



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. Ensuring legal clarity on the delegation of authority to the Officers of the Governing Body, including proposed amendments to the Standing Orders of the Governing Body and its Introductory note (GB.356/LILS/1)

1. **The Chairperson** explained that the Governing Body had before it two options to bring the required legal clarity and transparency to the delegation of authority to the Officers of the Governing Body. The first was to adopt a decision formalizing the delegation of authority in application of paragraph 2.3.1 of the Standing Orders, to be reviewed following the next Governing Body elections in 2027. The second was to amend paragraph 2.3.1.
2. **The Employer spokesperson** said that although the practices concerning the delegation of authority to the Officers were relatively well established, the proposed options would allow the Governing Body to function in a more orderly, efficient and predictable manner. Despite the lack of clarity surrounding paragraph 2.3.1, the delegated functions exercised by the Officers reduced the Governing Body's workload significantly, particularly in relation to technical, administrative and urgent matters. It was therefore appropriate to clarify the legal basis for the mechanism in order to promote transparency and a common understanding among constituents.
3. Of the two options, her group would accept the second; the proposed amendments to paragraph 2.3.1 would reflect existing practices more systematically, clarify the scope of the delegated powers and strengthen transparency in their exercise, without modifying the Governing Body's role or making substantive changes to the existing institutional balance. The first option, which would entail adopting a decision to validate the delegation of authority for a fixed period, was unnecessary since the Governing Body could call for a review of that delegation at any point; there was no need for the matter to become yet another item on the Governing Body's agenda each June, requiring time and financial resources. The second option would not prevent the Governing Body from making further amendments to the Standing Orders in the future. The matter at hand should be considered in tandem with the ongoing reflections on the functioning of the Governing Body.
4. **The Worker spokesperson** said that the discussion should be limited to the delegation of authority to the Officers. Most of the provisions of paragraph 2.3.1 were inconsistently applied, as illustrated, for example, by the practice of delegating decisions on the dates of meetings to the Officers without an express, formal delegation of authority. Although the Officers had always acted in good faith, it was important to ensure legal certainty and clarity, both from a legal standpoint and to ensure good governance.
5. Her group believed that such certainty could be provided easily by a Governing Body decision to delegate express authority in relation to all matters listed in paragraph 2.3.1(a) to (d) of the Standing Orders. Such a decision would remain valid for the duration of the Governing Body's term of office and require express renewal following each Governing Body election. She therefore supported the first option, which, as well as offering a simple solution, preserved the Governing Body's ultimate decision-making power and ensured that the Officers exercised an expressly delegated authority, thereby upholding the principles of good governance. She did not support an amendment to the Standing Orders.

6. **Speaking on behalf of the Africa group**, a Government representative of Malawi expressed her group's belief that delegations of authority were not intended to be open-ended, but should be subject to time limits and periodic review. While the delegation of authority in question constituted a useful a legal mechanism to ensure the Governing Body's effective functioning, there was a lack of clarity regarding its continued validity. Clear delegated authority was required to approve the programme of meetings and to invite States not members of the ILO to attend sessions of the International Labour Conference, as well as Member States not members of a region to attend the relevant regional meeting, as observers in cases where the request for an invitation had been received too late for submission to the Governing Body.
7. The *Guide to the reforms in the procedure and functioning of the Governing Body* should be revived and shared with Governing Body members following every election, and consistency was required in the delegation of authority to invite official international organizations and non-governmental international organizations to meetings. Like the other delegations, the delegation of authority to the Officers under article 17 of the Conference Standing Orders could be reviewed following the Governing Body elections. Her group believed that the Governing Body must make the final decision on matters relating to its work, following recommendations by the Officers.
8. Expressing her group's support for the first option, she noted that the draft decision did not address the lack of legal clarity in the delegation of authority to the Officers since 2008. To ensure legal certainty in all matters relating to the functioning of the Governing Body, her group requested the Office to examine the legality of all practices pertaining to delegations of authority and provide updates in that regard. While her group supported subparagraph (a) of the first option as set out in the draft decision, it proposed amending subparagraph (b) by replacing "in June 2027" with ", starting from June 2027" to reflect the fact that the delegation of authority to the Officers should be time-bound and reviewed periodically. Since the Governing Body had the right to determine its functioning and the functions it delegates, it should not bind its future members by amending the Standing Orders.
9. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United Kingdom of Great Britain and Northern Ireland highlighted the importance of adapting the existing framework to increase coherence, uniformity and legal clarity and expressed her group's support for the first option since it combined legal clarity and procedural simplicity while preserving the Governing Body's discretion to review the delegation of authority periodically. IMEC would, however, welcome clarification as to whether that option would maintain the Governing Body's ability to revoke the delegation of authority before or after June 2027.
10. Clarification was also required as to whether the reference to the "holding" of meetings rather than their "dates" in subparagraph (i) of the first option in the draft decision and the words "to be represented at official meetings" in subparagraphs (ii) to (iv) were intended to broaden the scope of the authority delegated to the Officers and, if so, what was the reasoning. Specifically, her group wished to know whether the proposed changes would expand the Officers' authority to make decisions on the financing of meetings and the participation rights of Member States and organizations invited under subparagraphs (ii) to (iv). Furthermore, she asked what Governing Body items would be affected by the first option if it were to be adopted, and what would change with regard to the Governing Body in the future. IMEC supported the first option as set out in the draft decision, subject to the answers to the questions that she had raised.

