



Governing Body

312th Session, Geneva, November 2011

GB.312/PV

Minutes of the 312th Session of the Governing Body of the International Labour Office

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The 312th Session of the Governing Body of the International Labour Office was held in Geneva, from Monday, 7 to Thursday, 18 November 2011, with Mr Greg Vines of Australia as Chairperson.

The list of persons who attended the session of the Governing Body is in Appendix II.

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Institutional Section

1. The Institutional Section met on Monday 7, Wednesday 16 and Thursday 17 November 2011. The Chairperson of the Governing Body, Mr Vines (Government, Australia), chaired the section. The Employer Vice-Chairperson of the Governing Body, Mr Funes de Rioja (Argentina), and the Worker Vice-Chairperson of the Governing Body, Mr Cortebееck (Belgium) were Employer and Worker spokespersons, respectively.

First item on the agenda

Approval of the minutes of the 311th Session of the Governing Body (GB.312/INS/1)

Decision

2. *The Governing Body approved the minutes of its 311th Session, as amended.*

(GB.312/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference

Agenda of the 102nd Session (2013) of the Conference (GB.312/INS/2/1)

3. *The Chairperson* recalled that the Governing Body needed to finalize the agenda of the 102nd Session of the International Labour Conference (ILC) by selecting one of the seven proposals in the document under examination. The regional coordinators had been requested to draw up a list of two or three priorities. It had emerged from those consultations that the topic which had, overall, gained the support of the majority of the constituents was: (i) sustainable development, decent work and green jobs.

Decision

4. *The Governing Body decided to include in the agenda of the 102nd Session (2013) of the ILC the following item: (i) sustainable development, decent work and green jobs (general discussion).*

(GB.312/INS/2/1, paragraph 15.)

**Proposals for the agenda of the 103rd Session (2014)
of the Conference**
(GB.312/INS/2/2)

5. *The Worker Vice-Chairperson* said that his group agreed with the order in which items should be examined in the three recurrent discussions, as set out in paragraph 4 of the paper.
6. The recurrent discussion on employment would offer an opportunity to review progress made since the adoption of the conclusions of the first recurrent discussion on employment in 2010. It should therefore be used to assess the implementation of those conclusions by the Office and constituents, including the implementation of the Global Jobs Pact, and to identify new challenges arising from the ongoing crisis. Given the emphasis placed by the Office on supply-side measures in the labour market and the request for the balancing of priorities made during the 2010 discussion, the 2014 discussion should focus on macroeconomic policy options for income-led growth.
7. The Conference report should examine how the ILO was promoting productive employment and decent work through macroeconomic policy advice at national level. It should also indicate how the Office had improved and coordinated its capacity to analyse macroeconomic policies from the perspective of employment and decent work outcomes and how it had engaged in international macroeconomic policy dialogues. It should further reflect on the Office's pursuit of partnerships and of dialogues with other relevant international organizations in the multilateral system on integrating employment and decent work objectives into macroeconomic policy frameworks. At the same time, the discussion should focus more on the quality of employment, an aspect which was sometimes overlooked when considering the number of jobs created. Policies and strategies to secure predictable, stable, direct and regular employment should therefore be examined during the discussion. Statistics should be provided on the use of irregular employment and policies to combat such employment should be considered. The preparation of the report would offer an excellent opportunity to promote synergies between strategic objectives and cross-departmental work, in keeping with the ILO Declaration on Social Justice for a Fair Globalization.
8. It would be advisable to improve the integration of standards in the report and to look beyond the narrow employment-related standards that had been included in the 2011 General Survey concerning social security instruments. The report should also identify new areas for standard setting and highlight gaps in current standards.
9. His group was in favour of consolidating and updating Recommendations Nos 94, 113 and 129 into a single Recommendation on the right to information and consultation, on the understanding that such consolidation should not lead to a weakening of workers' protection. That proposal would constitute a positive step towards giving effect to the conclusions of the Cartier Working Party and of the 2013 recurrent discussion on social dialogue. That topic should be discussed again in 2014 and 2015. The topic "decent work in global supply chains" should be examined in March 2012.
10. The group stressed the importance of the standard-setting role of the Conference, and would therefore welcome more proposals for standard setting.
11. *The Employer spokesperson* for this item, said that the Employers recognized and accepted that recurrent discussions should be rotated on the agenda of the Conference and therefore agreed that employment should be discussed in 2014. At the current stage they were, however, not prepared to discuss the parameters of that or to discuss other items. That matter should be revisited in March after inter-sessional consultations on the subject.

Thought should be given to choosing items for the Conference in a more efficient way which took account of current realities.

12. *The Africa group*, in a statement delivered by the Government representative of Kenya, agreed with the proposal that all the items which had not been selected for 2013 should be considered for 2014. South–South cooperation should be discussed as a thematic area in 2014.
13. *A Government representative of the United States* said that the items on decent work in global supply chains and decent work in export processing zones (EPZs) should be included in the 2014 agenda, as both issues affected the rights of millions of workers. Another future topic which would be worth discussing was the problem of the long-term unemployed. Although it was to be hoped that the crisis would be over by 2014, there were millions of workers around the world who had become detached from the labour force. All countries would therefore face the mammoth task of finding ways of helping the long-term jobless to reconnect with the labour force, find jobs and rebuild their lives.
14. *A Government representative of Switzerland* supported a recurrent discussion on the strategic objective of employment in 2014. With regard to the other items for the agenda of the 102nd Session of the Conference, the Swiss Government would like the following topics to be discussed: a possible Recommendation concerning coherence among economic, financial, employment and social policies; decent work in global supply chains; and promoting sound industrial relations through the prevention and resolution of labour disputes. The Swiss delegation considered that there was no need for any additional topics other than those proposed in document GB.312/INS/2/1, and consequently, in March 2012 the Governing Body should not have to consider additional topics for more in-depth discussion.

Decision

15. *The Governing Body decided to further examine the proposals for the agenda of the 103rd Session (2014) of the ILC at its 313th Session (March 2012) and invited the Office to organize informal consultations on this item.*

Third item on the agenda

Matters arising out of the work of the 100th Session (2011) of the International Labour Conference (GB.312/INS/3)

Follow-up to the adoption of the resolution concerning efforts to make decent work a reality for domestic workers worldwide

16. *A representative of the Director-General* (Director, Labour Protection Department) stated that the Domestic Workers Convention, 2011 (No. 189), and Recommendation (No. 201), incorporated domestic workers into the Decent Work Agenda, filling a significant legal vacuum and addressing a major source of social and economic insecurity for domestic workers. The two instruments had already provided a catalyst for reform, encouraging

governments to review national laws and policies, and their relevance was reflected in the global media coverage they had received.

17. The paper outlined an action framework, drawing on the resolution adopted in June and requests for technical assistance from ILO constituents, to be reflected in the programme and budget for the forthcoming biennium. Legislative and policy reforms, and capacity-building measures, required sustained action. It was important to promote the organization of domestic workers and their employers, and the opinions of both groups needed to inform policy decisions, adapted to the specific context of domestic work. The paper also proposed supplementing national activities with international and regional advocacy measures, a cross-regional exchange of practical knowledge and cooperation with other international organizations. Cooperation involving various technical departments and field offices was essential. A technical working group would be established at ILO headquarters, comprising a number of technical departments working closely together with the field structures and both the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP), as well as a coordinator for each region. The Latin American region had already designated a coordinator to ensure proper consultation and exchange of information. Finally, an interregional forum was planned for the end of 2013.
18. *The Worker Vice-Chairperson* emphasized the complementary nature of Convention No. 189 and Recommendation No. 201 and thanked all the Governments and Employers that had supported the adoption of those instruments.
19. The Workers' group welcomed the fact that the instrument recognized the right of domestic workers to form and join trade unions. It regretted, however, that it did not mention the constitutional obligation of member States to submit ILO instruments to their legislative bodies within the prescribed time frames, or their obligation under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), to involve the social partners in the consideration of such instruments.
20. The Workers' group approved the four areas for action set out in paragraphs 12 to 32 of the document – promotion of ratification, strengthening institutions, facilitating the organization and representation of domestic workers and awareness-raising activities. The Workers' group considered that the objective of initially focusing on ratification of Convention No. 189 in ten countries, while modest, was realistic, and it was ready to work with the Office to that end.
21. Recalling the decisive role played by the trade unions in the results of the vote at the Conference in June 2011, the speaker welcomed the reference in paragraph 15 of the document to the respective roles of ACTRAV and ACT/EMP.
22. In the context of strengthening partnerships with the other UN agencies, the ILO should cooperate with the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) to promote tripartite initiatives on ratification of Convention No. 189 and implementation of Recommendation No. 201.
23. The speaker further emphasized that domestic work was a cross-cutting issue and that the Office should coordinate its efforts in order to avoid duplication. The Workers considered that ACTRAV should be involved in the technical working groups mentioned in the document, and that the allocation of financial resources should better reflect the role of workers' organizations in the ratification process. The Workers' group supported the point for decision.

24. *The Employer spokesperson* said that his group called for a two-pronged approach to ratification by States: while there should be a focus on States preparing to ratify the Convention, attention should also be given to those less likely to do so and in need of support and advice. States that were not ready to ratify the Convention, but had a high prevalence of domestic workers should also receive ILO assistance.
25. The speaker would also have wished to see the document focus more on the action plan to promote ratification and less on the resolution.
26. The Employers were of the view that the Organization should avoid entering into a political discourse, exceeding its legitimate promotional role. In addition to setting standards, the Convention recognized the positive role of domestic work, including generating jobs and remittances, for the most vulnerable groups, and the Office should not discourage access to that type of work.
27. In view of the serious crimes committed against domestic workers, the Employers' group felt that a fifth point should be added to those in paragraph 12 of the document and that the Office should work with governments to ensure that domestic workers had access to police and to the courts in the event of violation of their rights.
28. Referring to the measures mentioned in paragraph 19, the speaker felt that technical assistance should take more account of national priorities. With regard to ratification prospects, the Office should aim higher than the target of ten countries and offer advisory services and technical assistance to as many countries as possible with a view to ratification of the Convention. The Employers agreed with the Workers' group on the need to share best practices. Moreover, governments should be encouraged to work with employers' and workers' organizations before any announcement of ratification.
29. The Employers' group felt that the Office should focus on strengthening the capacity of the organizations representing domestic workers and their employers, and was firmly opposed to the idea of strengthening the capacities of non-governmental organizations (NGOs), as they were not covered by the Organization's activities or mandate. ILO resources should not be allocated for purposes other than those set out in the Convention and Recommendation. The speaker requested clarification as to what was meant by "other national partners" at the end of paragraph 27 of the document.
30. The Employers' group considered that governments, employers and workers should be informed of the possibility of formulating exceptions to the application of the Convention within a period of 12 months following ratification.
31. One of the strengths of the new standards was the emphasis on regional and bilateral cooperation, in particular between sending and receiving countries. The Employers' group urged the Office to respond to requests for assistance from countries that were unlikely to ratify the Convention.
32. The speaker also requested more information on the financial implications of the initial action plan proposed for the following four years.
33. The Employers' group wished for the Office to act on its suggestions on improving the action plan, by reflecting them in its strategic proposals and future programmes, in particular with regard to the allocation of extra-budgetary resources. The group emphasized that it was ready to support the action plan, provided its suggestions were incorporated in the Office policies and follow-up to Convention No. 189.

34. Lastly, the speaker requested that a document explaining the financial implications of the action plan be provided to the Governing Body in March 2012, indicating in particular the costs entailed by the two-pronged approach of working both with States envisaging ratification and those not intending to ratify the Convention.
35. *The Asia and Pacific group (ASPAG)*, through a Government representative of Australia, noted the measures proposed by the Office to promote ratification of the Convention and the provision of technical assistance based on constituents' needs. The spokesperson for the group emphasized that implementation of the standards would require robust data, and his group therefore urged the Office to compile rigorous data on domestic work, which should be carefully evaluated and analysed to enable the Office to provide advice to constituents, in order to make decent work for domestic workers a reality.
36. *The Africa group*, through a Government representative of Kenya, considered that the issue of income insecurity and inequality among domestic workers should be addressed in the context of the adoption of the new instruments. The group agreed with all the points set out in the strategy and felt that it was important to strengthen capacity at national level and design a qualifications framework for domestic work.
37. Integration of domestic workers in social protection arrangements, including a minimum wage, was critical. That would require building alliances and partnerships and strengthening the institutional framework.
38. The speaker also considered that member States should reposition their labour market frameworks and processes at the heart of ratification and implementation of the Convention. Resources – including human capital – should be mobilized to ensure that domestic work was mainstreamed in Decent Work Country Programmes (DWCPs). The Africa group endorsed the point for decision.
39. *The Group of Latin American and Caribbean Countries (GRULAC)*, through a Government representative of Brazil, welcomed the adoption of Convention No. 189 and Recommendation No. 201 at the 100th Session of the ILC. Referring to the document under discussion, the spokesperson for the group requested additional information on the activities to promote ratification of the Convention; in particular, in the light of paragraph 16, he wished to know which countries or regions had the widest legislative and institutional gaps. In regard to the different degrees of advancement for purposes of ratification referred to in paragraph 18, he wondered whether that meant that most countries were not in a position to ratify the Convention and would not be able to do so in the near future. Recalling that the informal nature of domestic work was a problem, he was surprised that the objectives of technical assistance set out in paragraph 19 did not include formalization of their work. Domestic work being a complex issue, he emphasized the importance of initiatives and knowledge exchange between countries and the ILO. From that point of view, triangular South–South cooperation was important in terms of capacity building.
40. The speaker agreed that it was important to organize workers and employers in the domestic work sector and asked, in that regard, how the Office could assist the constituents in taking concrete measures to enhance cooperation with trade unions and employers' organizations and capacity building. As to the research referred to in paragraph 27, GRULAC wished to know whether the aspects linked to gender, child labour, forced labour, migrants and the informal sector would be taken into consideration. Finally, with regard to inter-organizational cooperation, the speaker wondered whether the ILO should not seek to collaborate with organizations with sound experience in terms of technical cooperation and the appropriate means.

41. *The European Union (EU) and its Member States*, through a Government representative of Denmark and supported by Norway, welcomed the measures taken by the Office following the adoption of the Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201), by the ILC. In general, domestic workers in the EU enjoyed a good level of protection, however that was not the case everywhere and there was therefore a need to adapt the measures to the situation in each country. The speaker called on the ILO to prepare a practical guide, as well as to provide assistance to any constituents who might request it. He shared the view that the social partners must be consulted concerning the implementation of the instruments, welcomed the proposed action plan, which included elements of the resolution, and thought that the ILO should focus on those countries in which the implementation of the instruments would have a major impact in terms of improving the working conditions of domestic workers. He further considered that the Office should coordinate the action of the various departments involved, both at headquarters and in the field, that collaboration between the international organizations should be improved and that data should be gathered and shared. In conclusion, the EU and its Member States looked forward to the next report on the issue.

42. *A Government representative of Zambia* said that his delegation aligned itself with the statement of the Africa group and noted that there was a serious decent work deficit in Zambia, in particular in the field of domestic work. The new Government wished to resolve that situation by adopting a progressive approach (adoption of legislation on the minimum wage, working time and the minimum age) and requested the ILO's assistance in order to build the capacity of the actors concerned by the implementation of the instruments, the revision of labour legislation, and so on. The speaker supported the point for decision.

43. *A Government representative of the United Republic of Tanzania* expressed support for the position of the Africa group and welcomed the overview of the Convention and the Recommendation concerning domestic workers provided by the Office. Her country had devoted itself to ensuring that decent work for domestic workers lay at the heart of national policies and legislation. However, the country still had much to do with regard to strengthening its tripartite institutions, labour administration and inspection services, as well as with regard to the promotion of the creation of decent jobs, above all for domestic workers. Consequently, she called on the Office and the international community to continue to provide technical and material assistance to those countries in need of it.

44. *A Government representative of Ghana* expressed support for the Africa group statement and the four core areas of action proposed by the Office. Ghana had embarked upon the ratification process and called on the Office to provide funding for the proposed action plan. He supported the point for decision.

45. *A Government representative of Pakistan* highlighted the difficulties involved in making decent work a reality for all and in particular for domestic workers, who were highly vulnerable to abuse, especially migrant workers or workers in an irregular situation. He referred to the link sometimes drawn between that issue and the issues of human trafficking and child labour. Decent work was difficult to implement and came at a price, owing to the large number of standards on which it drew as an issue. As a result, decent work was not yet a reality for domestic workers in Pakistan, but the Government was striving to ensure that national objectives continued to comply with the international labour standards and thus to safeguard the legitimate rights of domestic workers.

46. *A Government representative of the United States* supported the initiative proposed by the Office concerning the follow-up to the adoption of the instruments concerning domestic workers, as well as the various parts of the proposed strategy for action. The United States would submit the Convention and related Recommendation to the United States Congress

in the near future and would make every effort to cooperate with all the stakeholders. Given the importance of that issue at the national and international levels, the United States supported the point for decision.

47. *A Government representative of Switzerland* stated that, in general, his country supported the Office's strategy for action, which gave extremely useful guidance for the Office's activities and for supporting the governments and social partners. Referring to the institutional framework for implementation, and in particular paragraph 31(c), he proposed that a global dialogue forum should be organized in 2014. That would make it possible to mobilize the necessary financial resources on the basis of the regular budget. The Office would thus have more time to obtain reliable data, hold consultations and organize the forum, which should lead to a substantive and concrete outcome. The Government delegation of Switzerland therefore requested that paragraph 33(b) be adjusted accordingly. Switzerland shared the view of the EU with regard to all the other issues.
48. *A Government representative of India* said that his country approved the Office's action plan, all the more so since domestic workers constituted a huge part of the workforce, particularly in developing countries. He appreciated, in particular, the points presented in paragraphs 19 and 31 of the document under consideration. He added that it was important not to threaten the private lives of employer families. India had taken a certain number of legal and other measures to promote the interests of domestic workers, which the speaker listed. The speaker supported the point for decision but asked for the views expressed by his Government to be taken into consideration. If the fate of domestic workers was to be improved, sufficient budgetary resources would have to be allocated to the regional offices of the ILO.
49. *The Gulf Cooperation Council*, through a Government representative of the United Arab Emirates, thanked the Office for preparing the document. He noted that the legislation and its application were one of the weak points and that there was a gap between the aspirations and reality in the field, hence the importance for a strategy of awareness to develop mentalities and adapt priorities in relation to the countries after an in-depth study of national characteristics had been carried out. For the study, partnerships were essential and the speaker cited as an example the Abu Dhabi Dialogue which was a regional partnership. He also considered that it was necessary to take into account the position of employers, in other words individuals and their families, since private lives were affected. In conclusion, the speaker announced the Gulf Cooperation Council's willingness to work with the Office. He supported the point for decision.
50. *A Government representative of France*, supporting the statement by the EU, said that France already had two collective agreements on domestic work and that the social partners had recently concluded a third. He noted in that regard the importance of social dialogue for applying standards effectively.
51. *A Government representative of China* emphasized the importance of domestic work, which was a vast sector, created a lot of jobs and could help to promote economic and social development. That was the reason for which his Government was committed to the development of the sector and, in line with the ILO action plan, it had set up guiding principles for developing domestic work and had taken measures, including fiscal, promotional and social measures, to ensure that domestic workers were better protected. He welcomed the proposed action plan, which needed to be adapted to each country's situation, and expressed the hope that the Office would have sufficient resources to implement it successfully. He supported the point for decision.
52. *A Government representative of Brazil* supported the statement made by GRULAC and added that the country had taken the steps required to ratify the Domestic Workers

Convention, 2011 (No. 189), and was trying hard to give domestic workers the same legal status as other workers by making the work relationship official.

53. *A Government representative of Italy* supported the opinion of the EU and expressed appreciation for the document under consideration, in particular the four areas of action proposed by the Office. Convinced of the need to adopt a Convention and a Recommendation on the matter, Italy had been endeavouring to promote the instruments and supported the Office in that regard. Since it was in favour of the organization of employers and workers in the sector and the participation of all those involved, Italy supported the point for decision.
54. *The representative of the Director-General* thanked all the delegates for the rich debate. She explained that the intention of the Office to engage in integrated and coordinated action in ten countries was not meant to provide assistance exclusively to countries that might ratify the Convention by the end of the next biennium. The Office would take into account the requests for technical assistance from countries seriously engaged in improving living and working conditions for domestic workers. She pointed out that the related resolution that had been adopted by the Conference provided a framework for ILO action. The financial aspects of the action also had to be taken into consideration and, in that regard, the Organization had put in place a resource mobilization strategy that would make it possible, thanks to the Organization's different budgetary accounts, to satisfy the demands of ILO constituents.

Decision

55. The Governing Body:

- (a) *advised the Office on how to modify, improve or complement the strategy for action set out in Part II of document GB.312/INS/3, as reflected in the minutes of the 312th Session of the Governing Body; and*
- (b) *requested the Director-General to take into consideration this strategy in preparing future programme and budget proposals and facilitating extra-budgetary resources.*

(GB.312/INS/3, paragraph 33, as amended.)

Fourth item on the agenda

Amendments to the Compendium of rules applicable to the Governing Body (GB.312/INS/4)

Decision

56. *The Governing Body decided to include paragraph 21 in the Introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office, as follows:*

21. *The Chairperson of the Governing Body shall ensure that consultations take place with the Chairperson of the Government group or his or her representative on any matter on*

which he/she deems it necessary to consult, in session, the Officers on the conduct of any item of the business of the Governing Body.

(GB.312/INS/4, paragraph 3.)

Fifth item on the agenda

Report and conclusions of the 12th African Regional Meeting (GB.312/INS/5)

57. *A representative of the Director-General* (Director, ILO Regional Office for Africa) introduced the report and conclusions of the 12th African Regional Meeting and thanked the Government of the Republic of South Africa for having hosted the Meeting. He acknowledged a number of high-level delegates and the more than 400 participants from 41 member States that had attended. The Meeting had taken note of achievements implementing the Decent Work Agenda for Africa 2007–15 and recommended measures to accelerate progress, calling for a new way forward. He provided an overview of the discussion at the Meeting and an outline of the conclusions.
58. *The Employer Vice-Chairperson* noted that the Meeting had seen a high level of participation by tripartite constituents, including from the Employers' group. The panel discussions had been successful and the conclusions relevant and balanced. While the high level of attendance had shown progress, Governments were called on to facilitate the participation of employers and workers in yet greater numbers at the next Regional Meeting.
59. The Employers' group had lodged objections regarding the nomination of the Employer delegate from Niger, and the non-payment of travel expenses and subsistence allowance to the Employer delegate from Senegal. The speaker noted that the Central African Republic delegation included no Employer delegate and that another Employer delegate had been unable to participate because of the absence of the Government concerned.
60. He commended the Regional Office for the relevance of the topics chosen and for the modalities of discussions, while noting that a lower number of participants may have allowed greater time for discussion.
61. Balanced conclusions had been reached, and the Employers' group welcomed the place given therein to the private sector and its function as a creator of jobs and wealth. He stressed his group's frustration at the lack of emphasis during the present Governing Body session given to the crucial need to promote an enabling business environment and investment as vital prerequisites for sustainable enterprise and jobs.
62. The conclusions included four major points of interest to the Employers' group. The speaker welcomed the emphasis, in paragraph 10, of the role of economic growth, the potential role of governments in development and the contribution of multilateral policy coherence at the national level and, in paragraphs 23 and 24, of the need to invest in skills and sustainable enterprise. He also welcomed the focus on agriculture and rural employment in paragraph 25 and the need for structural transformation based on improved productivity, better living standards, rights protection and decent work for rural workers. The recognition in paragraphs 27 and 29 of the need to formalize the informal economy and the recognition, in this context, of the importance of the social economy was appropriate.

