply, the Government proceeded to nominate employers who had participated in previous consultations. However, it had been accused of interference. For the present session of the Conference, to avoid similar accusations, the Government limited itself to requesting nominations from the employers' and workers' organizations. While it had received designations for the workers' representatives, it had not received one for the employers' representatives. Instead, the IOE had written the ILO Director-General bypassing the appropriate governmental authorities responsible for the accreditation. The Government added that it had been engaged with the ILO through the supervisory mechanisms in the past year, but as relayed in its reports, politicization was

ongoing in the unprecedented electoral situation, including by the ANEP. This, along with other reasons, had not permitted it to embark on consultations this year for the purposes of nominating delegates to the Conference, although it remained receptive to expressions of interest from the sectors. The Government regretted the situation and reiterated its commitment to respond to the situation that gave rise to the objection, including through social dialogue. It requested cooperation from the interested parties and that it not be bypassed in the future.

54. *The Committee recalls the obligation that all governments have, under article 3(1) and (5) of the ILO Constitution, to nominate a fully tripartite delegation and to ensure that non-governmental delegates and advisers are chosen in agreement with the most representative employers' or workers' organizations, as the case may be, in their respective countries. The Committee notes that, according to the Employers' group, ANEP is the most representative Employers' organization of El Salvador and that this is not questioned by the Government. The Committee further notes that the Government this year did not undertake consultations, but rather simply solicited designations from both the employers and workers. However, the Committee observes that the Government did not submit any documents to support that these designations were in fact solicited nor to whom they were directed.*
55. *Taken together with the Government's acknowledgment that it did not undertake consultations this year with respect to designating the Employers' delegation to the Conference and that this was already the subject of an objection last year that centred on the failure of effective consultations (ILC.111/Record No. 2B (Rev.)), the Committee expresses its deep concern that the Government appears to ignore its obligations under article 3(1) and (5) of the ILO Constitution to nominate a fully tripartite delegation and to ensure that non-governmental delegates and advisers are chosen in agreement with the most representative employers' or workers' organizations. Moreover, this year, the Committee notes that in sending a delegation that is not fully tripartite, the Government deprives not only the employers of the country of their right of being represented in the highest policymaking body of the ILO and to participate in its work, but also the workers of the right to vote, by virtue of article 4(2) of the ILO Constitution. Without the participation of Government, Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives.*
56. *Taking into account the Government's commitment to respond to the situation that gave rise to the objection, including through social dialogue, the Committee urges the Government to accredit a fully tripartite delegation to the Conference next year in consultation with the most representative employers' and workers' organizations of the country.*

Objections concerning the nomination of the Workers' delegation of Guinea-Bissau

57. The Committee received an objection from the União Nacional dos Trabalhadores da Guiné-Central Sindical (UNTG-CS), signed by Mr Júlio António Mendonça, Secretary-General, supported by the International Trade Union Confederation (ITUC), regarding the nomination of the Workers' delegation of Guinea-Bissau. According to the UNTG-CS, which claims to be Guinea-Bissau's largest workers' organization, the persons appointed by the Government as workers' representatives for the 112th Session of the Conference did not belong to the UNTG-CS and were nominated without the organization's knowledge, which violated the principles of freedom of association. It requested that these individuals be not accredited. The ITUC added that the nominated representatives did not meet the criteria of genuineness and representativeness, as they were not freely chosen by workers and were not independent from the Government. The ITUC recalled that the currently nominated representatives forcibly occupied the UNTG-CS offices despite a court order validating the legitimate leaders' election. Therefore, the ITUC requested that the Committee reject the credentials of the Workers' delegation.

58. In a written communication addressed to the Committee at its request, the Government rejected the allegations as a misrepresentation of the union situation in the country. It noted the existence of two large workers' organizations, Confederação Geral dos Sindicatos Independentes da Guiné-Bissau (CGSI-GB) and UNTG-CS, and challenged the claim that UNTG-CS was the most representative in the absence of any reliable documentation in this regard. The Government indicated that the current Secretary-General of CGSI-GB was nominated for the Workers' delegation following an invitation by the Government, and that the representative of UNTG-CS, Mr Laureano Pereira had been invited as a consequence of the UNTG-CS congress that had been held in accordance with legal procedures. The Government questioned the legitimacy of Mr Mendonça as Secretary-General of the UNTG-CS as he had never presented himself to the Government as a representative of the workers. In fact, as an independent professional, he was more an employer than a representative of workers. Noting that both unions frequently participated in tripartite social dialogue and regretting the inaccurate information provided by the objecting organizations, the Government requested ILO support for a survey on union representation and organization with a view to resolving the issue concerning UNTG-CS. It affirmed that all accredited representatives were genuine workers and reiterated its commitment to ILO principles and to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
59. *The Committee observes that this is the third consecutive time it has before it an objection concerning the Workers' delegation of Guinea-Bissau. The Committee takes note of the Government's response but is concerned about the incomplete nature of the information provided. It notes, in particular, that the Government did not address the repeated grave allegation that the UNTG-CS offices were forcibly taken over by the persons accredited at this session as Workers' substitute delegate and adviser, with the help of the Government and despite a court order validating the election of the leadership under Mr Mendonça.*
60. *The Committee reiterates that while it lacks jurisdiction to examine the dispute concerning the UNTG-CS leadership, it can and must consider the allegations of Government interference in the affairs of that organization to the extent that they may have had a bearing on the nomination of the Workers' delegation to the Conference. For there can be no valid designation of delegates and advisers under article 3(5) of the ILO Constitution that is the result of Government interference. In view of the allegations contained in the objection and the Government's insufficient response to them, the Committee has serious doubts as to whether the nomination of the Workers' delegation was made in full independence from the Government.*
61. *With regard to the allegations of violations of freedom of association that go beyond the question concerning the nomination of the Workers' delegation to the Conference, the Committee reiterates that it has no jurisdiction to investigate such allegations for which only the Committee on Freedom of Association is competent. In this regard, the Committee observed in previous years that the objecting organizations could submit a complaint to that Committee. It notes that the UNTG-CS has now done so (Case No. 3448). In view of this development, the Committee will refrain from recommending further action to the Conference on the objection this year.*
62. *The Committee notes that the Government requests ILO technical assistance on questions relating to the operation and representativeness of workers' organizations. It transmits this request to the Office trusting that it will give it due consideration as circumstances permit, while reiterating that Government interference cannot result in valid designation of delegates.*

Late objections concerning the nomination of the Workers' delegation of India

63. The Committee received two objections concerning the nomination of the Workers' delegation of India. The first objection was presented by Hind Mazdoor Sabha and the second by the Joint Forum of the Ten Central Trade Unions in India (AICCTU, AITUC, AIUTUC, CITU, HMS, LPF, SEWA, TUCC, UTUC and INTUC).
64. *The objections were received by the Credentials Committee on 6 June 2024 and 8 June 2024, respectively. They were received well after the expiry of the time limit established by article 32, paragraph 1(a) of the Standing Orders of the Conference (i.e., Wednesday, 5 June, at 10 a.m. for this session of the Conference). The Committee considers that the objections are time-barred and thus not receivable.*

Objection concerning the nomination of the Employers' delegate of Kyrgyzstan

65. The Credentials Committee received an objection presented by the Employers' Group of the Conference concerning the nomination of the Employers' delegate of Kyrgyzstan. It stated that the Government had appointed the Employers' delegate without consulting or agreeing with the country's most representative employers' organization, thereby violating article 3(5) of the ILO Constitution. It considered that the Chamber of Commerce and Industry, to which the Employers' delegate belonged, could not be considered an independent and most representative employers' organization. The author of the objection regretted that the most representative employers' organization had been denied the right to nominate representatives to the Conference.
66. In a written communication addressed to the Committee at its request, the Government explained that there existed four most representative employers' organizations in the country, and detailed their membership as follows: the Chamber of Commerce and Industry of the Kyrgyz Republic (1,648 member enterprises), the Business Association JIA (more than 1,400 representatives of small, medium and large businesses, including outside the country), the Association of International Road Carriers of the Kyrgyz Republic (more than 1,200 business entities) and the International Business Council (120 member enterprises), the first three of these organizations being party to a tripartite national agreement. The Government further explained that the Chamber of Commerce and Industry was, according to the law establishing it, a non-governmental organization that represented the interests of entrepreneurs and businesses in the country.
67. As to the designation process of the Employers' delegation, the Government indicated that consultations had taken place, due to lack of time, by telephone with the Chamber of Commerce and Industry and with the Business Association JIA. The Government, justifying the designation of an Employers' delegate from the Chamber of Commerce and Industry, referred to limited available funding and to its wish to grant the opportunity for this entity to be represented at the Conference, in order to ultimately raise its status as a social partner on equal footing with other employers' associations.
68. *The Committee notes that according to the information provided by the Government, there are at least three most representative employers' organizations in the country. The Employers' delegate derives from one of them, the Chamber of Commerce and Industry of the Kyrgyz Republic, a non-governmental organization, which according to the membership figures provided has the highest number of member enterprises. In the absence of concrete information from the objecting group, the Committee is not in a position to question the independence or the representativeness of the Chamber of Commerce and Industry.*

69. *Regarding the process of designation of the Employers' delegate, the Committee regrets that, while the Government explained having undertaken some form of consultation by telephone with the two most numerous organizations, no information is provided as to the outcome of the consultations, in particular if agreement was reached with both of them. Doubts arise in this regard in view of the reason given by the Government for appointing the delegate from the Chamber of Commerce and Industry. The Government's desire to give an organization international exposure through participation in the Conference cannot replace the agreement with the most representative employers' organizations required under article 3(5) of the ILO Constitution. In this regard, the Committee recalls that the aim of consultations, that must take place with all the most representative organizations of the country, is to effect an agreement between them which, in the circumstances, may be regarded as the best for the purpose of ensuring the representation of the employers of the country.*
70. *The Committee regrets that the Government did not undertake meaningful and timely consultations for the purpose of nominating the Employers' delegation as required under article 3, paragraph 5, of the ILO Constitution. The Committee therefore has serious doubts whether the Employers' delegate of Kyrgyzstan to this session of the Conference has genuinely been nominated in agreement with the most representative organizations, and thus in full compliance with article 3(5) of the ILO Constitution. It hopes that at future sessions the delegate will be designated as a result of adequate consultations with the most representative employers' organizations of the country and in agreement with them. The Committee will therefore, with this expectation, refrain from recommending further action on the objection this year.*

Objection concerning the nomination of the Workers' delegate of Liberia

71. The Committee received an objection concerning the nomination of the Workers' delegate presented by Mr John Nyemah Natt, acting Secretary-General of the Liberia Labour Congress (LLC). The author of the objection submitted that there was an ongoing leadership crisis within the LLC due to the former Government's interference, who refused freedom of association and right to collective bargaining to civil servants. While the new Minister of Labour had asked his Deputy Minister to facilitate discussion between the LLC faction leaders, he subsequently ignored the Deputy Minister's proposal to accredit both leaders to the present session of the Conference in the hope of bringing appeasement. The Minister accredited the leadership headed by Mr Marcus Blamah as the Workers' delegate, which the objection called "anti-union" leadership. The author of the objection requested the Committee to reject the credentials of the Workers' delegate because of his lack of legitimate representativeness of the workers of Liberia.
72. In a written communication addressed to the Committee at its request, the Government indicated that there was a dispute amongst the leadership of the LLC. As a result of a Supreme Court ruling, the parties were ordered to conduct new elections under the supervision of the Ministry of Labour. Nineteen of the existing 26 workers' organizations in the country participated in the elections, which were held on 26 October 2022, while seven declined to participate. The Government provided the list of the elected officers of the LLC, including the Workers' delegate to this session of the Conference. The Government indicated that the LLC had nominated Mr Blamah, the Secretary-General of the LLC, as the Workers' delegate. The Government stressed that it was bound by the judicial orders of the Supreme Court of Liberia. It requested the Committee to dismiss the objection. The Government provided a copy of the Civil Court ruling dated 27 March 2020 invalidating the LLC elections because of the participation of the Civil Servant Union, which the Court considered ineligible under the 2015 Decent Work act to participate in the elections. It also provided a copy of the Civil Court's final

ruling dated 12 October 2023, confirming the dismissal of the application of the umbrella association of civil servants to become a member of the LLC, a matter that had previously been heard by the Supreme Court of Liberia.

73. In an oral statement delivered to the Committee at his own request, the Minister of Labour reiterated the information provided in the written communication, asking the Committee to recognize Mr Blamah as the democratically elected leader of the LLC. He added that the Government had engaged in mediation efforts between parties to the LLC leadership dispute and was hoping to make some progress in this regard. The Minister also referred to his address to the Conference plenary, indicating that the Government was seeking the ILO's technical assistance in undertaking the alignment of the Civil Service Standing Orders and the 2015 Decent Work Act.
74. *The Committee notes that, for the third consecutive year, it has been seized of an objection concerning the nomination of the Workers' delegate. While the representativeness of the LLC itself is not called into question, the legitimacy of the Workers' delegate as its leader is. The Committee notes that the pending leadership dispute within the LLC originated in the invalidation of the LLC election results on the ground that the Civil Servants Association (CSAL) was not a labour union or trade union within the meaning of the Decent Work Act of 2015, and could therefore not join the LLC nor participate in its elections. Therefore, the objection is linked to a wider question of freedom association in the country, especially as regards the rights of civil servants.*
75. *In this regard, the Committee refers to the conclusions concerning the application by Liberia of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the Committee on the Application of Standards of the 111th Session of the Conference and of the Committee of Experts on the Application of Conventions and Recommendations in its report to this year's Conference concerning the need for the Government to take measures to ensure that all workers are covered by the Convention (see ILC.111/Record No. 4B, p. 349 and ILC.112/Report III(A), p. 295).*
76. *Insofar as the Committee has no jurisdiction to examine questions of freedom of association that go beyond the question concerning the nomination of the Workers' delegation to the Conference, it is unable to reach a conclusion on the objection. However, this year again, it strongly urges the Government to comply with the requests and recommendations of the ILO's supervisory bodies in this regard, as the respect for freedom of association is essential to determining representativeness which lies at the heart of article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegate of Madagascar

77. The Committee received an objection concerning the nomination of the Workers' delegate of Madagascar presented by the Secretary-General of the trade union SVS/ Randrana Sendikaly Mpiaro Ny Zon'ny Mpiasa. The author of the objection claimed that the nomination of the Workers' delegate violated domestic norms, since the latter did not belong to one of the four most representative national workers' organizations – namely the trade unions FISEMARE, SEKRIMA, FISEMA and SVS, as recognized for the period 2022–24 in Governmental decree No. 1680/2024 of 18 March 2024 – but rather to the Conférence des Travailleurs de Madagascar (CTM), a trade union platform. Furthermore, the nomination had been made without consulting these four most representative workers' organizations.
78. In a written communication addressed to the Committee at its request, the Government explained that CTM was the officially recognized platform formally representing workers in the country. Accordingly, it had been consulted by the Government for the designation of the Workers' delegation to the Conference, and its nominations had been included in the

credentials submitted on 12 May 2024. Turning to the decree No. 1680/2024, its application had been provisionally suspended by the Conseil d'État on 22 April 2024.

79. The Government further explained having received, on 16 May 2024, an objection by FISEMARE concerning the composition of the Workers' delegation and the process followed at the CTM, with respect to which the Government had sought explanations from the CTM. In its reply, the CTM clarified that a rotation system had been agreed according to which representation at the Conference would rotate between the three most representative trade unions, namely FISEMARE, SEKRIMA and FISEMA. SEKRIMA, whose turn it was to be represented at the Conference, had been suspended by the CTM. Accordingly, the CTM had nominated the workers' representation, by a decision supported by six out of the ten trade unions members of the CTM, including FISEMA. The CTM recalled the suspension of the decree concerning the representativeness and deplored that one of its members had filed a complaint with the Government, rather than seeking an internal solution. Finally, the Government explained having sought a meeting with the CTM and the objecting organizations in order to find a solution concerning the Workers' delegation at this session of the Conference, but that this meeting had not been accepted prior to the Conference.
80. *The Committee notes that, due to ongoing judicial proceedings, the situation regarding the representativeness of trade unions in the country is not settled. Nevertheless, the Committee considers that, from the information provided, the objecting organization has a reasonable claim at being one of the four most representative workers' organizations in the country, a claim that the Government has not contested.*
81. *The Committee recalls that, as stated in Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice and subsequent case law of the Committee, several most representative organizations may exist in one country and that, in such cases, the Government must, pursuant to the terms of article 3, paragraph 5, of the ILO Constitution, aim to effect an agreement amongst them.*
82. *The Committee notes with concern that, on the one hand, the Government has officially recognized the CTM as the only platform formally representing workers in the country and that, on the other hand, not all most representative trade unions appear to be affiliated to the CTM. By consulting solely the CTM – even if it collectively represents a majority of workers in the country – on the nomination of the Workers' delegation, the Government may be at risk of falling short of article 3(5) of the ILO Constitution.*
83. *The Committee notes that the nomination of the Workers' delegation was the subject of another complaint filed with the Government after the submission of the country's credentials, and that the Government has taken steps to address this complaint. The Committee notes with concern, from the facts presented by the CTM to the Government, that the nomination does not appear to have received substantial support within the CTM.*
84. *Due to the uncertainty concerning the representativeness of trade unions, the Committee does not at present have sufficient information to enable it to arrive at a decision. The Committee trusts that the Government will ensure that the nomination of the Workers' delegation to future sessions of the Conference will be in full compliance with article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegation of Malaysia

85. The Credentials Committee received an objection concerning the nomination of the Workers' delegation of Malaysia, submitted by the Secretary-General, the Vice-President, and the Deputy Secretary-General of the Malaysian Trades Union Congress (MTUC). The authors of the

objection submitted that, despite the reminders and clarifications provided, the Government failed to comply with the usual administrative procedures with a view to obtaining nominations from the MTUC to the Workers' delegation. As a result, the Government failed to accredit Mr Kamarul Baharin bin Mansor, the Secretary-General of the MTUC, to the current session of the Conference. The authors of the objection urged the Committee to refuse to admit any Workers' delegate or adviser representing the MTUC who had not been officially nominated by the MTUC, for the sake of the integrity of the Workers' delegation and tripartism.

86. In a written communication addressed to the Committee at its request, the Government indicated that, through an official email dated 7 May 2024, it requested the Presidents of the Malaysian Employers Federation (MEF) and the MTUC, respectively the most representative employers' and workers' organizations in the country, to provide it with nomination proposals for the non-governmental delegates to the current session of the Conference. The name of Mr Kamarul Baharin bin Mansor was not on the list of nominations received from the MTUC. The Government indicated that on 9 May 2024, it was informed by the Department of Trades Union Affairs that the registration of Mr Kamarul Baharin bin Mansor as the Secretary of the Union of Workers in Maintenance and Waste Management Services of Peninsular Malaysia for the 2023–26 term could not be completed due to non-compliance with Section 26 (1A) of the Trade Unions Act of 1959, insofar as he was not an employee and therefore could not be a union member and hold a position within the trade union. This view was based on an investigation conducted by the Social Security Organization (SOCSO), where it was found that Mr Kamarul Baharin bin Mansor, having resigned from his company, did not qualify as an employee according to the provisions of section 2(5) of the Employees' Social Security Act of 1969. The Government explained that the MTUC membership, according to its constitution, is composed of unions and not individual members. If an individual is not eligible within their union, they cannot be a representative of the union and therefore are not qualified to hold any position in the MTUC, including as a member of the General Council of the MTUC.
87. *The Committee notes that, like the authors of the objection, the Workers' delegate and four of the ten Workers' advisers come from the MTUC. They are the MTUC President and four Vice-Presidents. The Committee therefore notes that the objection does not call into question the representativeness of the MTUC but rather the persons representing it. The Committee also notes the detailed explanations provided by the Government regarding the accreditation process of the Workers' delegation on the basis of the list provided by the MTUC and the absence of any valid mandate within the MTUC of Mr Kamarul Baharin bin Mansor for lacking the status of an employee. In the absence of any specific information provided by the authors of the objection regarding the substance of their allegations, the Committee decides not to uphold the objection.*

Objection concerning the nomination of the Employers' delegation of Nicaragua

88. The Credentials Committee received an objection presented by the Employers' Group of the Conference concerning the nomination of the Employers' delegation of Nicaragua. The objection stated that the Government appointed the Employers' delegation without consulting or agreeing with the country's most representative employers' organization, the Consejo Superior de la Empresa Privada (COSEP), thereby violating article 3(5) of the ILO Constitution. It emphasized the COSEP's traditional role in designating delegates for past ILC sessions and expressed deep concern over the Government's systemic persecution, including the arbitrary detention and forced exile of the COSEP leaders. It was also recalled that the Government had invalidated the juridical personality of 19 employers' organizations, including the COSEP, citing alleged non-compliance with applicable laws based on legal arguments that the Employers' Group considered unfounded. The Government had also supported the creation of an

employers' organization under its control which now heads the Employers' delegation to the Conference. The Employers' Group considered that these actions constituted a systematic violation of the ILO Constitution, tripartism and freedom of association principles. They called for the Committee to address these serious violations, emphasizing the need to uphold the ILO Constitution and ensure genuine and independent representation of Nicaraguan employers at the Conference, free from persecution and respectful of freedom of association.

89. In a written communication addressed to the Committee at its request, the Government called the objection unfounded and lacking in truthful arguments. It contended that a meeting attended by the country's most representative workers' and employers' organizations had been held on 26 April 2024, under the auspices of the Government. It affirmed that the delegation representing Nicaragua at the Conference was sufficiently representative of the majority of employers in the country and provided in support of its allegations the records of the mentioned meeting as well as documents indicating the numerical membership of the Cámara Nacional de la Pequeña Industria (CONAPI), as well as the juridical personality of the CONAPI and the Asociación de Promoción al Desarrollo y Sostenibilidad de Nicaragua (APRODESNI).
90. *The Committee remains deeply concerned about the grave allegations of persecution, intimidation and repression of employers' organizations in Nicaragua. These concerns confirm and add to those it already expressed at the 108th (2019), 110th (2022), and 111th (2023) Sessions of the Conference. The Committee notes that the above-mentioned grave allegations are being examined by competent ILO supervisory bodies. Specifically, it recalls that a complaint under article 26 of the ILO Constitution alleging non-observance by Nicaragua of Conventions Nos 87, 98, 111 and 144, that was submitted by Employers' delegates to the 111th Session of the Conference (2023), has been the subject of a first discussion at the Governing Body in March 2024 (GB.350/INS/15(Rev.1)). It also takes note of the 2023 conclusions of the Conference Committee on the Application of Standards that highlight "persistent climate of intimidation and harassment of independent workers' and employers' organizations. The Committee noted with deep concern the allegations of the arrest and detention of employer leaders and the further deterioration of the situation" (CAN/PV.CCL 14.06.23).*
91. *The Committee recalls that article 3(5) of the ILO Constitution requires consultation by the Government of the most representative employers' organizations. It notes that the Government has never explicitly denied that the COSEP is one of the most representative employer organizations in the country. However, the information made available to the Committee shows that the COSEP and other organizations have been deprived of their legal existence. In this regard, the Committee recalls that, according to its case-law, the sole fact that an organization may have no legal recognition does not exempt the Government from consulting it, as article 3(5) of the ILO Constitution refers simply to the existence of – not to the legal existence of – employers' and workers' organization (ILC.97/ Record 4C, paragraph 53). If the COSEP still had a de facto existence, it should have been consulted by the Government.*
92. *The Committee considers that, given the reiterated and serious nature of the allegations against it, the Government had a heightened duty to provide sufficient and clear evidence to ensure that the Employers' delegation was nominated in accordance with the ILO Constitution. Despite the submission of certain documents, the Government has failed to provide verifiable information regarding the representativeness of the organizations concerned, including the COSEP, and, therefore, has not demonstrated that the nomination of the Employers' delegation was done in full compliance with article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegation of Pakistan

93. The Credentials Committee received an objection presented by Mr Chaudhary Muhammed Yaseen, General Secretary of the Pakistan Workers Federation (PWF), concerning the nomination of two members of the Workers' delegation of Pakistan. The author of the objection alleged that the nominations of Mr Mohammad Zahoor Awan, as Workers' delegate, and of the two Workers' advisers had been made without his consent as General Secretary of the PWF. Their designation as Workers' representatives was dubious since they had no organizational capacity or mandate to represent Pakistani workers on behalf of the PWF. The author of the objection furnished a document from the National Industrial Relations Commission (NIRC) showing that he had been elected as General Secretary of the PWF (Case Order No. 13(67)/2023 of 5 April 2023). He added that the PWF was the most representative workers' organization and, as submitted to last year's Credentials Committee, requested the Committee this year to withdraw the accreditations of the Workers' delegate and advisers.
94. In a written communication addressed to the Committee at its request, the Government submitted that the NIRC's 2019 figures for the PWF placed its membership at 510,280; Muthahida Labour Federation's at 44,537; and National Labour Federation's at 42,210. However, in 2023, the NIRC's updated figures for the National Labour Federation placed its membership at 434,936; PWF's at 215,318; and the Pakistan Central Mines Federation's at 191,743. Although those figures were awaiting validation by the NIRC and were questioned by the International Trade Union Confederation Asia-Pacific (ITUC-AP), the Government submitted that the change in membership levels demonstrated that there was a changing trend regarding the representative nature of the PWF. If the NIRC figures were to be relied upon, neither of the purported PWF leaders came from the current most representative workers' organization, i.e., the National Labour Federation.
95. On the nomination of the Workers' delegate, the Government was aware that the intra-federation dispute continued between two PWF factions. However, it had received a designation on 29 March 2024 from Mr Awan. It continued to rely on information that identified him as the PWF's President on the NIRC website. Also, Mr Yaseen's credentials as an office-bearer of the PWF were pending adjudication by the NIRC. The Government submitted letters indicating that the ILO Country Office, the regional (ITUC-AP) and international (ITUC) workers' organizations, to which PWF is affiliated, had acknowledged the election of Mr Awan. His inclusion in the delegation by the Government was also due to his perceived suitability, extensive experience, on the recommendation of the President of the PWF. Since 2012, he had attended sessions of the International Labour Conference and was a sitting Worker deputy member (2021 to 2024) of the ILO Governing Body.
96. The Government did not invite Mr Yaseen to consultations in view of the PWF's President's designation. It acknowledged receiving a communication on 27 May 2024 from Mr Yaseen which arrived too late for consideration as the approval process for Pakistan's delegation to the Conference was nearly complete. For the next session of the Conference, the Government would seek to ensure that the situation regarding the most representative workers' organization and PWF's legal office bearers would be well-settled. It conceded that, in view of the ongoing litigation between the different factions of the PWF and the National Labour Federation's less than responsive attitude towards the NIRC and the Government, the Workers' delegation's nomination to this year's Conference might not be the most suitable to represent the workforce of the country.
97. *The Committee notes that for a second consecutive year, an objection has been filed regarding the designations of the Workers' delegation of Pakistan led by Mr Awan as delegate*

(ILC.111/Record No. 2B(Rev.), paragraph 106). As last year, the objection challenges the individuals representing the PWF and does not call into question the representativeness of the PWF. However, the Committee notes with concern the Government's statement casting doubts as to the representativeness of the Workers' delegation it has designated to this session of the Conference. Insofar as it implies that the PWF may no longer be the most representative workers' organization, the Committee recalls that it is the Government's obligation to assess the representativeness of workers' organizations based on objective and verifiable criteria and to consult with all the most representative organizations with a view to reach an agreement with them on the composition of the Workers' delegation.

98. *As regards the doubts raised concerning the legitimate leadership of the PWF, the Committee notes that the Government has accepted the nomination of Mr Awan as the Workers' delegate received from the person indicated as PWF President on the NIRC's website, although the same website shows Mr Yaseen as General Secretary of the PWF. In this regard, the Committee recalls its consistent line of jurisprudence that where a matter centres on an internal conflict within an organization it lacks jurisdiction to examine the dispute. Insofar as the Government justified Mr Awan's designation with his long-standing experience, his frequent nomination as Workers' delegate at previous sessions of the Conference as well as his mandate as Worker deputy member of the ILO Governing Body, the Committee considers that those facts do not in themselves establish his representativeness as the Workers' delegate at this session of the Conference.*
99. *Noting the Government's commitment to settle the issues regarding the most representative workers' organization and the PWF's leadership before the next session of the Conference, the Committee trusts that the Government will designate the Workers' delegation to that session in full conformity with article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegation of Qatar

100. The Credentials Committee had before it an objection challenging the credentials of the Workers' delegation of Qatar submitted by FairSquare Projects, a non-profit research and advocacy organization based in the United Kingdom of Great Britain and Northern Ireland, alleging that the Government had not designated the Workers' delegation in conformity with article 3(5) of the ILO Constitution. It submitted that the Workers' delegation of Qatar to the Conference was composed of employees of state-owned companies, who had not been freely chosen by workers and were not representative of Qatar's workforce.
101. In a written communication addressed to the Committee at its request, the Government indicated that the Workers' delegation was selected by the workers' committees of two enterprises, which encompassed a significant portion of workers who engaged with various sectors, without any interference from the Government or company management. The Government had limited itself to receiving the names and submitting them to the ILO.
102. *With respect to the receivability of the objection, in particular whether it could be validly submitted by the objecting organization, the Committee notes that the Standing Orders do not specify any conditions as to the organizations or individuals that can lodge objections before the Committee. While objections can therefore emanate from a wide variety of juridical or physical persons, the Committee has in the past considered that they must be objections within the spirit of the Standing Orders – which come from members of delegations, from governments or from national or international employers' or workers' organizations (see ILC.50/Record of proceedings, p. 489). The characteristic of such individuals or organizations is that they have a specific interest in the composition of a given delegation at a given session of the Conference. The Committee notes that*

such specific interest is lacking in the case of the objecting organization in this case. It therefore finds that the objection is not receivable.