11. **A Government representative of Brazil** voiced support for the first option, which offered a balanced approach to achieving legal clarity and transparency while maintaining the necessary procedural flexibility. She supported the amendment proposed by the Africa group.
12. **A representative of the Director-General** (Clerk of the Governing Body) explained that the use of the word “holding” was not intended to grant the Officers additional authority. The delegation of authority had originally been designed to ensure that the Governing Body’s discussions were not overwhelmed with details linked to preparations for, and participation in, official meetings. The Officers’ role had always been to assess information provided by the secretariat, prior to endorsement by the Governing Body where required. The proposed wording was in line with the authority exercised in practice and the proposed changes would not allow the Officers to, for example, approve additional funding for meetings; that would remain a prerogative of the Governing Body. The proposals would help consolidate information on the programme of meetings and adopt a programmatic, planned approach to organizing official meetings and events mandated by the Governing Body. Regarding the effect of the first option, it constituted a normal Governing Body decision that the Governing Body could revoke by placing an item to that effect on its agenda and adopting a further decision.
13. **The Worker spokesperson** said that there appeared to be substantial support for the first option among the governments. Her group could support the amendment to the draft decision proposed by the Africa group which, in her understanding, did not change its meaning but was intended to clarify that the delegation of authority would be reviewed every three years. The Governing Body should refrain from embarking on discussions of any other kind of delegation of authority.
14. **The Employer spokesperson** said that the discussion represented an opportunity to render the work of the Governing Body more efficient and predictable, and her group had been in favour of amending paragraph 2.3.1 of the Standing Orders to avoid having to revisit the matter every three years. Nevertheless, it would not stand in the way of the apparent consensus.
15. **Speaking on behalf of IMEC**, the Government representative of the United Kingdom asked why the draft decision referred to the “holding” of meetings, rather than the “dates”, which was the language used in paragraph 2.3.1.
16. **The representative of the Director-General** (Clerk of the Governing Body) said that the language used in the draft decision was intended to reflect the fact that, in addition to the dates of meetings, for certain types of meetings, the Officers were asked to endorse the holding of the meeting based on applicable guidelines. This is why the more comprehensive term “holding” was considered preferable. The holding of official meetings would, however, always be subject to the ultimate authority of the Governing Body and all meetings are subject to the availability of financial resources.

Decision

17. **Pursuant to paragraph 2.3.1 of the Standing Orders, the Governing Body:**
 - (a) **delegated to its Officers the authority to:**
 - (i) **approve the programme of official meetings and the holding of symposia, seminars and similar meetings;**
 - (ii) **invite Member States or States which are not Members of the Organization to be represented at official meetings;**

- (iii) invite official international organizations to be represented at official meetings;
- (iv) invite non-governmental international organizations to be represented at official meetings;
- (b) decided to review the delegation made under subparagraph (a) upon the election of a new Governing Body, starting from June 2027.

(GB.356/LILS/1, paragraph 23, as amended by the Governing Body)

International Labour Standards and Human Rights Segment

2. Fifth evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group and outcome of the meeting on the follow-up to outdated Conventions (GB.356/LILS/2)