63. He regretted that the discussion on the social and economic empowerment of women and gender equality had given such little space to women's entrepreneurship, which was a powerful driver for the empowerment and emancipation of women.
64. The speaker thanked the Regional Director for Africa for the work accomplished, the Government of South Africa for its hospitality, and *Business Africa*. He supported the point for decision.
65. *The Worker Vice-Chairperson* thanked the Government of South Africa for having hosted the Meeting but expressed regret at the low level of women's participation and that, out of the 54 Governments invited, 13 had failed to respond, thus preventing the social partners from participating. A number of other Governments had sent delegations lacking Workers and/or Employers. Governments should respect tripartism.
66. The Meeting had reviewed progress achieved and focused on delays in such areas as gender equality, youth employment, migration, forced labour, HIV/AIDS and the world of work, social protection and the application of international labour standards. While Africa had a good rate of ratification of the fundamental Conventions, there were high rates of non-respect or violation of the freedom of association and collective bargaining, making effective tripartite policy initiatives, such as DWCPs, difficult. The Office was encouraged to strengthen technical cooperation promoting the application of standards, including through capacity building for constituents. Social dialogue as a key governance mechanism should lead to the creation of institutions which would be tripartite in more than name and did not stop functioning soon after their inauguration, but would be promoted and respected with ILO support.
67. He welcomed the central place that employment, and especially youth employment, had taken at the Meeting. Growth without decent jobs, redistribution of wealth and reduction of poverty was not sufficient. Convention No. 122 should be ratified and applied, and policies to create decent jobs implemented. The Workers' group welcomed the recognition of the need for policies promoting industrialization and transition towards high added value sectors to promote decent jobs.
68. The speaker also welcomed the recognition of the key role of the public sector as a job creator in Africa. The Office needed to improve its support to constituents in these areas. He welcomed initiatives promoting social protection floors and encouraged their continuation and the application of the principles identified in the Yaoundé Declaration and at the June 2011 ILC.
69. The Workers' group strongly supported the request for ILO support to accelerate the formalization of the informal economy. HIV/AIDS and health and safety at work should have been given greater attention, including through the promotion of Recommendation No. 200, the plan of action, and the promotion of the ratification and application of Conventions Nos 155, 161 and 187. He requested the Office to include minimum wages and collective bargaining on the workplan for future years, since these two important topics should have received greater attention at the Meeting. The Workers' group supported the point for decision.
70. *The Africa group*, through a Government representative of Ghana, thanked the Office for the comprehensive and accurate report. The Meeting had highlighted the need for tripartite action in Africa on socio-economic development, job creation, youth employment, women's empowerment and gender equality, social protection, business growth in both the formal and informal sectors, the implementation of HIV/AIDS policies in the workplace, the promotion of decent work and the application of international standards. Economic growth alone was not enough to create jobs and governments needed to place employment

at the centre of development strategies, provide support for the informal sector, and create a supportive environment through infrastructure development. There was a need to focus on training to develop human resources capacity to address the massive skills gap evident in some countries. While the ILO had made immense contributions in Africa, a great deal remained to be done to keep the continent on the path to sustainable growth. The Office should assist governance improvement efforts and support the formulation of national policies through capacity building. The group supported the point for decision.

71. *The Minister of Labour, Sports and Youth of Zambia* expressed his delight at the compliments expressed to his First Lady following her participation in the Regional Meeting and stated that she would be more than willing to participate in future ILO programmes. He endorsed the Africa group statement and commended the Office for the document. Zambia had recently held elections and shared the concerns expressed in paragraphs 8 and 10 of the report. Governments needed to show political will and commitment on youth employment, skills development, gender equality and social protection. Member States and the Office should continue playing their pivotal role in promoting regional cooperation and integration in implementing the conclusions. Zambia supported the point for decision in paragraph 242.

Decision

72. *The Governing Body requested the Director-General to:*

- (a) draw the attention of the governments of member States of the African region and, through them, that of their national employers' and workers' organizations, to the conclusions adopted by the 12th African Regional Meeting;*
- (b) take these conclusions into consideration when implementing current programmes and in developing future programme and budget proposals;*
- (c) transmit the text of the conclusions to:*
 - (i) the governments of all member States, and through them, to national employers' and workers' organizations;*
 - (ii) the international organizations concerned, including international NGOs with consultative status.*

(GB.312/INS/5, paragraph 242.)

Sixth item on the agenda

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29) (GB.312/INS/6)

73. *The Ambassador of the Republic of the Union of Myanmar, His Excellency Mr Maung Wai*, highlighted the progress achieved in his country in the democratization process and the efforts to implement Convention No. 29. The Government in Myanmar was committed to good governance and the rule of law and had embarked on a number of reforms. In

September a Human Rights Commission had been set up, and every citizen had the right to file a complaint. Another important undertaking was the legislative reform process to replace or amend old laws and bring them into line with the 2008 Constitution. Political changes were taking place rapidly leading to a democratic society.

74. Forced labour had never been a policy or practice in Myanmar and punitive actions were taken against perpetrators in that regard. Myanmar had inherited many laws from colonial rulers, including the Village and Towns Acts 1907. To repeal that law a new Ward or Village-tract Administration Bill fully in compliance with Convention No. 29 and prohibiting the possible use of forced labour had been approved by the House of Representatives and was currently before the House of Nationalities. There was also a bill being drafted to replace the outdated Prison Act of 1894.
75. His Government placed high emphasis on the prevention of under-age recruitment. The military was taking action against perpetrators in that regard and his Government was working with the United Nations (UN) on a Joint Action Plan. The Liaison Officer had met with representatives of various ministries to work on issues of common concern.
76. He pointed to joint advocacy and awareness-raising efforts of the Ministry of Labour and the ILO in various parts of the country. The Government had recently released a large number of prisoners, among them some of those mentioned in the conclusions of the March Governing Body. He expressed appreciation for the constructive report of the Liaison Officer and stressed that his Government was striving to build a modern and democratic nation with good governance and the rule of law as key elements. Eliminating forced labour was an integral part of that process. While much needed to be done, great progress had been achieved in a short time. Myanmar would continue its cooperation with the ILO in good faith with a view towards eliminating forced labour once and for all.
77. *The Worker Vice-Chairperson* cautioned that it was far too early to judge if the measures taken by the Government of Myanmar would produce meaningful results, because the practice of forced labour persisted in many parts of the country. He welcomed the initiatives under paragraph 10 of the report, they did not, however, address the real issue of forced labour. In 2011 there had been a number of credible reports detailing its continued use, in particular for portering. There were reports that villagers had been forced to cultivate rice, prisoners had been subject to horrifying conditions and the military had physically abused and executed porters, who sometimes were denied food and had to carry extremely heavy loads.
78. One report even noted that the number of instances of forced labour had actually increased. Reports also claimed that a high proportion of porters were children, some as young as 10 years old and attributed the increase in forced labour to the construction of the border fence between Myanmar and Bangladesh. There had been reports of hundreds of people being mobilized, working long hours and over long periods, e.g. for the construction of bridges.
79. The Workers' group again called upon the Government to implement the recommendations of the Commission of Inquiry. The fact that the new bill to replace the Village and Towns Act was still before the Parliament meant that the recommendation issued by the Commission 13 years ago had not been fulfilled. The new legislation had been drafted in secrecy without the opportunity for the victims to have a voice. The Workers' group called on the Government to ensure open and full consultations of all social partners in the legislative process.
80. In March the Office should be able to report concrete measures by the military to end the use of forced labour. The Worker's group was deeply disappointed about the lack of

information on the punishment of those responsible for the exaction of forced labour and the fact that a number of labour activists were still in prison. Also, the Government had not issued a high-level authoritative statement condemning the practice of forced labour or issued a visa for the employment of another ILO official. The Workers' group called on the Government to bring the national legislation into line with Convention No. 29, issue the high-level statement and implement it, especially with regard to the military, prosecute those responsible for forced labour, release all prisoners associated with the complaints process and issue visas for additional ILO staff in Myanmar.

81. *The Employer Vice-Chairperson* stressed that they were dealing with an issue of great concern for his group. From the report and the presentation of the Ambassador of Myanmar it was clear that there were positive signs, but the Workers' statement had shown that advances fell short and progress was slow. The new Government of Myanmar had to understand these concerns and finally eliminate all forms of forced labour and punish all those responsible. Referring to paragraph 51 he stressed that they were in the process of re-establishing credibility and in this context it was vital that the ILO was able to fulfil all its functions.
82. He also drew attention to Daw Aung San Suu Kyi's message to the ILO in paragraph 12. The activities listed under paragraph 22 showed how important awareness raising and the strengthening of possibilities to cooperate were to rebuild trust. While there had been fewer complaints he remained very concerned. All those responsible for forced labour had to be punished. While he recognized some progress, the pace should be faster, with better results and a clear intention to cooperate better with the ILO. The positive signs were welcome, but he agreed with the Workers that much remained to be done to realize their common goal.
83. *The EU and its Member States*, through a Government representative of Denmark, made a statement on behalf of Albania, Armenia, Croatia, Iceland, Republic of Moldova, Montenegro, Norway, Serbia, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.
84. The speaker had reviewed the recent developments in Myanmar that had occurred since the previous session of the Governing Body and encouraged the ILO and the Government of Burma/Myanmar to continue their activities to raise awareness of forced labour and support workers' rights. The EU noted the constructive discussions that had taken place between the ILO and the Armed Forces Committee on ILO Affairs, and requested that the allegations reported to the Committee of Experts be examined and followed up in a rigorous manner.
85. The EU welcomed the fact that the many complaints made under the Supplementary Understanding had led to the demobilization of under-age conscripts, and that negotiations between the Government and the Country Task Force on Monitoring and Reporting on Children and Armed Conflict (CTFMR) were on track.
86. The speaker also noted with satisfaction the constructive discussions that had been initiated in the area of funding of wages, and the announcement of the release of a number of political detainees. He called on the Government to ensure the swift release of those still in custody for exercising their fundamental economic and social rights.
87. While welcoming the establishment of the Human Rights Commission, the EU called on the Government to ensure that the body in question would be independent and impartial and to persevere with its efforts to eliminate forced labour in consultation with the ILO Liaison Officer with a view to finding sustainable solutions in cases of land requisition.

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88. Lastly, the EU and its Member States were in favour of a review of the ILO's mandate in order to broaden the scope of cooperation between the ILO and the Government of Myanmar.
89. *A Government representative of Australia*, speaking also on behalf of New Zealand, said that the report of the ILO Liaison Officer indicated that the situation had evolved in a positive way since March 2011. He noted and welcomed some of the principal areas of progress, especially with regard to legislation.
90. He welcomed the adoption of the Act prohibiting forced labour in accordance with the recommendations of the Commission of Inquiry in 1998, and called on the Government to cooperate with the Liaison Officer in ensuring that the law was in conformity with Convention No. 29.
91. He also emphasized that the current mandate of the Liaison Officer did not provide the margin for manoeuvre needed to help the Government to give effect to its commitment to eliminate forced labour and act on the recommendations made by the Commission of Inquiry in 1998. Australia and New Zealand considered that the Governing Body at its March 2012 session should request the Conference to broaden that mandate.
92. In view of the increased workload of the Liaison Officer, and especially the large number of complaints referred to him, the speaker called on the Government to grant visas to any professional staff the ILO might consider necessary to enable the Liaison Officer to do his work properly and the Government to complete its reforms. Lastly, he expressed support for the renewal of the Supplementary Understanding.
93. *A Government representative of Japan* commended the firm political will of Myanmar, which had made it possible since the June 2011 session of the Conference to achieve concrete progress in eliminating forced labour. The Government of Japan welcomed the legislative reforms now under way and the measures adopted to publicize the forced labour complaints mechanism. He welcomed the presidential amnesty which had led to the release of a number of political detainees.
94. Japan hoped that the talks between the ILO and the armed forces, as well as the debate on the budget, would be conclusive. It was regrettable that Myanmar had not yet agreed to issue visas to allow other international officials to enter the country. He urged it to review its decision in the very near future.
95. *A Government representative of Switzerland* said that his delegation welcomed the progress that had been made, and in particular the reform of the Village and Towns Acts, the release of all political detainees and the ending of all forms of harassment. Efforts were, however, still needed in several areas. They included: the introduction of a policy making it compulsory to certify the age of recruits in order to prevent the recruitment of minors; the drafting of an action plan to counter the involvement of children in armed conflict and the use of forced labour by the military, through enhanced cooperation with the ILO; moves to guarantee funding of wages, implement the Penal Code and apply punitive measures against military or civilian personnel found guilty of recruiting minors; and measures to ensure that a visa would be issued for a second ILO official. The Government of Switzerland invited the Government of Myanmar to renew the Supplementary Understanding and endorsed the EU's call for a widening of the mandate of the ILO.
96. *A Government representative of Thailand* said that his Government welcomed the setting up of an independent human rights commission and commended the noteworthy progress made towards the Convention's application. The cooperation which had been established

between the Liaison Officer, the Government Working Group for the Elimination of Forced Labour and the Ministries of Finance and Defence was satisfactory. He took note of the legislative reforms undertaken by the Government of Myanmar and designed to ban the practice of forced labour. He was pleased to note the increase in the number of complaints lodged under the complaints mechanism, as it showed that measures to alert the population to its existence were successful. He called on the international community to recognize and support Myanmar's efforts and he reaffirmed Thailand's willingness to work with the ILO to eliminate forced labour.

97. *A Government representative of Cambodia*, speaking as a member of the Association of Southeast Asian Nations (ASEAN), said that his country was pleased to note the progress which had been achieved since the new Government had taken office in March 2011. His Government took note of the economic and social reforms undertaken by Myanmar in order to improve the lot of its population, in particular the revision of the *Jail Manual* and legislative measures to ban forced labour. The Government of Cambodia also welcomed the cooperation between the Liaison Officer and Myanmar, as well as the ILO's technical assistance and awareness-raising action. In view of the progress made by Myanmar, his Government was not in favour of examining complaints related to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
98. *A Government representative of the United States* drew attention to the main advances highlighted in the report. The complaints mechanism under the Supplementary Understanding and the awareness-raising measures put in place by the ILO were particularly useful, but closer scrutiny of the situation revealed shortcomings in the implementation of three of the 1998 recommendations of the Committee of Inquiry, namely that legislation be brought into line with the Forced Labour Convention, 1930 (No. 29), that in actual practice no forced labour should be imposed and that penalties should be imposed for the exaction of forced labour. He drew attention to numerous human rights violations, especially the frequent use of forced labour by the armed forces, the recruitment of under-age soldiers and the impunity of those responsible for those acts.
99. He recognized the role played by the Liaison Officer and called on the ILO to collaborate closely with the Government in order that the incipient changes might continue. He urged the Government of Myanmar in turn to cooperate with the ILO in publicizing workers' rights and applying the law prohibiting forced labour and making the perpetrators of violations liable to prosecution and sentencing. In order to strengthen its presence on the ground, the ILO needed to secure the issue of visas so that it could deploy more personnel in Myanmar. Lastly, he was pleased to note the release from house arrest of Daw Aung San Sui Kyi and the setting up of a bicameral parliament.
100. *A Government representative of Viet Nam* said that he was satisfied with the positive developments in Myanmar and with the growing cooperation between the ILO and the Government. His Government encouraged the Office to continue its technical assistance activities and to help the Government and Parliament of Myanmar to successfully complete the huge programme of legislative reform on which it had embarked.
101. *A Government representative of Canada* welcomed the new Ward and Villages Administration Bill, and hoped that a copy would be made available to the ILO in the near future. She encouraged the ILO to support the creation of a proper infrastructure, policies and practices to eliminate forced labour. She regretted that the ILO Liaison Office had been refused a visa for an urgently needed staff member, and found the Government's refusal difficult to comprehend.
102. Given that the Supplementary Understanding would shortly expire, she invited the Government to confirm its intention to extend the Understanding. The increase in the

number of complaints received reflected the citizens' growing awareness of their rights, and she welcomed the various awareness-raising campaigns currently being implemented.

103. She regretted that no action had been taken to release all political prisoners, and hoped that the Liaison Officer would be granted access to detainees. She further also urged the Government to reinstate the licences of the two lawyers associated with complaints under the Supplementary Understanding. Welcoming the Government's response to the problem of under-age recruitment, she called for efforts to tackle all forms of forced labour.
104. While the review of the *Jail Manual* was a welcome step, she encouraged further progress in the interim, and urged the Government to enforce the law and ensure that all perpetrators were prosecuted.
105. Progress had been made in the Magwe Region cases, and she looked forward to receiving the ILO field mission report and expressed the hope that all pending cases would soon be resolved. The Government of Myanmar should seek ILO assistance in responding to recommendations during the course of the Human Rights Council Universal Periodic Review, implement further preventive and proactive measures and to ensure that a visa was issued to the Liaison Office before the Governing Body session in March.
106. *A Government representative of India*, welcoming the significant progress made, stressed the need for punitive measures to tackle under-age recruitment. He called for further cooperation with the ILO to end forced labour.
107. *A Government representative of the Russian Federation* acknowledged the reforms implemented in Myanmar, and hoped for further cooperation with the ILO to ensure observance of international labour standards. Priority issues included forced labour, bringing legislation into line with international standards, awareness-raising campaigns and the release of worker and trade union activists. He also urged the Government of Myanmar to tackle the previously mentioned cases of forced labour.
108. *A Government representative of China*, welcoming the reforms implemented in Myanmar, particularly in the field of forced labour, encouraged the Governing Body to acknowledge the progress made and continue its cooperation with the Government of Myanmar.
109. *A Government representative of Sri Lanka*, noted the action taken to enhance socio-economic development, with a focus on human and labour rights, and indicated that the political will to end human rights violations clearly existed. He encouraged the Government of Myanmar to continue its efforts.
110. *A Government representative of Cuba*, acknowledging the current process of legislative reform to bring the judicial system and legislation into line with the provisions of Convention No. 29, stressed the importance of continued bilateral cooperation with the ILO.
111. *A Government representative of Indonesia* urged the Government of Myanmar to address outstanding concerns. The Government of Indonesia advocated the principle of constructive engagement within the framework of ASEAN, and the elections held in Myanmar had reflected the positive impact of that principle. The Indonesian Minister of Foreign Affairs had visited Myanmar, witnessing the progress made, and the Government of Indonesia was confident that Myanmar would move forward with its democratization process and efforts to tackle forced labour, supported by decisions taken at the recent ASEAN summit in Bali. He indicated that further cooperation with the ILO was essential.

Conclusions

112. *The Governing Body took note of the report of the Liaison Officer, the statement made by the Permanent Representative of the Republic of the Union of Myanmar and the subsequent discussion. In the light of the debate, it adopted the following conclusions:*

- (1) The Governing Body welcomes the positive developments in Myanmar since March 2011 but remains concerned that serious problems in the use of forced labour persist. The Governing Body calls for the continuation of strengthened resolute and proactive action for the full implementation of the recommendations of the 1998 Commission of Inquiry.*
- (2) The Governing Body notes that legislation, prohibiting the use of forced labour in all its forms and repealing both the Towns and Villages Acts of 1907, is before Parliament. The Governing Body regrets the absence of consultation and urges the early adoption and coming into force of that legislation. It underlines that full conformity of the new law with Convention No. 29 is required to meet the relevant recommendation of the Commission of Inquiry.*
- (3) The Governing Body urges that the practice of the imposition of forced labour on prisoners, particularly as porters in conflict areas, cease immediately and again invites the Government to avail itself of the technical assistance of the ILO in the review of the Jail Manual.*
- (4) The Governing Body welcomes the commencement of direct discussion with the Tatmadaw (armed forces) and looks forward to further substantive policy and behavioural change for the elimination of forced labour and the ending of impunity.*
- (5) The Governing Body also welcomes the commencement of, and encourages the continuation of, direct discussion with the Ministries of Finance and Planning and looks forward to confirmation that planning and financial management processes sufficiently provide for the payment of wages in government operational and project activities.*
- (6) The Governing Body welcomes the release of U Zaw Htay, U Nyan Myint, Daw Su Su Nway, U Min Aung, U Myo Aung Thant and other labour activists and strongly urges the early release of U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min, as well as other labour activists remaining in detention.*
- (7) The Governing Body again calls on the Government to facilitate the free access of the Liaison Officer to detainees and to effect the reinstatement of the advocacy licences of U Aye Myint and Ko Pho Phyu.*
- (8) The Governing Body again stresses the critical importance of a comprehensive proactive approach encompassing not only the continuation of awareness-raising activities and the management of the complaints mechanism but also the effective prosecution of forced labour perpetrators, military and civilian, under the Penal Code.*

- (9) *The Governing Body notes the priority action taken towards the resolution of a number of long-standing complaints in the Magwe region and looks forward to receiving confirmation that they are at last satisfactorily resolved.*
- (10) *The Governing Body welcomes the expanded awareness-raising activities being undertaken, including the production and distribution of the information brochure in Shan language, and encourages the continuation of this partnership activity and its expansion into other languages. The Governing Body further notes the positive initiative of the proposed training of police personnel to ensure their understanding of their role and responsibilities, in collaboration with the military, in the elimination of forced labour, including in respect of procedures to address the continuing problems of under-age recruitment and their alleged desertion.*
- (11) *The Governing Body, whilst recalling all of its previous conclusions and recommendations, encourages the ILO and the Government in their continuing positive collaboration within the framework of the Understanding and its Supplementary Understanding which should be further extended in February 2012. It also encourages the Government to respond positively to all ILO related recommendations made by the Human Rights Council during the Universal Periodic Review.*
- (12) *In light of the above, the Governing Body considers it essential to strengthen the capacity of the Liaison Office and therefore reiterates in the strongest terms its repeated calls on the Government to issue without delay the visas necessary to this effect.*
- (13) *The Governing Body notes the calls for a review by the International Labour Conference of the mandate defined by the 1999 resolution and will consider this issue at its March 2012 session.*

Seventh item on the agenda

Complaint concerning non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 99th Session (2010) of the International Labour Conference under article 26 of the ILO Constitution (GB.312/INS/7 and GB.312/INS/7(Add.))