Objection concerning the nomination of the Workers' delegation of Senegal

- 103.** The Credentials Committee received an objection concerning the nomination of the Workers' delegation of Senegal presented by Mr Mballo Dia Thiam, Secretary-General of the Fédération Générale des Travailleurs du Sénégal (FGTS/B). The author of the objection stated that his organization had not been consulted regarding the designation of the Workers' delegation, despite being one of the most representative workers' organizations in the country. This was documented by the result of the trade union elections held in December 2023, in which the FGTS/B had received 10 per cent of the votes. The FGTS/B should therefore be allowed to nominate representatives to the Conference, and the lack of consultations by the Government constituted interference with the internal affairs of the trade union.
- 104.** In a written communication addressed to the Committee at its request, the Government explained that the FGTS/B was the fifth most representative workers' organization in the country. However, since the death of the Secretary-General of the FGTS/B in June 2023, two persons have been claiming to be representing this trade union. The first was Mr Moussa Cissokho Gueye, who controlled the funds and offices of the trade union and had provided to the Government a resolution designating him as acting Secretary-General adopted by the secretaries-general of 15 trade unions pursuant to the internal regulations of the FGTS/B. The second was the author of the objection, who had not provided any supporting documents to the Government. Faced with this situation, the Government had recommended to the two sides to resolve their dispute amicably or, failing this, to have recourse to judicial proceedings. In the absence of a legal resolution to the dispute, the Government had decided not to give credence to either claim. For this reason, the Government had consulted only the four most representative workers' organizations, excluding the two persons claiming to represent the FGTS/B.
- 105.** *The Committee notes that the representativeness of the FGTS/B is not called into question, but rather that of the individuals representing it. It also notes that the objection before it arises from a conflict within the FGTS/B, certain aspects of which may be referred to national courts. The Committee recalls its consistent line of jurisprudence that where a matter centres on an internal conflict within an organization, it lacks jurisdiction to examine the dispute.*
- 106.** *In these circumstances, the Committee is unable to reach any conclusion on the matter. It expresses its hope that the internal dispute will be resolved before the next session of the Conference.*

Objection concerning the nomination of the Workers' delegation of Sri Lanka

- 107.** The Credentials Committee received an objection presented by the Free Trade Zones and General Services Employees' Union, Ceylon Mercantile Industrial and General Workers' Union, Ceylon Federation of Trade Unions, United Plantation Workers' Union, Ceylon Federation of Labour, National Union of Seafarers Sri Lanka, Ceylon Estate Staff Union, and United Federation of Labour concerning the Workers' delegation of Sri Lanka. The eight objecting organizations submitted that although they were members of the National Labour Advisory Council (NLAC), a tripartite consultative forum headed by the Minister of Labour, the Government designated the Workers' delegation to the present session of the Conference unilaterally and without tripartite consultations with them. They further submitted that they were being systematically ignored, since they had filed a representation pursuant to article 24 of the ILO Constitution. They submitted past communications from the Government

demonstrating that they had been consulted until this year, when the Government met with preferred workers' organizations instead of them. They added that the individuals nominated to the Workers' delegation had political affiliations and some held posts in the Government. They did not object to the individuals, but rather the flawed process.

108. In a written communication addressed to the Committee at its request, the Government explained that it had convened six of the seven most representative workers' organizations for the purposes of designating the Workers' delegation to the Conference. It had not invited the NLAC due to ongoing internal legal challenges. Also, the Workers' delegation to this year's Conference was smaller as compared to prior years, due to financial hardships the country had been suffering since 2021. It provided the membership figures for those entities with more than 6,000 members, including the Ceylon Workers Congress with 102,558 members; Nidahas Sewaka Sangamaya with 76,554 members; Lanka Jathika Estate Workers Union with 58,095 members; Inter Company Employees' Union with 40,814 members; Ceylon Bank Employee's Union with 25,680; Ceylon Federation of Labour with 25,552 members; and Ceylon Federation of Trade Unions with 22,602 members – the latter two members of the NLAC. Membership figures for another four of the eight objecting organizations were also provided, these were: United Plantation Workers' Union with 20,481 members; National Union of Seafarers Sri Lanka with 11,528; Ceylon Estate Staff Union with 9,902; and Ceylon Mercantile Industrial and General Workers' Union with 6,762. The Government added that the selected workers' organizations represented a wide range of sectors, including plantation (consisting primarily of female workers), hospitality, transport, manufacturing, banking, EPZs and aviation.
109. On the matter of consultations, these took place on 26 April 2024 and were attended by four of the six invited workers' organizations. The Government recalled that no delegation was sent in 2023 and it explained to attendees that it would nominate only two workers' representatives to this year's Conference due to the ongoing economic crisis and limited budget. It stated that its own participation would be limited to three Government officials. One of the objecting organizations, Ceylon Federation of Labour, had been invited but did not attend this meeting. This was documented by the invites and minutes of the meeting provided by the Government to the Committee. The Government acknowledged that on prior occasions it had consulted a larger group, including members of the NLAC (except for the United Federation Plantation Worker's Union that only joined in 2023). This year the NLAC's exclusion was due in part to a pending internal legal challenge (Court of Appeals, CA 321/2023) launched by the Free Trade Zones and General Service Employees Union, regarding selection criteria and non-inclusion by the NLAC. The Government added that the NLAC's term had expired in December of 2023. The Government submitted that it had done its best to ensure that the most representative and relevant unions were selected within the limited time frame and without limiting the number of trade unions consulted. Subject to the resolution of the NLAC's legal situation, it considered that it could be consulted in the future as had occurred in the past.
110. *The Committee notes that the tripartite delegation of Sri Lanka to this year's session of the Conference is comprised of eight Government members (including three from the Permanent Mission in Geneva), two employers' members and four workers' members. The Workers' delegate derived from the Ceylon Workers Congress; two advisers, respectively, from Inter Company Employees Union and Lanka Jathiak Estate Union; and one accredited person not appearing on the list from Sri Lanka Nidahas Sewaka Sagamaya. The Committee also takes note that the eight organizations submitting the objection included Free Trade Zones and General Service Employees Union, even though it had purportedly filed a legal challenge.*
111. *Taking into account that the objecting organizations together represent approximately 96,827 members, not including two whose figures have not been submitted by the Government, the*

Committee notes that the Government has not explained why it did not consult the objecting organizations, regardless of the situation that the NLAC may currently be facing. In this regard, the Committee notes that the Workers' delegations to the three preceding Conferences included at least one of the eight objecting organizations (Ceylon Mercantile, Industrial and General Workers Union in 2019; Free Trade Zones and General Services Employees Union, Ceylon Federation of Trade Unions and Inter Company Employees Union in 2021; and, Ceylon Federation of Trade Unions, Free Trade Zones and General Services Employees Union, and National Union of Seafarers Sri Lanka in 2022). The Committee further notes that it also remains unclear why the Government considered that the announced limitation of the number of worker nominations to only two justified limiting the organizations to be consulted to six. According to Advisory Opinion No. 1 of the Permanent Court of International Justice, the only object of the intervention of industrial organisations, in connection with the selection of delegates and technical advisers, is to ensure, as far as possible, that the Governments nominate persons whose opinions are in harmony with the opinions of employers and workers of the country respectively. Taking into account the above considerations, the Committee trusts that the Government will in future nominate the Workers' delegation in full compliance with article 3, paragraph 5, of the ILO Constitution.

Objection concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela

- 112.** The Credentials Committee received an objection concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela, submitted by the leaders of the Unión Nacional de Trabajadores de Venezuela (UNETE) and the Confederación de Sindicatos Autónomos (CODESA). The authors of the objection submitted that, following the Government's call upon all workers' confederations to agree on the nomination of the Workers' delegation, the CODESA submitted its proposal on 20 May to the Deputy Minister for Labour Rights and Industrial Relations of the Ministry of the People's Power for the Social Process of Labour. The CODESA was not contacted by other trade union confederations concerned, in particular the Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y la Pesca (CBST-CCP), nor was there any interest on the part of the Government to nominate a delegation with equal participation of all the trade union confederations. Unlike in previous years, the UNETE did not submit any proposal, considering that it was eventually the Government who appointed the Workers' delegation through its trade union apparatus. The UNETE and the CODESA were excluded from the Workers' delegation to the present session of the Conference, without any formal invitation to a prior meeting. The Government had not taken measures to promote an agreement between the workers' confederations on the nomination of the Workers' delegation, which once again was done unilaterally by the Government through CBST-CCP. As regards CBST-CCP, the authors of the objection recalled the findings of the Commission of Inquiry which in its Report had pointed to the close relations of collaboration and involvement between the CBST-CCP, the Government and its political party and to the lack of true separation between them (see [Report of the Commission of Inquiry](#), paragraph 471). They also recalled that several objections and complaints had been presented to the Committee in past years regarding the designation of delegates and advisers from the CBST-CCP, justifying the renewal of monitoring measures.
- 113.** The authors of the objection further recalled that, because of their lack of support to the Plan of Action of the Social Dialogue Forum adopted on 28 April 2022, the UNETE and the CODESA had been excluded from all subsequent meetings of the Social Dialogue Forum. The two organizations had specifically denounced before the ILO the condition set by the Government for their inclusion in the so-called "social dialogue" which required them to recognize that the

Government has made progress in ensuring compliance with the relevant ILO Conventions, whereas the situation of workers in the country remained very serious and the violation of their rights continued. They objected to the nomination of the Worker's delegation given that the criteria for representativeness had not been established in the framework of the round table on Convention No. 87 and that no agreement had been reached on the nomination of the Workers' delegation amongst the Workers' confederations.

114. In a written communication addressed to the Committee at its request, the Government reiterated the information provided in its monitoring report. It indicated that, based on the data available in the National Trade Union Registry (NTUR), the CBST-CCP remained the most representative organization in terms of the number of affiliate organizations and workers, and in terms of its engagement in collective bargaining and the number of collective agreements signed. Labour legislation provided for mechanisms to define representativeness in case of disputes in this regard. The Government recalled its continuous and repeated requests for the Office's technical assistance concerning the determination of representativeness of employers' and workers' organizations and regretted that it had not yet received that assistance. It further recalled that it had issued a written call for all workers' organizations (ASI, CBST-CCP, CGT, CODESA, CTV and UNETE) to make a proposal for the nomination of the Workers' delegation to this session of the Conference, and that it had organized a dedicated meeting where the organizations participating in the Social Dialogue Forum (ASI, CBST-CCP, CGT and CTV) had been invited with a view to reaching consensus on the composition of the delegation. While it had subsequently received separate proposals from ASI, CBST-CCP and CGT, it accredited the Workers' delegation based on the proposal received from the CBST-CCP, considering that it included the largest number of representatives of the different trade union organizations. As regards CODESA's proposal for the nomination of the Workers' delegation, the Government considered that it had been submitted late, as it reached the email address of the Directorate of International Relations and Liaison with the ILO of the Ministry of Labour only on 3 June 2024. Concerning the UNETE's allegation that the Government should have accredited representatives of all workers' organizations, regardless of whether they had submitted a proposal for the nomination of the delegation or not, the Government submitted that no government that upholds democratic principles could incorporate individuals into delegations without their consent.
115. *The Committee notes that, once again, the Government has accredited the Workers' delegation based on a proposal received from CBST-CCP which does not appear to result from an agreement amongst the most representative workers' organizations. The Committee recalls that, where several representative organizations exist, Governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all of them. However, while both the Government and the organizations concerned should strive to achieve such an agreement, where this is not possible, the Government must assess, based on objective and verifiable criteria, which organization or organizations are the most representative ones and obtain agreement with those. As regards the establishment and application of such criteria by this Government, the Committee refers to its conclusions on the monitoring of the situation of the Bolivarian Republic of Venezuela (paragraphs 30 to 33 above).*
116. *The Committee hopes that the Government will be able to establish, with the technical assistance of the ILO, objective and verifiable criteria enabling it to assess the representativeness of workers organizations and, eventually, to nominate the Workers' delegates to the Conference in agreement with the most representative of them, in full conformity with the requirements of article 3(5) of the ILO Constitution. As recommended by the Committee of Experts on the Application of Conventions and Recommendations in its report submitted to the last session of the Conference, ILO technical*

assistance in this regard “should be defined on a tripartite basis in the context of institutionalized dialogue” (ILC.111/Report III (Part A), p. 328).

Complaints

117. The Committee also received and dealt with three complaints, which are listed below.

Complaint regarding the non-payment of travel and subsistence expenses of the Workers’ delegation of Colombia

- 118.** The Credentials Committee received a complaint dated 5 June 2024 presented by the Confederación de Trabajadores de Colombia (CTC) concerning the non-payment of travel and subsistence expenses of the Workers’ delegation. According to the complainant, the Government had not paid the travel expenses for the CTC representatives and had not responded to requests for these payments.
- 119.** In a written communication addressed to the Committee at its request, the Government stated that it had covered the travel and subsistence expenses for certain delegates. It explained that payments were made according to historical commitments and current budget constraints, covering expenses for the main delegates and for advisers from the most representative workers’ and employers’ organizations, as determined by Colombian law and established procedures. It provided documentation indicating that payments had been processed on 8 June 2024 and listing the members of the delegation for which expenses were paid, as well as the amounts.
- 120.** *The Committee notes the explanation and documentation provided by the Government attesting to the payment of the travel and subsistence expenses of the Workers’ delegation. Nonetheless, in view of the fact that the payments were processed only on 8 June 2024, the Committee recalls that the obligation under article 13, paragraph 2(a), of the ILO Constitution requires governments not only to bear the expenses necessary for a Member State’s tripartite delegation to attend the Conference but to make sure that the necessary financial means are made available to the participants concerned sufficiently in advance, so that the participation of delegates who cannot afford to advance expenses is not jeopardized. The Committee accordingly hopes that the Government will take necessary steps to ensure that in the future payments of travel and subsistence expenses of the Employers and Workers’ delegation occur in advance of the travel, so as to permit participation by the members of those delegations from the beginning and for the full duration of the Conference for the full duration of the Conference.*

Complaint concerning the non-payment of travel and subsistence expenses of the Employers’ delegation of Congo

- 121.** The Committee received a complaint filed by the Employers’ Group of the Conference alleging that the Government of Congo had not paid the travel and subsistence expenses of some of the members of the Employers’ delegation to the Conference.
- 122.** In a written communication addressed to the Committee at its request, the Government recognized that there had been some delay in providing the members of its delegation with the funds needed to cover their travel and subsistence expenses. By email received on Saturday 8 June 2024, the Employers’ Group notified the Committee that, having received assurance from the Government that mission expenses had been reimbursed by bank transfer, it accepted to withdraw its complaint.
- 123.** *The Committee takes note of the withdrawal of the complaint.*

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Uganda

- 124.** The Committee received a complaint filed by the Secretary-General of the National Organization of Trade Unions (NOTU), the Workers' delegate of Uganda, alleging that, over the past three years, the Government had not paid the travel and subsistence expenses of the Workers' delegation to the Conference. The complaint was supported by the International Trade Union Confederation (ITUC). The author of the complaint provided copy of a letter of 22 March 2024 from the Permanent Secretary of the Ministry of Gender, Labour and Social Development, requesting the NOTU to nominate a delegation to this session of the Conference while informing it that the Ministry had no budget provision to pay for the travel and subsistence expenses of employers' and workers' delegations.
- 125.** In a written communication addressed to the Committee at its request, the Government indicated that, on 7 June 2024, it engaged in productive dialogue in respect of the complaint with a delegation from NOTU. As a result, an amicable solution was reached, consisting in addressing the matter internally. The Government requested the Committee to consider the matter closed. In an unsolicited written communication received by the Committee on 12 June 2024, the NOTU confirmed that the complaint was addressed internally and that an amicable resolution was reached with the Government. In its written response to the Committee's request for details regarding the outcome of the amicable settlement, the Government merely reiterated that it held fruitful discussions with NOTU and reached an amicable position.
- 126.** *The Committee notes that the complaint alleges that the Government has failed to pay the travel and subsistence expenses of the Workers' delegation to the Conference for the last three years. While the Committee is competent to deal with this situation only with respect to the current session of the Conference, it notes that this is a very serious allegation. At the same time, the Committee notes that it has not received corresponding complaints in recent years.*
- 127.** *As regards the non-payment of the expenses of the Workers delegation at this session, the Committee recalls the Government's obligation, under article 13, paragraph 2(a), of the ILO Constitution, to cover at least the expenses of the titular delegates of the employers and workers. The Committee acknowledges the difficult financial situation that Member States may be facing and understands the financial burden that the participation of a full tripartite delegation to the Conference implies. However, as the Committee has often stated, most governments can rely on the support of their respective Permanent Missions in Geneva to ensure participation of a governmental delegation, whereas the social partners cannot rely on such a system. Financial constraints have not only had an impact on governments, but an even greater impact on the social partners and their ability to cover their own expenses. The Committee notes that the Government reached an amicable resolution with the NOTU with respect to the complaint. In the absence of information regarding the terms of the amicable settlement, the Committee trusts that the Government will, as a minimum, meet its constitutional duty to cover the travel and subsistence expenses of the Workers' delegate relating to their participation from the beginning and for the full duration of the present session of the Conference as well as for future sessions.*

Communications

- 128.** The Committee also received the following communications.

Communication concerning the Workers' delegation of Afghanistan

- 129.** The Committee had before it a communication received from an individual purporting to be the president of the All Afghanistan Federation of Trade Unions (AAFTU), who was the Workers' delegate of Afghanistan at the 95th Session (2006) of the Conference. He requested the Committee to facilitate his participation at this session of the Conference and alleged that his travel and subsistence expenses incurred in 2006 had still not been reimbursed by the Government.
- 130.** *The Committee considers that the communication calls for no action on its part.*

Communication concerning the delegation of Ecuador

- 131.** The Credentials Committee received a communication from the Frente Unitario de Trabajadores (FUT) and the Confederación Ecuatoriana de Organizaciones Sindicales Libres (CEOSL) submitting that the Government failed to convene the National Council of Labour and Wages in time to nominate the Workers' delegation for the Conference. The Minister of Labour, citing ILO arrears, announced that she would not attend and delegated to the Vice Minister, who resigned before formalizing his accreditation. The authors of the communication claimed that the failure to accredit a delegation to this session of the Conference violated article 3 of the ILO Constitution. It urged the Committee to remind the Government of its obligations and take measures to prevent repetition of this situation in the future.
- 132.** In a written communication to the Committee furnished on 12 June in response to its request for information by 6 June, the Government indicated that due to austerity measures and the current internal conflict requiring the Government's priority attention to preserve peace and security in the country, the Government decided not to participate in this session of the Conference. It reiterated its commitment to working for the interests and rights of workers, in accordance with the current circumstances that demand priority attention to the country's stability and development.
- 133.** *The Committee regrets that the Government had not responded sooner to the communication inviting it to provide its observations. The Committee notes that, after receipt of the communication, on 7 June 2024, the Government accredited a delegation consisting exclusively of Government delegates from the Permanent Mission in Geneva. The Committee observes that while it has no specific mandate to examine communications regarding the failure of a Government to accredit a delegation, it is competent to examine objections relating to the failure to deposit credentials of an Employers' or Workers' delegate. It notes, however, that the Government of Ecuador deposited its credentials not only long after the time limit provided for in article 31(1) of the Conference Standing Orders but also after the publication of the Revised list of delegations, thus making the lodging of any objection impossible and preventing the Committee from exercising its mandate. While noting the reasons expressed by the Government in its communication, the Committee urges the Government to make serious efforts and to ensure that a fully tripartite delegation is accredited to future sessions of the Conference.*

Communications concerning the Workers' delegation of Nepal

- 134.** The Credentials Committee received three communications concerning the Workers' delegation of Nepal from the Joint Trade Union Coordination Centre (JTUCC), the General Federation of Nepalese Trade Unions (GEFONT), and the National Democratic Confederation of Nepalese Trade Union (NDFONT). The JTUCC submitted that the Government had failed to appoint advisers to accompany the Workers' delegate to this year's Conference unlike in prior years and without any consultation. The GEFONT and NDFONT added that, since the JTUCC's

establishment, it had always been agreed to include advisers from their respective organizations in the delegation. The GEFONT highlighted that article 3(2) of the ILO Constitution permitted delegates to be accompanied by two advisers per item placed on the agenda by the ILO Governing Body. The NDFONT added that there had been no request made to the Government for payment of travel and subsistence expenses for the purposes of attending the Conference, although this was foreseen by article 13(2)(a) of the ILO Constitution. It considered that this demonstrated anti-union discrimination by the Government and requested the Committee to refer the matter to the Committee on Freedom of Association, as well as to examine the imbalance between the number of Workers' advisers (none) to the Government's advisers (10).

- 135.** *The Committee notes that the Government did not reply to the Committee's invitation to comment on the substance of the communication.*
- 136.** *The Committee recalls that article 3(2) of the ILO Constitution does not require governments to nominate advisers. It also recalls that article 13, paragraph 2(a), of the ILO Constitution imposes on Member States an obligation to pay the travel and subsistence expenses of the delegates and their advisers once nominated. However, the competence conferred on the Committee to examine complaints on the non-observance of that provision, in accordance with article 33, paragraph 1(b), of the Conference Standing Orders, is limited, with respect to advisers, to cases of serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. This requires, in accordance with paragraph 3(b) of the same article, that there is at least one adviser for whom the payment of travel and subsistence expenses could be claimed, which is not the case here as no Workers' advisers have been nominated. Notwithstanding, the Committee considers that the Government should have consulted the objecting organizations in this regard taking into account that the Workers' advisers were usually appointed in the past and that, as the Committee has often stated, the ability for the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegate to the Conference. The Committee hopes that the Government will do so for future sessions of the Conference.*

Communications concerning the Employers' and Workers' delegations of Peru

- 137.** The Credentials Committee received two communications respectively from the Employers' Group of the Conference and the Workers' delegate regarding the late payment of travel and subsistence expenses of the Employers' and Workers' delegation by the Government of Peru. The authors of the communication recalled that, the tripartite delegation attending the Conference each year included four employers' representatives and four workers' representatives, which implied the timely payment of their travel and subsistence expenses by the Government. This year, despite having received the list of non-governmental delegates in good time, with a request for travel to be arranged with arrival in Geneva on 1 June 2024, the Government informed the delegates concerned on 29 May 2024 that it could only facilitate travel with departure on 2 June. However, because of flight cancellations due to a technical failure at the airport of Lima, the delegates arrived in Geneva on 4 June. Furthermore, on 31 May 2024, the Government indicated that the payment of travel expenses would be available only on 4 June 2024, requiring delegates to advance payments for meals, transfers and accommodation. The authors of the communications stated that it was particularly important for them to participate in their respective group meetings on 2 June as Peru was included in the long list of cases likely to be examined by the Conference Committee on the Application of Standards and that the Government was fully aware of this. The authors of the

communications requested the Committee to urge the Government to include in its institutional budget the cost corresponding to the participation of the non-governmental delegations in the Conference, and to process their travel and subsistence expenses with sufficient anticipation, respecting the travel dates indicated by the delegates.

- 138.** In a written communication addressed to the Committee at its request, the Government explained that, for 2024, the executive branch established extraordinary economic and financial measures to moderate public spending and reduce the fiscal deficit. As a result, the budget for international travel of the Ministry of Labour and Employment Promotion (MTPE) was reduced. As of 9 May 2024, the MTPE sought to obtain from the Ministry of Economy and Finance an increase of the spending limit for international travel, in order to cover the travel expenses of the entire tripartite national delegation to this session of the Conference. The non-governmental delegates were kept fully informed of the steps taken. The Government emphasized that the situation did not only affect the Employers' and Workers' delegates, but also the governmental delegation. The Government confirmed that it covered the travel and subsistence expenses of four members of the Employers' delegation and four members of the Workers' delegation. It purchased their air tickets on 31 May and deposited their subsistence expenses on 3 June 2024. The Government acknowledged that, because of the technical failure at the airport of Lima on 2 June, two of the accredited Employers' advisers could not travel to Geneva at all.
- 139.** *The Committee notes the Government's explanations regarding current budgetary constraints, and that it eventually purchased the air tickets of the eight members of the non-governmental delegations on 29 May and deposited their subsistence expenses on 3 June 2024.*
- 140.** *The Committee recalls that the timely payment of travel and subsistence expenses of the full tripartite delegation plays an important role in ensuring its actual participation in the Conference, and hopes that the Government will take the necessary steps in the future to ensure that payments of travel and subsistence expenses of the delegation occur as early as possible, so as to permit participation by those nominated to serve as delegates and advisers from the beginning and for the full duration of the Conference.*

* * *

- 141.** The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 15, 22, 25, 33 and 45.

Geneva, 13 June 2024

(Signed) Mr Aniefiok Etim Essah
Chairperson

Mr Fernando Yllanes Martínez

Ms Zingiswa Losi

Appendix I

- | | |
|-------------------------|------------------------|
| 1) Government delegates | 4) Government advisers |
| 2) Employers' delegates | 5) Employers' advisers |
| 3) Workers' delegates | 6) Workers' advisers |

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	1	1	1	4	-	-	Ecuador.....	2	-	-	1	-	-	Madagascar.....	2	1	1	4	1	1	Seychelles.....	2	1	1	2	2	-
Albania.....	2	1	1	1	1	1	Egypt.....	2	1	1	11	7	10	Malawi.....	2	1	1	12	5	7	Sierra Leone.....	2	1	1	2	1	3
Algeria.....	2	1	1	9	10	10	El Salvador.....	2	-	1	3	-	3	Malaysia.....	2	1	1	20	5	10	Singapore.....	2	1	1	9	4	10
Angola.....	2	1	1	4	-	4	Equatorial Guinea.....	2	1	1	4	2	2	Maldives.....	2	1	1	6	7	8	Slovakia.....	2	1	1	2	3	2
Antigua and Barbuda.....	-	-	-	-	-	-	Eritrea.....	2	1	1	1	-	1	Mali.....	2	1	1	20	4	10	Slovenia.....	2	1	1	5	1	1
Argentina.....	2	1	1	13	10	10	Estonia.....	2	1	1	2	-	-	Malta.....	2	1	1	8	4	5	Solomon Islands.....	-	-	-	-	-	-
Armenia.....	2	1	1	1	-	-	Eswatini.....	2	1	1	5	2	3	Marshall Islands.....	-	-	-	-	-	-	Somalia.....	2	1	1	5	-	4
Australia.....	2	1	1	14	2	2	Ethiopia.....	2	1	1	5	10	10	Mauritania.....	2	1	1	11	1	5	South Africa.....	2	1	1	5	4	6
Austria.....	2	1	1	9	2	4	Fiji.....	2	1	1	3	-	-	Mauritius.....	2	1	1	1	1	-	South Sudan.....	2	1	1	5	2	1
Azerbaijan.....	2	1	1	5	5	10	Finland.....	2	1	1	5	5	3	Mexico.....	2	1	1	13	10	10	Spain.....	2	1	1	10	8	8
Bahamas.....	2	1	1	13	3	10	France.....	2	1	1	19	7	9	Mongolia.....	2	1	1	3	4	5	Sri Lanka.....	2	1	1	4	-	2
Bahrain.....	2	1	1	7	5	6	Gabon.....	2	1	1	20	10	10	Montenegro.....	2	1	1	3	1	1	Sudan.....	2	1	1	3	1	3
Bangladesh.....	2	1	1	18	6	9	Gambia.....	2	1	1	-	-	-	Morocco.....	2	1	1	14	5	10	Suriname.....	2	1	1	1	-	1
Barbados.....	2	1	1	2	4	4	Georgia.....	2	1	1	3	4	6	Mozambique.....	2	1	1	4	-	1	Sweden.....	2	1	1	7	4	4
Belarus.....	2	1	1	3	2	10	Germany.....	2	1	1	17	4	6	Myanmar.....	-	-	-	-	-	-	Switzerland.....	2	1	1	16	3	7
Belgium.....	2	1	1	20	5	10	Ghana.....	2	1	1	20	10	10	Namibia.....	2	1	1	5	1	1	Syrian Arab Republic.....	2	1	1	2	8	4
Belize.....	2	1	1	-	-	-	Greece.....	2	1	1	11	6	4	Nepal.....	2	1	1	7	-	-	Tajikistan.....	-	-	-	-	-	-
Benin.....	2	1	1	4	-	7	Grenada.....	2	1	1	-	-	-	Netherlands.....	2	1	1	19	4	9	Thailand.....	2	1	1	20	10	10
Bolivia (Plurinational State of).....	2	1	1	2	-	1	Guatemala.....	2	1	1	4	3	3	New Zealand.....	2	1	1	3	1	1	Timor-Leste.....	2	1	1	8	-	-
Bosnia and Herzegovina.....	1	1	1	1	-	1	Guinea.....	2	1	1	20	10	10	Nicaragua.....	2	1	1	1	1	1	Togo.....	2	1	1	14	5	10
Botswana.....	2	1	1	15	10	10	Guinea-Bissau.....	2	1	1	1	1	2	Niger.....	2	1	1	9	9	9	Tonga.....	-	-	-	-	-	-
Brazil.....	2	1	1	7	5	6	Guyana.....	2	1	1	3	-	-	Nigeria.....	2	1	1	20	10	10	Trinidad and Tobago.....	2	1	1	2	7	10
Brunei Darussalam.....	2	1	1	5	-	-	Haiti.....	2	-	-	-	-	-	North Macedonia.....	2	1	1	2	-	-	Tunisia.....	2	1	1	5	2	6
Bulgaria.....	2	1	1	8	5	2	Honduras.....	2	1	1	7	3	4	Norway.....	2	1	1	6	3	5	Türkiye.....	2	1	1	19	10	10
Burkina Faso.....	2	1	1	8	2	5	Hungary.....	2	1	1	8	3	5	Oman.....	2	1	1	13	10	10	Turkmenistan.....	2	1	1	3	-	-
Burundi.....	1	1	1	3	-	-	Iceland.....	2	1	1	4	1	1	Pakistan.....	2	1	1	16	4	2	Tuvalu.....	-	-	-	-	-	-
Cabo Verde.....	2	1	1	3	-	-	Israel.....	2	1	1	4	1	-	Palau.....	-	-	-	-	-	-	Uganda.....	2	1	1	4	10	10
Cambodia.....	2	1	1	6	3	6	India.....	2	1	1	20	10	10	Panama.....	2	1	1	7	5	6	Ukraine.....	2	1	1	2	-	4
Cameroon.....	2	1	1	3	5	10	Indonesia.....	2	1	1	20	9	9	Papua New Guinea.....	2	1	1	2	-	-	United Arab Emirates.....	2	1	1	7	3	3
Canada.....	2	1	1	13	5	4	Iran (Islamic Republic of).....	2	1	1	10	5	5	Paraguay.....	2	1	1	8	1	10	United Kingdom.....	2	1	1	14	3	4
Central African Republic.....	2	1	1	8	1	5	Iraq.....	2	1	1	9	10	9	Peru.....	2	1	1	11	4	9	United Republic of Tanzania.....	2	1	1	20	2	10
Chad.....	2	1	1	20	1	5	Ireland.....	2	1	1	7	-	1	Philippines.....	2	1	1	8	2	3	United States of America.....	2	1	1	19	10	5
Chile.....	2	1	1	8	6	6	Italy.....	2	1	1	9	4	8	Poland.....	2	1	1	12	5	5	Uruguay.....	2	1	1	6	2	7
China.....	2	1	1	20	5	7	Jamaica.....	2	1	1	5	-	-	Portugal.....	2	1	1	17	6	6	Uzbekistan.....	2	1	1	6	1	4
Colombia.....	2	1	1	8	10	10	Japan.....	2	1	1	20	4	8	Qatar.....	2	1	1	10	4	5	Vanuatu.....	2	1	1	5	-	-
Comoros.....	-	-	-	-	-	-	Jordan.....	2	1	1	10	1	4	Republic of Korea.....	2	1	1	14	4	10	Venezuela (Bolivarian Republic of).....	2	1	1	7	8	10
Congo.....	2	1	1	20	10	10	Kazakhstan.....	1	1	1	5	1	8	Republic of Moldova.....	2	1	1	3	1	1	Viet Nam.....	2	1	1	2	4	1
Cook Islands.....	2	1	1	1	-	-	Kenya.....	2	1	1	20	10	10	Romania.....	2	1	1	4	3	7	Yemen.....	2	-	-	2	-	-
Costa Rica.....	2	1	1	5	2	4	Kiribati.....	2	1	1	2	-	-	Russian Federation.....	2	1	1	9	2	8	Zambia.....	2	1	1	19	10	10
Côte d'Ivoire.....	2	1	1	20	10	10	Kuwait.....	2	1	1	6	2	2	Rwanda.....	2	-	1	1	-	3	Zimbabwe.....	2	1	1	16	4	8
Croatia.....	2	1	1	5	1	-	Kyrgyzstan.....	1	1	1	2	-	1	Saint Kitts and Nevis.....	-	-	-	-	-	-							
Cuba.....	2	1	1	3	1	1	Lao People's Democratic Repub.....	2	1	1	3	1	1	Saint Lucia.....	-	-	-	-	-	-							
Cyprus.....	2	1	1	7	7	8	Latvia.....	2	1	1	4	-	1	Saint Vincent and the Grenadines.....	-	-	-	-	-	-							
Czechia.....	2	1	1	7	1	3	Lebanon.....	2	1	1	1	4	10	Samoa.....	2	1	1	-	-	-							
Democratic Repub. of the Congo.....	1	1	1	18	10	10	Lesotho.....	2	1	1	5	-	2	San Marino.....	2	1	1	1	4	2							
Denmark.....	2	1	1	10	3	8	Liberia.....	2	1	1	-	-	3	Sao Tome and Principe.....	1	1	1	-	-	-							
Djibouti.....	2	1	1	7	-	3	Libya.....	2	1	1	8	1	2	Saudi Arabia.....	2	1	1	20	4	5							
Dominica.....	-	-	-	-	-	-	Lithuania.....	2	1	1	7	1	-	Senegal.....	2	1	1	8	1	10							
Dominican Republic.....	2	1	1	7	9	10	Luxembourg.....	2	1	1	6	7	7	Serbia.....	2	1	1	5	1	2							

