



Twelfth sitting

Thursday, 17 June 2010, 10.00 a.m.

President: Mr de Robien

**REPORTS OF THE CHAIRPERSON OF THE GOVERNING
BODY AND OF THE DIRECTOR-GENERAL:
DISCUSSION (CONT.)**

Original French: The PRESIDENT

We will continue the general discussion of the Reports of the Chairperson of the Governing Body and of the Director-General. This is a discussion that we will be interrupting temporarily to move on to two votes.

The first vote concerns the resolution on the arrears of contributions from Ukraine, which was adopted by the Conference in its tenth sitting and is contained in the report of the Finance Committee of Government Representatives, in *Provisional Record* No. 11.

The second vote concerns the Recommendation on HIV and AIDS and the world of work, which is contained in *Provisional Record* No. 13A.

Original Spanish: Mr MONTES RODRÍGUEZ (Government, Honduras)

Honduras is a country that is open to the international community and therefore our Government reaffirms its commitment to the core labour Conventions.

The President of the Republic, in his first statements, indicated a clear commitment to offer protection and dignity to human beings according to principles of social justice and well-being for Hondurans, considering as a fundamental principle of his Government to be “Christian humanism”, a philosophy which is applicable in all areas in accordance with article 59 of the Constitution, which states that “the human person is the ultimate purpose of society and of the State”.

The Government’s objective is to strengthen constructive, inclusive and committed dialogue, under a government of national unity and reconciliation, based on the fundamental pillars of respect and the promotion of labour rights, democratic consolidation and internal stability, among other things, in order to achieve social and sustainable economic development.

The ratification of ILO international Conventions is given much importance in my country, because this makes it possible to strengthen the link between acting and regulating and to harmonize with international standards, to ensure that there is compatibility and that we act in unison. Along these lines, we are currently taking steps to ratify three Conventions: the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); the

Social Security (Minimum Standards) Convention, 1952 (No. 102); and the Employment Service Convention, 1948 (No. 88).

We are currently working along the following lines to achieve the strategic objectives that have been laid out in the Director-General’s Report. First, under the Global Action Plan of the International Programme on the Elimination of Child Labour, the National Statistics Institute included in a multipurpose survey of households a section on child labour and, in addition, we have adopted a legal framework on international standards, which includes drafting a list of occupations that are dangerous for children.

Honduras has set up a national committee whose implementing body is the Technical Council for the Gradual and Progressive Elimination of Child Labour, which is made up of representatives of four sectors (the Government, private companies, workers and organized civil society) and is governed by the Ministry of Labour.

We are implementing the Second National Action Plan for the Elimination of Child Labour. We also want to create greater opportunities for men and women in order for them to have decent pay and decent work. Honduras has incorporated employment issues into its national plans; in some cases, it has made a commitment to create national employment agencies, because one of our pillars for development is a general policy for widespread employment.

A further objective is to achieve more efficiency and social protection for all. To this end, Honduras has developed a national social security strategy and an implementation plan. We want to extend coverage and protection through a system of notifying and registering illnesses and accidents in the workplace. We want to extend coverage to self-employed workers and domestic workers through a special register for those workers. Likewise, the ILO has contributed to the preparation of draft legislation and policies on the issue of HIV/AIDS and the world of work.

A further objective is to strengthen tripartism and social dialogue. Honduras has a number of cases in which employers’ organizations participate in political discussions at the national, regional and international levels, and this participation means that we have a better political environment for business. Employers’ organizations have created labour and social committees to guide policies and inform their members. In addition, employers’ and workers’ organizations work together and participate in discus-

sions on social, labour and workers' policies. The Economic and Social Council has been re-established as a body for tripartite dialogue with the aim of achieving consensus and the democratic participation of all the major players, including employers' organizations, workers, the rural sector and the Government. They are all involved in the policy debates and processes on wages, employment, education, social security and vocational training.

The national plan that we are implementing is a mechanism that is closely linked to Honduran interests, especially with regard to the right to development.

In conclusion, I would like to say that Honduras would like to offer its thanks for the support we have received in our national reconciliation process, and we hope that we will be able to continue to count on your support in order to achieve in full the right to development.

Mr PANDEY (*Employer, Nepal*)

The International Labour Conference is bound to come up with ideas for appropriate policies and strategies that will help us explore and resolve the underlying problems we are facing in the changing global scenario.

We are in the aftermath of a financial crisis which seems to have been addressed at one level. While huge efforts and resources have been mobilized to tackle the crisis, there are other issues and concerns that have had a serious impact on our economies worldwide. This concern has been raised clearly in the Report of the Director-General. The slow progress of recovery from the crisis has been worrying for all of us. It is important both to expedite the process and to create a situation that will help developing and underdeveloped economies to improve. It has become imperative for the ILO to develop strategies to enable such economies to be equal beneficiaries of the changing situation.

The global economy is going through rapid changes and the sustainability of developing and underdeveloped economies in such circumstances is crucial. The inconsistent relationship between demand and supply invariably harbours challenges that have a direct impact on employment. Meanwhile, the labour market, especially in developing and underdeveloped countries, does not have the easy flexibility and adaptability needed to face the challenge of sustainability within a context of changing economic patterns.

Transition in Nepal has been a difficult journey, with less development and heightened political instability. In the present situation, we are faced on the one hand with the challenge of creating more livelihood opportunities and, on the other, the question of sustaining existing employment with improved working conditions, which is a matter of great concern for us. Nevertheless, efforts have been made to address socio-economic issues in spite of the adverse business environment. Amid the tumult, Nepalese industries have faced problems on many levels. On the one hand, the serious shortage of energy has been a major obstacle to the overall development of the industrial sector while, on the other hand, the continuing political instability and other related problems have also hampered the smooth operation of the companies.

The employers of Nepal are also concerned about the issue of developing more enterprises and creating more jobs and wealth with a view to reducing

poverty and promoting economic growth. Efforts to tackle the labour issues taken up by the ILO all need to be guided by that objective. The economic and social impact of labour standards needs special attention, especially in an underdeveloped country like Nepal. Some of the new issues being taken up by the ILO, such as extending social security to the informal economy, need pragmatic solutions.

I do not wish to go back over the details of the progress we have made, as our Government representatives have already shed light on that. At present, our primary concern is to sustain existing employment and to create an environment conducive to establishing industrial peace and generating employment for the sustainable socio-economic development of the country. Yet a significant share of the youth population is unemployed. The Nepal employers' organization has been working with the Government to create opportunities for the country's youth through self-employment programmes.

Establishing industrial harmony is currently a major concern and we have been making efforts to that end, with an emphasis on promoting social dialogue at all levels. Bearing in mind the overall scenario on the labour market, we have also been working for legislative reforms with the support of the ILO.

It is very important that the Conference come up with the regulations needed to address the issues discussed, debated and expressed by the delegates. Many of our concerns differ according to our country-specific situations, but there are some common issues that we all face. We must all build a consensus and make a joint effort to address those issues. I request the ILO to come up with more specific programmes for countries like Nepal to address the issues and concerns faced by businesses.

Mr SAID (*Government, Malta*)

Work is a central theme of, and a necessity in, people's lives. The struggle for survival remains an everyday reality affecting people across the globe. Unfortunately, in too many countries where there is widespread unemployment and poverty, there is a risk that any work will do, and abysmal working conditions are the result.

Despite some signs of a fragile economic recovery, the global economic crisis has now been compounded by huge fiscal deficits and public debt. If uncontrolled, this development could postpone or even stifle an eventual recovery. In this depressing scenario, the consequent global jobs crisis shows little sign of abatement. Even large developed economies that have achieved a considerable degree of social protection and development are experiencing substantial tremors. This has necessitated the introduction of tough fiscal austerity measures, with the consequent political fallout and social upheaval. A very close look is being taken at the sustainability of many government services. At the same time, if richer societies are facing considerable difficulties and unrest, what is happening to those societies that were already poor before the crisis developed?

We must be careful not to overreact in implementing necessary fiscal measures which we may have hesitated to take over the years. It is better to have a slow and prolonged recovery than to kill the patient by misguidedly administering too strong a dose of medicine. The right balance has to be sought. We must not simply aim at increasing jobs, but at increasing quality jobs. The downturn in the economy should not have a negative impact on core services

related to education, health and social protection. Without these services, the ideals of social justice and sustainable economic development, essential prerequisites in any advanced developed society, cannot flourish.

Through the ILO's work, there is growing consensus that productive employment and decent work are key elements to reducing poverty. They are essential in the holistic development of individuals to maximize their capabilities and in the growth, integration and strengthening of a just, fair, sustainable and democratic society.

As we hopefully begin to emerge from this crisis, it is even more important to integrate decent work as a goal in national policy agendas aimed at increasing employment and improving economies. In such efforts we must not forget or ignore the vulnerable, the weak or the marginalized in our societies. The ILO's work in making decent work a global goal, through a development strategy that acknowledges the central role of work in people's lives, is a laudable one. It merits everyone's support and commitment.

Governments are hard pressed to find cash and quick fixes to various problems. However, while acknowledging that fiscal consolidation measures are required, they must be pursued in parallel and with the same determination as the pursuit of increased quality employment. These are not antagonistic objectives. We have a grave responsibility in this regard.

The Maltese Government has continued to support productive and sustainable enterprises that are facing difficulties. These measures, which include improving enterprise access to credit, shorter working hours and employee retraining, are bearing fruit. Survival concerns of some of these enterprises are gradually receding, as evidenced by increased investment and new recruitment. Indeed, the rate of increase in unemployment in Malta is the second lowest in the European Union. The Government acknowledges the input of the social partners and is grateful for their support. We are not out of the woods yet, by far, but, through our collective efforts and sensible, far-sighted policies, we believe we are beginning to see the light at the end of the tunnel.

In this scenario, the Maltese Government has been careful in implementing fiscal austerity measures. In the Government's budget for 2010, expenditure was kept as far as possible to 2009 levels or even lower, public sector recruitment was considerably reduced, and efforts against fraud in income and expenditure, or related to social benefit abuse and tax evasion, were intensified.

However, the Government has continued to give priority to education, health and social policy, increasing expenditure by 6–8 per cent over 2009 levels. Importantly, and to our satisfaction, these budget measures were undertaken after long and productive discussions with the social partners to find consensus on the best way forward in these trying times.

It is incumbent on governments to have the wisdom to avoid short-term solutions to long-term problems. Coupled with patience, persistence and hard work will allow us to be better prepared to make the most of the opportunities that will present themselves in the recovery phase of this crisis, in the best interests of our workers, their families and society in general.

Original Lao: Mr OUNLASY (Worker, Lao People's Democratic Republic)

We support the remarks made by the Minister of Labour and Social Welfare, Lao People's Democratic Republic, and the Director-General's Report, *Accelerating action against child labour*. The report is particularly important because this year it deals with decent work and sustainable development, as well as the fundamental rights to promote development and progress within our societies.

Regarding migrant workers and trafficking of people, we are not just focusing on prevention but are also concentrating on the rehabilitation of victims. Through monitoring the situation and learning progressive lessons, we understand that the main issue to be combated is poverty. Therefore, we have to develop a poverty reduction strategy as a priority in order to combat the trafficking and smuggling of people, eliminate undocumented or illegal migration and also abolish child labour. In 2009, the LFTU researched minimum labour wages and suggested these to the Government in a proposal. The Government has since increased minimum wages by 20 per cent.

In conclusion, we firmly support the decision regarding the policy framework and strategies of the ILO, especially the four pillars of decent work. The ILO is the only international organization that brings together the tripartite social partners to fairly engage in meaningful dialogue and cooperation on securing decent work for people throughout the world.

The LFTU will continue to engage in cooperation at the national, regional and international level to promote fundamental principles and rights at work. We will also engage in close cooperation with the social partners, as well as the Government and employers' organizations, in order to solve these priority issues.

I believe that the ILO will continue to support the LFTU through the drafting of policies and strategies related to employment.

Original Spanish: Mr ESPINOSA GUZMÁN (Minister of Industrial Relations, Ecuador)

Work is a right and a social duty. It is the source of personal realization and the basis for the development of nations. The Ecuadorian State guarantees its workers full respect of their dignity and promotes decent living standards and decent wages which are fair, and jobs which are safe, which are freely chosen, as established in our Constitution which was adopted with overwhelming support in 2008.

And, indeed, it is through the Constitution that Ecuador has put a stop to precarious employment – for example outsourcing and working for hourly wages – and through parliamentary decrees approved by the people of Ecuador that we have eliminated the excesses that led to an unequal use of Ecuador's public resources in certain public sector collective agreements.

Human labour is not just another factor of production; it is the very objective of production and the reason why our labour policy seeks to change the existing relationship between capital and work, putting human beings at the centre of every policy so that the company profits do not depend on poor wages.

Among the programmes that we are conducting to meet the objectives we have set ourselves, I would

like to mention the inclusion in the labour market of persons with disabilities. The laws in Ecuador require that all public and private companies increasingly employ workers with disabilities, with a mandatory target of at least 4 per cent of the staff throughout the workforce by the end of this year.

A decent domestic work programme is currently under way, aimed at a latent problem of exploited workers that had existed for years. Ecuador senses an urgency in all this and is trying to act swiftly and efficiently to bring the basic wage of workers in the domestic sector into line with that of Ecuadorian workers in general. We have launched a campaign on the rights and duties of both workers and employers that is directed at over 50,000 people all over the country. This is being followed up with inspections at peoples' homes or, when complaints have been received at special information centres, at the place of work itself, in order to verify that employers are respecting their commitments to their workers in terms of social security, economic benefits, hours of work, legal wage, etc. This is how we are dealing with some of the most pressing problems.

When it comes to the eradication of child labour, in December this year Ecuador set itself the goal of completely putting an end to children working on garbage dumps, one of the worst forms of child labour. At the same time we are doing away with labour in the agricultural, trade and informal sectors once and for all.

We are setting up social employment agencies to help the unemployed and the underemployed who, so that they can recover their dignity, are receiving training, advice and certificates from the State so that they can find decent employment. We also have a recruitment programme aimed at workers in the informal construction sector and are developing a public employment service for other workers in production sectors.

The country's entire labour system is being overhauled by the Ministry of Labour Relations, in response to the constant need to improve our services and to meet the needs of our users; the system is thus being computerized so as to provide automatic services and cut down on bureaucracy. Regular assessments are now made of the public service and the number of labour inspectors in the country is being increased.

All of these initiatives are designed to improve the capacity and employability of target groups.

To make development with social justice a reality, Ecuador is focusing on full compliance with the ILO's Declaration on Fundamental Principles and Rights at Work, in accordance with our state policies. We are encouraging a productive tripartite dialogue so that the policies being applied can effectively transform our society.

Original Bulgarian: Mr MLADENOV (Minister of Labour and Social Policy, Bulgaria)

There is no doubt that, in the years to come, we will face challenges related to the consequences of the crisis, both in macroeconomic terms and on the labour market. I endorse the main message of the Report that the only proper way forward is to achieve a balance between sustainable recovery in economic growth, on the one hand, and job creation, on the other. Such a balance will ensure the long-term implementation of the ILO's strategic goals: productive employment; decent work; and

social progress. We must also strengthen coordination between macroeconomic policy, employment policy and social policy, as well as encouraging investment and income-led growth.

Bulgaria's Government has prioritized and already restored effective social dialogue at all levels, as a key factor in economic recovery and the establishment of a structurally reformed and socially inclusive labour market. Our two packages of anti-crisis measures, adopted in October 2009 and April 2010, respectively, were drafted with the active participation of the social partners. The first package primarily focuses on priorities such as preserving employment, vocational training and social support for vulnerable groups. The second package of measures puts the emphasis on long-term support for employment, households and businesses and the fiscal situation.

The social partners were authorized to draft a bipartite agreement to regulate distance work, work at home and work provided by temporary employment agencies. The agreements reached will now be incorporated into national legislation. Our restored social dialogue has also found further expression in the agreement signed between the General Labour Inspectorate Executive Agency and nationally representative trade unions on collaboration in the process of ensuring health and safety at work and observance of labour legislation.

Bulgaria supports the implementation of measures to create more and better jobs through an integrated approach that focuses on vocational training for both employed and unemployed people, and encouraging businesses to preserve employment and create new jobs, including green jobs. The innovative approach followed in financing training and qualifications by providing training vouchers directly to individuals has become a good practice in encouraging lifelong learning. Furthermore, we have noted the positive effects on the labour market of introducing a compensation mechanism for individuals who transfer to part-time employment, and of a number of programmes under the human resources development programme, that are intended to promote inclusion in employment and vocational training and encourage labour mobility. In the context of the consequences of the crisis, we are focusing even more on vulnerable population groups, so as to enable them to actively join the labour market. As a result of measures taken, March 2010 saw a drop in the unemployment rate in the country, a trend that has continued throughout April, May and June.

In conclusion, I would like to express my support for the activities undertaken by the ILO to strengthen its capacity in response to new challenges. I would also like to mention my satisfaction at the fact that, since the beginning of 2010, Bulgaria has actively cooperated with the ILO on implementing the Global Jobs Pact and reforming the pension system, which has provided us with opportunities to benefit from its accumulated expertise. I am convinced that, with its resources and unique tripartite structure, the ILO will continue to play a key role in achieving balance and dialogue at all levels with a view to mitigating the negative consequences of the crisis and restoring social justice.

Mr KAITEIE (Worker, Kiribati)

As key players and key social partners of the ILO for about ten years now, time and again we need to

think globally in order to be able actually to evaluate our strengths and weaknesses, measure whether or not we have performed well from one year to another, find out where exactly we should bridge the gap, if any, and determine how we can further improve the situation in the aftermath of the lessons that we have learned from this crisis.

Kiribati has done quite well so far – despite some minor ups and downs in our internal matters and some issues that need patching up – in the struggle towards adapting and reforming the prerequisites and conditionality of global governance. Because, first and foremost, it is the increasing pace of globalization at the centre of our hearts that really dictates every workers' social and economic dimension. At the end of the day, we need to look at what benefits we could draw from the effective and efficient movements of trade, goods and services in the international scene.

Back in 2007, with the ILO, and through the positive commitment and strong political goodwill of our Government, together with the support of workers' and employers' organizations, Kiribati heavily engaged in advancing coordinated efforts to develop a longer term strategy to promote the development of sustainable decent work nationwide. We are glad that constituents have also done well on this. We need to reflect on this by thanking and congratulating the ILO for its continuing technical cooperation, assistance and expertise, without which this extremely important development would not have been achieved.

Despite the unavoidability of international trade, and given the market-driven pressures and its instantaneous impact on vulnerable least-developed countries like Kiribati, the future prosperity and destiny of our own people and generation must be secured at all costs. How this could be effectively tackled comes back again to the recognition and legitimate interaction of the social partners. Perhaps the Government has recognized the need to involve employers in efforts to address more effectively these kinds of economic crisis issues, but it has not recognized the need to involve workers. We strongly believe that significant improvements in this regard could contribute to successful and meaningful social dialogue, and this is really what our purpose is, in other words to represent the economic and social interests of our constituent members of the community.

I would now like to touch on the current underpinning issue concerning the human face of the global economic crisis. In addition to the magnificent aspirations and undertakings of the meeting of ILO Pacific Island member States in Vanuatu with regard to the economic crisis, much has been said and we are extremely delighted about the enriching and resourceful expertise that was shared at the panel discussion on the issue of the Global Jobs Pact and macroeconomic policy last Monday.

It is worth mentioning some of the current major concerns regarding the overall development dimension of Kiribati, which it would be useful for the social partners to explore further. We share the problem of a high unemployment rate, low inflation and a deficit in the Government's recurrent budget from the reserve. We need more productive investment and are concerned about debt ratios. We also need more employment-friendly strategies based on sound fiscal challenges and stimulus packages.

The nature and characteristics of our internal economic, social and environmental issues lead to varying degrees of vulnerability and circumstances vary from one country to another. I challenge the Kiribati social partners of today jointly to explore and examine what tangible development opportunities they can provide and how we could benefit tremendously from the stimulus package or another similar arrangement for economic recovery. We must look at these reform proposals from the perspective of our vast domestic experience, see what the potential challenges are and which aspirations have not been previously explored. All these things will have to be considered in the context of our economic capacity when they are properly revisited and readdressed.

Original Arabic: Mr ABO ELRAGHEB (Employer, Jordan)

The global economic crisis is still affecting the economies of the world, and this poses a serious threat to workers and employers in our region; despite all of the efforts which we social partners have made, the results so far have remained poor.

In the Hashemite Kingdom of Jordan and under the direct guidance of His Majesty King Abdullah II, we have pursued a policy of genuine partnership between the private and public sectors, which has been institutionalized. We have established the Economic and Social Council, which comprises all of the social partners, with the task of examining draft legislation and regulations and advising the Government before their adoption.

We have also decided to set up a Tripartite Committee which is made up of the social partners and oversees all matters relating to labour and workers, including laws, regulations and decisions.

We also raised the minimum wage by some 37 per cent last year. We are making every effort to combat the worst forms of child labour in Jordan, as this is the responsibility of society as a whole, and not just governments. We have set up the first specialized centre providing services to child workers and their families, and hope that the ILO will support this centre.

The vocational training system in our country has achieved an exceptional standard; through public-private partnership, we have established direct supervision of vocational training centres and developed curricula that meet the needs of the labour market in order to create a well-trained, skilled workforce, thus reducing unemployment.

Certain sections of the Labour Code have been amended to bring them into conformity with all the international labour standards, and we have endeavoured to ensure that the legislation protects workers' and employers' rights and to maintain legislation regulating the labour market. We have also adopted a national strategy to combat human trafficking.

The well-balanced standards adopted by the ILO for the social partners, and which we insist should be applied, are flouted in the occupied Arab regions by the Israeli occupation authorities. The Israeli crimes being perpetrated in the occupied West Bank and the Golan, the violations of workers' and employers' rights, the destruction of houses, the cutting down of trees, and the construction of the racist Israeli wall, constitute an even greater violation of these standards, and reflect the indifference of the Zionist entity to what is done in this Organization and all the organizations of the world.

The heinous crime perpetrated by the Israeli pirate forces against the freedom convoy headed for a besieged Gaza, deprived of food and medicine, is repugnant to any human being who values life. I personally heard accounts of persons present on that ship describing how Israeli soldiers killed those who were helping the injured and stole money and passports to use in terrorist operations around the world.

We therefore call on you from this august rostrum to take urgent and immediate measures to urge the international community to lift the siege imposed on our people in Gaza in particular and in all the occupied Arab territories in general.

Mr BENYDIN (*Worker, Mauritius*)

At the International Labour Conference in 2009, we raised the burning issues of the job losses and numerous retrenchments that have occurred as a result of the global economic and financial crisis. This year, the trade union movement is extremely concerned about the problems which face us in the current economic climate, in view of the drop in the value of the euro and with the spectre of a second crisis looming ahead, especially at a time when the trade unions are involved in the battle against poverty and precarious forms of employment. This situation is further exacerbated by other factors which may compromise the Decent Work Agenda, particularly those relating to longer working hours, minimum wages, the relaxation of labour laws on the safety nets protecting workers and the flexibility and inadequacy of protective measures in the field of occupational health and safety.

In the wake of these growing problems, social protection systems and active labour market policies should be consolidated, in order to maintain living standards, to move workers out of poverty and to ensure that fundamental rights at work are respected. We appreciate the fact that, as part of its 2010 work programme, the ILO has established a Committee for the Recurrent Discussion on Employment, a Committee on Decent Work for Domestic Workers and a Committee on HIV/AIDS. We are confident that their deliberations and conclusions will be instrumental to consolidating the strategic objectives of the Declaration on Social Justice for a Fair Globalization.

We also support the provisions of the Global Jobs Pact, which aims to achieve the objective of full, productive and freely-chosen employment. The trade union movement believes that economic growth itself is meaningless if the fruits of economic progress are not shared with workers, and that economic growth has an impact on creating a great number of jobs and contributing to the alleviation of poverty. In view of this, trade agreements must include the eight core labour standards.

In Mauritius, although we have embarked on the Decent Work Country Programme, workers and trade unions still have to struggle against precarious forms of employment, including outsourcing, contractual labour and problems relating to the informal economy. The trade union movement continues to struggle against the two labour laws enacted in February 2009. The Minister of Labour has promised to review the contested articles in these laws, in order to protect workers from unfair labour practices, discrimination and unfair dismissal.

Mauritius still has no policy on a minimum social wage or a national employment policy. We would

like to recall that, in 2009, the Global Jobs Pact called on governments to introduce a minimum wage policy. However, little progress has been made so far. The trade union movement in Mauritius believes that the minimum wage cannot be less than 12,000 Mauritian rupees (around US\$400), in order to allow workers to meet the basic needs of their families. It is therefore time to introduce a minimum wage policy, particularly at a time when the financial crisis is having a negative impact on developing and least developed countries.

The persistent struggle of the trade union movement against the National Pay Council (NPC), a mechanism set up in 2006 to determine the percentage of salary to be paid annually to workers as compensation, appears to have been successful. The Government has recently decided to do away with the National Pay Council, and particularly its terms of reference which have, until now, prevented workers from recouping losses in relation to the cost of living.

It is a matter of deep concern that eight trade union leaders have been sued in court, under the provisions of the Public Gathering Act, following protest action to prevent the closure of a public enterprise.

In spite of the fact that the Committee on Freedom of Association has requested the Government to amend the relevant sections of the law, in order to allow peaceful demonstrations, nothing has yet been done.