18. **The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)** presented the report of the Officers of the SRM TWG on the fifth evaluation of the functioning of the SRM TWG, covering the ninth meeting held in September 2024. He indicated that the report highlighted the implications of the group's multifaceted results for the ILO, recalling its relevance at a time of reprioritization. The Governing Body had requested the Office to adopt measures in follow-up to the SRM TWG's recommendations as a matter of institutional priority. The report provided an overview of the work undertaken since the establishment of the SRM TWG, including significant developments since the last evaluation in March 2024.
19. The report detailed the complexity of the SRM TWG's discussions due to diverse perspectives, recalling that the SRM TWG was unable to agree on the follow-up to be taken for some outdated Conventions. In order to resolve the divergences, the Governing Body had postponed the tenth meeting to 2026, and a meeting of the Officers of the SRM TWG had been organized in February 2026. At the meeting, an "Agreed framework for selected outdated Conventions" had been adopted, which would form the basis for future SRM TWG recommendations on outdated instruments that met specific criteria. He acknowledged the constructive collaboration of the social partners, the Government Group Coordinator and the Government group members, and also noted the support provided by the Office. The SRM TWG remained committed to its mandate. The SRM TWG had sought consensus through good faith negotiations, trust, clarity, transparency and consistency. Noting the complex nature of the subjects under examination, he further highlighted the efforts made by the SRM TWG to preserve the quality, exhaustive nature, and authority of its reviews, as evidenced by the consensus-based recommendations submitted to the Governing Body.
20. **The Worker spokesperson** expressed appreciation for the substantial work undertaken in the previous ten years, noting the commitment and professionalism demonstrated in supporting the SRM TWG. She also expressed appreciation to the other members of the SRM TWG for their dedication and commitment to finding solutions contributing to the Organization's standards policy. The decision to postpone the 2025 meeting of the SRM TWG had allowed for a smaller group to reflect on issues that had been blocking progress. The positive outcome of the February 2026 meeting on follow-up to outdated Conventions was welcomed, as it confirmed the value of that pause for reflection.

21. The success of the SRM TWG should be measured by whether it fulfilled its core mandate, namely ensuring that the ILO's body of international labour standards remained up to date, robust and capable of protecting workers. The Governing Body had consistently affirmed the importance of the SRM TWG as an institutional priority and had stressed the need for timely follow-up by Member States, social partners and the Office. Until the February 2026 meeting, there had been uncertainty as to whether the SRM TWG was delivering on its mandate, and there had been concern that it had become an exercise in standards abrogation. In particular, instruments that remained relevant and provided protection for workers, but for which more up-to-date standards existed, had been pushed towards abrogation without corresponding efforts to secure ratification of those more modern instruments. This had not been acceptable, and the agreed approach on outdated instruments would enable the SRM TWG to better fulfil its mandate.
22. Follow-up to the outcomes of SRM TWG meetings was a key indicator of whether the mechanism was being treated as an institutional priority, and three positive developments were highlighted. First, the adoption of the first binding instrument arising from SRM TWG recommendations, namely the Biological Hazards in the Working Environment Convention, 2025 (No. 192), following the Quality Apprenticeships Recommendation, 2023 (No. 208), and with others in the pipeline. Given that SRM outcomes were an institutional priority, standard-setting action on those outcomes should be prioritized. Second, the promotion of ratification of more up-to-date Conventions had always been a challenge. In that regard, the Governing Body had adopted at its 355th Session (November 2025) a set of General Surveys focusing on selected up-to-date instruments linked to outdated Conventions. If implemented effectively, that could lead to a coherent institutional promotional effort to secure ratification of ILO Conventions. The Office should include the social partners and the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) in such promotional activities, particularly those relating to Conventions to be abrogated. Thirdly, the constructive approach taken by all constituents at the February 2026 meeting on follow-up to outdated Conventions had resulted in a formula to be tested at the next meeting.
23. Further action was still needed. First, promotional activities, including the General Survey and the dissemination of the promotional pyramids, should be complemented by a commitment by Governing Body members to review Conventions they had ratified that were proposed for abrogation and to initiate national social dialogue on the ratification of more modern instruments. At the next evaluation in 2028, members should be able to report on steps taken in that regard. Second, resources should be prioritized for the provision of technical assistance to constituents in support of ratification of more modern Conventions. The impact of the ILO at the national level should be strengthened through a coherent institutional approach, which links the promotion of follow-up to SRM TWG outcomes with the reinforced capacity of national and regional offices and the effectiveness of Decent Work Country Programmes. The role of all three constituent groups in ensuring ratification and effective implementation of standards at national level was indispensable and required sustained Office support, technical assistance and capacity-building. In reprioritizing ILO activities, attention should be given to the role of social partners, including ACTRAV, ACT/EMP and the Workers' and Employers' secretariats.
24. As regards the programme of work of the SRM TWG, pragmatism should be combined with ambition, with a view to achieving the targeted end date of 2028, subject to the workload implications arising from the absence of a meeting in 2025. This might require an extension of the end date until 2029. She noted that the Employers' group had suggested establishing a permanent mechanism and expressed reservations in that regard. The Office still had significant work to undertake in following up SRM TWG outcomes. Maintaining the SRM as an

ongoing mechanism would place a heavy burden on the Office, and such exercises had historically been undertaken periodically, approximately every 20 years. The importance of the SRM TWG was reflected in the Programme and Budget for 2026–27 and it would continue to be prioritized, with due regard for follow-up activities. She emphasized the importance of follow-up, noting that the outcomes of the SRM TWG were central to delivering on the ILO's mandate and should remain an institutional priority.