113. *The Worker Vice-Chairperson expressed concern that the new Labour Organization Law had been drafted without the participation of the Workers or sufficient consideration for the legal framework in which it operated, as several pieces of earlier legislation had yet to be repealed. Although it represented a positive step, the law contained a number of flaws and did not fully comply with the principles stipulated in ILO Conventions Nos 87 and 98, and related jurisprudence. It lacked clear rules or procedures for collective bargaining or dispute settlement, and was therefore unlikely to provide a strong basis for industrial relations, even if the political will existed.*

- 114.** The definition of “trade” in article 3 was confusing, appearing to exclude several categories of workers, and no definition of “activity” was provided. The provisions of article 4 prevented structures such as regional organizations or general federations representing workers in different trades or activities, potentially severely limiting the efficacy and power of trade unions. In article 9, the fact that the chief registrar was a high-level political appointee raised serious concerns. The provisions of article 40(d) had the potential to limit legitimate reasons for strikes, while article 48 severely restricted the expenditure of union funds, and article 52 imposed stiff penalties for violating those provisions. Finally, article 55 empowered the Ministry of Labour to issue a range of legislative provisions, apparently without the approval of the Government. Given the extremely opaque manner in which the Labour Organization Law had been drafted, debated and approved by the Parliament, expectations with regard to its promulgation were low, and legislative problems had the potential to jeopardize any progress.
- 115.** The 2008 Constitution also failed to provide stable foundations for freedom of association. Article 354, for example, provided that freedom of association could only be exercised if not contrary to the laws “enacted for Union security, prevalence of law and order, community peace and tranquillity or public order and morality”. Barriers to full freedom of association remained, and there was little confidence that the Government would allow a truly independent trade union movement, as Labour Ministry officials had described trade unions as “unnecessary”.
- 116.** The activists for whose release the Conference Committee on the Application of Standards had called remained in prison, and the Federation of Trade Unions of Burma (FTUB) had indicated that a number of other trade union activists were also being held in custody. It also was unacceptable that, under the provisions of Declaration No. 1/2006, the ITUC-affiliated FTUB was considered a terrorist organization.
- 117.** Much remained to be done to create a legal framework for a vigorous civil society, clear labour legislation to support the development of strong trade unions, broad collective bargaining coverage and the tools necessary to enforce those agreements. The Government of Myanmar had implemented only a fraction of its commitments to the Governing Body, and needed to act without delay to address outstanding concerns fully. A Commission of Inquiry had to be established if the Government failed to recognize the FTUB, release the remaining political prisoners and bring its labour legislation into compliance with Conventions Nos 87 and 98. The Government also needed to facilitate the registration process for trade unions and allow them to operate without state interference.
- 118.** A document should therefore be submitted to the Governing Body in March 2012, to assess progress on outstanding issues, including the appointment of a Commission of Inquiry. The time had also come to increase the ILO’s presence in Myanmar through additional staff to deal with matters relating to Convention No. 87.
- 119.** *The Employer Vice-Chairperson* stated that the conditions necessary to appoint a Commission of Inquiry were not present as the Government of Myanmar had adopted the law. The Governing Body was not the appropriate instance to discuss the law’s content and evaluate it. The International Labour Standards Department should do this, and inform the Governing Body on the matter. The real issue now was the implementation of the law. The Government should bring it into force by March 2012. The ILO should cooperate with the Government to ensure that the legislation was translated into practice, and in particular ensure that this was achieved through social dialogue. It would not be appropriate to appoint a Commission of Inquiry at this stage, until the entry into force of the law, the adoption of related regulations, and their effective implementation with the Office’s technical assistance and through social dialogue. The full respect of freedom of association

would contribute to the elimination of forced labour and of any other restrictions of the fundamental rights.

120. *A Government representative of Myanmar* started by pointing out that article 354 of the country's Constitution guaranteed to every citizen the freedom of expression, assembly, association, as well as rights to culture and religion and that article 24 specified that necessary laws would be enacted to protect the rights of workers. In his inaugural speech in March 2011, the President of Myanmar had outlined, among other things, his vision for creating employment opportunities, promoting welfare and social security of workers and guaranteeing the rights of peasants and workers as they were the major forces of the nation building. The Government had been working vigorously to give effect to those legal provisions and to international obligations such as Convention No. 87, and had begun a process of legislative reform immediately on taking office. Existing laws were being reviewed and efforts made to amend them or draft new ones to bring them into line with the 2008 Constitution and international legal obligations. The Labour Organization Law had been given priority for early submission to Parliament. The Government had requested ILO support to ensure its conformity with Convention No. 87. The final round of consultations on the draft had included an ILO mission including the Deputy Director of the International Labour Standards Department and the Senior Standards Specialist for Asia and the Pacific.
121. With the signature of the Labour Organization Law by the President on 11 October, the Trade Union Act, 1926 had been repealed. The Ministry of Labour was drafting necessary rules, regulations and by-laws as stipulated in article 57 for its implementation. The Ministry of Labour was also in the process of submitting a proposal to the Parliament to repeal the law on fundamental rights and responsibilities of the people's workers, 1964, which only allowed one centralized workers' organization. The Labour Organization Law had been widely welcomed both in Myanmar and abroad. The Government was confident that following its adoption, workers' organizations, independent from the Government and employers, would emerge in the country and workers would be able to advance their rights under the Constitution. To ensure its implementation in a tripartite fashion, the Government would consider requesting technical assistance from the ILO.
122. Even under the previous workers' organizations law, workers' interests and rights had never been compromised. As reported to previous sessions of the Governing Body, strikes by industrial workers concerning wages and better benefits had been resolved through tripartite negotiations. The Labour Organization Law allowed workers to form organizations and also, under articles 21 and 22, enabled them to exercise their right to collective bargaining. Workers' rights would be further enhanced once the Parliament would have adopted a bill on peaceful assembly and procession, which would result in the repeal of orders Nos 2/88 and 6/88 and the Unlawful Association Act.
123. Concerning the failure to release certain prisoners under the recent amnesty, he explained that the amnesty granted by a Presidential Pardon to over 6,000 prisoners on 11 October, stipulated that those who had served their prison terms and showed good moral behaviour would be released on humanitarian grounds, in sympathy towards their families and to enable them to serve their own interests, as well as the country's. Some of the prisoners mentioned in the conclusions of the March Governing Body session were among those released, namely, U Zaw Htay, Daw Su Su Nway, U Min Aung and U Myo Aung Thant. Daw Lay Lay Mon and U Tin Hla had also been released. In that connection, there had been no reprisals or harassment on the part of the authorities towards those who used or were associated with the complaint mechanism under the Supplementary Understanding.

124. The Government was fulfilling in good faith its domestic and international legal obligations concerning workers' rights. Concrete results were being achieved and more was to be achieved as democratic practices and foundations were beginning to take shape in the country. He firmly believed that this important meeting would consider in a pragmatic and constructive manner these sincere efforts on promoting and protecting workers' rights. The Government of Myanmar would continue to work vigorously for the well-being of its people, especially workers, and to closely cooperate with the ILO.
125. *The EU and its Member States*, through a Government representative of Denmark, speaking also on behalf of Albania, Armenia, Croatia, Iceland, Montenegro, Norway, Serbia, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, and Republic of Moldova, thanked the Office for the document presenting the latest developments with regard to the revision of national legislation aimed at achieving compliance with Convention No. 87. The speaker welcomed the ILO high-level mission to Myanmar in July 2011 and took note of the law drafted in consultation with the ILO. Visible progress in the legislative process had been achieved since the previous ILO mission in February. The speaker noted the information provided by the Government showing some positive steps towards ensuring freedom of association and protection of the right to organize in the country; welcomed those positive signs and encouraged the Government to turn them into concrete actions. It encouraged the Government to effectively implement the new law, in close and extended cooperation with the ILO, in order to contribute to full respect of Convention No. 87.
126. The speaker also welcomed the recent announcement and release of some political prisoners. The EU had been urging the release of all political prisoners for a long time and this was an encouraging first step, but it called for the unconditional release of all remaining political prisoners who were still retained from exercising their basic civil rights, including freedom of association, and invited the Government to continue this process of positive change. It noted the establishment of the Human Rights Commission and encouraged the Government to ensure it was an independent, impartial and effective institution. Considering all these developments, the EU and its Member States supported the proposal for the Governing Body to defer the decision on the appointment of a Commission of Inquiry to its March 2012 session. Finally, they encouraged the Government of Myanmar to accept the extension of ILO presence in the country to cover matters relating to Convention No. 87 and to establish a mechanism to deal with complaints concerning violation of trade union rights. The group would follow and monitor with close attention further developments in the country in respect of labour rights.
127. *A Government representative of Thailand* welcomed the significant steps taken to bring the Labour Organization Law into force, and especially that the Government of Myanmar had engaged with the International Labour Standards Department and taken into account its legal advice throughout the drafting process. The new law was in line with the provisions of Convention No. 87. The Governing Body should take into account this particular progress and the legal reform process in Myanmar in general, both of which were positive developments. Since the new Government had taken office in March, there had been continued and substantive changes in political, legal and socio-economic areas. The Government of Thailand hoped that these developments would lead to further positive changes. In light of this, the Governing Body should reassess whether a Commission of Inquiry should be appointed. Meanwhile, the ILO should respond to Myanmar's request for technical cooperation and assistance in helping to raise awareness among all stakeholders of the exercise of their rights under the new law and in enhancing social dialogue.

128. *A Government representative of Australia*, also speaking on behalf of New Zealand, noted, as the Conference had noted this year, the intrinsic link between freedom of association and democracy. The right to freedom of association and the right to organize were fundamental to the protection of labour rights. Myanmar's 2008 Constitution provided, in principle, for these rights, but the Government of Myanmar was now taking steps to bring its legislation into full conformity with Convention No. 87. Australia and New Zealand welcomed the ILO mission to Myanmar in July 2011. They also welcomed the adoption in October of the Labour Organization Law, and they awaited news of its entry into force and the development of accompanying regulations. The most pressing challenge would be to ensure its effective implementation. The law must be applied in a fair, transparent and consistent manner throughout the country; individuals must be aware of their rights under the new law. The authorities should take steps to ensure public awareness was raised and training delivered to support the people of Myanmar in exercising their rights. The Government should continue to make full use of the expertise of the ILO's Liaison Office in this regard, and the Office should put into place appropriate support structures to facilitate this. They looked forward to hearing of further tangible progress at the next session of the Governing Body. In light of the ongoing progress on the ground and progress still to be made, the discussion of a possible Commission of Inquiry should be deferred to March 2012. This would provide an opportunity to the Government of Myanmar to demonstrate its stated commitment in bringing its legislation into full conformity with Convention No. 87.
129. *A Government representative of Switzerland* said that his Government welcomed the decision of the Government of Myanmar to invite and welcome ILO specialists to examine the new law. The Committee of Experts should analyse its conformity with Convention No. 87, which would then allow the Committee on the Application of Standards to assess the situation at the 101st Session of the Conference. The Government of Switzerland noted with satisfaction the political will and engagement of the Government of Myanmar in the development of the law concerning the right of workers to organize and to bargain collectively. Drafting the law was only the first step in the reform. Its implementation was a process that required follow-up and support in order to ensure its effectiveness. The Government of Switzerland hoped that in the coming months observers would witness the creation of independent trade unions and the respect of freedom of association and the right to strike. Switzerland encouraged the Government of Myanmar to continue the reform and its cooperation with the ILO. A new ILO mission should be organized to monitor the implementation of the law and its impact on workers' organizations and to provide all necessary assistance to the authorities, in particular in the establishment of a mechanism for penalties in cases of violations of the law. The decision on setting up a Commission of Inquiry should be deferred to the March 2012 session of the Governing Body. In general terms, the Government of Switzerland welcomed the recent positive developments – including the release of a significant number of political prisoners, the start of a dialogue between the authorities and Aung San Suu Kyi, and the amendment concerning registration of political parties – and encouraged the Government of Myanmar to pursue economic and political reforms, while calling for the release without delay of all political prisoners and for additional measures to strengthen human rights and the rule of law. Constructive and inclusive dialogue was also essential for bringing peace and development to border areas.
130. *A Government representative of Japan* welcomed the enactment of the Labour Organization Law granting freedom of association, though she understood it would take a certain time to formulate its implementing regulations. Her Government hoped that the utmost effort would be made to do it in a timely manner and that the Government of Myanmar would recognize the high expectations the international community held for this landmark legislation and its proper implementation. As a part of such efforts, the Government should embark on active awareness raising for the promotion of the law.

Japan intended to closely monitor the actual application of the law. In light of the positive efforts the Government of Myanmar was undertaking, the establishment of the Commission of Inquiry was not necessary at this stage.

131. *A Government representative of Viet Nam* said his Government had noted the significant changes in Myanmar over the past 12 months. The new Government had taken positive steps towards reform and democracy, shown in particular by the dialogue with Daw Aung San Suu Kyi and the release of more than 6,300 prisoners, including 200 political detainees, in October. It also noted the continuous constructive cooperation with the ILO, of which the mission in July 2011 was a good example. The Office should continue its cooperation with the Government of Myanmar to support its efforts on raising awareness of the law so that workers could effectively realize their rights of freedom of association and collective bargaining. In light of the progress made, the Commission of Inquiry should not be established at this stage.
132. *A Government representative of the United States* recalled that his Government had often expressed deep concern about the grave and persistent lack of compliance by the Government of Myanmar with core international standards on freedom of association. The important developments witnessed during the past few months, however, gave reason to be cautiously optimistic about future prospects. The most significant development was the new Labour Organization Law. He welcomed the fact that the ILO had been consulted in its preparation and that the Government had been receptive to the ILO's recommendations. He expected that the new legislation would be analysed for full compliance with Convention No. 87 by the Committee of Experts, and trusted that the Government would be equally receptive to any additional guidance that the experts might provide. The Government should now ensure that the new law entered into force and was applied in practice to all legitimate trade unions seeking to represent workers in the workplace. It represented a fundamental change at all levels that would require a significant period of education for all parties. The ILO should do all possible within its mandate to assist in this process of education. The elimination of forced labour could be achieved more effectively in an environment where freedom of association and trade union rights flourished. The Government of the United States therefore supported the expansion of ILO presence in the country to include the promotion of freedom of association and hoped that the Government of Myanmar would also see the merit of such "on-the-ground assistance". Similarly, it hoped that the Government would recognize the valuable role that labour activists could play in promoting and fulfilling the promise of the new legislation and urged the Government to free any individuals who remained in prison for having exercised their right to associate. The situation was clearly far from fully resolved, but it would be appropriate to defer until March the decision to appoint a Commission of Inquiry. That would allow the Governing Body, along with the ILO supervisory bodies, to evaluate the new law and to monitor developments to ensure that they fulfilled the promise of freedom of association and trade union rights for all workers.
133. *A Government representative of the Russian Federation* highlighted the importance of ensuring the observance of fundamental Conventions. The respect of human rights, the supremacy of law and democracy were the basic values for all responsible governments, therefore any infringements must be reviewed by the ILO and its Governing Body and supervisory bodies. His Government noted the adoption of the new law regulating workers' organizations and understood that the Committee of Experts would analyse it and inform the Governing Body on a timely basis. His delegation believed that the new law responded to the international standards in the areas of registration of trade unions, their rights and obligations, the right to strike and its limitations, and the complaints process. It was hoped that its adoption would promote the development of the trade union activities in Myanmar. ILO cooperation had borne fruit, and the work in the Governing Body on this

issue was also responsible for these positive trends. A Commission of Inquiry should not be established at this stage.

134. *A Government representative of Canada* expressed satisfaction that ILO specialists had been invited to discuss the development of the draft law in detail before its finalization and was hopeful that the Government of Myanmar would be in a position to announce that the law had come into force in March 2012. Canada strongly underlined the importance of respecting and implementing commitment to freedom of association. The enacting of this law was a very important step forward but bringing it into force as soon as possible and a real commitment to ensuring its proper and active application would be essential in reaching these goals. The ILO should provide technical support in ensuring the successful application of the law, and the Government of Myanmar should accept such support, as well as granting a visa to allow the Liaison Officer to staff the Office correctly. While developments were positive, Canada stressed that the Government should immediately release all political prisoners. The regime's continued imprisonment of persons who were exercising basic freedom of association rights ran contrary to the commitment to democracy and securing the rights associated with freedom of association. The decision regarding the appointment of a Commission of Inquiry should be postponed to March 2012 to allow the Governing Body to assess progress and the extent to which the Government had met its promise of early implementation and active application of the new legislation.

135. *A Government representative of India* welcomed the efforts of the Government of Myanmar to undertake necessary legislative reforms in connection with Convention No. 87. He noted that the Labour Organization Law repealed the Trade Union Act of 1926. The new law would allow workers in Myanmar to form organizations and promote their related rights. He acknowledged the useful technical assistance provided by the ILO in the drafting process. It was clear that the Government of Myanmar was committed to addressing the issues related to freedom of association. His Government encouraged the climate of dialogue that facilitated constructive cooperation between the Government of Myanmar and the ILO with regard to Convention No. 87.

136. *A Government representative of China* stated that his delegation had carefully listened to the intervention by the Government representative of Myanmar. They had taken note that since the March Governing Body session, effective measures had been taken to observe Convention No. 87. The President of Myanmar had signed the Labour Organization Law protecting freedom of association and the right to strike. The Government of Myanmar had cooperated actively with the ILO and started drafting other relevant laws. The Government of China believed that dialogue should continue between the Government of Myanmar and the ILO, and the Organization should provide relevant technical assistance. It was not appropriate at the time being to establish the Commission of Inquiry.

137. *A Government representative of Cuba* said her delegation noted the information provided by the Government of Myanmar, which indicated its efforts and will to cooperate, as well as its willingness to engage in a process of dialogue and understanding. Her Government backed the decision not to establish a Commission of Inquiry in order to give the opportunity to the Government of Myanmar to continue introducing relevant changes to the legislation with a view to achieving effective implementation of Convention No. 87. In this connection, Cuba encouraged the ongoing technical cooperation and dialogue between the Government of Myanmar and the ILO as a fundamental tool in this process.

Decision

138. *The Governing Body, taking due note of the developments which had occurred since its last consideration of this matter in March 2011:*

- (a) *urged the Government of the Republic of the Union of Myanmar to avail itself of the advice and assistance of the ILO, including through strengthening and expanding the capacity of the ILO Liaison Officer, aimed at fostering the conducive environment necessary for the practical application of the new Labour Organization Law and any implementing regulations in a manner which is in conformity with freedom of association principles; and***
- (b) *decided to defer to its 313th Session (March 2012) the adoption of a decision on the appointment of a Commission of Inquiry.***

(GB.312/INS/7, paragraph 6, as amended.)

Eighth item on the agenda**Update on the high-level tripartite mission to the Bolivarian Republic of Venezuela**

139. There was no discussion under this item.

Ninth item on the agenda**Reports of the Committee on Freedom of Association**

(GB.312/INS/9)

- 140.** *The Chairperson of the Committee expressed satisfaction that a former member of the Committee had been elected as Chairperson of the Governing Body and congratulated him. He said that of the 169 cases before the Committee, 43 had been examined on their merits. As regards Cases Nos 2528 (Philippines), 2655 (Cambodia), 2714 (Democratic Republic of the Congo), 2807 (Islamic Republic of Iran), 2822 (Colombia) and 2859 (Guatemala), the Committee had observed that, despite the time which had elapsed since the submission of the complaints, it had not received the observations of the Governments concerned and had issued an appeal to them to send their observations as a matter of urgency. In the case of the Democratic Republic of the Congo, the Committee had been obliged to examine three cases without the benefit of the observations expected from the Government despite the discussions that he had had with its representatives, on behalf of the Committee, during the session of the ILC. The Committee therefore suggested that the Government might avail itself of the technical assistance of the Office in preparing the information requested.*
- 141.** *Concerning the follow-up given to its recommendations, the Committee had examined 31 cases in which the governments had kept it informed of the measures taken to give effect to its recommendations and had noted with satisfaction or interest positive developments in seven of them: Cases Nos 2742 (Plurinational State of Bolivia), 2292 (United States), 2567 (Islamic Republic of Iran), 2400, 2661, 2671 and 2603 (Peru). There*

had been particularly welcome developments in the cases concerning Peru, such as a recent decision of the constitutional court and supreme decree which guaranteed the trade union rights of public employees. In the long-standing case concerning an employers' organization which had been dissolved in the Islamic Republic of Iran, the Committee had welcomed the re-registration and recognition of the Iranian Confederation of Employers' Associations. Finally, in a case concerning the collective bargaining rights of transport security officers in the United States, the Committee had welcomed the Government's recognition of their organizational and bargaining rights as these workers had been able to elect their union representative for collective bargaining purposes.

142. The Committee wished to draw the attention of the Governing Body to three cases it considered as serious and urgent: Cases Nos 2318 (Cambodia), 2516 (Ethiopia) and 2723 (Fiji). The Cambodian case concerned the murder of three trade union leaders over four and seven years ago respectively and the total absence of any meaningful efforts to carry out the investigations necessary to determine those responsible. While welcoming the release of the persons convicted of these crimes in trials which were devoid of due process, the Committee had once again strongly urged the Government to ensure that thorough and independent investigations be carried out without any further delay into the murders of Chea Vichea, Ross Sovanareth and Hy Vuthy so as to ensure that all available information could be brought before the courts in order to determine the actual murderers and instigators of their assassination, punish the guilty parties and bring an end to the prevailing situation of impunity.
143. Concerning Ethiopia, the Committee had been examining the case for several years and had been obliged to express its deep regret at the fact that the Government had not provided any new information or replied to complainants' new allegations despite the time which had elapsed and that the teachers' organization, NTA, had still not been registered three years after its request. The Committee had urged the Government to take the necessary measures to ensure that the appropriate authorities register the NTA without delay so that teachers might fully exercise the right to form organizations of their own choosing for the furtherance and defence of their interests. The Committee had further requested the Government to initiate full and independent investigations into the allegations of intimidation and harassment and to provide complete information on the results of these inquiries.
144. Finally, the Committee had expressed its deepest concern in the case of Fiji, which had initially been brought before the Committee by the Fiji Teachers Association (FTA). Regrettably, further information of serious acts of violence and intimidation had been provided in the new allegations made by the Fiji Islands Council of Trade Unions and the International Trade Union Confederation (ITUC). In addition to its earlier calls for the immediate reinstatement of Mr Koroï, the FTA's President, the Committee had expressed its deep concern at the numerous alleged acts of assault, harassment and intimidation to prevent trade union leaders and members from exercising the right to freedom of association. It had urged the Government to undertake independent investigations without delay into these incidents, in particular the recurring acts of physical assault and harassment of the National Secretary of the Fiji Trade Union Congress (FTUC), and to transmit detailed information of the findings and the action taken to remedy the situation. The Committee had been further alarmed by the recent arrests of FTUC National Secretary and President and had urged the Government to ensure that any charges against them be immediately dropped. The Committee had also considered that the recently adopted Essential National Employment Decree gave rise to numerous violations of Conventions Nos 87 and 98 and had urged the Government to amend its provisions forthwith. Given the seriousness of the allegations and the absence of a complete picture of the situation on the ground, the Committee had urged the Government to accept a direct contacts mission to

clarify the facts and assist it in finding, together with the social partners, appropriate solutions in conformity with freedom of association principles.