As trade unionists, we cannot remain indifferent to the plight and tribulations of migrant workers in Mauritius, particularly in relation to their working conditions and sleeping quarters. The Minister of Labour recently undertook a surprise inspection of the dormitories of an enterprise, and witnessed the unsafe and unhealthy conditions in the sleeping quarters of these workers. The Minister has taken the employer concerned to task, and we look forward to an improvement in the working and living conditions of the workers.

We also look forward to the creation of a National Tripartite Forum, which aims to promote collective bargaining.

Original Russian: Mr OLIINYK (*Employer, Ukraine*)

The International Labour Conference is taking place during a very difficult time owing to the consequences of the global economic and financial crisis. The balanced, tripartite approach of the ILO is more important than ever, since the rapid recovery of our national economies can only be achieved by preserving social peace and updating decent work standards through upholding the principles of social dialogue. Ukrainian employers fully support the ideas and conclusions expressed in the Report of the Director-General, *Recovery and growth with decent work*, and once again emphasize the importance of the principles of decent work to guarantee stable development.

The recovery growth of global and national economies cannot be achieved without the application of international labour standards and the principles set out in important recent ILO documents, such as the 2008 Declaration on Social Justice for a Fair Globalization, and the Global Jobs Pact of 2009.

We are grateful to the ILO for the practical assistance it has provided to the tripartite partners in Ukraine in seeking a way out of the crisis. Ukrain-

ian employers are demonstrating their active support on these issues. This support was shown once again during the recent national tripartite conference entitled, "Recovering from the crisis: Implementing the Global Jobs Pact in Ukraine", organized by the ILO, where the employers of Ukraine once again showed their commitment to the broadest possible introduction of the Global Jobs Pact in workplaces in Ukraine.

In conditions of crisis, employers' and workers' organizations have a big role to play and an important responsibility to bear. Strong and independent employers' and workers' organizations, as well as the active recognition of their right to collective bargaining, are an important instrument for effective economic and social policy. We recognize that one of the most important tasks for employers' organizations is to promote the concept and implementation of social dialogue as a cornerstone for legal culture in society. Global experience shows that the practical implementation of social democracy requires predictable social and economic development in society and the establishment of high social standards and guarantees.

I would like to talk in more detail about the following issues, which were discussed during the current session of the Conference, that is, HIV/AIDS and abolishing child labour. First of all, the Federation of Employers of Ukraine thinks that the adoption of an ILO Resolution on HIV/AIDS and the world of work is a topical and relevant initiative. Unfortunately, Ukraine has not been able to avoid the negative effects of the spread of this epidemic. In fact, 77 per cent of Ukraine's HIV positive population is of working age. Thus, HIV/AIDS has truly become a problem linked with the world of work.

In order to minimize these negative consequences, the Federation of Employers of Ukraine, along with the ILO national office in Ukraine and the German Society for Technical Cooperation has initiated a large project for the prevention of HIV/AIDS in the workplace. In the context of this project, an official state policy on the issue is being drafted, seminars and training sessions are being held for Ukrainian employers, and for certain activities pilot projects are being conducted with the drafting of programmes of action and activities for preventing the spread of HIV/AIDS. Ukrainian employers believe that the fight against HIV/AIDS in the workplace can only be successful and effective with coordinated joint efforts by the social partners. The Government and trade union sides should therefore make efforts to engage in active dialogue for forming active responses to the threat of the spread of the epidemic.

The Federation of Employers of Ukraine supports the ILO in its campaign to abolish child labour. Acting in compliance with the Worst Forms of Child Labour Convention, 1999 (No. 182), Ukrainian employers are actively participating in all activities carried out in the context of specialized programmes for the elimination of child labour in the following four strategic areas: working with legislative authorities in Ukraine; conducting pilot programmes in high risk regions; establishing a database of knowledge and experience at the national and regional levels; and evaluating progress in respect of the elimination of the worst forms of child labour.

Unfortunately, there has been a slowing down in the efforts to eliminate the worst forms of child la-

bour, owing to the economic recession. In this regard, we call on all interested parties to consolidate their efforts in this regard, in order to achieve the crucial goal of eliminating child labour by 2016. I am certain, that by implementing the instruments and mechanisms of the ILO, we will be able to achieve high economic and social standards in all sectors of society.

Original Arabic: Mr RESHID (Deputy Minister of Labour and Social Affairs, Iraq)

It is important that the Conference should express strong global consensus in respect of good intentions for overcoming the most serious economic and social problems of our time, which will affect the world of work and the lives of workers, since the global economic and financial crisis continues to be felt all over the world, particularly among the underprivileged and marginalized.

The current session is addressing a number of important and sensitive issues that affect the international community. The report on domestic workers addresses the problems faced by that category of workers, who are not covered by legislation and who are victims of ill-treatment and physical, psychological and sexual abuse. The main victims of such abuse are women and children.

Women are not protected, and single mothers are often mistreated. Girls are unaware of the reality of the situation in which they live, or of their futures. They are considered merchandise, which can be exploited for sex, since prostitution is often the best way of escaping the hell of domestic work and master-slave relations. The existence of these degrading practices is a sign of the failure of public policies that have been unable to find solutions to the problem and, in particular, employment policies that provide decent jobs and protect human dignity.

The issue of domestic workers continues to be a challenge for our century, since their exclusion from domestic legislation and social protection leaves them open to ill-treatment, violence, sexual exploitation, forced labour and trafficking. It is therefore necessary, for objective and humane reasons, to address the specific conditions of this category of workers in the context of an international instrument, such as a Recommendation, which would serve as a model for all activities seeking to find solutions to this global phenomenon. This is a human and moral obligation towards marginalized and underprivileged people.

The Iraqi draft Labour Code, which is currently in the process of adoption, aims to protect domestic workers and ensure fair treatment, but giving them equal rights to other workers. It also aims to guarantee workers and employers the right to establish their own unions, draft their union statutes and programmes and choose their representatives on a democratic basis. Over the coming days, democratic elections will be organized among the social partners.

Terrorism and insecurity are a serious threat to workers and have increased unemployment and poverty, bringing them above acceptable levels. Iraq has, however, been able to move beyond this stage with determination, and succeeded in establishing the rule of law, before moving to the stage of reconstruction and the reduction of unemployment and poverty. The national strategy for overcoming poverty is an important step towards increasing the standard of living in Iraq, in the context of the five-

year development plan for the period 2010–14. This plan aims to increase GDP by 10 per cent per year, by creating new investments estimated at between US\$200 billion and US\$250 billion, to increase productivity by 1 per cent per year in the various economic sectors and to increase oil production. This five-year plan also aims to reduce unemployment rates by 4 per cent per year, to increase women's employment, promote public sector employment and increase productivity by improving training and encouraging credit schemes under favourable conditions in order to create revenue-generating enterprises.

Our activities are inspired by the Global Jobs Pact, adopted by the 98th Session of the International Labour Conference, and the Arab Employment Forum. We urge the Conference to support Iraq at all levels, since it is a country fighting against global terrorism.

I would like to offer my thanks to the Director-General for his report on the issue of the Israeli occupation of the occupied Palestinian territories and the dreadful consequences of the Israeli occupation on the economic and social situations in Palestine and the occupied Arab territories in Golan, the West Bank and the south of Lebanon. The racist policy which prevents job creation and exploits workers and leads to their arrest reflects the barbarism of the occupation and its negative effects on stability. I therefore call on this Conference to take firm decisions for the benefit of workers in the occupied Arab territories and for the establishment of unions in accordance with the ILO Declaration on Fundamental Principles and Rights at Work.

**RECORD VOTE ON THE RESOLUTION CONCERNING THE
ARREARS OF CONTRIBUTIONS OF UKRAINE**

Original French: The PRESIDENT

We will now proceed to a vote on the resolution concerning the arrears of contributions of Ukraine. Under article 13, paragraph 4, of the Constitution of the ILO, the Conference can, by a majority vote of two-thirds of delegates, authorize a country which is late in paying its dues to participate in votes if the act of late paying of dues is attributable to conditions beyond the control of the country.

The question before you is this: Are you in favour of adopting the resolution concerning the arrears of contributions of Ukraine?

(A record vote is taken.)

The results of the record vote on this resolution are as follows: 378 votes in favour; 13 votes against; and 8 abstentions. As the quorum was 300 and the required two-thirds majority of votes has been reached, including abstentions, the resolution concerning the arrears of contributions of Ukraine is adopted.

(The resolution is adopted.)

(The detailed results of the vote will be found at the end of the record for this sitting.)

**REPORTS OF THE CHAIRPERSON OF THE GOVERNING
BODY AND OF THE DIRECTOR-GENERAL:
DISCUSSION (CONT.)**

Mr PURI (*Government, Pakistan*)

As we entered the twenty-first century, we were struck by a financial crisis, perhaps as strong in its

magnitude as the Great Depression of the 1930s. The global response to the problem was stimulus packages. Just as we were starting to believe that prospects of growth were in sight, we came up against yet another problem. This time, a new challenge in the shape of a debt crisis exposed the fragile nature of our economies. Not only did it expose weaknesses in international financial and monetary systems, it reaffirmed the belief that no economic recovery was sustainable without jobs recovery.

The impact of the global economic crisis on Pakistan was no different than that felt in other countries. Our growth rate was the major casualty. Many other problems, like energy and water shortages as well as low rates of investment in the context of a challenging security environment, have left a deep mark on our economic progress. By one estimate, we have borne a loss of around US\$38 billion since 2001–02 due to these factors.

The response of the newly elected democratic Government to the challenge was a macroeconomic stabilization programme. As a result of new policies, inflation has decreased and fiscal deficit has come down. But we are convinced that in order to achieve sustainable growth, stable employment opportunities on the back of higher growth rates are essential.

Keeping in mind this factor, the Government has announced a new labour policy effective from 1 May 2010. This policy envisions workers' liberties and rights in the workplace, achieving decent work for all, protecting and promoting social welfare, and providing an atmosphere conducive to social dialogue. The present Government's agenda on workers in the country coincides with the four strategic objectives of the ILO in its pursuit of the Decent Work Agenda. The creation of an environment which enables and supports full and productive employment remains a cornerstone of economic and social policies of our Government. Together with social partners, the Government has chosen to search for better employment opportunities through innovative capacity building and training programmes.

We believe that the well-being and productivity of our 55 million strong workforce relies only on meeting its social welfare needs. That is why the Government has placed a lot of emphasis on providing the crucially needed social protection for workers and their families. At a time when the world economy is experiencing the worst jobs crisis, the Government led by the Pakistan People's Party increased the minimum wage by almost 75 per cent during the last two years, while reinstating thousands of sacked workers. It has also introduced the Benazir Employees' Stock Option Scheme for the well-being of workers. This scheme reflects the dream of our great leader, Mohtarma Benazir Bhutto, who always put the workers' welfare at the centre of economic and social policies. Through this scheme, the Government transfers 12 per cent of its shares in all state enterprises to the eligible workers of state organizations. This revolutionary initiative aims to empower the workers financially and at the same time strengthen their ties to the enterprises. Poverty alleviation and women's emancipation lie at the heart of these economic and social policies.

Another scheme – the Benazir Income Support Programme – has been launched to help 3.4 million vulnerable families. Together with the World Bank, the Government will issue a Benazir Card which

will provide access to a social programme, including health insurance and vocational training for the recipients. The Benazir Behan Basti Programme was also recently launched. Under the programme, women who hold Benazir Cards will be eligible to receive a piece of land to construct houses.

Pakistan has legislated a new law against sexual harassment of women at the workplace. The Government has also given special benefits to people in the old-age bracket. These measures offer old-age benefits and health services, which are self-registration services and on a voluntary basis, with universal coverage for all workers in formal and informal sectors of our economy. In order to provide scholarships for talented children of workers and health care and old-age pensions for workers and their families, the Government has placed emphasis on the progressive process of registration. This registration will be linked to the smart cards being issued by the National Database and Registration Authority. All the information relating to workers with respect to name, employment, history, education and skills will be placed on a smart card. This card will also serve the purpose of registration for social security, employers' old-age benefit and workers' welfare fund. It will also serve as a database of the labour force for further training to enhance their employability and productivity within the country and overseas. All registered workers on the universal scheme will benefit from workers' welfare fund schemes, including housing and education schemes, and marriage and death grants. Retired registered workers and their dependants will be provided with medical care from social security institutions. If a particular medical facility is not available at a provincial social security hospital, the worker or his family members, as the case may be, will be transferred to any public-private hospital at the social security institution's expense.

In order to reap the benefits of these incentives and measures, the Government is working on doing away with its free independence and dictatorial laws, and consolidating and rationalizing them into the five core laws based on international labour standards.

Pakistan's commitment to the ILO's Decent Work Agenda and Global Jobs Pact is unstinting. We appreciate the technical assistance extended to Pakistan by the ILO. I would urge the ILO and the member States in their collaborative regional settings to provide technical and financial support to the Government of Pakistan for the effective realization of its policies. Pursuing the empowerment of both men and women in Pakistan through skills development is the way forward, thereby leading to more productive and decent work in line with the ILO's vision.

Ms KHAN-CUMMINGS (*Government, Trinidad and Tobago*)

I wish to take this opportunity to provide a brief outline of the policy approach – the Framework for Sustainable Development – of the newly-elected Government. It places people at the centre of the development process and is built on seven pillars. These include people-centred development – we need everyone and all can contribute; poverty eradication and social justice – preference for the poor and disadvantaged; a more diversified, knowledge-intensive economy – building on the native and creative genius of our people; and good governance – people participation. These pillars will guide the

promotion of decent work for all in the context of tripartism and partnerships for development.

Minister McLeod, a former trade unionist himself, is committed to working towards achieving the highest labour standards possible for all workers in Trinidad and Tobago, promoting industrial peace and to the development and implementation of policies and programmes which place “workers at the centre”.

Since we last met in June 2009, Trinidad and Tobago has taken action on a number of fronts in support of the promotion of decent work. We intend to build on these achievements and to focus on issues related to productivity, development of micro- and small enterprises, labour legislation and a decent work policy and programme of action.

In addition, we propose to review the minimum wage, promote gender mainstreaming and develop a policy on migrant labour. Labour legislation reform aims to promote the protection of certain workers, including domestic workers. Work on the implementation of the National Workplace Policy on HIV/AIDS will intensify, with the establishment of an HIV/AIDS advocacy and sustainability centre responsible for the implementation of a three-year plan, developed with the assistance of the United States Department of Labor, to commence in July. Therefore, the discussions at this year's Conference are really timely for us, both on HIV/AIDS and domestic employees.

Trinidad and Tobago will continue to engage with our partners at the regional, hemispheric and international levels, in the interest of raising working standards for all workers. We will continue to collaborate and to share experiences and best practices with our CARICOM partners and to fulfil leadership responsibilities as a member of the Sixteenth Inter-American Conference of Ministers of Labour. As Chair of the Commonwealth Heads of Government and former Chair of the Fifth Summit of the Americas, Trinidad and Tobago urges all States to implement the mandates agreed by those summits. In this regard, we endorse and support partnerships for sustainable development and welcome the proposals of the Director-General for the support of the Office for the development of a database of employment indicators, real-time policy analysis and dialogues, and technical support.

In conclusion, I wish to commend the ILO for the key role that it has played, and continues to play, in partnering with member States to protect the rights of workers. I wish, in particular, to express my sincere appreciation for the ongoing assistance and support received from the ILO headquarters and the ILO Subregional Office in Port of Spain. We look forward to continued collaboration and efforts to reduce decent work deficits and to promote standards of living and prosperity for all.

Mr MUREKEZI (*Government, Rwanda*)

Rwanda fully supports all ILO initiatives relating to the promotion of decent work in general, and for domestic workers in particular. We appreciate also the adoption of the HIV/AIDS Recommendation.

The effective abolition of child labour, decent work for domestic workers and universal access to HIV/AIDS prevention, treatment, care and support in the world of work are strategic global objectives for the world.

Let me take this opportunity to share with you the major strategies put in place by the Government of

Rwanda in order to address these three socio-economic issues.

First, HIV/AIDS prevalence in Rwanda is 3 per cent, and we are implementing action plans to ensure prevention, treatment, care and support to persons living with HIV/AIDS in Rwanda.

Second, the Government of Rwanda is committed to abolishing child labour and significant progress has been made in this regard. The adoption, ratification and enforcement of legal instruments to fight child labour have helped Rwanda reduce the number of children engaged in economic activity by more than 50 per cent since 2001.

Rwanda has ratified the international Conventions on the elimination of child labour, namely the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). To effectively tackle child labour in Rwanda, a ministerial order has been adopted to determine the list of the worst forms of child labour and the nature and categories of institutions that are not allowed to employ children.

Third, the new Rwandan Labour Law, adopted in May 2009, aims at strengthening social dialogue and providing a climate conducive to doing business in Rwanda. Its application extends to domestic workers, especially on issues related to social security and safety and health in the workplace.

This new Labour Law provides for a National Labour Council composed of 20 members, with five governmental representatives, five workers' representatives, five employers' representatives and five civil society representatives. It was established to enhance social dialogue and it also serves as a platform to discuss labour and employment issues.

A national social security policy was approved by the Government of Rwanda in March 2009. It seeks to extend the social security pension and occupational hazards scheme for non-structured economic workers and to introduce new products.

The Government of Rwanda, under the visionary leadership of His Excellency, President Paul Kagame, has committed to playing a leading role in youth employment promotion in Africa, within the framework of the Youth Employment Network. The Government of Rwanda has undertaken programmes to promote youth entrepreneurship through training in business development services, savings and credit for youth.

In conclusion, I would like to reaffirm our conviction that employment creation for poverty reduction is the cornerstone of socio-economic transformation. In the same way, the Decent Work Country Programme, aimed at youth employment creation, social protection and social dialogue, is the most effective way to tackle poverty reduction, eradicate child labour and strengthen universal access to HIV/AIDS prevention and treatment.

Mr RØNNEST (*Employer, Denmark*)

I am speaking on behalf of the Nordic countries, Denmark, Finland, Iceland, Norway and Sweden. The world and the world of work are facing challenges that might not be more dramatic than those we have seen in previous times, but that are certainly different. They constitute a challenge, the like of which we have not seen for many years.

The Director-General's Report is rich on analysis of the economic consequences of the crisis and of the measures taken to deal with the crisis. It also deals extensively with the problems in financial

markets. However, it could have focused more on the core responsibilities of the ILO.

In my view, the Report fails to give a clear and concise indication of what the ILO can offer, in terms of advice and assistance to solve the problems we are facing, both in the short term and the long term. The ILO has a unique position and very specific responsibilities that no other organization has. I believe this gives the ILO many opportunities to influence and to shape developments but, at the same time, heavy responsibility if we fail to fulfil this role.

The ten points on the employment-oriented agenda for recovery and growth are appealing aspirations with which most of us agree. Point 2 is on increasing the employment intensity of growth – fine – but how do we achieve this noble goal?

We do it by creating the proper business environment for enterprises that make it possible for companies to invest, to produce, to grow and to create jobs. I see too little of this in the present Report.

It is necessary to recognize the role the private sector has to play if we are to have a job-rich growth or, for that matter, sustainable growth at all. Jobs are not coming automatically. Policies will have to support this by modernizing labour market regulations and social security systems and by increasing employability.

It is important to solve these short-term problems.

Even the right short-term measures do not automatically lead to sustainable long-term growth and eradication of unemployment and poverty.

The demographic challenge was originally on the ILO's agenda. It is with great surprise and regret that I see that it has almost totally disappeared. If we ignore this challenge, growth will come to a stop, or drop to very low levels in parts of the world.

When we talk about an ageing workforce in parts of the world, the financial impact on government finances and pension systems comes immediately to mind. But there are other, perhaps more serious, consequences.

Ageing populations put heavy stress on labour markets.

Growth depends on enterprises being able to recruit workers with the right qualifications.

In Europe, for instance, in the coming 40 years, the working-age population will decline by more than 10 per cent, or a total of 40 million persons, while the number outside the working age will increase by 35 per cent, or 60 million persons.

Working-age populations outside Europe are continuing to grow, with few exceptions.

Migration is one way to eliminate or reduce regional differences and variations, and will happen – whether decided by Governments or not – to accommodate the ambitions of individuals and the needs of employers, both public and private.

Governments and international organizations must cooperate to handle this challenge.

We all know this is a politically sensitive area and that social partners have a very important role to play. Social partners can make a difference by increasing the effect of reform and alleviating the concerns of affected workers and enterprises.

When it comes to demography, the ILO must exploit its unique position and contribute to a resolution of this important political, economic and also moral problem. I hope to see the demographic challenge back on the ILO agenda soon.

This session of the Conference takes place at a time when encouraging signs of world economic recovery are becoming clearer after the recent global financial crisis and economic downturn, as mentioned in the Report, *Recovery and growth with decent work*, submitted to the Conference by the ILO Director-General.

In his Report, the Director-General has also highlighted the risk of a new phase of the financial crisis around sovereign debt, which could potentially affect the world economy and the stability of the international financial and monetary system. The Report stresses that, for many working men and women and for many enterprises in the real economy, recovery has not yet started. We all know there can be no sustainable recovery without a recovery in jobs. A recovery rich in employment, however, and based on strong, sustainable and balanced growth, will lead to social stability through the provision of decent work for all.

We fully agree with the Director-General that the 2008 Declaration on Social Justice for a Fair Globalization continues to serve as a reliable compass for the actions of the ILO and its member States. We share the views of the Director-General that stabilizing financial markets, an employment-oriented agenda for recovery and growth, and balance and dialogue based on social justice should be our top concerns at the moment.

We have seen a lively debate and heard contributions concerning important initiatives in the areas of accelerating action on child labour, domestic workers, HIV/AIDS and many other issues of mutual concern to this Conference. We appreciate your contributions and will ensure that we carry out follow-up activities in our own country.

As a national trade union with more than 80 years of history, the Vietnam General Confederation of Labour (VGCL) at present has a total membership of 6.7 million, united in more than 100,000 workplace trade unions. Its top priorities are organizing and membership development, especially in the non-state sector, with a view to recruiting 1.5 million new members and conducting collective bargaining in at least 70 per cent of unionized enterprises in 2013. In addition, the VGCL is now working on the draft revised Trade Union Act, to be submitted to the National Assembly of Viet Nam for approval in 2011, and working with other constituents to prepare a draft revised Labour Code, aimed at upholding the rights of workers and trade unions in the context of a transitional economy and international economic integration.

In the pursuit of these objectives, the VGCL receives active cooperation and technical assistance from the ILO and friendly international trade union organizations. I would like to take this opportunity to express our sincere thanks to the ILO for its effective cooperation and technical assistance and to hope that we will continue to receive further support from the ILO and international trade union organizations throughout the world in the years to come.

Mr AHMED KHURSHID (Worker, Pakistan)

We fully support the outcome of important deliberations of the Conference adopting the Recommendation on HIV and AIDS and the world of work and proposing an international labour standard for the protection of domestic workers, important rec-

ommendations on employment, and the discussions of the Committee on the Application of Standards, as well as the measures proposed in connection with the follow-up Global Report on the elimination of child labour.

The Director-General's Report this year, *Recovery and growth with decent work*, has rightly highlighted the need for rebuilding the regulatory regime of the global financial market. According to the Report, the deregulated financial system has resulted in today's huge rise in corporate profits from 25 per cent in the early 1990s to 42 per cent in the years before the crisis, while real wages in the non-financial sectors stagnated for 15 years. According to Nobel Laureate Mr Joseph Stiglitz, the financial crisis in the United States has been exported along with its toxic mortgages. The total drag-down effect in the United States is US\$2.7 trillion, while globally the amount is US\$4 trillion. It is necessary to check the greed of the profits being enjoyed by casino capitalism and speculative investment in order to save the people from the consequences of the "bubble" bursting in the future.

We believe that the serious impact of international financial crisis is affecting developing and developed countries and requires both international and national action programmes to tackle worsening unemployment, rising poverty and inequalities within and between the nations. This will involve adopting an international financial regulatory system. Developed nations need to adopt policies of free trade giving access to manufactured goods and commodities from the developing countries in their markets, as well as providing debt relief, investment in the programme of climate change and diverting expenditures from the arms build-up for the social and economic development of the masses, to ensure the success of the ILO's global project while also protecting the environment. The Bhopal tragedy and the recent BP Gulf of Mexico oil spill have highlighted the importance of this issue. National programmes for action are needed to achieve national economic self-reliance for industrial and agricultural development providing decent work for young workers, allocating adequate resources for human resources development, ensuring free education for all, and special measures to help women and eliminate the abuse of child and foreign labour and feudalism.

The Global Report on child labour has highlighted the fact that there are still 215 million child labourers, while a UN report states there are 1 billion people living in slums and 1.25 billion live on less than US\$1.25 per day, 1 billion lack clean water, 1.6 billion have no electricity, 3 billion have no education and some 963 million people live in a malnourished state, while most children in the developing countries have no access to meaningful quality education because of the poverty of their parents and are born unequal by birth. This Organization has rightly claimed that poverty anywhere constitutes a danger to prosperity and therefore requires consistent struggle both at international and national levels.

We fully support the fundamental right of self-determination and independence of the Palestinian people and withdrawal from occupied Arab land and an end to the illegal blockade of Gaza by Israel.

We in Pakistan are a front-line State in the war against terrorism and have been bearing the brunt of that terrorism affecting our social and economic fabric, while our army has been sacrificing the

peaceful life to curb terrorism. Our country has been looking after 6 million refugees. Therefore we rightly expect the world to recognize the role of sacrifice of a nation, and the international community to demonstrate its solidarity with us in our efforts to alleviate poverty, ignorance and unemployment, which are one of the major causes of terrorism.