25. In conclusion, the success of the SRM TWG would continue to be measured by the Organization's capacity to support its work as it approached completion, to adopt new standards recommended by the SRM TWG and to secure ratification of more up-to-date standards, thereby maintaining a clear, responsive and robust body of standards protecting workers. She expressed the hope that the constructive approach seen in February would continue in future meetings, and indicated support for the draft decision.
26. **The Employer spokesperson** thanked the Office for preparing the document, which reflected the Officers' report and the outcome of the recent meeting on follow-up to outdated Conventions. The fifth evaluation of the SRM TWG provided an important opportunity to review its functioning and ensure that it could continue to carry out its tasks in accordance with its mandate and in the best interests of the Organization. This was particularly important in view of the approaching conclusion of its work, currently scheduled for 2029, and the considerable number of instruments still to be examined. The evaluation also provided an opportunity to reflect on how the work of the SRM TWG could continue beyond 2029.
27. The SRM mandate was critical for the ILO body of standards and its effectiveness. The SRM was not a mere classification exercise but played a central role in maintaining a coherent, credible and relevant system of standards. Its recommendations shaped the overall framework and influenced the functioning of the supervisory system. By classifying instruments as up to date, outdated or requiring further action, the SRM TWG provided guidance on which standards constituted reference points for governments in their national policies and informed the Office's promotional activities by indicating which Conventions should be promoted for ratification.
28. The evaluation was timely in light of ongoing developments in the Organization and the meeting held in February 2026 on follow-up to outdated Conventions. Progress towards a common understanding was welcomed.
29. Turning to the agreed framework for selected outdated Conventions: the framework applied only in limited and specific circumstances. It concerned selected outdated Conventions, namely instruments classified as outdated for which there was a relevant and related up-to-date Convention, where the subject matter of the older instrument remained relevant and the number of ratifications remained significant. According to the framework, the package of follow-up actions would include a fixed date for consideration of abrogation by the International Labour Conference and a date for mid-term evaluation. Those mid-term evaluations could assist the Office in promoting ratification of up-to-date instruments by Member States that remained parties to outdated Conventions and in evaluating progress in that regard. The possibility of postponing the abrogation date could provide additional time for Member States to transition to newer Conventions and for the Office to scale up its efforts. At the same time, the practical implications of the procedure would need to be assessed in light of its future implementation. It would be important to ensure that it did not create uncertainty or prolonged assessment cycles. The option to defer the abrogation date should therefore remain exceptional.

30. The criteria set out in the framework needed to be applied in a consistent and objective manner to ensure that it was not extended beyond the limited circumstances for which it had been agreed or to instruments that did not meet those conditions. Conventions classified as outdated that did not fall within the scope of the framework should continue to follow the usual procedure and remain subject to a fixed date for abrogation without additional review mechanisms. Such dates should be set as early as practicable to ensure that the body of standards remained up to date.
31. The practical and time-bound package of follow-up actions should remain realistic and implementable, particularly with regard to assessing progress in ratification of relevant up-to-date instruments. Ratification of ILO Conventions constituted an international commitment voluntarily undertaken by Member States and required prior assessment of their capacity to implement the provisions of the Convention, including social and economic implications, as well as close consultation with social partners. Ratification without such an assessment could have detrimental effects and hinder effective compliance with ILO standards. Ratification should not be the objective in itself; implementation remained the key objective.
32. In conclusion, he expressed the hope that the agreement would enable the SRM TWG to complete its mandate efficiently and classify the remaining instruments in a manner that preserved the coherence and credibility of the ILO body of standards. He expressed appreciation to governments that had actively participated in the meeting on outdated Conventions. He reaffirmed the Employers' group's commitment to completing the SRM TWG programme of work and providing the Governing Body with meaningful recommendations in line with its mandate to ensure that the ILO body of standards is clear, robust and up to date.
33. **Speaking on behalf of the Government group**, a Government representative of Australia welcomed the fifth evaluation, reiterating the Government group's firm support for the SRM TWG's mandate to ensure a clear, robust, and up-to-date body of international labour standards. She recalled the significant achievements of the SRM TWG since its inception, including its review, classification, and determination of follow-up actions for 196 of 235 instruments in its initial programme of work. She noted positively the adoption of new standards on apprenticeships and biological hazards; the abrogation or withdrawal of outdated instruments; and the ratification of relevant up-to-date standards, based on SRM TWG recommendations.
34. The Government group welcomed the outcome of the meeting on the follow-up to outdated Conventions held in February 2026. She expressed appreciation to both the Employers' group and Workers' group for their constructive engagement in adopting the "Agreed framework for selected outdated Conventions", and noted the Government group's commitment to working within the agreed framework to achieve consensus recommendations for complex but critical subjects going forward.
35. She noted the importance of the SRM TWG completing its programme of work on time without compromising quality; the need for the Office and tripartite constituents to act on SRM TWG recommendations as a matter of institutional priority to ensure real-world impact; and the need for broad tripartite engagement, particularly in the transition to up-to-date standards. Noting the present financial challenges, she detailed the need for the strategic use of resources and internal policy coherence to support the functioning of the SRM TWG and the comprehensive implementation of its recommendations. She acknowledged the commitment of the SRM TWG members to ensuring successful outcomes despite complex challenges, and the support provided by the Office. She indicated her group's openness to further discussions on standards policy and innovation, and to collaboration in the upcoming tenth meeting. She