145. *The Employer spokesperson* supported the adoption of the report. The Committee had executed a heavy workload, examining 43 cases substantively during the sitting, together with a larger volume of cases in which it had been kept informed of developments. The Employer members of the Committee supported the Chairperson's desire to maintain continuity in the Committee's working methods, while continuing to consider and implement some of the initiatives which had been agreed upon and reported in June 2011.
146. The Employers noted with concern the imbalance of cases from Latin America, which was not a new phenomenon but one that warranted consideration of the recent and possible solutions. In a number of cases, such as Case No. 2571 (El Salvador), Governments had provided full and persuasive replies, which had led to a diminution of concerns previously expressed or to the implementation of recommendations. This was commendable and illustrated how government replies could result in the conclusion of cases. Regrettably though, in this sitting there had been many cases where governments had failed to reply or had only sent partial replies. The Committee had therefore reminded them of their responsibilities derived from their ILO membership and of the possibility of reaching unbalanced or incorrect conclusions if the Committee was forced to only act on the basis of non-compliance allegations.
147. The Employers highlighted a number of cases. Case No. 2723 (Fiji) contained alarming and regrettable developments regarding respect of freedom of association and essential workplace rights. The case involved assault, harassment, intimidation and arrest of senior trade union officials. The Committee not only drew the Governing Body's attention to this extremely serious state of affairs, but also recommended that the Government accept a direct contacts mission on the application of Conventions Nos 87 and 98. Indeed this serious and urgent situation had worsened even during the Committee's sitting, with the report that the FTUC National Secretary had been arbitrarily detained. As representatives of the world's employers, they appealed to join the international community in condemning these flagrant breaches which tainted the good name and reputation of that beautiful country. Only a few days previously, the G20 leaders in Cannes had called on the ILO to promote further ratification of core Conventions, of which Conventions Nos 87 and 98 were the most fundamental, and which the Committee, in this sitting, had found the Government of Fiji to be in flagrant, serious and continuing breach. Such breaches were an affront to the Committee and the Organization, as well as to the G20. The dismissive and non-cooperative attitude of the Government was more alarming still. The Committee urged the Government to engage with the international community on these issues and provide immediate recompense to the trade union leaders subject to arbitrary arrests, detention, harassment and intimidation.
148. Case No. 2516 (Ethiopia) was another serious and urgent case, where the Government had failed to conduct independent inquiries into the allegations of murders, torture and arrest of trade union officials; the Committee deeply regretted the Government's lack of cooperation. In Case No. 2318 (Cambodia), the failure of the Government to reply to similar serious allegations had also caused the Committee to draw special attention to it.
149. The Committee had also dealt with a number of complaints concerning legislative provisions dealing with the representativeness of associations for collective bargaining purposes. For example, Cases Nos 2750 (France) and 2805 (Germany), in which the Committee had pointed out that there was no breach of Conventions Nos 87 or 98 when national authorities prescribed rules for representativeness in high-level collective bargaining, provided that the rules were based on objective criteria and did not restrain unions' or employers' organizations' freedom in selecting the representatives, or prevent

minority unions from undertaking enterprise-level activity. In both cases, the Committee's conclusions had been assisted by the fact that credible processes of social dialogue existed, which was a credit to both governments and the social partners.

150. Cases Nos 2788 (Argentina) and 2794 (Kiribati), highlighted an important principle to Employers that had been accepted by the Committee: namely, that under Convention No. 87, employers could withhold the salaries of those exercising the right to strike.
151. Case No. 2795 (Brazil) also highlighted a useful principle in industrial disputes: in the context of voluntary arbitration, the fact that further industrial action could not be taken until a final ruling was handed down, was not contrary to the principles of freedom of association.
152. In Case No. 2814 (Chile) the Committee had agreed to insert the expression "if necessary" in the first sentence of paragraph 443 on the understanding that in case of a dispute, parties must exhaust all available instances at a national level before suspending activities.
153. In a similar tone, Case No. 2741 (United States), while dealing with the state legislation that was in breach, recognized that dispute resolution frameworks could exist as alternatives to the right to strike, so long as the right to strike could also be freely exercised.
154. Case No. 2838 (Greece) was difficult for the Committee and the Employers, as it concerned restriction of maritime workers' right to strike on the grounds that transport between islands in an island country was an essential service. However, the Employers recognized that the Committee had long-established principles allowing for minimum service provisions that dealt, at least in part, with this issue. In this case, it had recommended national-level dialogue to determine minimum service levels in the future.
155. With regard to Case No. 2815 (Philippines), the Committee had reminded governments that when a complaint concerned enterprises, they should include in their replies to the Committee, the views of the enterprise in question obtained through national employers' organizations.
156. Case No. 2832 (Peru) affirmed another important principle to Employers. In reference to the acts of violence and property damage associated with strike action, the Committee had reaffirmed the established principle that the protections granted by the Convention to the right to strike were not meant to protect individuals or organizations from liability under criminal law for damages, trespass or similar offences.
157. In Case No. 2804 (Colombia) the Committee had called on the Government to allow for collective bargaining on pensions in good faith notwithstanding the legislation existing on the topic. However, it had noted that the outcome of bargaining applied automatically to the parties at the national level and it had been careful to apply only jurisdiction in respect of Convention No. 98, which did not extend to broader issues of pension policy.
158. *The Worker spokesperson* referred to the situation in Fiji regarding Case No. 2723. The examination of this serious and urgent case had taken place in particularly tense circumstances as the FTUC National Secretary and President had been arrested during the sitting. The list of violations of human rights and fundamental principles and rights at work was very long, including harassment, intimidation and arbitrary detentions against freedom of assembly, expression and association. The Workers were pleased that some trade unionists arrested during the examination of the complaint had been released, but given the persistence of an extremely serious situation in the country, they renewed the call for the international community to intervene for the reinstatement of democratic freedoms, rule of

law and fundamental principles and rights at work. They congratulated the Committee for having unanimously concluded that a direct contacts mission should be sent; this should be done forthwith.

159. Case No. 2318 (Cambodia) was extremely serious as it concerned the unsolved murder of three trade unionists and the Government persisted in not responding to the Committee's requests for information.
160. Case No. 2516 (Ethiopia) was also very well known to the Governing Body. It concerned alleged interference in trade union activities through menaces, dismissals, detentions and bad treatment; the Government had sent no information.
161. There were a number of other cases (Nos 2733 (Albania), 2739 and 2795 (Brazil), 2808 (Cameroon), 2794 (Kiribati), 2713, 2715 and 2797 (Democratic Republic of the Congo)) where Governments had not responded to requests for information. This was unacceptable as it implied leaving unsolved situations of alleged violations of trade unions' rights. The ILO and the Governing Body should exercise influence on those countries in order to encourage them to seek ILO technical assistance in respect of freedom of association and the right to organize.
162. The Workers had also noted that the crisis and related austerity measures had now become causes for violations of trade unions' rights. For example in Greece the restrictions to the right to strike in the maritime transport sector had been worsened by a civil mobilization order which included the prohibition to seafarers to join a national strike on 11 April 2011.
163. In Argentina (Case No. 2817), the privatization of the railway had led to weakening the right to collective bargaining, also threatened by the reforms concerning the decentralization of bargaining at the expense of national agreements. In Cases Nos 2826 (Peru) and 2759 (France) there was violation of the right to strike in the oil sector.
164. Several cases concerned violations of the right to strike. In some of them (Cases Nos 2814 (Chile), 2361 (Guatemala), 2648 (Paraguay) and 2832 (Peru)) trade unionists had been dismissed or transferred, and in Case No. 2714 (United States) trade union leaders had been punished with severe fines or arrest. The Committee, taking note of initiatives taken in favour of collective bargaining, had invited Governments to ratify Conventions Nos 87 and 98.
165. Several cases still showed interference in trade unions' activities – in particular Cases Nos 2571 (El Salvador) and 2708 (Guatemala) – and obstacles to the creation of trade unions, including dismissals (Case No. 2781 (El Salvador)). In the latter, however, positive Government action could be highlighted. Cases Nos 2825 (Peru) and 2815 (Philippines) also concerned alleged anti-union dismissals and it was regrettable that the Government had only provided a partial response. In Case No. 2843 (Ukraine), the Committee had had to remind the Government that any kind of previous authorization was considered as an obstacle to freedom of association.
166. The Workers wished to highlight that the conclusions concerning Case No. 2816 (Peru) confirmed that the use of electronic message systems in enterprises was to be considered as one of the means to be used by trade unions under conditions that could be subject to collective bargaining. They also underlined that in Portugal the problems caused by a complaint had been solved through collective bargaining.
167. Concerning Case No. 2620 (Republic of Korea) the Workers again had to recall that migrant workers should benefit from the same rights protected by freedom of association principles.

Decision

168. *The Governing Body took note of the introduction of the report of the Committee, contained in paragraphs 1 to 162 and adopted the recommendations made in paragraphs: 173 (Case No. 2733: Albania); 203 (Case No. 2805: Germany); 255 (Case No. 2788: Argentina); 276 (Case No. 2798: Argentina); 308 (Case No. 2817: Argentina); 315 (Case No. 2739: Brazil); 327 (Case No. 2795: Brazil).*
169. A Government representative of Cambodia informed the Governing Body that the case concerning the murder of a trade unionist was not yet closed. The competent authority was still investigating and the Government would keep the Office informed of any development. Regarding the JASA organization case, the Arbitration Council had issued an award on 29 January 2011, which had not been implemented subsequent to the workers filing a complaint against the employer. Both parties could continue the legal procedure in the general court. In the case of APSARA authority, the employer side had lodged a complaint against the award by the Arbitration Council in February 2010; in the case concerning the Angkor resort, the worker side had withdrawn its complaint in January 2010; and in the case of NAGA World, the Arbitration Council had issued an award in September 2010. The Government would submit to the Committee all evidence and supporting documents for examination.

Decision

170. *The Governing Body adopted the recommendations made in paragraphs: 338 (Case No. 2318: Cambodia); 357 (Case No. 2802: Cameroon); 399 (Case No. 2812: Cameroon); 421 (Case No. 2842: Cameroon); 445 (Case No. 2814: Chile); 470 (Case No. 2710: Colombia); 500 (Case No. 2793: Colombia); 543 (Case No. 2796: Colombia); 572 (Case No. 2804: Colombia); 600 (Case No. 2620: Republic of Korea); 616 (Case No. 2571: El Salvador); 667 (Case No. 2781: El Salvador); 698 (Case No. 2836: El Salvador); 739 (Case No. 2785: Spain); 775 (Case No. 2741: United States); 808 (Case No. 2516: Ethiopia).*
171. A Government representative of Australia, also speaking on behalf of the Government of New Zealand, expressed deep concern about the arrests of trade union officials in Fiji. The regime was trying to intimidate trade unionists and restrict their ability to represent workers. It was limiting workers' rights to organize and bargain collectively. Trade unions played a crucial role in standing up for workers, and their activities were being targeted. The Essential National Industries (Employment) Decree 2011 further eroded the capacity of trade unions to protect workers' rights which had already been restricted under emergency regulations. The regime's concerted efforts to obstruct trade unions' work were an affront to the fundamental principle of freedom of association recognized in the Universal Declaration of Human Rights and they breached its obligations under ILO Conventions. He therefore called on the Government of Fiji to ensure that Mr Urai was afforded due legal process and a free and fair trial. He urged the Government of Fiji to take credible steps towards the holding of free and fair elections that would return Fiji to democracy and the rule of law.

Decision

172. *The Governing Body adopted the recommendations made in paragraphs: 847 (Case No. 2723: Fiji); 964 (Case No. 2750: France); 1043 (Case No. 2841: France); 1080 (Case No. 2838: Greece); 1097 (Case No. 2361: Guatemala);*

1122 (Case No. 2708: Guatemala); 1140 (Case No. 2794: Kiribati); 1148 (Case No. 2648: Paraguay); 1175 (Case No. 2834: Paraguay); 1223 (Case No. 2816: Peru); 1260 (Case No. 2825: Peru); 1305 (Case No. 2826: Peru); 1317 (Case No. 2831: Peru); 1334 (Case No. 2832: Peru); 1385 (Case No. 2815: Philippines); 1412 (Case No. 2729: Portugal); 1425 (Case No. 2713: Democratic Republic of the Congo); 1437 (Case No. 2715: Democratic Republic of the Congo); 1457 (Case No. 2797: Democratic Republic of the Congo); 1499 (Case No. 2843: Ukraine); and adopted the 362nd Report of the Committee on Freedom of Association as a whole.

Statement by the Workers' group on the situation in Fiji

173. The Fijian Government, which had been led by a military junta since the 2006 coup d'état, had launched an aggressive and illegal campaign to dismantle the trade union movement by use of brute force, by jailing trade union leaders and by issuing executive decrees which had deprived most Fijian workers of the fundamental international labour rights set forth in ILO instruments.
174. The regime had jailed trade union leaders on dubious charges in retaliation for their trade union activities. On numerous occasions the military had severely battered, assaulted and harassed senior trade union officials in Fiji. In some cases that had led to permanent physical damage.
175. The public emergency regulations of 2009 made it illegal to hold union meetings unless authorized by the regime and permission for meetings was simply not granted. Moreover, the regulation permitted the police to break up trade union meetings, which had occurred several times in 2010.
176. The regime had attempted to bar trade union leaders from addressing the ILC and it had placed a travel ban on the General Secretary of the Fiji Trade Union Congress. Since 2009 the regime had issued several decrees that sharply curtailed trade union and labour rights in both the public and private sectors. It had eliminated access to judicial review and redress for past, present and future violations. It had disallowed the right to question the legality of the decrees themselves. Those sweeping reforms had been made without holding any consultations with the trade unions.
177. The Government had issued the Essential National Industries and Designated Corporations Regulations which gave effect to the Essential National Industries (Employment) Decree 2011, ignoring the ILO's specific request not to allow the decree to enter into force. The regulation designated the finance, telecom, civil aviation and public utility sectors as essential and it allowed the regime to include any other industries as and when it wished.
178. The Workers took note of recommendations made by the Committee on Freedom of Association which had denounced that and other labour rights violations. There was ongoing unwillingness by the regime to engage with the social partners and the international community, including the ILO.
179. In view of those serious concerns, the Workers' group strongly condemned the actions of the Fiji Government and called upon the Director-General: firstly, to closely monitor the situation in Fiji and to intervene to safeguard the human and labour rights of Fijian workers; secondly, to ensure that the recommendations made by the ILO Committee on Freedom of Association in paragraph 558 of its 358th Report were fully implemented, in

particular, paragraph (e) which stated that “given the seriousness of the complainants’ allegations and the absence of a complete picture of the situation on the ground, the Committee invites the Government to accept an advisory tripartite mission from the ILO to clarify the facts and assist the Government and the social partners in finding appropriate solutions in conformity with freedom of association principles”.

- 180.** Lastly, the Workers asked the Director-General urgently to inform the UN Secretary-General and all heads of UN agencies about the grave and worsening trade union and human rights situation in Fiji, to call on them to take those matters into consideration in their engagement with Fiji and to suspend cooperation if the situation in Fiji remained unchanged.

Tenth item on the agenda

International Institute for Labour Studies (GB.312/INS/10 and GB.312/INS/10(Add.))

- 181.** *The Employer Vice-Chairperson of the Board of the Institute* clarified that while the Institute had both a programme and a budget, the two were not connected. The materials before the Governing Body did not detail the allocation of funds to the various programmes the Institute planned to take on. The inclusion of guidance in that respect in future plans had been requested so as to orient the Board and the Governing Body to priorities based on resource allocation.
- 182.** He welcomed the determination to strengthen the Institute, which would reinforce the ILO’s work on policy coordination and enhance its position with other international agencies by providing it with fact-based, analytical reports and proposals.

Decision

183. *The Governing Body:*

- (a) *took note of the report of the 53rd Session of the Board of the International Institute for Labour Studies;***
- (b) *endorsed the programme and approved the budget of the International Institute for Labour Studies for 2012–13 as indicated in Appendix I to document GB.312/INS/10(Add.);***
- (c) *accepted the contributions and gifts described in Appendix II to document GB.312/INS/10(Add.)***

(GB.312/INS/10(Add.), paragraph 2.)

Eleventh item on the agenda

Report of the 73rd Session of the Board of the International Training Centre of the ILO, Turin (GB.312/INS/11/1 and GB.312/INS/11/2)

184. *The Employer Vice-Chairperson* stressed the need for continuous investment in training as an indispensable tool for coping with economic and demographic change. A shift to a reality-based approach that valued entrepreneurship was essential. He therefore welcomed the Strategic Plan 2012–15. Further attention should, however, be given to business continuity planning and enhancing the efficiency of support and administrative structures. It was also vital to explore and seize opportunities for non-ILO funding and to speed up the optimization of internal operating and administrative procedures, because overhead costs had to be reduced.
185. *A Government representative of Sri Lanka* said that the work of the Turin Centre was crucial for the socio-economic development of ILO member States. For example, the academy on labour administration had enabled them to share experiences on labour administration strategies to contend with the current economic crisis.
186. *A Government representative of India* said that the Centre should expand its collaboration with the ILO and with regional and national institutions in order to address issues related to the world of work in developing and underdeveloped countries. Collaboration with the UN and other international organizations should aim at improving institutional capacity and at securing sustainable development. Underdeveloped countries' participation in training activities should be promoted. Greater emphasis should be given to gender equality and tripartism in those activities. As 60 per cent of the global population lived in the Asia and the Pacific region, more resources should be earmarked for boosting that region's participation. More women from underdeveloped and developing countries should be encouraged to take part in gender-balance training. The Turin Learning Approach should offer an optimum mix of technology and conventional training methods. The Centre should explore alternative, sustainable funding solutions. The Centre's programmes should place greater emphasis on occupational health and safety, employment skills and harmonizing skills and qualifications. Different approaches to corporate social responsibility should be shared. Feedback from participants should form the core of any evaluation of the Centre's activities.
187. Turning to the results-based strategic plan for 2012–15, he noted that there was wider scope for collaboration with new actors in the global development arena. The principles guiding the Plan should be aligned with the ILO Declaration on Social Justice for a Fair Globalization. Given the huge challenge posed by the informal sector in most underdeveloped and developing countries, relevant training should be designed to address that problem. Training to promote international labour standards must take account of the realities and level of development in various countries. The long-term objectives of the Centre would be best served if more efficient use were made of resources and if they were allocated in an innovative manner to reflect the changing global economic environment.
188. *A Government representative of France* urged greater efficiency from the Centre. To that end, it should increase its interaction with the Office.
189. *A Government representative of Italy* said that her country would maintain its core contribution to the Centre and it would do its best to continue to support the Centre through voluntary contributions. Nevertheless due consideration had to be given to the current financial situation.

190. A Government representative of Ghana said that the Centre should be supported to allow it to expand the scope of its training programmes to build individual and institutional capacity. She endorsed the statement made by the Government representative of France. She supported the amendments to the Centre's financial regulations.

Decision

191. *The Governing Body took note, without comment, of the amendments to the Centre's Financial Regulations as proposed in Board document CC 73/4/2 (Review of the Financial Regulations) and approved by the Board of the Centre, which were presented to the Governing Body in accordance with article 6, paragraph 5, of the Statute of the Centre.*

(GB.312/INS/11/2, paragraph 3.)

Twelfth item on the agenda

Progress on implementing the 2009 ILC Resolution concerning gender equality at the heart of decent work (GB.312/INS/12)

192. A representative of the Director-General (Director, Bureau for Gender Equality) introduced the Office paper, which reflected an Office-wise coherence on gender equality and drew together the points made on gender mainstreaming in documents reviewed during the current session.
193. The Employer spokesperson for this item reiterated the Employers' commitment to gender equality, a complex and multidimensional issue. She highlighted five major aspects: the human rights aspect, noting that gender equality was increasingly recognized in many countries in legislation; the potential loss of skills and talent, with the concomitant effects on business, caused by discrimination against women; women's entrepreneurship as a key strategy for promoting employment and economic empowerment; problems here needed to be addressed through an enabling policy environment; and finally the market and consumer perspective. She cited a recent press article which highlighted the key role of women's employment in driving economic growth. Women as business leaders had an approach to leadership well suited to the challenges now facing major organizations; having more women on corporate boards was good for business and promoted good governance. The business case for gender equality was compelling, and many businesses now were acting accordingly in recognition of the economic, social and development benefits.
194. While small and medium-sized enterprises (SMEs) accounted for most jobs, they lacked resources needed to promote greater employment of women; more effort was needed in that area, to promote women's employment potential, and the ILO was in a unique position to contribute to support job creation for women and enabling them to compete successfully for jobs. Similarly, women were largely concentrated in the informal economy, which posed a barrier to women's advancement in the labour market.
195. Although many countries had achieved considerable progress towards greater gender equality and greater opportunities for women, in others many obstacles remained relating to deep-rooted attitudes. In overcoming such challenges, a "one size fits all" approach was

bound to be ineffective, as account had to be taken of national contexts. Business could take the lead in efforts to change entrenched mindsets.

196. With regard to the progress made in implementing the 2009 resolution, she recalled that the Conference had concluded in 2009 that employers could contribute to gender equality in a number of ways – for example by representing the views of business in policy dialogue, stimulating women’s entrepreneurship through advocacy for an enabling environment for women to do business, developing gender-sensitive practices, promoting fundamental principles and rights, and knowledge sharing.
197. The Employers welcomed the Office paper, but noted that because the information it contained was more descriptive than analytical, it was more difficult to assess impact and sustainability of programmes. They would therefore welcome better methodologies for measuring progress and impact in future reports. She noted that linkages between the 2009 resolution and the Programme and Budget for 2010–11 had been established through the Action Plan for Gender Equality 2010–15, and suggested that synergies could be improved through a programme and budget implementation reporting process linked to the discussion of the implementation report.
198. Although the paper did not indicate the areas that needed to be further addressed, the Employers had been informed by the Office that those were: ratifications; gender pay gap; gender balance at the Conference; gender-based violence; and the work–family life balance. She said that the inclusion of the gender balance at the Conference appeared inward looking, especially in a context of scarce resources, and suggested that gender-based violence, however abhorrent, did not have clear links with the world of work.
199. The Employers tabled a number of priority areas where greater effort was needed: policies and regulatory frameworks; enterprise development and growth, and measures to address informality; improving women’s skills and employability, the work–family life balance; development of business-friendly tools for inclusive workplace practices; promotion of best practices for corporate gender equality; knowledge sharing and analysis to strengthen the business case for gender equality; and promotion of women’s associations and collective action. Input regarding priorities was needed from all the constituents.
200. The Employers proposed the following amended point for decision:

The Governing Body requests the Director-General: (a) (unchanged); (b) to bolster Office efforts in identified priority areas where measurable progress has not been made to date; those priority areas should be identified on the basis of consultations with constituents, and the Office should report back to the Governing Body on both those consultations and priority work areas going forward.
201. *The Worker Vice-Chairperson* noted that in two years since the adoption of the resolution, the Office had mainstreamed gender equality in many technical areas, in many regions, including in the DWCPs, but the paper did not reflect the particular challenges created by the current economic crisis, with all its effects on employment, especially of women. The lack of a linkage with the Action Plan and the Programme and Budget for 2010–11 made it difficult to assess progress. Bolder action was needed to assist constituents to develop employment policies based on employment-led growth with gender balance.
202. The section on principles and rights at work did not refer to freedom of association or collective bargaining, which were key enabling rights. With regard to capacity building for trade unions, the Workers noted with satisfaction the greater use of gender audits by trade unions, and the subregional training for gender audit facilitators in French speaking African countries. Similar training was planned in December 2011 in San José. Progress had also been made in terms of achieving UN-wide synergies in the area of gender equity.