With that in mind, we have been promoting social dialogue at the tripartite and bipartite levels. The Prime Minister of Pakistan announced a new labour policy on 1 May 2010, which includes an increase in the minimum wage for industrial workers and a special scheme providing vocational education and training for youth and better social protection. The Government has also conducted a study of those engaged in the public service. We are demanding effective measures on unemployment and alleviation of poverty, and amendments in the industrial relations laws and the relevant banking companies ordinance, to bring them into conformity with the relevant ILO Conventions and keep industrial relations subject to the Constitution. We expect the Government to abide by its international obligations.

Mr WALDORFF (*Representative, Public Services International*)

Speaking on behalf of the 20 million working women and men represented by Public Services International, allow me to commend all the participants here for having achieved a strong Recommendation on HIV and AIDS and the world of work with mechanisms that will save lives. We furthermore welcome the important progress made towards adopting a Convention on decent work for domestic workers.

We have a message that employers and governments must listen to: decent work and development for all is what we aim to achieve through this Conference and beyond. Investment in quality public services is the key to building sustainable and just societies. Stable jobs and quality public services will help us survive any economic crisis. The same business-as-usual policies will not deliver sustainable growth. Workers must have a say in economic solutions. Budget deficits and debts must not be used as an excuse to cut into public services. Privatizing desperately needed public services is not the way to go, not least because it will further benefit financial profiteers at the expense of working people. Employers and governments need to stop promoting one-way “flexibility” in the workforce as the answer to their financial woes. Working people cannot bend over backwards any further for the sake of more precarious jobs. Women and young people are most at risk of losing the chance of decent work at this stage. We must not continue this race to the bottom.

I call on the ILO to promote the Global Jobs Pact more strongly, and on governments and employers to put it effectively into practice.

A focus on social protection is also central to sustainable recovery. Public spending investment will spur sustainable growth, and taking these important steps can help avoid the longer term social crisis that will happen if there is growth recovery without jobs. The economic crisis has resulted in a massive transfer of public money into the private financial sector. There would be no economic crisis in many countries today if governments were not using taxpayers’ money to bail out the players who have caused their own financial crisis. Workers and our

trade unions reject public spending cuts that reduce the wages, pensions and social programmes that strengthen our families and communities. It is wrong and unjust to make working people pay any further for the misdeeds of greedy bankers. It is time for the financiers to pay. We, therefore, urge governments to adopt a financial transactions tax without further delay. Governments must ensure that the IMF stops promoting brutal adjustment policies and loan conditions that require public service cuts and that weaken the protection of workers. Governments must avoid premature fiscal exit strategies that jeopardize recovery and limit vital public services.

Make no mistake about it: what we are seeing is a social war waged on working people in the shadow of the global economic crisis. Public services are being savagely cut throughout the world, and we have seen how quickly countries here in Europe have been destabilized as a result.

We want social peace. We must invest in a new global deal for publicly-owned public services to rebuild our economies and societies. This will deliver justice, equity, sustainable jobs and sustainable growth.

I do believe that times of challenge are also times of opportunity. This is a time for new visions, and Public Services International is working with the Council of Global Unions to promote just such visionary ideas. I am proud to announce that our Global Union federations, representing both public- and private-sector workers, are jointly sponsoring an international conference on the theme “A global agenda for quality public services” to be held here in Geneva, Switzerland, in October 2010. During the conference, we will be developing a quality public services charter and action plan to address the current threats to public services and to our jobs. I invite you all – government leaders, employers and trade unionists – to attend and share your ideas for solutions and new ways of working together to build a more sustainable world. This is a time for action, a time for solidarity. Together we can achieve a better future.

Mr DIMITROV (*Worker, Bulgaria*)

With regard to the Declaration on Fundamental Principles and Rights at Work, stepping up the fight against child labour and the campaign for decent work is vital during the current crisis.

I admire the initiative of the Government of the Netherlands, a month ago in The Hague, to strengthen the global movement for universal ratification by 2016 of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Such a commitment, if taken by Governments, will constitute a huge step forward in fighting child labour.

Large grey areas of labour are left out in many countries, deprived of any bargaining power and, hence, most exploited. The ILO must play a historic role in providing protection for those workers. Domestic workers in private homes, usually women, find that their working hours are endless, that their days of rest are not respected and the treatment they experience cannot be considered as decent employment. Therefore we should continue our efforts and secure the adoption of a Convention and a Recommendation for domestic workers employed in private homes.

I would like to reiterate our deep concerns that the Bulgarian Government, irrespective of the commitment taken two years ago, has again failed to provide proper legal provisions securing, in practice, the right to strike of civil servants and railway workers, which the Committee of Experts on the Application of Conventions and Recommendations has called for for the past three years.

I congratulate the Director-General on the Report, *Recovery and growth with decent work*, which provides us with what one would call an initial review of what member States and constituents have achieved in implementing the economic and social recovery measures that were outlined in the Global Jobs Pact last year. As shown in many studies during the past two years, global imbalances, including the unfair distribution of wealth and added value, are the major factors that have caused the crisis. Speculation on the financial markets has provided much better opportunities for short-term profit rather than providing loans to companies willing to innovate, conquer new markets and preserve or create decent jobs. Now we have to re-regulate and downsize the financial sector and return it to its legitimate function of serving the real economy.

In Bulgaria, over the last six months, the trade unions and employers' organizations agreed on a balanced 60 measures anti-crisis programme which the Government subsequently approved with few changes. The programme identifies macroeconomic scenarios, goals and indicators and specific budget support activities that provide fiscal space for the economic and social measures that are designed to ensure economic recovery by supporting employment, incomes and households.

As one of the ten countries receiving ILO support for the implementation of the Global Jobs Pact, we plan to develop a national jobs pact and to upgrade existing measures by linking them up in an integrated, coherent approach. ILO support will allow us to study in depth the interdependence between macroeconomic policy on the one hand, namely taxation and investment policies, and industrial labour market and social protection policies on the other. I believe this will help us find new prospects for sustainable growth and more decent jobs.

In conclusion, I would like to support strongly the statement of UNI Global Union, the ITUC and TUAC to the G8-G20 Toronto Summit later this month.

I would like to place special emphasis on three proposals for action.

First, we have to build a new paradigm for global governance based on full employment. For this we need a standing G20 Working Group on Employment based on the participation of the social partners, the labour ministries and the ILO.

Second, we need to halt speculative attacks on currencies and introduce fair taxation by developing a progressive tax reform and financial transactions tax.

Third, we must ensure coherence between economic, trade, social and environmental policies at the national, regional and global level. This means assessing the coherence of the crisis and post-crisis analysis and policy recommendations made by the ILO, IMF, World Bank, WTO, OECD and relevant UN bodies, based on ILO standards and the Global Jobs Pact. Full involvement of the social partners has to be secured during the process.

Finally, today marks the start of a very important EU Council of Prime Ministers. I urge the governments of EU Member States to remember the disastrous consequences of the synchronized budget cuts made simultaneously by United States President Hoover and the European countries in 1931 and not to do the same today.

Mr KONKOLEWSKY (*Representative, International Social Security Association*)

As many of you know, the record of mutually beneficial cooperation between the ILO and the International Social Security Association (ISSA) stretches back more than 80 years to the ISSA's founding, under the auspices of the ILO, back in 1927.

Over the years, the ISSA and the ILO have collaborated to further our shared values and to promote the extension of social security. I am proud to say that, in the face of an unprecedented financial and economic crisis, we have once again worked together in parallel to maintain and improve the social security protection provided to populations worldwide.

In this context, I wish to congratulate the ILO on its achievement in building a coalition at the international level around the Global Jobs Pact, inspired by the values of social justice inherent in any productive recovery. As a key element, the promotion of the social protection floor has already led governments to extend protection, thereby adding a crucial missing basic element to national social security systems.

Important policy lessons have emerged from the crisis, above all that social solidarity, social dialogue and dynamic social security systems are indispensable for individual well-being, social cohesion and economic performance.

As many economies move out of recession or return closer to previous growth rates, a number of important challenges remain. First, the labour market crisis looks destined to persist for several more years. Second, the need to address soaring public debt has reduced fiscal room for manoeuvre, and current improvements are threatened by the looming possibility of further economic difficulties linked to fiscal challenges.

No doubt, exit strategies from stimulus packages need to be put in place. Fiscal problems need to be addressed. However, as much as the values of social cohesion and social justice that are embodied in national social security systems have softened the severity and negative impact of the crisis, they must now be upheld and used to guide measures to support fiscal consolidation. Pro-cyclical policies that neglect the importance of social protection would negate the lessons that we have just learned from this crisis.

I therefore wish to applaud the Director-General's Report to the 99th Session of the International Labour Conference, which attempts to highlight ways to solve what is often perceived as a dilemma. Fiscal consolidation objectives and goals for growth, job protection and social protection require a convergent policy approach that recognizes and promotes the importance of adequate social security systems.

To support productive growth, social security schemes worldwide must continually evolve to maximize their possible impact on human capital and employment through effective and high-quality

service delivery and by promoting accessibility and productive and preventative approaches. The ISSA is committed to strengthening its efforts to assist its member social security institutions worldwide in this process.

In order to discuss the way ahead and exchange recent innovations, the ISSA will this year organize an important milestone in the development of social security systems worldwide, namely the World Social Security Forum 2010, which will take place from 28 November to 4 December in Cape Town, South Africa.

This event, hosted by the Ministry of Social Development of South Africa, will bring together more than 1,000 social security leaders, administrators, policy-makers and representatives of international organizations. In addition to tackling important questions related to demographic changes and social security delivery, I am very pleased to announce that the ILO and the ISSA have once again joined forces to organize an exciting day on strategies and good practices towards extending social security coverage.

I wish to invite you all to take part in this most important event on social security worldwide. Join us in Cape Town to debate how, based on the value of social justice, social security can continually improve and extend its protection for all individuals in societies around the world and thereby support a productive and long-lasting economic recovery.

Mr MARZANO (*Representative, International Association of Economic and Social Councils and Similar Institutions*)

The Global Jobs Pact was designed as a response to the global employment crisis. It proposed a broad range of measures and it called on the international community and on individual countries to put employment and social protection at the heart of the response to the crisis.

One of the resolutions adopted by the participants in the Global Employment Summit called on the ILO to assess the actions taken and those required for the future, working with other relevant organizations.

Accordingly, one of the main items on the agenda of the GES is the role of Economic and Social Councils in the new global economy, with a sub-topic of economy, globalization and the labour market. This choice of items demonstrates the GES's full commitment to the objectives and measures advocated by the plan.

The Economic and Social Councils and Similar Institutions have not only committed themselves to fighting unemployment, they also fully support the ILO's key principles of promoting decent work, respect for international labour standards, promoting the entrepreneurial spirit, extending social protection mechanisms and promoting social dialogue.

The coordination of international and national institutions and civil society organizations could form the basis for a common platform of policies and measures designed to mitigate the harm caused by the crisis to labour markets and facilitate their future recovery at the international level, when collective response to the global employment crisis could be to demand and support the implementation of a general economic and social strategy that is consistent among the various institutions.

At the regional level, labour mobility needs to be recast to reduce restrictions on the movement of workers.

At the level of States and governments, public employment support policies can be promoted in a number of ways. Very important are fiscal stimulus plans and active labour market management policies. Promoting decent work, unemployment and sickness insurance, and reducing discrimination of all kinds, are all constants in attempts to strengthen social cohesion.

Lastly, at the local community level, the fight against unemployment can be reinforced by the active participation of measured support systems. The flexibility and capacity of local systems to take the initiative and adapt in the fields of job-sharing, assistance for self-employment, green jobs, improving living environments and the social economy, create a variety of opportunities that could serve to meet a range of social needs. The Economic and Social Councils are on the front line in developing the lines along which these objectives can be met.

We need to explore a new approach to job creation, providing cover for weaker social groups and the means to expand social cover. We need to ensure that national development strategies take their inspiration from the need to strike a balance between growth and combating poverty. We need to mobilize organized civil society networks at the national and international levels. The need for effective governance that promotes public participation is a key element in the success of programmes to boost employment. Access to education, professional training, knowledge, information, decent work and health is the only possible outcome because it improves understanding of the mechanism of active democracy and targets the needs of every individual in a country.

However, the response to the current crisis and its consequences should not draw attention away from the longer term trends, namely: the challenges facing society, including development and climate change; and the fair division of the results of globalization between North and South.

Original Arabic: Mr AZOUZ (Worker, Syrian Arab Republic)

We encourage the initiative of the ILO and of the Director-General in preparing the Report on the situation of the workers in Palestine, the Golan and southern Lebanon, describing their suffering under the occupation of our country. This Report coincides with the ignoble crime perpetrated on 31 May 2010 by the Israeli occupation forces, killing and wounding people who were showing solidarity with the Palestinian people, and peace activists from many countries, on board the freedom flotilla transporting relief to the Palestinian people in Gaza, held under siege by the Israeli entity for over three years. This is only one of hundreds of crimes Israel has committed against the Palestinian people and the Arab people in the occupied Golan and southern Lebanon, in violation of all of the principles of humanitarian law and international labour Conventions. Israel's disregard for international law, its acts of blatant state terrorism, its constant threats to peace in the region and its hostility to peace efforts in the context of international charters and resolutions – all this has constituted a major impediment to development in the region.

For years my country has been subjected to pressure and unfair hostile practices by the American administration, which has imposed a blockade and sanctions covering all aspects of the economy, affecting the lives of our citizens and causing many

enterprises to stop operations. The prohibition on the purchase of spare parts for maintenance by Syrian Arab Airlines nearly caused it to close down its operations. The oil embargo has led to a decrease in oil production from 600,000 to less than 400,000 barrels a day, bringing industries to a halt. Despite the fact that the Syrian Government is still paying the wages of all of the employees of those enterprises, this has had a direct effect on workers. All of this is under the pretext of the “Syria Accountability Act” and the fight against terrorism. No one knows who in fact is practising terrorism in this world, or how we are to interpret the American ruling circles. We had hoped that the Obama administration would bring about a change in due course, but unfortunately the sanctions imposed on my country during the Bush administration were renewed on the pretext of support to terrorism. But who is practising terrorism here? Was it Syria, whose land has been occupied, and which shelters more than 1 million displaced persons and refugees from Palestine and the Golan, or is it Israel, which is the occupying power, and which is committing the worst crimes against our citizens, from arrests, imprisonment and torture, to marginalization of its industries and agriculture, theft of its water resources and turning its citizens into cheap labour working for the cruel Israeli entity and the Golan into a market to sell its products?

Despite the policies of pressure, embargo and sanctions and the effects of the global economic crisis which continues to affect many countries of the world, leaving hundreds of millions unemployed and poor and restricting workers’ rights and freedom of association, the working class in Syria is still achieving gains thanks to the guidance and support of President Bashar al-Assad, who has recently issued the Health Insurance Act providing benefits to around 750,000 workers. New labour legislation has been enacted, regulating the relationship between workers and employers in the private sector, taking economic and social developments into account, as well as international labour Conventions and standards.

Original Spanish: Ms MÁSPERO (Worker, Bolivarian Republic of Venezuela)

We have come to this 99th Session of the International Labour Conference against the background of a profound crisis in capitalism, which has been mentioned by everyone who has spoken already. It has been characterized by falling wages, the loss of decent jobs, the prevalence of discrimination at work because of so-called contagious diseases such as HIV/AIDS and a historic confrontation between capital and labour, which has generated debate within the context of ILO standards that enables us today to begin to develop a clear vision of social justice, for example, when it comes to domestic workers, people with disabilities and even the tragic and painful reality of migrant workers. We could add to this the issue of refugees, who, as a result of societies characterized by violence, poverty and the slave-like exploitation of hundreds and thousands of men and women of all ages and all ethnic backgrounds, are forced to wander the world looking for sustenance and jobs. On the other side of the coin, at the dawn of the twenty-first century, are governments who negate the most basic economic, social and trade union rights, without ensuring due participation by the working classes, and employers who

have no awareness at all of social justice. They persist in exploiting humankind and making obscenely lucrative investments, which does not tie in with the objective of social justice. This is still happening in my country.

In the face of this reality, a spectre lurks in Europe and other parts of the world, where the neo-liberal policies of the IMF and the World Bank have forced measures to be taken that represent a backward slide for workers and even economies themselves. Unemployment rates are on the rise and ground gained on social security is being lost. The working middle class are losing their homes, leading to increased levels of poverty. It is total chaos. Capitalist governments have tried to carry on subsidizing speculating banks financially, rescuing finance but abandoning human values. At times like this, according to the liberator, Simon Bolivar, the people rise up and fight back. The workers and people, united, stand up to be counted. This is the other spectre, that today sweeps across Latin America and the Caribbean, where innovative steps are now being taken that, without swindling the working class and the people, can help to refloat enterprises, rescuing them through planning and investment by progressive governments that cooperate with the working class, formulating and implementing policies and actions for productivity and employment so that these fundamental rights are guaranteed. We call upon the ILO to look to the South, to Latin America, Asia and Africa, to *Pachamama*, Mother Earth, where, silently but with constancy and dignity, we are building a climate of equity, justice and peace. We have new forms of organization, investment and production, in what we in the Bolivarian Republic of Venezuela call participatory and ownership democracy. This goes beyond the old agencies of tripartism to bring in a concept that I would call pluripartism. In the world today, we are fighting for multipolarity.

In the face of such a complicated global situation, we must all think long and hard about the *raison d’être* and make-up of the ILO, its constituents, its committees and its technical assistance departments. Times have changed, not only because young people are now clamouring to participate, but also because we have new actors on the stage, both workers and employers, and even government thinking is diversifying. There is no single mindset. It is time for us to move forward, even if slowly, towards an ILO which has clearly defined goals and objectives.

Finally, the workers of the Bolivarian Republic of Venezuela would like to humbly offer you our resources in the search for new horizons, based on a free society with participatory democracy. Our indicators for minimum wages, job creation, protection of pensioners, comprehensive social security for all and poverty reduction make other people demonize the Government of Hugo Chávez, but they make us, the workers of Venezuela, rejoice, because we have not been penalized but respected and valued by this forum.

Onward to victory – we will overcome!

FINAL RECORD VOTE ON THE RECOMMENDATION ON HIV AND AIDS AND THE WORLD OF WORK

Original French: The PRESIDENT

We will now proceed to a final record vote on the Recommendation on HIV and AIDS and the world

of work which is contained in *Provisional Record* No. 13.

The question before you is this: Are you in favour of adopting the Recommendation on HIV and AIDS and the world of work?

The result of the vote on the resolution concerning the Recommendation on HIV and AIDS and the world of work is as follows: 439 votes in favour; four votes against; with 11 abstentions. As the quorum was 299, and the required two-thirds majority, including abstentions, has been reached, the Recommendation on HIV and AIDS and the world of work is adopted.

(The Recommendation is adopted.)

(The detailed results of the vote will be found at the end of the record for this sitting.)

**REPORTS OF THE CHAIRPERSON OF THE GOVERNING
BODY AND OF THE DIRECTOR-GENERAL:
DISCUSSION (CONT.)**

Mr CASTILLO (*Worker, Uruguay*)

It is with great concern that we observe the lingering effects, or even new signs, of the global crisis in Europe today. Governments and international organizations have decided to take the most obvious approach to the crisis, by introducing salary cuts, pension cuts and restricting the rights and conditions of workers. Once again, the same belt-tightening measures have been taken in an effort to try to save the capitalist system. This system has been in a state of severe crisis, without any clear way out, for some time.

As we said in 2009, the causes of this crisis are being systematically ignored. No one has attempted to carry out a critical analysis of the prevailing economic model. International experience has shown us that these reductions in wages, labour flexibility and fundamental rights have failed to tackle the crisis. On the contrary, as the Director-General has said, they have created setbacks in the fight against poverty and achieved an increase in precarious work, which is an extremely serious problem, and labour market segmentation. They have certainly not achieved the objective of decent work. Nonetheless, the International Monetary Fund continues to recommend the same obsolete measures.

In Uruguay, our Confederation played a vital role in developing the policies which have been implemented. These policies have included long-term initiatives, focused on collective bargaining and tripartism, together with State support for specific social policies. These measures have allowed us to avoid the worst of the crisis. We are one of the countries in our region which has suffered the least as a result of the crisis, and the Director-General's Report did mention that we were one of the five countries which had successfully implemented the ILO's Recommendations. It is worth pointing out that we did not cut wages, tighten our fiscal belts, restrict rights or create less favourable working conditions.

We would like to point out that, although Uruguay has managed to cope fairly well during the current crisis thanks to these measures, it was nevertheless the subject of a complaint filed by the Employers. The Committee on Freedom of Association recommended – a move that we view as unfounded, or at the very least ill-considered – that the

collective bargaining system should be modified. However, the relevant legislation does reflect the fundamental principles of the ILO, namely social dialogue, collective bargaining and tripartism.

The continuous complaints filed by the Chambers of Commerce in our country fly in the face of the provisions of the Global Jobs Pact adopted at the 98th Session of the International Labour Conference last year. What is more, they do not tally with the productive and economic outcomes that most of the related policies have achieved. It is, therefore, quite surprising that a body that has withdrawn from the sphere of social dialogue established by the Government, should subsequently turn to the ILO and request that its voice be heard.

This Director-General affirmed that the current model of globalization is coming to an end, in order to pave the way for a new globalization, based on economic growth and social development, that is sustainable, fair and environmentally-friendly. We need to ensure a fairer distribution of wealth, with support from the State in that particularly vulnerable area.

We therefore believe that we need discussion, debate and progress, whilst also ensuring full respect for human rights, civil rights, individual freedoms, the principles of equality and non-discrimination, as well as free and fair trade. In other words, we need a model which is based not just on combating poverty, but also on the fair distribution of wealth, and which will actually achieve the social justice that has been delayed for so long.

We therefore welcome the consensus achieved in our debates, which means that we will have a Convention and a Recommendation on domestic workers and a Convention which aims to prevent discrimination against the victims of HIV/AIDS, by next year at the very latest. These achievements have renewed our enthusiasm to continue to fight on behalf of the working class, and to ensure that their interests should take precedence over the selfish interests of detractors.

Ultimately, with regard to the development of our society, the only way forward follows the path of decent work with social justice. We need to realize that this world of speculation, financial and real estate bubbles is not part of the real world of work and will only lead to the ruin of humankind.

Mr RUKORO (*Employer, Namibia*)

The Declaration of Philadelphia states, and I quote "... the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort ...".

Considering that in my country we have an official 51 per cent unemployment rate, job creation, and thus the war against want, must be at the top of any agenda for any project in any field.

In fact, as you all know, it has been estimated that the world as a whole needs 300 million jobs in the next decade. The answer to this monumental denial of human rights globally is job creation. The question is, where and how will we find them?

In the last few years, the work of this august body has concentrated on just this, job creation, and, concurrent with it, the creation of sustainable enterprises. But are we any closer today to resolving the desperate need for jobs than we were even as little as five years ago? In fact, I suspect we are not, and what this house should be establishing is, quite sim-

ply, why have we not been able to create those jobs?

This job creation was and is one of the core issues of many ILO Conventions and resolutions. It was and is a key factor in the Decent Work Agenda (incidentally, we have just signed the formal agreement for this project to take off in Namibia) and the Global Jobs Pact. It is a cornerstone of the Employment Policy Convention, 1964 (No. 122), the Human Resources Development Convention, 1975 (No. 142), and the resolution on creation of sustainable enterprises.

All this and we, the world, and, in particular, Africa, are just not getting there. Why? What is wrong?

Firstly, I believe that far too often the conducive environment just does not exist. Secondly, there is too much lip service and too little or no action in raising job creation to a fundamental priority in national macroeconomic policy by our governments worldwide. This is essentially why no serious dent has been made in the worldwide unemployment situation.

I know that there is a lot of suspicion about the figures released annually by the World Bank and the IMF, but we cannot refute the bare fact that, the more or over-regulation of labour issues, the higher the rate of unemployment. I must make it abundantly clear at this point that my employers' federation and, I am sure, no other employers' organization worth its salt, will accept any abuse or infringement of workers' rights. No employer will want to get rid of any of its best employees. However, let the employer be able to remove the less productive, inefficient, unreliable or dishonest employees with relative ease and without rigmarole and costs. We, as employers, must be allowed to run our business effectively, not only from the point of view of money and material, but also of manpower.

When employers spend 25 per cent of their time worrying about red tape, which is too frequently ineffective, they are neglecting the financial and job-creating side of their businesses. Let them worry about the side of their businesses that creates wealth and jobs for the nation. That is, after all, why they went into business in the first place.

Firing is just one of the barriers to creating employment, as was reported in a study completed in Namibia some four years ago: "... a barrier to firing becomes a barrier to hiring".

We would encourage a term coined during the last three weeks of this Conference, "smart regulation, not more or over-regulation".

I would like to raise one additional point of vital importance to creating jobs, and that is where and how we create them. I refer to the African problem of rural unemployment and the urban drift. We need to create jobs where the people are, not create jobs and then expect people to move to the work. So many African cities are bursting at the seams and municipal infrastructure struggles to keep pace. In a similar manner, it is an almost standard practice to establish vocational educational training facilities in urban areas; what we need to do is to establish them in rural areas, thus taking tertiary education to the people. It is hoped that this will consequently encourage the development of additional businesses and creation of jobs right there. An additional spin-off of such developments will also be to encourage more children to take tertiary education and to re-

duce the incidence of child labour, possibly solving two problems at once.