expressed support for the draft decision and noted, with flexibility, that the next evaluation should be discussed in March 2029.

36. **Speaking on behalf of the Africa group**, a Government representative of South Africa noted the indispensable role of the SRM in maintaining the relevance and authority of the ILO's normative framework. The credibility of the process was based on the collective ability to translate the SRM TWG's outcomes into tangible progress on the ground. The Africa group needed practical support from the Office, including capacity-building, peer learning, and technical assistance, to assess national capacities and effectively implement, ratify and report on Conventions. The participation of the Africa group was central to the legitimacy of the process, and he noted that the group was keen to play a proactive and constructive role.
37. He recalled a comment made by the Employers' group in a previous session of the Governing Body that the SRM TWG's recommendations, particularly on the promotion of up-to-date Conventions, should be realistic. In this respect, he noted that an informed decision by a Government not to ratify a Convention should be respected equally with a decision to ratify, provided that it was made in consultation with social partners. He noted that considering the 2028 deadline, efficiency should not be at the expense of quality and expressed his group's commitment to completing the SRM TWG's ambitious mandate. He highlighted that the Office should continue to provide insight on how to streamline SRM TWG processes, to ensure that meetings were productive and that the integrity of the review was preserved. He welcomed the February 2026 meeting, noting that this demonstrated a shared commitment to inclusive and transparent leadership. Future work needed to be grounded in the realities of Member States, and the SRM TWG could only achieve its goals of an authoritative and universally applicable body of standards. He expressed support for the draft decision through actionable Office.
38. **A Government representative of the United States of America** expressed support for measures enabling the SRM TWG to complete its programme of work effectively and efficiently, ensuring the ILO's standards remained up to date and relevant. He indicated interest in continued discussions on standards policy and in exploring innovative ways to maintain a modern, agile system responsive to evolving needs of constituents in changing work realities without compromising quality. He reiterated the importance of precise terminology when referring to the equality of men and women and encouraged the ILO to use terminology in accordance with biological sex.
39. **A Government representative of Colombia** expressed his commitment to strengthening the ILO's standards system as essential for promoting decent work and social justice, and ensuring that international labour standards were relevant, effective and adapted to the needs of Member States. The SRM TWG had a key role in ensuring a clear, robust and up-to-date body of standards that reflected changes in the world of work. He welcomed the progress detailed in the fifth evaluation, particularly in relation to the SRM TWG's ability to adopt consensus-based recommendations on a wide range of instruments. The adoption of follow-up measures combining normative and non-normative actions with specific deadlines strengthened consistency and effectively guided the work of the ILO. In relation to outdated instruments, there was a need for clarity and consistency in the body of standards and follow-up, including abrogation or withdrawal, should be undertaken. Acknowledging the technical complexity of discussions and the value of tripartism as a basis for consensus, he indicated the importance of continued constructive dialogue in the classification of standards, the identification of gaps in coverage, and the adoption of appropriate follow-up measures. Timely follow-up to the SRM TWG recommendations adopted by the Governing Body remained important, including those on the promotion of ratification of up-to-date instruments, research activities and provision of

technical assistance to Member States. The work of the SRM TWG should continue to be a priority for the ILO, supported by strategic planning and adequate resources.