	1)	2)	3)	4)	5)	6)
Total	341	169	171	1373	596	836

	1)	2)	3)	4)	5)	6)
Total	341	169	171	1373	596	836

Appendix II

- 1) Government delegates
2) Employers' delegates
3) Workers' delegates
- 4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	1	-	-	1	-	-	Ecuador.....	2	-	-	1	-	-	Madagascar.....	2	1	1	4	-	1
Albania.....	2	-	1	1	1	1	Egypt.....	2	1	1	11	7	10	Malawi.....	2	1	1	9	3	4
Algeria.....	2	1	1	8	9	9	El Salvador.....	2	-	1	3	-	3	Malaysia.....	2	1	1	20	5	7
Angola.....	2	1	1	3	-	2	Equatorial Guinea.....	2	1	1	4	-	-	Maldives.....	2	1	1	6	3	-
Antigua and Barbuda.....	-	-	-	-	-	-	Eritrea.....	2	1	1	1	-	1	Mali.....	2	1	1	14	4	8
Argentina.....	2	1	1	6	10	10	Estonia.....	2	1	1	2	-	-	Malta.....	2	1	1	7	3	5
Armenia.....	2	1	1	1	-	-	Eswatini.....	2	1	1	5	2	2	Marshall Islands.....	-	-	-	-	-	-
Australia.....	2	1	1	6	2	2	Ethiopia.....	1	1	1	4	4	10	Mauritania.....	2	1	1	9	-	5
Austria.....	2	-	-	9	2	3	Fiji.....	2	1	1	1	-	-	Mauritius.....	2	1	1	1	1	-
Azerbaijan.....	2	1	-	5	4	10	Finland.....	2	1	1	5	5	3	Mexico.....	2	1	1	11	10	10
Bahamas.....	2	1	1	9	3	10	France.....	2	1	1	18	7	9	Mongolia.....	2	-	-	3	2	5
Bahrain.....	2	-	1	3	5	5	Gabon.....	2	1	1	18	8	9	Montenegro.....	2	1	1	3	1	1
Bangladesh.....	2	1	1	17	4	3	Gambia.....	1	-	-	-	-	-	Morocco.....	2	1	1	13	5	10
Barbados.....	2	1	1	2	-	-	Georgia.....	2	1	1	1	4	6	Mozambique.....	2	1	1	4	-	1
Belarus.....	2	1	1	3	2	9	Germany.....	2	1	1	16	4	6	Myanmar.....	-	-	-	-	-	-
Belgium.....	2	1	1	16	5	9	Ghana.....	2	1	1	20	10	7	Namibia.....	2	1	1	5	1	1
Belize.....	-	-	-	-	-	-	Greece.....	2	1	1	7	4	4	Nepal.....	2	1	1	6	-	-
Benin.....	2	1	1	2	-	7	Grenada.....	1	1	1	-	-	-	Netherlands.....	2	1	1	18	4	7
Bolivia (Plurinational State of).....	2	1	-	2	-	1	Guatemala.....	2	1	1	4	2	2	New Zealand.....	2	1	1	-	1	1
Bosnia and Herzegovina.....	1	1	1	1	-	1	Guinea.....	1	-	1	17	5	10	Nicaragua.....	2	1	1	1	-	-
Botswana.....	2	1	1	11	8	8	Guinea-Bissau.....	2	-	-	-	-	1	Niger.....	2	-	1	5	3	6
Brazil.....	2	1	1	7	5	6	Guyana.....	2	1	1	3	-	-	Nigeria.....	2	1	1	16	8	10
Brunei Darussalam.....	2	1	1	5	-	-	Haiti.....	2	-	-	-	-	-	North Macedonia.....	2	1	1	2	-	-
Bulgaria.....	1	1	1	6	4	2	Honduras.....	2	1	1	6	3	3	Norway.....	2	1	1	5	3	5
Burkina Faso.....	2	1	1	8	2	5	Hungary.....	1	1	1	8	3	4	Oman.....	2	1	1	13	4	10
Burundi.....	1	1	1	3	-	-	Iceland.....	1	1	1	1	-	1	Pakistan.....	2	1	1	6	-	-
Cabo Verde.....	2	1	1	3	-	-	Israel.....	2	1	1	3	1	-	Palau.....	-	-	-	-	-	-
Cambodia.....	2	1	1	6	2	6	India.....	2	1	1	17	9	10	Panama.....	2	1	1	7	5	6
Cameroon.....	2	1	1	3	3	7	Indonesia.....	2	1	1	17	9	9	Papua New Guinea.....	-	-	-	-	-	-
Canada.....	2	1	1	12	5	4	Iran (Islamic Republic of).....	2	1	1	10	3	5	Paraguay.....	2	1	1	5	-	5
Central African Republic.....	1	-	-	1	1	2	Iraq.....	2	-	1	5	2	7	Peru.....	2	1	1	3	2	7
Chad.....	2	1	1	14	1	5	Ireland.....	2	1	1	4	-	1	Philippines.....	2	1	1	8	2	3
Chile.....	2	1	1	8	6	6	Italy.....	2	1	1	8	1	8	Poland.....	2	1	1	11	5	5
China.....	2	1	1	20	5	7	Jamaica.....	2	1	1	5	-	-	Portugal.....	2	1	1	16	6	6
Colombia.....	1	1	1	5	9	10	Japan.....	2	1	-	18	4	8	Qatar.....	2	1	1	9	4	4
Comoros.....	-	-	-	-	-	-	Jordan.....	2	1	1	8	1	4	Republic of Korea.....	1	1	1	10	4	9
Congo.....	2	1	1	15	6	10	Kazakhstan.....	1	1	1	4	1	7	Republic of Moldova.....	2	1	1	1	1	1
Cook Islands.....	2	1	1	1	-	-	Kenya.....	1	1	1	14	7	10	Romania.....	2	1	1	4	3	5
Costa Rica.....	2	1	1	2	2	4	Kiribati.....	2	1	1	1	-	-	Russian Federation.....	1	1	1	3	1	8
Côte d'Ivoire.....	2	1	1	19	8	10	Kuwait.....	2	1	1	6	2	2	Rwanda.....	2	-	1	1	-	1
Croatia.....	2	1	1	2	1	-	Kyrgyzstan.....	1	1	1	2	-	1	Saint Kitts and Nevis.....	-	-	-	-	-	-
Cuba.....	2	1	1	3	1	1	Lao People's Democratic Repub.....	2	1	1	3	1	1	Saint Lucia.....	-	-	-	-	-	-
Cyprus.....	2	1	1	4	3	5	Latvia.....	2	1	1	3	-	1	Saint Vincent and the Grenadines.....	-	-	-	-	-	-
Czechia.....	2	1	1	7	1	3	Lebanon.....	2	1	-	1	4	9	Samoa.....	2	1	1	-	-	-
Democratic Repub. of the Congo.....	1	1	1	18	8	9	Lesotho.....	2	1	1	5	-	2	San Marino.....	2	1	1	1	4	2
Denmark.....	2	1	1	9	3	8	Liberia.....	2	1	1	-	-	-	Sao Tome and Principe.....	-	-	-	-	-	-
Djibouti.....	2	1	1	6	-	2	Libya.....	2	1	1	8	1	2	Saudi Arabia.....	2	1	1	15	4	5
Dominica.....	-	-	-	-	-	-	Lithuania.....	2	1	1	1	1	-	Senegal.....	2	1	1	8	1	10
Dominican Republic.....	2	1	1	7	7	10	Luxembourg.....	2	1	1	4	6	7	Serbia.....	2	1	1	3	1	2

1) 2) 3) 4) 5) 6)
Total 319 151 156 1137 473 726

Proportion of women accredited in Conference delegations

► ILC.112/Record No. 3B

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▶ Record of Proceedings

3C

International Labour Conference – 112th Session, Geneva, 2024

Date: 25 June 2024

Plenary sitting: Reports of the Credentials Committee

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Tuesday, 11 June 2024, 10.05 a.m.

President: Mr Dubey

Employer Vice-President of the Conference

First report of the Credentials Committee: Presentation and noting

The President

It is my honour to declare open the 12th plenary sitting of the 112th Session of the International Labour Conference.

I invite you all to turn your attention to the first report of the Credentials Committee, which is contained in [Record of Proceedings No. 3A](#).

Please allow me quickly to recall that the members of the Credentials Committee are as follows: Mr Essah (Nigeria), Chairperson; Mr Yllanes Martínez (Mexico), Employer Vice-Chairperson; and Ms Losi (South Africa), Worker Vice-Chairperson, who was temporarily replaced by Ms Brown (United Kingdom of Great Britain and Northern Ireland).

I will now give the floor to Mr Essah, who will present to us the Committee's first report.

Mr Essah

Chairperson of the Credentials Committee

I am honoured and pleased to present to the plenary of the 112th Session of the International Labour Conference the first report of the Credentials Committee. This report – which is published as Record of Proceedings No. 3A – includes information on the composition of the Conference, as well as the Committee's conclusions on the question of the representation of Myanmar at this session of the Conference.

In connection with its mandate to examine the credentials of delegations to the Conference, the Credentials Committee traditionally comments on the overall composition of the Conference. In this regard, I would like to mention two points.

First, with 174 Member States having accredited a delegation, the participation level in the Conference remains high. With respect to the 13 Member States that are not represented at this session of the Conference, the Committee reiterated its concern that, by not appointing a delegation, or by failing to accredit a fully tripartite delegation, the government deprives the employers or workers of the country, as the case may be, of their right to be represented in the highest policymaking body of the ILO and to participate actively in the work.

Second, the participation of women in the Conference has continued its steady but slow increase. This year, it reached 37.8 per cent. The Committee noted that it is the first time that the minimum target of 30 per cent of women's participation has been reached in all three groups. Apart from the fact that this target – which was set in 1990 and should have been reached within the five following years – looks rather unambitious today, women continue to be unevenly distributed by function and by group. Let us hope that the upward trend will continue and will accelerate.

Let me now turn to the question of the representation of Myanmar. Like the last three years, the Committee was faced with two sets of competing credentials: one set submitted by the military authorities that seized power in February 2021, and another from the so-called National Unity Government. As you are aware, the Credential Committee's decision not to recognize either authority as the legitimate government, taken in line with the position of the

United Nations (UN) General Assembly, has had the effect that no invitations have been extended to Myanmar to attend sessions of the Conference or Governing Body or other ILO meetings. The Committee noted that, in December 2023, the UN General Assembly decided again to defer a decision on the credentials of Myanmar. It also noted that several other entities have also deferred consideration of the question, including the Credentials Committee of the recent 77th World Health Assembly. In the light of these considerations, the Committee decided that no delegates from Myanmar would be accredited at the 112th Session of the Conference.

However, like last year, the Committee considered that, at the ILO, the situation could not be considered satisfactory, as the continued ambiguity on the question of the representation of Myanmar affects not only the representation of the Government of Myanmar in the ILO, but also precludes the participation of the employers and workers of Myanmar in the Conference and at other tripartite meetings. Last year, the Committee had suggested, in the continued absence of guidance from the UN General Assembly, that it could, in due course, consider making its own determination to enable the tripartite constituents of Myanmar to resume active participation in the work of the Organization. This year, it considered that, in the meantime, there might be other options to allow employers' and workers' representatives from Myanmar to contribute to the work of the Conference at future sessions. As it considered that the examination of such options was not within its mandate, it decided to invite the Governing Body, through the Conference, to urgently consider such options.

With this, I invite you to take note of the first report of the Credentials Committee, which is contained in Record of Proceedings No. 3A and is available on the website of the Conference.

The President

The Credentials Committee has unanimously adopted its first report, and the Conference is requested to take note of its content without discussion, in accordance with article 31(3) of the Standing Orders of the Conference.

If there is no objection, may I take it that the Conference takes note of the first report of the Credentials Committee?

(The Conference takes note of the first report of the Credentials Committee.)

I would like to take this opportunity to thank the Officers of the Committee for their excellent work. I have been told that the atmosphere in the Committee was very positive and that the work was carried out in a spirit of fruitful collaboration.

(The Conference continues its work in plenary.)

Friday, 14 June 2024, 10.05 a.m.

President: Mr Buzu

Second report of the Credentials Committee: Presentation, noting and approval of the Committee's proposals

The President

I am honoured to declare open this morning's 16th plenary sitting, on the last day of this 112th Session of the International Labour Conference. We shall begin with the second report of the Credentials Committee, which is contained in [Record of Proceedings No. 3B](#).

I now give the floor to Mr Essah, the Chairperson of the Credentials Committee, who will present to us the Committee's second report.

Mr Essah

Chairperson of the Credentials Committee

I am honoured and pleased to present to the plenary of the 112th Session of the International Labour Conference the second report of the Credentials Committee. This report, published as Record of Proceedings No. 3B, contains the conclusions on the cases lodged with the Committee. We received 17 objections, 1 of which was considered serious enough to warrant monitoring; 3 complaints; and 6 communications. In addition, the Committee examined four monitoring cases that were referred to it by the Conference at its last session.

The Committee held seven sittings and worked in an informal and cordial manner. This is all the more important as we are a small Committee of just three members: one Government representative, one Employer's representative and one Worker's representative.

This is the first time that I have served as Chairperson of the Credentials Committee, and the experience has given me great insight into the important role that the Committee plays in ensuring the genuine tripartite composition of the Conference. This is something that I value, as a true believer in tripartism.

A credentials committee is a routine feature of the plenary assemblies of international organizations and international conferences. Most of them only examine the formal validity of the credentials submitted by Member States. Occasionally, they are faced with cases in which the legitimacy of a government is questioned or where competing credentials are received from more than one entity claiming to represent a Member State. As I reported to you on Monday, our Credentials Committee has been dealing with such a situation in the case of Myanmar, for the fourth consecutive year.

What makes the Credentials Committee of the International Labour Conference unique are other aspects of its mandate. The Committee is tasked with examining objections to credentials in two different situations. The first is where it is alleged that the delegate or adviser is not nominated in agreement with the most representative organizations of employers or workers. The second is where a government fails to nominate an Employers' or Workers' delegate, resulting in an incomplete delegation.

The first type of objection is the core mandate of the Credentials Committee, which it has exercised since 1919. The need for it is clear: to make sure that the Employers' and Workers' delegates of Member States truly represent the workers and the employers of their country. This is why governments must appoint them in agreement with the most representative employers' and workers' organizations in the country. But what happens when they do not? The Committee must then examine objections. It requests the government concerned for its comments. On the basis of the information at its disposal, it reaches its conclusions. As mentioned before, our Committee examined 17 such objections, 3 of which concerned Employers' delegates and 14 of which concerned Workers' delegates.

I would like to highlight just two cases: Belarus and Nicaragua.

In the case of Belarus, the question that was before the Committee for a second consecutive year was whether the Workers' delegates and advisers from the Federation of Trade Unions of Belarus can be considered genuine workers' representatives. The information before the Committee did not show that the Federation was a genuine workers' organization, free and independent from the Government, and reinforced the Committee's serious doubts

as to the compliance of the nomination with the relevant constitutional provisions. On this basis, the Committee decided to propose to the Conference that this case be monitored by the Committee next year.

In the case of Nicaragua, the Committee remains deeply concerned about the grave allegations of persecution, intimidation and repression of employers' organizations that are being examined by competent ILO supervisory bodies. These concerns have been expressed at three of the four previous sessions of the Conference. For the nomination of the Employers' delegates and advisers to the Conference, it is particularly relevant that the Government appears to have deprived representative employers' organizations of their legal existence. In this case, the Committee proposes to renew the monitoring.

In the case of Belarus, the number of monitoring cases has now risen to five, along with four renewals. When such a proposal is adopted by the Conference, the Government must provide a report to the Credentials Committee when it submits credentials the following year. The report is then assessed by the Credentials Committee.

A subject that has permeated our discussions on several cases is the link between the proper designation of Employers' and Workers' delegates, and the respect for freedom of association in the country concerned. It has always been evident that there is a strong link between the two. Nevertheless, the Committee generally refrains from adopting conclusions on questions concerning freedom of association, because such questions lie within the mandate of the Committee on Freedom of Association. This is why, for example, in the case of Liberia, it made only a cross reference to the freedom of association question underlying the leadership dispute within the Liberia Labour Congress. However, it clarified last year, in the case of Belarus, that while the Conference does not have a mandate to examine alleged violations of freedom of association, it may take the findings of the competent ILO supervisory bodies into account in its own conclusions on the question of whether an employers' or workers' organization is genuine and representative. It has reconfirmed this approach this year.

As stated again in the case of Guinea-Bissau, there can be no valid designation of delegates and advisers that is the result or the product of government interference.

In addition to objections, the Committee also examines complaints. These are cases where it is alleged that a government has not paid the travel and subsistence expenses of a delegate or adviser. Governments are reminded that they are obliged to cover these expenses under article 13(2)(a) of the ILO Constitution. Under the Standing Orders of the Conference, the Credentials Committee can only consider complaints if the Member has not paid the expenses of a titular delegate, or if there is a serious and manifest imbalance between the advisers paid for in the three parts of the delegation. While the Committee's mandate is limited, it finds itself with complaints where a Member State has not paid in a timely manner, or has not paid in full. The Committee calls on all Members to make adequate arrangements sufficiently in advance so as to permit essential partners to participate for the full duration of the session of the Conference.

In addition, the Committee had the opportunity to examine an unusual objection lodged by a non-profit research and advocacy organization. This case led to an in-depth examination of the historical records of the ILO. The Committee recalled an earlier statement, according to which objections within the spirit of the Standing Orders must come from members of delegations, from governments, or from national or international employers' or workers' organizations. Therefore, even though objections may be lodged by a wide variety of organizations or individuals, those must still have a specific interest in the composition of the

given delegation at the given session of the Conference. The case before the Committee did not meet this threshold and the objection was not found receivable.

This concludes the cases that I wish to bring to your particular attention this morning. It remains for me to thank my fellow members and the Vice-Chairpersons of the Committee; Mr Yllanes Martínez, from Mexico, for the Employers; Ms Losi from South Africa, for the Workers; and Ms Brown from the United Kingdom, who temporarily replaced Ms Losi. We truly worked very well as a tripartite team on this task, and this report reflects our unanimous views. I would also like to thank the Office, the translators and the interpreters for their efforts. They permitted the Committee to work in a seamless manner.

With this, I now invite the Conference to take note of the second report of the Credentials Committee, which is contained in Record of Proceedings No. 3B, and is available on the website of the Conference, and to approve the Committee's proposals as set out in paragraphs 15, 22, 25 and 33, in relation to the four existing monitoring cases, and in paragraph 45, in relation to the new monitoring case.

The President

The Credentials Committee has unanimously adopted its report and requests the Conference to take note of its content and to approve the proposals contained in paragraphs 15, 22, 25, 33 and 45 of Record of Proceedings No. 3B, relating to Djibouti, Mauritania, Nicaragua, the Bolivarian Republic of Venezuela and Belarus.

In accordance with article 31(3) of the Standing Orders of the Conference, the proposals shall be approved without discussion.

If there is no objection, may I take it that the Conference takes note of the second report of the Credentials Committee and approves the five proposals?

(The Conference takes note of the second report of the Credentials Committee and approves the five proposals.)

I would like to take this opportunity to thank the Officers of the Committee once again for their excellent work and dedication. The work of this Committee is fundamental to ensure tripartite representation at the Conference.

(The Conference continues its work in plenary.)

► Record of Proceedings

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International Labour Conference – 112th Session, Geneva, 2024

Date: 2 July 2024

Plenary sitting: Strategic dialogue with the co-facilitators of the intergovernmental preparatory process of the Second World Summit for Social Development

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Friday, 7 June 2024, 3.40 p.m.

President: Mr Buzu

Strategic dialogue with the co-facilitators of the intergovernmental preparatory process of the Second World Summit for Social Development: Summary

The President warmly welcomed all participants and said that the Conference was honoured by the presence of Mr Hilale, Permanent Representative of Morocco to the United Nations in New York, and Mr Kridelka, Permanent Representative of Belgium to the United Nations in New York, in their capacity as co-facilitators of the intergovernmental preparatory process of the Second World Summit for Social Development, following their nomination for that role by the President of the United Nations (UN) General Assembly.

Mr Hougbo (Director-General of the International Labour Office and Secretary-General of the Conference) extended a warm welcome to the co-facilitators. He said that the Second World Summit for Social Development was of paramount importance for the ILO and offered an unprecedented opportunity to address the pressing challenges of the time, in particular the three core themes of social development, namely: poverty eradication; full and productive employment and decent work for all; and social inclusion. The Summit should serve as a global platform to reaffirm the commitments that had been made to social justice, and its outcomes would have far-reaching implications. The ILO's unique tripartite structure was a strength within the UN family. A working party of the Governing Body was in the process of developing a tripartite input to the Summit, with a first statement to be adopted on 15 June. The co-facilitators brought a wealth of experience and insight from their work in New York, offering a perspective that was both complementary to and distinct from the dynamics in Geneva. He urged all participants to engage actively and constructively in that crucial intergovernmental preparatory process.

Mr Hilale (Permanent Representative of Morocco to the United Nations in New York and co-facilitator of the intergovernmental preparatory process of the Second World Summit for Social Development) congratulated the President and the Vice-Presidents of the Conference on their election and thanked the Director-General of the ILO for his invitation. He said that the co-facilitators were firmly committed to undertaking the intergovernmental process in an inclusive, transparent, ambitious and pragmatic manner. They would make every effort to create and enable a constructive, inclusive and positive environment for the preparations for the Second World Summit for Social Development.

In his report entitled "Our Common Agenda", the UN Secretary-General had made a proposal to convene a world social summit in 2025, to be discussed and agreed upon by Member States. At the Sustainable Development Goals Summit in 2023, Member States had emphasized that the possible summit outcome should have a social development approach and give momentum towards the implementation of the 2030 Agenda for Sustainable Development. In resolution 78/261, adopted on 26 February 2024, the UN General Assembly had decided to convene the "World Social Summit" in 2025, under the title "Second World Summit for Social Development". That enabling resolution stressed that the Summit should address the gaps and recommit to the Copenhagen Declaration on Social Development and Programme of Action and its implementation and give momentum towards the implementation of the 2030 Agenda. The Summit would therefore be a crucial opportunity to scale up efforts to deliver on the three pillars of social development, namely poverty

eradication; full and productive employment and decent work for all; and social inclusion. It would also be an opportunity to reinforce respect for all human rights and promote gender equality.

The 2030 Agenda, which was strongly influenced by the Copenhagen outcome, set out a commitment by Member States to work towards sustainable development in its three dimensions – social, environmental and economic – in an integrated manner. Thus, the international community had moved the policy discussion from social development to the social dimension of sustainable development. Social development had become integral to the development process, rather than being relegated to a separate track, where it was often subordinated to economic priorities. Yet, too many communities were being left behind. According to the UN Secretary-General's most recent report on progress in implementing the Sustainable Development Goals (SDGs), only 15 per cent of the SDG targets were on track to be achieved, 49 per cent showed minimal or moderate progress, and 36 per cent of the targets showed signs of stagnation or regression. It was imperative to invest in the productive potential of people, build trust, reinforce social dialogue, create decent work and narrow inequalities. Full and productive employment and decent work were the link between social justice and the economic and environmental components of sustainability. The ILO's expertise in advancing social justice and promoting decent work was indispensable to address the core themes of social development.

The process leading to the Second World Summit for Social Development was taking place as preparations for the Summit of the Future and the fourth International Conference on Financing for Development were progressing. The mobilization of resources and solidarity were expected to be at the heart of the deliberations of the Second World Summit for Social Development. The Summit had the potential to cement the political will required to foster investments in human capabilities, social protection and decent work, build resilience to safeguard progress and deliver on the commitment to leave no one behind.

The co-facilitators were keen to listen to the ILO's expectations for the Summit and the perspectives of the ILO's tripartite constituents on the preparatory process and its outcome. They relied on the ILO's constituents to ensure harmony in the views and positions taken in Geneva and in New York.

Mr Kridelka (Permanent Representative of Belgium to the United Nations in New York and co-facilitator of the intergovernmental preparatory process of the Second World Summit for Social Development) congratulated the President of the Conference on his election and thanked him for the invitation to participate. He said that he and Mr Hilale had been appointed by the President of the UN General Assembly on 4 March 2024 as co-facilitators for both the modalities and the outcome of the Summit, in accordance with resolution 78/261. The aim was first to produce a modality resolution and then a concise political declaration to be adopted by consensus. The political declaration should have a social development approach and give momentum towards the implementation of the 2030 Agenda. It was their firm intent to finalize the modality resolution in June. The negotiations on the political declaration should start, as was usual in such a process, during the next session of the General Assembly, after the High-level Week in September 2024.

A first consultation of the Member States in New York on 28 March had highlighted that the Summit offered an opportunity to strengthen and refocus efforts and commitments in respect of the social dimension of sustainable development, building on the 2030 Agenda and on the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development of 1995, while taking into account the preparations for the

Summit of the Future, the Global Digital Compact and the discussion on financing for development.

The co-facilitators were firmly committed to facilitating the discussions among Member States in an open, inclusive and transparent manner that considered the views and priorities of all stakeholders. The Summit should be a message of hope and commitment to deliver on people's dreams towards a more prosperous and more just world.

Following the consultation in March, extensive consultations with a broad spectrum of stakeholders, including many UN agencies in Geneva, including the ILO, had taken place. He thanked the Director-General of the ILO for the extensive briefing the ILO had organized on 22 April.

The first reading of a zero draft modality resolution had taken place on 7 May. It was followed by two further readings, which had led to a revised version of the text, which had been discussed on 3 June. Seven out of the ten proposed preambular paragraphs had been closed, as had one of the 14 proposed operative paragraphs. Referring to the status of the negotiations, he drew attention to three important points. First, negotiations were still ongoing regarding the explicit reference to specific institutions – including the ILO – and their role. The question of the role and participation of civil society and the social partners was also still under discussion. Second, new elements had been introduced to the discussion on the possible themes of the high-level round tables, including the new social contract. And third, regarding the location of the Summit, there were currently two options, namely Qatar and New York, during the High-level Week. Member States had been invited to provide written comments in that regard and the next steps would be announced soon. Once agreed on, the text of the modality resolution would be submitted to the General Assembly for approval, following which the preparation of the Summit's outcome would start through an extensive consultation process.

The Summit was very important and it would be taking place against the backdrop of a difficult context, calling for a spirit of partnership that put the needs, rights and aspirations of people at the centre of decisions. The co-facilitators were fully aware of the difficulty of the tasks ahead, and they hoped and believed that it would be possible, collectively, to live up to the commitment to progress that had been made at the 1995 Summit, 30 years earlier.

Ms Hornung-Draus (Chairperson of the Employers' group) thanked the ambassadors for their presence and for having visited the Employers' group that morning. She said that the ILO had an instrumental role to play in achieving the goals of the Summit through its tripartite structure, anchoring economic and social policy in the real economy, and through its human-centred approach. Five key elements should be reflected in the outcome document of the Summit.

The first element was the recognition that the private sector, and in particular micro, small and medium-sized enterprises of the real economy, as the main employment provider, contributed to sustainable development. Enterprises were the backbone of any economy, driving investments, innovation and growth. Without sustainable enterprises, there were no jobs. It was essential to create a conducive environment for sustainable enterprises in order for micro, small and medium-sized enterprises to thrive. The conditions behind such a conducive environment included political and macroeconomic stability, agile labour markets and effective and sustainable social protection that stimulated both jobs and growth.

The second element was a reference to effective labour market governance. Trust in public institutions was key. The Employers called for the outcome to promote effective

governance to fight corruption and to ensure equitable and sustainable labour markets. That required effective, flexible and modern national regulations with robust labour market institutions. Investment in labour market data collection and research to inform evidence-based policymaking was a precondition for achieving that goal.

The third element was the recognition of the central role of employers' and workers' organizations as social partners committed to the well-being and economic prosperity of entire societies beyond their own interests. The social partners were anchored in the real economy, and they should be recognized in the outcome document as key actors and also, most importantly, as actors in the implementation of the outcome, as they provided first-hand expertise on the realities of work.

The fourth element was the importance of investing in skills and development. Education was the backdrop of any thriving society. From early childhood to adulthood, investing in quality education that was accessible to all and in continuous skills development was essential. Investing in adaptable training programmes that met the demands of modern economies, particularly in the digital and green sectors, laid a strong foundation for lifelong learning and employability.