Original Spanish: Mr TORALES (Worker, Paraguay)

In this assembly, which is a fundamental pillar of the ILO, we reaffirm, once again, the crucial role played by this Organization in defending the rights of workers. Without the Organization, our rights would not be duly recognized or valued and the main problems that are suffered by workers around the world would never have been addressed, and work would be considered as a purely economic factor, or as a commodity to be discarded and used according to the interests of the owners of the means of production.

Despite the efforts of the ILO and its different regulatory and supervisory bodies, major issues including those relating to freedom of association, social security coverage, unemployment and job insecurity, which in many cases are already covered by legislation in our countries, are not addressed in practice, and all that we have is fine rhetoric with very little effect.

I would like to draw your attention to the impact of globalization, which is used by powerful countries to dominate others, while ignoring the human factor of the production process and blaming the need to safeguard the rights of workers in many cases for the lack of investment, forgetting that any human activity must be focused on the individual and allow for overall development of that individual.

It is for this reason that we cannot accept the unfair treatment of those who are forced to migrate from their countries, and who are frequently treated as if they are criminals. Migration is generally a result of a lack of productive employment as a result of the protectionist policies imposed by the so-called developed countries who are seeking only to maintain their economic dominance.

In Paraguay, while there are still difficulties relating to the effective application of labour rights and Conventions, in the current circumstances with a new Government and an historic process of change, we have created a forum for tripartite social dialogue. The objective of this is to achieve the implementation of three major policy areas, namely decent work, social security, and economic and productive recovery. Through tripartite social dialogue, we hope to achieve the necessary conditions to increase investment that will make it possible to generate new jobs in accordance with the rights of workers, which will also make it possible to build a more democratic and just society.

We are committed to working in this direction. At times, we preside over the National Workers' Confederation and we are a member of the Board of the Social Welfare Institute, which is the largest provider of social security in my country. What we propose to do is to put forward structural changes to this speculative economic model and replace it with a new and alternative model of development.

As a worker, I want the world of work to be understood in its just dimension. I would like to see the harsh aspects of technology, which aims to replace manual labour with machines and is questioned because it is seen as a negative aspect, to have a delayed impact, because although we hear that it saves costs, we need to remember that it is human labour, the actual labour performed by a person, that is important and that people and human

life are paramount. We do not want a world that is dominated by machines rather than by people.

I would like to conclude by saying that I feel inspired having participated in this august assembly and I am hopeful that in the near future we will be able to participate again and that we will continue to consider avenues leading to solutions rather than just hearing denunciations about such crucial issues as human work in the world.

Mr RAQONA (*Worker, Fiji*)

Many significant and constructive contributions have been made over the last few days. Much has been discussed, debated and agreed over the course of this Conference, which has been demonstrated by the successful votes to restore voting rights to Ukraine, and to adopt the Recommendation on HIV and AIDS and the world of work. I thank delegates for having the conviction to adopt these significant measures.

I stand before you here today, not only as a Worker representative, but also as an employer and an ordinary worker who has faced, and continues to face, the onslaught of this ongoing global economic recession and its ensuing turbulence.

For small, vulnerable island economies like Fiji, workers continue to battle for shrinking job opportunities, maintaining earning capacity and indeed overcoming the many obstacles placed by respective jurisdictions.

In Fiji, workers continue to battle some of the most difficult economic conditions ever. This has placed significant strain, not only on national resources, but also on many families' ability to meet their daily needs. A cursory glance at Fiji's current economic indicators illustrates this challenge.

To understand the current state of Fiji's economy, one needs to retrospectively examine its development post-independence, both politically and economically. Unfortunately, time restrictions and limitations do not permit a narrative or a discussion of this subject. Suffice to say, however, that Fiji now has an opportunity to reshape its future, today.

For many years, the sugar industry was Fiji's economic backbone, providing national income, the productive engagement of farmers and workers, and feeding the economic development of many in Fiji's rural, agriculture-based economy. Through the continuous valuable support of the then European Economic Community, and now the European Union, many in Fiji's sugar industry were actively engaged in gainful economic productivity.

Today though, the same industry faces a serious and uncertain future. Farmers and workers alike face a bleak and depressing future, owing to the suspension of EU support needed to fund urgent industry reforms. This has serious implications for Fiji's national economy and the lives of ordinary workers and farmers.

The EU understandably has suspended its support for Fiji's sugar industry because of Fiji's recent political events. However, the current state of the industry and the potential economic fallout require immediate economic and financial stimulus. We sincerely urge the EU to find an economic and financial solution for the many people who rely entirely on the sugar industry.

I now turn to the domestic landscape in Fiji. It is worth noting that the current Government of Fiji had the moral strength and conviction to promulgate the Employment Relations Act. I thank them for

that, and I also urge them to reactivate the tripartite forum in order to help meet the challenges that we face today. Life is too short for adversity, hatred, anger and animosity. It is important to find the humanity in each of us and to be our brother's keeper.

Ms HASSEN (*Government, Eritrea*)

The Government of Eritrea continues to support the ILO in its determined pursuit of the goals of decent work and tripartite dialogue.

To that end, we are preparing to establish a tripartite social dialogue council.

The global financial crisis has had a different impact on developing countries than on developed countries. In a word, although they did not cause the crisis they have still borne the brunt. The global recession has magnified large-scale structural unemployment, underemployment and poverty for the developing world, while leaving it without any mechanisms or resources to overcome the dilemma. Clearly, then, the Global Jobs Pact is a timely initiative to lessen the lag between economic recovery and growth accompanied by decent work.

When we talk about fair globalization, sustainable enterprises, workers' rights and gender equality, there is also a need, especially in conflict areas like the Horn of Africa, for peace-building and conflict resolution. As one of the most volatile regions in the world, economic recovery is unachievable without regional peace, security and national development. This is a time for real solidarity and cooperation at the national and regional levels, yet the current situation in the Horn of Africa does not even allow neighbouring countries to collaborate. Genuine attempts at regional cooperation are seriously hindered by the prevailing situation of multiple conflicts which are intimately interlinked.

It is well known that high unemployment rates compounded by poor quality public services and inadequate social protection systems can produce social unrest and political instability which, in turn, force citizens to engage in conflicts. With limited fiscal room to respond to the global financial crisis, the problem of social insecurity further adds to the challenge of achieving sustainable economic development.

Because the international community has made no real effort to pressure Ethiopia into abiding by the Algiers Peace Agreement and the Eritrea-Ethiopia Boundary Commission's final and binding decision on the delimitation of the border, opportunities for free collaboration and cooperation between workers' unions have been seriously handicapped, if not rendered non-existent. Instead of seeking a sustainable solution, and without one shred of evidence to prove that Eritrea had been arming Somali insurgents, the United Nations Security Council preferred to further aggravate the problem by imposing sanctions on Eritrea on 23 December 2009. The main victims of the sanctions are the ordinary workers who have suffered both economically and psychologically. The reason why unsubstantiated allegations have been made against Eritrea has been to use the country as a scapegoat for the drastic mistakes made in the Horn of Africa. The unjust and unfair sanctions imposed on Eritrea have undermined the prospects for peace in the region.

In conclusion, since peace is the crucial precondition for economic development and, hence, the well-being of workers and society in general, we call upon all delegates to engage constructively in

efforts to resolve the conflict in the Horn of Africa so as to secure a sustainable peace. What we need now is compliance with international law. While this situation is being resolved, the normalization of relations may help open the borders for integration and collaboration in the interests of economic recovery.

Mr LITTLE (*Worker, New Zealand*)

In New Zealand, which is often ranked by the World Bank and other global organizations as having one of the least regulated labour markets in the world, these efforts are welcome and necessary. They are necessary because the demands from the corporate sector for more deregulation, for fewer protections for workers and for the removal of long-standing rights, are getting louder and more vigorous. And some of these demands are being acceded to by the Government. Furthermore, conservative decisions by the judiciary are taking New Zealand work rights backwards.

In 2008, we saw law changes that eroded some protections from unfair dismissal. Now, the Government is considering a proposal to erode the protections against unfair dismissal even further. It is also considering undermining collective bargaining by permitting non-union groups to undertake collective bargaining to create collective agreements, even where there are existing collective agreements for unionized workers. The last time New Zealand's employment legislation permitted this, which was during the 1990s, it led to some employers promoting and encouraging collective agreements with inferior wages and conditions to non-union workers who had no access to independent advice or advocacy. As a consequence, to this day, the most commonly cited problems with the New Zealand labour market remain its low wage levels and growing income inequality, especially when compared with nearby developed nations.

New Zealand's principal employment legislation, the Employment Relations Act, explicitly states that one of its objects is to address the inherent imbalance of power in the employment relationship, but this object is being eroded by a conservative and out-of-touch judiciary. Like many countries whose legal system is based on British common law, statutory employment rights in New Zealand are vital to overcome backward and unfair common law principles. These principles, for example, describe the employment relationship as a "master-servant" relationship, see strike action as inherently unlawful and demand many duties of the worker to the employer, but with few corresponding duties from the employer to the worker.

Currently, New Zealand law limits the ability of employers to replace striking or locked-out workers. The law has led to the swift settlement of many disputes that might otherwise have dragged on and been destructive to workers' interests. In the absence of such a law, the employer has a free hand during industrial action. But, recently, New Zealand's highest court gave a restrictive interpretation to the strike law and has given back the free hand of employers. The court said it had to balance the law, even though the law itself was introduced to balance an already existing imbalance between workers and employers.

Finally, there is an even more insidious development that is causing the total elimination of any employment rights for a growing number of work-

ers. Increasingly, the use of corporate legal structures and outsourcing is being used to turn workers who have the full range of internationally recognized rights and protections into independent contractors, with none of the ILO-based rights and protections we celebrate here each year. Corporate law, accompanied by a judiciary unwilling to go behind the "corporate veil", gives employers the unilateral and unrestricted right to do this, and to do so literally at the stroke of a pen.

As an example, last year, nearly 1,000 New Zealand telecommunication technicians, a significant proportion of those in the industry and many of whom had worked for 20 years or more in their trade, were told that the telephone company which engaged their contractors was changing to a new contractor which would employ these workers on the "independent contractor" basis only. These highly skilled workers were suddenly told they had to purchase their own equipment and bid each day for their work. When the new arrangements were implemented, these workers lost all their long-standing entitlements, and since then their incomes have fallen. For many today, their employment is no longer viable and they are leaving the industry.

In another case, dairy workers who were in dispute with their employer found that the managers they were dealing with day after day were technically not their employer because of the corporate structure of the business they worked for. Their employer – real or imagined – was able to use this corporate device to defeat the workers' rights.

What happened in these two cases is lawful in New Zealand but it is surely wrong. It shows that the corporate legal principles have failed to adapt to modern expectations of employment rights. This needs to be addressed if our international code of work rights, as understood by the ILO, is to continue to be meaningful.

Mr SAINKHUU (*Worker, Mongolia*)

During the 98th Session of the Conference, a year ago, we adopted the Global Jobs Pact. We are now in the third year of the global economic crisis and around the world unemployment and poverty are increasing and threaten to grow still further. Never have possibilities and dangers been so common, or so great. The only good thing about the crisis this time is that it proves neo-liberal economies are no good any more. There is still the shameful fact that 80 in every 100 fellow human beings have not so much as a single cent of social security. Just 20 people in every 100 consume 80 per cent and more of the world's vanishing resources.

Our initiative is important. Eating fish every day is less important than knowing how to catch fish. Similarly, social security is important in every country, and especially in Mongolia.

Banks and governments should do something to help their victims. Government should by rights be intervening in the financial economy as regulators, with the support of tripartism not international financial institutions. Instead, they are endangering jobs and offer no way out of the crisis.

When the so-called developing countries face a financial crisis, the international financial institutions rules are: raise interest rates, reduce economic growth, tighten your belt, pay off your debts, and so on. The huge cuts in budgets are endangering our health sector and our education sector.

And it is exactly the opposite in rich countries: lower interest rates, pour government money into the economy, nationalize – though they do not use this word – and so on. This is neither fair nor decent.

We, the world, have one economic crisis but two different approaches, one for the poor and one for the rich. We cannot just wait for the Global Jobs Pact to solve our problems. We must start work now.

We are happy to inform you that the trade union organizations and employers' organizations of Mongolia have decided to hold a national level con-

ference on the model of the ILO Conference. To successfully organize this event we need the ILO's strong support through its technical support programmes.

I have to say that we greatly appreciate the ILO's and its regional representative's assistance in launching our national programme on the Global Jobs Pact, and the social partners will do their best to implement it successfully.

We need clear communication, too, and not more but better regulations.

(The Conference adjourned at 1.25 p.m.)

Thirteenth sitting

Thursday, 17 June 2010, 2.30 p.m.

Presidents: Ms Powell and Mr de Robien

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (CONT.)

Original French: The PRESIDENT

We shall now resume our discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Original French: Mr CHAIBOU (*Minister of Public Services and Labour, Niger*)

I would like to congratulate the Director-General for the high quality of his Report, *Recovery and growth with decent work*.

I would also like to welcome the efforts he has made over the years to guide technical cooperation in terms of programmes, projects and other actions to support development in our different countries. With regard to Niger, most of the projects implemented with the support of the ILO have now been completed.

These include the IPEC national programme, the project to fight child labour in gold washing, the support programme to eliminate forced labour and discrimination, and the support project for professional training and apprenticeship.

My country's strongest wish today is for the right conditions so that these cooperation activities can start up again.

If we think back to the 98th Session of the International Labour Conference in 2009, a summit was held on the global employment crisis. This led to the adoption of the Global Jobs Pact.

This Global Jobs Pact takes an approach founded on investment that aims at relaunching economies for the speedier development of employment and better protection of the most vulnerable people.

The Director-General's excellent Report eloquently sets out the ILO's role in dealing with the social and economic crisis.

Africa made a significant contribution to the adoption of the Global Jobs Pact. Indeed, as part of the implementation of the Global Jobs Pact in Africa, a seminar on decent work, held in Ouagadougou in Burkina Faso in December 2009, adopted a road map based on enhancing human resources through the development of professional training; promoting open social dialogue; promoting social protection for vulnerable people; promoting small and medium-sized enterprises; and fighting diseases.

Niger is fully committed to implementing all aspects of this road map.

In this framework, the Ministry of Public Services and Labour is also involved in developing and implementing, in collaboration with social partners, programmes, policies and action plans related to labour, employment, professional training and social protection as we strive to reach the goal of decent work.

To that end, suitable forums for social dialogue have been established and discussion in that area has made great progress.

We have also been able, together with our partners, workers and employers, to revise the Labour Code in order to include the provisions of the fundamental Conventions, as well as provisions protecting workers from HIV/AIDS, sickle-cell anaemia and sexual harassment in the workplace.

To promote recovery and sustainable growth, Niger has established a poverty reduction strategy, which is now a reference framework for our economic and social policies.

The Ministry of Public Services and Labour, together with the ministries dealing with youth affairs and professional training, have just put together a triennial action programme of employment promotion for young people. This aims to provide training and insertion into the labour market of at least 100,000 young people by 2012: 40 per cent in the livestock and agriculture sectors; 30 per cent in craftwork; 20 per cent in trade and services; and 10 per cent in industry.

Niger has understood that we cannot have sustainable economic recovery without jobs recovery. The challenge for us is also to work towards this highly important goal and to invest in small and medium-sized enterprises in order to help them boost their productivity and competitiveness and ensure the creation of decent jobs.

With regard to basic social service, my country is very much involved in institutional capacity building to ensure that they are available and accessible and that they provide a quality service.

This will allow us to improve the main indicators of the Millennium Development Goals, in particular those relating to the primary education rate, the ratio of girls to boys in primary and secondary education, the prevalence rates of HIV/AIDS, and life expectancy at birth.

It is clear that, if we do not address demographic growth, these results will be difficult to achieve.

I am pleased to mention that the highest authorities in my country are aware that, if current popula-

tion growth does not slow, it will compromise the efforts that we have put in place to attain the aims of the poverty reduction strategy.

The highest authorities in my country accord high importance to issues of governance. This can be seen in their commitment to fight corruption while ensuring respect for generally accepted financial theory, placing high importance on financial responsibility and improving transparency and efficiency in the use of mining resources.

I would be remiss if I did not express my country's support for more active cooperation with the ILO, in particular in the areas of social dialogue, fighting child labour, promoting jobs and social protection.

I call on all the stakeholders of the ILO, governments, workers and employers to fully support the proposals made by the Director-General.

Original Arabic: Mr JABBAR (Worker, Iraq)

The workers of Iraq hope that this Conference will pay special attention to their difficult situation and hardship resulting from the American occupation of our country, and the negative impact and damage this has entailed, particularly to the industrial, social and economic infrastructures, causing growing unemployment, the spread of informal employment and a lack of decent jobs.

It is a well-known fact that workers' rights are human rights, and that the ILO depends on fundamental rights and principles at work, and freedom of association, as they are among the freedoms enshrined in the charters and constitutions of the world. However, the Iraqi Government has interfered in the internal affairs of the trade unions, prohibiting the holding of independent and democratic workers' elections on several occasions. It has imposed conditions on workers' elections by setting up government preparatory committees for elections and has adopted Decree No. 8750 of 8 August 2005 freezing trade union funds; the latest decision prohibits sending trade union delegations in order to participate in the activities of international and Arab federations and meetings of the ILO and the Arab Labour Organization (ALO), except with the prior approval by the Government.

Accordingly, the workers of Iraq have the following legitimate demands to make before the International Labour Conference.

First, we call for prompt enactment of the new Labour Code drafted by the social partners, which we consider to be the best Labour Code for the Iraqi workers, and which has been submitted to the Council of Ministers of Iraq. On this occasion, the National Committee of Trade Unions for the enactment of an equitable and just Labour Code invites you to participate in the conference scheduled to be held in Baghdad in the last quarter of 2010 so as to obtain the enactment of the new Labour Code, which resolves many of the pending problems relating to labour and workers' issues.

Second, we call for non-interference in the internal affairs of workers' trade unions and respect for trade union rights and freedoms. We reject the establishment of government preparatory committees for the holding of workers' elections, which is seen as a dangerous precedent for the future of the Iraqi workers' trade union movement.

Third, we call for fair, transparent, democratic and independent workers' elections, with the workers'

conferences as the legitimate and genuine means of choosing the trade union leadership.

In conclusion, we cannot fail to mention the serious violations and heinous crimes perpetrated by Israel against the Arab Palestinian people, and the unfair blockade of the Gaza Strip, after the brutal attack on its economic and social infrastructure, in which women, children and elderly people were killed. We must also mention Israel's recent act of brutal military piracy against the freedom flotilla carrying food and humanitarian aid to the Palestinian people in Gaza in an attempt to break through the blockade. In this attack, many of the activists were wounded, killed and arrested, after being subjected to insults and immoral practices. This monstrous attack by Israel bears witness to its violation of international law and principles, and we would also like to remind the world of the serious Zionist violations of international Conventions in the Syrian Golan and southern Lebanon, yet another crime to be added to its bloody record.

Mr JAVED (Employer, Pakistan)

Pakistan sincerely hopes that this 99th Session of the Conference will pave the way to economic recovery and growth with decent work will find the means of resolving the issues placed on our agenda: decent work for domestic workers; improvements in the HIV/AIDS situation; elimination of global child labour; and other important issues.

The Global Jobs Pact was approved a year ago at the last session of the ILC. It has been backed by the G8 leaders, who have declared it to be a highly relevant document to the current crisis facing the European Union. The G20 Employment and Labour Ministers have agreed on a recommendation to accelerate a jobs-rich recovery within the Global Jobs Pact framework. The European Union is the most appropriate ground, with all the right ingredients for applying the Global Jobs Pact.

As an Employer representative from the "South" I can visualize the weakening of growth prospects around the world as a result of the financial crisis, but this can also be taken as a message to the "South" to wake up and exploit our own strengths for a sustainable recovery. We must overcome our own weaknesses.

We do not understand clearly enough that, if there is poverty, it is because of unemployment, underemployment and a lack of social protection policies. If there is child labour, it is because their elders do not have decent employment. If there is the bonded labour, it is because we do not have decent work practices. If there is lack of gender mainstreaming, it is mainly because of restricted employment opportunities. If economic growth is not taking place, it is because no employment is being generated. And so on.

Employment generation and decent employment are the areas to be focused upon. Unfortunately, in the developing economies employment seldom comes up as a serious issue. This creates more inflation and a burden on the poor. We must create employment opportunities as a means to economic recovery and growth with decent work. I suggest that the IMF make loans to countries dependent on employment generation.

I totally agree with the ILO that there is "no sustainable recovery without jobs recovery". I therefore call on the governments present here to adopt and implement the ILO's Global Jobs Pact. I hope

this Conference will be able to find a balanced solution to unemployment and reduce the figure of 212 million to not more than a few million.

We congratulate the Director-General on the Report of the high-level ILO mission to the occupied Arab territories. We regret that innocent people – and even the international community's humanitarian support to the Palestinian people – are being subjected to military action by Israel, killing the innocent volunteers from Turkey and elsewhere. We condemn this action and urge that a loud message of concern to be conveyed to the Israeli Government. We demand that the yardstick be the same for East and West, South and North and that it be free of prejudice.

The global downturn has affected all the countries of the world, some to a lesser and some to a greater degree, but the Asian countries are the most affected. We are very conscious of the importance of the informal sector, which plays a major role in our economy.

The decent work initiative, occupational safety and health, corporate social responsibility, social protection, skills development and social dialogue are the top priorities.

We have five employer-led regional skills development councils based on a public-private partnership, providing needs-based employable skills training to our youth and our existing work force.

I will take just a minute, with your permission.

Pakistan is unfortunately facing particularly serious challenges as a result of the international security situation. I am proud to say that, had it been anywhere else, the country might have collapsed. But the Pakistani nation, the Government, employers and employees have all been fighting the situation with courage, zeal and consistency and we are optimistic that we will soon be able to overcome these problems. I would, however, request the world in general and the developed countries in particular to understand our situation.

Mr WOJCIK (*Worker, Poland*)

We are also pleased with the efforts of the International Labour Conference to elaborate a new and very important instrument on domestic work. I do hope that the ILO fulfilling its mandate will essentially improve the lives of millions employed in this sector.

A year ago, from this place, the President of Poland, Mr Lech Kaczyński, former and eminent leader of the trade union Solidarność and former member of the Governing Body of the ILO, spoke about the important problems of the working people; he was especially sensitive to social issues. Regrettably he is no longer with us. He died in a tragic plane crash and we still have not come to terms with this irreparable loss.

Polish workers are currently facing two essentially important problems.

First of all, Poland suffered enormous flooding during the last few weeks. Thousands of people suffered flood damage; many of them lost all their possessions. Many small enterprises, workshops and farms were destroyed. Their reconstruction needs joint action of the State as well as of society as a whole.

This is a very serious situation because the flood coincided with another problem – the world crisis.

Last year our President, Lech Kaczyński, in his address to the Conference, pointed out that, even

though Poland up to then hardly felt the impact of the world crisis, a real threat did still exist. Very soon it turned out he was right. Anti-crisis government activities were undertaken, even though this went against trade unions' opinions, and resulted in a decrease of labour standards. The unemployment ratio exceeded 12 per cent. There is a real threat to the stability of the pension system.

EU and world economies do not create much hope for a quick recovery.

In our opinion the world crisis has not ended but is still in its initial phase. Even here, in the ILO, we are reluctant to analyse the current crisis in depth, interpreting it as a consequence of financial mistakes.

Meanwhile, global trade without any preconditions is generally accepted and constitutes the basic reason for the world crisis. This has created the right circumstances for unfair competition. I would like to remind you that it was one of the reasons why, 90 years ago, the ILO was established, and the world of labour is still far from being perfect.

Twice in the past I have pointed out from this very place – and I will repeat it again – that more than half of the world's population does not enjoy the provisions of two basic ILO Conventions, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). I would like to stress that some 55 per cent of the world's population is deprived of legal protection of their rights to freely organize and bargain collectively. What is more, countries that have a huge impact on the development of global unfair competition are not bound by these Conventions. Let me mention them by name: China, India and the United States – almost half of the world's population.

I would kindly request the Director-General of the ILO to extend statistics concerning the ratification of particular Conventions to include the current population of the country concerned. This relates to Report III(2). I am convinced it would be very instructive to include these statistics.

There is no doubt that this overwhelming lack of freedom of association substantially undermines and weakens the practical application of freedom of association in countries that have ratified this Convention. Trade unions that demand fundamental labour conditions and decent work are very often publicly accused of acting to the detriment of the national economy and that of the employees themselves.

We are worried about the general practices of anti-union discrimination, including that in Poland. This discrimination is practiced with "velvet gloves" and silent permission from the justice system. Even well-documented cases of discrimination because of union affiliation were dismissed by courts because of their "low social harmfulness". The heavy and drastic cases are investigated in detail and at length. It awakens the conviction that the ILO Conventions as well as national laws are ineffective.

Additionally, high and increasing unemployment means that workers are reluctant to take responsible posts in unions or even to join a union at all. The ITUC report on, inter alia, the violation of freedom of association presented last week fully confirms our statement. It points out how serious the situation

is. However, not all cases were recorded in this report.

Therefore, I appeal to all of you to consider such important issues as global and decent employment in the context of global freedom of association.

Original Russian: Mr BUDZA (Worker, Republic of Moldova)

There is no doubt that the Report of the Director-General deserves particular attention. It focuses on the most important measures taken recently and gives a good picture of global developments in the world of work, including with regard to child labour.

This is a very topical problem for trade unions and it is vital for us to redouble our efforts. Tripartism and social dialogue are the most important levers that we can and should use in finding sustainable strategies to prevent and eliminate child labour. The social partners are taking part in the development and implementation of social policy.