40. **A Government representative of the United Republic of Tanzania** noted the essential role of the SRM TWG in the ILO's normative system, indicating that it ensured that international labour standards remained coherent, relevant, and responsive to the realities of the modern world of work. She expressed appreciation for the SRM TWG's continued commitment to rigorous, evidence-based review processes, despite the increasingly complex subject matters. Implementation challenges in developing countries stemmed not from a lack of commitment, but from the need for sustained technical assistance to help Member States make informed decisions on ratification based on national circumstances and in consultation with social partners, and to ensure that ratification would result in meaningful implementation. The Office needed to continue to prioritize support, including capacity-building, peer learning and targeted technical support, especially for countries in Africa, so that the SRM TWG's recommendations could translate into real improvements in workplaces and labour markets.
41. She welcomed the recent meeting held by the Officers of the SRM TWG, noting that it demonstrated commitment to transparency and inclusiveness, particularly in relation to the sensitive issue of follow-up to outdated Conventions. Such dialogue strengthened trust in the process and reinforced the SRM TWG's legitimacy. In relation to the 2028 target for completing the initial programme of work, efficiency without compromising quality, integrity, and credibility of the review was essential. She expressed support for the draft decision and reaffirmed commitment to a strong and relevant body of ILO standards.
42. **The Worker spokesperson** expressed her support for the draft decision. In light of the postponement of the meeting in 2025, she requested information from the Office on the timing of the next evaluation in relation to the meetings remaining in the SRM TWG's provisional workplan.
43. **A representative of the Director-General** (Director, International Labour Standards Department) expressed appreciation for the acknowledgement of the work of the Office in supporting the work of the SRM TWG, and that follow-up on the Governing Body recommendations on the SRM TWG's outcomes was a cross-office and cross-departmental effort. Due note had been taken of the importance of that follow-up, and of ensuring that technical assistance and capacity-building remained at the disposal of constituents upon request to ensure that the SRM TWG's work had an effective impact. This would be reflected in the prioritization of work moving forward and in the preparation of the next programme and budget. The evaluation date of March 2029 would enable that evaluation to include a reflection on the work accomplished by the September 2028 meeting. An evaluation in November 2028 would then cover only the 2026 and 2027 meetings.
44. **The Worker spokesperson** noted the clarification provided and expressed support for the evaluation being held in March 2029.
45. **The Employer spokesperson** acknowledged all the comments and expressed support for the March 2029 evaluation date.

Decision

46. **The Governing Body:**
 - (a) **thanked the Officers and Members of the Standards Review Mechanism Tripartite Working Group (SRM TWG) for the information allowing it to undertake a fifth evaluation of the functioning of the SRM TWG;**

- (b) took note of the information provided by the Office related to the outcome of the meeting on the follow-up to outdated Conventions;
- (c) reiterated the importance of the SRM TWG in contributing to ensuring a clear, robust and up-to-date body of international labour standards and stressed the need for timely follow-up action by Member States, social partners as well as by the Office to its recommendations as adopted by the Governing Body;
- (d) requested the SRM TWG to take its guidance into account in continuing its work in line with its work plan and that it continues to be kept informed of the functioning of the SRM TWG so as to allow it to undertake a further evaluation in March 2029.

(GB.356/LILS/2, paragraph 4)

3. Proposed forms for reports to be submitted under article 19 of the ILO Constitution in 2027, 2028 and 2029 – Selected up-to-date instruments (GB.356/LILS/3)

- 47. **The Employer spokesperson** thanked the Office for the proposed report forms for the General Surveys to be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2027, 2028 and 2029. The General Surveys, conducted under article 19 of the ILO Constitution, would focus on the prospects for ratifying selected up-to-date instruments related to outdated Conventions identified by the SRM TWG.
- 48. Ratification was an act of national sovereignty, which did not automatically follow the adoption of new up-to-date instruments by the International Labour Conference. Ratification should take place only after governments had conducted a comprehensive pre-ratification review of national laws and practices, including assessments of their capacity to meet substantive and reporting obligations and the potential socio-economic impact. While implementing ratification campaigns, the Office was requested to support governments in conducting objective and open-ended pre-ratification assessments, in full consultation with the most representative organizations of employers and workers, in line with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).
- 49. Commenting on the proposed report forms, in the current transitional period, she noted that questions should remain simple, focused, and aligned with the aim of assessing ratification prospects and obstacles. Regarding the questions on technical assistance, the Office should clarify their purpose with regard to the aim of the General Surveys, and the intended use of the information collected, particularly whether they were intended to assess obstacles to ratification or to support technical cooperation activities. Further, the Office should also clarify whether the questions aimed to capture support for comprehensive pre-ratification assessments, including legislative and institutional capacity. Those assessments remained essential in ensuring that ratification decisions were well informed. She indicated that the Employers' group would welcome the views of other groups and a response from the Office on the issues raised.
- 50. **The Worker spokesperson** thanked the Office for the proposed report forms, prepared in line with the previous decision of the Governing Body. The focus of the three General Surveys in 2027, 2028 and 2029 would be on the selected up-to-date Conventions related to outdated instruments reviewed by the SRM TWG. The surveys in this three-year period would address important topics including fishing, indigenous and tribal peoples, maternity protection,

