

Governing Body

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Legal Issues and International Labour Standards Section

LILS

Minutes of the Legal Issues and International Labour Standards Section

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Legal Issues Segment

1. Possible options that could allow employers' and workers' representatives from Myanmar to contribute to the work of future sessions of the International Labour Conference (GB.352/LILS/1)

1. The Governing Body had before it an amendment to the draft decision, proposed by the Employers' group and circulated by the Office, which read:
 30. The Governing Body:
 - (a) invited international employers' and workers' organizations represented at the Conference to nominate employers' and workers' representatives from Myanmar among their representatives and permit them to speak on their behalf ~~on subjects specifically concerning Myanmar~~;
 - (b) recommended that the Conference, at its 113th Session (June 2025), request its Officers and, through the respective committees, the Officers of the General Affairs Committee and of the Committee on the Application of Standards to approve any request from an international employers' or workers' organization to make a statement ~~on a question specifically concerning the situation in Myanmar~~ through representatives of employers or workers of Myanmar, and permit the statement to be made under conditions analogous to those granted to Employers' or Workers' delegates or committee members, as the case may be;
 - (c) recommended that the Conference Committee on the Application of Standards grants to international employers' or workers' organizations wishing to make a statement ~~on an individual case concerning Myanmar~~ through representatives of employers or workers of Myanmar, the same speaking rights as Employer and Worker members of the Committee ~~speaking on an individual case concerning their own country~~;
 - (d) recommended that the Conference and the Committee on the Application of Standards renew the arrangements proposed in (b) and (c) until further decision by the Credentials Committee.
2. **The Employer spokesperson** thanked the Office for preparing the document and said that given the tripartite nature of the International Labour Conference, it was particularly important to examine options to facilitate the participation of employers' and workers' representatives from Myanmar in the Conference while the question regarding the competing credentials for Myanmar was still unresolved. She noted that the only viable option for permitting their participation appeared to be through international non-government organizations, in particular the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC).
3. The Employers' delegate of Myanmar had always come from the Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), a member of the IOE. Since the military authorities had taken power, the IOE had included a representative of the UMFCCI in its Conference delegation. She clarified that the IOE and the ITUC were fully autonomous in determining the composition of their delegations to the Conference, had no duty to nominate particular representatives from any country in their delegations and were responsible for agreeing with employers' and workers' representatives, respectively, on the purpose and conditions of their inclusion in their delegations. On that understanding, her group would be ready to consider how the participation of employers and workers of Myanmar could be facilitated with the aim of enabling their representatives in the IOE and ITUC

delegations to the Conference to participate, as far as possible, in the same way as their counterparts from other countries.

4. Regarding the two conditions proposed in paragraph 18, her group could agree on the first, that employers' and workers' representatives from Myanmar would speak on behalf of an international employers' or workers' organization, as opposed to any other civil society organization. However, it did not accept that they should be limited to speaking only on matters specifically concerning the situation in Myanmar.
5. Her group saw no obstacle to allowing employers' and workers' representatives of Myanmar in the IOE and ITUC delegations to the Conference to speak in the plenary and in the committees of the Conference, including the General Affairs Committee, in addition to other IOE and ITUC representatives. However, if they did so, they should indicate that they were speaking in their capacity as representatives of Myanmar within the delegation concerned.
6. Concerning the Committee on the Application of Standards (CAS), it was appropriate for employers' and workers' representatives of Myanmar in the IOE and ITUC delegations to the Conference to have the same speaking time as other national employers and workers in individual country cases.
7. Turning to practical implementation, the Employers' group opposed adopting arrangements that would limit the Officers' discretion concerning statements by employers' and workers' representatives of Myanmar. They trusted the Officers to address the issue in their consultations prior to the Conference and to exercise reasonable discretion.
8. The Employers' group supported actions to give employers' and workers' representatives of Myanmar in the IOE and ITUC delegations to the Conference the right to attend the Conference in person, although remote participation should also be a possibility.
9. The record of proceedings should indicate clearly that employers' and workers' representatives of Myanmar spoke as observers, in order to avoid the impression that they spoke as the international non-governmental organization on behalf of the wider employers' or workers' group.
10. There should be no special rights for representatives from a particular country; the same rules must apply to employers' and workers' representatives in the IOE and ITUC delegations to the Conference in a comparable position to those from Myanmar. The amendments to the draft decision proposed by her group reflected its position in that regard.
11. **The Worker spokesperson** thanked the Office for the proposals put forward in the document. While acknowledging that international non-governmental organizations currently appeared to be the only viable option for employers' and workers' representatives from Myanmar to participate in the Conference, she noted that that was because the Credentials Committee had not yet decided to accredit the National Unity Government.
12. She welcomed the proposal for an agreement that would enhance the participation rights of the Confederation of Trade Unions of Myanmar without amending the Standing Orders.
13. Her group was inclined to support the proposed amendment but asked the Office to clarify whether the deletion of specific references to the speaker's country would succeed in aligning speaking rights in the CAS or limit the right of representatives of Myanmar to speak longer on a case concerning their own country. She trusted that the necessary adjustments to speaking rights in the CAS would be covered during the next consultations on the working methods of that body.

14. She expressed support for the practical implementation arrangements set out in paragraphs 25 to 27, which offered a pragmatic solution to implement enhanced participation rights. She also agreed with the proposal to adopt a decision, at the opening sitting of the Conference, requesting the Officers of the Conference, the CAS and the General Affairs Committee to approve any relevant request. She proposed that the specific arrangements of the decision currently under discussion should be referred to explicitly when giving the floor to such representatives and duly reflected in the records of proceedings. That would clarify the specific situation of the social partners of Myanmar.
15. She emphasized the importance of ensuring that social partner representatives from Myanmar were granted the necessary entry visas to attend the Conference in person. Lastly, she underscored that social partners from Myanmar must be able to participate in ILO meetings on a basis analogous to their counterparts from other countries, until the matter was resolved by the Credentials Committee.
16. **A Government representative of China** said that granting representatives of international non-governmental organizations additional speaking rights at the Conference would be at odds with the clear provisions contained in the Standing Orders of the International Labour Conference. The status and rights of such organizations were fundamentally different to those of tripartite national delegations. Such a change would set a negative precedent, seriously undermine the tripartism and affect the reputation and credibility of the ILO.
17. Each Member State had the sovereign right to designate its tripartite representatives to attend the Conference and exercise their rights and no international organization had the authority to supersede the rights of any State in that regard. Drawing the Governing Body's attention to a note sent to Members by the Permanent Mission of Myanmar in that regard, he urged it to consider the content of the draft decision carefully, in particular subparagraphs (b), (c) and (d).
18. **A Government representative of India**, noting that the document outlined a scenario in which only two of the three pillars of the ILO would have a voice in future sessions of the Conference, requested a legal clarification on the amendment of procedures for enhancing the participation rights only of social partners currently participating within the existing system. She asked whether the proposed amendments would set a precedent that could threaten the tripartite nature of the ILO. India would not block consensus but wished its observation to be placed on record.
19. **A Government representative of the Russian Federation** expressed serious concerns regarding the proposed participation of representatives of social partners from Myanmar in the Conference and Conference committees as representatives of international non-governmental organizations. The proposal constituted a veiled attempt to make representatives of non-governmental organizations of equal status with Workers' and Employers' delegates, whereas their respective status and rights were clearly distinguished under articles 2, 14(9) and 36(6) of the Standing Orders of the Conference. Furthermore, it was not the case that the proposal was the only way to ensure that the social partners of Myanmar were represented; the procedures set out in the ILO Constitution and other regulatory documents applied in its case, as to any other country.
20. The initiative was overtly political, designed to enable a handful of non-governmental organizations to advance their agenda and exert political pressure on the official authorities of Myanmar. The organizations concerned did not operate legitimately within Myanmar and should not be representing its interests or those of its workers within the ILO. Given that representatives of the Government of Myanmar remained unable to participate in the work of

the Governing Body and, therefore, were unable to defend the Government's interests with regard to the current proposal, he called on the Governing Body to reject the proposal.

21. **A Government representative of the United States of America** expressed support for measures to enhance the participation of representatives of the social partners of Myanmar in the Conference and its committees, in accordance with their Standing Orders. Their voices could provide vital insight to the Conference's deliberations on matters relating to Myanmar, including measures under article 33 of the Constitution. Including them in the delegations of international employers' and workers' organizations underscored the essential role of those organizations in the ILO. His Government remained committed to supporting the people of Myanmar as they sought to return to democracy and prosperity and looked forward to the future restoration of that country's tripartite participation.
22. With regard to the proposed amendment, he asked the Legal Adviser to clarify what additional participation rights would be granted to worker and employer participants from Myanmar, whether those rights would exceed the rights of Workers' and Employers' delegates from tripartite delegations and whether the proposed amendment could be accommodated within the parameters of the Standing Orders governing the participation of representatives of the ITUC and IOE.
23. **A representative of the Director-General** (Legal Adviser) recalled that the Credentials Committee, through the Conference, had referred the unprecedented situation in question to the Governing Body as Myanmar had not been represented at the Conference for four consecutive sessions due to the submission of competing credentials by different authorities. The Governing Body had been asked to explore how to restore a participation of workers and employers from Myanmar in the Conference.
24. Responding to questions raised, she said that, for the CAS, it was proposed that employer and worker representatives of Myanmar would be granted the same speaking rights as Employers' or Workers' delegates. This covered longer speaking times on individual cases. The question would in any event be referred for confirmation to the tripartite consultation process particular to the work of that Committee.
25. With regard to the possible impact of the proposed amendment on the tripartite nature of the ILO, she said that the employers' and workers' representatives from Myanmar would be designated by international employers' and workers' organizations that already had speaking rights in the Conference, and no amendments to the Standing Orders would be required if the draft decision were adopted. Such speaking rights were granted at the discretion of the officers of the Conference and its committees.
26. She added that the additional rights for employers' and workers' representatives from Myanmar related solely to enhanced speaking rights. The proposed amendment would broaden the subject matters on which those representatives could speak, not their participation rights as such. Furthermore, she said that since the exercise of the speaking rights by Workers' or Employers' delegates in the Conference and its committees was in practice a matter for the autonomy of the groups, the subjects on which an employer or worker representative of Myanmar could speak would ultimately depend on a determination by the group concerned. Lastly, she noted that the proposed amendment could be accommodated under the existing Standing Orders governing the participation of the ITUC and the IOE, namely, articles 14 and 36.
27. **The Worker spokesperson** said that, on the basis of the information provided by the Legal Adviser, her group would support the draft decision as amended by the Employers' group.