203. The Workers noted the continuing commitment of the Office and donors but suggested that clearer focus was needed to achieve the objectives of the Action Plan for the implementation of the 2009 resolution. Action was needed before the mid-term evaluation in 2013 to assist the constituents in implementing policies consistent with the Global Jobs Pact. In the longer term, stronger efforts were needed to achieve universal ratification of the four key gender equality Conventions. The group requested clarification from the Employers as to their call for consultations with constituents in the proposed amended decision point.
204. *The Africa group*, through a Government representative of Ghana, commended the Office paper and its insights into the progress made. Gender equality was crucial to economic growth and poverty eradication in Africa and to attaining the Millennium Development Goals (MDGs). The speaker welcomed the efforts made at the national level with ILO support to mainstream gender in programmes and policies, but noted the need for greater focus on gender balance in employment, social protection and social dialogue and in promoting principles and rights at work.
205. The report contained insufficient details on specific outcomes which were important in encouraging implementation. As the 35 per cent target for participation of women in Conference delegations had not been achieved, further constructive action was needed to address the imbalance. In the interest of policy coherence, greater efforts were needed to strengthen partnerships, such as the partnership between the ILO and UN Women. The continuing financial and economic crisis posed a serious threat to what had been achieved. The ILO needed all the more to engage with constituents and help member States to strengthen their legal and institutional frameworks and policies in capacity-building initiatives. The Turin Centre played an important role in this connection and needed continued support.
206. *The group of the Americas (GRUA)*, through a Government representative of Brazil, recalled that gender equality, like decent work, had always been a priority for the group, and was a cross-cutting issue for the ILO and for the UN system as a whole. He noted with satisfaction the efforts made in various countries to ensure more equitable treatment of domestic workers and equal wages, but also noted that social protection programmes referred to in the paper at the national level had a major gender dimension which called for enhanced collaborative efforts between employers, workers and governments, as well as efforts to boost ratification of the gender equality Conventions. The 27 per cent rate of women at the ILC was well below the target of 35 per cent, although some governments had achieved 32.1 per cent. Further efforts were needed by governments and social partners.
207. The Office paper was essentially informative and in its point for decision called on the Director-General to guide the Office and support efforts in areas where less progress had been made. GRUA hoped in future that reports would clearly identify challenges and propose follow-up action, in accordance with guidance given in connection with the Governing Body reforms. More information was required on those areas where no measureable progress had been made.
208. *The EU and its Member States*, through a Government representative of Denmark, supported by Norway, noted the persistence of gender inequality in the labour market, resulting from a number of factors. Combating sex discrimination and achieving real gender equality were important goals in their own rights, and at the core of the ILO's mandate. The speaker supported the goal of universal ratification of Conventions Nos 100 and 111, but also noted the importance of efforts to secure full implementation, and hoped that more attention would be focused on the issue during the recurrent discussion on fundamental principles and rights in 2012. The commitment reflected in the 2009

resolution needed to be maintained within the ILO and in the national tripartite structures. He encouraged the social partners to further their efforts in that area. Endorsing the ILO's efforts to promote equal opportunities, he emphasized the importance of developing gender equality indicators and compiling and disseminating sex-disaggregated data as part of the work on developing other decent work indicators.

209. Priority had to be given to promoting women's participation in traditionally male occupations, and vice versa, and to promoting women's and men's integration in sectors where they were under-represented. At times of economic crisis, the ILO's objective of strengthening women's position in the labour market had to be maintained. Gender issues should be included in economic recovery packages. Priority had to be given to promoting women's access to management positions and participation in the decision-making process, empowering women to participate in any negotiations on working conditions, and advancing women's entrepreneurship.
210. The target set by the Director-General of at least 35 per cent participation by women in Conference delegations had not yet been met, and gender aspects needed to be factored into any of the ILO's own internal recruitment and appointment processes.
211. Effective policies for achieving a better work-family life balance should be put in place. These should include improving access to childcare facilities and services to help dependants. The debate on the work-life balance policy was therefore welcomed by the EU and its Member States, which also hoped to see gender aspects included in the discussion on social protection floors.
212. The EU and its Member States fully supported the ILO in its efforts to keep gender equality high on the agenda and to work efficiently towards ensuring effective implementation of the 2009 resolution, especially with regard to bolstering efforts in areas where measurable progress had not yet been made. The EU and its Member States supported efforts within the programme and budget to achieve the third Millennium Development Goal (MDG3); stressed the importance of gender mainstreaming in the ILO's own activities; and looked forward to further ILO work in that area and to further reports showing substantial progress.
213. *The Minister of Labour and Social Services of Zimbabwe* endorsed the Africa group's statement. Zimbabwe had taken strides in mainstreaming gender equality through its DWCP, complementing labour market initiatives with nationwide efforts to achieve MDG3. Gender equality was thus not merely a sectoral matter but a mainstream national priority. Cross-sectoral synergies had been established involving the social partners. Measures reaching beyond labour market initiatives included the adoption of the Domestic Violence Act to protect and advance women's rights and gender equality. The Minister commended similar progress achieved in other countries. Zimbabwe's national gender policy prioritized education, training and women's participation in key economic activities. The Public Service Commission promoted the recruitment of women, and gender parity was expected to be achieved in public sector decision-making positions by 2015. Legislation prohibited gender discrimination across the public and private sectors. In finalizing the next DWCP, she hoped to build on progress and, in particular, to strengthen labour relations legislation and related enforcement mechanisms. She welcomed the decision point in paragraph 28 and hoped to continue working in partnership with the Office.
214. *A Government representative of India* supported the amendment proposed by the Employers' group. Developing countries should invest in women's education, skills development and vocational training to ensure equal employment opportunities for women. Women's participation in social dialogue and collective bargaining should also be

increased. India's affirmative action policies, such as reserving benefits under welfare programmes and creating women-only vocational training institutes, had delivered good results. Legislation had been adopted to assure maternity benefits and equal remuneration for women and prohibit their employment under hazardous and physically strenuous conditions in mines. It was compulsory to appoint women to advisory committees of welfare funds for workers. Government efforts targeted women's broader needs, including for shelter, security, safety, legal aid, justice, information, maternal health, food and nutrition, and economic sustenance through skills development, education and access to credit and marketing. India had 11 women-only training institutes, a scheme transforming industrial training institutes into centres of excellence, and a project on skills development initiatives.

215. The majority of women workers were in the informal sector and relevant policy was being formulated through the Unorganised Workers' Social Security Act. The Government used gender budgeting to maintain a gender perspective at various stages, including planning, policy formulation, resource allocation and implementation. India had taken important steps relating to domestic workers, who were predominantly women, including the extension of health insurance coverage to domestic workers, the registration of placement agencies and the formulation of a national policy and code of practice for domestic workers. The ILO should evaluate gender equality initiatives in India and, where gaps were identified, step up efforts through decent work technical cooperation projects.
216. *The Employer spokesperson*, in response to a question from the Workers' group, explained the inclusion of consultations in the amended decision point. Firstly, the 2009 conclusions had been very wide ranging and needed to be prioritized for effective implementation. The Office had already been prioritizing, but based on field officers' input. Direct input was needed from all the ILO constituents on prioritization to better deliver on the 2009 agreement. Secondly, as resources were scarcer than ever, prioritization would maximize results. And, thirdly, the gaps in implementation remained unclear, and consultations would address such questions effectively.
217. *The representative of the Director-General* informed the Governing Body that a new phase of the Action Plan for Gender Equality, which linked the 2009 conclusions with the programme and budget, was being prepared, which would integrate the priorities adopted in the 2012–13 budget last June. A mid-term evaluation was to be carried out and a stock-taking paper drawn up, involving very intensive, cost-effective consultations. Use would be made of field specialists and the DWCPs. She noted all statements made, including by Ghana and Zimbabwe, relating to the information received when drawing up new DWCPs. The Office would listen more. All efforts in this field fed into the broader multilateral framework, and references to MDGs 1(b) and 3 would be taken on board. Measurable progress had not been made in the face of the continuing crisis, which was the primary area for attention.
218. There had been one highly commendable ratification as a result of praiseworthy tripartite efforts. However, the fact that there had only been one ratification of these two fundamental Conventions in two years remained a challenge.

Decision

219. *The Governing Body requested the Director-General to:*
 - (a) *continue to guide the Office, within the parameters of the programme and budget, in assisting constituents to implement the 2009 ILC resolution concerning gender equality at the heart of decent work; and*

- (b) bolster Office efforts in the priority areas identified in 2009 and where measurable progress has not been made to date; constituents should be consulted in this prioritization and the Office should report back to the Governing Body.*

(GB.312/INS/12, paragraph 28, as amended.)

Thirteenth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference (GB.312/INS/13)

Oral report of the Chairperson of the Working Party

Decision

220. *The Governing Body requested the Office to:*

- (a) produce a document, as soon as possible, consolidating all points raised during the discussions of the Working Party;*
- (b) convene a meeting of the Geneva-based tripartite consultative group, in order to develop a plan of work, including timeframes, and to develop a paper identifying key elements and views related to the reform, for the consideration of the Working Party at its meeting during the 313th Session in March 2012 of the Governing Body.*

(GB.312/INS/13, paragraph 13.)

Fourteenth item on the agenda

Report of the Working Party on the Social Dimension of Globalization (GB.312/INS/14(Rev.))

- 221.** *The Employer Vice-Chairperson approved of the substance of the report but wished for paragraph 39 to be amended because the way it was drafted gave the impression that the Working Party was a decision-making body, which was not the case.*
- 222.** *A Government representative of Canada explained that it was not possible to have a point for decision under that item of the agenda because the Working Party did not have the authority to take decisions. She therefore proposed that paragraph 39 should serve as a conclusion to the report, drawing attention to the analysis carried out by the Working Party.*

223. *The Chairperson supported that idea and proposed the following wording:*

The Chairperson of the Governing Body advised that he would request that the issues raised in the discussion be taken into account in the preparation of the agenda for the 313th Session in March 2012.

224. *The Employer Vice-Chairperson expressed support for that text.*

225. *The Chairperson, not noting any objections, decided to integrate the draft paragraph in the report.*

Outcome

226. *The Governing Body took note of the report.*

Fifteenth item on the agenda

Report of the Director-General (GB.312/INS/15)

Obituary

Decision

227. *The Governing Body paid tribute to the memory of Ms Hilda Anderson Nevárez, former Worker member of the Governing Body, delegate to the ILC and Worker Vice-President of the 93rd Session (2005) of the ILC, and invited the Director-General to convey its condolences to the Mexican Workers' Confederation (CTM) and to the family of Ms Anderson Nevárez.*

(GB.312/INS/15, paragraph 6, as amended.)

First Supplementary Report: Documents for information only (GB.312/INS/15/1)

228. *The Governing Body took note of this information.*

Second Supplementary Report: Appointment of the Chief Internal Auditor (GB.312/INS/15/2)

229. *IMEC, in a statement made by the Government representative of Canada, applauded the transparency of the process engaged in appointing a Chief Internal Auditor.*

Decision

230. *The Governing Body expressed its support for the proposal of the Director-General to appoint Mr Anthony Watson as Chief Internal Auditor.*

(GB.312/INS/15/2, paragraph 4.)

Third Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Japan of the Equal Remuneration Convention, 1951 (No. 100), made under article 24 of the ILO Constitution by the Zensekiyu Showa-Shell Labor Union
(GB.312/INS/15/3)

Decision

231. *The Governing Body:*

- (a) *approved the report contained in document GB.312/INS/15/3;***
- (b) *invited the Government of Japan to take due note of the matters raised in the Committee's conclusions as reproduced in Part III of document GB.312/INS/15/3 and to include detailed information thereon in its next report under Article 22 in respect of Convention No. 100;***
- (c) *entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the matters raised in the abovementioned report with respect to the application of Convention No. 100; and***
- (d) *decided to make the report publicly available and closed the procedure initiated by the representation of the Zensekiyu Showa-Shell Labor Union alleging non-observance by Japan of Convention No. 100.***

(GB.312/INS/15/3, paragraph 58.)

Sixteenth item on the agenda

Reports of the Officers of the Governing Body

Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution
(GB.312/INS/16/1)

232. *The Chairperson* stated that the matter had been the subject of lengthy discussions and numerous consultations, including those held with the Government of Bahrain, which had put forward a proposal (paragraph 1 of the document in question) to the Governing Body concerning the creation of a tripartite committee and the submission of two written progress reports to the Director-General of the ILO, the first in January and the second in February 2012, providing an update on the individual employment status of all workers alleged to have been inappropriately dismissed during the relevant period. In that regard, Director-General was invited to provide any requested legal or other assistance to the Government of Bahrain, or the Workers' or Employers' representatives, and report on the situation to the Governing Body at its next session in March 2012.

233. *The Employer Vice-Chairperson* supported the point for decision.

234. *The Worker Vice-Chairperson* supported the point for decision, in the spirit of consensus, stating that he would follow up progress made in the matter.

Decision

235. *The Governing Body:*

- (a) *on the recommendation of its Officers, invited the Director-General to provide any requested legal guidance or support to the Government of Bahrain or the Workers' or Employers' representatives in this process, and to report on the situation to the Governing Body at its next session in March 2012;*
- (b) *took note that, on this basis, the Officers had deferred all consideration of the complaint presented until the next session of the Governing Body in March 2012.*

(GB.312/INS/16/1, paragraph 2, as amended.)

Arrangements for the Ninth European Regional Meeting

(GB.312/INS/16/2)

236. *A Government representative of Norway* stated that her country would be honoured to host the Meeting. Although geographically located in the far north, Norway was nevertheless part of a globalized world and of the European continent, which was facing great challenges. Strongly interested in promoting decent work and policy coherence, Norway

looked forward to hosting discussions on the key challenge of making growth more inclusive and sustainable, especially given the difficulties constituents throughout Europe were likely to continue to face. Norway had never hosted such a large tripartite meeting but would work hard to make adequate preparations.

Decision

237. *The Governing Body, on the recommendation of its Officers:*

- (a) *approved the agenda of the Ninth European Regional Meeting, which would be to discuss, on the basis of the Report of the Director-General, the progress made by the countries of the region between 2009 and 2012 towards achieving crucial outcomes determined by the Eighth European Regional Meeting, e.g. analysing and tackling the impact of the 2008 financial crisis and subsequent crises in employment, labour market and social policies in line with the Decent Work Agenda; and***
- (b) *confirmed the arrangements made for the holding of this Regional Meeting set out in document GB.312/INS/16/2, that is, that the Meeting would be held in Oslo, Norway, and that the official languages of the Meeting would be English, French, Spanish, German and Russian.***

(GB.312/INS/16/2, paragraph 5, as amended.)

Action to be taken regarding the appointment of the Director-General (GB.312/INS/16/3)

238. *The Chairperson* introduced the paper. He underlined that the election of a new Director-General was one of the most important decisions the Governing Body had to take over the coming years. He recognized in particular the extended notice the current Director-General had given, thus allowing for extensive consultations on how to conduct the election process. These consultations and numerous constructive comments had led to a number of variations in the original draft.

239. The main thrust was to adopt a procedure that was robust in terms of governance arrangements, was transparent and provided not just Governing Body members but the broader ILO membership with an opportunity to understand the merits of individual candidates. According to the constitution, the Director-General was appointed by the Governing Body, without endorsement by the Conference. Nevertheless there would be full involvement of all member States and ample opportunity to observe the proceedings of the appointment process. The report adopted in 2009 by the Joint Inspection Unit (JIU) on election processes for heads of specialized agencies of the UN had provided helpful guidance. He then drew attention to the provisions contained in paragraph 3(a)–(e), primarily intended to ensure the full transparency and impartiality of the election process. Explaining the modalities of the election in paragraph 5(a)–(h), he stressed in particular the need for each candidate to state his or her vision for the ILO and to reaffirm his or her commitment to the tripartite nature of the ILO. He reminded the Governing Body of the dates of the election provided for in paragraph 7, and expressed his hope the whole process could be concluded prior to the opening of the next ILC. Regarding financial implications, the Officers' proposal was based on an estimate of ten candidates.

240. *The Employer and Worker Vice-Chairpersons* endorsed the point for decision.

241. ASPAG, through a Government representative of China, fully supported the document, which had taken into account comments put forward by ASPAG and good practices in other UN agencies.
242. *The ASEAN*, through a Government representative of Viet Nam, expressed their appreciation for the work of the current Director-General. The revised rules sought to enhance the appointment process, and the group urged the Office to continue to ensure that the process was transparent and objective.
243. *A Government representative of Sudan* expressed the view that, given the importance of the post in question, further consultation was necessary, and indicated that geographic distribution should constitute an important selection criterion.
244. *IMEC*, through a Government representative of Canada, insisted that the consultation process had been adequate. The document had been drafted in good time and open invitations had been issued to meetings with groups and coordinators. She urged the Government of Sudan and the Africa group to reconsider their position regarding the matter, as sufficient time had indeed been allocated to consultations, and the process had complied with UN standards and the recommendations of the JIU.
245. *GRULAC*, through a Government representative of Brazil, endorsed the point for decision, expressing the view that the process set an excellent precedent.
246. *The Africa group*, through a Government representative of Congo, endorsed the point for decision and the deadlines stipulated therein, but expressed concern that consultations with the Africa group had only taken place late in the day. She hoped for a greater level of transparency in the future.
247. *The Chairperson* stated that all groups had been invited to participate in the consultation process on the same basis. He had met with the Africa group coordinator and had explicitly indicated his availability to meet with the group. All the regional coordinators had been provided with the relevant documents, and the vice-chairpersons had supported the extensive consultation process.
248. *A Government representative of France* supported IMEC's statement and welcomed the progress made. The decision to hold elections before the ILC was wise, and France fully supported the proposals.
249. *A Government representative of Kenya* endorsed the point for decision and supported the statement made by the Government representative of Congo. He requested clarification regarding clause 5(c), and its implications with regard to providing equitable opportunities to all candidates.
250. *The Chairperson* explained that clause 5(c), concerning the certificate of good health, was based on a JIU proposal, and was not designed to discriminate against any candidates, but rather to ensure that their state of health would allow them to perform their duties.

Decision

251. *The Governing Body:*

- (a) *approved the recommendations for the modalities of the appointment process as expressed in paragraphs 3(a)–(e) and 5(a)–(h) of document GB.312/INS/16/3;*

- (b) decided to amend accordingly the rules governing the appointment of the Director-General as proposed in Appendix III to document GB.312/INS/16/3;*
- (c) determined that candidatures had to be received in the office of the Chairperson of the Governing Body by 9 March 2012;*
- (d) determined that the Governing Body should conduct hearings of candidates for appointment to the Office of the Director-General on 30 March 2012;*
- (e) requested the Office to provide a separate facility with video link for observation of the hearings;*
- (f) convened a meeting of the Governing Body to be held on 28 May 2012, prior to the commencement of the 101st Session of the ILC, for the purpose of conducting the ballot for the appointment of the Director-General. For the purposes of the rules, the date set for the election should be taken to be 28 May 2012;*
- (g) requested the Officers to propose to the Governing Body, for adoption, the remuneration, other benefits and conditions of appointment of the Director-General not covered by the rules, having regard to the current arrangements, and provisions for similar appointments in other UN specialized agencies;*
- (h) decided that the costs associated with the election of the next Director-General, estimated at a maximum of US\$747,900, be financed in the first instance from savings under Part I of the Programme and Budget for 2012–13 or, failing that, through the use of the Provision for Unforeseen Expenditure, Part II. Should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.312/INS/16/3, paragraph 13.)

Representation alleging non-observance by Peru of the Labour Inspection Convention, 1947 (No. 81), submitted under article 24 of the ILO Constitution by the Autonomous Workers' Confederation of Peru (CATP)
(GB.312/INS/16/4)

Decision

252. The Governing Body decided that the representation was receivable and that it would establish a committee for its examination.

(GB.312/INS/16/4, paragraph 5.)

Representation alleging non-observance by Spain of the Labour Inspection Convention, 1947 (No. 81), submitted under article 24 of the ILO Constitution by the State Federation of Associations of Employment and Social Security Subinspectors (FESESS)
(GB.312/INS/16/5)

Decision

253. *The Governing Body decided that the representation was receivable and that it would establish a committee for its examination.*

(GB.312/INS/16/5, paragraph 5.)

254. The Governing Body further approved adjustments to the membership of the tripartite committee set up by the 306th Session of the Governing Body in November 2009, to examine the representation alleging non-observance by Japan of the Private Employment Agencies Convention, 1997 (No. 181); and to the committee set up by the 307th Session of the Governing Body in March 2010, to examine the representation alleging non-observance by the Government of Peru of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the Constitution by the General Confederation of Workers' of Peru (CGTP).

Outcome of the Fourth United Nations Conference for the Least Developed Countries (Istanbul, May 2011): Request for the integration of the Istanbul Programme of Action into the work programme of the ILO
(GB.312/INS/16/6)

255. *The Employer Vice-Chairperson* fully endorsed the point for decision, as amended.

256. *The Worker Vice-Chairperson* welcomed the Istanbul Conference outcomes. Expressing concern at budget reductions due to the financial difficulties of donors, he called on Governments to uphold their development aid commitments. Least developed countries faced great challenges in terms of decent work and the ILO should focus on the promotion of diversification and industrialization in LDCs, the creation of decent work and the ratification and implementation of fundamental principles and rights at work. He recalled that the Global Jobs Pact stated that ILO constituents should give much greater priority to the generation of decent work opportunities with systematic, well-resourced, multidimensional programmes to realize decent work and development in the least developed countries, and stressed the importance of tripartism and capacity building of the constituents. He endorsed the point for decision, as amended.

257. *The Africa group*, through a Government representative of Kenya, appreciated ILO participation in the Istanbul Conference, which had addressed issues of great importance to Africa. The Conference outcomes included important guidelines and recommendations relating to the ILO's work. The speaker recalled that the Istanbul Programme of Action contained certain objectives to be pursued while assigning specific tasks to international organizations including the ILO. The group believed that integrating the Istanbul Conference outcomes into the ILO's programmes would enhance the capacity of least developed countries to address challenges related to employment, standards and social protection and thus contribute to the achievement of the ILO's strategic objectives in

Africa and Decent Work for All. The Africa group therefore supported the point for decision in paragraph 7, as amended.

Decision

258. *The Governing Body, on the recommendation of its Officers, requested the Director-General to:*

- (a) consider the recommendations in the Istanbul Programme of Action when the Office elaborates and consults with constituents in the preview of the Programme and Budget proposals for 2014–15 to be submitted to the Governing Body in November 2012; and***
- (b) reply to the Ambassador, supporting the recommendations arising from the outcome of the Fourth United Nations Conference for the Least Developed Countries and informing him of current ILO activities of relevance to the outcomes and of the Office's intention to consider further the outcomes of LDC-IV in its preparatory work for its Programme and Budget proposals for 2014–15.***

(GB.312/INS/16/6, paragraph 7, as amended.)