occupational safety and health, sectoral instruments, employment services, labour statistics, social security and labour inspection.

51. The Governing Body had endorsed the SRM TWG's call for increased efforts on ratification and targeted promotion of these up-to-date instruments in those Member States still bound by outdated instruments. The General Surveys would provide information on prospects for, and obstacles to, ratification, as well as on technical assistance, including promotional activities.
52. The report forms included a summary for each of the instruments, as requested by the Workers' group at the 355th Session of the Governing Body. With respect to the draft report form on the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the article 22 report form, approved by the Governing Body, included a question on consultation with national organizations of indigenous or tribal peoples, on the measures taken to give effect to that Convention, and when preparing reports on its application. Noting the useful information that could be collected through such consultation, the Office was requested to highlight the importance of consulting organizations of indigenous and tribal peoples in the explanatory note to be sent to governments along with the relevant report form. She also expressed support for the draft decision.
53. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of the Republic of Korea acknowledged the Office's preparation of the proposed report forms and its consultation with Governments in advance of the Governing Body session, including the clarification included in the report form that responded to questions raised concerning the length of potential responses. He noted the efforts undertaken to design report forms that would help identify ratification prospects, while reflecting diverse national circumstances. The proposed report forms requested governments to provide information, for each of the Conventions concerned, on obstacles that might prevent or delay ratification, plans for implementation, and the need for technical assistance. That structured approach would support a more comprehensive assessment of the challenges faced by Member States.
54. Recalling the objective to facilitate the ratification and effective implementation of selected up-to-date international labour standards, he noted that the information collected would support the work of the Committee of Experts and contribute to promoting a more effective and efficient application of international labour standards. In relation to the questions on technical assistance, information on the types of support required by Member States would help the Office provide meaningful support, particularly in light of existing resource constraints. The content of the report should be linked to the ILO's technical cooperation programmes, with a view to taking into account the diverse challenges faced by Member States. He indicated an interest in continued constructive discussions and cooperation with the Office.
55. **A Government representative of Colombia** reaffirmed the importance of fostering a common understanding of the national circumstances surrounding the implementation of up-to-date instruments, including ratification prospects and obstacles, and technical assistance needs, particularly for countries still bound by outdated instruments. The General Surveys should provide comprehensive information on progress in implementing SRM TWG recommendations, which were both an institutional priority and a national priority. Ratification of up-to-date Conventions adapted to modern realities of the world of work was key to protecting workers' rights and achieving social justice. He expressed support for the proposed draft decision.
56. **A Government representative of Mexico** acknowledged the efforts undertaken to strengthen the coherence and effectiveness of reporting mechanisms for governments. With respect to the report forms and the General Survey of 2028, the information from the reports

submitted under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 1998 (as amended in 2022) could also be useful in the Committee of Experts' consideration of the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the Minimum Age Convention, 1973 (No. 138).