However, she noted that any communication received from the military authorities of Myanmar should not be taken into account in any decisions made.

28. **The Employer spokesperson** expressed her satisfaction that her group's amendment to the draft decision had also received the support of the Workers' group. Despite the complexity of the matter at hand, she urged the Governing Body to be coherent and constructive in its approach to the military authorities in Myanmar; they could not be excluded from the current discussion if the Governing Body was actively encouraging them to cooperate with the ILO in document GB.352/INS/11(Rev.1).
29. **A Government representative of the United States** expressed appreciation for the clarifications provided by the Legal Adviser. As a result, his Government supported the draft decision as amended by the Employers' group.

Decision

30. The Governing Body:

- (a) invited international employers' and workers' organizations represented at the Conference to nominate employers' and workers' representatives from Myanmar among their representatives and permit them to speak on their behalf;
- (b) recommended that the Conference, at its 113th Session (June 2025), request its Officers and, through the respective committees, the Officers of the General Affairs Committee and of the Committee on the Application of Standards to approve any request from an international employers' or workers' organization to make a statement through representatives of employers or workers of Myanmar, and permit the statement to be made under conditions analogous to those granted to Employers' or Workers' delegates or committee members, as the case may be;
- (c) recommended that the Conference Committee on the Application of Standards grants to international employers' or workers' organizations wishing to make a statement through representatives of employers or workers of Myanmar, the same speaking rights as Employer and Worker members of the Committee;
- (d) recommended that the Conference and the Committee on the Application of Standards renew the arrangements proposed in (b) and (c) until further decision by the Credentials Committee.

(GB.352/LILS/1, paragraph 30, as amended by the Governing Body)

2. Agreement between the International Labour Organization and the International Seabed Authority (GB.352/LILS/2(Rev.1))

31. **The Employer spokesperson** noted that the Organization and the International Seabed Authority both upheld the principle that decent work, including occupational health and safety, in the maritime sector was of paramount importance for the operation and execution of activities on the seabed, ocean floor and the subsoil beyond the limits of national jurisdiction. His group welcomed the discussions that had been undertaken since 2022 between the two organizations to establish the institutional and strategic framework of cooperation, which aimed to foster better coordination for promoting decent work at sea. His group supported the draft decision and endorsed the agreement, which he hoped would lead to fruitful cooperation.

32. **The Worker spokesperson** welcomed efforts to join forces with other organizations to promote decent work and social justice. She said that the agreement provided a good opportunity to cooperate in the protection of workers' rights, and it was important to support cooperation initiatives. In the world of work, the constituents were best placed to provide support and guidance, and she called on the Organization to promote social dialogue within the framework of the agreement. Her group supported the draft decision.
33. **Speaking on behalf of the Africa group**, a Government representative of the Congo recalled the importance of the principle of decent work, including occupational health and safety, in the maritime sector. He welcomed the proposed agreement, as it would reinforce cooperation on matters of mutual interest and encouraged both organizations to place greater emphasis on information exchange and coordination, the promotion of decent work and occupational health and safety. His group supported the proposed agreement, which reflected the Organization's commitment to remain a leader in ensuring decent work and promoting social justice.

Decision

34. **The Governing Body approved the text of the proposed Agreement between the International Labour Organization and the International Seabed Authority and authorized the Director-General or his representative to sign it on behalf of the ILO.**

(GB.352/LILS/2(Rev.1), paragraph 7)

International Labour Standards and Human Rights Segment

3. Report of the Ninth Meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 16–20 September 2024) (GB.352/LILS/3)

35. **The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)** said that the agenda for the ninth meeting of the SRM TWG had been particularly ambitious. In that context, he welcomed the spirit of compromise shown, which had led to the proposal of a package of practical and time-bound follow-up actions in respect of all seven topics discussed. However, the SRM TWG had postponed the decision on the classification of three instruments, which therefore retained their status as instruments to be revised at a later date, and the decision on whether gaps in coverage existed in relation to certification and vocational training (fishers), marking of weight (dock work) and older workers, pending research to be discussed at later tripartite meetings. There had also been divergence in relation to the possible future abrogation or withdrawal of six of the eight outdated international labour standards examined, leading the SRM TWG to conclude its review without making consensual recommendations concerning follow-up action on those outdated instruments.
36. The follow-up actions recommended by the SRM TWG included promotional campaigns, notably targeting the ratification and effective implementation of updated instruments. That work would include technical assistance from the Office, surveys of tripartite constituents to gather information relevant for ratification, research and five tripartite meetings. The tripartite constituents, including at the sectoral level, should collaborate and take active steps towards ratification and effective implementation. Other non-normative action recommended included the development of guidelines in collaboration with other international organizations and a

review of the Strategy for ILO action concerning indigenous and tribal peoples. Lastly, the SRM TWG had recommended the abrogation or withdrawal of two outdated instruments. He looked forward to the discussion and guidance from the Governing Body.

37. **The Employer spokesperson** expressed strong support for the work of the SRM TWG and fully recognized its relevance for the overall ILO standards system and the supervisory mechanism. The Employers' group took very seriously the mandate of the SRM TWG to ensure that the ILO had a clear, robust and up-to-date body of international labour standards that responded to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises. That meant ensuring that international labour standards were balanced and universally relevant, and that they could be widely ratified, and effectively implemented and supervised. However, recent SRM TWG meetings had raised serious concerns that the SRM TWG was being prevented from fulfilling that mandate. The Employers' group was disappointed that no agreement had been reached regarding abrogation dates for six out of the eight instruments classified as outdated by all tripartite groups. Indeed, despite her own group's willingness to agree to the compromise proposed by the Government group, the Workers' group had categorically refused to set any abrogation dates. Due to the lack of consensus at that point the SRM TWG could not come to an agreement. Yet outdated instruments must be abrogated or withdrawn without unnecessary delay to maintain an up-to-date body of standards and to avoid wasting the time and resources of ratifying Member States – as they had to continue reporting on those Conventions – the Committee of Experts on the Application of Conventions and Recommendations, and the Office itself. Abrogating or withdrawing outdated standards only after long delays, or not setting dates at all, was very likely to raise serious doubts about the up-to-date-ness of the body of standards.
38. The group wished to clarify its position as set out in the last line of paragraph 8 of the appendix of document GB.352/LILS/3; it should be understood that the Employers' group did not wish abrogation to be made conditional on the ratification of more modern instruments on the same subject, as that could lead to indefinite postponement of abrogation. The description of the Government group statement in paragraph 10 of the appendix regarding the lack of consensus between the social partners was incorrect. The Employers' group did not accept any share of blame for the failure to reach an agreement regarding abrogation, which was solely due to the categorical refusal by the Workers' group to accept even distant abrogation dates. Her group continued to disagree with the position of the Workers' group that abrogation of an outdated Convention risked eliminating the worker protection provided by that Convention unless State parties to the outdated Convention had ratified a more up-to-date Convention in the same area. If a Convention was outdated, that was because it no longer provided meaningful protection, and whether abrogation had such an effect could only be determined on a case-by-case basis. Thus far, no evidence had been provided that abrogation of an outdated Convention had ever led to the removal of protections that remained relevant. The Employers' group was equally concerned by the failure of governments to ratify more modern instruments in areas covered by outdated instruments but did not attribute that to general unwillingness; rather, governments were understandably reluctant to ratify Conventions with complicated and unjustifiably high requirements that they were unable to implement. It was therefore necessary to examine the quality of the Conventions to ensure they were fit for purpose, as part of a revised approach to standard-setting to establish genuinely universal minimum standards.
39. It was regrettable that the SRM TWG had recognized and classified six instruments as outdated without making plans for follow-up actions or scheduling a future meeting to determine those

actions. That raised fundamental questions regarding the fulfilment of the SRM TWG's mandate. The Employers' group therefore called on the Governing Body to take a decision on concrete abrogation dates for the six outdated instruments or to clarify the terms of reference of the SRM TWG before its next meeting in September 2025.

40. The Employers' group was concerned about the handling of the note for information on decent work in supply chains. The ILO strategy on decent work in supply chains had called for the Office to transmit an information note in that regard to the SRM TWG to facilitate its consideration of the need to ensure decent work in supply chains within its reviews. However, the Office had changed the information note into a guidance note and included highly contentious issues that had not been debated or agreed by the Officers. The final version published online had not been discussed nor seen, let alone agreed, by the SRM TWG Officers beforehand and did not reflect the disagreement between the Employers' and Workers' groups or any discussion by the Officers, as no such discussion had taken place. The Employers' group wished the following amendments to be made to the information note:

8. To facilitate the SRM TWG's future work, where appropriate and under oversight of the SRM TWG Officers, the Office will integrate considerations relating to the need to ensure decent work in supply chains into the technical preparatory notes.
9. The SRM TWG may wish to consider at a later point how the issue of supply chains is ~~adequately addressed~~ taken into account, where appropriate, in its work.