The trade unions of Moldova, as social partners, cannot remain indifferent to the exploitation of child labour. Although the Constitution of our country guarantees protection for the rights of minors, the use of child labour in jobs that could be hazardous to their health is far from rare. The competent authorities in the Republic of Moldova do not have accurate statistics, but we know that children are most often required to do heavy work in agriculture, the construction sector and other services.

In recent decades, many children have had to support their families because either one or both of their parents are abroad looking for better-paid work. Children in such families are often deprived of the opportunity to receive a decent education or vocational training, and they have fewer chances of a successful future. In trying to give their children a better life, parents are actually leaving them materially and morally worse off.

Children are a cheap source of labour. A child can do the work of an adult for less pay. At the end of the day, this leads to lower wages and undermines trade unions' ability to bargain for higher remuneration for work and better working conditions. The trade unions of Moldova are in favour of ensuring high-quality compulsory education for all children, with high levels of funding, and decent work for all adults, a target set in the Decent Work Country Programme for the Republic of Moldova for 2008–11.

On the basis of the above, we consider child labour to be an important issue for unions. The elimination of all forms of child labour should be a priority in our activities. In order to eliminate the worst forms of child labour, at the initiative of the National Confederation of Trade Unions of Moldova and with the support of IPEC, the Government, employers and unions have signed a national collective agreement on the elimination of the worst forms of child labour. This agreement obliges employers to eliminate the worst forms of child labour, not to recruit minors for work in hazardous or dangerous conditions, as defined in government regulations, to ensure regular medical examinations for all children who work, and to include additional standards on child labour in collective agreements.

In the context of the above agreement, a code of practice for employers has been approved on the elimination of the worst kinds of child labour in agriculture the food industry, under which employers have assumed specific obligations with regard to preventing, fighting and eliminating the worst forms

of child labour. Within the National Commission for Consultation and Collective Bargaining, a permanent council on child labour has been created and is active, through which we will be able to ensure monitoring and regular evaluation of compliance with the provisions of the collective agreement, national legislation and ILO Conventions Nos 138 and 182. In order to provide a higher level of protection for children, the unions suggest that special provisions on child labour be included in collective agreements at the sectoral and enterprise levels.

It must, however, be pointed out that things are much more difficult in the informal sector, where it is impossible to monitor the use of child labour. Nevertheless, the unions will strive to widen their presence and influence in the informal sector with a view to reducing this social phenomenon in general and, in particular, the exploitation of child labour. The unions will take intensive action to identify specific cases of the use of child labour and combat them.

Many of us here have children or even grandchildren. We would not want them to be exploited. I think this is a way of getting through to people who appear indifferent to the use of children as cheap labour.

I wish every success to the 99th Session of the International Labour Conference, the ILO and its Director-General, and in particular the ILO Subregional Office for Central and Eastern Europe. I hope that the ILO will continue the search for solutions that ensure decent work for all in this ever-changing world.

Original Arabic: Mr BALKDR (Worker, Yemen)

On behalf of the General Federation of Yemen Workers' Trade Unions, I congratulate the President, the Director-General and all the staff of the ILO for their efforts to ensure the success of this 99th Session of the International Labour Conference, at this time of global economic and financial crisis which continues to pose a threat to the peace and security of all the peoples in the world. Perhaps the poorest and least developed countries are the hardest hit by the crisis because of their vulnerable economies, with job losses, growing unemployment, increasing poverty and spreading child labour, collapsing values and lack of justice and social protection, all of which have become a threat to security and social stability.

In this difficult economic situation Yemen is experiencing, our federation continues to work alongside the social partners to mitigate the effects of the crisis on workers. The national decent work charter was signed in cooperation with the ILO, with the aim of achieving decent work and social protection through amendments to bring the legislation into conformity with international Conventions. Although still in the early stages, it has established partnership and genuine participation of the three social partners and paved the way for tripartite social dialogue which will contribute to development and the design of policies that will help create jobs, eliminate child labour, provide social and health protection and support effective participation of women in the labour market through training to make human development as a driver of national economic recovery.

Despite all these efforts, there are still major challenges: workers in the informal economy, agricultural workers and child labour – all of whom are not

covered by social protection. In addition, there is urban drift owing to lack of jobs in rural areas. In order to address all these challenges, we will need the support and capacity of the ILO and its experience to design policies that help to improve their situation and provide a decent livelihood.

While the situation of workers is difficult in many countries, there are some workers whose situation is difficult in the extreme. They are the workers of the occupied Arab territories in Palestine, the Golan and southern Lebanon, who face hardships, such as denial of social protection, unfair dismissal, apartheid and humiliation, the like of which the world has never seen before. We strongly condemn all that the workers of the occupied Arab territories have suffered at the hands of the Israeli Government. The ILO has a great responsibility for protecting them and providing them with a decent livelihood in accordance with international Conventions, treaties and resolutions.

We cannot fail to mention the brutal Israeli attack on the freedom flotilla attempting to transport food and medicine to children, women and elderly people in Gaza under the blockade, which caused deaths and injuries of people from many countries, people who love peace, security and stability and who gave their lives to lift injustice and the blockade and to help a people in need and children suffering from hunger and illness, who are denied medicine to relieve their pain.

We salute them, and we salute Turkey, its Government, its workers and its people for their humanitarian support and for having organized this freedom flotilla.

The international community is called upon to lift the blockade on Gaza and rebuild the enterprises that were destroyed by the Israeli war on the Gaza Strip.

The question remains: what is the world going to do in the face of what has happened and is still happening in the occupied Palestinian territory and the occupied territories in the Syrian Golan and the Shebaa farms in southern Lebanon?

Original Spanish: Mr MENA QUINTANA (Worker, Panama)

I would like to convey fraternal greetings to the people of Palestine for their painful struggle for their freedom and also to countries such as Cuba whose people are suffering under an unjust blockade.

The Director-General's Report discusses in detail the issues facing workers around the world: decent work (and, I would add, dignified work, because, although work may be decent, not all jobs are dignified), the financial crisis, social dialogue, climate change and many other subjects.

The Government of Panama is a titular member of the Governing Body, where as a Member of this Organization it spends its time speaking hypocritically of the issues raised by the Director-General while in practice doing the exact opposite.

In the 11 months that the current Government under Ricardo Martinelli Berrocal has been in power, with Alma Lorena Cortés as its Minister of Labour, not one single trade union has been registered in my country. Moreover, of the 19 applications that have been filed, as of March of this year, nine have already been rejected, in blithe disregard of our laws and regulations.

One month after the Government came to power, Act. No. 43 was passed to amend Act No. 9 of 1994

and Act No. 8 of 1998 respecting the administrative and legislative systems and, at a single stroke of the pen, did away with tripartism in the public sector and ran roughshod over Convention No. 111, which was ratified by Panama in 1966. And because the Act was retroactive, the trade union leaders were sacked, including the general secretaries of two associations.

Barely a month ago, in complete secrecy, a series of decrees were amended that prevented senior staff of companies from submitting so-called collective agreements that were nothing more than an arrangement that prevented genuine trade unions and collective bargaining from gaining a foothold.

In other words, the employers have won the jackpot with this Government, because unions are no longer allowed and instead they have these bogus agreements that will be registered despite the fact that Conventions Nos 87 and 98, which have been ratified by Panama, state all too clearly that collective bargaining is the exclusive right of trade unions.

This they have done by bringing in a "lock-up law" tailor-made to undermine trade unions that go on strike and block streets. Although the law has been appealed against as violating constitutional rights, we know that the appeal will not be upheld by the Court, because the President has five of the nine judges on his side – three from the Government alliance party and two who were appointed by the current President from among his personal friends.

Just three weeks ago a special law was approved for the Barú area based on Act No. 25 for the export processing zone, which has been condemned by the Committee of Experts and has been preventing free collective bargaining for six years. The idea is to nip trade unions in the bud, since a union without a collective agreement is nothing. This is a barefaced attack on Conventions Nos 87 and 98 and on the findings of the Committee of Experts.

Only this weekend, on 12 June, like a thief in the night and taking advantage of the euphoria of the World Cup, the Government, after only 16 hours of actual debate, adopted Act No. 30 – also known as the "Lobster Act" or the "Nine-in-One Act" – which deals a crushing blow to Panama's trade union movement while at the same time practically giving the police a licence to kill.

As a result, the right to strike has been curtailed, as the company bosses can take over the premises – but they can also call in the police to do the job – and only allow in workers who are against the strike (or "scabs"). This way they get rid of CONATO in one fell swoop or else they just ignore it, even though it has existed as a trade union since 1972, and established a parallel union.

The workers in my country have blown the whistle on this anti-social and anti-union, anti-organized-society Government which has been using the media to conduct a permanent and systematic campaign against the trade union movement and has been deceiving the public with lies and manipulation and trickery.

Our Government is heading towards a right-wing dictatorship, undermining the State, the Comptroller General and the Public Prosecutor through which it can now accuse, investigate and convict anyone who tries to confront it or who dares to say "no".

In other countries, such as Colombia, Guatemala and others, union leaders are killed with nice clean

bullets. But in Panama they use legal trickery to eliminate the unions and trade unionists.

We would like to your attention, Mr President, and through you that of the Director-General, to this small Central American country, where the workers and their organizations are in such grave danger.

Mr GURNEY (*Worker, United Kingdom*)

I wish to begin on a positive note, before moving on to more negative developments.

On the positive side, the discussions here on the new Recommendations on both HIV/AIDS and domestic workers have shown the continued importance of the ILO as a standard-setting organization.

I have heard some say that there are “enough standards” and that the ILO should concentrate on other areas, but the debate on both issues shows the need to continue to develop standards that keep pace with the changing needs of workers, governments and employers in the twenty-first century.

The domestic workers’ discussion showed again how essential it is to have the voices of those directly affected by proposed standards setting the agenda, and on this note I am particularly proud that my organization was represented by a domestic worker and union activist, Marisa Begonia.

On the issue of child labour, it was fantastic to see here, as part of the events linked to the Global Report, a group of young people from Britain who are raising the profile in various ways of the campaign to eliminate child labour globally.

I must stress the importance of all of the core ILO Conventions in this regard. In addition to work to promote the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), as covered in the Director-General’s Report, Conventions Nos 87 and 98 are essential because the best guarantee of child-free workplaces in both the formal and informal sectors is to have unionized workplaces.

Now I will turn to more negative developments.

We are deeply concerned by what appears to be a move away in many countries, including Britain, from the approach agreed during the initial response to the crisis that stimulus must be maintained and that support must be given to defend jobs and employment.

Indeed, as the ITUC General Secretary, Guy Ryder, said on this stage on Tuesday, we appear to be seeing a stampede towards austerity.

With apologies for using a Hollywood reference, in the film “The Usual Suspects”, the lead character and villain, Keyser Soze, says that the greatest trick the devil ever played was convincing the world that he did not exist. I am reminded of this when I look at the trick that the world’s financiers and bankers appear to have pulled off.

Having created the greatest economic crisis since the 1930s through greed and the development of a system of unsustainable casino capitalism, they have moved back into the shadows and appear to believe that working people should be expected to meet the costs of a crisis they had no part in causing.

Sweeping cuts are already taking place in countries like Ireland, Spain and Greece and they are planned in my own country, Britain.

The global unions’ statement to the G20 sets out the policies needed to ensure a just and fair recovery, to reverse the increase in precarious work and

to help deliver the ILO’s central mandate of decent work for all.

These policies include: retaining stimulus measures that focus on jobs and growth; reforming the global financial system, including a financial transaction tax; and ensuring that measures to combat climate change encompass just transition and the creation of green jobs.

The ILO has a vital role in working with the wider United Nations system and the G20 to deliver these aims.

Finally, I must comment on our anger that we were unable, in the Committee on Application of Standards, to discuss a key case highlighted in the Committee of Experts’ report concerning attacks on the right to take strike action in Britain by our legal system.

As the General Report of the Committee on the Application of Standards says, “discussion of the case would have raised the important issue of the restrictions imposed on the right to strike of workers who were affiliated to a trade union which itself was facing a court action for damages that clearly threatened its financial survival”.

The case has increased relevance for our unions in Britain following subsequent court judgements, and was also of great relevance to many other countries in Europe and beyond who are facing similar legal restrictions.

We regret that some in the Employers’ group clearly did not have enough faith in their own arguments to discuss the pros and cons of the Committee of Experts’ reports in an open and transparent fashion.

I must add that we feel the same way about the fact that the case of Colombia was blocked.

In the eyes of many of our members, the fact that we were not able to discuss these cases, owing to an effective veto by the Employers’ group, puts in doubt the credibility of the whole ILO committee system. Such vetoes cannot be allowed to stand in future.

Mr HILMAN (*Employer, Indonesia*)

The abolition of child labour, a key theme of this Conference, is an issue taken very seriously in Indonesia. As an organization concerned with national employment legislation and working conditions, the Employers’ Association of Indonesia (APINDO) is strongly in favour of abolishing all forms of child labour involving the operating of heavy machinery, carrying of heavy goods, direct contact with chemicals and any work that negatively affects a child’s physical and mental development.

APINDO regards child labour as exploitative and something that denies a child his or her basic human right to a decent, healthy life and the chance of a prosperous future. Engaging in child labour only serves to perpetuate the cycle of poverty – especially in developing countries – and, contrary to what the employers might think, is not more cost-effective. Clearly, a total ban on the use of child labour is only possible with the cooperation of all concerned stakeholders, including the Government, trade unions, NGOs, local communities, parents and, of course, the employers themselves.

APINDO works hard to encourage its members and all employers as a whole to play an active role in efforts to abolish child labour. These efforts should include the introduction of a culture of zero tolerance for child labour within companies and

extensive awareness raising on social responsibility in the workplace. In this context, APINDO is encouraging the Government and concerned agencies to move forward on the issue of abolishing child labour in Indonesia. We welcome a move to formulate a strategy – a development plan – to foster entrepreneurship and to provide child workers aged 15–17 years with training, support and equal opportunities to internship at respectable companies.

In our approach to the abolition of child labour, APINDO attaches particular importance to education and training programmes that enable those children vulnerable to exploitation to develop better communication and relationship-building skills. One example of this initiative is the Indonesian apprenticeship programme collaboration between APINDO, the ILO and the Government, which aims to prevent children between the ages of 15 and 17 years from falling into unsafe and unhealthy employment and, in so doing, to alleviate youth unemployment, poverty and the practice of child labour. With a view to strengthening the capacity of APINDO to promote the employability of youth, the apprenticeship programme also works to develop the talents and interests of children, and to ensure that they are able to fulfil their potential in the workplace in the future. Each child participating in the scheme is independently trained for six months in jobs within the automotive and retail sectors.

We hope that the 99th Session of the International Labour Conference will provide constructive insight into this pressing issue, and that it will generate more support for the abolition of child labour both in Indonesia and around the world. APINDO will continue to work hand in hand with the Government, trade unions, the ILO and other stakeholders to bring about a shift in attitudes towards child labour and its negative consequences.

In conclusion, allow me to reiterate APINDO's commitment to the abolition of child labour and our strong belief in the education and development of children. It is our responsibility to ensure that all children, as the future generation, are able to grow and develop, and that they have the right to live in dignity and be protected from such harmful and unjust practices as child labour.

Original Japanese: Mr HOSOKAWA (Senior Vice-Minister of Health, Labour and Welfare, Japan)

In Japan, following the general elections last summer, a major change of Government took place for the first time in the last half century. The new administration advocates the principle of “putting people's lives first” and has addressed a number of challenges.

First, I would like to speak about civil service reform. In Japan, since 1948, basic labour rights of public service employees have been restricted owing to the distinctive status of these employees and the public nature of the functions they perform, although they benefit from appropriate compensatory measures. Given such circumstances, the new administration is planning sweeping reforms of the national civil service system and the recovery of basic labour rights is positioned as one of the most important issues. Hereafter, the Government of Japan will accelerate examination targeting the granting of basic labour rights and make its best endeavours to submit the relevant bill to the next ordinary session of the Diet.

Also, we have established an examining committee on the right to organize of fire defence personnel within the Government, and the committee will compile its findings this autumn. The Government of Japan has done its utmost to have meaningful discussions and achieve fruitful civil service reform, bearing in mind the basic idea that frank exchanges of views and coordination with the relevant organizations are necessary. We will continue such an approach.

The unprecedented economic crisis taught us many lessons. In Japan, the new administration is launching the framework of the new growth strategy, based on these lessons, as a vision for post-crisis economic policy, and one of its pillars is employment and the human resource strategy. First, in the new growth strategy, it is made clear that the Government is going to address various programmes towards the realization of decent work, because ensuring the high quality of employment is the basis of domestic demand-led economic growth.

Also, facing the particular demographic trend of lower fertility and ageing, the Government of Japan is going to make efforts in order to establish the Japan model to overcome low fertility and ageing. It targets overcoming the decrease in the labour force and heightening its growth rate by promoting the participation of youth, women and the elderly in the labour market, and skills development.

The new administration established an employment strategy dialogue with government, workers' and employers' representatives to promote social dialogue on important employment policy issues. Recently, policy goals to be achieved by 2020 and measures for the employment and human resources strategy were agreed upon at the employment strategy dialogue, and the tripartite agreement is going to be reflected in the new growth strategy.

As we are recovering from the crisis, what we seek is a society where job quality, a social safety net and human investment are valued, and inequality and poverty are not reproduced – in other words, a society where opportunity for social participation and the fruits of economic growth are extended to all. In order to build such a new society, it is essential for the ILO, whose objective is realizing social justice, to fully play its role by utilizing its expertise and resources through the appropriate setting and supervision of international labour standards, advice on policies and technical cooperation.

Let me conclude by reiterating Japan's commitment to its support for the ILO's activities for the realization of decent work.

Original Spanish: Mr SCREMINE (Employer, Uruguay)

Uruguayan employers believe in fundamental rights at work as a way to contribute to the development of our peoples.

We encourage gender equality, we abhor forced labour and we do not want there to be child labour anywhere. Our aim is for all workers to have a decent life on the basis of his or her work, and that workers are free to associate and demand things which they should legitimately receive.

Our aim is also that all entrepreneurs have the right to set up a project or undertaking. They have the right to establish and develop a sustainable company, which would then offer decent work to all members of society.

It is along these lines that we look towards the advanced system of labour relations, regulating all

aspects of labour relations, looking to the future and encouraging cooperation between parties and coping with confrontation. Under no circumstances do we favour standards, which by their text, omission or their application in practice, promote confrontation instead of cooperation. We do not accept that.

These are our guidelines for action, and we think that in sincere and productive tripartite dialogue they can be encouraged by governments, workers and employers.

We are sorry to say that in the area of labour standards in our country, this has not been the case. With some exceptions for some very specific subjects related to the world of work, the standards adopted in recent years do not reflect the reality of the business sector and were promoted without any legitimacy based on tripartism.

We will refer to one particular case: the law, which established the legal framework for collective bargaining.

This law, which regulates one of the fundamental rights at work, that is to say collective bargaining, was questioned unanimously by the whole employment sector in Uruguay. Furthermore, it was adopted while an appeal was being reviewed by the ILO which we had to present.

There is no good future for a standard which has no social legitimacy, be it on the employers' side or that of the workers.

It is worth recalling because sometimes it would seem that employers do not have any rights and we are not really part and parcel of the ILO. But the Governments, the Worker and the Employer members of the Committee on Freedom of Association accepted unanimously the majority of the questions raised by the Uruguayan employers.

The Committee not only invited us to change some aspects of this legislation but also to ensure that basic principles are respected in practice.

Today, we have a standard which is lacking in legitimacy on two counts: it is not supported by one of these social sides, and it has been observed by the ILO.

Our willingness to discuss this subject has been called into question. But, some days ago, we suggested holding a tripartite meeting, informal in nature, together with experts from the ILO. We were not successful in this attempt.

Despite everything, in accordance with the rule of law, the Uruguayan employers are participating in all activities being implemented under this new law because this is our duty.

We believe that any delay in solving this situation is an obstacle to us using our energies in other essential areas for the development of the employers and the workers.

The new Government has many tools to give a signal that it is heading down the path of an effective tripartite system by developing labour standards, which reflect a broader view of labour relations and respect the standards laid down by the ILO.

Our sector hopes that we will follow this path. Thus we will be able to achieve agreements which will enable us to build a modern and dynamic system of labour relations, which will encourage the development of our country.

And allow me to make a final comment, since I have a few minutes. In the World Cup we played against South Africa, someone wins, someone loses. The challenge that those of us dealing with labour

relations have is to make sure that we all win on all occasions.

Ms JOSHUA OKWACI (*Government adviser and substitute delegate, the Sudan*)

It gives me great pleasure to comment on the Reports of the Chairperson of the Governing Body and the Director-General presented to the 99th Session of the International Labour Conference. Being from a country, the Sudan, with two systems of government, I am hereby representing our Honourable Minister of Labour, Public Service and Human Resources Development in the Government of Southern Sudan (GoSS) who, due to reasons beyond her control, could not attend the Conference. The Minister passes her sincere apology and assures the Conference of the firm commitment of the Government of Southern Sudan to comply with international labour standards. She greatly appreciates the technical support we have received from the International Labour Organization.

Allow me to share with the Conference what our Government has done on action against child labour with technical support from the ILO.

The Government of Southern Sudan's Ministries of Labour, Gender and Education signed a Partnership Protocol on 16 October 2008 for the TACKLE Project, with the ILO and the European Commission, to improve the country-level effort against child labour.

The collaboration with the ILO has resulted in the following achievements: first, a stakeholder capacity-building and planning workshop for the TACKLE Project partners was conducted in Juba in March 2009. The participants were from the Government and national NGOs operating in Southern Sudan, where the Project workplan was endorsed.

Second, in September 2009, we conducted a training-for-trainers workshop in collaboration with the United Nations Children's Fund and the Commission of the government institution for demobilization, disarmament and reintegration, on the economic integration of children and youth formerly associated with armed forces.

Third, ILO legal expert support was used to develop the new Labour and Employment Bill for Southern Sudan. The Bill emphasizes the Minimum Age Convention, 1973 (No. 138), and the Worst forms of Child Labour Convention, 1999 (No.182), as well as other labour issues. Likewise, it clearly sets out the minimum age for employment, the worst forms of child labour, and the terms and conditions under which children can be employed in Southern Sudan. The Bill is now in the process of adoption.

Fourth, under the objective of strengthening institutional capacity to improve ability to formulate and implement child labour strategies, three labour officers have been trained by the ILO at the International Training Centre in Turin, Italy.

Fifth, the TACKLE partners' proposal-writing workshop was organized in Juba, and the partners were apprised of the International Programme on the Elimination of Child Labour (IPEC) modalities of tackling child labour and formats of proposal writing. Participants were from the Ministries of Labour, Gender and Education and national NGOs. The output included the development of project proposals by the three ministries and national NGOs in respect of capacity building and awareness creation regarding the worst forms of child labour.

Sixth, in order to enhance the knowledge base and networks on child labour and education by improving advocacy and dissemination of good practices, the Government of Southern Sudan Ministries, headed by the Ministry of Labour, organized a special celebration to mark the World Day against Child Labour, last year on 12 June, and the same has been planned for this year, 2010, where children, among other key players, are involved.

Seventh, research was conducted, in collaboration with the University of Bradford, United Kingdom, through technical support from the ILO in 2009, which produced recommendations for designing prevention and withdrawal strategies for children of the Sudan engaged in the worst forms of child labour, such as trafficking, commercial sex and illicit and hazardous industries. This paves the way for a series of pilot studies to analyse and understand the role that armed conflict plays in the involvement and working conditions of children in the worst forms of child labour.

We have challenges. So far, there is no concrete data available on child labour in Southern Sudan. The effects of war have resulted in increased poverty, a large number of orphaned children, poor school enrolment and significant school drop-out rates. This has been made worse by the fact that the majority of households are headed by women. There is an acute demand for vocational training; currently, we have only four public vocational training centres, with semi-skilled instructors. Given our post-war situation, we have large numbers of children and youth who have missed out on regular schooling.

To enable us to succeed in our planned activities towards combating the worst forms of child labour, the Ministry of Labour, on behalf of the Government of Southern Sudan, hereby appeals to the ILO to continue to provide technical support, particularly in the following areas: first, training of current instructors at the public vocational training centres; second, technical support for surveys of child labour and the labour market; third, providing equipment for training at the vocational training centres and materials for children in the area of entrepreneurship, that is, on how to start, manage and grow a business; and, finally, dissemination and awareness creation of the forthcoming Labour Act and Employment Policy developed through technical support from the ILO.

Original Spanish: Ms SIFUENTES DE HOLGUÍN (Worker, Peru)

Firstly, I would like to talk about the results of the Programme and Budget for 2008–09, with regard to the development of the Decent Work Agenda and its four strategic objectives at the international, regional and domestic levels, as discussed by the Director-General in his Report. In particular, the application of the essential instruments of the agenda for the development of knowledge and policy formulation and the provision of different advisory and capacity-building services to governments, employers and workers. The Director-General points out that the results obtained in 2008–09 exceeded the targets by an average of 26 per cent. Of the 68 indicators, 52 were exceeded, looking at the results obtained for the strategic objectives individually and together and disaggregating them by indicator and region.

Nevertheless, although this is a very encouraging picture, we have to point out that, in Peru, we have not as yet seen any great advances in the application of the Decent Work Agenda.

Under the Government of Alan García, there are still serious gaps in workers' access to fundamental labour rights, better employment and income opportunities and social protection. Meanwhile, the weakening of social dialogue has become more acute. The inability of the neo-liberal model to resolve these labour issues has brought Peru to the edge of a new crisis of governance, which questions the essence of democracy.