Seventeenth item on the agenda

Composition and agenda of standing bodies and meetings

(GB.312/INS/17)

Committee of Experts on the Application of Conventions and Recommendations

Reappointments

Decision

259. *The Governing Body, on the recommendation of its Officers, reappointed, for a period of three years, the following members of the Committee of Experts on the Application of Conventions and Recommendations:*

- Mr Lelio Bentes Corrêa (Brazil);***
- Mr Rachid Filali Meknassi (Morocco);***
- Mr Abdul G. Koroma (Sierra Leone);***
- Mr Vitit Muntarbhorn (Thailand);***
- Ms Ruma Pal (India);***

- *Mr Paul-Gérard Pougoué (Cameroon);*
- *Mr Yozo Yokota (Japan).*

(GB.312/INS/17, paragraph 1.)

**Global Dialogue Forum on Conditions of
Personnel in Early Childhood Education**
(Geneva, 22–23 February 2012)

Invitation of an international NGO

Decision

- 260. The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the international NGO Voluntary Service Overseas to be represented at the Global Dialogue Forum as an observer.***

(GB.312/INS/17, paragraph 3.)

Policy Development Section

Employment and Social Protection Segment

261. The Employment and Social Protection Segment was held on 7 and 8 November 2011. Mr Shahmir (Government, Islamic Republic of Iran) chaired the segment as assigned by the Chairperson of the Governing Body. Ms Goldberg was the Employer spokesperson and Ms Kelly was the Worker spokesperson.

First item on the agenda

Green jobs, decent work and sustainable development (GB.312/POL/1)

262. *A representative of the Director-General* (Director, Job Creation and Enterprise Development Department (EMP/ENTERPRISE)) introduced the paper, reiterating the points for guidance. He added that the Office had submitted a technical contribution to the secretariat of the 2012 United Nations Conference on Sustainable Development (UNCSD), or Rio+20, in time for the deadline of 1 November 2011. The document was made available as a room document.
263. *The designated Employer spokesperson* on the agenda item in question, an Employer member from New Zealand, commended the Office on the work done over the previous three years. The Green Jobs Initiative had been very successful in highlighting new opportunities for the world of work at the national level in response to growing demand from constituents. The programme's broad approach had been good and had helped to articulate decent work to others.
264. He stressed the Employers' view that it would be wrong to separate green jobs from other posts or to distinguish between a separate green economic sphere and the normal economic sphere. The emphasis should be on greening all enterprises and jobs. As countries had different economies, green jobs would vary in nature depending on the national context. The Office's work on diagnostics and decision-making tools was useful and helped to ensure greater understanding among all key national actors.
265. The transition to a green economy was not distinct from other major restructuring processes. Much like the changes caused by the information and communication technology (ICT) revolution, the green economy transition would have implications for virtually everybody in the economy. Indeed, there would be losses and gains. Green jobs were not automatically upgraded jobs. Lessons from the past should be used to shape the concept of a just transition, which should not be confined to green jobs and should be just for all, including employers, without unnecessarily destroying their capital and thus their capacity to employ workers. Such a transition should be reflected in a policy approach applicable to all changes in the world of work.
266. It was important to keep the focus on creating employment in general and not just green jobs. Many of the conventional growth policies should be retained and employed in the greening of the economy. In that regard, the International Labour Office (ILO) would be required to support the building of skills and scientific and technological capability, as well as facilitating enterprise development and job creation, among other things. Efforts were also required to ensure effective social protection, engage women and youth, and enhance

formality. The International Labour Conference (ILC) conclusions concerning the promotion of sustainable enterprises offered useful guidance in that respect.

267. The social partners should be involved on a more systematic basis, in order to capitalize on the unique comparative advantage of the ILO. Their networks with companies and consumers – the main drivers of green growth – should be utilized better at all levels.
268. In terms of the points for guidance, continued efforts were required to integrate the work into other areas of ILO activity, including sustainable enterprises, the focus on the delivery of decent work and engagement with social partners. Furthermore, the ILO should play a clear role in contributing to policy coherence in the United Nations (UN) system by focusing on the world of work. That included the important work in the context of the Rio+20 process involving private-sector workers and employers. Employers would welcome the opportunity to consider the outcome of the UNCSD at the 315th Session of the Governing Body in November 2012.
269. *The Worker spokesperson* stated that the programme had made good progress in terms of its strategic orientations, support for constituents and capacity building, but further improvements were needed. A longer time frame for the programme (2010–15) should allow for better planning and assessment. More efforts were needed to mainstream decent work in climate change responses and environmental policies at the international and national levels. The participation of employers and workers in capacity building, especially in training activities at the Turin Centre, should be increased and they should be encouraged to take part in the design, implementation and evaluation of green jobs projects and Decent Work Country Programmes (DWCPs).
270. Green jobs should reflect all dimensions of decent work, including working conditions, occupational safety and health, freedom of association, collective bargaining and wages. The links should be better analysed and should underpin the work on a just transition. The potential of relevant international labour standards and their ratification to bring about a just transition that was truly socially sustainable should be better utilized at international meetings that shaped policy frameworks, within the programme itself and as part of the 2012 recurrent discussion on fundamental principles and rights at work.
271. There were good opportunities for mutual learning and improving coherence through bi- and tripartite dialogue. Bringing to bear its comparative advantage, the ILO should promote collective bargaining with a view to shaping social and environmental policies, as well as to negotiating new green jobs and greening existing ones. The Office could assist in exploring the issue of how green jobs could serve as another means of organizing workers and employers.
272. More attention needed to be paid to the issue of working conditions. The changes in technologies and material use, as well as developments affecting work processes and organization, needed to be better understood and acted upon. That would include, among other things, collaboration with the World Health Organization (WHO) on occupational safety and health (OSH) issues, promotion of the ratification of OSH instruments and the training of labour inspectors and worker health and safety representatives.
273. The Worker spokesperson expressed concern that the Green Jobs Programme did not sufficiently address international labour standards. She called for the promotion and implementation of relevant international labour standards in ILO documents submitted to international meetings and in its work with constituents. The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) should also become part of the guidance for global supply chains.

274. Research should be conducted to assess the employment impact of proceeding with policies linked to the environment, including initiatives for greening sector activities. The potential of green jobs for development and social equity should be explored further.
275. The Office was requested to continue its dialogue with trade unions on the Rio+20 process, thus ensuring that the decent work dimensions were adequately reflected in position papers and contributions to the ILC outcomes. A partnership for a just transition should be built. The concept of the green economy should include the employment dimension and other elements of decent work. An ILO review of the challenges and benefits for development and social progress of developing green and decent jobs at the national level would be useful. Workers' and employers' organizations should be more closely involved in decision-making and discussions concerning sustainable development in order to strengthen the governance of sustainable development.
276. ILO constituents should take a proactive approach and build partnerships for a just transition. The impact of climate change was going to be felt by working people and business owners alike. A proactive strategy was required to anticipate the transition and assist those affected. She encouraged the Office to continue to call, at the national level and within the UN, for an active role for social partners and labour ministries in just transition strategies. That should create the required policy space to promote social justice as part of economic and social restructuring due to environmental challenges or policies, including climate change. The idea of a partnership with the United Nations Framework Convention for Climate Change (UNFCCC) was put forward, including periodic reporting on progress concerning the implementation of national just transition policies.
277. The Worker spokesperson expressed her group's support for a discussion at the 315th Session of the Governing Body in November 2012 on the outcome of Rio+20 and related international processes and implications for the ILO including in the area of standards. Furthermore, it would be useful if, for the 313th Session of the Governing Body in March 2012, the Office – further to consultations with the three groups – could prepare a framework containing a set of principles and rights as the ILO's practical contribution to the UNCSD.
278. ASPAG, through a Government representative of the Republic of Korea, commended the Office on the progress made, including on the importance of transition and the practical guidelines for providing efficient and effective green jobs policy advice to member States. The Office's current efforts should be further strengthened and enhanced in line with the three priority strategies identified by the Office. The focus should be on the creation of green jobs, in particular in the context of the loss of employment due to natural disasters and the financial crisis, while demonstrating the links between green jobs and improvements in productivity, employment growth and development. ASPAG supported the ILO's active role in Rio+20 and welcomed a discussion on the outcome at the 315th Session of the Governing Body in November 2012.
279. *The EU and its Member States*, through a Government representative of Denmark, expressed appreciation for the ILO's work on sustainable development and environmental issues related to the world of work. The transition to a low-carbon, resource-efficient and green economy, as well as climate change itself, would have sectoral, regional and skills implications, as well as impacting on the composition of the workforce as a whole. A range of measures were needed, among them supportive and inclusive labour market strategies that helped to steer people in the direction of new sectors of the green economy. The social partners played a key role in the successful anticipation and management of change. The gender dimension must be taken into account when providing workers with training for green jobs. For the following biennium, work should focus on anticipating restructuring with the aim of enabling better management of economic and social transition. Moreover,

work should include the greening of workplaces and organizations, given the advantages that that could bring in terms of lower costs and greater competitiveness. Other priorities included ensuring occupational safety and health in green jobs, for example, through social dialogue. Greening of jobs was also important for the self-employed and workers in the informal sector. The ILO should therefore emphasize the importance of shared and inclusive growth as part of sustainable development and continue its work in support of those whose livelihoods depended directly on natural resources. Policy dialogue with partner countries and in international debates on sustainable development should be developed further, promoting a focus on employment creation and decent work. The EU and its Member States would welcome a review of the implications for the ILO of the outcome of Rio+20 and of related international processes.

- 280.** *IMEC*, through a Government representative of France, commended the Office for the significant progress made and the close collaboration with UN agencies, international organizations and social partners, in particular the ILO's work with the United Nations Environment Programme (UNEP), the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). IMEC acknowledged that green jobs were an important source of employment and quality jobs, and key to achieving sustainable development. He welcomed the ILO's contribution to Rio+20 and supported the idea of a later assessment of the outcome of Rio+20 in order to guide priority setting and resource allocation for the following biennium. The green jobs concept was inseparable from other economic or social policies. Given the importance of policy coherence, he encouraged the ILO to continue to work closely with the relevant international institutions. Policies and programmes should be developed that promoted economic opportunities and social well-being, providing workers with the skills required to enable them to share in the benefits of the green economy. Moreover, IMEC supported the promotion of the fundamental rights of workers, including health and safety. Work on building social safety nets and strengthening the livelihoods of vulnerable populations affected by the transition should continue. The results should be widely disseminated in order to inform green economy country strategies and support the inclusion of sustainable development in DWCPs.
- 281.** *The Africa group*, through a Government representative of Congo, highlighted the importance of improving working conditions, while providing a better living environment for all. Green jobs also existed in the informal economy, although they were often poorly remunerated. A better understanding was required through capacity building at the national level. Technical support and effective programmes tested elsewhere were needed to improve policy formulation and social dialogue, including in collaboration with other UN agencies.
- 282.** *GRULAC*, through a Government representative of Brazil, stated that the ILO's participation in Rio+20 was essential as decent work must be considered as an important component of a balanced approach. Sustainable development had to lead to the creation of more jobs, with significant potential in labour-intensive sectors related to environmental protection. The Office should strengthen its support concerning the upgrading of vocational skills and sector strategies that created opportunities for formal and better paid jobs.
- 283.** *Government representatives of Algeria, Argentina, Australia, Brazil, China, India, Japan, Republic of Korea, Qatar and Sudan* all expressed broad support for the Office's work on green jobs and the contribution to the Rio+20 process. Decent work and green jobs had to be understood as indispensable building blocks of sustainable development, rather than as substitutes for that broader concept. The ILO was well placed to assess the impact of environmental policies on labour markets and draw up guidance for national policy formulation as well as for international frameworks. Some speakers underlined the

importance of social dialogue and social protection. Others called for continued work on skills upgrading and support for small and medium-sized enterprises (SMEs), including through the Greener Business Asia Project. Those issues were all part of a just transition approach, which the Office should develop further.

- 284.** The Office should consider a results-oriented approach concerning the implementation of the Green Jobs Programme, possibly with indicators and targets linked to the four strategic objectives of the ILO. That would ensure that green jobs were mainstreamed in the Decent Work Agenda. Such an approach should be underpinned by a strategy to strengthen technical assistance with adequate resources and to expand the knowledge base on green jobs.
- 285.** *Representatives of the Director-General* (the Executive Director of the Employment Sector (EMPLOYMENT) and the Director of EMP/ENTERPRISE) thanked all the delegates for their inputs and were pleased to note the broad agreement that the Programme had been successful in ensuring that employment and decent work had remained central to the international policy debate on sustainable development and in assisting constituents with concrete measures to create green jobs.
- 286.** The Office welcomed the guidance provided that the Programme should be expanded to support member States in their efforts to green all jobs and enterprises, improving compliance with international labour standards and raising the quality of jobs. That approach should include capacity building of national actors and the social partners at all levels, knowledge sharing and the development of methods for anticipating environment-related transitions in the labour market and strategies for effective and socially just transitions, in particular through skills policies. The Office took note that the Programme should be fully integrated into the existing ILO programme and outcome-based workplan framework. The Office would continue to engage actively in relevant international policy processes and ensure that the concerns and contributions of the world of work were reflected, and welcomed the suggestion that the outcomes of the UNCSD and its implications for the ILO should be assessed at the 315th Session of the Governing Body in November 2012.
- 287.** *The Worker spokesperson* reiterated the need for capacity building of constituents. *The Employer spokesperson* for the agenda item in question underlined the role the Office could play in making existing labour market tools and approaches applicable, while sharpening the focus on the intersection between the economy and the environment.

Outcome

- 288.** *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion (in paragraphs 263–287 above) concerning green jobs, decent work and sustainable development.*

Second item on the agenda

Follow-up to the discussion on social security at the 100th Session of the International Labour Conference (2011): Plan of action (GB.312/POL/2)

289. *Representatives of the Director-General* (the Executive Director of the Social Protection Sector (ED/PROTECT), and the Director of the Social Security Department (SEC/SOC)) introduced the paper.
290. *The designated spokesperson of the Employers' group* on that agenda item (Employer member from Belgium) thanked the Office for the document. He stressed the need for priority setting in view of the difficult financial situation in many member States. He recalled the spirit of openness which had prevailed during the discussion that had taken place during the 100th Session of the ILC in 2011, and expressed the hope that the same spirit would also result in an effective and efficient discussion on the possible Recommendation on social protection floors (SPFs) in June 2012. He questioned the relevance of the Social Security (Minimum Standards) Convention, 1952 (No. 102), under current conditions and noted that it was ambiguous about the role of the private sector. His group did not support the Maternity Protection Convention, 2000 (No. 183). A more flexible approach was required in order to respond to the demands of constituents, taking into account national demographic, economic and financial situations, and better reflecting the contribution of the private sector. The Office was to be commended for its efforts to develop research on coherence between social, employment and economic policies, but there should be increased focus on capacity building of social partners. He requested information on activities concerning employers covering the previous five years and urged the Office to reinforce collaboration with the International Training Centre of the ILO in Turin (Turin Centre). Praising the quality of reports produced by the ILO, he stated that the social security good practices guide should also address the needs of the social partners. Partnerships with other international organizations required a strategic approach to collaboration in order to strengthen synergies, as well as the involvement of the social partners, namely the IOE.
291. *The Worker spokesperson* welcomed the Office paper. The report of the Advisory Group (chaired by Ms Bachelet) entitled "Social protection floor for a fair and inclusive globalization", fully confirmed the findings of the ILC in 2011 regarding the need for SPFs and the role of the ILO and its standard-setting mechanism. She felt confident, based on the ILC experience in 2011, that the debate on the possible Recommendation on SPFs would be on how, rather than if, to proceed. The purpose of the SPF was primarily to promote a rights-based framework for the extension of a basic level of social protection to all as a complement to the ratification and implementation of Convention No. 102. However, the SPF should not be promoted as the only cure with regard to the current demand for a change in wealth distribution. The SPF should address maternity protection and the needs of working women. Workers supported the plan of action, priorities and time frame, which covered several biennia, given that certain objectives were clearly not achievable within a single budgetary cycle. She focused on five points: (1) the ratification of Convention No. 102: the Workers supported the objective of 60 ratifications by 2019, and considered Convention No. 102 to be a vital element in supporting the vertical extension of social security. There was also a need to promote horizontal extension. Adequate resources should therefore be allocated to the promotion of the Recommendation on SPFs once it had been adopted. She urged the Office to produce a paper in 2012 presenting possible options for the resolution of the issue of gender-sensitive language in Convention No. 102; (2) capacity building: political support from ILO tripartite

constituents was key to the success of the social security extension campaign. Training at the Turin Centre was welcome but insufficient. She called for the extension of social security and capacity building to be integrated into DWCPs, as well as for the development, with the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP), of a special capacity-building programme for social partners; (3) the Workers fully supported the building of partnerships. There was a need to support initiatives that gave a voice to the beneficiaries of social security extension, particularly workers' organizations. She welcomed the recommendation of the Bachelet report concerning a mechanism for inter-agency collaboration, noting that the ILO should be involved, alongside workers and employers; (4) the Workers highlighted the need to ensure effective oversight of the plan of action and requested regular reporting to the Governing Body so that progress could be monitored and additional guidance provided; and (5) the Workers believed that adequate additional resources needed to be allocated, especially to social security standards ratification and implementation, and capacity building of social partners.

- 292.** *IMEC*, through a Government representative of France, welcomed the comprehensive plan of action. IMEC supported the upcoming standard setting discussion at the 101st Session of the ILC in June 2012, but cautioned that the possible new Recommendation and the development of more comprehensive social security systems, as advocated by Convention No. 102, should be linked in a strategy concerning economic development and national capacities. The speaker stressed the major role of the ILO in knowledge development and sharing, hence the rationale for developing a network of institutions and universities. However, the group requested further information on the arrangements between the Office and the International Social Security Association (ISSA). The Office was urged to give careful consideration to focusing on value-added new publications consistent with its overall knowledge strategy and knowledge management system. Further information was requested on new publications, performance indicators and benchmarks. IMEC noted the need to make capacity building a priority in the plan of action. Furthermore, the speaker highlighted support for collaboration with other national and international institutions, the necessity to prioritize high value-adding technical assistance in fields where the Office had a comparative advantage and suggested incorporating key recommendations of the Bachelet report in the plan of action. Further information was required concerning the resources needed to carry out the plan of action.
- 293.** *GRULAC*, through a Government representative of Brazil, emphasized that social protection was a major priority in his region. The Office should promote the horizontal and vertical extension of social security in a balanced way, and ensure that a possible Recommendation on SPFs did not compromise the promotion of Convention No. 102. Concerning knowledge development and sharing, the plan of action was not very detailed on South–South and triangular cooperation. Technical assistance should reflect and support national priorities. The conceptualizing of national SPFs was an important step forward. GRULAC also noted the potential for South–South and triangular cooperation on capacity building and partnership linked to the upcoming discussion on policy coherence in the multilateral system. Finally, clarification on the monitoring of the plan of action was requested.
- 294.** *The Africa group*, through a Government representative of Congo, noted that the 2011 ILC conclusions had allowed the African Regional Meeting (Johannesburg, October 2011) to identify principles for the implementation of national social protection policies on the basis of the two-dimensional approach developed in the Yaoundé Declaration. Given the lack of human resources in social security in Africa, training was crucial and the Office's assistance was requested. Making social security a priority and exchanging good practices would benefit member States. Innovative sources of financing and good governance should

be at the centre of national priorities. The group strongly called for sufficient resources to be allocated to implement the plan of action.

295. *The EU and its Member States*, through a Government representative of Denmark, supported the strategy of the plan of action. They cautioned that addressing the language issue in Conventions, especially Convention No. 102, should not lead to a modification of their legal and factual content. They urged the Office to finalize by November 2012 the paper exploring the option to address the language issue. They suggested strengthening analytical work regarding the macroeconomic conditions required for the development of sustainable and effective social security systems and regarding the links between social protection systems and prevailing macroeconomic environments. They acknowledged support for the Office's efforts on the Social Security Inquiry. The development of reliable statistics should be mentioned in the plan of action. Concerning technical advisory services, the strategy paper should envisage bilateral technical cooperation at country level. Concerning capacity building, they suggested the Office report in 2012 on the implications of its strategy and by November 2016 on progress regarding the network of teaching institutions. The speaker noted support for building and strengthening partnerships and suggested that the Memoranda of Understanding (MoUs) with other agencies include provisions for institutionalizing data transfers. Finally, he noted that the Office should allocate the required human and financial resources to continue its work on the extension of social security and on the SPF Initiative.

296. *ASPAG*, through a Government representative of China, commended the Office for the comprehensive plan of action. The social security good practices guide would offer essential guidance to ASPAG countries and should therefore be drafted soon after the 101st Session of the ILC in 2012. As Asian countries were both sending and receiving countries of migrant workers, they urged the Office to provide guidance for the design of bilateral and multilateral social security agreements. Integrated employment and social protection policies required investment in a coordinated capacity-building strategy. It was essential to ensure that SEC/SOC was appropriately resourced to cope with the enormous tasks before it and better serve constituents.

297. *A Government representative of Brazil* underscored the role of the ILO in promoting the ratification of Convention No. 102 and other standards. Lessons needed to be learned from the global financial crisis. Social protection was about people and human rights, and investments in social development could stimulate the economy. He referred to Brazil, where an investment of 0.4 per cent of gross domestic product (GDP) had taken 28 million people out of poverty. Guaranteeing basic standards of living for people was the responsibility of society as a whole. He underscored the role of the ILO in formulating and implementing the SPF.

298. *A Government representative of the Republic of Korea* noted that resolving the issue of gender-sensitive language and not making detailed prescriptions in Conventions could contribute to extending the ratification of Conventions. She indicated that the purpose and application of performance indicators should be clearly stated. Their purpose should not be to rank countries. They should contribute to reinforcing national social protection systems and should take into account national differences.

299. *A Government representative of Australia* commended the Office on its work and urged that the implementation of the plan of action and the development of the social security good practices guide take an inclusive approach to persons with disabilities, to ensure that they were not subject to discrimination in the design, development and provision of social policies, services and benefits.