41. The term "oversight" was important as the role of the Officers of the SRM TWG was not merely to provide guidance. The phrasing "taken into account, where appropriate" was also more appropriate as it indicated an assessment of the relevance of the issue to the work of the SRM TWG. Those amendments would also align the text with earlier Governing Body decisions as they reflected the separate and subordinate nature of the SRM TWG in relation to the Governing Body. The SRM TWG played a key role in providing recommendations to the Governing Body based on its technical examination of the ILO instruments, but it was for the Governing Body to take decisions on policy matters and standard-setting items. With those remarks, she supported the draft decision.

42. **The Worker spokesperson** thanked the Office for its work in preparing the meeting documents and providing guidance to ensure that the discussion and conclusions were consistent with the ILO's mandate. The Workers' group expressed support for the consensual recommendations made by the SRM TWG and for the draft decision. Her group also attached great importance to the mandate of the SRM TWG, as expressed by the Employers' group. It also had strong concerns about the capacity of the SRM TWG to fulfil that mandate, although they were quite different from the Employers' concerns. The identification of gaps in coverage and recommendations on practical and time-bound follow-up action were particularly problematic. In recent years, the SRM TWG had failed to agree on gaps in coverage, still less where they might require new standards. In the early years, the SRM TWG had managed to agree on a gap regarding apprenticeships and identified several gaps in the area of occupational safety and health, but no further agreements on potential gaps had been reached since then. On many occasions, the Workers' and Government groups had identified gaps that the Employers' group would not accept, as in the case of paternity and parental leave, and night work for children and young persons. As a result, there had been a proliferation of recommendations for more research and the organization of tripartite committees to further explore possible normative gaps, as had occurred once again in almost all areas discussed during the ninth meeting. The Employers' group had even been reluctant to classify some instruments as requiring further action, due to fears that such a classification could entail normative action; that had been the case for the Fishermen's Competency Certificates

Convention, 1966 (No. 125), the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27) and the Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8), which had led to the surprising outcome that its classification was up-to-date. The effect was a structural failure to address obvious gaps in international labour standards, frustrations in her group regarding the SRM TWG exercise and doubts regarding the commitment of the Employers' group to the full mandate of the SRM TWG.

43. Follow-up action increasingly over-emphasized the abrogation of instruments classified as outdated, with the Employers' group in particular reiterating its view that outdated instruments should be abrogated as quickly as possible. That view failed to recognize that the body of international labour standards existed to protect workers. In the absence of a way to amend standards, the ILO could only address that need by introducing new ones, which required ratification. For more recent instruments, ratification led to automatic denunciation of old instruments, but that was not possible with older instruments: the ILO lacked a mechanism to make Member States switch from older to newer instruments. The problem was most relevant for outdated instruments with many ratifications that covered issues of continued relevance, such as outdated instruments on maternity protection. Important Conventions could not be simply deleted before at least a considerable number of the governments bound by them had moved to the newer Conventions. Follow-up action in that case should focus on providing governments with the necessary time and technical assistance to overcome ratification challenges. That was why efforts had been made to set long-term abrogation or withdrawal dates for standards that were still relevant in terms of issues covered and number of ratifications. A compromise had been reached on some issues, such as maternity protection, for which a midterm evaluation date had been set to allow the abrogation date to be adapted if necessary. However, the promotional work by the Office to encourage ratification of more up-to-date Conventions had led to a woefully inadequate response from governments, while setting long-term abrogation dates or providing for an interim evaluation had also proven unsuccessful. The current recommendations represented an opportunity to change the approach and make the SRM TWG more effective. Gaps in the ILO legal framework should not be addressed by substituting them with the instruments of other organizations. The Workers' group would measure the success of the SRM TWG by the capacity of the ILO to adopt new standards, increase ratification of up-to-date standards and prevent gaps in protection following withdrawal or abrogation of standards. The Workers' group reserved the right to reconsider participation in the SRM TWG in case it continued failing to deliver in all those key areas.
44. Responding to the Employer spokesperson, she objected to the characterization of the Workers' group as the sole group unwilling to compromise. As set out in the Officers' report, the Government group had not heard that the Employers were willing to accept a compromise. If the Employers' group had been open to the compromise proposals from the Government group, her own group would have welcomed discussions to that end. She hoped that a more constructive approach would be taken in future SRM TWG meetings in line with the mandate of providing consensual recommendations to the Governing Body.
45. **The Employer spokesperson**, speaking on a point of order, said that the Worker spokesperson had exceeded her allotted speaking time.
46. **The Chairperson** accepted the point but said that, in the interests of balance between all partners, he would allow the Worker spokesperson to briefly conclude her intervention.
47. **The Worker spokesperson** said that she had needed extra time to respond to the many issues raised by the Employer spokesperson. Regarding the note for information on decent work in

supply chains, it was appropriate for the Office to explain how it dealt with the matter. It was incorrect to claim that the Officers had not been consulted during every stage of the process.

48. **Speaking on behalf of the Government group**, a Government representative of Mexico welcomed the comprehensive, forward-looking consensual recommendations. The Government group reiterated its long-standing view that consensual recommendations of the SRM TWG, once adopted by the Governing Body, must be acted upon by the Office and the ILO tripartite constituents as a matter of institutional priority to ensure timely, effective follow-up and real-world impact. Such action should include consideration of whether to ratify up-to-date instruments where Member States were currently bound by related, outdated Conventions, with technical assistance from the Office as necessary. Support for the ongoing work of the SRM TWG and comprehensive implementation of the recommendations would require the strategic use of resources and internal policy coherence from the Office.
49. Although it was positive that the SRM TWG had reached consensus on substantial practical and time-bound follow-up actions on all seven topics under review, it was regrettable that no consensus had been achieved on the future abrogation or withdrawal of most of the outdated instruments, despite the best efforts of the Government group to seek a compromise solution. That lack of consensus risked leaving the ILO standards system burdened by instruments addressing the same issues, resulting in duplication, inconsistencies and greater reporting burdens. The Government group encouraged greater synchronization between ILO standards and relevant treaties within the international system, such as those managed by organizations like the International Maritime Organization.
50. It was disappointing that the innovative approaches to abrogation seen in previous years had not been applied at the latest meeting. Given the important role of the SRM TWG, it should strive for consensus on all topics within its remit. To that end, the Office and the tripartite constituents should reflect further on the issue of abrogation and the working methods of the SRM TWG before its next meeting in 2025, to ensure efficient work without compromising on the quality of the review process. In procedural terms and given the importance of tripartism, the Office documents should not be the subject of negotiations between the social partners or any constituents, in order to ensure timely publication; the Government group supported the decision of the Chairperson in that regard during the meeting. The group appreciated the provision by the Office of detailed technical papers with proposed options for consideration. The group remained committed to fulfilling the mandate of the SRM TWG and supported the draft decision.
51. **Speaking on behalf of the Africa group**, a Government representative of South Africa said that the SRM TWG meeting had reaffirmed the collective commitment of ILO constituents to upholding and improving international labour standards as outlined in the ILO Centenary Declaration for the Future of Work (2019). Labour rights were fundamental rights, and the pursuit of social justice must ensure that no one was left behind. Her group supported efforts to modernize the normative framework and ensure it adequately addressed the evolving needs of the diverse global workforce. In that regard, it welcomed the diligent review of instruments by the SRM TWG, noting that the classification of standards as up-to-date or requiring further action emphasized the need for continued adaptation of frameworks to meet the challenges faced by workers in various sectors.
52. Although it was positive that consensus had been reached on promoting the ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Dock Work Convention, 1973 (No. 137), the reluctance to abrogate many of the instruments they had replaced created reporting

obligations for Member States. While the cautious approach was understandable, it was also disappointing that the SRM TWG had not shown faith in other international instruments such as those of the International Maritime Organization; the ILO should fully incorporate external treaties into its work. A clear timeline and road map must be set out for addressing those outdated Conventions to avoid ambiguity in governments' obligations and ensure that the standards reflected contemporary realities. As the end of the SRM TWG mandate in 2028 drew closer, it was urgent to continue research, dialogue and consensus-building among the tripartite constituents. All stakeholders must collaborate to ensure that the ILO's labour standards protected workers' rights and remained relevant to needs such as the promotion of sustainable enterprises.

53. Noting the significant gaps identified in relation to older workers, she drew attention to the divergent needs of countries with ageing populations and those with a high proportion of young people. Policies should prioritize the integration of young populations into the workplace, ensuring their potential was harnessed for sustainable development. Indeed, dialogue and collaborative efforts were needed to adapt labour standards to the regional context. In that regard, the Africa group appreciated the emphasis on technical assistance for Member States, particularly in promoting the ratification and implementation of ILO standards. The Office should prioritize tailored capacity-building initiatives to ensure that the tripartite constituents were equipped to promote up-to-date instruments. In closing, she reaffirmed her group's commitment to social justice and equality in work to enhance the ILO's framework to the benefit of all workers. She supported the draft decision point.
54. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Oman said that it was important for timely follow-up to be given to the recommendations of the SRM TWG and for ILO instruments to be robust and responsive to labour market developments, which would result in more ratifications. His group agreed with the recommendation to undertake research to enable the Organization to identify any gaps in coverage in relation to the certification and vocational training of fishers, the marking of weight (dock work) and older workers, and on the implications of the legal relationship between ILO and International Maritime Organization instruments. It wished to know how the Office intended to address such gaps and whether any proposals had been made to review and update relevant mechanisms. The group welcomed the work plan of the SRM TWG up to 2028, which needed to be taken into account in the ILO's strategic planning and resource allocation. The Office should develop a more effective plan to promote the ratification of standards with a low ratification rate on the basis of constructive and respectful tripartite negotiations. Lastly, the draft decision was acceptable.
55. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Hungary said that Türkiye, North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Iceland and Norway aligned themselves with the statement. The EU and its Member States agreed with the statement delivered on behalf of the Government group and welcomed the fact that the SRM TWG had reached consensus on a forward-looking package of recommendations for all seven topics under review. The rich discussions held during meetings of the SRM TWG were essential to developing a clear, robust and up-to-date body of international labour standards. It was committed to finding reasonable and balanced solutions to reach consensus.
56. It was regrettable that no consensus had been reached in relation to the possible future abrogation or withdrawal of six of the eight outdated instruments reviewed. The Office and the tripartite constituents should reflect on the matter for its next meeting to ensure that the SRM TWG could deliver tangible results in respect of all elements of its programme of work, in

a spirit of consensus and in line with its mandate. The EU and its Member States supported the draft decision.