57. **A representative of the Director-General** (Director, International Labour Standards Department) noted the support for the three unique General Surveys that the Governing Body had decided the Committee of Experts would undertake. The requested responses were brief, focused on the specific questions in the report forms. The questions aimed to give a clear understanding to the Committee of Experts, to the Governing Body and to the Office regarding the prospects of ratification of up-to-date instruments, the possible obstacles to ratification and what type of technical assistance would be useful.
58. Regarding the technical assistance questions, she indicated that responses would normally comprise an indication of what specific subject-matter assistance would be helpful. In general, technical assistance requests normally involved a request for support from Member States to begin a process to consider ratification, and to undertake a gap analysis examining the provisions of the Convention with national law and practice. There were several recent requests to the Office for that type of assistance. Requests for technical assistance also included requests for legal advice, and in particular comparative examples of how other countries implemented a given Convention, and policy advice regarding the type of measures, programmes and policies that have been put in place to give effect to specific Conventions. Such requests required drawing on the widespread expertise across technical and the policy departments of the Office.
59. Turning to the question from the Workers' group regarding inviting governments to consider consulting indigenous or tribal peoples, where appropriate, in responding to the questions on Convention No. 169, she indicated that consideration could be given to inserting a sentence to that effect in the letter transmitting the report forms. Such a sentence would make it clear that this was not an obligation, but something governments could consider in preparing their responses.
60. **The Worker spokesperson** thanked the Office for its clarifications and confirmation, and recalled the importance of follow-up as an institutional priority, in light of the SRM TWG discussions.
61. **The Employer spokesperson** acknowledged the Office's clarification and reiterated that it was important to clearly indicate that governments were legally obliged to consult only the most representative employers' and workers' organizations, while they retained the discretion to decide whether to consult any other group deemed relevant based on national circumstances. She welcomed the Office's intention to include that clarification in the explanatory note and requested that the Office share the proposed language with the social partners. She expressed support for the draft decision.

Decision

62. **The Governing Body:**
 - (a) **requested governments to submit reports under article 19 of the ILO Constitution:**
 - (i) **for 2027 on the Work in Fishing Convention, 2007 (No. 188), the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), the Indigenous and**

Tribal Peoples Convention, 1989 (No. 169), and the Maternity Protection Convention, 2000 (No. 183);

- (ii) for 2028 on the Safety and Health in Mines Convention, 1995 (No. 176), the Safety and Health in Construction Convention, 1988 (No. 167), the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, the Occupational Health Services Convention, 1985 (No. 161), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Minimum Age Convention, 1973 (No. 138);
 - (iii) for 2029 on the Employment Service Convention, 1948 (No. 88), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Statistics Convention, 1985 (No. 160), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part IV), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129);
- (b) approved the report forms concerning these instruments, as set out in the appendices to document GB.356/LILS/3.

(GB.356/LILS/3, paragraph 5)

4. Proposed form for reports on the application of ratified Conventions (article 22 of the Constitution): Biological Hazards in the Working Environment Convention, 2025 (No.192) (GB.356/LILS/4)

63. **The Worker spokesperson** said that her group agreed overall with the report form for first reports, which would be critical for gathering comprehensive information on the law and practice of ratifying Member States. Concerning the questions relating to Article 2 of the Biological Hazards in the Working Environment Convention, 2025 (No. 192), her group would have liked to see an express reference to the evaluation of biological risks by the competent authorities, which would form the basis of any exclusions contemplated by ratifying Member States. She trusted that the key role of this evaluation would be addressed by constituents when they completed the form. In the context of subsequent reports under article 22 of the ILO Constitution, her group wanted to see a question under Article 2, regarding efforts made to end any exclusions as soon as possible. In the spirit of making progress, her group supported the draft decision.
64. **The Employer spokesperson** noted that this report form would fall within the scope of the thematic implementation report on occupational safety and health, one of the most extensive thematic groups. The thematic group covered 18 instruments, before adding Convention No. 192. He therefore trusted that the Office would provide technical assistance, to support governments with a high ratification rate in the management of their reporting obligations. His group supported the draft decision.
65. **A Government representative of Colombia** recognized the efforts of the Office in presenting this instrument to serve as guidance in the preparation of first reports and noted the importance of having a clear and well-structured report form. The report form was in line with the system of thematic implementation reports adopted by the Governing Body in November 2025. Pursuant to that decision, first reports would continue to be requested according to the

current practice and would be based on the detailed report forms adopted by the Governing Body for the relevant instrument. Convention No. 192 was the most recently adopted ILO Convention and covered a highly topical issue related to occupational safety and health. His country considered it essential to engage in further internal analysis with a view to potential ratification and he encouraged other countries to undertake similar work to contribute to the swift entry into force of the Convention. He supported the draft decision.

- 66. A representative of the Director-General** (Director, International Labour Standards Department) confirmed the understanding that the report form would be used for first reports upon ratification, and that subsequently, information from the first reports would be incorporated into thematic implementation reports. In this context, the Office was in the process of designing a toolkit to support Member States in fulfilling their reporting obligations. The Office was considering different ways of providing support to governments and social partners to enable a smooth transition towards the use of thematic implementation reports.

Decision

- 67. The Governing Body approved the report form for the Biological Hazards in the Working Environment Convention, 2025 (No. 192), set out in the appendix to document GB.356/LILS/4.**

(GB.356/LILS/4, paragraph 2)