300. *A Government representative of Japan*, acknowledging the support for the plan of action, underlined the importance of the Office's role in capacity building and partnerships. Combining income security systems with active labour market policies was necessary and he described the technical cooperation programme on unemployment benefits and employment services in his region. He noted that the social security good practices guide and performance indicators should reflect the diversity of member States and the tools developed should be versatile.
301. *A Government representative of the Russian Federation* endorsed the proposed plan of action and referred to national activities under its five components. In particular, he noted that the Russian Federation was planning to ratify Convention No. 102 in 2012. He was willing to make available data and increase cooperation with international organizations in terms of knowledge development and sharing. He called on the Office to provide technical advisory services to build a comprehensive social security system and referred to plans to develop a coordinated capacity-building strategy and methods for managing and regulating social security systems. He supported the creation of a regular coordination mechanism for the SPF Initiative and the monitoring of targets set in the plan of action.
302. *A Government representative of India* emphasized the critical role of good governance with regard to the sustainability of social security systems. There should be enough flexibility in the plan of action to ensure that each supported country could have its own SPF designed to take into account national circumstances. Noting the challenges involved in providing cover for workers in the informal economy, he emphasized the role of South-South cooperation regarding knowledge sharing and capacity building. He concluded that the implementation of a comprehensive social security strategy required a multi-dimensional, well-integrated and efficiently delivered structural response.
303. *A Government representative of Argentina* supported the Office paper and noted that Argentina would be ratifying Convention No. 102 in the near future. Social security benefits had been fundamental to the country's recovery from crisis since 2002.
304. *A Government representative of Mexico* considered the possible new Recommendation on SPFs to be important. She cautioned that the implementation of the plan of action should not generate obligations for member States, warning that performance indicators should not be used to supervise the application of social security Conventions. She requested further information on the rapid assessment tool for the costing and impact analysis of SPFs and on the role of social partners in monitoring the performance of social security systems.
305. *A Government representative of Ghana* supported the strategies in the plan of action that emphasized the need for continuous support by the Office to constituents in national decision-making processes and in the training and advocacy initiatives of national officials and social partners. Coordinated capacity-building strategies were needed to ensure the effective and efficient operation of social security systems. She suggested that collaboration with academic institutions be further expanded, particularly in Africa. She appealed for adequate budgetary allocations to implement the plan of action.
306. *A Government representative of Kenya* called for subregional and national promotion campaigns for the SPF to gain political support in Africa. She pointed out that the ILO and donors should address social security skills deficits in SPF implementation, especially in Africa. She commended the Office's efforts to operate a comprehensive social security database and indicated the need to support member States in the dissemination of social security data.

307. *A Government representative of France* stated that the G20 under the French presidency had advanced not only in its reflections, but also in its commitments and in the coherence of actions and policies regarding the extension of social protection and the development of SPFs. That was reflected in the conclusions reached by the leaders at the G20 Cannes Summit of 3–4 November 2011, and in the conclusions of the G20 Labour and Employment Ministers Meeting and of the G20 Ministerial Meeting on Development. He noted that the political endorsement would be an important support to the Office in the implementation of its plan of action and its strategic objective on social protection.
308. *A Government representative of China* shared national experiences on the extension of social security and encouraged the Office to establish and strengthen partnerships with multilateral institutions to promote the SPF for all.
309. *A Government representative of Lebanon* supported the plan of action and recognized the importance of extending social protection. He pointed out that Lebanon believed in unifying the institutions working on social protection and extending services offered to workers and that important legislative developments were taking place in that regard.
310. *A representative of the Director-General* (Executive Director, ED/PROTECT) noted that the discussion that had taken place during the 100th Session of the ILC in 2011 had provided the opportunity to review the current status, while the plan of action reflected future work. He stressed the need to promote the ratification of the Maternity Protection Convention, 2000 (No. 183). He noted that demographic issues in developed countries focused on ageing and its impact on pensions and employment, while in developing countries they focused on youth and the impact on social security. He reaffirmed the need to build national capacities for the governance of social security schemes through university training.
311. *A representative of the Director-General* (Director, SEC/SOC) noted progress made in a number of countries and underlined its importance for the development of SPFs. He underlined the outcome-oriented nature of Convention No. 102, which could be achieved by public or private provision under the general responsibility of the State. He informed that: the best practices guide would recognize the diversity of individual countries; performance indicators were designed as a tool for national social security systems to measure their own performance, not as a supervisory instrument of the ILO; and that South–South, North–South and triangular support were complementary in providing technical advice. He acknowledged the need to strengthen investments in the training of social partners and mentioned the ongoing efforts. He mentioned that training of worker and employer practitioners in university programmes had played a critical role in enhancing national technical capacities. He pointed out that the Office sought complementarities in partnerships, such as the collaboration with ISSA in the management of social security institutions.
312. *The Worker spokesperson* expressed satisfaction on the positive discussion, insisted on the importance of the work to come and concluded by welcoming support from governments.
313. *The Employer spokesperson* clarified that the group supported the objectives of Convention No. 183 but felt that a more flexible Convention would have produced more positive outcomes for women. He reaffirmed support for the concept of the SPF.

Outcome

314. *The Governing Body took note of the paper. There was wide support for the contents, the timing and the sequencing of the activities of the plan of action.*

The Governing Body invited the Office to take into account the views expressed during its discussion (in paragraphs 290–313 above).

Third item on the agenda

Follow-up to the conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in June 2007 (GB.312/POL/3)

315. *A representative of the Director-General* (Executive Director, Employment Sector (ED/EMP)) introduced the item by recalling the importance of the ILC discussion in 2007 in taking stock of the latest thinking on private sector development and leading to tripartite conclusions for an integrated approach to the promotion of sustainable enterprises. He noted that the strategic framework for sustainable enterprises subsequently developed through a participatory process aligned the Office's work with the ILC conclusions and had been built into the Strategic Policy Framework 2010–15 as outcome 3. He recalled that follow-up to the 2007 conclusions had already been reported in Chapter 4 of the recurrent discussion report on employment at the 99th Session of the ILC in 2010. The current report intended to inform the Governing Body members on how the Office had tried to translate the 2007 conclusions into practice and on the impact and scale of some of the programmes. It also intended to seek guidance on how best to address challenges in moving forward.
316. *A representative of the Director-General* (Director, Job Creation and Enterprise Development Department (EMP/ENTERPRISE)) introduced the paper and noted the close link between the Sustainable Enterprises and Green Jobs Programmes. He stressed the strong demand for enterprise development programmes as a priority in two-thirds of all DWCPs. He provided examples of some of the most successful products on entrepreneurship and figures on their outreach and impact. He noted the increasing collaboration with other parts of the Office and with the Turin Centre on capacity-building activities. He highlighted some of the challenges faced by the programme and the points for discussion.
317. *The Employer spokesperson* agreed with the Office that the work on sustainable enterprises and green jobs was a learning process and a strategy in evolution. She reiterated that the number one priority for Employers was creating and sustaining productive and formal enterprises. She regretted the absence of sustainable enterprises under the topics listed on the ILO's website. She urged the Office to review the importance attached to enterprises, especially in the wake of the economic crisis and demands of greening enterprises. The successful implementation of the 2007 conclusions required at least six things: (1) clearer focus on "for profit" private sector enterprises; (2) reform of the enabling environment for doing business to be on the policy agenda of more governments; (3) more analysis and research on reforms that improved the enabling environment and the promotion of reform opportunities to constituents; (4) better equipped constituents for national policy debates; (5) better equipped and more willing governments to engage as champions of change; and (6) more explicit focus on SMEs.
318. She urged the Office to prioritize its work on the 2007 conclusions. She raised concerns over the approach and priorities in figure 1 and provided suggestions for improvement. She emphasized the importance of the enabling environment as a fertile ground for enterprises to generate more jobs and to address the problems of informality. Referring to the

preconditions for doing business in paragraph 11 of the 2007 conclusions, she recognized that, although not all were within the remit of the Office, the Office should emphasize regulatory and legal reform under the enabling environment pillar, collaborating with other organizations on preconditions that fell outside its mandate.

319. She underlined that the important work of the assessment methodology needed to be expanded to more countries. To improve the methodology, she suggested establishing feedback mechanisms between the assessment tool and process on the one hand, and national priorities on the other; becoming more analytic; better dissemination of lessons learned; promoting reform benefits; and providing an input to DWCP formulation. She supported capacity building for constituents to better participate in policy reform dialogue. The Office should focus on SME development work because of their importance in employment generation, and should collaborate with other organizations working on SMEs. She questioned whether the role and potential impact of cooperatives on job creation justified their placement in pillar 1 and suggested placing them under a targeted programmes category as set out in paragraph 24(5) of the 2007 conclusions. On the World Bank's *Doing Business* report, she suggested better cooperation and learning from its methodology to advance policy reform. She expressed support for the Office's work on youth and women's entrepreneurship, but suggested grouping them in a separate pillar for targeted programmes together with cooperatives. She questioned the priority on value chains as the ILO should focus on domestic enterprises. She remarked that pillar 3 on sustainable and responsible workplaces should be a cross-cutting issue as it was the core business of the ILO in general.
320. Concerning the second point for discussion, she stressed that the Office best provided assistance to member States by focusing on enterprise development. On the third point for discussion, she suggested three priorities for the following biennium: increase the resources for sustainable enterprises; focus on an enabling environment and the role of governments; and seek better partnerships with employers' organizations. She concluded by proposing a new strategic framework on sustainable enterprises with pillar 1: enabling environment; pillar 2: SMEs; pillar 3: youth and women's entrepreneurship and cooperatives; and with workplace practices as a new, additional cross-cutting issue.
321. *The Worker spokesperson* raised concerns over the Office's work on sustainable enterprises and the divergences between employers and workers in the focus of the Office's work. She feared the Office was moving away from a rights-based approach and was becoming a business support organization. She reminded all that the discussion in 2007 had been delicate, taking care not to promote any kind of enterprise but sustainable enterprises that combined competitiveness and productivity with social and environmental considerations. She noted that the added value of the ILO in the sustainable enterprises debate was the social dimension through the Decent Work Agenda. The added value implied paying attention to the quality of jobs, working conditions and industrial relations. She expressed disappointment that the paper made no reference to the Global Employment Agenda, the 2008 ILO Declaration on Social Justice for a Fair Globalization or the public sector. She disagreed with the approach taken by the Office in the definition and content of the sustainability pillars which were inconsistent with the 2007 conclusions. The social pillar was particularly weak with no reference to freedom of association, collective bargaining, working conditions, OSH and wages. She also disagreed with the approach related to the assessment of the enabling environment, as stated in paragraph 17 of the paper, of working with one social partner, when social dialogue lay at the heart of the 2007 conclusions. As an example, she expressed concern over the assessment made in Swaziland for not involving unions and leaving out key conditions of the enabling environment. She welcomed the work on cooperatives and the promotion of the Promotion of Cooperatives Recommendation, 2002 (No. 193), and requested more resources for work on cooperatives and on the social economy including on avoiding the use of cooperatives

to disguise the employment relationship. She requested the Office to promote the ratification and implementation of the international labour standards annexed to the 2007 conclusions. She noted that the Workers saw no evidence that the Office's work in entrepreneurship and business development was indeed leading to decent jobs for workers and signing of collective agreements. She called for the urgent modification of flagship products on entrepreneurship education and training to better reflect the 2007 conclusions, particularly on issues like freedom of association, collective bargaining, wages and working conditions.

322. She expressed disappointment that pillar 3 on sustainable and responsible workplaces was grossly undersubscribed and that the strategic focus areas were departing from the 2007 conclusions. The paper limited the work with multinationals to corporate social responsibility (CSR) instead of promoting the application of the MNE Declaration along supply chains. The social pillar needed to have a clear focus on the quality dimension of work and useful cooperation should be built with TRAVAIL, SECTOR, DIALOGUE and SafeWork. She concluded by restating that trade unions embraced the concept of sustainable enterprises as decent work and sustainable growth could only be achieved if enterprises operated on a sustainable economic, social and environmental basis. She urged a change in the Office's focus to better reflect the 2007 conclusions.
323. *GRULAC*, through a Government representative of Brazil, recognized the work carried out by the Office. The speaker highlighted the need to share knowledge and experience between countries in order to assist member States with high rates of informality in their transformation to formal, sustainable enterprises. He acknowledged the collaboration with other organizations in that area to strengthen support to the ILO's tripartite constituents. Finally, he identified youth training and entrepreneurship promotion as priorities for the following biennium.
324. *The Africa group*, through a Government representative of Congo, encouraged the promotion of cooperatives and urged the Office to continue to promote the conclusions through DWCPs and programmes such as "Know About Business", "Improve Your Business" and "Women's Entrepreneurship Development", which should also be greened. Finally, the group encouraged the ILO to continue its work on sustainable enterprises through the three pillars presented in paragraph 5, while paying attention to the informal sector and rural areas.
325. *ASPAG*, through a Government representative of China, acknowledged the achievements of the Office in following up the 2007 conclusions and urged the Office to capitalize more on national and international coordination. The group acknowledged the efforts of the Turin Centre in updating the enabling environment course and holding the ILO Summer Academy on Sustainable Enterprise Development and invited it to also hold such courses at regional level. The speaker concluded by requesting the Office to expand the use of the assessment methodology to more countries and to prepare reports similar to the World Bank's *Doing Business*.
326. *A Government representative of India* spoke about his country's efforts to promote public-private partnerships to link rural and urban sectors. He highlighted his Government's efforts to encourage micro-, small and medium-sized enterprises by facilitating the flow of credit, assistance and support, and announced the release of National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business in 2011.
327. *A Government representative of the United States* referred to the ongoing work on randomized control trials for an impact assessment in Uganda and asked for future updates. She stated that the Office might be placing too much emphasis on the aggregation of

impact across countries when disaggregated results would be better for learning whether and how target populations were being reached within countries. Lessons from one country could be applied elsewhere but she did not see the need to aggregate and compare.

328. *A Government representative of Egypt* remarked that young people in the Arab world, and especially in Egypt, were fighting for rights and for decent and stable work. He emphasized that young people were hit hard by unemployment, and helping them to benefit from different job opportunities should be a high priority for international organizations.
329. In his response to the interventions, *a representative of the Director-General* (Executive Director, ED/EMP) observed the different priorities of the Workers and the Employers and the consensus by Governments in terms of services provided by the Office. He hoped that the Workers and Employers did not question the work of the Office as such but rather the way it had been expressed in the paper submitted for the agenda item, as the Office had been working very closely with the constituents throughout. He further explained that, in preparing the recurrent discussion report for the 99th Session of the ILC in 2010, very close consultations had taken place with the constituents. Figure 1 in paper GB.312/POL/3, with the three strategic pillars, had already featured in the chapter on sustainable enterprises and job creation of that report. He could not understand why the concerns expressed had not been raised for the 2010 recurrent discussion report. He expressed the same surprise about the concerns raised over the sustainable enterprises strategic framework, which had been made available to the constituents more than a year-and-a-half previously. He noted that certain issues, such as macroeconomic factors, were not connected to the current paper; in fact those types of issues were being considered in national employment policies. He explained that the approach was really the kind of integrated approach that was demanded by the Governing Body. He thought that the Office had made significant progress on the enabling environment pillar but acknowledged that there was scope to further improve both the engagement with the constituents and the methodology used for the assessments. He emphasized that work under pillar 3 was very well aligned with the guidance of the Multinational Enterprises Segment. He hoped to find a way in which the priorities of Employers and Workers could converge. He said that the Office would engage in consultations with both of them, formally or informally, to resolve the issues they had expressed on the work of the Office.
330. *A representative of the Director-General* (Director, EMP/ENTERPRISE) emphasized the enormous demand coming from the constituents in the member States. He noted that there were clear differences of emphasis between the constituents on parts of the programme they felt strongly about and parts they felt less attached to and that all of that was contributing to information gaps. He invited constituents to continue the dialogue that had already started and expressed his optimism that the 2007 conclusions were a highlight because they brought very controversial views into one framework, thus elevating the debate to a higher level.
331. *The Worker spokesperson* responded that she could not decipher whether it was the paper or the work that caused concerns for the Workers' group, as the paper was supposed to reflect the work of the Office. She welcomed the Office's offer to further engage in dialogue and resolve the concerns. She reiterated that the role of the Office was to promote sustainable enterprises that reflected the ILO's values, such as good regulations, standards, freedom of association and collective bargaining. She emphasized that certain elements of the work were not currently fully in line with the 2007 conclusions.
332. *The Employer spokesperson* did not think that there was much disagreement between Workers and Employers as to what constituted a sustainable enterprise, but rather they had a different sense of priorities for getting there, and that was probably appropriate. She

clarified that she was not arguing that the rights-based aspects of the enabling environment should be discarded or downgraded, but that EMP/ENTERPRISE should be concerned about creating decent jobs through enterprise development and that those rights-based aspects must be reflected, resourced and prioritized in the majority of the Office's work. She concluded by endorsing the call for further consultations and mentioned that she would suggest to the Governing Body screening group that the issue be placed on the agenda of the 312th Session of the Governing Body in November 2012.

Outcome

- 333. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion (in paragraphs 317–332 above) concerning follow-up to the ILC conclusions concerning the promotion of sustainable enterprises.***

Fourth item on the agenda

Work–life balance (GB.312/POL/4)

- 334. *The Employer spokesperson*** highlighted the importance of work–family balance as a universal concern. Work–family balance benefited working parents, social partners, governments and national economies. She noted that the document addressed gender issues and asked about its relationship to both the 2009 ILC conclusions concerning gender equality and the paper GB.312/INS/12. She recalled that the rationale of the Governing Body reform was to emphasize the focus on governance and avoid duplications.
- 335.** She questioned the relevance of a wide-ranging paper for engaging the advice of the Governing Body. The paper focused on several relevant subjects, pointing to the complexity of work–family issues. Many aspects exceeded the ILO mandate and required a mix of policy interventions targeted to national circumstances. The ILO should focus on achievable objectives within its mandate, in line with the 2008 ILO Declaration on Social Justice for a Fair Globalization. Many work–family tensions stemmed from shortages in government-provided services, especially childcare and transportation, as recognized by the 2011 Tripartite Meeting of Experts on Working Time Arrangements. The State should provide an enabling regulatory framework in which appropriate work–family solutions could be agreed at the individual and workplace levels.
- 336.** She underscored that promoting the business case for work–family measures was essential. The Office should also research and promote the benefits of part-time work. She opposed research on unpaid care work, which fell outside the ILO's mandate and pointed out that many organizations were studying the topic. The Office's technical cooperation and advice should focus on effective measures to promote work–family balance, which promoted equal opportunities in the labour market and economic progress. Finally, she cautioned the Office not to over-emphasize the crisis impact, since work–family measures should be promoted by agreement across economic cycles.
- 337. *The Worker spokesperson*** congratulated the Office on a well-researched paper on an important topic. She noted that the most essential preconditions for a discussion on work–life balance were income security and the predictability and stability of employment. That meant a guaranteed minimum wage, a social protection floor, permanent employment contracts, limits to maximum working hours and time flexibility. The ILO therefore also needed to include in its agenda issues related to precarious work which prevents many

people employed on a casual basis to plan their lives because they live in permanent insecurity and unpredictability.

338. She insisted on a broad approach to “work–life” balance, beyond “work–family” balance, and cautioned about the invasion of new technologies into private life, which blurred the difference between personal and professional life. Public spending on family benefits was the most sustainable investment in long-term productivity and she warned about budgetary cuts during the crisis. The creation of an environment conducive to work–life reconciliation could not be left to the market or individual workers and employers; the State should provide incentives and standards. Moreover, many workplace measures, such as breastfeeding breaks, limiting excessive hours and the right to part-time work and to return after maternity leave, were not costly. She welcomed the conclusions of the meeting of experts on working time which recognized that the provisions of ILO standards related to daily and weekly hours of work, weekly rest, paid annual leave, part-time and night work remained relevant and should be promoted.

339. She supported the improvement of the research agenda on work–life balance and the inclusion of workplace stress, excessive working hours, non-standard and unpredictable employment, high levels of unemployment and low pay. Innovative policies to address the growing care needs of ageing societies should be part of the ILO’s future work, as should studying unpaid work and its impacts on paid work and work–life balance. She also exhorted the ILO to promote relevant international standards, provide capacity building for women trade unionists, provide guidance on well-designed work–life balance policies including into the development in 2012 of a Recommendation on SPFs.

340. *The Africa group*, through a Government representative of the Democratic Republic of the Congo, recognized the importance of work–life balance in the developing world. The achievement of the Millennium Development Goals (MDGs) on poverty reduction, gender equality, infant and maternal mortality, and HIV/AIDS faced challenges in most African countries. Work–life imbalances had negative consequences for economic growth, health and work productivity, notably for women in informal work, due to the gendered division of reproductive work. The group called for Office policy advice on: (a) the formulation of national strategies to address the division of work between men and women; (b) the set-up of community and home-based services to support care responsibilities; and (c) capacity building in social policies to assist low-income households.

341. *The EU and its Member States*, through a Government representative of Denmark, welcomed the paper and highlighted the importance of that policy issue, especially in light of the global crisis and ageing societies. Work–family reconciliation was crucial to better life quality, gender equality, long-term economic development and decent work. The speaker emphasized that successful policies included the following sustainable measures: adequate, affordable high-quality care services for children, the elderly and persons with disabilities; flexible working arrangements; leave policies for both women and men; poverty reduction; and tackling gender stereotypes. The ILO should promote information sharing, the exchange of good practices, and the development of statistical databases and indicators. ILO research should focus on the factors affecting parents’ ability to reconcile work and family in cooperation with other organizations working on the topic. Finally, she emphasized that national and international social partners were key to implementing work–family policies and workplace practices.

342. *A Government representative of India* congratulated the Office on the excellent paper on an increasingly relevant concept in the current world. He noted that mainly women faced work–family tensions. Quality childcare facilities were not universally accessible due to prohibitive costs, and care programmes for the elderly were also lacking. He regretted that some workplaces looked at women taking time off from work to look after their children or

the elderly as being less committed. The scenario was particularly grim for the informal sector or contractual workers. He considered that capacity building, strengthening research and knowledge through ILO technical assistance would enable a better implementation of work–life policies.

343. *A Government representative of Canada* welcomed the paper and supported the Office's work in the area of work–life balance. Her Government had proposed a Conference discussion on work–life balance several years previously. She noted that the paper focused almost exclusively on work–family reconciliation related to maternity and child rearing. She noted that ageing societies and HIV/AIDS placed increasing demands on many workers. These trends and their impacts on men and women workers, regardless of whether they have children or not, also warranted attention in terms of policy development, impact assessment and the sharing of best practices in order to address broader work–life balance issues.
344. *A Government representative of Japan* emphasized the importance of social dialogue as a key to the effective promotion of work–life balance. In 2007, his Government had agreed with the social partners on the adoption of a charter and action plan to promote work–life balance. On that basis, companies, workers and local governments had worked together to promote workplace work–life balance. The system worked successfully as it was based on social dialogue. He concluded by exhorting the reinforcement of social dialogue in ILO activities on work–life balance.
345. *A Government representative of Mexico* considered that work flexibility was essential to work–life reconciliation, which did not mean working less, but instead more efficiently. She pointed out that it would lead to a better working atmosphere and higher productivity. She provided examples of Mexican policies that had positive effects on work–life balance, focusing on childcare and corporate social responsibility. She insisted on involving employers' and workers' organizations in the development and implementation of effective measures. She encouraged the ILO to generate more research by regions and countries, to identify good practices and guide governments.
346. *A Government representative of Qatar* thanked the Office for the excellent paper and reiterated the importance of the issue for all the world's regions. He supported the ILO's research agenda on the topic and its social and economic implications. He called for the Office to promote its statistical capacities on work–life reconciliation and coordination among ILO departments in order to address the issue. He suggested the organization of a tripartite meeting of experts to exchange effective initiatives.
347. *A representative of the Director-General* (Director, Labour Protection Department (PROTRAV)) summarized the convergence points which included: the importance of work–family balance and its relevance to several social and economic objectives, including the SPFs and the MDGs; the recognition of its complexity, some of whose ramifications exceeded the ILO's remit, but needed to be understood in order to inform the ILO's work under its mandate; the need for ILO policy coherence and coordination across the different sectors; and the key role of the State in adopting the enabling regulatory framework, along with social dialogue, collective bargaining and individual arrangements within regulated frameworks. Work–family interventions were also relevant to ageing societies, economic insecurity, unpredictable working hours, public employment programmes and social infrastructure in developing countries.