57. **Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Brunei Darussalam welcomed the balanced and geographically diverse composition of the SRM TWG, whose role was essential, including in ensuring that international labour standards evolved to address contemporary challenges and in protecting Member States from undue obligations arising from outdated Conventions. Genuinely beneficial Conventions should gradually be reflected in national regulation regardless of their status. If a standard remained unincorporated in a country's legal order long after its ratification, it might be misaligned with the country's context or priorities. In view of the highly valuable supporting role played by the Office in providing factual data and comprehensive information to assist the SRM TWG members in their deliberations, any recommendations it might have should be used by the SRM TWG to inform a balanced and thorough review. Moreover, ASEAN agreed with ASPAG that the Office should develop a more effective plan to promote the ratification of standards with a low ratification rate on the basis of constructive and respectful tripartite negotiations.
58. **A Government representative of Bangladesh** said that his country aligned itself with the statements delivered on behalf of the Government group and ASPAG. ILO Conventions and Recommendations shaped workplace relations and thus had to be ratified widely and implemented globally. However, the low ratification rates and lack of adoption in domestic legal systems of some instruments suggested that they did not adequately serve national priorities or evolving industrial needs. In conducting research and gap analyses, the SRM TWG might wish to consider the pragmatic applicability of instruments in the context of emerging technologies, the coverage of fundamental principles and rights at work, other relevant multilateral instruments, national circumstances and labour protection requirements. Bangladesh welcomed the SRM TWG's recommendations and encouraged further consultations with a view to achieving consensus on the abrogation of outstanding outdated instruments at its next meeting.
59. **The Employer spokesperson** said that the comments made by the Worker spokesperson were grossly inappropriate, unacceptable and a misrepresentation of the positions expressed by her group within the SRM TWG. The Employers' group had indicated a willingness to compromise as long as the abrogation dates of outdated instruments were not made conditional on the ratification of newer instruments, which, as noted by the Africa group, was a sovereign act. The Workers' group, meanwhile, had refused to compromise or even to discuss the follow-up to be given to outdated instruments.
60. The mandate of the SRM TWG was to ensure a clear, robust and up-to-date body of international labour standards, which necessitated the abrogation or withdrawal of outdated instruments. A failure to act in that regard might undermine the ILO's credibility. She rejected the claim by the Worker spokesperson that the mandate was about the protection of workers. The mandate was to identify gaps in coverage, not in protection. In any case, the abrogation of outdated instruments would not lead to gaps in protection, as relevant domestic laws would remain in force.
61. It was disappointing that the report of the ninth meeting did not accurately reflect her group's positions. Her group disagreed with the Workers' group's assertion that the SRM TWG was a failure. The SRM TWG had already identified several coverage issues, including in relation to apprenticeships and biological hazards. Labelling its work a failure was unfair and did not do

it justice. It was in the interests of all parties, especially the ILO, for the Workers' group to respect the mandate of the SRM TWG.

62. In the draft decision, her group suggested adding the following new subparagraph (j):

(j) decided to discuss the terms of reference of the SRM TWG and the issue of abrogation dates at the 353rd Session of the Governing Body (March 2025).

63. **The Worker spokesperson** said that her group would always be open to innovative approaches and recognized the importance of legally linking external instruments to the ILO's own body of law.

64. The mandate of the SRM TWG contained no mention of abrogation, which was only one of several actions that might be appropriate in response to a gap. The issue of duplication had been raised. While modern instruments typically provided better coverage, that was not always the case. Some focused more on frameworks than on details. Outdated instruments could continue to be highly relevant, for example where they established an international minimum standard and had a high ratification rate, which was why her group was concerned by the emphasis being placed on abrogation. Removing outdated standards without ensuring the ratification of related newer ones risked leaving workers unprotected, as there was no certainty that countries that had ratified the older instrument would continue to provide the protection. In addition, while some newer instruments were more complicated, others were simpler or just different. In any event, her group acknowledged the need for technical assistance to facilitate ratification efforts.

65. The report of the ninth meeting had been agreed by the Officers of the SRM TWG. It was difficult, at the current session, to be confronted with positions that had been developed partly during informal consultations aimed at achieving consensus. During those consultations, great efforts had been made to put together a package of forward-looking measures. It was unfair to claim that the Employers' group had agreed to the Government compromise proposal, which her group had also not agreed to on account of a combination of factors. Furthermore, the Workers' group had not refused any abrogation dates. In fact, it had agreed to two.

66. Lastly, it was challenging to respond to a proposed amendment that had not previously been circulated by the Office. She would leave it to the Chairperson to determine how to deal with it.

67. **The Employer spokesperson** said that it was normal practice within the Governing Body to put forward an amendment in response to new information, such as details of the positions of governments. Having listened to those positions, her group believed that the proposal would enjoy broad support.

68. **The Chairperson of the SRM TWG** said that the Office had been completely transparent and impartial in their handling of the viewpoints presented during the ninth meeting and that the Government group had played a key role in finding middle ground, enabling progress to be made on many issues in a session that had not been easy. As Chairperson, he had been faced with challenging circumstances, despite which he had strived to ensure respect for the mandate of the SRM TWG and had acted with impartiality. He would continue to act in good faith and was convinced that, if the desire was there, consensus could be achieved.

69. **The Worker spokesperson** said that the proposed amendment was totally inappropriate in that it gave the impression that the mandate of the SRM TWG concerned abrogation, which was simply not the case. The proposal was the latest example of the Employers' group's worrying prioritization of abrogation. It would be advisable for the Officers and perhaps other stakeholders to reflect on ways to ensure that the tenth meeting of the SRM TWG featured

more constructive discussions. She did not consider the ninth meeting to have been a failure and had never stated as much. Like several governments, she viewed the package of practical follow-up actions recommended by the SRM TWG as being useful moving forward.

70. **A representative of the Director-General** (Director, International Labour Standards Department) said that it was evident from the discussion so far that all members of the Governing Body recognized that the recommendations of the SRM TWG were an institutional priority and its importance in that regard. Over the previous nine years, the SRM TWG had been overwhelmingly successful in adopting recommendations on the basis of tripartite consensus despite challenges. She assured the Governing Body that the Office would continue to maintain the same level of professionalism and impartiality in the preparation of future meetings of the SRM TWG as noted by the majority of Members.
71. The abrogation of outdated instruments became an extremely complex issue when the ratification rate of such instruments was significantly higher than that of relevant modern instruments on the same subject. The issue was far from new. Indeed, the Working Party on Policy regarding the Revision of Standards (Cartier Working Party) had attempted to tackle it and had been unable to find a practical solution. In light of the discussion at the current session, the Office would prioritize consultations on activities to support governments considering the ratification of newer instruments, in particular those related to outdated instruments. Members' comments would also inform the finalization of the Programme and Budget proposals for 2026–27, in particular policy outcome 1, in relation to the promotion of ratification.
72. The Office would undertake research on the existence of gaps in coverage in relation to the certification and vocational training of fishers, the marking of weight (dock work) and older workers, which would be submitted to tripartite meetings for discussion and decisions on further action.
73. **The Employer spokesperson** said that she was disappointed at the very biased response provided by the representative of the Director-General, which implied that an outdated instrument with a high ratification rate could be abrogated only if States had ratified a newer instrument. That was precisely the position of the Workers' group and was not acceptable to governments. It would be inconsistent with the ILO's mandate to make abrogation conditional on a sovereign act such as ratification. Moreover, it seemed absurd and detrimental to the ILO's standing to require States to continue to fulfil reporting obligations arising from instruments found by consensus to be outdated. She would be interested to hear the views of governments on the amendment to the draft decision proposed by her group. To that end, it might be useful to defer the discussion until later in the session so that delegations could consider the proposal and liaise with their capitals.
74. **The Worker spokesperson** said that it was not fair to blame anybody for the complexity of the issue, which was what the Employer spokesperson appeared to be unhappy about. That complexity needed to be taken into account as part of further reflection on how to deal with older instruments with high ratification rates that continued to provide protection of international labour standards in cases where newer, better instruments were not being ratified, bearing in mind that innovative approaches such as distant abrogation dates and midterm evaluations of ratification status had been found not to incentivize ratification. The proposed amendment's focus on the issue of abrogation dates amounted to a gross violation of the mandate of the SRM TWG. Her priority would be for a first discussion between the SRM TWG Officers, with the Office, on any problem related to the SRM TWG.