The fifth element that should be reflected in the outcome was the recognition that productivity growth was a driver for social justice. The ILO Centenary Declaration for the Future of Work (2019) recognized that enhancing productivity created employment opportunities and improved living standards. A robust productivity agenda was essential. It included reskilling, improving regulations, reducing informality and strengthening institutions to create high quality jobs and elevate living standards for all.

Ms Passchier (Chairperson of the Workers' group) thanked the co-facilitators for their presence. She said that there were four priorities that the Workers' group would like to see reflected in the process and outcome of the Summit.

First, the Summit would take place in a context in which geopolitical polarization was undermining multilateralism. However, global challenges – including achieving peace, tackling climate change and combating inequalities – required global solutions. The ILO was uniquely placed to support a more inclusive multilateralism, founded on its mandate of setting international labour standards and on its tripartite structure. The ILO's expertise and its tripartite structure were key to the promotion of social justice and to the advancement of sustainable development. The first demand was therefore to support the leading role of the ILO in shaping the 2025 Second World Summit for Social Development, based on its mandate and constituent members.

Second, the Summit outcome should reflect the call of the Workers' group for a renewed social contract, with Goal 8 of the 2030 Agenda at its core, to advance social development. The new social contract should emphasize the creation of decent and climate-friendly jobs, the extension of labour protection to all workers, the establishment of living wages, universal social protection and the promotion of equality and inclusion with a special emphasis on gender equality. That demand aligned with the calls made by the UN Secretary-General in his report "Our Common Agenda" for universal social protection, decent work for all and universal labour protection floors for just transitions.

Third, the role of social dialogue and tripartism in the preparations for the Summit and in the implementation of its outcomes must be recognized. Social dialogue was a fundamental pillar of the ILO's Decent Work Agenda and an essential governance tool for social development and for achieving the SDGs. The pivotal role of social dialogue for social justice

was recognized in the work of the UN Commission for Social Development. It must be absolutely clear that, in that context, the enabling fundamental rights of freedom of association and collective bargaining would have to be addressed explicitly. The social partners must be included in the Summit and the key role of social dialogue in social development must be recognized in the Summit outcome.

The fourth priority was to ensure that the Summit enhanced the nexus between social justice, peace and democracy. Trust in democracy and its institutions was at an all-time low, as working people did not feel that their voices were being heard or that they were getting a fair share of the wealth that they helped to create. The Summit must be used to prioritize the rebuilding of democratic institutions to ensure human dignity and peaceful and inclusive societies.

She thanked the co-facilitators for meeting her group, which stood ready to engage on a renewed social contract that included robust financial mechanisms and social dialogue as a driving force for change.

Ms Makonda-Ridley (Government Malawi, speaking on behalf of the Africa group) said that, in preparing for the Summit, the multilateral community must undergo a paradigm shift in respect of how it dealt with social justice and social development in order to focus on the most excluded, in particular in the least developed countries. Tackling exclusion of all forms started with education and skills building. The shortest route to dealing with exclusion was to look again at how to support education in those countries where populations were growing fast – which included most African countries – and where budgets for education were lacking. A paradigm shift was needed to ensure that agencies across the multilateral system could work on issues that delivered on social justice and social development. Education was one of those issues, and it must be at the heart of the Summit.

Mr Pecsteen de Buytswerve (Government, Belgium, speaking on behalf of the European Union and its Member States) said that North Macedonia, Montenegro, Serbia, Albania, Ukraine, Bosnia and Herzegovina, Georgia, Norway and Armenia aligned themselves with his statement. He thanked the co-facilitators and expressed the commitment of his group to strengthen the social dimension of sustainable development. The Summit offered an opportunity to rebuild the social contract on the basis of human rights, social cohesion, solidarity and decent work. The renewed social contract should be anchored in the ILO's fundamental principles and rights at work and should address inequalities and transformative challenges. His group expected the Summit to address the new challenges that had emerged since the 1995 Summit and to give momentum towards implementation of the 2030 Agenda. The Global Coalition for Social Justice and the Global Accelerator on Jobs and Social Protection for Just Transitions should play a crucial role in contributing to the objectives of and follow-up to the Summit. The Summit preparations needed to be closely coordinated with the ILO and its tripartite structure. He asked the co-facilitators to share their assessment of how the negotiations were developing regarding the ILO's role, decent work and the renewed social contract. He also asked them to share their views on the steps that the ILO had defined for its contribution to the Summit.

Mr Muñoz Castro (Government, Colombia) said that economic development must create jobs and working conditions that respected the freedom, safety and dignity of workers. Colombia insisted on the need for greater support and depth in order to guarantee adequate conditions for workers in rural areas and those who belonged to indigenous communities. Their access to freedom of association, safety, social protection, professional and vocational training, and technologies should be guaranteed. Strategies for decent work must be

implemented, which required the commitment of all partners. Workers in the informal economy should enjoy their rights. The goal should be generations of people working in formal work without precarious conditions. The Summit should focus on the effective protection of women, the LGBT+ community, rural workers, ethnic and cultural diversity, and the creation of spaces for tripartism.

Mr Ghariani (Employer, Tunisia) said that employers in Tunisia supported the underlying principles of the Summit and encouraged the Members of the United Nations to address the Summit in a constructive and positive manner, recognizing the important social and economic progress that had been achieved since the World Summit for Social Development in 1995. A realistic approach to poverty eradication was recommended. Innovation, globalization and trade had led to progress, such as increased life expectancy, improved social protection, poverty reduction and the progression of the middle class. However, the global economic community was still facing enormous challenges, including persistent unemployment, particularly among young people, and weak or uncertain growth.

Ms Sequeira Mata (Worker, Costa Rica) said that it was fundamental for the Summit to recognize social dialogue based on respect for freedom of association, collective bargaining and the right to strike as key mechanisms to drive social development and justice, both nationally and internationally. That should be recognized in the outcome of the Summit. In terms of process, employers' and workers' representatives should fully participate alongside governments in the preparation process, the deliberations, and the follow-up to the Summit. She asked how the full participation of the social partners in the Summit could be ensured and how the role of tripartism and social dialogue would be reflected in the Summit.

Mr Jordan (Government, Barbados) said that Barbados encouraged colleagues to review the outcome documents of the recent Global Supply Chain Forum (in partnership with the United Nations Conference on Trade and Development and the Global Conference on the Sustainable Development of Small Island Developing States (SIDS) while preparing for the Summit. SIDS needed a global partnership which recognized that developed nations had a responsibility to invest in building their resilience. The vulnerability of SIDS must be properly assessed, as gross domestic product per capita alone was not a sufficient indicator. The Global Coalition for Social Justice was essential for advancing policy coherence and a human-centred approach. The climate crisis remained an existential threat to humanity as a whole and urgent action was needed to mitigate its negative effects. The impact of rapid advances in technological development must be recognized and guidelines put in place to ensure that the vulnerable in our societies did not become collateral damage. The need for a just technological transition was as imperative as the need for a just energy transition.

Mr Nur (Worker, Somalia) said that, as global migration continued to rise, there was a need for a rights-based approach to labour migration that took into account sustainable development, just transition and equality, as well as the needs of migrant workers and their families, in a holistic and coherent manner. The Summit must ensure that migration pathways were not only regular, safe and orderly, but also rights-based and gender-sensitive. The Summit was also an opportunity to break the silos between migration and labour, employment, education policies and governance structures. Social dialogue and international labour standards must guide labour migration governance. Workers must enjoy full freedom of association and the right to bargain collectively. He asked how international labour standards and social dialogue for migrant workers could be promoted during the Summit negotiations.

Mr Dragún (Employer, Argentina) said that enterprises were the key drivers for decent work, especially for work formalization. Getting out of informality required close consultation with employers as they played an important role. Social dialogue must take place. The transition towards the formal economy should occur within regulatory frameworks and should offer incentives to move away from informality. Guaranteeing employability and increasing productivity should be the main aims in order to combat the main causes of informality.

Mr Lee (Government, United States of America) said that the United States regarded the Summit as an opportunity to refocus the world's attention on equity, inclusion, social justice and non-discrimination. The potential of the Summit must be realized in order to address serious gaps in the implementation of the Copenhagen Declaration, including by advancing decent work and protecting workers' fundamental rights. The world was also facing newer challenges that must be addressed promptly with a focus on social justice. The Summit should unite the international community behind a climate transition that delivered justice for workers and harnessed the full potential of the digital transition to improve workers' lives. The Summit should also be used to strengthen labour protections and overcome inequalities. He asked how the ILO and its constituents could best shape the Summit and its outcome, and what the appropriate framework was to maximize the impact of an ILO tripartite input in the Summit.

Ms Mayers-Granville (Employer, Barbados) said that social development envisioned through the SDGs could not be achieved without including businesses. The private sector included local enterprises, multinational corporations and micro, small and medium-sized enterprises, which all drove inclusive growth and provided sustainable employment opportunities. Creating decent jobs required conducive domestic and international conditions for businesses.

Ms Zimna (Worker, Maldives) said that the Summit was a historic opportunity to call firmly for the universality of human rights, women's rights and labour rights, and to invest in gender equality as one of the most effective means to further social development and social justice. Three elements were pivotal: enhancing the care economy, recognizing equal pay for work of equal value and eradicating gender-based violence. The Summit should recognize care as a public good and call for universal ratification of the Violence and Harassment Convention, 2019 (No. 190). She asked how those issues and policy coherence could be promoted at the global level.

Mr Oeschger (Government, Switzerland) said that Switzerland believed that the goal of the Summit should be to assess progress, identify current challenges and renew commitment to the principles of the Copenhagen Declaration, while giving new impetus to the implementation of the 2030 Agenda. Switzerland called upon all Member States of the United Nations to support the inclusive integration of all partners, in particular the social partners, in preparation for and during the Summit. Switzerland wished to draw attention to the important role that the Global Coalition for Social Justice should play in providing consistency between the various goals of the Copenhagen Declaration.

Ms Whittier (Government, Trinidad and Tobago) highlighting the specific vulnerabilities of SIDS, said that it would be important to ensure that the Summit placed a special focus on those countries. SIDS recognized the importance of developing productive populations through policies to promote employment and reduce unemployment through avenues such as skill development, productivity enhancement and knowledge transfer. It would be important to ensure that those elements featured in the discussions at the Summit.

Ms Sephomolo (Employer, Lesotho) said that an enabling environment for sustainable enterprises included the promotion of entrepreneurship, the reduction of the costs of doing business and the unlocking of investment opportunities. Businesses in the least developed countries often operated in difficult environments. She asked that employers be included in UN processes at both national and global levels and that their voice be brought to the Summit in a meaningful way.

Mr Annisette (Worker, Trinidad and Tobago) said that social justice, human dignity and equity must become a tangible reality. The global labour movement had always been at the forefront of the fight for social justice, advocating for the rights of workers, fair wages, safe working conditions, and the right to organize and bargain collectively. New economic policies were needed. The labour movement was also a central player in the transition to a green economy, advocating for policies that created sustainable jobs and protected the planet for the future. Workers' rights should be universally respected. The principles of solidarity, justice and equity should guide preparations for the Summit.

Ms Reyes Parra (Government, Peru) said that the preparations for the Summit constituted a fundamental and urgent opportunity to join collective efforts towards the consolidation of a more just world. Significant progress had been made in terms of social development, but considerable work remained to be done. She said that everyone must unite to overcome challenges and must show compassion and act in solidarity.

Mr Gallego García (Worker, Spain) said that the Summit needed to drive real progress in terms of social justice and come up with ambitious commitments, not only in terms of social development but also in terms of funding. The Summit should include commitments for increased official development aid and reserve at least 7 per cent of it for social protection. Other issues to be addressed included building a multilateral debt architecture for middle-income countries, a fiscal reform based on participative and democratic governance, and the reform of the Bretton Woods decisions to respond to the needs of developing countries. A key question would be the articulation between the Summit's outcome and the discussion on finance for development, including the Fourth International Conference on Financing for Development taking place in Madrid in 2025.

Ms Corrods (Government, Jamaica) said that the Summit must secure outcomes that responded to the growing need to redefine how labour was engaged, in particular young people. In crafting those solutions, an inclusive and people-centred approach must be considered. The conversation around the future of work, social development and social justice must incorporate youth engagement, focusing on the thematic areas of transitional unemployment support, greater social protection for workers in the platform economy, informality, and non-standard work engagements. Another issue of interest would be how labour authorities could respond to a changing world of work.

Ms Fuentes Furuya (Representative, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that the OHCHR supported the integration of human rights, labour rights, gender equality and social protection and hoped to see human rights put at the centre of the Summit. Human rights could help address the root causes of social, economic and environmental challenges. The OHCHR promoted a human rights' economy and encouraged the Summit to address care and support systems as a key lever to sustainable development. For the transformation of the care and support economy and systems, it would be crucial to apply a full range of relevant international labour and human rights standards addressing the human rights of women, persons with disabilities, children, young people, older persons and migrant workers, both as caregivers and receivers of care and support.

Mr Kridelka (Permanent Representative of Belgium to the United Nations in New York and co-facilitator of the intergovernmental preparatory process of the Second World Summit for Social Development) said that the exchange had been very useful and that all the points had been well noted. The questions regarding the ILO's involvement in the preparation of the Summit called for a coherent approach between Geneva and New York to ensure that Member States spoke with one voice. Likewise, the answer to the question regarding the involvement of social partners in the Summit lay with the individual governments that instructed their missions in New York. Coherence was also important regarding human rights, which was a holistic concept giving equal importance to all human rights, including economic, social, civic, cultural and political rights. The ILO was mentioned as one of the key agencies in the modality resolution for the World Summit for Social Development held in Copenhagen. He expressed the hope that the same language would be kept for the modalities of the Second World Summit for Social Development.

Regarding the thematic priorities, good note had been taken of the five priorities of the Employers and the four priorities of the Workers. The specific situation of the least developed countries and SIDS was also a priority in New York. Migration, formalization, gender equality, the fight against all discrimination, rural workers, support for entrepreneurship and the focus on young people were all very important issues.

To conclude, he said that it was important that individual governments listened to the priorities of the social partners and transmitted them to the delegations in New York as the outcome document would be agreed through a process led by Member States.

Mr Hilale (Permanent Representative of Morocco to the United Nations in New York and co-facilitator of the intergovernmental preparatory process of the Second World Summit for Social Development) said that due note had been taken of the interventions, which would be shared in New York. The co-facilitators attached great importance to the contribution of the ILO. Specific concerns would be best addressed if raised in New York by individual countries. Labour ministers needed to raise awareness among their governments so that their concerns could be integrated into the outcome document of the Summit.

The expressions of interest and the focus that had been placed on social dialogue, social justice and gender equality had already been heard in New York, and he expressed the hope that they would be reflected in the Summit's final declaration. Those issues, together with the creation of decent work, were key components of the society they were dreaming of for the future and which it was their responsibility to leave for the generations to come. He also expressed the hope that financing for development would find its place in the Summit. Renewed commitment was needed for the financing of policies that created decent jobs.

Regarding artificial intelligence, it was necessary to ask the right questions. Beyond the positive forecasts, to what degree could countries integrate a social dimension? How could the wealth generated by artificial intelligence improve working conditions, help to invest in a healthy environment and strengthen the rights of workers? Participants' contributions on those issues were key. Finally, he expressed the hope that human rights would take a rightful and noble place in the vision for the future at the Second World Summit for Social Development. The universality of all human rights must be recognized. There could be no prosperity, nor economic and social development, without upholding human rights.

The President thanked the co-facilitators and the delegates for their participation.

(The Conference adjourned at 6 p.m.)

► Record of Proceedings

9C**International Labour Conference – 112th Session, Geneva, 2024**Date: 12 July 2024

Plenary sitting: Inaugural Forum of the Global Coalition for Social Justice

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Thursday, 13 June 2024

President: Mr Buzu

Opening of the inaugural Forum

- Address by Mr Gilbert F. Hounbo, ILO Director-General and Co-Chair of the Coordinating Group
- Address by Mr Luiz Marinho, Minister of Labour and Employment of Brazil, representing the Government of Brazil as Co-Chair of the Coordinating Group
- Address by Mr Ramchandra Paudel, President of Nepal

The President of the Conference welcomed participants to the inaugural Forum of the Global Coalition for Social Justice. The Forum consisted of three thematic dialogues, each with a Partners' Conversation and a Partners' Spotlight led by two renowned moderators. Keynote speeches would be given by President Ramchandra Paudel of Nepal and President Luiz Inácio Lula da Silva of Brazil. With over 1,200 participants, the Forum would hold its conversations between two alternating meeting rooms, with participants in the secondary room following the proceedings on screens. He emphasized the importance of the programme for partners to share their perspectives, experiences and priorities to align with the Coalition's objectives.

Mr Hounbo warmly welcomed all participants. The inaugural Forum marked a significant milestone following the establishment of the Global Coalition for Social Justice by the ILO Governing Body. He expressed deep appreciation for the commitment shown by nearly 300 partners representing governments, employers' and workers' organizations, United Nations (UN) agencies, regional bodies, non-governmental organizations, businesses and academics. The Coalition was a space for dialogue, action and advocacy, with a key role in advancing social justice worldwide.

Since the Coalition's inception, partners had participated actively in thematic discussions aimed at translating debates into actionable initiatives. At the Forum, partners were poised to showcase their commitments to building resilient societies, enhancing coherence between economic and social policies, and fostering social dialogue for shared prosperity. He expressed hope that those commitments would inspire collaborative actions to realize the Coalition's goals. Looking forward, he stressed the need to elevate social justice on national, regional and global agendas, affirming the Forum's role in guiding the Coalition's trajectory towards meaningful impact. He concluded by calling for collective efforts in dialogue, collaboration and action to transform the world for the better.

Mr Marinho underscored Brazil's steadfast commitment to social justice and the promotion of decent work for all, a commitment reaffirmed and strengthened in 2024 through targeted actions. The country demonstrated unwavering support for the fundamental principles and rights at work advocated by the ILO, and President Lula's personal presence at the Forum was a symbol of Brazil's deep-rooted dedication. Brazil took a proactive stance in driving forward the Coalition's agenda, which focused on human-centred approaches and inclusive development.

Global challenges included the profound impacts of the COVID-19 pandemic, the rapid evolution of the digital economy, and the urgent environmental crises, including the catastrophic floods in Brazil's Rio Grande do Sul region. Brazil was undertaking extensive efforts, under President Lula's leadership, to mitigate those challenges, including substantial financial investments to aid affected communities and support businesses in the region. In the

context of Brazil's current presidency of the G20, it was advocating for fair and inclusive economic policies, particularly focusing on the regulation of the digital economy, equitable distribution of the benefits of technology, and environmental sustainability. Brazil's agenda within the G20 aligned closely with its commitments to the Global Coalition for Social Justice, aiming to advance the Sustainable Development Goals (SDGs).

Looking ahead, he expressed optimism about the potential of the Global Coalition for Social Justice to advance the Decent Work Agenda and accelerate progress towards the SDGs. Brazil was committed to eliminating child labour and forced labour, promoting gender equality, and fostering fair and inclusive economies. It also took an active role in advocating for reform of international governance and regional balance within the ILO and other international bodies. In addition to Brazil's contributions through South-South and Triangular Cooperation with the ILO, social dialogue played a critical role in achieving comprehensive social justice and promoting decent work globally.

He concluded by reaffirming Brazil's openness to dialogue and collaboration with all stakeholders, underscoring the importance of collective action in prioritizing decent work and human well-being on a global scale.

Mr Hounghbo warmly welcomed the President of Nepal, noting that throughout his long political career, the President had always been a strong and an ardent advocate of social justice, fairness and democratic participation. His unwavering commitment to democracy and social values had meant that he had even been sentenced by an authoritarian regime to many long years of imprisonment. Thanks to the people's movement, to which President Paudel belonged, Nepal was now a federal democratic republic. The Constitution of Nepal expressed a strong determination to creating a balanced society on the basis of the principle of social justice.

He commended the country's efforts in ensuring safe labour migration through bilateral agreements in cooperation with the ILO. Furthermore, Nepal had become a pathfinder country of the Global Accelerator on Jobs and Social Protection for Just Transitions, as well as a member of the Global Coalition for Social Justice, which demonstrated the country's dedication to promoting social justice in Nepal and beyond.

Mr Paudel congratulated the ILO on the inauguration of the Global Coalition for Social Justice and expressed his gratitude for having been invited as a keynote speaker. A century ago, the ILO had been created based on the premise that universal and lasting peace can be established only if it is based on social justice. The ILO still stood firmly on the foundation of social dialogue and tripartite cooperation. The rapidly changing labour market demanded new skills, technologies, and creative ways of working across various sectors, including industrial production, service sectors, IT-based banking services, and artificial intelligence. There was therefore a need for adaptability and innovative work styles to accommodate those changes and implement the Decent Work Agenda.

Nepal's constitution embraced provisions on social justice, such as equal rights, opportunities and treatment, which aligned with the core values of the ILO. He expressed Nepal's dedication to social justice by participating in the Global Coalition for Social Justice and reaffirming faith in multilateralism. He stressed the importance of climate justice, noting the severe impacts of climate change on Nepal, despite its negligible contribution to carbon emissions. The retreat of glaciers in the Himalayas had had adverse effects on drinking water, agriculture, biodiversity and public health, pushing many into marginal poverty and exacerbating inequality. He subsequently called for adequate funding, compensation and the necessary technology to be provided to countries affected by climate change, emphasizing the

responsibility of major emitters. He also highlighted the misallocation of resources towards weapons instead of development, and urged the international community to focus on shared prosperity and global brotherhood for sustainable peace.

In Nepal's transition to a federal democratic republic, labour rights, the right to employment, the right to form trade unions, and the right to participate in collective bargaining had been enshrined in the constitution. Legal and institutional arrangements, such as the Labour Act, the Trade Union Act, the Employment Rights Act, the Contribution-Based Social Security Act, and the National Employment Policy, had been established to implement those provisions. Recently, the Government had announced the "Shramadan" plan to create employment within Nepal. He appealed to all countries to treat migrant workers with respect and adhere to the principle of decent work, and affirmed Nepal's active engagement in the Alliance 8.7 against child labour, forced labour and modern slavery, and its role as a pathfinder country for the Global Accelerator on Jobs and Social Protection for Just Transitions. He highlighted the implementation of the Decent Work Country Programme 2023–2027 in Nepal, whose three pillars were employment, rights and social dialogue.

In conclusion, he expressed his belief that the Global Coalition for Social Justice would continuously inspire collective efforts through social dialogue to achieve social harmony, tolerance, economic development and prosperity. He reiterated the importance of ensuring that a fair share of the fruits of labour reached the hands of workers, which was the essence of social justice.

Thematic Dialogue: Building the resilience of societies

(a) Partners' Conversation

Moderator

- Ms Femi Oke

Panellists

- Ms Marina Elvira Calderone, Minister of Labour and Social Policies, Italy
- Mr Syed Hussain Syed Husman, President, Malaysian Employers' Federation (MEF)
- Ms Zingiswa Losi, President, Congress of South African Trade Unions (COSATU)
- Mr José Manuel Salazar-Xirinachs, Executive Secretary, United Nations Economic Commission for Latin America and the Caribbean (ECLAC)
- Mr Adama Mariko, Secretary-General, Finance in Common

The moderator introduced the first Thematic Dialogue, entitled "Building the resilience of societies", noting that the Global Coalition for Social Justice, although only seven months old, held significant potential for addressing social justice deficits, implementing the 2030 Agenda for Sustainable Development, and ensuring decent work for all.

Ms Calderone, as a representative of the country holding the G7 presidency, emphasized the responsibility they had to promote concrete, innovative and sustainable initiatives to address global challenges. It was important to understand their role, particularly in ensuring protection during real emergencies, such as addressing inequalities, protection gaps, and the exploitation of labour, including child labour, and of supporting the Global Coalition for Social

Justice on those themes. At their meeting in Cagliari in September 2024, G7 labour ministers would emphasize their support for the Coalition and adopt a declaration. Social dialogue was a key element of the Coalition, which supported transition processes in advanced, emerging and developing economies to ensure decent working conditions, improve lifelong learning and promote occupational safety and health. The Italian Government encouraged all countries to ratify ILO Conventions and support the capacity and representativeness of employers' and workers' organizations. There was a need to protect workers during technological, ecological and demographic transitions, which would significantly change societies and create new opportunities and risks. She concluded by stressing the importance of creating comprehensive guarantees and extending collaborative work on the implementation of the Global Coalition for Social Justice.

Mr Syed Husman stated that Malaysia was an economically sound country. The current Government's main emphasis, as highlighted by the Prime Minister, was on integrity, trust and care for its citizens, ensuring no one was left behind. Malaysia had implemented many social policies to benefit its citizens. One significant success was the introduction of the Social Security Organization, initially covering the formal sector. Recognizing the growing informal economy, plans had been implemented to include it in the social security scheme. The scheme required employers to pay 1.75 per cent of the basic salary while employees paid only 0.25 per cent. It provided 24-hour coverage for any accidents or injuries requiring hospitalization and medical care. The Government had also agreed to cover the substantial foreign labour workforce. To address the lack of coverage for housewives and househusbands, the Government had introduced a scheme to provide them with coverage, recognizing their contributions to the economy. The inclusive national policy ensured that every working person in the country was covered by insurance, reflecting true social justice. Those actions had significantly benefited the economy, as a stable family environment led to better performance in organizations.

Ms Losi, speaking on behalf of workers, emphasized the importance of practical measures to ensure adequate participation of workers across all sectors when championing a just and inclusive transition. No transition could succeed without workers and trade unions, and sector-wide opportunities for upskilling and reskilling were needed to prevent anyone from being left behind. Intentional efforts must address unemployment and underemployment through targeted opportunities. Localization should be an entry point for economic growth, including investments in emerging sectors, local manufacturing, and job creation in construction sectors. Communities and workers were equally affected by a just transition, and there must be sufficient investment in social ownership, social protection, and ensuring households were not disadvantaged. Social compacts and partnerships between government, workers and employers were important to ensure a just transition across all sectors, especially in energy, manufacturing, agriculture and related sectors. Workers whose jobs were directly and indirectly affected by transitions, including those in value chains and host communities, must be taken into account to prevent negative economic impacts such as ghost towns. Particular attention must be paid to women, youth, persons with disabilities and rural residents in discussions and actions related to a just transition and social justice.

Ms Calderone emphasized the importance of managing transitions to avoid worsening inequality and further weakening vulnerable workers. All countries faced the challenge of ensuring that progress was coupled with guarantees and protections, especially concerning people's rights.

Mr Salazar-Xirinachs noted that ECLAC had recently joined the Global Coalition and underscored the Coalition's crucial significance. Latin America and the Caribbean faced a number of economic challenges, including alarmingly low average economic growth of 0.8 per

cent over the past decade, contrasted with much higher growth rates in previous decades. There was an urgent need for productive transformation policies to stimulate growth and create jobs. Low economic growth impeded efforts to reduce poverty, informality and inequality, and to finance social policies for social justice. He stressed the importance of inclusive and sustainable economic growth, which was achievable through policies fostering governance, social dialogue and collaboration across sectors. Successful approaches included cluster initiatives bringing together the private sector, public institutions and academia to enhance productivity and job creation. In addition to low economic growth, two further traps in the region were inequality and weak governance. Addressing those challenges collectively could catalyse transformative growth and social justice.

Mr Mariko expressed his excitement about the formation of the Global Coalition, which had potential as a powerful instrument for promoting social justice. Development banks should support its work in the long term. There were approximately 530 public development banks worldwide, but only 10 per cent had an international mandate as international financial institutions. The remaining 90 per cent operated nationally, serving as intermediaries between government fiscal policies and economic investments. Collectively, those banks managed assets totalling US\$23 trillion and invested \$US2.5 trillion annually across various economies. The banks could play a significant role in supporting social transitions and promoting social justice, particularly through financing the SDGs and integrating social perspectives into national climate strategies. Examples were countries such as South Africa and others involved in the Finance in Common coalition, where banks were actively engaged in policy dialogues and funding social protection and disaster risk reduction programmes. It was important for public development banks to share knowledge and best practices to strengthen social protection programmes and reduce social inequalities. They had an important role in investing in infrastructure and utilities while considering social impacts and addressing inequalities. He advocated for continued investment in social safety nets, particularly during economic shocks such as the COVID-19 crisis, and noted the counter-cyclical role that public development banks played in reducing inequalities and societal fractures.

Mr Salazar-Xirinachs acknowledged the critical role of finance within the Coalition. An important conversation was taking place within the UN about the inadequacies of the financial system in meeting the SDGs and addressing climate issues. There was a significant gap in financial support despite the importance of social dialogue and well-designed public policies. Without robust financial resources, even the best-laid plans might falter.

The moderator asked panellists to conclude with one word or sentence on how they envisioned collaboration within the Coalition.

Mr Mariko expressed the usefulness of creating awareness through the Coalition ecosystem.

Mr Salazar-Xirinachs acknowledged that the Coalition was still young and needed to establish effective working methods and operational procedures to ensure transformative impact.

Ms Losi stressed the critical role of social dialogue, transparency and worker inclusion in economic growth and development.

Mr Syed Husman highlighted the commitment of the International Organisation of Employers (IOE) to social justice through dialogue, collaboration and learning from both strengths and weaknesses.

Ms Calderone emphasized the importance of human capital and skills development according to a rationale of social dialogue, which also created the ground for protection for everyone, starting with the promotion of quality collective bargaining.

The moderator concluded by thanking for their significant contributions to the inaugural Forum of the Global Coalition for Social Justice.

(b) Partners' Spotlight

Moderator

- Ms Femi Oke

Speakers

- Mr Adama Kamara, Minister of Employment and Social Protection, Côte d'Ivoire
- Mr Pasi Hellman, Undersecretary of State, Development Policy, Finland
- Mr Michal Mlynár, UN Assistant Secretary-General and Acting Executive Director, United Nations Human Settlements Programme (UN-Habitat)
- Mr Joel Hernández García, Undersecretary for Multilateral Affairs and Human Rights, Mexico
- Mr Jung Sik Lee, Minister of Employment and Labour, Republic of Korea

The moderator introduced the Partners' Spotlight of the Thematic Dialogue on "Building the resilience of societies", which gave partners of the Global Coalition a platform to showcase their contributions to social justice.