In 2006, at the ILO American Regional Meeting, Peru made a commitment to implement a national decent work programme, but absolutely nothing has been done to promote or implement it in collaboration with social actors.

Despite the Memorandum of Understanding signed by the Director-General of the ILO and the Government of Peru in 2007, the Government has not consulted employers or workers about the drafting and approval of a national decent work programme in Peru, even though the ILO has committed to providing technical assistance to the three actors for the tripartite formulation of that programme. On the contrary, the CGTP and the Peruvian labour organizations are the ones who have asked the Ministry of Labour and Promotion of Employment and the National Council for Labour and the Promotion of Employment to begin drawing up that programme. As yet, our request has fallen on deaf ears.

In a country where the profits of companies accounted for 63 per cent of GDP in 2008 and where the contribution of workers is barely 20.9 per cent, it is undeniable that there is a pressing need for us to bring in this national decent work programme so that it be done in a binding fashion and we can really achieve these goals that the State has committed to. This programme has to link human development and economic development and maximize responses to the crisis.

The Government has also shown no interest in trying to resolve the problems that started with the suspension of the process of tripartite dialogue between the Government, workers and employers through the National Labour Council on 28 April 2009. The Government is resisting increasing the minimum wage, which is one of the lowest in South America.

Indigenous communities have made claims against actions that violate the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The recent law on the right to prior consultation by indigenous peoples that was approved by Congress has still not been enacted. Therefore, the Government does not have to abide by the obligation to carry out the right of consultation, including for the concession of some of these peoples' territories for mining and energy exploration and production. According to the first transitory provision of the law, the National Institute for the Development of the Andean, Amazonian and Afro-Peruvian Peoples cannot be considered a specialized technical agency on indigenous matters at the state level unless it included genuine representatives of indigenous peoples.

The CGT has brought a complaint to the ILO against the Government because of the effect on ten communities related to the ancient Inca people of

decisions taken by the Ministry of Energy and Mining, which has granted mining rights to a company.

In conclusion, the rights of workers in Peru have not improved since the Committee on Freedom of Association highlighted the need for there to be a prior consultation with workers' and employers' organizations before the approval of any legislation that affects them. At the moment, all labour measures for the private and public sectors are approved by the Congress and the Government. They do not consult employers' or workers' organizations. Meanwhile, wages remain low, people are punished for being part of a union, there is no true, free collective bargaining and we are not getting proper coverage from social security. What is more, there is a legislative decree which basically demonizes and persecutes trade union leaders. This situation will continue to get worse unless we address it through the national decent work programme and with a focus on our rights.

Original Bangla: Mr MONTU (Worker, Bangladesh)

We have gathered here to protect the rights and interests of the workers; create better opportunities for them; develop necessary standards for this purpose; and discuss policy guidelines for poverty alleviation in general.

The Director-General's Report covers the comprehensive range of ILO activities and gives a clear picture of the continued forward movement of the Organization.

The Asian Decent Work Decade is currently under way. Bangladesh has been engaged in promoting and implementing the ILO's work in the field of decent work since the beginning, and has been an active participant in the ILO's International Programme on the Elimination of Child Labour.

I feel honoured to say that Bangladesh became an ILO member State soon after it gained independence, and it undertook major programmes, under the leadership of the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, to protect and promote the rights and welfare of workers, in line with ILO principles.

Bangladesh has so far ratified 30 ILO Conventions, including seven fundamental Conventions.

It was unfortunate that, in 2007–08, during the unwarranted state of emergency rule, all kinds of trade union activities were banned in Bangladesh and trade union activists were persecuted. Following the general elections held in December 2008, the Awami League-led coalition formed a government under the leadership of the Honourable Prime Minister, Sheikh Hasina, with more than a two-thirds majority in Parliament. In response to workers' aspirations, and, in view of the previous demands made by workers' movements, the election manifesto of the present Government included specific commitments to increase job opportunities, reduce poverty, reform labour legislation in line with ILO Conventions, eliminate child labour and combat gender discrimination in the workplace. It is encouraging to see that the Government has introduced initiatives to review and update the National Child Policy, and that a tripartite committee is now working on amending the National Labour Act. The Government, in cooperation with the ILO Country Office, is working to eliminate child labour. Bangladesh remains committed to eliminating the worst forms of child labour by 2016, which was reaffirmed at the Hague Conference in May of this year.

The trade union movement in Bangladesh is at the forefront of efforts to promote fundamental principles and rights at work, ILO standards and other aspects of the Decent Work Agenda. We have already submitted specific recommendations to the Government on the legal reforms which are necessary to strengthen trade union rights, in light of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949, (No. 98). The trade union movement is also working relentlessly to guarantee the right to collective bargaining for workers in different sectors, including those in the informal sector. The trade unions are contributing to implementing the ILO's guidelines on eliminating child labour and the Decent Work Agenda.

The recent ILO initiative to develop international labour standards for the protection of domestic workers is an important step forward in the interest of this marginalized group of workers who face a variety of risks. In Bangladesh, there are around 0.5 million domestic workers, many of them children. The present standard-setting process would be particularly useful and relevant for Bangladesh. Our trade union movement had already made recommendations in this regard. We hope that the decisions made by this Conference will provide some assistance to the millions of domestic workers around the world.

Despite the low prevalence rate at present, Bangladesh remains under threat from the spread of HIV/AIDS. A Recommendation on HIV and AIDS and the world of work would provide useful guidance to the Government and trade union movements in Bangladesh with respect to further improving decent work conditions.

We would like to express our gratitude to the ILO Country Office, the Regional Office and the International Labour Office, for all their activities and cooperation. We hope that the ILO will continue to provide technical assistance to develop workers' skills through training, awareness building and promotional activities on labour rights. We call upon the ILO to raise public awareness of decent work and extend the scope of its cooperation, to enhance the capacity of the relevant government agencies, especially the labour inspectorates.

Original French: Ms GROTHE (Worker, Central African Republic)

It is an honour for me to be here for the first time and to speak from this rostrum in order to mention the common challenges that workers are facing throughout the world.

The Report that has been presented to us and the topics which were chosen clearly highlight the activities that are being undertaken by the ILO to promote and implement the principles of human rights and the fundamental rights of workers.

Child labour is currently a problem in my country. The Central African Republic has in fact ratified the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), as well as other core ILO Conventions. The difficulty lies in identifying which measures have to be adopted to prohibit child labour effectively in my country and to stop the violations of their rights by rebels. There is also discrimination against women.

The Central African Republic is a country in a post-conflict situation and therefore we are facing many challenges with regard to the world of work. These include arrears of wages from previous regimes, a very high cost of living and a purchasing power that is simply not developing. The adverse effects of the global crisis are being felt by our economy. We have seen an increase in unemployment and there is generalized underemployment. There is a lack of employment policies and, in particular, a lack of any policies to promote women to positions of responsibility.

All these challenges require a round-table discussion between the Government and the workers so that there can be an attempt to find common solutions to deal with these various challenges.

It should be noted that the Government is often involved in discussions with the social partners on certain issues and tries to promote social dialogue, in order to find solutions to problems which the workers are facing. Unfortunately, a lot remains to be done. Furthermore, the Government remains aware of workers' problems in both the private and the public sectors. The implementation of decisions taken during these consultations remains, however, a challenge. Nevertheless, workers would like the text implementing the Decree establishing the Permanent National Labour Council to be adopted and hope that this body will be able to function, in order to implement effectively the social dialogue which is supported by the ILO.

The extension of the Social Security Fund to the informal sector will be beneficial to vulnerable groups. I think that it is important to recognize that a woman has a dual role in her work. Not only do women form part of the workforce, but they are also working to perpetuate humanity. Their wages need to be sufficient to cover the multitude of situations and responsibilities on their shoulders. With or without men, women have shown during the various conflicts in our country, that they are able to take care of themselves.

Original Spanish: Mr SALINAS (Worker, Honduras)

The ILO has been playing a decisive role in creating a climate of relative peace, particularly in less developed countries. Unfortunately, it has not succeeded in raising the awareness of other sectors that place their fundamentally economic objectives above social interests, standards of living and workers' rights.

The Director-General's Report clearly describes the considerable progress made by the ILO, and also makes clear that the only way to overcome the economic crisis is through coordination and cooperation, not by making the workers shoulder the burden. Dialogue may be the appropriate route to take in order to find a solution to the economic crisis, but such dialogue must be frank and sincere and everybody must participate in it equally. Economic costs must not be translated into social costs that ravage the family life of workers. The ILO should not allow itself to be used to water down workers' rights through deregulation, privatization and the application of neo-liberal policies that strike a blow to the paltry wages of people and workers.

The main focus of the ILO's attention is the individual. This being the case, it must produce real results to dispel the suspicious perceptions of our grass-roots members who believe: that the ILO's main role is to maintain the status quo, especially in

developing countries, where wealth is concentrated and cheap labour is exploited; that the ILO is not a tripartite body of equal opportunities, but rather that workers are pitted against employers and governments, and that this is how decisions affecting workers are taken; and that the ILO plays a leading role in applying inequitable free trade agreements, such as CAFTA, and neo-liberal policies that bring advantages for capitalists and disadvantages for workers.

We have seen some very interesting things during this session of the Conference. We have seen representatives of the Workers' group defending the positions of their sector decisively and firmly, but other things have surprised us, for example, the exclusion of Colombia from the list of countries that violate human and labour rights. We cannot understand how this decision was reached, knowing that there is more than ample documentary proof of crimes against trade union activists and leaders in that country. If we list the countries that violate human and worker rights in Latin America, we find Colombia in the top spot, closely followed by Guatemala. However, in this context, our country is no exception.

On 28 June 2009, there was a military coup d'état in Honduras that led to a de facto government riddled with corruption and abuse. This coup was promoted and carried out by groups with economic power who could not forgive the adoption of social measures, especially the more or less fair minimum wage approved by the ousted President, José Manuel Zelaya Rosales. The current President is taking no social measures because he has been warned by these powerful groups that, if he does, the same will happen to his Government.

As a result of this coup d'état, 3,000 of my compatriots were arrested, achieving their release through the mobilization and solidarity of the international community. More than 300 have been tried in the courts and 40 others have been murdered. They were leaders and members of our organizations in the teaching, vocational training, security and peasant farming sectors.

Violations of trade union rights are systematic. Workers who attempt to organize are dismissed, and it is very difficult to negotiate a collective agreement, in violation of the provisions of Conventions Nos 87 and 98.

Workers have had to take extreme action to defend their rights, for example the hunger strike that was declared by some workers demanding respect for their rights and proper judicial procedures. Various action has been taken before the National Congress: a group of judges who were dismissed from their posts for trying to fight corruption and opposing the coup d'état held a hunger strike to demand their reinstatement and the proper application of legislation by the Supreme Court of Justice; 12 teachers who head departments in various schools are in the same situation, demanding their reinstatement because they were dismissed illegally, which violates the teachers' statute and other national labour legislation; and 16 members of the trade union at the National Autonomous University of Honduras have been imprisoned and its main officials have had their union immunity removed by the courts for destroying their organization and setting precedents for other organizations.

We meet once more with high expectations for the current economic recovery plans and hope that positive signs will be sustained. Indeed, the ILO has provided the framework for a sustainable economic recovery through the Global Jobs Pact, motivated by the growing need to embrace the Decent Work Agenda. This requires a serious commitment by the social partners to work out of this crisis.

Stakeholders in the tripartite arrangement, especially governments, should commit themselves either to create fiscal space to stimulate economic growth or to implement specific people-centred employment strategies as outlined in the Global Jobs Pact.

It is now common knowledge that, even when the global economy starts to see and project signs of recovery, it nonetheless leaves behind an employment gap, which normally lags behind in translating into employment opportunities.

As we mark the second anniversary of the Social Justice Declaration, the Global Jobs Pact and the Decent Work Agenda will, indeed, if applied on the basis of countries' capacities, yield real, positive economic results. This is why decent work provides a measure of economic progress that is accompanied by quality jobs. The Chairperson of the Governing Body made an all-inclusive submission last week with regard to the 2008 Social Justice Declaration and the Global Jobs Pact, regarding how powerful these instruments are in overcoming the effects of social and economic crises, illustratively saying that they placed people at the centre of the economic rebound and employment at the heart of recovery policies.

I need to state that, despite all the good intentions above, we in the developing countries, and in Africa in particular, face challenges of high proportions. The challenges are compounded by seemingly never-ending high poverty levels, unemployment and underemployment, among other things. Also, the demands of the global governance institutions in respect of loan and borrowing requirements are eroding the gains achieved under the Global Jobs Pact and run contrary to the Declaration on Social Justice for a Fair Globalization. In Zimbabwe, the IMF Executive Board, when discussing Article IV consultations with the Zimbabwe Government, advised it to slash the wages of civil servants, and yet the unemployment rate stands at 85 per cent and the average wage for civil servants stands at one third of the living wage.

The Decent Work Agenda and the Global Jobs Pact have been accepted by various multilateral agencies, suggesting that the ILO tripartite system may continue to negotiate with these agencies to accept the very nature, content and intentions of a fair globalization and the spirit of decent work.

Working out of the economic crisis demands enhanced social dialogue. In my country tripartism is on the right track, moving painstakingly slowly, but effectively enough to show signs of progress.

The parties, through ILO sponsorship and facilitation, have taken steps to deepen the concept of social dialogue by adopting best practices in other countries. In light of the above, the Tripartite Negotiating Forum concluded the signing of the Kadoma Declaration, which is vital to bring parties closer together in order for them to concentrate on economic revival. The tripartite parties will start to

popularize the Kadoma Declaration, which was launched by President Mugabe this year. With the support of all the political players in the country, the Declaration may assist this nation State in its economic recovery strategies.

The Workers' delegation is encouraged by the peaceful environment in which the ILO-constituted Commission of Inquiry into trade union and human rights violations carried out its mandate. Zimbabwean workers are anxiously monitoring whether the recommendations will be fully implemented, especially the aligning of legislation with Conventions Nos 87 and 98, the repealing of the Public Order and Security Act and the application of the rule of law, among others, and whether Gertrude Hambira, the General Secretary of the General Agriculture and Plantation Workers' Union of Zimbabwe, will be allowed to return home from where she is hiding to perform her duties in the trade union.

The Zimbabwe Congress of Trade Unions will be there to support all genuine social and economic programmes so that, once again, Zimbabwe can occupy her rightful place in the community of nations.

Original French: Ms AWASSI ATSIMADJA (Employer, Gabon)

I would like to focus on the Global Report, *Accelerated action against child labour*. The employers of Gabon remain as convinced as ever of the great relevance of the ILO Declaration on Fundamental Principles and Rights at Work, and wish to see an increase in the technical cooperation provided by the support project for the implementation of the Declaration (PAMODEC).

Further to the Global Report, *Accelerated action against child labour*, there is a clear link between the need to have sustainable and competitive enterprises and the fight against all forms of child labour under the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Even though they are not mutually exclusive, the scope of those two Conventions must remain separate and distinct. Meanwhile, we must take on board their content and transmit it and ensure that it is understood both by the stakeholders involved in the use of, or profiting from, child labour and by all of the people of Gabon.

His Excellency Ali Bongo Ondimba, President and Head of State of the Republic of Gabon, is striving to turn Gabon into an emerging country. Gabon's employers are unanimously committed to that plan and the Gabonese Employers' Confederation, as an advisory body to the authorities and a member of the Central African Employers' Union (UNIPACE), shared its experience and views at the high-level conference on Employment and Sustainable Enterprises in South Africa, organized by the International Organisation of Employers (IOE) with the support of the ILO and its Bureau for Employers' Activities, and the collaboration of the Pan-African Employers' Confederation (PEC) and Business Unity South Africa (BUSA). The resulting Johannesburg Declaration, which was submitted to the G20 Labour and Employment Ministers' Meeting in Washington, DC, in April 2010, and which is recommended reading for all delegates, makes clear that child labour cannot be tolerated because it is a negative factor and an obstacle to the emergence of sustainable and competitive enterprises.

All of the key themes covered in the Global Report, viewed from any angle, leads us to the conclusion that no matter how much progress has been

made, a great deal remains to be done. The content of the Report, as we have all seen, ties in with topics discussed in our various committees on the application of standards, on HIV/AIDS, on domestic workers and so on. According to the introduction, the picture emerging from the Report and the recent monitoring of progress towards the Millennium Development Goals (MDGs) is mixed. It goes on to say: "In sub-Saharan Africa progress has stalled – this is disappointing. Africa had been identified as a region needing particular attention in our last Report. The bottom line is that some 215 million children across the world are still trapped in child labour. The persistence of child labour is one of the biggest failures of development efforts". We must therefore take fast, effective and calculated action, using every useful tool within our reach, and implementing the road map adopted at The Hague Global Child Labour Conference.

Part II of the Report, *Important achievements on the road to 2016*, suggests to me the need for a calm and collected review of IPEC after so many years striving to combat child labour. Efforts must be made to hone its strategies and *modi operandi*, as well as its methods of cooperation, conducting research and disseminating relevant information in conjunction with the real economy in the hope that we can achieve our objective, especially in sub-Saharan Africa.

How can we be sure of the widespread dissemination of the relevant information required to eradicate this plague? Capacity building of all tripartite players remains the key. My Employers' group colleague from Namibia, when we were discussing the Global Report at the high-level panel meeting, was talking about the difficulties involved in mobilizing the means for education in this field in view of the fact that in his country, four-wheel drive vehicles and information specifically attuned to rural areas was required in order to be able to reach children and families in the bush and to explain to them why child labour must be eliminated.

Finally, the song sung to us by the choir of Geneva schoolchildren gave us a glimmer of hope in the fight against child labour, while the first-hand accounts from child domestic workers and the questions from children going to school in Geneva reminded us of the seriousness of the problem.

Original Spanish: Ms MUÑOZ (Employer, Bolivarian Republic of Venezuela)

The ILO has lived up to its responsibilities in supporting private enterprise and workers. They have to work together to create a better standard of living for everybody throughout the world, whatever their race or political or religious beliefs.

In order to do this, the Global Jobs Pact must be applied. Unfortunately, not all governments have understood this or have applied it.

In my own country, for example, inflation resulting from failed policies such as price controls, exchange, the lack of support for the currency, a lack of transparency and accountability on the part of the Government, together with expropriation and confiscation and an increase in legal and policy insecurity in general, are behind the stagflation that we currently have. That stagflation is very probably going to lead to an even greater level of economic depression.

Inflation in the Bolivarian Republic of Venezuela, which is probably the second highest in the world in

2010, could end this year at around 35 per cent. Unemployment stands at approximately 10 per cent, but of course there is a rapid increase in underemployment. GDP looks likely to fall by between 6 and 7 per cent. The reserves held by the Venezuelan Central Bank are at a historic low, comparable with the Black Friday of 1983. In other words, we do not have sufficient resources to cover more than four months of expenditure such as imports of goods and services, debt payment, dividends and the flight of capital.

And what is happening in our economy is not specific to a couple of industrial enterprises or sectors. All the sectors of the economy registered separately by the Central Bank of Venezuela are showing figures that are falling very fast, except for community, personal and social services, and communications. This latter sector is growing as a result of the crisis, not only in the Bolivarian Republic of Venezuela, but throughout the world.

According to official figures provided by the Venezuelan Central Bank, the growth rate in the transport sector has been –15.9 per cent, –11.6 per cent in trade, –9.9 per cent in the manufacturing industry, –9.7 per cent in financial services, –7.8 per cent in construction, –4.8 per cent in mining, –4.8 per cent in the property market, –2 per cent in electricity and water, and –0.2 per cent in general government services. The average for the last quarter was –5.8 per cent and something very similar happened in the last quarter of 2009 as well.

Demand has been in freefall and there is no sign of recovery. This goes for private consumption, gross fixed investment, purchase of property, Government consumption and, lastly, exports.

Between 2003 and 2008, while the cost of crude oil was growing at a rate faster than our inflation, the imbalances in our economy could be hidden. Now they cannot because the global recession has limited the growth rate of the price of crude oil, while inflation is soaring.

The Government cannot promote an agenda that is destroying our national economy and, consequently, employment and private property, while expropriating and confiscating goods and enterprises.

The Government cannot benefit countries to the detriment of the Bolivarian Republic of Venezuela by importing at a rate that has grown four times over the last five years, from more than US\$10 billion in 2003 to nearly US\$50 billion in 2008. We do not have enough dollars to live like that anymore and we now have supply shortages.

The Government cannot continue to restrict hard currency for individuals and enterprises with an erroneous exchange policy that has led to inflation that has impoverished the entire population.

The Government cannot spend uncontrollably without establishing a contingency fund in the Bolivarian Republic of Venezuela to help people in times of difficulty.

The Government has to rethink our entire economy because, if it does not, the deterioration of our economic situation is going to continue even faster and impoverish even more people.

The new employers' leaders show willingness for dialogue with the Government on a daily basis. And so do the workers, but the Government does not appear to want to know.

Guyana sees this as an opportune moment to express its appreciation, and that of all other CARICOM countries, to Dr Ana Theresa Romero and her staff at the ILO Caribbean Subregional Office for the excellent and effective work they have been doing in our region. Nine Decent Work Country Programmes have thus far been completed and Guyana, along with two other countries, is in the process of completing the work after their planning workshops earlier in March.

Guyana also commends the work of the Inter-American Conference of Labour Ministers, an OAS institution, on the strides being made to build capacity in the labour ministries of the OAS and the sharing of information on best practices in labour administration and tackling the global economic crisis.

Noting the Director-General's Report on child labour, Guyana affirms its commitment to the goal of ending all forms of child labour. That is why Guyana has ratified ILO Conventions Nos 182 and 138. Guyana has set its minimum age for employment at 15 years and has amended its Constitution to ensure that all children under 15 years of age are in school. Guyana created a Child Protection Agency only last year.

Guyana has introduced a Single Parents' Assistance Programme, which includes skills development and an economic assistance grant for them to buy tools so that they can start their own businesses. Guyana amended its law only two weeks ago to give tax relief to any financial institution that has a single-parent financing facility.

From the beginning of this year Guyana has provided a uniform for every child of school age, as well as meals programme.

Guyana is concerned, however, that the definition of child labour and the conditions for the employment of young persons should remain consistent. Too often, terms are used synonymously and definitions vary. For example, under our law, the age of entry into employment is 15 and for the employment of young persons it is between 15 and 16. However, some groups use 15–18 as the age for both. Such definitions would skew negatively the figures for the incidence of child labour.

Guyana also cautions and expresses its concern about groups that developed countries hire to execute projects and the honesty with which these contractors report their deliverables. Only on Monday, 14 June 14, the United States released its 2010 Report on Trafficking in Persons. On page 168, the report comments that a project, that the United States Government funded in Guyana, removed 984 children from exploitative child labour between 2005 and 2009. During this time not one shred of evidence of any of these cases has ever been shown to the Government of Guyana. But the damage is done! The United States' report will now be used as gospel by every institution and professionals especially to condemn my country.

The contractor, with his baseless and falsified report, collected his US\$2 million from the United States Department of Labor. Removing 984 persons from child labour looks like the contractor delivered well on his contract. The contractor is now free to move on and rip off the American taxpayer again. A poor, heavily indebted, developing country, which has established legal and administrative mechanisms to guard and fight against child labour, is thus

put in peril by the negative badge identifying it as a country that condones child labour.

On the issue of the Global Jobs Pact, Guyana endorses the statement by the Director-General in his World Environment Day message 2009, which called for low carbon development. Guyana has chosen this as its development option.

Dr Bharrat Jagdeo, a 2010 recipient of the United Nations Champion of the Earth Award, has spent an enormous amount of time and resources to ensure that there is stakeholder participation and respect for the wishes of the indigenous peoples of my country. In our Low Carbon Development Strategy, our President continues to champion the cause of climate change.

In conclusion, Guyana recommends itself to the values of the ILO, its fundamental principles and rights at work and to continued cooperation with it in the promotion and implementation of a Decent Work Agenda programme.

(Mr de Robien takes the Chair)

**REPORT OF THE COMMITTEE ON THE APPLICATION
OF STANDARDS: SUBMISSION, DISCUSSION
AND APPROVAL**

Original French: The PRESIDENT

We will now move on to the examination of the report of the Committee on the Application of Standards, which is contained in *Provisional Record* No. 16, Parts 1, 2 and 3. The Officers of the Committee are as follows: Chairperson: Mr Paixão Pardo; Employer Vice-Chairperson: Mr Potter; Worker Vice-chairperson: Mr Cortebeeck. The Reporter is Mr Horn. I invite them to come up to the rostrum. I now give the floor to the Reporter.

Mr HORN (Government, Namibia; Reporter of the Committee on the Application of Standards)

It is a pleasure and an honour to present to the plenary the report of the Committee on the Application of Standards.

The Committee is a standing body of the Conference, empowered under article 7 of its Standing Orders to examine the measures taken by States to implement the Conventions that they have voluntarily ratified. It also examines the manner in which States fulfil their reporting obligations, as provided for under the Constitution of the International Labour Organization.

The Committee on the Application of Standards provides a unique forum at the international level to discuss application of international labour standards by member States. This tripartite forum brings together representatives of the real economy, drawn from all regions of the world, who have experienced times of economic boom and bust, and have agreed on action to ensure recovery and jobs.