75. **The Employer spokesperson** said that the Worker spokesperson had once again misrepresented her group's position by suggesting that the group was unaware of, or failed to grasp, the complexity of the issue. She found such misrepresentation extremely offensive, undiplomatic and unacceptable, to the extent that the Chairperson should intervene.
76. **The representative of the Director-General** (Director, International Labour Standards Department) recalled that, pursuant to the decision adopted by the Governing Body at its 349th Session (October–November 2023) to streamline reporting under article 22 of the Constitution, requests for reports under outdated Conventions had been discontinued in cases without pending direct requests or observations from the Committee of Experts on the Application of Conventions and Recommendations.
77. **Speaking on behalf of the Africa group**, a Government representative of South Africa expressed support for the amendment to the draft decision proposed by the Employers' group.
78. **Speaking on behalf of the Government group**, a Government representative of Mexico said that his group was not in a position to react to the proposal and would need time for further consultations.
79. **The Worker spokesperson** said that the first part of the amendment to the draft decision proposed by the Employers' group suggested that there had been a difference of views regarding the terms of reference of the SRM TWG. However, there had been unanimous support for the mandate and terms of reference of the SRM TWG during the discussions on the agenda item thus far; the concerns expressed had instead been in relation to the implementation of its work and the issue of abrogation dates. It did not make sense to start a discussion on the terms of reference when everyone agreed on them. If a discussion was required, that should take place within the framework of the SRM TWG, which had been established by the Governing Body to provide it with recommendations on such matters. Furthermore, a process was already in place to evaluate the functioning of the SRM TWG every two years, the most recent evaluation having taken place in March 2024. In that context, the members of the SRM TWG should continue to address any concerns and take them to the next evaluation in March 2026 if no progress could be made in the meantime. The Worker spokesperson could not support the proposed amendment.
80. **The Employer spokesperson** said that the proposed amendment would provide an opportunity for the Governing Body to discuss the abrogation and withdrawal of outdated instruments in order to avoid unnecessary deadlock again at the next meeting of the SRM TWG. Although there was agreement on its mandate, the SRM TWG was failing to deliver on that mandate, hence the need for further discussion. The intention was not to revise the terms of reference or start a debate on the mandate, but to resolve the specific issue of the abrogation or withdrawal of instruments unanimously classified as outdated: the SRM TWG had classified six instruments as outdated without suggesting follow-up action on that point. It was therefore time for the Governing Body, the executive body of the ILO to which the SRM TWG reported, to decide on the issue, given that the SRM TWG was unable to do so within its own remit.
81. **Speaking on behalf of the Government group**, a Government representative of Mexico said that his group supported the original draft decision and did not see any need for amendment.
82. **Speaking on behalf of the Africa group**, a Government representative of South Africa confirmed that following extensive consultations on the matter, his group supported the position of the Government group.
83. **The Worker spokesperson** recalled that the SRM TWG had three obligations: to classify the status of an instrument, identify gaps in coverage, and recommend practical and time-bound

follow-up action. Practical and time-bound follow-up action had indeed been recommended for all the instruments discussed by the SRM TWG, including abrogation in two cases. Some SRM TWG members might not have been best pleased with the follow-up action agreed, but that did not indicate failure to deliver on the mandate. However, there had been a failure to fully deliver on the identification of gaps in coverage, which could be discussed further by the SRM TWG. The desire for greater use of abrogation by the Employers' group and some governments should also be further discussed, again within the SRM TWG first, and taken to the Governing Body at the evaluation point in March 2026 if further discussion was necessary.

84. **The Employer spokesperson** said that the proposed amendment would in fact provide an opportunity to discuss the mandate and follow-up action of the SRM TWG. It was disappointing that the government representatives, many of whom had been open to discussion of the matter, wished to return to the original draft decision. The Employers' group wanted to hold the discussion before the next SRM TWG meeting in September 2025 to ensure that meeting was productive and meaningful. By declaring six standards to be outdated, but refusing to agree on a date for their abrogation or withdrawal, the SRM TWG was failing in its mandate to ensure that the ILO had a clear, robust and up-to-date body of standards. There was no consensus in the SRM TWG on the decision not to propose a date for abrogation or withdrawal of the outdated Conventions. In that context, it was regrettable that the proposed amendment had not met with support. The Employers' group accordingly reserved the right to reconsider its participation in future SRM TWG meetings if they were likely to continue to be ineffective in delivering results under the mandate of the SRM TWG.
85. **The Worker spokesperson** thanked the Government group for recognizing that the issue should be addressed first of all by the SRM TWG itself, despite differing opinions between the governments on the issue of abrogation. Earlier discussion had been generally positive about the follow-up actions agreed. There was nothing in the terms of reference about abrogation; the SRM TWG was not obliged to recommend the abrogation of instruments, but to make recommendations for action as it saw fit.
86. **The representative of the Director-General** (Director, International Labour Standards Department) said that all points of view would be taken into account during preparations for the next meeting of the SRM TWG, in full consultation with its Officers.
87. **Speaking on behalf of ASPAG**, a Government representative of Oman expressed support for the original draft decision, in line with the position of the Government group.
88. **The Employer spokesperson** said that, although it would not block a decision by the majority, her group wished to place on record that it did not support the draft decision as it did not satisfy the need to get clarity on the mandate and to help the SRM TWG fulfil its mandate.
89. **The Worker spokesperson** asked whether the Employers' group objected to the draft decision in its entirety, or considered it to be incomplete. As it stood, the objection could suggest disagreement with the outcome of the meeting as a whole.
90. **The Employer spokesperson** said that she had already provided all necessary explanation.

Decision

91. **The Governing Body took note of the report of the Officers concerning the ninth meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and, in approving its recommendations:**

- (a) welcomed the SRM TWG's consensual recommendations on the seven topics it was called upon to review and regretted that it was not able to reach consensual recommendations on the possible future abrogation or withdrawal of six outdated instruments on the agenda at its ninth meeting;
- (b) noted that, pending research and discussion by later tripartite meetings to be determined by the Governing Body, it had postponed its decisions on the classification of the instruments concerning certification and vocational training (fishers) and marking of weights (dock work), and on the existence of gaps in coverage in relation to certification and vocational training (fishers), marking of weight (dock work) and older workers;
- (c) decided that the instruments concerning fishers, dock work, hours of work (inland navigation), labour standards (non-metropolitan territories), working conditions (hotels and restaurants), older workers and indigenous and tribal peoples that were reviewed by the SRM TWG at its ninth meeting should be considered to have the classifications it recommended and noted that the three instruments in relation to which a decision as to classification was postponed would retain their current classifications as instruments to be revised until it took any decision otherwise;
- (d) called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations as organized by the SRM TWG into practical and time-bound packages of follow-up action;
- (e) requested the Office to take the necessary action in follow-up to the recommendations of the SRM TWG at this and previous meetings as a matter of institutional priority;
- (f) requested the Office to take the necessary steps to conduct surveys and undertake research as set out in the SRM TWG's recommendations to be discussed by tripartite meetings on fishers, dock work, hotels and restaurants, older workers and indigenous and tribal peoples, to be determined by the Governing Body at the earliest date possible, so as to enable the SRM TWG or Governing Body as appropriate to determine next steps;
- (g) asked the Office to provide the 353rd Session of the Governing Body (March 2025) with full estimates for the costs for the meetings approved above for the current biennium which could be met from savings in Part 1 of the budget; and include provisions in the 2026–27 budget cycle for those meetings falling in that period;
- (h) noted the SRM TWG's recommendations concerning the abrogation and withdrawal of certain instruments, in relation to which it will consider:
 - (i) placing an item concerning the withdrawal of Convention No. 83 on the agenda of the 114th Session of the International Labour Conference (2026);
 - (ii) placing an item concerning the abrogation of Convention No. 112 on the agenda of the 118th Session of the International Labour Conference (2030);
- (i) decided to convene the tenth meeting of the SRM TWG from 15 to 19 September 2025, at which it should review 14 instruments, and examine the follow-up to 7 outdated instruments, concerning working time, including night work, as included in sets of instruments 8 and 11 of the SRM TWG's initial programme of work.

4. Proposals on the streamlining of reporting on ratified Conventions (GB.352/LILS/4)

92. The Governing Body had before it an amendment to the draft decision, which had been proposed by the Workers' group and circulated by the Office, which read:

27. The Governing Body:

- (a) endorsed the thematic approach to reporting under article 22 of the ILO Constitution in relation to all Conventions and Protocols on the basis of the thematic groups contained in the Appendix and the submission of thematic implementation reports by governments as well as the publication of the article 22 thematic implementation reports and related annexes; ~~and~~
- (b) based on its guidance and further tripartite consultations, requested the Office to prepare proposals for the progressive roll-out, with an evaluation of the thematic reporting and a decision of the Governing Body before the full-~~and~~ implementation of the system outlined in subparagraph (a), including the development of an online platform, for its 353rd Session (March 2025);
- (c) requested that the full financial and budgetary implications of the implementation be also outlined, and the necessary financial resources allocated.

93. **The Worker spokesperson** recognized that the difficulties faced by some Member States in meeting their reporting obligations were multifaceted and included limitations in national capacities and challenges concerning the manner in which they were required to submit their reports. Streamlining and modernizing reporting would not be panaceas for such difficulties, however, and he encouraged the Office to provide further technical assistance and support to help governments in complying with their reporting obligations.
94. Regarding the proposed thematic groups of Conventions and Protocols, the Workers' group considered that some instruments would be better placed in other groups to ensure that normative commitments to social justice and decent work were put into practice effectively and drove measurable growth. That said, his group was willing to accept the proposed groups, subject to evaluation. The roll-out of the groups must be accompanied by the necessary resources and technical support, and further changes should only be made following ongoing evaluations of the desired objectives against the expected outcomes.
95. He urged the Office to take a proactive role in guiding Member States in completing their first thematic implementation reports, including through awareness-raising and capacity-building activities, which should be combined with a careful and progressive roll-out. The use of artificial intelligence (AI) in pre-filling initial thematic implementation reports should only augment the work of experienced public officials; authoritative expert observations must never be based on reports potentially informed by hallucinations generated by AI models. The wholesale publication of thematic implementation reports prior to their assessment by the Committee of Experts on the Application of Conventions and Recommendations would require careful consideration; it was possible that, rather than achieving the desired effect of encouraging peer learning, such a step would have the opposite effect. He would appreciate clarification of how the Office would ascertain whether reports reflected the input of national social partners separately from governments' obligations under article 23 of the ILO Constitution.
96. Any measures taken to modernize the system must not create burdens for employers' or workers' organizations or in any way diminish the effective application and supervision of international labour standards. It would be important to ensure that, in grouping Conventions, proper visibility was given to critical issues and that the potential for dilution was carefully considered. Important matters concerning specific areas must not be lost or downplayed in

long reports by the Committee of Experts that combined information on several Conventions. Changes to reporting must not have unintended consequences for other supervisory mechanisms; for example, the Committee on the Application of Standards must be able to hold comprehensive discussions on matters of particular concern without needing to address multiple issues across several Conventions on the same theme. That concern was particularly acute with respect to the thematic group of freedom of association, collective bargaining and tripartite consultations, which would likely generate lengthy reports.