Mr Kamara expressed his delight at participating in the event dedicated to promoting social justice and resilience in societies, which was aligned with the 2030 Agenda for Sustainable Development. President Ouattara of Côte d'Ivoire was committed to those goals, and the country played an active role within the Global Coalition for Social Justice. Recent achievements contributing to social justice included the implementation of various government policies aimed at creating sustainable and protective employment opportunities, and significant steps to enhance working conditions and increase incomes, including the establishment of social safety nets benefiting over 200,000 disadvantaged households. Over 13 million people were registered for universal health coverage and the aim was to increase the figure to 20 million by the end of 2024. From 2022 to 2024, focused efforts had targeted poverty and precarity, particularly in the northern border regions, alongside initiatives to empower jobseekers with necessary skills. In addition, the Government had established robust support systems, including unemployment benefits, housing assistance and retirement provisions, ensuring comprehensive support throughout citizens' lives. He called upon all stakeholders to unite their efforts in building a resilient and sustainable future for all generations to come.

Mr Hellman thanked Mr Hounbo for his leadership in prioritizing social justice globally. Finland was committed to contributing actively to the preparations for the World Social Summit in 2025 and recognized the significant potential of the Global Coalition on Social Justice to contribute to it. Finland supported the Coalition's objectives and efforts. There was a critical need for resilience in societies facing increasing global turbulence. Progress on the SDGs had been insufficient and uneven, hence bold action was urgently needed to enhance the well-being of populations, particularly women, girls, young people and vulnerable groups. Finland

advocated for decent work, inclusive labour markets, universal access to health and social services, and social protection as essential strategies to combat poverty and discrimination. The country was committed to sustainable development through a comprehensive approach involving the entire government and society. The “economy of well-being” approach integrated economic, social and ecological dimensions into all political decision-making processes, both domestically and in foreign and development policies. Finland supported the ILO’s Trade for Decent Work Programme in Africa. The country focused on fostering innovation, including technological and social innovations. Policy coherence within the UN and the multilateral system was crucial to promote social justice and decent work effectively, which required cross-governmental strategies. It was time to adapt the social contract to current realities and build resilient economies that fostered inclusive and sustainable well-being within planetary boundaries.

Mr Mlynár commended the ILO for the important initiative. UN-Habitat was collaborating with the ILO on crucial social justice policies, particularly within urban areas, where over 50 per cent of the population and 70 per cent of economic activity resided. Cities thus had a pivotal role in shaping social justice. UN-Habitat’s mission was to ensure universal access to adequate living standards, including housing and basic services, in resilient human settlements conducive to safe, healthy and prosperous lives. The long-standing partnership between UN-Habitat and the ILO focused on enhancing housing and public services in urban settings. He expressed eagerness to renew and strengthen that partnership in pursuit of social justice and a sustainable future. Urban housing and social conditions were pressing priorities for labour movements, and protection of rights was imperative for marginalized groups, such as those in extreme poverty, homelessness or displacement, women, young people and those experiencing discrimination. Three key initiatives highlighted UN-Habitat’s commitment to fostering societal resilience, where collaboration from partners would be welcomed: firstly, the establishment of an intergovernmental expert working group on adequate housing for all under the UN-Habitat Assembly aimed at monitoring efforts and promoting strategies globally; secondly, the Sustainable Urban Resilience for the Next Generation (SURGe) initiative, which integrated climate action across urban sectors like buildings, energy, waste, mobility and water; and thirdly, the Local2030 Coalition, a network supporting SDG implementation at the local level, where local and regional governments were essential partners in advancing social justice. Concluding, he urged participation in empowering local governments with tools, knowledge and networks to effectively serve communities in achieving societal goals.

Mr Hernández García, speaking on behalf of Mexico, Indonesia, the Republic of Korea, Türkiye and Australia (the MIKTA countries), noted that as a result of Indonesia’s recent decision to join the Global Coalition for Social Justice, all five MIKTA countries had become partners. They supported the initiative aimed at intensifying collective efforts to urgently close social justice gaps and accelerate the implementation of the 2030 Agenda for Sustainable Development, including the SDGs and the Decent Work Agenda. All five countries were aligned with the Coalition’s goal to foster cooperation and partnerships to address critical issues, and were committed to developing their activities over time to better serve the cause of social justice. The five countries supported the efforts of the Forum to enhance societal resilience, promote coherence between economic and social policies, and foster social dialogue for shared prosperity. The MIKTA countries welcomed the Forum as a unique opportunity to advance the core objectives of the Global Coalition for Social Justice and invited other countries to join them in the endeavour.

Mr Lee expressed his delight at being part of the inaugural Forum of the Global Coalition. In today’s world, there was increasing complexity and uncertainty due to biological hazards

such as COVID-19, climate change, new forms of employment and digitalization. Regrettably, vulnerable groups, especially in low-income countries, were experiencing growing inequalities due to the disproportionate impacts of those challenges. The Global Coalition aiming to minimize inequalities and achieve social justice was a timely initiative to navigate the global challenges. Less than a year from its launch, the Coalition had garnered 284 partners, including 71 governments. The Korean Government had supported the Global Accelerator, a key pillar of the Coalition, even before formally joining. Since 2004, the Republic of Korea had engaged in partnership programmes with the ILO to enhance employment and labour systems in developing countries and strengthen their capacity to implement international labour standards. The Korean Government's commitment to the Global Accelerator included the recent signing of an agreement on 11 June extending the partnership with the ILO for three years and committing an additional US\$1.35 million. The Republic of Korea had transitioned from a recipient to a donor country, and international support had been crucial for the country's development after the Korean War. He affirmed the country's commitment to sharing its experiences of economic growth and democratization and providing continued financial support to global initiatives. Looking ahead, the Government of the Republic of Korea would maintain close solidarity and cooperation with the international community, including the ILO through the Global Coalition, to promote fair growth and expand social justice worldwide.

Thematic Dialogue: Improving the coherence between economic and social policies

(a) Partners' Conversation

Moderator

- Ms Yvonne Ndege

Panellists

- Mr Colin E. Jordan, Minister of Labour, Social Security and Third Sector, Barbados
- Mr Boris Zürcher, Secretary of State, State Secretariat for Economic Affairs, Switzerland
- Ms Jacqueline Mugo, Executive Director, Federation of Kenya Employers (FKE)
- Mr Gerardo A. Martínez, General Secretary, Union of Construction Workers of the Republic of Argentina (UOCRA)
- Ms Ngozi Okonjo-Iweala, Director-General, World Trade Organization (WTO)

The moderator opened the Thematic Dialogue on “Improving coherence between economic and social policies for social justice”. The Partners’ Conversation aimed to unpack the complexities of economic policies, identify overlaps with social policies, and explore strategies for inclusive and sustainable economic growth.

Mr Jordan expressed gratitude for the opportunity to discuss the crucial need for coherence between social and economic policies. Governments must focus on improving standards of living and human well-being through integrated policies. Social dialogue among workers, employers, governments and civil society was crucial in understanding the needs of human beings and achieving policy coherence. The instruments developed through such dialogue at the ILO could be used as guiding principles for coherence between social and economic policy. Small island developing States like Barbados needed access to financing. Reform in international financial institutions was needed to better accommodate their needs and perspectives, alongside reform in governance structures to ensure the meaningful participation and recognition of those States’ unique challenges and aspirations. The ILO needed to leverage the Global Coalition for Social Justice and other forums to enhance the visibility and impact of countries pursuing policy coherence and social justice globally.

Mr Zürcher affirmed Switzerland’s strong support for social justice and the Global Coalition, emphasizing the critical role of integrating social justice objectives across the multilateral system. Micro, small and medium-sized enterprises (MSMEs) were economic pillars of many countries and needed an enabling environment to foster sustainable enterprises and create decent jobs. Switzerland, alongside Norway and Italy, proudly backed the ILO’s Productivity Ecosystems for Decent Work approach, which addressed productivity constraints and promoted a fair distribution of gains. He urged more partners to join the initiative, which was supported by a Strategic Advisory Committee comprising the ILO, the Organisation for Economic Co-operation and Development (OECD), the World Bank, UN Trade and Development, the International Trade Union Confederation (ITUC) and the IOE. Financial institutions played an important role in facilitating the formalization of informal businesses, and policies that enabled access to finance were required. In terms of trade, Switzerland advocated for inclusive policies that benefited all, founded on open and rules-based

international trade, including adherence to WTO frameworks and international labour standards. In conclusion, he called on the Global Coalition to enhance understanding of how MSMEs benefited from inclusive trade, and to allow them to increase their market opportunities while also building decent jobs and ensuring that no one is left behind.

Ms Mugo, speaking on behalf of employers, expressed strong support for the Coalition, emphasizing the crucial role of advocacy, policy coherence and knowledge generation through cooperation in addressing issues such as informality, business environment enhancement, and tackling poverty, child labour and youth unemployment. Actionable steps that could be taken to enhance partnerships and cooperation on social and economic policy coherence under the umbrella of the Global Coalition included robust partnerships and resource mobilization to achieve the Coalition's goals; diverse stakeholders could contribute financially. Capacity-building among Coalition partners was important to enhance their effectiveness in driving change on the ground. Additionally, there was a need to foster social dialogue through stakeholder engagement to ensure genuine collaboration on social and economic policy coherence. Information sharing, knowledge exchange and replication of best practices across countries were important to scale up initiatives and promote social justice globally. Lastly, a policy coherence observatory should be established to monitor and evaluate the social and economic impacts of the Coalition's work, aiming to learn from both successes and failures for informed decision-making in the future.

Mr Martínez stressed the importance of innovative approaches to tackle the challenges ahead. The Coalition led by the ILO and tripartite partners was crucial in addressing global inequalities exacerbated by past economic crises such as the 2008 financial downturn and the recent pandemic. He emphasized the need to integrate social justice principles into policy frameworks, not only as governmental or employer demands but also as fundamental values that addressed the concerns of workers globally. Practical mechanisms were needed to align economic goals with social justice imperatives through multilateral cooperation and institutionalized tripartite dialogues. A universal social protection floor should be discussed as a priority by the Global Coalition. Predictability and reliability were important in addressing global inequalities. He reiterated the international union movement's long-standing call for democracy and social justice, and highlighted the role of institutionalized tripartite dialogue in shaping policies to promote inclusive development and reduce wealth disparities globally, especially in regions with significant poverty and inequality.

Ms Okonjo-Iweala emphasized the WTO's commitment to ensuring that trade and investment delivered greater social benefits and reduced inequalities, especially in low-income countries. Highlighting the role of stronger partnerships, including at the multilateral level, she made six points. First, she strongly believed that economic policy should serve social policy and social justice. If economic policy did not serve people, it needed adjustment. Second, there was an often-fraught relationship between trade and labour. Labour saw trade as a threat to jobs and wages, while the trade community viewed labour standards as potential protectionism. That suspicion must be overcome by demonstrating that trade and labour could support each other. Third, the WTO's founding document, the Marrakesh Agreement, aimed to enhance labour standards, create jobs and support sustainable development. That knowledge could change the attitude towards trade of many in the labour community. Fourth, the WTO was determined to link with the labour community, listen to it and explain the WTO's role. That was why the Organization had joined the Coalition for Social Justice. Fifth, trade had lifted 1.5 billion people out of poverty, including hundreds of millions outside China. Trade had been an instrument for inclusion and economic development but had also left some people behind. There was a need to correct that by rethinking trade and complementing trade policies with

direct supply-side interventions. Lastly, current challenges in trade included protectionism and geopolitical tensions, but there were also opportunities for “re-globalization” – decentralizing supply chains to include developing countries. That would create jobs and promote social justice. Examples included decentralizing vaccine and semiconductor production to benefit developing countries. Partnerships were crucial, and the WTO was working with various organizations to support small and medium-sized enterprises, bridge the digital divide and transform industries in developing countries. The future of trade was green and digital, but it must also be socially inclusive and serve people.

The moderator asked panellists to share a concrete initiative or action they were prioritizing to strengthen policy coherence and social justice, and how they envisioned collaborating with other Coalition partners.

Mr Jordan highlighted the Bridgetown Initiative, proposed by the Prime Minister of Barbados, which advocated for reform of the international financial system to ensure access to necessary resources for public services. The initiative aimed to ensure sustainable coherence between social and economic development, benefiting the people of small island developing States with limited resources. Scarcity of funding should not force countries to choose between servicing high debt and providing essential services such as healthcare and education.

Mr Zürcher stated that Switzerland viewed the Coalition as both an incubator and accelerator for social justice initiatives and partnerships. Better coherence between trade and social policy was vital; Switzerland and other partners incorporated social sustainability provisions in free trade agreements. There was great potential for multilateral collaboration, particularly between the ILO and the WTO, which currently lacked a formal cooperation framework. He expressed hope that the Coalition would play a significant role in accelerating those efforts.

Ms Mugo stated that a key role of an employers’ organization was to influence the business environment through advocacy and engagement with the government and social partners. That aimed to create a conducive environment for keeping people in jobs, growing the economy and strengthening enterprises. There was a strong correlation between social aspects and the economy, and it was important to support enterprises through regulations, policies and laws. Kenya and other developing economies, had a large informal economy and enterprises needed help to scale up. She also advocated for recognizing and rewarding employers and businesses that promote best practices, emphasizing the creation of decent jobs to improve livelihoods and lift people socially.

Mr Martínez emphasized the importance of the debate, noting that the current tripartite dialogue focused on employment. Employers and workers had stressed that the financial system must create decent work and generate jobs to improve living conditions worldwide. Global development cooperation should involve various countries to generate social justice through socio-economic policies to bridge existing inequalities. Trade unions were a crucial part of that debate, being the voice of demand and understanding the best tools to resolve current global dilemmas. There was a need to institutionalize tripartite dialogue at the global, regional and national levels to guarantee sustainability and create a hopeful reality.

Ms Okonjo-Iweala stated that the WTO was prioritizing helping poorer cotton-growing countries in West Africa to improve living standards and create jobs by developing the cotton value chain locally. The Cotton Partnership initiative involved partnerships with international organizations such as the ILO, the United Nations Industrial Development Organization (UNIDO), the Food and Agriculture Organization of the United Nations (FAO), the private sector,

civil society and governments to establish manufacturing facilities and invest in the region. Success in that partnership could be replicated elsewhere. Progress in collaboration with the ILO included a memorandum of understanding and ongoing efforts, including its joining the social justice platform.

The moderator thanked the panellists for their valuable insights on social dialogue, collaboration in trade, and financial investment to improve coherence in economic and social policies for social justice.

(b) Partners' Spotlight

Moderator

- Ms Yvonne Ndege

Speakers

- Ms Karien Van Gennip, Deputy Prime Minister, Minister of Social Affairs and Employment, Netherlands
- Mr Kamel Maddouri, Minister of Social Affairs, Tunisia
- Ms Florence Bore, Minister of Labour and Social Protection, Kenya
- Mr Alok Chandra, Senior Labour and Employment Adviser, Ministry of Labour and Employment, India
- Ms Anousheh Karvar, Delegate of the French Government to the ILO, France
- Mr Oliver Röpke, President, European Economic and Social Committee (EESC)
- Mr Pradeep Wagle, Chief, Economic, Social and Cultural Rights, Office of the United Nations High Commissioner for Human Rights (OHCHR)

The moderator welcomed everyone to the Partners' Spotlight on improving coherence between economic and social policies for social justice, which aimed to provide partners with an opportunity to showcase concrete initiatives for advancing social justice through collaborative efforts.

Ms Van Gennip expressed gratitude for the Forum and for the establishment of the Global Coalition for Social Justice. Societal inequalities had increased, therefore cohesive societies were needed to address challenges such as climate change, migration, artificial intelligence, ageing populations and geopolitical factors. Prioritizing social justice and decent work was essential for equitable growth. The Forum was an opportunity to expand cooperation and seek collective solutions. She highlighted three key considerations. Firstly, policies should be people-centric, providing equal opportunities and fair chances for decent work. That approach ensured that everyone had a fair chance at making a living through decent work. Secondly, integrating the social agenda with economic and financial agendas was crucial for achieving inclusive economies and labour markets, and just transitions. Examples included lifelong learning, investing in skills for digital and green transitions, and ensuring fair wages. A tripartite agreement within the ILO on the concept of living wages would benefit workers directly and also provide security and purchasing power, thereby supporting broader economic development. Thirdly, it was essential to have broader cooperation by transcending existing coalitions and partnerships to achieve the SDGs. International cooperation and partnerships were vital; working in silos was not an option. The interconnectedness of the

SDGs required close collaboration at all levels and for every individual. The Netherlands was a proud supporter of the Global Coalition for Social Justice and applauded cooperation between the ILO and international financial institutions such as the World Bank and the International Monetary Fund. It was crucial to connect the social, trade and economic dimensions of development. Countries could only prosper if all citizens were doing well. There was now a collective responsibility for partners to deliver on their promise.

Mr Maddouri expressed his delight at participating in the inaugural Forum. Integrating and ensuring cohesion among social, political and economic policies was crucial to meet individuals' needs. There was a need to review globalization and return to the foundational principles of the WTO, to guarantee decent work and living standards. International and regional collaboration was crucial for paving the way towards good socio-economic policies. Inequalities and social exclusion were major challenges, therefore social policy must be cross-cutting and fundamental to economic policies to achieve economic justice and a just transition for all societal groups. In Tunisia, the concept of social justice was integrated into the Constitution, reflecting the Government's commitment to aligning social, economic and political policies towards decent work and fundamental rights. Social policies were at the heart of economic policies and were human-centred, with a focus on extending social coverage, ensuring a just transition and promoting job market access for all. Tunisia had implemented the Social Protection Floors Recommendation, 2012 (No. 202), to guarantee a minimum income, pensions and benefits for various societal groups. The Government had also focused efforts on formalization, improving occupational safety and health, and enhancing social security through capacity-building programmes. Tunisia aimed to be a social State based on decent work, social security and the fight against inequalities, to guarantee the well-being of all members of society. The country intended to focus on true cohesion of the various social, economic and other policies, striving to achieve the SDGs.

Ms Bore provided an overview of Kenya's efforts in addressing social justice deficits and accelerating the implementation of the 2030 Agenda for Sustainable Development and the Decent Work Agenda, as a partner of the Global Coalition for Social Justice. Kenya had formulated various policies and legislation to create an enabling environment for businesses, enhance labour protection and job creation, and empower the community. It had developed a wages and remuneration policy aimed at achieving macroeconomic stability, equity, productivity, enterprise competitiveness, and sustainable employment creation and retention. The country had also re-engineered its social dialogue institutions, including the National Labour Board and sectoral councils for wages, skills development and social protection. It had put in place the National Labour Migration Policy, which promoted inclusive, sustainable development through safe, orderly and productive labour migration, maximizing the participation of Kenyan migrant workers in economic development. A policy on recognition of prior learning aimed to mitigate challenges faced by disadvantaged individuals lacking certification, providing formal education opportunities and contributing to socio-economic transformation. Further key Government actions included revising labour laws to align with the national Constitution, integrating robust labour market information systems, implementing a green economy strategy to combat climate change, establishing National Guidelines for Sector Skills Committees to enhance labour market relevance, and promoting the National Skills Development Policy aimed at fostering a skilled workforce capable of sustainable socio-economic development. Additionally, efforts to reform Kenya's justice system included educating judges on international labour standards to ensure fairness and equitable access to justice. Lastly, initiatives were ongoing to review and develop social protection policies, including the National Policy on Family Promotion and Protection, the National Policy on the Elimination of Child Labour, the Policy on Persons with Disabilities, and

the Older Persons Bill. Those initiatives were designed to enhance quality of life, boost productivity and foster economic progress. In order to realize social justice for all, it was important to involve everyone from the initial stages of policy development to implementation, supported by monitoring and evaluation mechanisms, and adopting a bottom-up approach as articulated in Kenya's national policy framework, the Bottom-Up Economic Transformation Agenda 2022–2027. She suggested that partners could adopt a similar approach to move forward in the quest for social justice.

Mr Chadra commended the ILO Director-General for his initiative promoting decent work and social justice. India viewed economic prosperity and social well-being as intrinsically interconnected, and essential for achieving sustainable development and justice globally. While economic and social policies were often seen as separate, India believed them to be interdependent. Economic growth, vital for prosperity, must be inclusive and equitable to benefit all segments of society. Conversely, social policies addressing inequality and human development required a robust economic foundation for sustainability. Despite those synergies, achieving coherence between economic and social policies remained challenging. India's development paradigm centred on inclusive growth and equity, linking economic progress with social inclusion. Initiatives such as financial inclusion, infrastructure development and targeted investments aimed to create an enabling environment for inclusive growth. Welfare programmes, including the Mahatma Gandhi National Rural Employment Programme, provided employment and support for vulnerable populations, improving human development alongside economic growth. Moreover, India had implemented specific measures such as extending maternity benefits to 26 weeks for employed women. Education and skills development were pivotal in bridging economic and social gaps, empowering individuals to engage productively in the economy. India also prioritized sustainable development through initiatives such as the National Clean Air Programme and the International Solar Alliance, balancing economic growth with environmental stewardship and social equity. He urged members of the Global Coalition for Social Justice to reaffirm their commitment to collaborative efforts, breaking down silos and integrating economic and social initiatives into a cohesive framework for development.

Ms Karvar underscored France's steadfast support for the Global Coalition for Social Justice since its inception. Social justice was central to France's approach, which included equitable resource redistribution and universal access to essential services such as education, healthcare and social protection as key priorities. France actively participated in global initiatives promoting jobs and social protection, including a project in Senegal aimed at developing a universal social protection system. Social protection was a fundamental human right and addressed multiple determinants of decent work and health, including poverty and education, while enhancing societal resilience during crises and reducing income disparities. Gender equality was a critical focus, and France had undertaken efforts through feminist diplomacy and ratification of ILO Conventions to combat discrimination. The country advocated for policies integrating gender perspectives to reduce inequalities in health, education and justice, particularly for vulnerable groups. Furthermore, it emphasized respect for fundamental rights in business practices globally in its national laws, the European Union (EU) Corporate Sustainability Due Diligence Directive and commitments to eliminate child labour, forced labour and modern slavery through alliances such as Alliance 8.7. Coherence among economic, social and environmental policies was vital for a sustainable and equitable future, and all international actors must take concerted action to achieve that goal. France had secured commitments at the G7 summit and forged initiatives such as the Paris Pact for People and the Planet to foster global cooperation. The Global Coalition for Social Justice provided an opportunity to lay the groundwork for a more inclusive and prosperous world, contingent

upon strong political will, close collaboration with social partners, and unwavering dedication to the principles of justice and equity.

Mr Röpke praised Mr Hounbo's initiative, of which the EESC had been an early supporter, as a commitment to promoting social justice globally. The EESC focused on quality work as central to social justice, addressing challenges posed by digitalization and platform work, such as inadequate social protection and health risks. The EESC stood ready to support the ILO in developing guidelines for those evolving work environments. Investment in occupational safety and health was crucial for workers' well-being and sustainable social security systems. The EESC would gladly share its expertise on occupational safety and health legislation in the context of the Conference discussion on biological hazards. Eliminating violence against women was imperative for coherence between economic and social policy, hence the ILO Violence and Harassment Convention, 2019 (No. 190), and the recent EU Directive on combating violence against women and domestic violence must be implemented without delay. The EESC had pledged to promote global social standards through domestic advisory groups and enhance cooperation with the ILO on monitoring standards in EU trade agreements. Ensuring sustainability in global supply chains and realizing labour rights as human rights were essential, which required measures such as mandatory due diligence and international treaties. He reaffirmed the Coalition's potential for cross-border collaboration to advance social justice globally.

Mr Wagle highlighted the partnership of the Office of the High Commissioner for Human Rights with the Coalition. The Human Rights Economy concept launched by his Office aimed at addressing structural injustice, promoting human rights and fostering a more equitable and sustainable future. The world had experienced the adverse effects of economic and social policies that had neglected universally shared values and human rights principles, exacerbating poverty and income inequalities globally. Economic growth alone could not mitigate inequality, hence economic policies must be anchored in human rights to ensure equality and non-discrimination. His Office believed that prioritizing human rights in economic policies could significantly contribute to positive outcomes. Many States were undertaking efforts to integrate human rights into policy frameworks, and there was a need for conscious design and assessment of policies from a human rights perspective. He invited participants to collaborate to build a human rights economy to orient policies towards universal norms grounded in human rights principles. He expressed hope that the Coalition would serve as a platform to align economic and social policies with international human rights, labour rights and social justice frameworks.

The moderator thanked the speakers for their significant contributions to the Partners' Spotlight, and closed the Thematic Dialogue on "Improving coherence between economic and social policies for social justice".

Thematic Dialogue: Fostering social dialogue for shared prosperity

(a) Partners' Conversation

Moderator

- Ms Femi Oke

Panellists

- Mr Pablo Zenteno, Director, National Labour Directorate, Chile
- Mr Utoni Nujoma, Minister of Labour, Industrial Relations and Employment Creation, Namibia
- Mr Daniel Funes de Rioja, President, Industrial Organization of Argentina
- Ms Elly Rosita Silaban, President of the National Executive Board of the Confederation of Indonesian Trade Unions
- Mr Apostolos Xyrafis, Secretary General, International Association of Economic and Social Councils and Similar Institutions
- Mr Nicolas Schmit, Commissioner for Jobs and Social Rights, European Commission

The moderator welcomed the audience to the third Thematic Dialogue of the day, entitled "Fostering social dialogue for shared prosperity". She underscored the importance of social dialogue in shaping labour and economic policies and empowering workers and businesses.

Mr Zenteno, speaking on behalf of the Minister of Labour and Social Security of Chile, emphasized the country's strong commitment to the Global Coalition for Social Justice. He expressed gratitude to the Director-General for prioritizing social justice and aligning it with the SDGs. Chile was highly committed to creating decent work, tripartism and social dialogue, and was implementing reforms to ensure that social justice was a cornerstone of its legislative agenda. Through social dialogue, Chile had reduced the working week to 40 hours and had ratified Convention No. 190, which had been integrated into national law. It had also just ratified the Safety and Health in Mines Convention, 1995 (No. 176). The Government had focused on regional public policies driven by social dialogue. Emphasizing the effectiveness of social justice as a tool for progress, he reaffirmed Chile's commitment to advancing initiatives aligned with the SDGs and its support for the Global Coalition for Social Justice.

Mr Nujoma began by highlighting Namibia's efforts since its independence in 1990 to dismantle discriminatory practices inherited from the apartheid era. The country was committed to advancing the economic and social status of its predominantly black population, including marginalized groups such as women, persons with disabilities, youth and ethnic minorities. In Namibia, social dialogue, rooted in freedom of association and collective bargaining rights, played a critical role in fostering robust labour relations and promoting collaboration among stakeholders. The country's Constitution contained provisions for independent trade unions safeguarding workers' rights. Namibia had ratified key ILO Conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Government and social partners actively engaged in social dialogue through

tripartite bodies such as the Labour Advisory Council, the Employment Equity Commission and the Employment Services Board, aiming to build consensus on labour laws, policies and regulations. Addressing inequality and promoting inclusivity in the labour market were central to Namibia's agenda, focusing on eliminating barriers to employment and enhancing labour market efficiency. Despite challenges such as a union density of only 20.6 per cent, the Government's efforts to foster collaborative agreements between trade unions, employers and sectors had resulted in sectoral collective agreements governing employment conditions and wages. He concluded by affirming Namibia's commitment to collaborative efforts with employers and trade unions, ensuring that constitutional guarantees of workers' basic rights were upheld. That task was not easy but was crucial to addressing high inequalities and bridging the great divide between people that had been inherited from colonialism.

Mr Funes de Rioja expressed strong support for the Coalition, which was needed to harmonize economic and social policies. In Argentina, dialogue and consensus-building were indispensable in addressing economic challenges. In his extensive experience with the ILO and representing employers internationally, the focus had shifted towards integrating real economy stakeholders into policy decisions affecting production and labour globally. The real economy was often an informal economy, particularly in developing countries but also among G20 nations. Employers had an important role in contributing to vital debates on labour market improvements and productivity enhancements, crucial for societal progress. It was critical to have substantive action beyond rhetoric, and tripartism and social dialogue were essential mechanisms to foster effective policymaking and translate ideals into tangible outcomes on the ground. In Argentina, collaborative efforts with trade unions had averted mass lay-offs, illustrating the efficacy of crisis management through inclusive dialogue. Global economic crises had profound impacts on real economies and production, and governments had a responsibility to foster conditions conducive to social dialogue. The Coalition's role was to facilitate meaningful exchanges and foster goodwill among stakeholders.

Ms Silaban underscored the critical importance of robust social dialogue among employers' and workers' organizations, governments and civil society to effectively address societal challenges. In 1919, the founders of the ILO had recognized the pivotal roles of governments, employers and trade unions in shaping social and economic development grounded in social justice principles. Social dialogue was a cornerstone for improving working and living conditions. Key issues vital to workers' welfare included job quality, social protection, workplace safety, living wages and decent working hours, as referenced in the 2019 report of the Global Commission on the Future of Work. Countries where social dialogue thrived and collective bargaining agreements were respected tended to enjoy broader societal support and sustainable economic development. Conversely, restrictions on trade union voices could exacerbate tensions and social conflicts. Amid multiple global crises, fostering strong social dialogue at all levels was crucial not only for economic prosperity but also for maintaining peace. Solidarity and equitable redistribution were outcomes of effective dialogue. Indonesia had been developing a comprehensive social protection system, and the trade union movement played an ongoing role in ensuring its inclusivity and effectiveness. All stakeholders in the Global Coalition for Social Justice must uphold the fundamental rights of freedom of association and collective bargaining enshrined in ILO Conventions Nos 87 and 98 as essential components of democratic practice and equitable governance.

Mr Xyrafis expressed gratitude for the opportunity to advocate for the "difficult sport" of social dialogue. He had been involved since 1996 in shaping Greece's economic and social culture. In 1999, the International Association of Economic and Social Councils and Similar Institutions was founded, which had grown to 70 members globally. The Association had

shown resilience in fostering collaboration among its diverse members despite challenges to multilateralism. National social dialogue bodies contributed to shaping and monitoring countries' plans to achieve the Goals of the 2030 Agenda for Sustainable Development. Such bodies played a key role in influencing policy priorities and enhancing the effectiveness of policy implementation through consultation and advisory functions. There was a diversity of social dialogue models worldwide, but the most effective model was one tailored to each country's specific needs and context. While social dialogue institutions typically served as consultative bodies offering advice and reports to executive and legislative bodies, the potential for successful policy outcomes was increased when their recommendations were taken into account. In conclusion, he advocated for the integral role of social dialogue in advancing global agendas such as the SDGs, and its potential to enhance policy coherence and societal progress through inclusive governance practices.

Mr Schmit expressed gratitude to the ILO for launching the Global Coalition for Social Justice, underscoring that the historic Declaration of Philadelphia indicated that there could be no peace without social justice. Social dialogue had been a fundamental component within the EU since the days of its predecessor, the European Coal and Steel Community. With 27 diverse EU Member States, social dialogue had since evolved. Former European Commission President Jacques Delors had played a pivotal role in revitalizing social dialogue within the EU, stressing its dual importance in achieving a strong economy and a fair social environment. A recent Council Recommendation aimed to reinvigorate social dialogue at multiple levels to address contemporary challenges such as technological shifts and climate policies. The EU had more than 40 sectoral social dialogues, where stakeholders discussed sector-specific issues and proposed solutions. The EU's framework allowed social partners to propose solutions adopted by Member States, which was a collaborative approach to improving social and economic conditions. Furthermore, an EU Directive on adequate minimum wages emphasized the role of collective bargaining in ensuring fair wages and strengthening social dialogue across governance levels. Lastly, the EU was committed to advancing social justice through dynamic and inclusive social dialogue practices.