The operative approach for the Committee's work is oversight through dialogue, which is also the ILO's hallmark. Fruitful dialogue between the Committee and the Committee of Experts and with member States is key in this regard. The Committee works closely with, and to a large extent on the basis of, the report of the Committee of Experts. Furthermore, it is the established practice for both Committees to have direct exchanges on issues of common interest. This year the Committee had the pleasure of welcoming once again the Chairperson of the Committee of Experts who attended the first

week of its session as an observer, with the opportunity to address the Committee.

One issue of common interest is the fulfilment of reporting obligations by member States. The work of both Committees hinges primarily on the information contained in the reports submitted by governments. This year, the Committee noted that the strengthened follow-up put in place by the Committees, including enhanced and targeted technical assistance from the Office, has provided positive results. At the same time, serious difficulties remain, as was demonstrated by the slight decrease in reporting this year and the number of late reports. The Committee called on the Office to intensify its technical assistance to member States to enable them to fulfil their constitutional reporting obligations.

The Committee held 17 sittings during which it received information from 46 governments on the situation in their respective countries.

For the past four years, the Committee's working methods have been examined by its tripartite working group which has held eight meetings to date. This ongoing examination has brought important evolutions. It has reinforced the dialogue among the members of the Committee in an area that can give rise to controversial issues. It has developed tripartite ownership with respect to the governance of the Committee. It has permitted measures that proved insufficient in practice to be readjusted. This year, as a result, enhanced measures concerning time management were strictly enforced by the Chairperson and largely respected by the delegates. In addition, individual cases were automatically registered for discussion and evenly distributed over the second week, on the basis of a rotating alphabetical system. These measures brought an unprecedented efficiency in the conduct of the Committee's work. At the same time, the Committee agreed to implement them in a pragmatic manner so as to preserve its fundamental role as a tripartite forum for dialogue on international labour standards. The working group will continue to discuss further improvements and readjustments.

The report before the plenary is divided into three parts, corresponding to the principal questions dealt with by the Committee.

The first part addresses the Committee's discussion on general questions relating to standards and the General Survey of the Committee of Experts this year concerns employment instruments as well as its consideration of the report on teaching personnel of the Joint ILO-UNESCO Committee of Experts.

The second part takes up the discussions on 25 individual cases examined by the Committee, and its related conclusions.

The third and last part concerns the Committee's special sitting on the questions of observance by Myanmar of the Forced Labour Convention, 1930 (No. 29).

I will recall the salient features of the Committee's discussion in respect of each of these questions.

The highlight of the first part of the Committee's work was its examination of the Committee of Experts' General Survey concerning employment instruments. This year, the Conference Committee and the Committee of Experts had a fundamental responsibility. Through the General Survey and related discussions, they had to concretize the normative dimension of the recurrent discussion by the

Conference on employment. Thus, they were to guide the future standards-related actions of the ILO in a field that is vital for attaining decent work for all, especially in times when unemployment stands at its highest level ever recorded.

The Conference Committee decided to take up, at an early stage of its work, the General Survey concerning employment instruments to ensure a timely coordination with the Committee for the Recurrent Discussion on Employment and to provide a meaningful contribution to the overall ILO plan of action. The Committee's discussion was followed by the swift adoption of a brief summary and conclusions.

In its conclusions, the Committee invited member States that had not yet done so to ratify as a matter of priority the Employment Policy Convention, 1964 (No. 122), and to consider ratifying the Human Resources Development Convention, 1975 (No. 142), and the Private Employment Agencies Convention, 1997 (No. 181). It also underlined that the ILO should provide technical assistance, including capacity building, to member States and social partners, with a view to the ratification and effective implementation of the instruments. The summary and conclusions were transmitted to the Committee for the Recurrent Discussion on Employment and completed with oral presentations by the Officers of the Committee on the Application of Standards.

The interaction between the two Committees has been very fruitful. Indeed, the conclusions of the recurrent discussions which were before the Committee have fully taken into account, and reinforced, the conclusions of the Committee on the Application of Standards.

The result achieved highlights, in particular the Conference Committee's remarkable capacity, through dialogue, to discharge its core mandate and to be simultaneously responsive to contemporary challenges. In meeting the important institutional challenge that is raised in the Declaration on Social Justice for a Fair Globalization, the supervisory system has contributed also to the ILO's crisis response activities, and the need to move towards a path of inclusive global development and fair globalization creating opportunities for all.

With respect to its core work concerning the 25 individual cases, the Committee succeeded in achieving a balance between the different regions as well as covering a greater variety of subject matters. It discussed a rather high number of cases dealing with child labour, coinciding with the theme of this year's Global Report under the 1998 Declaration. One of the child labour cases covered the issues of domestic workers, one of the standards-related items on the agenda of the Conference.

The Committee's conclusions on these cases constitute an authoritative and effective compass to guide member States in meeting their commitments under the Conventions that they have ratified. The Committee underlined the seriousness of the issues arising from the application of ratified Conventions, recognizing at the same time the need of certain countries for specific ILO assistance. As it now has been doing for the last five years, the Committee has called for or requested technical assistance in 20 of the 25 individual cases examined.

The special sitting to examine developments concerning the question of the observance of the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), was held pursuant to the resolution adopted by the Conference in 2000. While it

acknowledged some limited steps on the part of the Government, the Committee once again placed emphasis on the need for the Government to work proactively towards the full implementation, without delay, of the recommendations of the Commission of Inquiry and the comments of the Committee of Experts.

The Committee decided to include in its report special paragraphs on the following cases: the application by the Central African Republic of the Minimum Age Convention, 1973 (No. 138); and the application of Myanmar and Swaziland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

In accordance with the Committee's working methods, the case of the application by Myanmar of Convention No. 87 was also listed as a case of continued failure, over several years, to eliminate serious discrepancies between its law and practice and the Convention.

To sum up, this year, in addition to fulfilling its important monitoring role as regards the application of ratified Conventions, the Committee has made a lasting contribution in enabling the ILO to discharge in an effective manner its core responsibilities and to rise to the challenges resulting from the global crisis, so as to build recovery and growth through decent work. It has been an enriching experience to participate in its work.

I would like to thank the Chairperson and Vice-Chairpersons of the Committee for their competence, the efficiency and the spirit of cooperation, which has enabled this Committee to carry out its work.

I would like to recommend that the Conference adopt the report of the Committee on the Application of Standards.

Mr POTTER (*Employer, United States; Vice-Chairperson of the Committee on the Application of Standards*)

On behalf of the Employers' group, I commend the report of the Committee on the Application of Standards to this plenary today and recommend its adoption.

My presentation this year is divided into two parts. First of all, I will present the Employers' group perspective on the Committee's work and, secondly, share a few personal reflections on the Committee, after 29 sessions of the International Labour Conference. As a consequence, my presentation will be a little bit longer than usual, but this is a testament to the depth of my feelings on the importance of the ILO's supervisory system.

The Employers' group reaffirms its support of the ILO's supervisory system and our commitment to strengthen it and keep it relevant and effective. We would also like to express our respect for, and the value we attach to, the Committee's fact-finding role, which was established in 1926. The ultimate responsibility for the ILO's supervision of standards lies with the ILO's tripartite constituency, namely the International Labour Conference, pursuant to article 23, paragraph 1, of the ILO Constitution, and article 7 of the Standing Orders of the Conference. Tripartism, which is integral to democracy, is messy and time-consuming, but is essential to establishing global consensus on the meaning, scope and implementation of ILO standards. Beyond the scope of the International Labour Conference, the constituents and the Governing Body have very little awareness of the day-to-day supervisory process.

The 2010 report of the Committee of Experts on the Application of Conventions and Recommendations contains over 800 observations concerning individual assessments of compliance with ratified Conventions. At present, the report is submitted to the Governing Body for its information, but is never discussed in the Committee on Legal Issues and International Labour Standards or the Governing Body itself. This year, our Committee examined just three per cent of the Committee of Experts' observations, not counting the hundreds of direct requests.

The bottom line for the Employers' group is that tripartite governance needs to be restored with respect to the application of standards. We believe that the inclusion of constituent views in the Committee's Annual Report (Report III, Part 1A), is essential, as this provides an opportunity for constituents to state their views on standards and supervision-related issues. Such a report would strengthen the credibility and acceptance of ILO standards.

In previous years, the Employers have objected to mini surveys or commentaries outside the general survey process under article 19, and for good reason. The working assumption of the ILO tripartite constituency, and the Employers in particular, is that the meaning and scope of any Convention, or category of Conventions, can be found in the text of the Conventions, the negotiating history, and the Committee of Experts' General Survey.

Last year, we expressed concern over three of the five general observations of which two relate to the new reporting requirements. We asked that these reporting requirements be cleared through LILS and the Governing Body. In this year's report, we have been unable to determine what the Office and the Committee of Experts have done regarding any of our comments. This creates the impression that there has been a breakdown in the tripartite governance process. This year, we would like to express our concern over a new reporting requirement with respect to four wages Conventions. As have asked for them to be cleared by the Committee on Legal Issues and International Labour Standards and the Governing Body, as we did last year.

It would appear that the Committee of Experts have not taken into account that concerns expressed by Governments and the Employers' group, during the tripartite debate and the 2008 General Survey on labour clauses in public contracts. These comments focused on the discriminatory aspects of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), its negative impact on job creation and tax payers, and its inconsistency with European Union legislation. Twelve years after the Cartier Working Group decided that the Convention should be re-examined by the Governing Body, this review is long overdue.

As part of its contribution to tripartite governance, the Employers' group commented, in general terms, on the overall Committee of Experts' observations on the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Termination of Employment Convention, 1982 (No. 158), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We direct the Committee of Experts to our comments on these three Conventions in the general discussion, and ask the Committee of Experts to reply to them in their next report. When the Committee of Experts look at the second part of our report we ask them to look at the

entire discussion of the case, and not just the conclusions. As they do with Governments, the Committee of Experts need to take into account the point of view of both the Workers' and Employers' groups, and any concerns they may have.

In particular, with respect to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), we direct the Committee of Experts to the summarized detailed discussion of the legislative history of the consultation clauses found in the Convention, in the case involving Peru. It is clear that, as consent is not required before economic activity begins, the Committee of Experts request that governments "suspend the implementation of an existing project, the exploitation or exploration of activities and implementation of infrastructure projects and the exploration and exploitation of natural resources", pending compliance with the consultation provision of the Convention, is incorrect. We request the Committee of Experts to amend their view so as not to jeopardize the wellbeing of the citizens concerned, especially during the global recession.

The Employers' group is also concerned with an Expert's observation concerning Belarus that includes provisions of the Termination of Employment Convention, 1982 (No. 158), which the country has not ratified, in its obligations under the Employment Policy Convention, 1964 (No. 122), which it has ratified. Our view is that Convention No. 122 does not prohibit short-term contracts, as is the case under Convention No. 158.

It is worth pointing out that none of the current members of the Committee of Experts were on the Committee when the Committee of Experts conducted their most recent General Survey on Conventions Nos 87 and 98 in 1994. Since 1953, the Employers' group has expressed deep concerns regarding the expanding, detailed regulation of the right to strike under these two Conventions, because the legislative history and language of the two Conventions make it clear that their provisions do not expressly provide for this right. There can be no detailed regulation of matters that are not explicitly provided for under a Convention. Nonetheless, without responding to the Employers' group position, which we have stated over the course of several decades, the Committee of Experts have continued their detailed critique of ratifying countries' strike policies.

Once again, the Employers' group once again respectfully asks the Committee of Experts to reconsider their interpretations relating to the right to strike. The Employers' group requests that its view, as well as those of other constituents be set out in detail in a general observation on the two conventions in the upcoming Report III (Part 1A), as well as in future reports, and further request a supplement to this year's report which contains the employers position.

There have been a number of cases where significant problems regarding implementation and compliance with voluntarily ratified conventions have appeared. There is no case more important to the Employers' group than that of the Bolivarian Republic of Venezuela, where the Government continues to suppress and interfere in the internal affairs of the most representative employers' organization, FEDECAMARAS, and seeks to eliminate the private sector through the expropriation of property. Without a private sector, there is no tripartism or freedom of association for employers, both of which

are cornerstones of the ILO and are fundamental to the implementation of Convention No. 87. This case, which has been discussed over the course of the last 15 years, constitutes a continuing failure to implement the Convention. It would be tragic if the discussion on a freedom of association case in Geneva resulted in the arrest of persons attending this Conference on their return home, or the arrests of others associated with FEDECAMARAS and the trade unions.

In view of our support in virtually all of the Workers' group cases on the list of cases, the lack of support from the Workers' group in this one case is very disturbing, has potential consequences and seriously undermines our otherwise good relations and ability to work together.

The special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), continues to make clear that there remains a substantial gap in this country's commitment to abolish forced labour in law and practice. Concrete action to abolish and eliminate forced labour is required of the Government. The Committee designated Myanmar, for Convention No. 87; the Central African Republic, for Convention No. 138, and Swaziland, for Convention No. 87, as special cases in Part I of our report.

As a result of the 2008 Declaration on Social Justice for a Fair Globalization, this year's General Survey concerning employment instruments was aligned with the Committee for the Recurrent Discussion on Employment. The Committee of Experts adjusted the traditional General Survey format to deal with six ILO standards – four Conventions and two Recommendations – in order to make a contribution to the recurrent discussion on employment.

Although there is value to looking at these instruments in an overall context, we think that something very valuable is being lost. The real value of General Surveys is to help constituents better understand what their voluntarily ratified treaty obligations are and what they mean. This is undermined by mechanically aligning General Surveys to the schedule of the recurrent reviews. Instead, it should be a relatively simple thing to determine if there are any gaps or a need to update the subject matter of prior General Surveys, necessitating a new or refreshed General Survey. If not, let us return to the previous form and substance of General Surveys. We are concerned in this respect with future General Surveys, in particular, the General Survey on the eight fundamental conventions in two years.

In contrast to the Conventions and Recommendations that are the subject of most General Surveys, this General Survey highlights the intersection and interrelationship of economics and labour standards. The current global recession highlights that coherence with ILO standards requires that those standards should not impair the achievement of full, productive and freely chosen employment, as provided under Convention No. 122. Convention No. 122 provides a flexible, promotional economic policy framework that can be adapted to national circumstances.

The global recession is challenging existing dogmas and concepts about employment and shows the complexity of the relationship between employment and other economic, tax and social policies. Government action must focus on employment and employability, supported by labour market policies that

activate the labour force into work, increase productivity, make work pay, raise workers' standard of living, and provide for labour market mobility.

There is now widespread recognition that small and medium-sized enterprises (SMEs) are the critical engine in generating employment opportunities and growth. The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), is an important instrument that highlights the importance of SMEs in the creation of employment and the need for promotion of SMEs in any policy aimed at full, productive and freely chosen employment. Job growth will be led by SMEs, even though SMEs have been one of the biggest victims of the economic and jobs crisis.

The Employers' group did not support either of the Committee of Experts' recommendations for new employment policy standards because there are no gaps in the current framework and, in our view, a consolidated instrument would create confusion. The Employers' group requests the Committee of Experts to take into account our view on their interpretation and application of a few of the employment policy instruments and respond in its next Report III(1A) to the Conference.

Let me now turn to some personal reflections on the core part of our work – the cases. I make them now because my opinion is that the working relationship between the Workers' and the Employers' groups and some governments is at a tipping point.

The reason that I have kept coming back to this Committee over 29 sessions of the International Labour Conference is because of the opportunity to facilitate implementation of voluntarily ratified ILO standards and, as a consequence, improve the working and societal conditions for workers' and employers' organizations and their members. If it were up to me, we would abandon the general discussion and General Survey debates and just address implementation of ratified ILO standards.

My overall approach to the list of cases and the discussion of cases is a human rights values approach. It is composed of the following elements: rule of law, balance and fairness, good faith, analysis, pragmatism, the Committee of Experts' observations, assessment of the history of the case, the efforts being made by the Government, whether those efforts are sustainable and, ultimately, doing the right thing. Too often in our Committee, we look at the current situation, taking a short-term view of the case, and do not take into account the history of the case, the improvements or lack of improvements, the Government's good faith, and the level of government effort. Even if the situation continues to be serious, we need to look at all of these factors to be fair to the Government but also to reinforce the purpose of the supervisory machinery which is to prod and motivate the Government to full implementation of the labour standards that they have ratified.

Each year, I read every observation that the Committee of Experts makes in Report III(1A). Out of that review, independent of an overall Employer view, I typically come up with a list of 50–60 observations that cover the spectrum of ILO standards, but are particularly focused on the eight fundamental Conventions. I fully understand and appreciate the priority that the Workers' group attaches to freedom of association, but many cases involving forced labour, child labour, discrimination, health and safety, and wages and hours, cry out to be ad-

dressed. However, under our current approach to the list of cases, they are effectively ignored or vetoed by our Committee because they are not on the list. These "orphan cases" are left to the follow-up by the Committee of Experts and the Office.

For this reason, you have heard me say many times in our Committee that there needs to be more diversity in subject matter in the list of cases with regional balance, and not coming back to the same cases year after year if the Government is making sustained efforts to improve the situation, even if the case remains serious. The act of selecting a case is a veto of another case, regardless of one's point of view. Reasonable, thinking people of goodwill can disagree on whether one case is more appropriate than another to be on the list in applying the criteria in our working methods. A disagreement is not a veto.

Since the 1980s, there has been a significant change in our Committee's approach to conclusions. During the Cold War there was a heavier emphasis on sanction through a special paragraph in serious cases. With the fall of the Berlin Wall, there began a transition that placed greater emphasis on technical cooperation, technical assistance, high-level missions, and high-level tripartite and bipartite missions. You can see that this year, with 20 of our conclusions recommending technical assistance and eight providing for missions. Taking a 29-year perspective, my assessment is that we have successfully motivated more governments to do the right thing, make progress and implement their obligation to apply and implement the ratified labour standards in law and practice by the assistance-mission approach than via the special paragraph route. The hammer of a special paragraph and a continuing failure to implement is appropriate when the Government is absolutely unwilling to take any, or at best minimal, steps.

In our Committee, we need to recognize that there is a several month lag between the Government's report to the Committee of Experts and the Committee's observations to the Conference and the discussion in our Committee. In making the Employers' group statement and considering the conclusions, I listen very carefully to what the Government has done since its report to the Committee of Experts, what it says it will or will not do, and updated facts in the case. In sum, what experience has demonstrated to me is that the hammer is not the most effective way in most cases. Most cases require a facilitation approach. Occasionally, there is the intransigent government and there is only one way to go – the hard way.

In closing, I would like to thank the Office for its excellent support in the development of our work. It needs to be recognized that the Office initiative to convene an ongoing working party several years ago on the working methods of our Committee has yielded positive results, culminating this year in the scheduling of five cases each day and a time clock that made the hours of work reasonably decent.

Our Chairperson deserves special thanks for the firm parliamentary running of the meetings this year and his understanding of the cases in formulating the conclusions. Our Reporter with his wry and subtle humour kept us on balance. In particular, I want to thank the Worker spokesperson for his continued collaboration, thoughtfulness, problem-solving approach and goodwill.

I would also like to thank the Employers' group for helping me prepare and present several of the individual cases, as well as staff of the IOE and ACT/EMP for their ongoing support before, during and after this Conference.

In conclusion, I reaffirm the Employers' group's continued support for the ILO supervisory machinery. We support this report without reservation.

Original French: Mr CORTEBEECK (Worker, Belgium; Worker Vice-Chairperson of the Committee on the Application of Standards)

This year, 2010, is one which we will not forget. First of all, because it was the year of methodological changes – and I can already say that I have a positive appreciation of those changes – and, second, because we were afraid that it may be the sign of a development which would undermine the supervisory machinery with regard to the application of ILO standards. Our tripartite Committee, of course, is one of the pillars of that supervisory system. Only the future will be able to tell whether this is actually happening.

The first major change concerns the format of the General Survey, which for the first time covered several instruments connected with the subject of employment. The discussion on the General Survey at this, the 2010 session of the Conference, was, in fact, the first specific phase of a new process, which marks a break from practices which were adopted over many years concerning the General Survey. Like any break, it was and remains at the same time a source of renewal, but also a source of questioning. The General Survey in the present 2010 format was linked first of all to the implementation of the first of the four strategic objectives taken up in the ILO Declaration on Social Justice for a Fair Globalization of 2008, namely promoting employment by creating a sustainable institutional and economic environment. It was also linked to the follow-up to the resolution, *Recovering from the crisis: A Global Jobs Pact*, adopted by the International Labour Conference at its 98th Session in 2009, particularly its section concerning principles to promote recovery and development, which repeats the contents of the Conventions and Recommendations dealt with in this year's General Survey.

The General Survey deals with elements of the supervisory machinery for the application of standards and more political elements. It is in this way that our Committee had to present a report for the Committee for the Recurrent Discussion on Employment. We had to launch this procedure, which would make it possible for the Committee on the Application of Standards to transmit useful conclusions to the Committee for the Recurrent Discussion on Employment.

This occupied a great deal of our time during the first week of the session. We were, I believe, obliged to carry out this double discussion, which had to be both legal and political in nature. The social challenges which are imposed on us because of the economic crisis, and the need to seek solutions to bring about a recovery where the interests of workers throughout the world are not forgotten, meant that we had to be successful with this new challenge.

I would like to mention the specific context of the General Survey a little bit later, but I want to dwell for a few moments on the impact of this new procedure on our working methods. I must confess that,

faced with the change in the format of the General Survey, which is from now on to be devoted to a package of standards, our fear was that we would lose the benefit of a legal and pedagogical process with a high added value. I have often said, but I do not mind repeating it, that traditional General Surveys are legal elements that are essential to the supervisory system; they are an oversight tool, but also a tool for applying pressure in the framework of this struggle against deregulation, and are also an exercise linked with the need for better legislation.

General Surveys have also served to help those Governments which have not yet made up their minds to show them what alternative approaches exist for a better application of the law, to the benefit of the social partners, to prevent abusive legislative measures from being adopted by governments.

With the 2008 Declaration and the Global Jobs Pact, we entered a transversal political phase. This Declaration does not mean that we have to give up any standard-setting strategy in favour of voluntary regulation, or in favour of the logic of social responsibility, which is left purely and simply up to the discretion of enterprises.

This Declaration nevertheless calls for evaluation. In its Part III, it provides for the fact that the impact of the Declaration, in particular the extent to which it has contributed to promoting the aims and purposes of the ILO, through the integrated pursuit of the strategic objectives, will be the subject of an evaluation by the Conference, which will then decide whether it is useful to carry out further evaluations or whether there are other appropriate forms of action. This necessary evaluation must be integrated into our future working methods, or we will run the risk of failing to achieve one of the missions of the 2008 Declaration.

Allow me to say that we do, in fact, agree with the words of warning which were formulated by the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, with regard to the difficulty that exists in examining several instruments together and at the same time. The General Survey from now on will become an exercise to find a common position around a unifying topic. Work was less difficult this year, thanks to the more or less programmatic nature of some of the provisions of the Employment Policy Convention, 1964 (No. 122), which was seen as the cement holding together all the instruments examined in the General Survey. I am sure it will be much more complex in 2011, with the topic of social security and the examination of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), which are much more detailed and prescriptive.

There was a great risk of confining ourselves to sending to the Committee for the Recurrent Discussion on Employment a simple summary of points made during the course of the tripartite discussions in our Committee. In fact, a summary of the positions was addressed to that Committee, but it was accompanied by brief but interesting conclusions. These conclusions reflect the agreement of the Employers, Workers and a number of Governments to promote the ratification as a matter of priority of Convention No. 122, but also the Human Resources Development Convention, 1975 (No. 142), and the Private Employment Agencies Convention, 1997 (No. 181). They emphasize the linkages between all

the Conventions and Recommendations which were covered by the General Survey.

It is also important that the Committee on the Application of Standards issued an invitation to the member States and the ILO, to strengthen the efforts which they are deploying to pool their information and their skills in the areas covered by these instruments.

The conclusions also call for the provision of technical assistance, including capacity building for member States and social partners, in order to promote the ratification and implementation of the instruments in question.

These conclusions contain two important points for the Workers' group: first of all, confirmation of the ongoing work to promote the four Conventions related to employment and the affirmation of the importance of social dialogue in the effective application of these instruments, which are extremely useful at a time of crisis. Secondly, the Workers welcome the fact that their request has been met to provide broader information and more reliable statistics. So, this first exercise, I think, can be seen as satisfactory.

The second major change concerns time management and the list of individual cases. Very strict measures were adopted this year for the first time in order to ensure effective time management for the presentation of the 25 cases finally selected, in order to determine the order in which the Governments would appear on the final list. It was important to have a balanced time management between Workers, Employers and Governments so that everyone can be heard in a calm atmosphere and in full.

I think we can welcome, generally speaking, the discipline which prevailed in the Workers' group from Monday to Friday evening. I would like to thank the workers from a country which did appear on the list who took the initiative to share their speaking time with colleagues of another ideological or political tendency prevailing in their country. I think that it is a sign of great maturity to be able to adopt such behaviour and it is an observance of pluralism and trade union democracy, for which we are fighting here.

Colleagues belonging to other trade union tendencies are not enemies of each other; it is question of solidarity, which characterizes and strengthens the trade union movement. We must not forget this, and we must say it again publicly at a time when the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the jurisprudence emerging from it is being openly disputed. The right of workers of any international tendency to express their views must be recognized without their being interrupted, treated with disdain or heckled.

The conclusions of our Committee should cover the interests and points of view of everyone. Any other approach would amount to terrorism. And while this may not please the Government of Burma, I am not the spokesperson for a group of terrorists.