97. The Workers' group was of the view that there should be no change to the current reporting cycle. The proposal for an online platform for reporting and information-sharing could be further explored provided that it would reduce the reporting burden, increase ratification and facilitate compliance. He invited the Office to provide specific requirements for the development of an online platform and inform the Governing Body of the associated cost implications.
98. **The Employer spokesperson** expressed support for the proposed thematic approach, which could facilitate the submission of observations by employers' and workers' organizations, on the understanding that it would not affect the supervision of individual Conventions outside the regular reporting cycle. She wished to know whether the proposed thematic groups represented a manageable workload for governments in terms of reporting and for the Office and the Committee of Experts in terms of supervision activities. It would be useful to receive additional information on the total number of ratifications of the Conventions in each thematic group, the total number of substantive provisions of the Conventions in each group and the number of reports that would be required for each group. She requested the Office to clarify which Conventions ratifying countries would be expected to report on; requiring governments to report on all the outdated Conventions listed in the appendix to the document would add significantly to their workloads, especially when submitting initial thematic implementation reports.
99. Regarding the possible structure of the thematic implementation reports, she emphasized the importance of ensuring that report forms continued to cover all the provisions of ratified Conventions. The introduction of thematic reporting should not be misinterpreted as a reduction in reporting. Caution should be exercised when covering several provisions on similar or interrelated issues under a single question as there may be significant differences that should be addressed separately on the report form. She would welcome more detailed information on the Office's work with the International Training Centre of the ILO (Turin Centre) on incorporating AI into the reporting process. Constituents would benefit from having thematic implementation reports published online in an easily searchable format. In addition, it should be possible for governments and the social partners to gain access to reports, retrieve previously submitted information and update it where necessary.
100. She noted with satisfaction that the Office would continue to provide technical assistance to governments during the implementation of the proposed thematic approach. Nonetheless, it was important to question whether efforts to facilitate reporting on Conventions were treating the symptoms of the problem, rather than the root cause. The increasing number of Conventions and ratifications would only exacerbate the existing reporting burden; her group therefore believed that the Conventions themselves should be consolidated and streamlined according to thematic area.
101. It would be helpful to receive further information from the Office on the advantages and disadvantages of the suggested changes to reporting cycles. In addition, it would be interesting to know whether the Office had considered a five-year reporting cycle, with each

year focusing on Conventions relating to one of the five fundamental principles and rights at work. She supported the creation of an online platform allowing governments to submit and gain access to previously submitted information in a streamlined manner. In that regard, her group would welcome information about the challenges that were yet to be defined and wished to know why it had not been possible to provide an estimate of the associated cost implications. She supported the draft decision as originally drafted by the Office.

- 102. Speaking on behalf of the group of industrialized market economy countries (IMEC),** a Government representative of Austria said that the proposed move to a thematic approach was ambitious and forward-looking, but a deeper understanding of some of the related complexities was needed to maintain the effective functioning of the ILO supervisory system. The proposed thematic approach had the potential to provide more comprehensive information by permitting reporting on several instruments at once, and the thematic implementation report would therefore be key to its success. To that end, all report forms should contain concise, focused questions that make clear reference to the provisions of instruments and appropriately reflect all the instruments in a thematic group. In the light of the grouping of some instruments, however, her group envisaged challenges in the development and useability of the report forms for some thematic groups, particularly those encompassing a high number of instruments or where there was a lack of coherence among instruments.
- 103.** The proposed options for changes to reporting cycles would eliminate a key difference between fundamental and governance Conventions and technical Conventions, namely the length of their reporting cycles, which would lead to an increase in regular reporting on technical instruments in seven thematic groups and require more frequent reporting on technical instruments that might later be added to those groups. The combination of a partial review and a full review should therefore remain an option. The proposed thematic approach could lead to an uneven year-to-year distribution of the reporting burden. The unsustainable reporting burden faced by some constituents, particularly those that had ratified a significant number of instruments, must be urgently addressed. Her group therefore supported measures aimed at streamlining the process, including further consideration of the integration of new instruments in a thematic group.
- 104.** She encouraged the Office to continue holding tripartite consultations on the proposed thematic groups, including their impact on the supervisory system, and to provide additional options for more balanced thematic groups or other solutions informed by those consultations for consideration at the 355th Session of the Governing Body (November 2025). It would also be helpful to receive more details on the pilot project and to develop a road map to track the various elements of the proposal, including its roll-out and implementation, the time frame for reviewing draft report forms and the examination of adjustments to reporting schedules and cycles.
- 105.** Further discussion of the publication of thematic implementation reports and the creation of an online platform was needed to ensure minimal impact on the quality of reports and governments' capacity to prepare them and consult with social partners. While her group supported the proposal to create an online platform, it would be important to maintain the option of submitting reports by traditional means and ensure that the platform could handle simple document uploads. The process for completing and examining thematic implementation report forms as described in the document would also require further discussion, and it would be helpful to know whether the Committee of Experts had been consulted on that matter.

106. To address those concerns, her group, together with ASPAG, proposed an amendment to the draft decision, which read:

27. The Governing Body:

- (a) agreed to continue supporting the exploration of a endorsed the thematic approach to reporting under article 22 of the ILO Constitution in relation to all Conventions and Protocols on the basis of the thematic groups contained in the Appendix and the submission of thematic implementation reports by governments as well as the publication of the article 22 thematic implementation reports and related annexes; and
- (b) requested the Office to host further tripartite consultations on the proposed thematic approach and the thematic grouping of Conventions and protocols in the Appendix in advance of the 355th Session (November 2025) with a view to addressing concerns expressed by some members related to, inter alia:
 - concise thematic implementation report forms;
 - the increased reporting burden on some technical Conventions;
 - maintaining the integrity of existing reporting cycles where necessary;
 - ensuring appropriate confidentiality safeguards for national reports;
- (c) requested the Office, based on the tripartite consultations, to prepare a briefing note taking account of the particular issues raised during the consultations to refine implementation proposals for consideration at its 355th Session (November 2025);
- (d) based on its guidance and further tripartite consultations held, requested the Office to prepare a road map proposal for the progressive roll-out and implementation of the system outlined in subparagraph (a), including the development of an online platform, for its 355th-353rd Session (November-March 2025); to support tracking of the various elements of the proposal, including:
 - progressive roll-out and implementation;
 - time frame for the review of the thematic report forms;
 - mechanisms for the reassignment of the affiliation of individual, existing Conventions or the assignment of new Conventions to the proposed thematic reporting groups;
 - further examination of and tripartite consultations on possible changes to reporting schedules and cycles;
 - the development of an online platform with appropriate confidentiality safeguards;
 - an evaluation to inform a final GB decision before the full implementation of the thematic approach.

107. Speaking on behalf of the Africa group, a Government representative of Ethiopia said that the proposed thematic approach would help to enhance the efficiency and effectiveness of the ILO's reporting mechanisms and improve coherence among related Conventions, thereby supporting governments in fulfilling their reporting obligations and improving the quality and consistency of reports. He welcomed the progressive roll-out strategy proposed and the offer of assistance to Member States that required additional support to adapt to the new format. With a view to ensuring that the proposed online platform was accessible and user-friendly, he requested clarification of the involvement of AI, especially in the pre-filling of initial thematic

implementation reports. In developing the platform, there should be a focus on the reporting capacities of developing countries, with additional resources provided where necessary.

108. Publishing thematic implementation reports online could promote transparency and expand the exchange of best practices among Member States in the areas of legislation and policy. Nevertheless, flexibility should be considered for countries not wishing to participate in that process. The Office should ensure that individual country priorities and contexts were duly considered within the framework of those reports.
109. Despite the potential challenges of the proposed unification of reporting cycles, a more integrated review process would allow for more comprehensive oversight and better alignment across reporting periods. Careful consideration should be given to balancing the three- and six-year cycles across the thematic groups. He encouraged the Office to provide clearer proposals that demonstrated how the varying demands of the different thematic areas would be fully addressed. His group supported the draft decision as originally drafted by the Office but remained open to the proposed amendment.
110. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Peru said that drafting a single report per thematic group would be an efficient way of organizing information and would avoid repetition and wasted resources. The proposed thematic groups were appropriate and coherent, and the proposed system would streamline the work of governments and the Office. That said, lengthy and detailed questionnaires would undermine the purpose of the exercise and should be avoided. He expressed support for a progressive roll-out of the proposed thematic approach.
111. Publishing thematic implementation reports would promote transparency, foster information exchange and strengthen constituents' capacities to effectively apply international labour standards. The proposed approach should facilitate synergies to ensure compatibility with the ILO supervisory bodies. Of the suggested options for changes to reporting cycles, he expressed support for the adoption of a unified three-year cycle for the seven thematic groups that encompassed both fundamental and governance Conventions and technical Conventions, and a six-year cycle for the other eight groups. The creation of an online platform would allow governments to submit information in a more streamlined manner and afford them access to information constituting a historical archive of their membership of the ILO. The proposed system should not affect the existing practice regarding the submission of article 23 observations by the social partners.
112. He supported subparagraph (a) of the draft decision and proposed an amendment to subparagraph (b) which read:
 - (b) based on its guidance and further tripartite consultations, requested the Office to prepare the following proposals for the progressive roll-out and implementation of the system outlined in subparagraph (a), including the development of an online platform, for its 353rd Session (March 2025):
 - (i) a proposal on the re-adaptation of the reporting cycles;
 - (ii) a proposal on the reconfiguration of the calendar;
 - (iii) a proposal for the progressive implementation of the system outlined in subparagraph (a) above;
 - (iv) a proposal for the creation of a digital platform and for the Office to start a cost analysis process, indicating the financial and budgetary implications of the implementation of the platform, as well as the financial resources that should be allocated for this purpose.