The moderator invited the panellists to share their thoughts and key takeaways on the Forum in a brief statement.

Mr Funes de Rioja emphasized the importance of social dialogue as an instrument for advancing beyond mere discussion to concrete agendas, proposals and agreements. At the G20 summit in Japan, he had learned of the concept of "Society 5.0", which underscored the need to prepare societies for technological and societal changes, particularly those impacting youth employment. His organization had drafted a white paper outlining proposals for enhancing production, productivity and competitiveness. Reforms were needed to modernize outdated legislation and enhance employability, which required collaborative efforts between government, employers and workers to meet the demands of a transformed economy. Believing in and practising robust social dialogue were essential for driving meaningful societal transformations and preparing future business leaders and workers for emerging challenges and opportunities.

Mr Xyrafis highlighted that social dialogue could take various forms, including bipartite, tripartite, or tripartite plus civil society. Social dialogue addressed not only labour or industrial relations but also broader societal issues. Drawing from John Rawls' concept of achieving social justice, he advocated for incremental steps and finding common ground among diverse stakeholders to foster a just society.

The moderator asked panellists to indicate concrete actions or the priority for the Coalition.

Mr Nujoma, recalling Mr Schmit's reference to the acknowledgement in the Declaration of Philadelphia that social justice was essential for peace, asked fellow panellists how social justice could be accelerated to address global challenges such as violent conflicts, high informality and youth unemployment, which were especially prevalent in Africa.

Mr Zenteno noted that social dialogue was crucial for finding solutions collectively to the global challenges posed by technological change, wars, climate issues and new social divisions. In Chile, specific challenges meant that reform of the pension system reform and collective bargaining was necessary, for which social dialogue could come up with proposals. It was important to demonstrate the effectiveness of those mechanisms to citizens to maintain credibility and legitimacy. He underscored the importance of committing to the original mandate of the ILO as advocated by the Director-General.

Ms Silaban emphasized the importance of ensuring that global agreements extended beyond meetings to include follow-up and implementation. The Coalition was a new entity needing continuous adjustment, adaptation and serious engagement from all involved. There was a need for justice at the national level, and all stakeholders had a role to play in finding solutions collectively for the benefit of humanity. True justice started with effective implementation in each country.

Mr Schmit expressed optimism and high expectations for the Global Coalition for Social Justice in the face of global challenges such as climate change, conflicts, technological advancements and societal inequalities. International collaboration, rather than conflict, was needed to address them. The upcoming World Social Summit in 2025 was a crucial opportunity to initiate significant global change, aiming to unite societies from the North and South in combating inequalities. He expressed confidence in the Coalition's ability to achieve those goals with the collective efforts of its members.

Mr Xyrafis noted that the essence of action was raising awareness and building trust among stakeholders to tackle global challenges, particularly focusing on combating inequalities as a pathway to achieving social justice. Practical actions rather than mere words were needed, as progress had been slow in addressing those issues globally. His Association had held a meeting in Athens with 40 delegations from economic, social and civil institutions worldwide, leading to a joint declaration. Furthermore, a recent visit to Abidjan had monitored implementation and gathered new ideas from the African continent. He committed to continuing such efforts to raise awareness and foster collaboration on those critical issues.

Mr Funes de Rioja emphasized the Coalition's role in promoting and stimulating action to create an environment conducive to fostering social dialogue among stakeholders. Varied approaches were needed rather than a uniform solution. It was important to set examples that resonated with people.

The moderator thanked the panel for their insights in the Partners' Conversation on fostering social dialogue for shared prosperity.

(b) Partners' Spotlight**Moderator**

- Ms Femi Oke

Speakers

- Mr Yiannis Panayiotou, Minister of Labour and Social Insurance, Cyprus
- Mr Daniel Ysaú Maurate Romero, Minister of Labour and Employment Promotion, Peru
- Mr Alexander Astorga Monge, Deputy Minister of Labour and Social Security, Costa Rica
- Ms Thea Lee, Deputy Undersecretary for International Labor Affairs, Department of Labor, United States of America
- Mr Arshad Mahmood, Federal Secretary, Ministry of Overseas Pakistanis and Human Resource Development, Pakistan
- Ms Kareen Jabre, Director, Division of Programmes, Inter-Parliamentary Union (IPU)

The moderator opened the Partners' Spotlight on fostering social dialogue for shared prosperity.

Mr Panayiotou underscored the enduring commitment of the Government of Cyprus to social justice as a foundational element for universal and lasting peace, a principle upheld steadfastly for more than a century. Achieving peace within and between nations, alongside the progress and prosperity of humanity, necessitated a fair distribution of the benefits of peace through equitable employment, working conditions and wages. Central to his Government's vision was the role of evidence-based social dialogue and results-oriented policymaking. Those practices were essential for social partners and political leaders to collaboratively develop and implement policies that upheld social justice in the evolving labour market landscape. While political commitment through rhetoric was crucial, it must be complemented by concrete actions and outcomes. As a proud member of the Global Coalition for Social Justice, the Government of Cyprus affirmed its dedication to advancing fair wages, robust pensions and adequate income support for its citizens actively engaged in the labour market. He expressed confidence in the Coalition's ability to succeed, highlighting the imperative of raising awareness among high-level policymakers and equipping them with effective tools for socially just policymaking. His Government took a proactive stance in collaborating closely with the ILO and other Coalition members. He expressed optimism that the country's initiatives, developed in partnership with the ILO, would contribute positively to the Coalition's ambitious objectives moving forward.

Mr Maurate Romero expressed appreciation for the opportunity for the Government of Peru to participate in the Global Coalition for Social Justice and highlighted the pressing issues of poverty, unemployment and inadequate work conditions as critical facets of social injustice. In 2015, the UN General Assembly had adopted the 2030 Agenda for Sustainable Development, with ambitious aims for social, environmental and economic advancement among Member States. For a well-defined pathway from current challenges to future goals, specific, actionable initiatives were needed within the Coalition. Achieving measurable outcomes was essential to gauge progress effectively. Ongoing social dialogue among workers, employers and governments played a pivotal role, which required adaptive strategies that could yield concrete results in addressing societal challenges. The success of the Global Coalition for Social Justice hinged on its ability to identify and implement effective pathways towards eradicating poverty,

unemployment, informality, forced labour and child labour. Measurable results and adaptive social dialogue were essential in steering the Coalition towards tangible and sustainable impacts on a global scale.

Mr Astorga Monge enthusiastically welcomed the Global Coalition for Social Justice as a critical forum to address global challenges affecting partner countries. Global solutions were needed for issues such as artificial intelligence, evolving labour practices and climate change, and tripartite social dialogue and joint efforts were essential tools. Costa Rica's efforts within the Coalition focused on institutionalizing tripartite social dialogue forums and strengthening public labour policies. Recent initiatives by the Higher Council for Labour had prioritized decent work, including freedom of association, collective bargaining and occupational safety and health. Costa Rica was committed to combating labour-related health issues and managing labour migration flows while upholding human rights. Important measures included formalizing work, enhancing social security in new labour environments and eliminating child labour to promote safe and decent working conditions. Costa Rica attributed its robust policies for social justice to effective tripartite social dialogue. The Government was confident in the ability of the Coalition to advance initiatives through collaborative efforts to address global challenges and capitalize on emerging opportunities. Costa Rica was committed to sharing its experience within the Global Coalition for Social Justice, where tripartite social dialogue would be key to fostering inclusive policies and sustainable development aligned with SDGs.

Ms Lee enthusiastically welcomed the participation of the Government of the United States in the inaugural Forum of the Global Coalition for Social Justice, emphasizing the significance of social dialogue as the cornerstone for inclusive policymaking. All available tools and resources should be leveraged to improve conditions for working people and their families worldwide. Freedom of association and collective bargaining had a fundamental role not only for economic growth but also for upholding human rights, strengthening democratic institutions and ensuring fair competition. The Coalition's focus on social dialogue was pivotal to achieving its objectives effectively. The United States had introduced the Research, Innovation and Strategic Engagement (RISE) project, a collaborative effort with the ILO aimed at advancing freedom of association and collective bargaining globally, which sought to bolster policy frameworks, enhance organizational capacities and introduce innovative strategies at the global, national and sectoral levels. She expressed optimism that RISE would foster collaboration and spark new partnerships worldwide to advance those critical rights. She concluded by congratulating the ILO and its Director-General on the successful launch of the Coalition.

Mr Mahmood highlighted the Government of Pakistan's robust efforts to advance social dialogue and welfare policies aimed at improving the lives of workers, including policy, legal, financial and institutional interventions. Key initiatives included the imminent introduction of a national immigration and welfare policy focused on the welfare of immigrant and domestic workers and enhanced social safety nets. The Government was also committed to improving workplace safety standards, particularly in high-risk sectors such as mines and healthcare, drawing from lessons learned in Decent Work Country Programmes. Recent fiscal measures, such as a significant increase in the minimum wage and allocations to social safety nets, had been announced to bolster worker protections and economic stability. The Government had pledged to ratify international labour Conventions and enhance the National Industrial Relations Commission to resolve pending labour union issues swiftly. Plans were under way to expand health and crop insurance, facilitate credit for potential immigrants, and collaborate with the ILO's International Training Centre to boost workforce efficiency. The Government had expressed unwavering commitment to the Global Coalition for Social Justice, and

remained dedicated to tackling poverty, inequality and injustice through “tripartite plus” social dialogue.

Ms Jabre expressed gratitude for the launch of the Coalition for Social Justice, emphasizing the long-standing cooperation between the ILO and the IPU, which brought together 180 national assemblies globally, in advocating for social justice through legislative and oversight functions. Social justice was intrinsic to the work of parliaments, underpinning their engagement within the Global Coalition. The IPU’s efforts spanned global, regional and national levels, focusing on issues such as inequality, discrimination, and workers’ rights as human rights. The IPU facilitated dialogue among policymakers, developed parliamentary strategies and supported concrete actions at national levels to advance social justice. Inclusive decision-making was crucial, hence parliaments had a responsibility to engage citizens and ensure that their voices, especially those of women, youth, minorities and vulnerable groups, were heard. The IPU’s initiatives aimed to foster democratic participation and contribute to social dialogue and justice through political will and inclusive frameworks. She reiterated the IPU’s commitment to contributing to the efforts of the Global Coalition and looked forward to pursuing initiatives to raise awareness and engage policymakers to use their powers to make a difference.

The moderator asked the panellists to describe in a nutshell their mood at the very first Forum of the Global Coalition for Social Justice.

Mr Panayiotou felt very optimistic because, after a long period during which social justice had not been a part of the public debate, there was currently a move back to basics.

Ms Jabre said that she was really looking forward to embarking on the new initiative.

Mr Mahmood pointed to the importance of respect for difference of opinion and merit-based decision-making.

Ms Lee felt a sense of unity.

Mr Astorga Monge felt hopeful that partners would achieve great things with the Coalition.

Mr Maurate Romero stressed that social dialogue must include those who did not yet have a voice.

The moderator inquired whether partners already had examples of working together, bilaterally or multilaterally, since the start of the Coalition in November 2023.

Ms Lee commented that the United States Government was proud to have joined the Coalition with both employers’ and workers’ organizations. She looked forward to learning from them and hoped to live up to their social dialogue commitment.

Mr Mahmood explained that Pakistan had reinvigorated tripartite committees at the federal and provincial levels, which had had extensive sessions listening to the counterpoint of views and building a consensus, aiming to translate into efficiency and standard operating procedures.

Ms Jabre noted that the IPU was part of the Global Alliance to End Statelessness. It was important to acknowledge the added value of each Coalition partner, to identify the opportunities and to work together in good faith and based on trust.

The moderator thanked the partners for sharing their thoughts and their efforts to encourage others to join the Global Coalition for Social Justice.

Official closing

- Address by Mr Navid Hanif, Assistant Secretary-General for Economic Development, United Nations Department of Economic and Social Affairs
- Address by Mr Roberto Suárez Santos, Secretary-General, International Organisation of Employers (IOE)
- Address by Mr Luc Triangle, General Secretary, International Trade Union Confederation (ITUC)
- Address by Mr Tedros Adhanom Ghebreyesus, Director-General, World Health Organization (WHO)
- Address by Mr Gilbert F. Hounbo, ILO Director-General, Co-Chair of the Coordinating Group
- Address by Mr Luiz Inácio Lula da Silva, President of Brazil, representing the Government of Brazil as Co-Chair of the Coordinating Group

The President of the Conference thanked the moderators, panellists and spotlighted partners for their enriching discussions, and welcomed President Lula of Brazil, representing the Government of Brazil as Co-Chair of the Coordinating Group of the Global Coalition. He then invited the distinguished guests to make their concluding addresses.

Mr Hanif said that it was an honour to deliver closing remarks and represent the UN Secretary-General at the inaugural Forum of the Global Coalition for Social Justice. He recalled Nelson Mandela's speech at the International Labour Conference 34 years previously, in which he had emphasized cooperation, peace, friendship and social progress.

The Forum reflected a renewed system aiming to leave no one behind, reinforcing the concept that social justice is essential for peaceful, prosperous and inclusive societies. He congratulated the ILO Director-General for leading the initiative, which highlighted the connection between peace and justice.

The ILO had been built on the premise of social justice, and the Declaration of Philadelphia stated that poverty anywhere constituted a danger to prosperity everywhere. There was a critical need to address contemporary challenges such as inequality, discrimination, exclusion, climate change, technological disruptions and the absence of peace through social justice. The collective resolve to turn dialogue into tangible progress was heartening and would accelerate the implementation of the SDGs.

Social justice was necessary to correct the course of sustainable development, foster global stability and prosperity, and uphold human rights. That called for a renewed social contract based on trust, justice, inclusion and human rights. The Coalition had great potential to address the needs of unemployed youth and persons with disabilities globally, and of those excluded due to their race, origin or religion, or because they were poor.

He urged partners to continue to cooperate, undertake collective actions, forge partnerships and hold each other accountable at the outcome of the Forum, and invited them to participate in the upcoming World Summit for Social Development and the Summit of the Future, aiming to place social development at the heart of all policies. The UN stood ready to

support the Coalition in every possible way, providing a platform for collaboration, a voice for advocacy and a framework for accountability.

He concluded by invoking President Mandela's vision urging the dismantling of all forms of apartheid through promoting values based on social justice, where every individual, regardless of their background or circumstances, could lead a life of dignity, equality and opportunity.

Mr Suárez Santos explained why employers actively engaged in the Global Coalition for Social Justice. Representing over 50 million companies worldwide, the IOE vocally supported social justice, but recognized that not all business and political actors were as vocal. Employers supported the values of the ILO at the origins of the Organization and in the Declaration of Philadelphia, firmly believing that labour is not a commodity. In 1998, they had made a further commitment to social justice in the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, which had been followed by the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and the ILO Declaration for the Future of Work in 2019.

Employers could not be neutral on issues such as decent jobs, education, skills, health, diversity and social protection. Despite significant progress, over 60 per cent of the global workforce remained in the informal economy, with weak institutions and corruption, with badly framed regulations, and without decent work opportunities. The lack of access to primary education for 72 million children and the nearly 800 million adults who were illiterate were unacceptable. Digital tools were important for education and training, but a third of humanity remained unconnected. Gender inequality and lack of opportunities for women were not acceptable either. Access to health was critical, as seen during the pandemic, yet half the global population lacked essential health services.

Employers viewed sustainable social protection schemes as investments, not costs. The risks of inadequate social protection had been witnessed during the pandemic. It was unsustainable and risky for businesses, locally and globally, that half of the population still did not benefit from social protection incomes. Freedom of association was also crucial, and employers opposed any backlash against the rights to associate and to freedom of expression.

There was a need for multilateralism, engaging with the UN and other global discussions, and building efficient partnerships based on common objectives and trust. Employers' engagement went beyond financial contributions, to bring expertise, knowledge and innovation. An environment that supported business growth and development was key, but was lacking in many countries due to inadequate regulations, excessive barriers, a lack of incentives and ideological prejudice, which particularly affected small and medium-sized enterprises.

The profound transformations in global growth, business and new technologies, including artificial intelligence, required a new mindset, which was also essential for partnerships. He expressed his expectation that the Coalition would foster powerful partnerships to address job disruption and the opportunities arising from digital and climate change policies. He strongly supported the Coalition's role in enhancing advocacy, promoting policy coherence and generating knowledge through cooperation, as it was essential for society and beneficial for business and employers. In concluding, he thanked the ILO for its instrumental role in creating a strong foundation to effect real change, which could count on the strong commitment of employers.

Mr Triangle, speaking on behalf of the ITUC representing over 200 million workers worldwide, noted the distinguished speakers' strong support for the Global Coalition for Social Justice. Their contributions had highlighted the Coalition's crucial role in tackling global challenges such as political instability, escalating conflicts, rising inequality, climate disasters and pandemics.

The ITUC and workers globally strongly supported the Coalition, whose objective was social justice, a core mandate of the ILO. Social justice should guide all international, economic and financial policies. The world needed a new social contract aimed at rebuilding trust in governments, creating decent and climate-friendly jobs with just transitions, ensuring rights for all workers, providing living wages, and offering universal social protection, equality and inclusion.

The UN Secretary-General had undertaken initiatives that aligned with those goals, particularly the Global Accelerator on Jobs and Social Protection for Just Transitions, which placed the social contract at their core. There was a need to build on those initiatives to achieve a new social contract leading to social justice.

Commitments were needed at both the national and international levels to finance social policies. Such financing was not a cost, but an investment with high returns. Social justice could not be achieved without a transparent and multilateral debt relief architecture, improved global governance on taxation, reform of international financial institutions, and increased ambition for reallocating special drawing rights to support an SDG-led recovery and resilience in developing countries. All investments must be aligned with the objectives of social justice, the SDGs and the Decent Work Agenda.

Social dialogue played a pivotal role in achieving social justice and sustainable development. Multilateralism was at stake, amid deep distrust towards global institutions and strong divisions within the international community. The ITUC remained committed to multilateralism and supported the UN as the peak multilateral body. A truly inclusive multilateral system where social partners were involved through real social dialogue would pave the way to social justice and sustainable development. The Second World Social Summit on Social Development represented a key opportunity to advance the pillars of a new social contract and achieve social justice. The role of social dialogue and tripartism must be recognized in the Summit's outcomes as essential governance tools for social development and achieving the SDGs.

A rights-based development model and a truly inclusive multilateral system were needed to address the current imbalance of power and wealth, using social dialogue as a key means of achieving social justice. Workers were delighted to join forces within the Global Coalition with those ready to contribute to delivering social justice for more people. He acknowledged the governments and other parties that had already joined the initiative and urged many more to join as a priority. He concluded by emphasizing the importance of collective action in delivering social justice, as workers, societies and the world needed it.

Mr Tedros expressed his gratitude to President Lula for his unwavering commitment to social justice, and his dedication to equality and solidarity, including combating hunger and poverty. He expressed his appreciation for the President having prioritized health and hosted the WHO Investment Round during Brazil's G20 presidency.

He noted that social justice served as a moral compass, ensuring that all individuals, regardless of their background or circumstances, had access to basic human rights, opportunities and necessary resources. Equity was central to social justice, requiring fairness

in the distribution of wealth, power and privileges. That principle mandated stakeholders to confront systemic injustices, challenge discrimination and dismantle barriers that prevented individuals from realizing their full potential. He envisioned a world where everyone could achieve their full potential. Diversity and inclusion were key to creating a society where all felt valued and respected.

He welcomed the Global Coalition for Social Justice, which aligned with the WHO's mission in relation to health. The Constitution of the WHO, adopted in 1948, affirmed health as a fundamental human right for all. Despite that, around the world, 4.5 billion people lacked essential health services, and 2 billion faced financial hardship due to health spending. The WHO's goal was to close those gaps by advancing universal health coverage so that all people had access to essential health services without facing financial hardship.

There was, however, a global shortage of 10 million health and care workers, with the poorest nations having as little as one tenth the health workers of the richest ones. Many health workers faced violence, discrimination and unsafe working conditions, and had low pay and few rights. Together with the ILO and the OECD, the WHO's Working for Health programme supported countries in mobilizing cross-sectoral policies, actions and investments to increase the education, employment, protection and retention of health workers. Additionally, in partnership with the ILO, the WHO was developing a global strategy to enhance workplace health and well-being.

He reiterated his gratitude to President Lula and Director-General Hounbou for the opportunity to participate, and looked forward to continued partnership in advancing social justice and human rights, including the right to health. He concluded by emphasizing the essential role of social justice in achieving equitable and inclusive societies, underlining the importance of collaborative efforts to create a world where everyone could thrive and succeed.

Mr Hounbou extended his thanks to all distinguished speakers for their participation in the event. The day's discussions had emphasized the critical role of social justice in fostering productive and peaceful societies and economies and restoring trust in multilateralism. The launch of the Coalition coincided with the 80th Anniversary of the Declaration of Philadelphia, which set out the right of all human beings "to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

The Coalition's mission was to turn those principles into practical outcomes for all. Its work had only just begun and the fruitful dialogue must be translated to concrete action. He called for sustained collective efforts to effect meaningful change, especially in confronting global challenges such as climate change, which was disrupting livelihoods worldwide. Expressing solidarity with the victims of environmental disasters, he underscored the urgent need for a just transition to sustainable economies through support for sustainable businesses and the development of green skills.

Social justice served as the linchpin connecting economic, environmental and social agendas, essential for achieving the SDGs. In the months ahead, common priorities and a comprehensive work plan would be finalized, buoyed by the shared commitment demonstrated by leaders such as President Lula and Mr Tedros. He called for ambitious actions at the national and international levels to reaffirm the collective resolve to transform social justice from an aspiration to a tangible reality globally. In conclusion, he expressed gratitude to all participants for their dedication and urged continued efforts to advance social justice worldwide, emphasizing the responsibility to create a world characterized by fairness and equity for all.

Mr Lula da Silva expressed great joy in returning to the International Labour Conference, which represented the relationship between labour and management. The Conference had great historical significance and the ILO's tripartite structure continued to play a crucial role in the current complex global context. Societies were still recovering from the effects of the COVID-19 pandemic at uneven paces, with new political tensions and ongoing conflicts exacerbating existing issues. In addition, digital and energy transitions were impacting on workers worldwide and quality of life was deteriorating due to climate change, with 2.4 billion workers directly affected through heat stress.

Social justice was more relevant than ever. It was necessary to revive the spirit of the Declaration of Philadelphia, which asserted that labour is not a commodity and should be treated as a source of dignity. Pope Francis had recognized the interconnectedness of welfare and justice, stating "There is no democracy with hunger, no development with poverty, and much less justice in inequality".

The Government of Brazil had therefore accepted the invitation from the Director-General to co-chair the Global Coalition for Social Justice, which would be instrumental in implementing the 2030 Agenda for Sustainable Development. Goal 8, on decent work for all, was not progressing at the necessary pace and scale, despite a modest fall in projected global unemployment rates. Issues such as informality, precarity and poverty were persistent; indeed, the number of people with informal jobs had increased from 1.7 billion in 2005 to 2 billion in 2023. Additionally, work income was declining for the less educated and the new generations faced challenges in entering the labour market. Extreme poverty was affecting 215 million people worldwide, many of whom were in work, and inequalities on the basis of race, gender, sexual orientation and geographic origin were aggravating factors. Women were in a particularly vulnerable position in the labour force, and the principle of equal pay for work of equal value remained a distant goal. Over half a billion women of working age were excluded from the labour force due to unequal family and care responsibilities. Furthermore, 80 per cent of the world's 280 million migrants lived in the global South. Their remittances often surpassed foreign direct investments in their countries of origin, but were insufficient. A dysfunctional financial architecture was exacerbating inequalities, as development banks invested very little.

The motto on the cornerstone of the original ILO premises, "If you want peace, cultivate justice", remained just as relevant, with war being waged in Ukraine and Gaza, among many others. Workers who should have been dedicating themselves to their own lives and their families were being sent to battlefronts, as had been the case in the First and Second World Wars, with devastating impacts. Significant civilian casualties had ensued and, in Gaza, record numbers of deaths of humanitarian workers. He also condemned the increase in global military spending. The irrationality of a conflict in Europe had reignited fears of nuclear catastrophe. Hence there was a need to reaffirm that the world needed peace and prosperity, not war.

In 2024, nearly half of the world's population would be going to the polls. Democracy and social participation were crucial for achieving workers' rights. Historically, attacks on democracy had been accompanied by a loss of rights, as in his own country's experience. Political extremism attacked and silenced minorities and neglected the most vulnerable. A progressive, democratic approach was crucial to challenge the current order. Furthermore, the role of the State in planning development and addressing inequalities exacerbated by the market's "invisible hand" needed urgently to be restored. Productivity growth had not resulted in wage increases, leading to dissatisfaction and polarization. Therefore, a new form of globalization that prioritized human welfare and social fairness was called for.

Those concepts aligned with Brazil's priorities during its presidency of the G20. Discussions were ongoing on how to promote a just transition and use emerging technologies to improve the labour market. The flagship initiative, the Global Alliance against Hunger and Poverty, aimed to accelerate efforts to eliminate hunger and poverty. Additionally, Brazil was spearheading a proposal on taxing the super-rich, highlighting the stark concentration of wealth among a small number of billionaires, some of whom even had their own space programmes.

There was, however, an urgent need to address issues here on Earth, particularly the environmental crises affecting various regions, including his own country. The climate crisis would be the priority of the 30th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP30), which would be hosted by Brazil in the Amazon city of Belém. It was also vital to consider the livelihoods of indigenous peoples and workers such as fishers, miners and rubber-tappers in conservation efforts. Thus, rich countries should bear the costs to support the survival and well-being of people living in the Amazon region. The Government of Brazil had committed to achieving zero deforestation in the Amazon region by 2030 and urged other countries to follow suit.

The sociobioeconomy, green industrialization and renewable energy sources represented great opportunities to enhance collective welfare and promote a just transition. Policies and action on development of digital skills and sustainable practices would be crucial in a decarbonized, technology-intensive global economy. In previous industrial revolutions, the world had seen how technological innovations could improve humanity's horizons, but it was the workers' struggles that had democratized their use. Artificial intelligence would radically transform our way of life, and action was needed to ensure that it benefited everyone. Internet access and digital resources were still unevenly distributed, and linguistic diversity was not yet adequately represented in the digital world.

Consequently, he called for global cooperation to address those challenges. Brazil had drawn inspiration from the Spanish Government's efforts to regulate work for transportation apps and to promote collective bargaining. It had also joined the United States in a Partnership for Workers' Rights, which had been launched at the headquarters of the United Nations in 2023. The Government of Brazil was committed to improving labour conditions, with policies including increasing the minimum wage, eliminating child labour and combating modern slavery. Furthermore, a bill on equal pay for men and women had been passed, and Brazil had joined the Equal Pay International Coalition. A national care plan addressing various social inequalities was also in preparation. Furthermore, the Government was investing in reindustrialization and job creation.

The Global Coalition would be an essential tool to build a just transition with decent work and poverty eradication. However, it was essential for developing countries, which were being called on to contribute to resolving the current global crises, to be adequately represented on global governance bodies, based on the premise of "one country, one vote". Brazil was therefore advocating for the ratification of the 1986 Amendment to the ILO Constitution to abolish the permanent seats on the Governing Body.

In conclusion, he emphasized the ILO's significant role in building a fairer, more humane world. He stressed the increased responsibility of ILO participants in the twenty-first century, given the unpredictable impacts of digitalization on labour. A collaborative approach to artificial intelligence development was called for, particularly so that the global South could remain competitive. He highlighted the importance of the ILO's credibility and work in

promoting global fairness and solidarity. He concluded by calling for peace in Ukraine and Gaza, and for justice to achieve global stability and prosperity.

The President of the Conference thanked President Lula for his concluding address and for his global leadership. He expressed his appreciation to the distinguished delegates for their participation and contributions, and declared the inaugural Forum of the Global Coalition for Social Justice closed.



► Record of Proceedings

9D

International Labour Conference – 112th Session, Geneva, 2024

Date: 10 July 2024

Plenary sitting: Closing of the 112th Session of the International Labour Conference

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Friday, 14 June 2024, 4.50 p.m.

President: Mr Buzu

Signing of authentic texts on the abrogation of four Conventions

Mr Bormioli

The Clerk of the Conference

As you will remember, the Conference decided last week, by record vote, to abrogate under article 19 of the ILO Constitution four international labour Conventions, namely the Underground Work (Women) Convention, 1935 (No. 45), the Safety Provisions (Building) Convention, 1937 (No. 62), the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

These decisions by the Conference are reflected in formal documents that need to be authenticated by the President of the Conference and the Director-General before they are deposited with the United Nations for registration and sent to the ILO archives for safekeeping.

Therefore, I would now like to invite the President, together with the Director-General of the ILO and Secretary-General of the Conference, Mr HOUNGBO, to proceed with the signature of the authentic texts on the abrogation of the four Conventions.

(The President and the Director-General of the ILO sign the texts on the abrogation of the four Conventions.)

Closing statements

The President

The Conference has now concluded its business and has achieved its goals. The time has come for our closing ceremony.

I will call on each of my fellow Officers to make their concluding remarks to this assembly. I will begin by inviting the Employer Vice-President of the Conference, Mr DUBÉY, to take the floor.

Mr Dubey

Employer Vice-President of the Conference

It has been an honour to serve as the Employer Vice-President of this 112th Session of the International Labour Conference. Over the past two weeks, we have engaged in meaningful dialogue, shared perspectives and collaborated to shape outcomes and provide guidance on important and pressing issues in the world of work. I am grateful to have this moment to reflect on our shared achievements.

This Conference has once again shown the power of social dialogue to find mutually owned, tripartite responses to both challenges and opportunities, and the Employers' group is very happy with the outcomes. Let me share our assessment.

First, I would like to talk about the Standard-Setting Committee on Biological Hazards. In the context of occupational safety and health becoming a new fundamental principle and right at work, the Employers' group sees this first discussion on the subject as a unique opportunity

to craft a new instrument. It is our shared responsibility to consider, in a balanced and practical way, the perspectives of all constituents and to address all possible stakeholders in both developing and developed countries, and in both small and large companies, as well as all workers, whatever the nature of the workplace. The instrument needs to strike a balance between protecting workers and maintaining enterprise sustainability, and it must take a coherent, risk-based approach that can ensure adequate protection while minimizing labour market disruptions and allowing for adaptation to individual country situations. A Convention as detailed as the one being proposed may dissuade States from ratifying, especially those that could benefit the most from a new instrument. The Employers call for a clear distinction to be drawn between situations that are external in nature, like the pandemic, and situations where there is work-related exposure due to the nature of the work. We also support a clear and practical Convention based on principles rather than on too many technical details. We look forward to further consultations leading up to the second discussion and hope that, next time, the Committee will be able to deliver instruments that the Employers can promote and endorse for effective implementation.