The sharing of time between tendencies did not happen in all parts of the Committee. Moreover, the respect for others was compromised at certain points in time and, to be precise, on Saturday, 12 June, in the afternoon. Things went more smoothly after that and that is very good. It would be very dangerous for us all if the mutual respect, which

prevails amongst the three groups in the Committee, were to disappear.

The third major change was that of the radical change of tone as far as the Employers were concerned. Obviously, we and the Employers are not speaking the same language. The very essence of social dialogue, and social consultation, is based on seeking a compromise between interests which, by their nature, will diverge. We are called upon to find some kind of agreement for the greater benefit of the social peace which guarantees economic peace. The crises, first of all financial and then economic, which we have experienced since the end of 2008, have radicalized positions around the room concerning the balance which should be sought in trying to bring about a solution to the major challenges which arise because of the crises.

Until this year, our feeling was that we shared with the employers total confidence in the pillars of the supervisory machinery, that is, the Committee on the Application of Standards and the Committee of Experts. Clearly, this year, our Worker members of the Committee on the Application of Standards will go back home to our countries with a feeling that something has changed in the behaviour of the Employers, which makes us fear a more fundamental calling into question of the aims of the ILO. I even think that we are not the only ones to have this feeling. The statement made at the end of our Committee's work by the representative of the Government of Austria, on behalf of the 38 industrialized market economy countries (IMEC), does give us some comfort in the idea that our fear, with regard to the crisis of confidence, is shared by others.

The Employers' group did not call into question the work of the Committee as such, but the attack carried out against the Committee of Experts will, *de facto*, have this effect of calling it into question.

The Employers' group has launched an offensive against a large number of principles which are jointly accepted and recognized as guarantors of our work, as part of the supervisory machinery.

The Employer members clearly stated on several occasions that, in their view, the tripartite governance in the supervision of the application of standards has been compromised and that there was some kind of fault in the process of tripartite governance.

We unfortunately heard an attack against the Committee of Experts, an attack which, fortunately, a large number of Governments did not wish to support.

I would refer you, once again, to the position of the 38 IMEC countries, who also emphasized the important role of the social partners in the practical functioning of our Committee. I would add that this functioning has to be based on a consensus which, unfortunately, is becoming more and more difficult to attain.

We had to reiterate our confidence in the Committee of Experts, who we believe to be scrupulously impartial, and we believe that they take a very intellectual approach. The Committee of Experts must do their work with the information provided by the three parties that make up the Committee. We are also responsible for the quality of their work.

The Employers have also led an attack on the right to strike, or at least, on the extensions of the application of the right to strike that were endorsed by the Committee of Experts.

The Employers have continued by reproaching the Committee of Experts for the way in which they foresaw the content and the application of the principles enshrined in the Indigenous and Tribal Peoples Convention, 1989 (No. 169). That was the case when we looked at Peru. Then, they questioned whether this Convention has anything to do with labour law.

We recalled that the Convention aims to draw attention to the specific contribution of indigenous and tribal peoples: cultural diversity and social and ecological harmony of mankind, as well as international cooperation and comprehension.

This Convention, although it was initially intended to address the issue of the peoples of the Amazon, contains a very modern message of the kind which we should propose in order to recover from the crisis with the ambition to do better in future and to make sure that the world will look different after the crisis.

The real problem connected with this is the supremacy of economic interest over all other discussions or reflections which we expect people to entertain concerning social justice at the heart of the system, and as the only remedy to the crisis.

The fourth difficulty was linked to how our case list had been drawn up. The drawing up of this list this year, once again, was a particularly difficult exercise and everything indicates that this will also be the case in future.

Over the last few years, there has been a tendency towards horse trading, which has emerged for Workers and Employers. I believe there is no room for blackmailing, for horse trading, or for vetoes.

Some governments have already learnt to respect this point of view. Some employers' organizations should also accept this, and learn this, otherwise there is a risk they will make our work impossible.

We were not able to talk about the United Kingdom because the employers of that country opposed the discussions for obscure reasons. Nevertheless, it was a case that was well investigated by the Committee of Experts, calling to question a country of Western Europe, which is a member of the European Union, and connected with a symbolic Convention, which is often used for other regions and continents, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

This case would have raised a very important question for all of us, on the limits to the exercising of the right to strike by workers who are affiliated to a trade union threatened with legal action for damages and interests, leading to a risk of insolvency for that trade union. How far can one go with this concept of proportionality?

We have not been able, either, to talk about Colombia, because Colombian employers opposed the discussion. The idea to send a high-level tripartite mission in September 2010 seems to be a sign of recognition that there are serious problems that must be overcome.

We were not able to obtain a special paragraph to strengthen our conclusions on the case of Guatemala because the employers of that country were against it. However, in Guatemala, a trade unionist is an endangered species about to become extinct and not at all protected.

Cases involving Latin America, or at least some countries of Latin America, have become taboo for Employers. We see with some pessimism the rec-

ognition of the fact that economic interests and international commercial agreements being concluded with a number of Latin American countries are taking precedence over the rights of workers, which are in grave peril.

We did not consider it a priority to talk about the cases of the Bolivarian Republic of Venezuela or Burundi. By not dealing with those cases we could have freed up some time for cases of more serious violations of the rights enshrined in ILO Conventions, but we agreed to put them on our definitive list, since the right to veto has no place in our forums.

The selection of 25 cases is a very long and difficult exercise. We have to choose a very small number of cases from a report which actually contains around 800 cases.

It is true that cases of violations of Convention No. 87 and Convention No. 98 are given priority on our list, but that is quite understandable and legitimate. Of these 25 cases, we had to take the double-footnote cases. There were seven double footnotes submitted to us this year by the Committee of Experts. Our Committee examined all seven cases out of respect for the opinion of the Committee of Experts.

Countries do not, of course, appear on the list by chance. Governments that do not appear on the final list should not fail to read the report of the Committee of Experts. They must take note of the observations and the criticism which is levelled at them by this specialized Committee.

There is very useful information in the reports, which can be beneficial to employers, workers and governments.

Some governments that criticise the Committee of Experts should take the opportunity to rectify any possible errors made by the Committee of Experts or to provide further, missing information. They should take this opportunity to carry out a constructive dialogue with the ILO. It is not a question of just going home and heaving a great sigh of relief. You have to carry out work internally in the country, using the report of the Committee of Experts and ask the ILO for assistance if necessary.

The case of Ethiopia is a good example. Although it was on our preliminary list we could not talk about the case because we did not have enough time. The Workers' group is waiting for the Government to follow up to the Committee's comments. Although there are no remaining trade union prisoners in Ethiopia, the Government should do its utmost to implement the provisions of Convention No. 87 straight away, in law and in practice.

It was impossible for us to take this into account on our list of progress cases. We would have liked to do so to help some governments demonstrate their efforts to usefully put into practice the observations of the Committee of Experts. I think we should find a system which would help us to note these cases of progress.

We still have one particular regret, which is the issue of the case of Japan and Convention No. 29. This case does not appear on the list of cases examined by the Committee of Experts in their 2010 report, but we noted that it would be included in the 2011 reporting cycle. We hope that for next year a solution might be found for the victims of this degrading situation, which would make it possible to restore the dignity of these women who were forced to serve as sex slaves.

As the conclusions of our Committee show, a large number of cases mentioned this year were coming back to the Committee on Standards after several not entirely successful previous attempts to obtain reports from them, as well as offers of technical assistance which did not yield any specific results, and after direct contact missions, committees of enquiry and high-level visits. I am thinking of Belarus, the Czech Republic, Costa Rica, Guatemala and the Islamic Republic of Iran for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), as well as Swaziland and Turkey. This is not an exhaustive list.

Despite all this, our Committee decided in several cases to place its trust in the Governments who came to tell us about their efforts and who committed to conforming to the provisions contained in the Conventions of the ILO.

We hope this shows that respect for the standards of the ILO remains a goal that is broadly shared by all member States in all regions of the world. We hope that these governments agree, without reservation, to implement the provisions of the conclusions that concern them.

Out of 25 cases, 20 will be provided with technical assistance. We would urge that governments consider this technical assistance not as some kind of sanction, but rather, as a helping hand to assist in their implementation of ILO Conventions at the national level. Eight different missions have been set, one of which has been mandated to a high level politician in Guatemala. Three special paragraphs were added to the conclusions for Burma and Swaziland for Convention No. 87 and the Central African Republic for Convention No. 138. A large number of conclusions contained very clear requests, which should facilitate the countries' task of informing the Committee of Experts within a very precise deadline.

The presence in our Committee of several Ministers of Labour, and high-ranking officials shows that governments pay a great deal of attention to the application of ILO standards.

I would like to express my thanks to the Workers' group for the excellent work that they have done over the last three weeks. I would like to thank them for the preparatory work they conducted before the Conference and for their collaboration and team spirit, which are essential elements for the success of the Committee's work. I would also thank the Officers of the Workers' group.

I would also like to thank the other Officers of our Committee and colleagues in the ILO for the technical and legal assistance they gave us, as well as the International Trade Union Confederation (ITUC).

I would like to ask you to approve the report of our Committee.

Original Portuguese: Mr PAIXÃO PARDO (Government, Brazil; Chairperson of the Committee on the Application of Standards)

Further to the remarks of previous speakers, I would like to highlight one or two points.

During the first week of our work, we were able to examine the General Survey on the recurrent theme of employment, the conclusions of which contributed to discussions within the Committee. In the second week, we managed our time well and were able to look at 25 cases – five per day. In this regard, the Committee's conclusions must be observed and appropriate follow-up ensured.

In our deliberations, we sought to be constructive in solving problems related to the application of international labour standards. We should therefore undertake analysis and follow-up thereof without fearing measures of retaliation, such as those described by some tripartite constituents here.

I would like to mention the enormous amount of work done by our Reporter who displayed his ability during the examination of the cases of serious failure to comply with obligations. I would like to thank the Vice-Chairpersons for their professionalism and all the work that they have done, and I extend my thanks to the members of their groups, as well as the secretariat. I also thank everyone for the spirit of cooperation they showed in helping us to manage our time so well.

We wish to underscore the importance of the contribution of ministers of labour to the work of our Committee, both in the general discussion and in dealing with individual cases.

I am well aware that we can and must improve our procedures, particularly with regard to the adoption of the list of cases and behaviour during meetings, avoiding outbursts that do not conform to parliamentary norms. In preparing for future meetings, however, we should not overlook the positive, and we should therefore return to consideration of positive cases.

(The speaker continues in French.)

I would like to thank the President of the Conference for his support for our Committee.

(The speaker continues in Portuguese.)

In conclusion, I would like to invite the Conference to approve the report of the Committee on the Application of Standards.

Original French: The PRESIDENT

I now open the discussion on the report. I would remind you that the report has already been adopted by the Committee, and therefore it cannot be changed at this stage.

Mr SAIDOV (Government, Uzbekistan)

We are making this statement due to the conclusion of the Conference Committee on the Application of Standards on the implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182), in Uzbekistan.

Firstly, the written report of Uzbekistan for the period from 2008 to 2010 on the implementation of Convention No. 182 is absolutely ignored in the Committee's conclusion. The report, in accordance with the requirements of the ILO, contains full information on the substance of Articles 7 and 8 of the Convention. This report was submitted on 6 June this year by official note.

Second, the conclusion of the Committee does not take account of the proposal contained in the statement of the delegation of the Republic of Uzbekistan at the Committee's meeting on 7 June 2010.

Third, the conclusion of the Committee is biased, narrow, selective and politically motivated in its attitude towards Uzbekistan's implementation of the provisions of Convention No. 182. The Committee's decision is based on non-verified and non-objective materials of selected mass media.

Fourth, the Committee's request for further details and the order to accept an ILO mission of observers is unfounded.

Fifth, the conclusion of the Committee has repeatedly used definitions of systematic and continuous use of child labour, which do not exist in international labour law. In connection with the above, the delegation of the Government of Uzbekistan states the need to take into account and include this statement in the official records and report of the Conference. We are disappointed by the abuse of the ambiguity in the provisions of the rules of procedure of the Committee, ignoring the decisions and positions of the Government and the reference to established practice.

Original Arabic: Mr HAMAD MOHAMED FUDULLA
(Government, the Sudan)

The Sudan would like to share some observations as regards Part I of the report of the Committee on the Application of Standards, notably paragraphs 238 and 239 of the report. We would also like to comment on the five last lines of page 13 in Part II of the report.

As regards the first part of the report, the Sudan would like to ask the Conference to withdraw one sentence. I know what the President said as regards the impossibility of making any changes at this stage; the Conference is sovereign. Therefore, I call upon the Conference to withdraw this sentence from the first part of the report. It also features in the second part of the report, in the last five lines on page 13 relating to verification of the situation of the Sudan as regards the Forced Labour Convention, 1930 (No. 29). None of the speakers, Workers, Employers or Governments, mentioned such a condition. The interventions, such as that made by the Employers' delegate, only mentioned technical assistance, which confirms that no verification has been requested. Where did this phrase and the condition of verification come from?

We call upon the Conference to delete this sentence, which represented a prior condition to assistance. These sorts of irregularities frequently occur with regard to the Sudan. Firstly, the Sudan had supplied the information requested to the ILO. The Director of the International Labour Standards Department had confirmed receipt of the report. Unfortunately, this report was not submitted to the Committee of Experts, hence the Committee's conclusion that the Sudan had not met its obligations in terms of submission of reports. We have received an apology for this; we have been told it was "misplaced".

My second point is something that arose during the current session: the secretariat of the Committee stated that the Sudan had not submitted its letter of credentials for this 99th Session, which meant we had to produce it again. This was a mistake for which we have also received apologies. Now a condition has been added that was not mentioned in the debates and which has not been mentioned by any speakers. We would like to know where it came from and how the decision was taken in the absence of the Government representative from the Sudan. We would ask the Officers of the Conference, despite the statement of the President of the Conference saying that amendments cannot be made, to submit this issue to the Director-General so that there can be an investigation into the matter. We also ask the Conference to delete this phrase on page 13 of Part II that refers to verification, because the Sudan does not want technical assistance that was subject to conditions that no speaker had men-

tioned. The Sudan, having received a communication from the secretariat of the Committee requesting it to submit all the amendments it believed were necessary to the documents prepared, submitted a request for amendment, which was refused. We sent a detailed letter on this subject directly to the secretariat. We also sent copies of this letter to the Employer representatives and the Worker representatives on the Committee on the Application of Standards.

The Sudan requests an inquiry into how these conclusions were reached.

In view of the above, we believe that this is a clear case of bad faith. The Sudan has stated that it suspects that the Committee has underlying political motives. We affirm this impression today, and we recall that various speakers have mentioned the fact that the activities or the work of the Committee were not free of political motives.

However, this statement was removed from the provisional record. We would like to protest against the bad faith shown to us. The Sudan rejects this conclusion and the provisional record that contains inaccurate information on statements that were not made during meetings.

Original French: The PRESIDENT

We have noted what you said. I can assure you that this will be reflected faithfully in the *Provisional Record* of this sitting.

Ms DEMBSHER (Government, Austria)

I am making this statement on behalf of the 38 industrialized market economy countries, the IMEC group.

IMEC fully endorses the report of the Committee on the Application of Standards. IMEC has already delivered a detailed statement in the Committee on the Application of Standards at the adoption of its report and we would like to highlight some elements here again.

IMEC supports, and has always supported, the important role of the Committee on the Application of Standards in the ILO supervisory system.

IMEC recognizes that none of the ILO supervisory bodies is infallible. Nonetheless, we continue to strongly support the independence, objectivity and the impartiality of the Committee of Experts. The Committee of Experts is a critical element in the supervisory system that is uniquely equipped to promote the application of international labour standards in all countries, regardless of the prevalent economic, social and cultural conditions.

To the extent that there may be inaccuracies in the Committee of Experts' report, we believe that this may demonstrate the need, to which IMEC has called attention on many occasions, for adequate resources to enable the International Labour Standards Department to cope with its dramatically increased workload. Once again, we call on the Director-General to ensure that the essential work of the Standards Department is among its top priorities.

Many of the difficulties that the Committee encountered this year revolved around the composition of the list of individual cases. IMEC recognizes that this is a process that is always difficult. It is often very emotional and in the end requires significant compromise. Agreement on the list of cases is essential for the successful functioning of the Committee on the Application of Standards, but IMEC continues to firmly believe that governments

should not be involved in this process. We therefore urge the Workers' and Employers' groups, between now and the International Labour Conference in 2011, to find a way to bridge the differences between them, so that the work of the Committee will be more productive and harmonious next year.

IMEC is confident of the Workers' and Employers' groups' commitment to the Committee's methods of work, and therefore believes that the finalization of the list by the Workers' and Employers' groups will in future continue to be based on constructive and respectful consultations and will lead to a balanced list of cases consistently following the selection criteria for cases agreed by the social partners themselves.

IMEC also supports the working methods of the Committee and welcomes the innovative modifications that were introduced this year. At the same time, we support the continuation of the Working Group on the Working Methods of the Conference Committee in the belief that additional adjustments can be made that will further enhance the Committee's efficiency and effectiveness and thus enhance credibility as a critical component of the ILO supervisory system.

Finally, IMEC emphasizes that reasonable people can disagree and we staunchly stand by the full freedom of expression in the Committee on the Application of Standards and all bodies of the ILO. We also believe that protection of the right of expression requires that opinions be expressed in an atmosphere of respect and dignity. We therefore deeply regret that decorum was not maintained in the final sitting of the Committee. We hope that this will not occur again. It would be unfortunate if the Committee would have to consider more drastic measures to permit full and frank debate within the boundaries of respect and decorum.

Original French: The PRESIDENT

We have noted your words and they will be reflected faithfully in the *Provisional Record* of this sitting.

Mr TROTMAN (*Worker, Barbados*)

I wish to indicate to you, first of all, our appreciation for the comments made by the members of IMEC and their criticism of the way in which workers and employers have not been able to reach satisfactory arrangements regarding selection and finalization of the reports. We promise you that we shall be meeting as soon as possible in productive discussions with employers to have a more satisfactory working relationship in those two areas: the selection of the list and determination of final parties.

My main purpose for seeking to have the floor is to indicate to you, regarding the selection of Burma, that we in the Workers' group from Barbados are not sure that Burma has always been able to fully understand our concerns regarding the welfare of the workers in that country. And so, we have decided that, in an effort to make that Government understand more fully that we are not opposed to the country, we are, however, very concerned about the freedom of the people of the country, not only regarding forced labour, but also regarding their fundamental principles and rights at work. We have drafted a complaint under article 26 of the ILO Constitution against the Government of Myanmar for non-observance of the Freedom of Association

and Protection of the Right to Organise Convention, 1948 (No. 87).

This has been signed by me, for and on behalf of the Workers' group, and by a number of other members who serve at various levels within the Workers' group. We have made sure that the secretariat has become aware of this document and we merely wish to serve notice to the Government, and indeed to all members of this Conference, and to seek your support in pursuit of it at the appropriate time.

Mr AHMED KHURSHID (*Worker, Pakistan*)

May I take this opportunity on behalf of the Workers' delegation of Pakistan to associate myself with the good work which has been done by the distinguished members of this Committee, under the leadership of the Chairperson of the group, assisted by the Reporter.

Our distinguished Chairperson and spokesperson of the Workers' group led us in this Committee, to which I was brought along with others of my able colleagues. We also appreciate the work of the Employer Vice-President, who has led us for 29 years. But I must say that, although this is a committee of international labour standards, we have all been violating those international labour standards, even late working on Saturday evening, as well as up to 9.30 p.m. on some days in order to fulfil our responsibilities.

We also appreciated the presence of members of the staff who helped us carry out our work. This Committee is the heart of the Conference and of a supervisory system that is unique in the UN family of organizations, and it is considered to be the conscience of the world by virtue of its upholding the fundamental rights of workers.

There are still many countries that have not ratified the core Convention on freedom of association, which has been the lifeblood of the Organization since its inception. Almost 52 per cent of the population of the world is not covered, and we therefore urge member States to ratify it to demonstrate their commitment to the ILO Constitution, to the 1998 Declaration and to the 2008 Declaration, along with that of all member States and Workers and Employers who have committed themselves to uphold the core standards.

There were 800 observations in the report of the Committee of Experts, but we were only able to tackle 3 per cent of them because of lack of time. We therefore appeal to all the governments that were listed in the report to comply with their obligations by ratifying the core Conventions, as called for by the Committee of Experts. This Committee deals with the ratification of the Convention, and it is obligatory for member States under the Constitution to bring their law and practice into conformity with its principles.

The supervisory system, which was established in 1926, has been acclaimed as one of the best systems of its kind. The membership of the Committee comprises jurists of international repute from every continent, even the Vice-President of the International Court of Justice. I therefore submit that the suggestion that it be overseen by a tripartite group would ruin its objectivity and independence. We firmly support its remaining as it is, especially as we have improved its functioning by inviting the Chairperson of the Committee to our discussion and having our tripartite delegation meet the Committee

of Experts so that we may share some of their views.

I have been attending the ILO Conference for 38 years, so I remember the Cold War. During the Cold War this Committee of Experts was considered by the Employers as second only to the Bible. When some Eastern European country challenged its finding they were always hard put to it to defend and promote their interests, because they had no right to strike, no right to democratic pluralism. We were all together then. But now the Employers' group is singing a different tune. With all due respect, I think they should look up the record of those days when the Committee of Experts received more respect from the employers themselves for its independence and objectivity. I am not saying that it imposed sanctions on the States during the Cold War. In those days too, there was a technical cooperation arrangement with member States to help them bring their laws and practice into conformity with the Conventions, except in the case of South Africa which was expelled because of its apartheid regime.

Regarding the right to strike that too is matter of historical record, and it has been considered by the Committee of Freedom of Association and Committee of Experts since its inception as an important means for the workers to defend and promote their rights. Otherwise they become victims of forced labour. It is the right to strike which has given workers the leverage to have meaningful dialogues with the employers and come to agreements. That does not mean that it is an end in itself, but it does provide the means to have a positive and constructive dialogue on an equal footing with the employers and to maintain cordial relations. This right has been available to the workers for a long time. It is a fundamental right and therefore to attack it is not acceptable.

The international financial crisis and globalization have created conditions of precarious employment and contract jobs in many countries and have given rise to a lot of unemployment. The Committee of Experts has rightly asked governments to allocate more resources to skills development and lifelong learning in order to raise workers' employability. At the same time, we expect the ILO and other multi-lateral organizations to exert more pressure on the IMF and the World Bank to allocate more resources for the public service, which they are trying to reduce, thereby making it less easy to provide the workforce with meaningful skills and education, which is essential.

The recommendation made by the Committee of Experts concerning migrant and women workers is also important. It is those who provide employment and a good environment for the workers who deserve assistance from the State, not the capitalists who simply speculate.

Although we insisted that the United Kingdom and Colombia be on the list of individual countries to be discussed, the Committee of Experts pointed out that they could not be put on the list for reasons which have been explained by our spokesperson. However, we trust that the governments in point will make every effort to bring their legislation into line with the ILO's Conventions and will seek technical assistance where there is a gap between their laws and the principle they have ratified.

To conclude, I fully support the report and thank all the members of the staff and of the Committee for their efforts.

Original French: The PRESIDENT

Thank you, Mr Ahmed. We are very impressed by what you said, and particularly by your standing of 38 years on the Committee. That does give you the right to share with us the experience that you have accumulated over so many years. Allow me to congratulate you.

Mr LWIN (Government, Myanmar)

With regard to the comments made by the representative of the Workers' group, Myanmar would like to state the following: for the sake of record, and without prejudice to law, we reserve all our legal rights under law in this matter.

Original Spanish: Mr FUNES DE RIOJA (Employer, Argentina)

As the Employer Vice-Chairperson of the Governing Body, I would like to mention the concerns that have been raised by the distinguished Government delegate of Austria. I know that she was speaking on behalf of the IMEC countries and she was referring particularly to the matter of drawing up the list of cases to be discussed and the need for dialogue, which has been reiterated on a number of occasions. We have expressed our willingness to engage in dialogue for many years.

That is something that has not changed, which does not take away from the fact that sometimes we have very complicated situations to deal with and that, therefore, we must ensure that the process of drawing up the list of cases is transparent and takes into account everyone's opinion and, indeed, the general opinion of the Conference when the report is adopted.

Having said that, I would like to put on record the fact that the concerns expressed by our spokesman reflects the viewpoints of all the employers, not only the employers who are represented on the Committee on the Application of Standards but also the opinions of the entire Employers' group, who believe that much can still be done to improve even further the Organization's supervisory mechanisms and to ensure that governments, employers and workers have the guarantee that the rights and principles for which we fight in this Organization and determine our presence here, are indeed respected.

More than once, I have made the point that our defence of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and international labour rights and fundamental principles are not only determined by our own interests, the rights of employers, but also by the interests of workers. We would like to see that feeling reflected reciprocally in all cases where violations on the freedom of association of employers and their organizations are discussed.

We intend to continue to develop further dialogue, as the Worker Vice-Chairperson indicated, and obviously we endorse what he said in this respect. I would like to make it clear that the Employer Vice-Chairperson in his statement reflected not only the viewpoint of the Workers' group but also the viewpoint of the Employers' group. We are here to engage in dialogue, discuss issues, and show ourselves to be effective and transparent.

Original French: The PRESIDENT

If there are no further requests for the floor, we shall now proceed to the approval of the report of the Committee on the Application of Standards as a whole. If there are no objections, may I take it that

the Conference approves the report of the Committee as a whole, that is, Parts I, II and III?

(The report, as a whole, is approved.)

(The Conference adjourned at 6.15 p.m.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE ARREARS OF CONTRIBUTIONS OF UKRAINE

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