- 113. Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran noted with satisfaction that the proposed thematic approach to grouping Conventions could promote more coherent and comprehensive reporting and that the proposal to publish thematic implementation reports online could enhance transparency and information-sharing. The positive feedback on the pilot project was encouraging, although several aspects of the proposals required further refinement. The proposed thematic approach might initially increase workloads for governments, especially those that had ratified many Conventions, and he requested more details on how the Office would provide technical assistance during the transition period. He also suggested exploring options to increase the flexibility of the proposed thematic groups to accommodate national circumstances and reporting capacities. He recommended maintaining the current practice regarding confidentiality in the publication of reports and suggested that a mechanism could be developed to address potentially sensitive information in the future.
- 114.** His group was in favour of retaining the current reporting cycle with respect to the fundamental and governance Conventions. To minimize the reporting burden on Member States, the six-year reporting cycle for technical Conventions should also remain in place, irrespective of whether they were included in the same thematic group as fundamental or governance Conventions. He invited the Office to reconsider how to group the instruments to strike a better balance between efforts to create synergies in the supervisory system and manage the reporting burden. He cautioned against any changes that could dilute the special status of fundamental and governance Conventions and stressed the need for careful examination of the proposal to unify reporting cycles.
- 115.** Adequate capacity-building and technical assistance would be needed to help Member States, especially developing countries, use any new online reporting system effectively. He stressed the importance of simplifying the reporting process, noting that combining questions on similar or interrelated instruments might not reduce the burden on Member States if there was no change to the amount of information required. Effective ways of reducing that burden must be considered, including simplifying the Committee of Experts' comments. He requested the Office to provide a more detailed plan for the progressive roll-out of the thematic approach, with clear milestones and opportunities for review and adjustments, and looked forward to receiving a comprehensive analysis of financial and human resource needs in March 2025. His group stood ready to engage constructively in further discussions to refine the proposals and ensure that they truly enhanced the effectiveness of the ILO supervisory system while being mindful of the diverse capacities and circumstances of Member States. He called on all groups to support the amendment to the draft decision proposed by his group and IMEC.
- 116. Speaking on behalf of the Cooperation Council for the Arab States of the Gulf (GCC)**, a Government representative of Qatar said that his group welcomed the Office's efforts to introduce a thematic approach to reporting and its commitment to providing technical assistance to governments during the roll-out phase, although it feared that the Office might not be able to address the increased need for such assistance. It would therefore be useful to hear details of the Office's capacity to provide the required support in a timely manner.
- 117.** The establishment of an online platform for reporting and information-sharing would increase efficiency, enable governments to provide up-to-date information more flexibly, facilitate access to information previously submitted to the Committee of Experts and enhance Member States' institutional memories. However, it would be important to ensure the necessary confidentiality, for example by limiting access to certain information in national reports upon request. Furthermore, the platform should allow governments to submit reports in a range of formats and official ILO languages and allow for the uploading of attachments. His group was

in favour of maintaining the current reporting cycles in order not to increase the burden on governments, and it supported the amendment to the draft decision proposed by ASPAG and IMEC.

118. **A Government representative of India** supported the thematic grouping of Conventions and Protocols, which would enable more coherent and streamlined reporting and reduce redundancy, although he highlighted the danger that the transition to a thematic approach would initially increase reporting burdens, particularly for countries that had ratified numerous instruments. He would therefore appreciate an explanation from the Office of how it intended to support Member States through that transition. Thematic groups would need to be flexible to accommodate different national contexts. He supported the idea of an online platform, in relation to which developing countries would require capacity-building and technical assistance. A phased roll-out of the proposed reporting system with clear milestones and informal consultations would enable a smoother, more effective transition.
119. **A representative of the Director-General** (Director, International Labour Standards Department) drew attention to the proposals' two equally important objectives: to streamline reporting and to make the information on good practices provided by governments publicly available so that it could be harnessed for peer learning. Thematic reporting practices had been tested through a pilot project involving countries from all regions and with different characteristics, including countries that had ratified a large number of instruments.
120. Thematic implementation reports would alleviate the reporting burden by avoiding the repetition of information, for example by allowing information on regulatory frameworks governing many aspects of occupational safety and health to be shared once, rather than having to be included in all reports submitted under Conventions relating to that theme, of which there were around 40. Thematic reporting would also allow government officials to use a previously submitted report as a template, thereby improving the quality of the information submitted and facilitating onboarding at ministries of labour, where staff turnover was often high. It would also streamline the collection of the information requested by the ILO supervisory bodies, as officials would be able to contact the same agencies in the same year about the same subject.
121. To balance the differing reporting burdens associated with the different thematic groups, the Office intended to schedule reporting cycles in such a way that, in any given year, governments would be requested to submit no more than one thematic report that imposed a heavy burden. The initial results of the Office's assessment of the advantages and disadvantages of information gathered using AI, which was being undertaken in cooperation with AI experts at the Turin Centre, were expected by the first quarter of 2025. It was clear that, for the time being, such information would need to be validated by ILO staff.
122. The Office was more than happy to facilitate and support further tripartite consultations and prepare the information requested by the Governing Body. It could not, however, make financial estimates until the Governing Body had decided the direction in which it wished to take the proposals outlined in the document.
123. **The Worker spokesperson** said that to facilitate consensus, his group was willing to withdraw its proposed amendment to the draft decision.
124. **The Employer spokesperson** said that, from the amendments proposed, it could be observed that there were many points of convergence, such as on the centrality of article 22 reporting and the desirability of enhancing the reporting system and the reporting capacities of Member States. However, support had also been expressed for the draft decision as originally proposed

by the Office, or at least for subparagraph (a). To simplify matters, it was that version of the draft decision that her group would prefer to focus on.

125. The representative of the Director-General (Director, International Labour Standards Department) said that, to allow time for the further tripartite consultations that had been requested, and to reflect the fact that members were not yet ready to endorse the thematic approach but agreed to continue exploring it, she proposed to amend the draft decision to read:

27. The Governing Body:

- (a) ~~endorsed~~ agreed to continue exploring the thematic approach to reporting under article 22 of the ILO Constitution in relation to all Conventions and Protocols on the basis of the thematic groups contained in the Appendix and the submission of thematic implementation reports by governments as well as the publication of the article 22 thematic implementation reports and related annexes; and
- (b) based on its guidance and further tripartite consultations, requested the Office to prepare proposals for the progressive roll-out and implementation of the system outlined in subparagraph (a), including the development of an online platform, for its ~~353rd~~ 355th Session (~~March~~ November 2025).

126. The Employer spokesperson said that her group could accept the Office's amended proposal.

127. The Worker spokesperson said that his group could also support the proposal but wished to know what impact it would have on the programme and budget.

128. The representative of the Director-General (Director, International Labour Standards Department) said that the Office had anticipated that it would take several rounds of discussion for members to agree on how they wished to proceed with the proposed system. Once they had given the thematic approach the green light, the Office would be in a position to draw up financial estimates, which would be duly reflected in the programme and budget, as per standard practice. The Office would also provide information on the source of financing so that members could make fully informed decisions.

129. A Government representative of China said that, while her country would not block consensus on the Office's amended proposal, it wished to stress the need for adequate safeguards to protect the confidentiality of information contained in national reports and avoid misunderstandings and disruption to the work of the ILO supervisory bodies. Some information might not be suitable for publication, for example if it related to domestic processes that had not yet been finalized. It should also be noted that the ILO website was an existing tool that enabled governments and social partners to share and learn from experiences and good practices on legislative and policy measures.

130. Speaking on behalf of GRULAC, a Government representative of Peru said that his group was in favour of the Office's amended proposal.

131. Speaking on behalf of the Africa group, a Government representative of Ethiopia also expressed support for the proposal.

132. Speaking on behalf of IMEC, a Government representative of Austria said that her group could also agree to the proposal.

Decision

133. The Governing Body:

- (a) **agreed to continue exploring the thematic approach to reporting under article 22 of the ILO Constitution in relation to all Conventions and Protocols on the basis of the thematic groups contained in the appendix and the submission of thematic implementation reports by governments as well as the publication of the article 22 thematic implementation reports and related annexes; and**
- (b) **based on its guidance and further tripartite consultations, requested the Office to prepare proposals for the progressive roll-out and implementation of the system outlined in subparagraph (a), including the development of an online platform, for its 355th Session (November 2025).**

(GB.352/LILS/4, paragraph 27, as amended by the Governing Body)

5. Implications of gendered and other inappropriate terms and references in all international labour standards (GB.352/LILS/5)

- 134. The Employer spokesperson** highlighted that the language used in ILO standards reflected the Organization's values, and, as such, it was an important aspect of an up-to-date body of standards. Appropriate language promoted respect and trust in those standards and could therefore have a positive impact on their ratification and implementation. A differentiated approach to the issue might be required in view of the range of outmoded and inappropriate language detected, much of it in older instruments. Some 130 ILO standards had been abrogated, withdrawn or replaced since 1919, additional standards had been proposed for abrogation or withdrawal by the Governing Body, and the SRM TWG was likely to propose that further standards were abrogated or withdrawn in its forthcoming reviews. For that reason, the problem might be solved over time by the elimination of outdated instruments from the body of standards. He would prefer not to resolve the issue on the basis of interpretation alone; ambiguous terms such as, for example, "he" to refer to men and women should be avoided wherever reasonable and possible. He also cautioned against the argument that the language currently used in standards shifted over time, and that determinations of its appropriateness would also evolve in the future. According to that view, corrective action in relation to outmoded and inappropriate wording would never be necessary.
- 135.** Turning to the courses of action suggested in the document, he questioned the necessity of an International Labour Conference resolution or declaration stating that all inappropriate language in ILO legal texts should be read in accordance with contemporary understandings and fundamental principles and rights at work. While he recognized that the adoption of a new standard to change outmoded and inappropriate wording in ILO standards might be more legally complex, standard-setting was an existing option that ensured legal certainty, as demonstrated by the adoption of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191). That process had allowed amendments to be made to a number of ILO instruments in a simple and uncontroversial process, with the text of the revised instruments changing as soon as the Convention had entered into force and Member States thereafter only able to ratify the Conventions as amended. A new Convention adopted in that manner to amend outmoded and inappropriate language in ILO standards would not be controversial and could be the subject of a single discussion in a technical committee or the General Affairs Committee, after thorough preparation.