Second, the Committee on the Application of Standards successfully completed its discussions on the General Report, the General Survey, the cases of serious failure to report and the tripartite examination of 24 individual cases. It also held a special sitting on Belarus, which provided the Committee with an opportunity to examine the long-standing case concerning the Government's non-compliance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which has been dealt with by various ILO supervisory bodies. The Committee adopted conclusions that we hope will encourage the Government to make progress in the implementation of the recommendations issued by the Commission of Inquiry, some 20 years ago.

Furthermore, the Committee adopted the outcome of the discussion on the 2024 General Survey, *Labour Administration in a Changing World of Work*, which reflects the consensus that effective labour administration systems are vital for the good governance of labour matters, as well as for economic and social progress. They can make decent work a reality in the workplace by enforcing labour standards and can contribute to economic growth by increasing competitiveness and productivity.

Third, the General Discussion Committee on Decent Work and the Care Economy addressed our collective responsibility to promote a robust and sustainable care economy as a vital component of the overall economy. This requires the support of businesses and the private sector. We emphasized that a well-supported care economy can lead to a healthier, more productive and agile workforce, as well as to enterprise competitiveness and innovation, and to more jobs and economic opportunities. Three pillars guided the position of the Employers.

The first pillar is skills. Employers worldwide struggle to attract and retain skilled care workers. This global challenge requires our immediate attention. Labour and skills shortages and mismatches affect both the public and the private care sectors, especially for modern care jobs that involve new technologies and advanced care techniques. The second pillar is gender equality. Care is often framed as a women's issue rather than a societal issue, implying that it is solely for women to solve or gender equality departments or organizations to address. While it is certainly linked to gender equality, investment in the care economy necessitates a whole-of-government approach owing to its interconnected and multi-faceted nature and the fact that it spans sectors such as healthcare, education, social services and employment. It also necessitates broad economic, social and fiscal policies. The third pillar is the role of private care

enterprises, which complement public services, reduce administrative and financial pressures on existing healthcare systems, drive innovation, and promote quality improvements. Private-sector involvement creates jobs, generates income and boosts entrepreneurship, especially for women, while offering diverse care options to suit different needs. It also leads to investments in care infrastructure, ensuring sustainability and quick adaptation to changing demographics and care needs. In addition, private-sector involvement provides training and employment opportunities and relieves skills shortages in the care sector. We are pleased that these three points are well reflected in the conclusions.

Fourth, the recurrent discussion on the strategic objective of the fundamental principles and rights at work (FPRW) covered a topic that is at the very core of the ILO. The Employers are pleased with the outcome document, which provides a solid framework to guide the actions of the constituents and of the ILO going forward, reinforcing the obligation of Member States to promote, respect and realize FPRW in line with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022.

The discussions and conclusions include four central elements that the Employers fully support. First, the acknowledgement of the significant progress made since the previous recurrent discussion in 2017, with a view to taking stock and replicating best practices going forward. Proper acknowledgement of lessons learned and successes achieved is essential for meaningful progress. Key advances, such as the universal ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), or the elevation of occupational safety and health as the fifth FPRW, are inspiring examples. Second, despite the progress made, challenges linked to implementation gaps and root causes continue to be major impediments to the full realization of FPRW. The outcome document clearly calls on Member States, with the support of the ILO, to take decisive action to tackle root causes and promote formalization and good governance, and to adopt policies to promote sustained, inclusive and sustainable economic growth. This requires, to quote the outcome document, “political will, effective labour market governance and social dialogue”. Third, the conclusions rightly reaffirm the key role played by sustainable enterprises in advancing FPRW, and call for due attention to be paid and support provided to micro, small and medium-sized enterprises. Lastly, the conclusions stress the inseparable, interrelated and mutually reinforcing nature of the five fundamental principles and rights at work, and the importance of social dialogue as a key gateway to addressing challenges and seizing opportunities in the world of work.

Before I conclude, a few remarks on the launch of the Global Coalition for Social Justice are in order. The Employers welcome and strongly support this Global Coalition and we reaffirm our total and strong commitment to this movement. We are grateful for the ILO’s instrumental role in shaping this collaboration. Its efforts have laid a strong foundation for this well-designed and powerful Global Coalition which, under ILO leadership and with the participation of other United Nations organizations, trade unions, non-governmental organizations and stakeholders, has the potential to create real and profound change.

In closing, the Employers would like to express our gratitude to the President of the Conference for his leadership, to my fellow Vice-Presidents of the Conference, and to the Chairpersons of the different committees for their balanced, calm, and steady management. We would also like to thank the Chairpersons and Vice-Chairpersons of the Government, Employers’ and Workers’ groups, and of course all participants in the deliberations – Workers, Employers and Governments. Credit for the success of this Conference also goes, in no small measure, to the outstanding and hard-working management and staff of the ILO, the Conference support staff, the interpreters and all others involved in the preparation and the smooth running of this intense, two-week session. And finally, the real success of this

Conference will now lie in the collective dedication of all participants and of the ILO, to carry forward the torch lit here and build a future that is characterized by social justice and decent work for all.

Ms Lestic

Worker Vice-President of the Conference (Original French)

I was privileged to have been elected Vice-President of this Conference and am grateful for this. Indeed, I have had the honour of serving as Vice-President of an exceptional session of the Conference which, despite heightened tension and instability throughout the world, took place in a constructive and dynamic climate.

The ILO's tripartite social partnership has once again demonstrated its ability to transcend sometimes contradictory thinking and find negotiated solutions and recommendations to face emerging challenges in the world of work.

First and foremost, the Conference has reaffirmed its commitment to multilateralism in providing responses to the most serious crises. For example, the special sitting on the situation of workers of the occupied Arab territories was necessary to discuss how we can help Palestinian workers in this critical situation. We cannot settle for words alone. We must act first and foremost to save and protect Palestinian lives, but also, within the ILO's mandate, to guarantee respect for the rights of Palestinian workers. We urge all governments to contribute generously, in solidarity with the Palestinian people, to the ILO's emergency response plan. Furthermore, we must implement without further delay, as the ILO, the United Nations General Assembly resolution granting Palestine rights similar to those of a Member State. It is time for Palestine to be considered a fully-fledged country within our Organization. This recognition is part of a political solution, which is the only guarantee of lasting peace. The demand for lasting peace in the world cannot be achieved without social justice, and this is what we wanted to reaffirm here through the discussion on a new social contract.

Once again, we welcome the stimulating Report of the Director-General on this topic, which enables the ILO, together with the Global Coalition for Social Justice, to mobilize in preparation for the upcoming United Nations World Summit for Social Development to take place in 2025. A renewed social contract is in fact necessary to better achieve social justice in the coming decades and to respond to people's aspirations by creating decent and climate-friendly jobs as part of a just transition. We must shape industrial transformation to achieve carbon neutrality and promote investment in economic and strategic sectors, such as the green economy and sustainable infrastructure, the care economy and the formalization of informal work. Our renewed social contract must deliver on the promise contained in the ILO Centenary Declaration for the Future of Work (2019), with its labour protection floor, which includes rights such as maximum working hours, as well as decent wages and occupational health and safety for all workers, irrespective of their status.

We must step up our efforts to achieve universal social protection, in particular by creating a social protection fund for the most disadvantaged countries. Our new social contract must guarantee equal pay for work of equal value and put an end to all forms of discrimination, particularly gender-based discrimination, the systemic nature of which can no longer continue. This social contract must create a rights-based development model which corrects the imbalances in power and wealth through full respect for freedom of association and the right to collective bargaining, tripartism and social dialogue as essential means for the implementation of the 2030 Agenda for Sustainable Development.

The Declaration of Philadelphia, the 80th anniversary of which we are celebrating this year, reminds us with ever greater urgency that work is not a commodity, that freedom of expression and association is crucial for sustained progress, and that poverty anywhere constitutes a danger to prosperity everywhere. With the Global Coalition for Social Justice, under the leadership of President Lula da Silva of Brazil and the Director-General of the ILO, we have a collective responsibility to bring about a real change in the way in which the global economy and policy are thought of and organized. The Workers will contribute actively to this initiative.

I would now like to refer to the various decisions that we have taken. First of all, the Workers would like to comment on the abrogation of Conventions. We did not block the decision, but we would draw the Conference's attention to the fact that the ratification of more modern Conventions and new standards is lagging compared to the abrogation recommendations of the Standards Review Mechanism Tripartite Working Group. This is not in line with the mandate of the mechanism as agreed, and we wish to make this clear. Our group will not continue to support an exclusively deregulatory exercise. This goes against the ILO's mandate, and it is important that the ILO maintain and reaffirm its original standard-setting function.

I would also like to congratulate the colleagues involved in the Standard-Setting Committee on Biological Hazards, which finalized the initial negotiations on a global binding standard to protect workers against biological hazards. In particular, we welcome the broadened definition and scope which cover infectious diseases such as COVID-19, but also other diseases caused by exposure to biological agents, hazards and substances, as well as accidents and injuries, and references to precautionary measures and the inclusion of new and emerging hazards.

The general discussion on decent work and the care economy is a timely response to the demographic and epidemiological challenges that we are facing, and I would like to highlight here the importance in this discussion of equality. Care economy jobs are quite precarious, and it is mainly women who carry out such work. These jobs demonstrate the professional inequalities between men and women: low wages, poorly recognized professional skills, poor working conditions and arduous work. And the situation has further deteriorated as a result of the pandemic. It is thus crucial that these jobs be valued because care contributes to well-being and is a vital element to ensuring the sustainability of societies. Now we have a shared tripartite vision for the care economy which recognizes the primary responsibility of the State in care, which demands an integrated regulatory and political framework. This shared vision calls for an increase in public investment to guarantee decent work for workers in the sector. This is a major contribution to our vision of just transitions.

Furthermore, we commend the conclusions of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work. We welcome the fact that the ILO is now concentrating on promoting and protecting the fundamental principles and rights at work in two new crucial areas for the future of decent work. In fact, we must guarantee that the jobs created thanks to our transition towards an environmentally sustainable and digital economy benefit from the protection guaranteed by fundamental rights, and we look forward to seeing the ILO concentrate on the fundamental principles and rights across its work, including by structurally taking into account the recommendations of the supervisory system for all forms of work carried out by the Office in Member States.

At the beginning of this session of the Conference, the Committee on the Application and Standards held its first special sitting on Belarus, and we sincerely hope that this will open up

possibilities for engagement with the Government of Belarus. Similarly, we encourage all governments to fully commit to the implementation of the recommendations of this Committee. Once again, poverty and the unbridled exploitation of labour, wherever it exists, constitute a danger to prosperity and social justice everywhere, which is what we are trying to defend here.

Lastly, I would like to warmly thank the ILO teams for their organization and support throughout this session of the Conference, and I would like to thank the interpreters as well for enabling us to understand one another. Delegates, we are all an important national component of the ILO. But at the end of the session, our work is not finished. With renewed commitment and energy, we must now return to our respective countries and take on our own responsibilities to promote social justice wherever we can.

Mr Moyo

Government Vice-President of the Conference

Allow me to begin my remarks by offering our deepest condolences to the Government and the people of Malawi on the untimely and tragic passing of the Right Honourable Vice-President, Dr Saulos Klaus Chilima, and nine others who perished in a plane crash this past Monday when we started our deliberations. May their souls rest in eternal peace.

I would like to thank the President, Mr Buzu, most sincerely for his leadership and the excellent manner in which he has presided over this 112th Session of the International Labour Conference. I also want to thank and acknowledge the cooperation and dedication of my fellow Vice-Presidents, Mr Dubey and Ms Lestic, which made the work of our Conference much easier. In the same vein, special thanks go to the chairpersons of all the committees of the Conference. We had an opportunity to observe the arduous and painstaking work that was conducted. I must say that, in the short period I was in these committees, I witnessed in an excellent manner, the workings of tripartism. I wish to pay tribute to all the delegates for their commitment and dedication. Some worked very late hours in order to come up with the resolutions that were adopted by this Conference.

The 112th Session of the International Labour Conference marked the birth of the first standard-setting discussion on protection against biological hazards. We appreciate the outcomes, which will pave the way for the second discussion by the Conference next year. In the meantime, it is expected that the outcomes of the discussions will encourage Member States, even at this time, to come up with strategies to reduce accidents and injuries at places of work as we seek to create safe and healthy spaces for all workers.

The General Discussion Committee on Decent Work and the Care Economy focused on the recognition of work by paid and unpaid care workers. The Committee acknowledged the contribution of domestic workers, informal economy workers, persons with disabilities, women and youth in stimulating economic growth and job creation. The Committee also discussed the rural economy and its workers. For us in Africa, this is the major challenge that we face this century, and it might go on if we do not take remedial action in the next century. Going forward, it is important for the ILO to continue conversations on this important area, being mindful of the differences in national and regional contexts.

The work of the Recurrent Discussion Committee on Fundamental Principles and Rights at Work also brought to the fore the importance of human rights in the workplace and how they are inseparable, interrelated and mutually reinforcing. Although challenges in their implementation remain, our focus should be on the thematic priorities of paying due regard to informal economies, rural areas and situations of crisis and fragility.

With respect to the work of the Committee on the Application of Standards, we appreciate the discussions on how Member States can improve the application of fundamental Conventions and how to meet reporting obligations to the supervisory bodies. For this, the Committee examined country cases, and it is our hope and expectation that it will, in the future, also discuss cases of good progress in order to share best practices so that countries can improve and not only focus on the challenges being faced by Member States.

I wish to applaud the work undertaken in preparation of the inaugural session of the Global Coalition for Social Justice. In particular, I wish to salute the Director-General, not only for the initiative, but also for the manner in which it was organized. The Global Coalition has indeed gained momentum since its launch at the 111th Session of the Conference. The panellists and moderators of all sessions have provided us with insights on how we can work together towards the attainment of social justice, and it is with renewed vigour that we will return home after the electrifying, inspiring and passionate speeches of the President of Nepal, His Excellency Ramchandra Paudel, and the President of Brazil, His Excellency Luiz Inácio Lula da Silva. In particular, we take note of their calls to: address inequalities and promote social justice; eradicate poverty by redoubling our efforts towards the attainment of the Sustainable Development Goals; address the causes of climate crisis and its mitigation through climate financing, especially by those in the Global North; and restructure the international financial architecture and the democratization of the United Nations systems of governance, including that of the ILO. We think that this will demonstrate that countries, such as those in Africa, can also participate in regular sittings in the governing councils. Furthermore, we welcome Brazil's commitment to ratifying the 1986 Instrument of Amendment to the ILO Constitution. We also take note of the call to narrow the gap that exists between and within countries, as we strive towards leaving no one, no country and no social group behind.

The discussions we have had in plenary and in the committees have been fruitful. As a result of excellent preparation and presentation by the Director-General and his staff and the Chairperson and Officers of the Governing Body, the Report of the Director-General to this session of the Conference, which focused on renewing the social contract, informed all the discussions we had and has reinvigorated our desire to make meaningful and sustained social dialogue, upon which basis we develop our economies and our societies. An overwhelming majority of speakers from the Government, Employers' and Workers' groups deplored the situation of workers of the occupied Arab territories. For anyone with a good heart and sense of humanity, it is clear that the war must stop, and the occupation should come to an end.

As I conclude my remarks, I wish to pay special thanks to the Secretariat for its dedication and guidance as we chaired all these sessions as Officers of this Conference. Mr Bormioli and his team were punctual, and they led us, informed us and guided us, and the success that might come to us is their success.

Finally, I wish to express my profound gratitude to the Africa group, the Government group and the Employers' and Workers' groups for having endorsed my nomination and for granting me the opportunity to serve as the Government Vice-Chairperson of the 112th Session of the International Labour Conference. It has been an enlightening and humbling experience for me personally, and an honour for the tripartite Zimbabwean delegation to serve you.

Mr Hounghbo

Director-General of the International Labour Office and Secretary-General
of the Conference
(Original French)

We are now – some may say “finally” – reaching the end of this session of the Conference. It has been intense, productive, and rich in debates. I do hope that you will all return home with the feeling of satisfaction that results from a job well done. In terms of statistics, 37.8 per cent of our delegates this year were women, which is somewhat less than what we were aiming for, but a little more than the 36.5 per cent we had last year.

We have had the opportunity to celebrate the 80th anniversary of the Declaration of Philadelphia, whose principles are just as important today as they were in 1944 and after the war.

The discussion in the special plenary sitting on the situation of workers in the occupied Arab territories, particularly in Palestine, was a solemn occasion. As a specialized agency, the ILO must consider the follow-up to the resolution adopted by the United Nations General Assembly on 10 May this year. During the special sitting, there was an urgent call for collective action to alleviate the suffering of the Palestinians, and a reaffirmation of the strong role that the ILO is duty-bound to play. We are fully aware that the task facing the ILO in Palestine is immense and that we need to plan for a rapid, job-rich recovery based on human rights and workers’ rights, even as humanitarian action is still ongoing. We of course remain firmly committed to collaborating with all colleagues throughout the United Nations system, including by providing technical support in the context of the humanitarian-development-peace nexus, with a view to achieving lasting peace.

Please allow me to convey my sincere thanks to the donor countries that have begun to pledge funds for our three-phase project that was presented on Monday. As of yesterday, we had already received US\$10 million in pledges – half of the \$20 million that we are seeking. I would also like to take this opportunity to call upon all those who have not yet done so – I know that you have all been very busy with the Conference – to think about the difference that the ILO can make to the Palestinians, whether in Gaza or the West Bank.

In the face of insecurity and inequality as well as persistent informality, the discussion of my report, *Towards a renewed social contract*, has confirmed one key message: inaction is simply not an option. You have responded to my call to renew the social contract and to discuss it in depth in order make progress in social justice as the basis for lasting peace, shared prosperity, equal opportunities and a just transition.

Throughout our discussion, concerns were raised about a loss of trust in our governance systems, both national and multilateral. We must re-establish trust in our institutions and protect the independence of workers’ and employers’ organizations. In all countries and globally we have a duty to reinvigorate social dialogue and strengthen our standard-setting mandate, which I believe remains the backbone and the *raison d’être* of this Organization. As confirmed in our discussion with the co-facilitators of the World Summit for Social Development, the ILO has a crucial role to play in making multilateralism inclusive, particularly at the second World Summit.

Turning now to the work of the committees, I will be brief, as the Vice-Presidents have already commented on it. On behalf of the Secretariat, I want to take this opportunity to thank all those who have worked in the committees, starting with the Chairpersons and Vice-Chairpersons, to achieve successful outcomes, with less stress than last year. I am grateful

for the rich discussions you have held, which bode well for successful discussions next year, both for the Standard-Setting Committee on Biological Hazards and others on the agenda, such as the discussion on the platform economy. As we know, that will be an important discussion, and the stakeholders and the Office are already hard at work preparing for it.

Also on the subject of the committees, the Office laments the fact that, for the first time ever, a vote was conducted in the Committee on the Application of Standards. That is highly regrettable, but we must continue working together in order to promote the values that our institution embodies on a daily basis for the improvement of the living and working conditions of all workers worldwide.

As to standards, over the past two weeks, we have received nearly 20 new ratifications, including five of fundamental Conventions, five ratifications of the Violence and Harassment Convention, 2019 (No. 190), and four ratifications of Conventions on occupational safety and health, as well as some other Conventions. A total of nearly 20 ratifications were registered in the last two weeks and I wish to express my gratitude.

The inaugural Forum of the Global Coalition for Social Justice yesterday was clearly a success but, for us, this work is just beginning. We need to finalize the set-up of Sana De Courcelles' and Laura Thompson's team, the thematic areas and plan of action, not only for the ILO, but also for all the members or partners of the Coalition so that in 2025 we can begin truly to make a difference. As I said yesterday, action must be focused on making a real difference on the ground.

I would like to extend my thanks to the authorities of Nepal and Brazil, as we were honoured at our special day yesterday with the presence of two Heads of State. President Paudel of Nepal reminded us that there cannot be social justice without climate justice, and that lasting peace can only be achieved if there is shared prosperity. We also welcomed President Lula da Silva of Brazil, who strongly advocated for peace and encouraged us to sow the seeds of justice to cultivate peace across the globe. He recalled that attacks against democracy have always violated the law, human rights and labour rights, and underscored the need for a renewed social contract, which must place human beings at the heart of its policies.

To conclude – and I do know we are all tired, so I will be brief – I would like to thank the President and Vice-Presidents for the leadership they have demonstrated over the past two weeks. The success of these sittings and this Conference is also down to them. I thank them for their patience, especially in terms of time management and setting the atmosphere, which was not always easy, and also for allowing us to finish at a reasonable hour after these two weeks. I would also like to thank all of my colleagues from the Secretariat. I will not mention any individual names because it really is the work of a team. Nevertheless, I would like to mention in particular the interpreters, the security guards, the technicians and all those involved with the logistics, without whom we could not have achieved these outcomes.

Mr Buzu **President of the 112th Session of the Conference**

Let me start by thanking you for entrusting me with this high position. I am honoured, my team is honoured and I think my country is honoured as well. I hope that I have lived up to your high expectations. I also want to thank the Officers of this Conference, my “partners in crime”. The fantastic team of the ILO in the Secretariat. The Director-General should be proud of the team and also of the ILO team in my country, the Republic of Moldova.

We hold this Conference in challenging times for everyone represented in this room, workers, employers and governments alike. Despite advances in recent years, gender inequality and discrimination hinder the participation of women in the job market. There is no slowing down the epidemic of work-related accidents, stealing the lives of over 3 million workers every year. New hazards challenge the world of work. Millions face insecurity and loss of livelihoods due to war and conflict. Employers, too, are grappling with the disruption of supply chains and shifting market demand, while governments continue to be under pressure to balance economic recovery with addressing social inequalities.

Speaking of the ideal of social justice in such complicated times may seem ambitious and even unattainable. Yet the ILO has demonstrated over time that it is precisely during difficult times that its role has been most instrumental. We talked about the Declaration of Philadelphia during this session of the Conference. Like me, I am sure that many of you were moved by the humanistic principles enshrined in the Declaration: the principle that labour is not a commodity, that freedom of expression and association are essential, and that poverty anywhere is a danger to prosperity everywhere. The Declaration is even more revolutionary considering that it was written at one of the darkest hours for humanitarianism. Its signature marked a turning point for the ILO and for the Member States, giving a clarity of direction and guiding a process for dynamic development in the aftermath of the Second World War.

Challenging times expose our vulnerabilities, but also present opportunities to address them. This is why the Director-General's new initiative, the Global Coalition for Social Justice, could not have come at a better time. It is heartening that over 280 actors and stakeholders across the board have recognized the need for change and have joined forces to advance a more equitable future for workers around the world.

I was with the ILO's internal historian, on the floor of the ILO building where you have the portraits of all the ILO Directors-General, and the historian was presenting them to me and saying that this Director-General promoted the Declaration of Philadelphia, this Director-General advanced the concept of decent work, and so on. Then I thought of the present Director-General, and it occurred to me that, in the future, his portrait will be there. Then the internal ILO historian will tell a fellow visitor or minister that this Director-General promoted social justice. Nothing would make me prouder than to help him to achieve this legacy of his. And I hope I speak on behalf of all the people present in this auditorium.

The Conference also addressed two critical issues for the world of work. The first is the care economy. As we know, women continue to shoulder a disproportionate share of unpaid care work, significantly impacting their participation in the labour market. Gender stereotypes in many regions reinforce the expectation that women should prioritize caregiving over paid employment. Gaps in access to social protection programmes are especially pronounced for women in rural, marginalized and crisis-affected areas, where displacement and loss of livelihoods further exacerbate vulnerabilities. The new ILO report on the care economy will provide helpful guidance for governments in addressing this key issue.

Another critical aspect is the threat of biological hazards. The world has witnessed first-hand the devastating impacts of the COVID-19 pandemic, along with other epidemics like Ebola. These hazards pose a significant risk to workers' health and safety, leading to severe disruptions in the workplace and the broader economy. I want to thank the Standard-Setting Committee on Biological Hazards for its important discussions on the upcoming new standard ensuring that workers are better safeguarded against these threats.

Allow me to thank all the committees for their tireless work and dedication. They truly did a good job and should be proud of the work they put in here.

In my other life, I am the Minister of Labour and Social Protection of the Republic of Moldova. Over the past two years, like never before, my country has mastered the art of turning adversity into purpose and mission, and self-concern into solidarity and friendship. After two challenging years, holding the presidency of the International Labour Conference holds a deep significance. It confirms that we belong on the global stage and that we can have a say. It motivated us to exceed the expectations we set ourselves, strengthening compliance with ILO standards, implementing and enforcing the hierarchy and pressing forward for decent work for all as we move towards our goal of European Union integration by 2030. I am grateful to the Director-General for having found the time to visit my country and for providing valuable support and guidance.

I am sure that, like myself, you feel a strong sense of pride in being here today, representing your countries and brainstorming in the international arena on what needs to be done in order to achieve more results for our citizens. Let us remember this empowered feeling. Let us never forget it. As leaders in our field, it is crucial to be aware that the power we hold is not merely symbolic. It gives us a real opportunity to create change. So let us use this opportunity.

Geneva is not Las Vegas: what happens in Geneva should not stay in Geneva. We should go back to our homes and countries and spread what we have achieved all over the world. In the pursuit of a better world of work, there is no need to hold back.

Mr Hounqbo

Director-General of the International Labour Office and Secretary-General of the Conference

I am sure that all delegates will agree with me that we cannot let the President leave without thanking him for his great leadership over the last two weeks. Therefore, I would like, on behalf of everyone here, to present him with this engraved gavel by which to remember us and as a token of our appreciation.

I would also like to take this opportunity to express my appreciation to the members of the delegation of the Republic of Moldova for having hosted me during my recent visits to the country and to reiterate my support to them. I would like to thank them again for a really rich discussion and for their work with the ILO teams from Budapest and Geneva.

Also, before closing, I would like to pay tribute to Georges Politakis, the Legal Adviser of the ILO. He will be retiring at the end of August, so this session of the Conference will be his last. He has worked with so many of us over the years. I wish him well and would like to invite all those present to give him a round of applause.

(Applause.)

The President

This session of the Conference will leave an important mark in the life of our Organization, as it will affect the lives of millions of people around the world for the better. Let us make sure of that.

This year again, we found a way to overcome differences in our views and to reach consensus through dialogue and compromise. We adopted conclusions with a view to developing standards concerning biological hazards in the working environment, to promoting policies to enhance the care economy and to reaffirming our commitment to the respect of fundamental rights at work.

The Conference and the 300 partners of the Global Coalition for Social Justice expressed their strong commitment to promote social justice through strengthened cooperation for concrete action. We can congratulate ourselves for these achievements.

I now declare the 112th Session of the International Labour Conference closed.

(The 112th Session of the Conference adjourned sine die at 6 p.m.)

► Texts adopted

International Labour Conference – 112th Session, Geneva, 2024

Date: 19 June 2024

Abrogation of four international labour Conventions

(6 June 2024)

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Abrogation of the Underground Work (Women) Convention, 1935 (No. 45)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and
Following consideration of the proposal for the abrogation of four international labour Conventions,
decides this 6 June 2024 to abrogate the Underground Work (Women) Convention, 1935 (No. 45).
The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.
The English, French and Spanish versions of the text of this decision are equally authoritative.

Abrogation of the Safety Provisions (Building) Convention, 1937 (No. 62)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and
Following consideration of the proposal for the abrogation of four international labour Conventions,
decides this 6 June 2024 to abrogate the Safety Provisions (Building) Convention, 1937 (No. 62).
The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.
The English, French and Spanish versions of the text of this decision are equally authoritative.

Abrogation of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and
Following consideration of the proposal for the abrogation of four international labour Conventions,
decides this 6 June 2024 to abrogate the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63).
The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

Abrogation of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.



► Texts adopted

International Labour Conference – 112th Session, Geneva, 2024

Resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2023

(11 June 2024)

The General Conference of the International Labour Organization,
Decides, in accordance with article 29 of the Financial Regulations, to adopt the audited consolidated financial statements for the year ended 31 December 2023.



► Texts adopted

International Labour Conference – 112th Session, Geneva, 2024

Resolution concerning the scale of assessments of contributions to the budget for 2025

(11 June 2024)

The General Conference of the International Labour Organization,

Decides, in accordance with the established practice of harmonizing the rates of assessment of ILO Member States with their rates of assessment in the United Nations, to adopt the draft scale of assessments for the year 2025 as set out in Appendix I to ILC.112/Record No. 4A.



► Texts adopted

International Labour Conference – 112th Session, Geneva, 2024

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Biological hazards in the working environment”

(14 June 2024)

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as conclusions, with a view to the consultation of the tripartite constituents, proposals for a Convention supplemented by a Recommendation concerning biological hazards in the working environment,

Decides that an item entitled “Biological hazards in the working environment” shall be included in the agenda of its next session for a second discussion with a view to the adoption of a Convention supplemented by a Recommendation,

Decides that any part of the proposed conclusions that has not been agreed upon or considered at the current session will be bracketed and will be included in the draft instruments that will be submitted to the Conference for its consideration at the 113th Session (2025).



► Texts adopted

International Labour Conference – 112th Session, Geneva, 2024

Resolution concerning the third recurrent discussion on fundamental principles and rights at work

(14 June 2024)

The General Conference of the International Labour Organization, meeting at its 112th Session, 2024,

Having undertaken a third recurrent discussion on fundamental principles and rights at work, in accordance with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and the ILO Declaration on Social Justice for a Fair Globalization (2008), and duly taking into account the ILO Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019), to consider how the Organization should respond to the realities and needs of its Members,

Adopts the following conclusions which contain priorities for ILO action for the effective and universal respect, promotion and realization of fundamental principles and rights at work;

Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them; and

Requests the Director-General to:

- (a) prepare a plan of action giving effect to the conclusions for consideration by the Governing Body at its 352nd Session in November 2024;
- (b) communicate the conclusions to relevant international and regional organizations for their attention, including in the context of the Second World Summit for Social Development;
- (c) take into account the conclusions when allocating resources within the existing programme and budget, preparing future programme and budget proposals, and mobilizing extrabudgetary resources; and
- (d) keep the Governing Body informed of their implementation.