136. There were merits to both options contained in subparagraph (b)(i) of the draft decision, and he wished to hear the views of the other groups before stating his position. With regard to subparagraph (b)(ii), while his group approved of transmitting to the Standards Review Mechanism Tripartite Working Group (SRM TWG) a request to continue to consider the impact of outmoded and inappropriate language when reviewing individual standards, there was no need for it to discuss the subject in the abstract again or to report at regular intervals. His group supported the rest of the draft decision.
137. **The Worker spokesperson** welcomed the important discussion, underlining that in some instances language that was once commonplace was no longer acceptable and could make people feel marginalized or excluded and perpetuate and reinforce stereotypes. Her group agreed strongly that objectionable language undermined the objectives and principles at the heart of the Organization based on equality between countries and between people and could distract from the central messages of the standards in which it appeared. The language used must adequately reflect the more equal world that the Organization aspired to achieve, and she therefore welcomed the audit undertaken by the Office. A solution was required that could be applied to all three official ILO languages. Inappropriate terms should be rectified without any legal consequence for the substance of the standards, and the swiftest and most straightforward means of doing so should therefore be pursued. Any solution should reflect general intentions, rather than citing specific changes to terminology. Language was not static, and a solution should therefore be found that allowed for standards to be interpreted in accordance with contemporary understandings. In its standard-setting work, the Office should follow good practice regarding the evolution of normative language, and it should continue to offer technical assistance on a gender-responsive application of social security instruments.
138. Her group supported the draft decision and was strongly in favour of the first option in subparagraph (b)(i), to place an item concerning the adoption of a resolution on outmoded and inappropriate language on the agenda of the International Labour Conference. She hoped that such a resolution could be adopted at the earliest opportunity. The second option, to develop a new standard, might involve a lengthy and cumbersome process, requiring ratification if it were to be a Convention, and, since a standard would have the same objective as a Conference resolution, it was unclear whether it would bring any added value. The Conference should consider building on its 2011 resolution on gender equality and the use of gendered language in legal texts of the ILO with a resolution stating that all obsolete and inappropriate language in ILO legal texts was objectionable and, in accordance with applicable rules of interpretation, should be understood according to contemporary approaches relating to equality, non-discrimination and respect for human dignity, unless the context otherwise required.
139. **Speaking on behalf of the Africa group**, a Government representative of the Sudan welcomed the report, noting that the language used in some international labour standards did not always fully reflect contemporary values of equality between people as well as between countries. He highlighted that in French and Spanish, the use of the male form of words such as "Director-General" was not considered inappropriate owing to the different grammatical rules of the languages. References to the marital status of women, however, were illegitimate and indicated moral judgement. His group agreed that equality and non-discrimination were fundamental to the Organization and that the obsolete and inappropriate language identified in the audit was objectionable in all ILO writing, and that follow-up action must consider the fact that the objectionable language did not appear to have negatively affected the impact of international labour standards in practice. The Africa group supported the draft decision, preferring the first option in subparagraph (b)(i).

- 140. Speaking on behalf of a significant majority of Governments of GRULAC,**¹ a Government representative of Colombia emphasized that the effectiveness of international labour standards depended on their ability to reflect and promote contemporary values, including gender equality and non-discrimination. The analysis reflected a considerable effort to modernize the body of standards by adapting it to the needs and realities of the world of work. The use of inappropriate language was inconsistent with the Organization's values and could act as a barrier to the effective ratification and application of ILO instruments. Her group supported the proposed follow-up action, particularly the proposal to adopt a resolution at the International Labour Conference that reaffirmed the Organization's commitment to equality and non-discrimination and the updating of the language used in international labour standards in conformity with the fundamental principles of respect for human dignity and equity. It was essential to ensure that new and revised standards use inclusive language that reflected the diversity seen in the world of work.
- 141.** Her group supported the recommendation for the SRM TWG to continue to evaluate the impact of obsolete language in current standards and keep the Governing Body updated on its progress. ILO technical assistance was essential to help Member States apply international labour standards, particularly on social security, using a gender perspective and ensure that national policies and strategies reflected a commitment to inclusion and equity. Her group would continue to participate proactively in efforts to eliminate obsolete terminology and adopt language that reflected the values of equity, non-discrimination and respect for human dignity.
- 142. Speaking on behalf of IMEC,** a Government representative of Denmark supported the Office's efforts in paying attention to the evolution of obsolete, harmful, exclusive or otherwise inappropriate normative language and actively following international good practice by ensuring coherence between international labour standards and international human rights treaties. Although it was pleasing that there appeared to have been no significant negative impact of the use of obsolete and inappropriate language and that legal texts were regularly read in a way consistent with modern normative understanding of gender equality, non-discrimination, inclusion and respect for human rights, her group agreed that practices such as regarding men as the default gender, the use of language with colonial connotations and other offensive and discriminatory terms were objectionable and should be addressed. In the interests of avoiding lengthy standard-setting exercises, IMEC supported the proposal to adopt a Conference resolution that built on the 2011 resolution on gender equality and the use of language in legal texts of the ILO. That resolution should state that colonial connotations and language otherwise deemed offensive and discriminatory were objectionable and that ILO legal texts should be understood according to contemporary norms on gender equality, non-discrimination, inclusion and respect for human rights. A clarification of that nature could encourage new ratifications of ILO standards, and the resolution should be accompanied by a publicity campaign.
- 143.** She reiterated IMEC's support for the work of the SRM TWG, which should continue to consider the impact of obsolete, inappropriate and discriminatory language in its review of standards. Since difficulties with certain standards could result in the lowering of the level of protection that they provided, she would welcome continued efforts by the Office to provide technical assistance to Member States on the gender-responsive application of social security

¹ Barbados, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of).

instruments. IMEC supported the draft decision and preferred the first option in subparagraph (b)(i).

- 144. A Government representative of Colombia** highlighted that, given the influence of language on the building of fairer and more equitable societies, consideration should be given to how labour standards could and must evolve. The obsolete and discriminatory terms used in international labour standards – many of which reflected a colonial and patriarchal world view – hindered the full enjoyment of human rights by all workers, particularly those who had been marginalized, including women and gender fluid individuals. The impact of gendered language was not a trivial matter; language contributed to the perpetuation of ideas and stereotypes. In Colombia, the Constitutional Court had ruled that the use of the word “man” as a universal term was wrong because it excluded women and perpetuated a stereotype of masculine supremacy. All words had the potential to exclude or include; the decision to use language that demonstrated respect for all in international labour standards would send a clear signal that every voice counts at the ILO and that every worker deserved to be treated with respect and dignity.
- 145. A Government representative of Bangladesh** noted that language conveyed values. It was regrettable that some ILO instruments contained only masculine terms. He expressed his Government’s strong reservation to the colonial and discriminatory language contained in some ILO instruments. A comprehensive overhaul of instruments was needed to align with the new democratic ILO membership, and the standard-setting approach was therefore the preferable option. The use of gendered, colonial and offensive terms in ILO instruments was due in part to the limited participation in their drafting of persons from diverse backgrounds and States. Efforts to adopt and revise international instruments should therefore ensure global participation on an equal footing, and every effort should be made to engage with persons of diverse backgrounds.
- 146. The Employer spokesperson**, noting that no speaker had said that language was harmless, said that his group did not believe that retaining offensive text in perpetuity on the basis of a resolution or declaration that it should be read as if it was contemporary language was an adequate solution. A lack of effort to take offensive language off the ILO’s books also conveyed a message regarding the Organization’s values. The Employers preferred the second option in subparagraph (b)(i) of the draft decision because standard-setting would provide clarity through the introduction of changes to the texts themselves. That said, his group would not stand in the way of consensus and would therefore accept the draft decision with the first option.
- 147. The Worker spokesperson** said that, given the number of standards that required attention, standard-setting could be a decades-long project, and she therefore thanked the Employers’ group for joining the consensus on the first option in subparagraph (b)(i). The matter must be dealt with as swiftly as possible.
- 148. The Employer spokesperson** clarified that his group did not believe that the standard-setting approach would be a lengthy process because the topic at hand was a technical matter. Only one instrument would be needed to address the text of all the standards that had been identified as containing inappropriate or offensive language, in keeping with the precedent set by the adoption of Convention No. 191.
- 149. A Government representative of Bangladesh** said that although his Government preferred the second option in subparagraph (b)(i), in the interests of reaching consensus he would also agree to the draft decision with the first option.

Decision

150. The Governing Body:

- (a) took note of the information presented concerning inappropriate terms and references in the international labour standards and proposed follow-up actions;
- (b) requested the Office to implement follow-up actions, taking account of the guidance given by the Governing Body, including:
 - (i) proposing the placement of an item concerning the adoption of a resolution on outmoded and inappropriate language in international labour standards on the agenda of a future session of the International Labour Conference;
 - (ii) transmitting to the Standards Review Mechanism Tripartite Working Group its request to continue to consider the impact of outmoded and inappropriate language when reviewing the standards and to keep it informed in this regard at regular intervals;
 - (iii) following good practices in relation to the evolution of normative language in standard-setting exercises;
 - (iv) continuing to offer technical assistance to Member States on the gender-responsive application of the social security instruments.

(GB.352/LILS/5, paragraph 29)