Conclusions concerning the third recurrent discussion on fundamental principles and rights at work

I. Fundamental principles and rights at work are more needed and relevant than ever

1. Fundamental principles and rights at work (FPRW) are universal human rights and immutable in nature. They are inseparable, interrelated and mutually reinforcing. They are key to human dignity and well-being and to the foundation of inclusive and just societies. They are important for ensuring that economic and social progress advance together in the pursuit of social justice. FPRW are rights and enabling conditions that are necessary for the full realization of the strategic objectives of the International Labour Organization (ILO).
2. In line with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (the 1998 Declaration), all Members, even if they have not ratified the fundamental Conventions, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights that are the subject of these Conventions.
3. There has been some progress and new developments since 2017:
 - (a) At the national level, Member States have undertaken multiple legal reforms, policies and programmes to guarantee and protect freedom of association and the effective recognition of the right to collective bargaining, to combat child labour and forced labour, address discrimination in respect of employment and occupation, and implement occupational safety and health measures and systems. In addition, the number of ratifications of fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and their incorporation into national legal and policy frameworks has increased;
 - (b) At the international level, the right to a safe and healthy working environment was elevated in 2022 to a fifth category of FPRW, widening and strengthening international commitment to respect, promote and realize all FPRW, and the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) were considered as fundamental Conventions within the meaning of the 1998 Declaration. In 2020, the Worst Forms of Child Labour Convention, 1999 (No. 182) became the first ILO instrument to reach universal ratification. FPRW have been reflected in a number of new international labour standards, such as the Violence and Harassment Convention, 2019 (No. 190). References to FPRW in legal and policy frameworks have increased, including in trade and investment agreements, safeguard policies of international financial institutions, international and national framework agreements and due diligence legislation and initiatives;
 - (c) Employers' and workers' organizations, together with their members, have also taken important steps to advance FPRW.
4. At the same time, challenges remain.
5. We are far from achieving the universal ratification of fundamental Conventions and significant implementation gaps remain. According to ILO global estimates, child labour has increased in absolute terms to 160 million children, with 79 million in hazardous work; forced labour has grown to 27.6 million; and annually, 3 million workers die related to occupational accidents or

diseases. Gender labour force participation and pay gaps remain stuck at 25 percentage points and 19 per cent, respectively.

6. While statistics for the period 2000–2019 suggest an overall improvement in workplace safety, workers across the world continue to be exposed to unsafe and unhealthy working environments and certain risks have intensified, including heat stress and psychosocial risks.
7. Freedom of association and the effective recognition of the right to collective bargaining are severely threatened around the world. Certain categories of workers are excluded from the scope of labour policy, labour legislation and labour dispute resolution institutions.
8. Various emerging forms of work can offer both opportunities and risks. When providing decent work, they can be an avenue for workers and their families to escape poverty and enter the formal economy. When they do not provide decent work, or workers are misclassified, they can be insecure and pose challenges to the realization of FPRW.
9. Threats to and impairment of freedom of association and the effective recognition of the right to collective bargaining are exacerbating risks of child labour, forced labour, discrimination and hazardous working conditions.
10. Persistent informality continues to represent a major barrier to FPRW advancement, sustainable development and decent work.
11. Failures to protect and respect FPRW continue to be observed within supply chains. Disruptions of supply chains during recent crises have adversely affected the full realization of FPRW in some countries.
12. Inequalities and poverty are persistent challenges contributing to the failure to respect and realize FPRW. They were exacerbated by the COVID-19 pandemic, social and economic crises, conflicts and geopolitical instability, natural disasters and climate change.
13. Weak governance, erosion of the rule of law and civil liberties, restrictions on freedom of association and on the effective recognition of the right to collective bargaining, inadequate enabling environments for sustainable enterprises, inadequate regulation, under-resourced and ineffective labour administrations and inspectorates, and other relevant labour authorities, and ineffective labour migration governance, among other causes, have impeded progress to respect, promote and realize FPRW.
14. Demographic, environmental and digital transitions, including the rise of artificial intelligence and related technologies, are transforming the world of work, reinforcing the urgency of promoting the FPRW to address challenges and seize opportunities.
15. These complex developments create risks for, require renewed emphasis on, and reaffirm the importance of FPRW. FPRW provide a framework to navigate complex and turbulent times to prevent and manage future crises, especially crises in the world of work. This requires stronger policy and action for their respect, promotion and realization.

II. Strengthening action for the effective respect, promotion and realization of fundamental principles and rights at work

16. The respect for human rights, the rule of law, and democratic and fundamental freedoms are prerequisites for the full realization of FPRW. Responding to emerging challenges and realizing FPRW require political will, effective labour market governance and social dialogue. To strengthen action for the effective respect, promotion and realization of FPRW, including in pursuit of the Sustainable Development Goals, governments, in consultation with the most

representative employers' and workers' organizations, and taking account of national circumstances, should:

- (a) engage in tripartite social dialogue and take action to consolidate the progress made, stop reversals and address regulatory and implementation gaps;
- (b) seize the momentum generated by the recognition of a safe and healthy working environment as a fundamental principle and right at work to strengthen national laws and practices to accelerate progress to respect, promote and realize this principle and right;
- (c) give particular attention to freedom of association and the effective recognition of the right to collective bargaining, noting their particular importance to enable the attainment of the four strategic objectives, while ensuring balanced attention to all five categories;
- (d) take necessary steps to reduce informality in line with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- (e) effectively incorporate FPRW into a just transition and into a human-centred approach when dealing with technological and demographic shifts, inter alia, that are transforming the world of work;
- (f) adopt policies to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and create an enabling environment for sustainable enterprises, noting that business activity, investment and innovation are major drivers of productivity, inclusive growth and job creation;
- (g) continue efforts to advance the interrelated and mutually reinforcing nature of FPRW.

17. Areas of focus should include:

Strengthening governance

- (a) ratify and effectively implement all fundamental Conventions, including the Protocol of 2014 to Convention No. 29;
- (b) expand the coverage of labour laws, establish enabling regulatory frameworks, ensure effective enforcement and strengthen relevant institutions to uphold the rule of law, good governance, and protection and promotion of human rights;
- (c) build and strengthen the capacity of labour administration, labour dispute resolution and labour inspection systems, and provide appropriate human, technological and financial resources, to effectively implement, monitor and enforce national labour legislation and policies, with specific attention to working conditions and protection of workers;
- (d) ensure effective, independent, impartial and accessible judicial and non-judicial labour dispute prevention and resolution mechanisms for all, including grievance mechanisms;
- (e) enhance coherence between national public policies, including migration, employment, labour and social protection policies;
- (f) ensure an evidence-based approach to decision-making and monitor progress by building effective and transparent information systems, including databases and statistical systems;

Freedom of association and social dialogue, including collective bargaining

- (g) protect and promote respect of the right of freedom of association and the effective recognition of the right to collective bargaining in light of their particular importance to

enable the attainment of the four strategic objectives, notably social dialogue and tripartism;

- (h) strengthen the capacity of mechanisms and institutions for social dialogue to formulate policies to promote, respect and realize FPRW and their interconnectedness with ILO strategic objectives; and promote and engage in meaningful social dialogue in all its forms and at all levels to guide implementation, assess progress, and respond and adapt to complex and multiple challenges;

Formalization and sustainable enterprises

- (i) accelerate progress on the transition from the informal to the formal economy, based on the guidance provided in Recommendation No. 204 and on tripartism and social dialogue, to address some of the root causes of decent work deficits and advance an enabling environment for sustainable enterprises;
- (j) create an enabling environment for sustainable enterprises, including micro, small and medium-sized enterprises, which is conducive to realizing FPRW;
- (k) raise awareness of the central role of FPRW in productivity improvement, inclusive growth and job creation;
- (l) support the social and solidarity economy to prosper, innovate and create decent work;

Equality and inclusion

- (m) continue strengthening legal and policy frameworks to eliminate discrimination in employment and occupation for all workers and on all grounds protected by international labour and human rights standards, and ensure that their application is effective, regularly monitored and evaluated;
- (n) promote gender equality in pay and labour market participation, including through the implementation of equal pay for men and women for equal work or work of equal value, pay transparency measures, maternity protection, parental leave and measures to prevent and protect against gender-based violence and harassment;
- (o) adopt targeted measures for groups more at risk of serious deficits regarding FPRW, including persons belonging to one or more vulnerable groups or groups in situations of vulnerability facing exclusion and discrimination, often on multiple and intersecting grounds;
- (p) adapt national laws and policies to ensure adequate protection for all workers, in line with the ILO Centenary Declaration on the Future of Work (2019), ensuring respect for their fundamental rights;
- (q) meaningfully tackle poverty, insecurity and inequalities, as major drivers of FPRW deficits, including through adequate wages set through collective bargaining and adequate minimum wages, whether statutory or negotiated, and income support through social protection.

18. Governments should reaffirm their commitment to the respect, promotion and realization of FPRW. This would entail coherence among legal frameworks, policies, strategies and programmes, and the development of synergies aimed at realizing the FPRW and those aimed at implementing all strategic objectives of the ILO through which the Decent Work Agenda is expressed, namely employment, social protection, social dialogue and tripartism, and FPRW.

III. Priorities for ILO action

Thematic priorities

- 19.** The ILO should focus on the following agreed priorities to promote FPRW, which now include a safe and healthy working environment, in support of its tripartite constituents based on national circumstances and needs:
- (a) informal economies with due attention to rural areas;
 - (b) enterprises and supply chains;
 - (c) situations of crisis and fragility;
 - (d) just transition towards environmentally sustainable economies and societies for all;
 - (e) the digital economy.

Means of action

- 20.** The Office should update its integrated strategy on FPRW to balance its action across the five FPRW categories and address gaps in implementation, while being responsive to the needs of constituents and focusing its work on the following areas:

Standards-related action

- (a) intensify efforts to promote the universal ratification of the ten fundamental Conventions and the Protocol of 2014 to Convention No. 29, in particular those that are least ratified, including by pursuing specific campaigns and providing technical advisory services to countries interested in ratification;
- (b) continue to provide technical advisory services, including gap analyses and trainings, to ILO constituents on the effective implementation of the above-mentioned instruments, guided by the ILO supervisory bodies and the annual follow-up to the 1998 Declaration;
- (c) enhance the potential of the annual follow-up to the 1998 Declaration, including through an improved use of the information gathered therein;
- (d) increase synergies among the ILO supervisory bodies, development cooperation, technical assistance and research, including by enhancing efforts to mainstream understanding of the functioning and outputs of the ILO supervisory mechanisms across the Organization, both in the field and in headquarters;

Enhanced research and capacity

- (e) continue to promote and conduct research, and develop tools, guidelines, statistical measurement methodologies, and associated training resources, for qualitative and quantitative data collection, including disaggregated data on discrimination and other under-addressed FPRW categories, and research on FPRW;
- (f) support national institutions to collect and analyse data on the status of FPRW and the characteristics of the populations affected to support evidence-based policymaking;
- (g) produce, in collaboration with Member States, global estimates on child labour and forced labour, and other FPRW issues as data permit, and based on international statistical standards and measurement practices;
- (h) increase the visibility and accessibility of the ILO's data and research, including through global platforms such as the Forced Labour Observatory;

- (i) continue to undertake research and analysis on the intersection of FPRW and trade and investment;
- (j) continue to undertake research and data collection on workplace-related injuries, accidents, diseases and fatalities, and on emerging occupational health and safety risks, including psychosocial risks;
- (k) in the context of the ILO Social Dialogue Flagship Report, undertake research and collect good practices on the role of effective social dialogue in addressing challenges related to FPRW in support of the five thematic priorities;
- (l) examine the nature, causes and consequences of FPRW deficits and build the body of policy-based evidence on the role of the ILO decent work strategic objectives on the realization of FPRW and the social and economic impacts of FPRW at the country and global levels;
- (m) undertake research on the economic and social impact of informality, and in particular its impact on the realization of FPRW;
- (n) undertake action-oriented research on best practices to integrate respect for FPRW into the business of micro, small and medium-sized enterprises and newly formalized enterprises, including through greater synergies between the work on FPRW and the SCORE programme;
- (o) undertake research and impact assessments on the challenges and opportunities of digitalization, including artificial intelligence in relation to FPRW, in line with the resolution and conclusions concerning the second recurrent discussion on labour protection (2023);

Strengthening capacity and knowledge-sharing

- (p) build the capacity of constituents, and other relevant national authorities, to develop and implement policies and programmes that support the realization of FPRW and to integrate these rights in policies related to the ILO's strategic objectives, including in collaboration with the International Training Centre in Turin;
- (q) conduct targeted capacity-building for employers' and workers' organizations with regard to all five FPRW, with a focus on retaining and expanding membership, providing services and engaging in effective social dialogue;
- (r) strengthen the ILO Helpdesk for Business on International Labour Standards, which is an important vehicle for assisting enterprises and tripartite constituents in their efforts to respect the principles of international labour standards, including FPRW, and promote the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022, and the United Nations Guiding Principles on Business and Human Rights;
- (s) strengthen the ILO Global Business Network on Forced Labour, the ILO Global Business and Disability Network and the Child Labour Platform, and seek ways to ensure their sustainability;
- (t) encourage peer learning, information-sharing, cooperation and policy coherence within, and among, Member States, at the regional and international levels, including through the next Global Conference on the Elimination of Child Labour;
- (u) document and share good and innovative practices on FPRW;

Policy coherence and partnerships

- (v) promote policy coherence on FPRW:
 - (i) within the UN system and with multilateral organizations, development banks and international financial institutions;
 - (ii) in trade and investment policies and agreements, including through strengthened engagement with the World Trade Organization;
 - (iii) in Decent Work Country Programmes and UN sustainable development cooperation frameworks;
- (w) accelerate progress on FPRW through the Global Coalition for Social Justice, and leverage advocacy and cooperation through partnerships, such as:
 - (i) Alliance 8.7;
 - (ii) the Equal Pay International Coalition;
 - (iii) the relevant business initiatives such as the Child Labour Platform, the Global Business Network on Forced Labour and the Global Business and Disability Network;
 - (iv) the Global Accelerator on Jobs and Social Protection for Just Transitions;

Planning, mobilization and allocation of resources and development cooperation

- (x) ensure that technical assistance and development cooperation reflect the mutually reinforcing nature of FPRW and their interconnectedness with all ILO strategic objectives;
- (y) enhance support to governments to develop and implement domestic resource mobilization strategies;
- (z) mobilize resources for development cooperation at the country, regional and global levels, including by engaging with UN Resident Coordinator's Offices;
- (aa) explore innovative ways to more efficiently deliver technical assistance and development cooperation, including South-South and Triangular Cooperation, taking into consideration the diversity of circumstances of individual Member States;
- (ab) monitor and evaluate the impact of the support provided by the ILO to its constituents, with a view to improving the design and implementation of future activities;
- (ac) follow through on the direction of the resolution and conclusions concerning the second recurrent discussion on fundamental principles and rights at work (2017) to develop a plan of action for resource mobilization to support projects around target 8.8 of the Sustainable Development Goals to protect labour rights with a focus on freedom of association and the effective recognition of the right of collective bargaining.



► Texts adopted

International Labour Conference – 112th Session, Geneva, 2024

Resolution concerning decent work and the care economy

(14 June 2024)

The General Conference of the International Labour Organization, meeting in Geneva at its 112th Session, 2024,

Having undertaken a general discussion on decent work and the care economy, and duly taking into account the ILO Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019), to pursue decent work in the care economy,

Adopts the following conclusions;

Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them;

Requests the Director-General to:

- (a) prepare a plan of action on decent work and the care economy to give effect to the conclusions, for consideration of the Governing Body at its 352nd Session (October–November 2024);
- (b) communicate the conclusions to relevant international and regional organizations;
- (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extrabudgetary resources;
- (d) keep the Governing Body informed of their implementation.

Conclusions concerning decent work and the care economy

I. Context – decent work and the care economy: An urgent need for action

1. Care is central to human, social, economic and environmental well-being, and sustainable development. Care work, paid and unpaid, is essential to all other work. A well-functioning and robust care economy contributes to a healthier present and future workforce, creates jobs, supports businesses and enhances productivity. Transformative change in the world of work, driven by technological innovations, demographic shifts and environmental and climate change, affect the demand for and supply of, as well as access to, care.

2. A well-functioning and robust care economy is critical for building resilience to crises, including pandemics, and brain drain, and for achieving gender equality and inclusion, and addressing other inequalities, promoting economic and social development, a human-centred approach to the future of work, just transition and social justice. The care economy is fast-growing and creates and enables employment opportunities.
3. Women make up the majority of paid and unpaid care work throughout the world.
4. The COVID-19 pandemic emphasized the importance of the care economy and shed light on gaps in public policies. The pandemic exacerbated the disproportionate share of unpaid care work provided by women and girls, and the pre-existing decent work deficits of care workers, including long working hours and occupational health and safety risks – such as exposure to violence and harassment, including gender-based violence and harassment – and severe staff and skill shortages.
5. The care workforce is heterogeneous. While care work is highly demanding and often requires high levels of skills and specialized knowledge, skills are not always fully recognized and valued accordingly. While some care workers are highly skilled and well-paid, many, including migrant and domestic workers, remain in the informal economy, low-paid and excluded, by law or in practice, from protections, including social and labour protection. Community health and care workers, often not recognized as workers, are also without such protection. Migrant workers, many of whom are women, often are not able to exercise fully the same rights as other workers. Further challenges to decent work and the care economy include strong ethnic, racial and gender-based occupational segregation, and undervaluation of care work. Women, especially those in vulnerable situations, provide an unequal share of unpaid care, which creates structural barriers to their participation, retention and progression in the labour force.
6. The fast pace of society ageing in some parts of the world brings more care burden, which intensifies the gaps in the demand for, supply of and access to care, and at the same time high-quality services are more needed than ever before.
7. The International Labour Organization (ILO) plays a leadership role in promoting decent work in the care economy, based on a life-course approach to care, embracing the 5R Framework for Decent Care Work (recognition, reduction and redistribution of unpaid care and reward and representation of care workers). Some governments have made progress on the ratification of care-related and other relevant international labour Conventions and have implemented integrated approaches to care policies. Employers and workers, through social dialogue, as well as employer-led initiatives, have led to the introduction of some family-friendly workplace policies and working arrangements to help improve the work-life balance of individuals while balancing care responsibilities. Care workers are increasingly organized. These efforts represent progress towards transforming the unequal division of care work between men and women into a more equal organization of care, promoting social co-responsibility among the State, the private sector, families, the social and solidarity economy (SSE) and the community.
8. However, significant gaps remain in public awareness, legislation, policies, funding and implementation. Urgent action is needed to ensure decent work in the care economy and promote decent work by ensuring access to care for all.

II. A common understanding of the care economy

9. The care economy comprises care work, both paid and unpaid, and direct and indirect care, its provision within and outside the household, as well as the people who provide and receive care and the employers and institutions that offer care. Care work consists of, among others,

activities and relations that pursue sustainability and quality of life; nurture human capabilities; foster agency, autonomy and dignity; develop the opportunities and resilience of those who provide and receive care; address the diverse needs of individuals across different life stages; and meet the physical, psychological, cognitive, mental health and developmental needs for care and support of people including children, adolescents, youth, adults, older persons, persons with disabilities and all caregivers.

10. Care work is provided through the public sector and the private sector, including micro, small and medium-sized enterprises. It is also provided by the non-profit sector, the SSE and households. Paid care work spans diverse occupations and sectors. The care economy, spanning formality and informality, includes, but may not be limited to, the activities of workers in education, early childhood care and education, and the health and social sectors, of domestic workers and of individuals who perform unpaid care work. There is currently no internationally agreed statistical definition of care work and such a definition should be developed to promote harmonization and consistency of data on care, including in all applicable sub-sectors.
11. Direct care work refers to personal care activities that are relational, while indirect care work comprises activities that enable well-being in the absence of direct personal contact, such as cleaning and cooking.
12. Unpaid care work, often provided by the family and social network of care recipients, is of great value for care recipients, care providers and society. This care, which should be more equally shared between men and women, complements and supplements, but cannot replace paid care work.
13. The current social organization of care, that is who provides care and who accesses care, places a disproportionate share of unpaid care work on women, which hinders women's economic inclusion and effective labour market participation, widening gender gaps in the world of work, and leaves many without adequate access to social protection. The burden of paid and unpaid care work on women can be largely dependent on race, ethnicity, socio-economic conditions and place of origin.
14. The care economy comprises policies and regulatory frameworks, services, infrastructure, institutions, financing mechanisms, and social norms that influence and govern the provision and receipt of care and support throughout the life-course.

III. Guiding principles

15. In pursuing integrated, comprehensive and holistic policies and approaches for decent work and the care economy, Members should take into account the following principles.
16. Just as labour is not a commodity, labour in the care economy is not a commodity. All people should be able to provide and receive care, including self-care.
17. All care workers should enjoy decent work. Decent work for care workers contributes to quality care, recruitment and retention of workers, and promotion of gender equality, counteracts the shortage of workers and builds resilient societies and economies.
18. All Members have an obligation to respect, promote and realize the fundamental principles and rights at work in respect of care workers, namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment.

19. Ratification and implementation of the international labour standards relevant to the care economy are central to a rights-based approach to care.
20. Provision of, access to and receipt of care should be based on the principles of non-discrimination, solidarity, sustainability, equity, universality, and social co-responsibility.
21. Investing in the care economy promotes quality care and decent job creation, and can lead to enhanced human capabilities, productivity growth, quality education, improved health and well-being and gender equality, as well as decent work and stronger female participation in the labour market, and enables the transition to the formal economy.
22. The 5R Framework for Decent Care Work guides integrated and coherent strategies to achieve decent work in the care economy. Unpaid care work should be recognized, reduced and redistributed. Paid care work should be rewarded through adequate remuneration including in accordance with the principle of equal pay for work of equal value, and effective labour and social protection.
23. Achieving decent work includes the adoption and effective implementation of well-designed care leave policies and services. This enables:
 - (a) workers with family responsibilities to enter, remain in and progress in the labour force, without discrimination;
 - (b) better work–life balance, and a more equal sharing of care responsibilities between men and women;
 - (c) productivity growth through maintaining the health and well-being of the workforce;
 - (d) addressing disadvantages faced by people with high care or support needs, as well as those faced by people providing unpaid care or support;
 - (e) addressing inequitable access to care and support services, including for workers in the informal economy.
24. The State has a primary responsibility for care provision, funding, regulation and ensuring high standards of quality, safety and health for care workers and care recipients. This includes the allocation of the necessary resources and the adoption and maintenance of a robust policy and regulatory framework.
25. Public–private partnerships that leverage the strengths of both public and private sectors can help scale quality care services without overburdening either side, fostering a more sustainable care ecosystem.
26. Public and private enterprises, cooperatives and other SSE entities, play a role in the provision of quality care, investment in sustainable and modern care infrastructure, and provision of training and employment opportunities.
27. Community-based care provision, including through partnership with indigenous and tribal peoples where applicable, can assist in meeting local needs.
28. Collecting data disaggregated by all forms of care work and measuring the scope and value of unpaid care are critical to understanding the care economy and informing policy design. These data should be disaggregated by income, sex, age, race, ethnic origin, migration status, disability, geographical location and other relevant characteristics, in line with national context.
29. Coordination across levels and sectors of government, taking a whole-of-government approach, fosters coherent, effective and integrated approaches to care.

IV. Advancing decent work in the care economy

- 30.** Taking into account the above principles, governments, employers' and workers' organizations, as appropriate to their spheres of responsibility, with support from the ILO, should:
- (a) design and implement integrated and coherent care policies and systems for decent work and gender equality. These policies should contribute to a rights-based approach for care and be grounded in international labour standards and social dialogue. The 5R Framework for Decent Care Work provides valuable guidance in this regard;
 - (b) mainstream care into relevant public policies, including employment, skills, macroeconomic, social and labour protection, migration and environmental policies, while ensuring adequate public financing and coordination taking into account national circumstances;
 - (c) promote employment and macroeconomic policies that create decent jobs in the care economy, including through the formalization of informal care jobs and enterprises, and the prevention of informalization of formal ones, and ensure sufficient fiscal space;
 - (d) promote active labour market policies, education and training, upskilling and re-skilling, skills recognition and skills certification within and, where appropriate, across national borders, openness to learning and access to lifelong learning opportunities, in line with technological developments, to promote career development and attract and retain a skilled care workforce;
 - (e) address the undervaluation of care work, including by raising public awareness about the social and economic value of care work;
 - (f) address the unequal gender distribution of paid and unpaid work, and promote women's economic inclusion and autonomy beyond caregiving, including by changing social norms and gender stereotypes around caregiving roles;
 - (g) ensure appropriate responses to the needs of all workers with care responsibilities by ensuring comprehensive maternity protection and care leave and protection policies, including paternity, parental leave and long-term care leave;
 - (h) strengthen policies and measures facilitating work-life balance, paid work and care responsibilities. This includes measures related to the organization, time and location of work, and other terms and conditions of employment;
 - (i) build and maintain universal social protection systems that provide adequate protection to care workers in all types of employment and recognize unpaid care work, including through care credits in social insurance;
 - (j) create an enabling environment for sustainable enterprises and develop a conducive environment for SSE entities, including gender-responsive policies that promote productivity, investment in education and skills development, and enhanced access to business opportunities, formalization and finance;
 - (k) invest in and make available high-quality, affordable, adequate and accessible care services, including childcare, health care and long-term care for all workers, including for workers in the informal economy, enabling their transition to the formal economy;
 - (l) ensure measures consider culturally appropriate services and workforce considerations for indigenous and tribal peoples, including the development of community-based approaches;

- (m) enhance the availability of assistance and support services for persons with disabilities to promote individual autonomy and independence, including by taking a disability-inclusive approach to increase access to employment opportunities;
- (n) prevent and address all forms of discrimination against care workers, with particular attention to women, migrant workers, racialized groups and persons in situations of vulnerability;
- (o) ensure effective access to labour protection and social security, including through labour inspection, for all care workers, in all types of employment, especially to those most at risk of insufficient or inadequate protection such as domestic workers, migrant workers or community health and care workers;
- (p) design and implement policies and strategies to achieve: maximum limits on working time, occupational safety and health, including preventing and addressing violence and harassment, including gender-based violence and harassment, and adequate minimum wages whether statutory or negotiated. Public sector care providers should lead by example in this regard;
- (q) monitor the impacts of climate change and technological change on care, including unpaid care work, and consider care issues in relation to emerging labour market governance issues and climate change adaptation and mitigation policies and actions;
- (r) support micro, small and medium-sized enterprises and SSE entities, including cooperatives and other community-led initiatives, that deliver quality care services, including through capacity-building, skills development and access to finance;
- (s) collect and disseminate data on unpaid and paid care work, in line with existing international statistical standards and with international statistical standards that will be developed to provide an evidence base for policymaking;
- (t) promote the voice and representation of, and consult with, care worker organizations, including those of domestic workers, community health and care workers, and migrant workers, organizations of employers of care workers and unpaid family carers, where these exist;
- (u) Support multilateral initiatives such as the Equal Pay International Coalition (EPIC).

V. The role of the International Labour Organization

- 31.** In line with the principles and priorities set out in these conclusions, the Organization, in consultation with constituents should further develop its comprehensive work on the care economy across its strategic objectives and direct its efforts to:
- (a) promote the ratification and implementation of international labour standards relevant to the care economy, including all fundamental Conventions;
 - (b) prepare research to be discussed by a tripartite meeting, to be determined by the Governing Body at the earliest date possible, so as to enable the Organization to assess whether there are gaps in the ILO's body of international labour standards related to paternity and parental protection, and other care leave (for sick or critically-ill family members, older persons or persons with disabilities) and, if so, what normative and/or non-normative actions could be appropriate;
 - (c) support the development of internationally-agreed statistical standards as the basis for the collection of detailed, comparable and harmonized data on the care economy, taking

into account all relevant unpaid and paid care work, for discussion at the 22nd International Conference of Labour Statisticians in 2028;

- (d) provide technical support and policy guidance, including through Decent Work Country Programmes, for the development of national care policies and systems that ensure universal access to care, promote professionalization and formalization of care jobs, and the highest attainable standards of quality, safety and health for care workers and care recipients, guided by the 5R Framework for Decent Care Work;
- (e) provide technical assistance to promote the effective protection of migrant care workers; domestic workers; community health and care workers; workers in cooperatives and other SSE entities; care workers in the informal economy; and workers with family responsibilities;
- (f) promote policies and legislation for care and support services for those with physical and mental illnesses, persons living with HIV and persons with disabilities, with the participation of persons from the groups concerned;
- (g) enhance further its expertise on the care economy through strengthened research and improved dissemination and communication on decent work and the care economy in economies at different levels of development, including by providing regular trends and analyses, coverage gaps and public investments in care and their impacts on gender equality, employment, pay, working conditions and social protection of care workers, including migrant workers, and the quality of care service provision;
- (h) research and publish information on challenges and opportunities in the introduction and use of technology in the care economy, including digital technologies and artificial intelligence, and its impact on working conditions;
- (i) provide ongoing support to countries for the measurement of both paid and unpaid care work, applying the latest international statistical standards and good measurement practices;
- (j) collect and share best practices, and conduct research on skills development that promotes career development and attracts and retains a skilled care workforce;
- (k) support constituents in ensuring sustainable and adequate financing for care, including through conducting socio-economic feasibility and costing studies, measuring financing gaps and exploring options to expand fiscal space, as well as the development of adequate pro-employment macroeconomic policies, both fiscal and monetary, in line with ILO instruments on employment policy and social protection;
- (l) provide, with the International Training Centre of the ILO in Turin, and in collaboration with other relevant training centres, as appropriate, technical capacity-building for the design, adequate financing, implementation and monitoring of inclusive policies for the care economy, including mainstreaming care into all other relevant policies;
- (m) reinforce the capacities of tripartite constituents to engage in the formulation, implementation and monitoring of national care policies, and strengthen all forms of social dialogue, including collective bargaining and tripartite cooperation. Encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions;
- (n) reinforce its global leadership role in advancing the care agenda at the global, regional and national levels by promoting, supporting and setting legal and statistical standards,

ensuring policy coherence and inter-institutional cooperation on decent work and the care economy in the multilateral system;

- (o) continue to promote the Guidelines for a just transition towards environmentally sustainable economies and societies for all (2015), including in relation to the care economy;
- (p) leverage the Global Coalition for Social Justice and the UN Global Accelerator on Jobs and Social Protection for Just Transitions to strengthen partnerships with UN entities, international financial institutions, international networks and research centres, and to create a South-South platform to promote decent care work;
- (q) ensure adequate resources towards its work on the care economy and integrate decent work and gender equality in the care economy into all relevant ILO development cooperation projects and activities to harness fully the care economy's potential to contribute to the Decent Work Agenda, the achievement of the Sustainable Development Goals and a just transition;
- (r) provide support to, particularly, small island developing States and least developed countries, in mitigating the risk of brain drain.