Outcome

348. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion (in paragraphs 334–347 above) concerning work–life balance.*

Social Dialogue Segment

349. The Social Dialogue Segment was held on Thursday, 10 November. It was chaired by Mr de Robien (Government, France) as assigned by the Chairperson of the Governing Body. Mr Woolford and Ms Fox were the Employer and Worker spokespersons.
350. *The Chairperson* of the sitting congratulated Mr Oumarou on his appointment as Officer-in-Charge of the Social Dialogue Sector. Mr Oumarou thanked Mr Dragnich, the former Executive Director of the Social Dialogue Sector, for his dedication to the ILO and the Sectoral and Technical Meetings Committee (STM) during his time in office. The Governing Body reform had led to the creation of the Social Dialogue Segment, which now included, in addition to the former mandate of the STM, social dialogue and industrial relations issues, such as labour law, labour administration and labour inspection. He thanked the Governing Body members represented at the Segment in advance for their important guidance to the Office for its future work.

Fifth item on the agenda

Global dialogue forums: Lessons learned (GB.312/POL/5)

351. *A representative of the Director-General* (Director, Sectoral Activities Department (SECTOR)) explained that the paper had been prepared taking into account a number of proposals made during discussions in the advisory bodies and the STM. The paper was based on a clear recognition of the differences in format between global dialogue forums (GDFs), meetings of experts and sectoral meetings, and aimed to capitalize on the innovations of the GDF format, drawing on successful practices. All proposals had been devised so as not to require additional resources.
352. *The Employer spokesperson* strongly supported the holding of GDFs, since those and other sectoral meetings were where the real value-added of the ILO Sectoral Activities Programme lay. Neither Regional Meetings nor national initiatives offered a comparable opportunity to discuss global issues of concern to a sector. GDFs should not always be required to adopt conclusions; they presented a valuable opportunity to foster tripartite dialogue and to advance thinking on an issue. Therefore, the discussions themselves were the most important outcome.
353. His group agreed with the proposal to limit the length of issues papers and output documents, and with the proposed structure of points of consensus. However, it could not support the proposal to reduce the number of meetings, as that would weaken the Sectoral Activities Programme. There should be a minimum of two meetings per semester, with the possibility for additional meetings, if the need should arise. Neither did his group support the proposal to reduce the number of Employer and Worker participants for each GDF to five; even with the current composition of six, it was difficult to ensure adequate representation, in particular in cases where many subsectors had an important stake in an industry. He encouraged the Office to consider extending the duration of each GDF, as that would allow more time for substantive discussions and place less focus on the

development of points for consensus. In order to give support to a chairperson tasked to provide a summary of the discussions, consultations with the vice-chairpersons should be envisaged. Given that GDFs were a fairly recent innovation, his group suggested that the Governing Body reassess this matter again to allow for additional course corrections.

354. *The Worker spokesperson* pointed out that the meeting format needed to be selected in consideration of the topic. In some cases, a GDF had not been the right format to address particular subjects. Forums should be used only for specific emerging subjects where mature social dialogue existed. Therefore, she agreed with the proposal in paragraph 12 that the advisory bodies should carefully select the right format for each meeting. She expressed her support for paragraph 17, since the length of the output document had typically been too long, making it nearly impossible for participants to examine fully the drafts. The advisory bodies should be able to recommend longer durations for specific GDFs, if the subject matter so required. However, the number of participants and the interpretation options could not be restricted as a result. While her group deemed reasonable the suggestion in paragraph 14 to limit the number of meetings in a semester, it was important that the advisory bodies should nevertheless continue to have flexibility in determining how many meetings should be held.
355. The inclusion in the output document of “points on which consensus was not reached” could send a wrong signal and hinder future dialogue. Areas where there had been disagreement would be reflected in the report and could possibly be included as “areas for further discussion” in the section on suggested follow-up activities proposed in paragraph 17. The Workers’ group supported paragraphs 15, 16 and 19. It did not support paragraph 23, however, since experience had shown that having an experienced Governing Body member chair a GDF could contribute to its success. The plenary session for adoption of the points of consensus should be long enough to ensure adequate time for the possibility of amendments. She stressed that her group wanted to discuss issues that were of concern to it, even in cases where the positions of Workers and Employers diverged. It was important to find convergence or at least commitment to look at those concerns; the ILO had an important role to play in that respect. GDFs were not necessarily the right types of meetings to address those issues, as had been demonstrated in the GDF on private employment agencies, but that meeting had been valuable in itself, by having clearly identified where the difficulties and divergences lay.
356. *A Government representative of Switzerland* stated that the priority for Switzerland remained the organization of meetings of experts and sectoral meetings. Before programming a forum, the advisory body needed to ensure, through consultations with the social partners and governments, that in the absence of consensus on all points, there would be at least the possibility of better coordinating the views of forum participants. The organization, theme and scope of forums should remain a matter for the Governing Body to decide. On the other hand, there was nothing to prevent the Governing Body from delegating the composition of forums to its Officers if it so wished. Points of consensus, once accepted following their oral presentation by the Chairperson, should not be subject to further discussion when it came to their adoption. Drawing up a list of “points on which consensus was not reached” was not an ideal solution, either. The rule should be that the tripartite participants formally commit themselves not to oppose consensus once the points had been presented orally by the Chairperson and amended in the light of the discussion.
357. *A Government representative of Australia* supported the point for decision. The proposals would ensure that the GDFs would fulfil their originally intended purpose. GDFs should consider emerging and topical high-level issues and, could, if necessary, be followed up by a meeting of experts to develop detailed technical guidance. He welcomed the inclusion in the outcome document of a section on “points on which consensus could not be reached” so that those points could be addressed in the future. He encouraged prompt

implementation of the measures outlined in the paper and urged the Office to continue to be open to participants' feedback on the new format and act on lessons learned.

358. *A Government representative of Canada* supported the proposal in paragraph 12 for more comprehensive briefings to advisory bodies. Expected outcomes needed to be identified; in addition to points of consensus, other appropriate outcomes could be a short report of the discussion or a proposed plan of action outlining follow-up activities. Canada agreed with the proposal to limit the number of meetings to two per semester and could endorse the proposed delegation in paragraph 15 provided that it was exercised within the agreed parameters for the composition of GDFs and did not result in increased costs. She supported the proposals in relation to inputs and outputs, but was concerned that the questionnaires could increase the reporting burdens for governments. Canada endorsed paragraph 18, but did not support fixing rigid rules for the drafting and adoption of points of consensus. She agreed with the Employers' group that the focus of GDFs should be on dialogue and reiterated the need for subjects and formats to be carefully selected.
359. *A Government representative of Qatar* supported the proposal to reduce the length of the preparatory reports, as long as their quality would not be compromised. Qatar also supported the proposals in paragraphs 17–18; it was important that draft points of consensus reflected the perspectives of all constituents and that participants would be better briefed in advance of a GDF. The problems in adopting points of consensus did not stem from the procedure used, but from a lack of involvement of governments in the process. The Governing Body should review paragraph 24 and consider creating a drafting committee and extending the standard duration of GDFs to two-and-a-half days.
360. *GRULAC*, through a Government representative of Brazil, expressed support for paragraphs 12, 13, 14, 16, 18, 19 and 20. The group, however, objected to paragraph 15, because decisions concerning the composition of the meetings could not be delegated, by virtue of article 2.3.1 of the Standing Orders of the Governing Body. The group also objected to paragraph 17, because the points on which consensus was not reached should not form part of the outcome document. To avoid confusion, those issues should be reflected in the report of proceedings. Paragraph 19 should not be interpreted in such a way that silence from a delegate implied acceptance of the oral summary made at the end of each sitting, and that footnote 12 should refer to paragraph 46 of the *Compendium of rules applicable to the Governing Body*. GRULAC objected to paragraphs 22–23, because the rules for sectoral meetings should be applied. The group suggested that the Office should develop a set of rules for GDFs, for the reasons suggested in paragraphs 4 and 18 of the paper.
361. *The representative of the Director-General* thanked the participants for their comments and great support for improving the GDF format. She noted the agreement of all speakers with the proposals to improve programming and shorten inputs and outputs. Divergent views existed, however, on the standard length of GDFs. The Office was not in the position to accommodate an extension of the GDF's standard length, without possibly having to resort to proposing that, due to resulting cost increases, the number of participants might need to be reduced. She shared the speakers' views that the purpose of GDFs was to allow for dialogue and that it was not strictly necessary for every GDF to develop points of consensus. In order to capture those points on which consensus could not be reached, she agreed that a flexible process was needed and proposed that the output document could contain a section on "Points on which further action/debate is required".
362. *The Employer spokesperson* stressed that it was the Governing Body's prerogative to take all budgetary decisions and that no automatic reduction of the number of participants could take place in cases where a GDF's duration needed to be increased. He agreed with the

proposal to record issues on which further work or debate might be needed, since they could provide important points of departure for future consultations.

363. *The Chairperson* of the sitting noted that consensus had not been found on some elements in the paper and suggested that the item be examined further at the next session of the Governing Body. The Employer spokesperson agreed with the proposal to examine the issue further at the next session. The Worker spokesperson also agreed, and asked the Office to include more specific details on financial implications in the paper to be prepared for the next session.

Outcome

364. *The Governing Body decided to examine this issue further at its next session, in March 2012.*

Sixth item on the agenda

Labour administration and labour inspection: Follow-up to the general discussion at the 100th Session of the International Labour Conference (GB.312/POL/6)

365. *A representative of the Director-General* (Director, Labour Administration and Inspection Programme (LAB/ADMIN)) introduced the paper, underlining the strong consensus that existed between the three groups on the need for the Office to adopt a strategic approach to strengthen national systems of labour administration and labour inspection.
366. *The Worker spokesperson* noted that her group strongly supported the conclusions, which recognized the importance of effective public labour administration and labour inspection systems for good governance and social justice. She expressed concern about the diminishing role of such systems in many countries and the consequent reduction in worker protection and growth of precarious work. This was occurring at a time when the economic crisis was causing severe pressures on workers and working conditions, and therefore the need for strong labour administration and inspection systems was even greater.
367. She thanked donor countries for providing resources to support the Office's work and welcomed the proposed action plan, stressing the importance of action at the national level. Action to promote international labour standards was essential and should extend also to the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81), the Employment Service Convention, 1948 (No. 88), and the Employment Relationship Recommendation, 2006 (No. 198). She recalled that 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), were equally important.
368. She noted with great concern that private inspection initiatives risked undermining the role of labour inspection as a public function. The proposed tripartite meeting of experts on private compliance was a welcome opportunity to examine those initiatives in the light of international labour standards and she called on the Office to identify resources to enable the meeting to take place.

369. She encouraged the Office, in cooperation with the International Training Centre of the ILO (the Turin Centre) and social partners, to give priority to helping constituents ensure that labour inspectors enjoyed decent working conditions and wages, and were properly trained to reinforce ethical behaviour and independence. Assistance should also focus on strengthening the policy-making role of ministers of labour in social and economic policies. It was essential to extend labour law coverage to all workers, including in EPZs, the informal economy, the public sector, domestic workers and those in disguised or triangular employment relationships. The proposed action plan tools should prioritize a number of areas arising out of the June 2011 discussion and reflected in the recent ACTRAV Symposium on Policies and Regulations to Combat Precarious Employment.
370. The proposals on research were welcomed but needed to reflect the exact language from the ILC conclusions, as were those in paragraphs 11 and 13–15 of the document, including on the enforcement of gender equality legislation. She supported paragraph 11 for the establishment of national tripartite dialogue on challenges for labour inspection related to new forms of employment, building on Recommendation No. 198. She concluded by noting that LAB/ADMIN needed resources to implement the proposed action plan.
371. *An Employer member from South Africa*, speaking on behalf of the Employers' group, endorsed the proposed action plan. In particular, the Employers' group supported the initiative to hold a tripartite meeting of experts in the next biennium on private compliance initiatives and recognized the need to secure the necessary funding. He noted his personal participation in recent follow-up activities to the International Labour Conference (ILC) general discussion, including an international workshop on strengthening cooperation between labour inspection systems and the judiciary as well as the Labour Administration and Labour Inspection International Academy held at the Turin Centre. Those two initiatives demonstrated the Office's capacity to coordinate such work and highlighted the importance of involving social partners and securing the necessary resources. He regretted the lack of participants at the Academy from developed countries, noting that there might be a perception that developed countries could not learn from developing nations. Such attitudes needed to change, in order to foster better collaboration.
372. *A Government representative of Lebanon* explained that his country had ratified all the relevant ILO Conventions on labour inspection and recognized the importance of labour inspection for fostering good relations between workers and employers and promoting labour market stability. It was important in that regard to train labour inspectors to carry out their functions professionally and ethically.
373. *A Government representative of Brazil* noted that it was an honour for a representative of his country to have been selected as Reporter for the Committee on Labour Administration during the 100th Session of the ILC. In order for the Office to be more effective in strengthening the national capacity of labour inspection systems to improve labour law compliance, LAB/ADMIN's human and financial resources should be strengthened and consideration could be given to making the programme a permanent part of a re-organized technical sector.
374. *ASPAG*, through a Government representative of Viet Nam, supported the proposed action plan. The group highlighted the need to develop a technical cooperation portfolio to support the Office in the delivery of technical assistance and to improve coordination and information-sharing within and outside the Office and across the multilateral system. LAB/ADMIN should lead the ILO's work in that regard. Furthermore, existing channels and modalities for knowledge-sharing should be promoted through South–South and triangular cooperation.

375. *A Government representative of India* supported the proposed action plan, noting that strong labour administration and inspection systems played a key role in addressing the negative consequences of globalization and in promoting decent work and social protection. He emphasized the need to prioritize activities and to raise awareness of occupational risks and workers' rights, and to ratify the relevant ILO Conventions. He supported the proposal to organize a tripartite meeting of experts on private compliance initiatives.
376. *The Africa group*, through a Government representative of the Congo, recognized the need for effective systems of labour administration and labour inspection and acknowledged that labour administration played a key role in the design and implementation of socio-economic policies. The Office should continue to provide technical assistance and promote South–South cooperation. The Africa group supported the point for decision and urged the Office to commit the resources needed to organize the proposed tripartite meeting of experts.
377. *A Government representative of Kenya* endorsed the statement made on behalf of the Africa group and noted the pivotal role of labour administration and labour inspection in achieving good governance. He expressed his support for the action plan, in particular for the organization of a tripartite meeting of experts.
378. *A Government representative of Ghana* endorsed the statement made on behalf of the Africa group. She noted with satisfaction that the Office would continue to provide technical assistance to promote, apply and enforce labour legislation and would develop the capacity of labour officials to carry out their functions. In particular, she highlighted the need for adequate resources to support LAB/ADMIN's work.
379. *The EU and its Member States*, through a Government representative of Denmark, supported the proposed action plan. They appreciated the inroads made by the Office in improving the national capacity of ILO constituents since the creation of LAB/ADMIN in 2009. They stressed the need to gather and make use of existing data, share information, and improve collaboration between international organizations. The ILO could also play a role in promoting the exchange of good practices on a voluntary basis. In addition, he emphasized the need for cost-effective labour inspection. The speaker recalled that the legal framework for labour administration could not be replaced by other initiatives and supported the proposed tripartite meeting of experts on private compliance initiatives. Noting the important role of the ILO in ensuring the ratification and implementation of the governance Conventions, he requested the Director-General to take steps to give effect to the conclusions adopted at the 100th Session of the ILC.
380. *A Government representative of Cambodia* supported the action plan and reiterated the importance of adopting a strategic approach to strengthening national labour administration and inspection systems, which was crucial for promoting harmonious industrial relations. He noted that his country had recently received a technical mission from the Office to carry out a rapid assessment of the country's labour inspection system and develop a national training strategy. He thanked the Office for its assistance and hoped that additional support would be given to build the capacity of Cambodia's labour inspection system.
381. *A Government representative of the United Arab Emirates* supported the intervention made on behalf of ASPAG. He recalled the various challenges currently facing labour inspection and thanked the Office for its work in his country on building the capacity of labour inspectors to carry out their functions more effectively. He commended the training programme on labour inspection developed jointly by the Office and the Turin Centre and

hoped that those tools would be further translated and adapted to different national circumstances to allow for wide dissemination.

- 382.** *A Government representative of France* supported the point for decision. Other important aspects of labour inspection, such as occupational safety and health and assistance in collective bargaining, should not be underemphasized. Since governments, including his own, were making efforts to increase the means available for labour inspection, he suggested that the ILO should consider doing the same.
- 383.** *A Government representative of Sri Lanka* supported the plan of action and considered the proposals to be central to the ILO's work. Private compliance initiatives were rapidly increasing in developing countries and risked undermining the authority of the public inspectorate. Efforts should be made to ensure that such initiatives served to strengthen, rather than to weaken, the public labour inspection function.
- 384.** *A Government representative of the United States* supported the point for decision. She noted that labour administration and labour inspection were key areas of ILO work and essential to worker protection. The Office was well placed to provide technical assistance to strengthen those systems in ILO member States. She welcomed the inclusion in the action plan of a component on internal coordination across the Office.
- 385.** *The representative of the Director-General* noted the genuine interest in giving priority to labour administration and labour inspection at the international and national levels. The Office would support that commitment, in particular by ensuring that labour administration and inspection objectives were reflected in DWCPs. He undertook to work with donors towards developing a portfolio of technical cooperation to support the action plan and delivering adequate technical assistance to constituents. Concerning the proposed tripartite meeting of experts on private compliance initiatives, the Office would prepare a proposal in due course as a basis for tripartite consultation.

Decision

386. The Governing Body:

- (a)** *approved the action plan outlined in paragraphs 6–16 of GB.312/POL/6;*
- (b)** *subject to the availability of funding, approved the holding of a tripartite meeting of experts in the next biennium, as set out in paragraph 12 of GB.312/POL/6, to examine private compliance initiatives in the light of international labour standards; and*
- (c)** *requested the Director-General to:*
 - (i)** *take steps to give effect to the Conference conclusions on labour administration and labour inspection in a coordinated and efficient manner at headquarters and in the field, and report to the Governing Body, upon request, on progress and results achieved; and*
 - (ii)** *take such decisions as necessary to ensure the effective implementation of the action plan, including through strengthening LAB/ADMIN's capacity to meet these objectives.*

(GB.312/POL/6, paragraph 17.)

Seventh item on the agenda

Decent work in the global food supply chain: A sectoral approach (GB.312/POL/7)

387. *A representative of the Director-General (Director, SECTOR)* introduced the paper. She emphasized that the proposed programme aimed at enhancing food security throughout the entire food value chain. The ILO's mandate in relation to food security had been recognized by the United Nations High-level Task Force on the Global Food Security Crisis (HLTF), which had called for an enhanced engagement of the ILO in order to promote sustainable livelihoods through decent jobs and social protection. She also recalled the ILO's mandate in connection with Millennium Development Goal 1 on eliminating poverty and hunger and achieving decent work for all. The programme comprised the promotion of decent jobs in the entire food system, income generation and social protection. Activities would be implemented in urban, peri-urban and rural areas and would cover all four pillars of the Decent Work Agenda. She called for a continuous involvement of tripartite constituents throughout all the stages of the programme; also, partnerships with other UN agencies and development partners would be crucial.
388. *An Employer spokesperson from New Zealand*, speaking on behalf of the Employers' group, recalled the efforts made by the Employers to give the ILO a voice in the HLTF since 2009. Since then, the Employers had made it clear that the food price crisis could only be eliminated through a partnership between the private sector, governments, multilateral organizations and global food multinationals. His group had supported the ILO's involvement in the HLTF, since it was the only UN agency that had a mandate to engage with all those actors. Elements important to his group were, however, not reflected in the proposal. There were three work-based elements for addressing food insecurity: the promotion of agricultural productivity, the stimulation of rural livelihoods, and the creation of suitably structured social safety nets. The first two elements could not be achieved through government action alone. DWCPs should be used as a reference to ensure a bottom-up approach. The link made in paragraph 10 between decent work, food security and the resolution of the food price crisis was unclear. Referring to paragraph 18 and the ILC resolution on rural employment, he noted the challenge of generating new jobs in the supply chain, particularly in rural areas. He regretted that there was little reference to the possibilities of entrepreneurship and enterprises and suggested that the Office refine its approach. The key should be to engage with the private sector rather than to pursue a "one-size-fits-all" approach. Nevertheless, the Employers would support the Office in seeking extra-budgetary funding and remained available to help the Office ensure that its activities were relevant.
389. *The Worker spokesperson* thanked the Office for the paper and recalled that the Workers had been asking the Office since the 2008 session of the ILC to address food insecurity. She endorsed the definition of food security contained in paragraph 9 as a twofold issue of physical as well as economic access to food. Often workers remained "food insecure", despite the availability of food. She recalled that close to 1 billion people were hungry and many of them were involved in the food supply chain. Food insecurity affected half a billion agricultural workers. Moreover, agriculture was an industry where child labour and fatality rates were very high. It was clear that a particular focus on agricultural workers was required, with international labour standards being given a central role. Her group endorsed the promotion of decent jobs and social protection, but a number of concepts needed to be reinforced in the plan, such as: a rights-based approach; living wages; the right to freedom of association; access to cooperatives; and the situation of migrant workers. Collective bargaining and minimum wage fixing was crucial, both in rural and

urban areas. In addition, research needed to be undertaken on food policy and the contribution that the Decent Work Agenda could make to food security in the current climate of high food prices. The Office's work should cover all areas of the food chain and needed to address the wider context, including food price speculation, bio-fuels, commercial pressures, and land grabbing. The work by the Office should also take into account the paper on agribusiness and the right to food of the UN Special Rapporteur on the right to food, Mr Olivier de Schutter. Referring to the 2008 ILC conclusions on rural employment, the Workers endorsed the programme and called for collaboration with the International Union of Food Workers (IUF) and other relevant Global Union Federations.

390. *A Government representative of Australia* supported the proposed programme. The ILO had a strong contribution to make through the Decent Work Agenda to the growing issue of food security, especially to efforts to ensure a long-term, sustainable food future. Her delegation appreciated that the programme would be informed by a food system country analysis to ensure that activities were tailored to specific country needs, reflect DWCP priorities and involve tripartite constituents. She recommended that the Office develop measurable and practical targets and indicators that would make it possible to assess and improve programme implementation.
391. *GRULAC*, through a Government representative of Brazil, supported the point for decision, acknowledged the important role of decent work in promoting food security and endorsed the Office's participation in the HLTF. The region had successfully taken steps to improve food security based on policies to increase production, guarantee income to producers, ensure internal consumption, and protect vulnerable groups. The speaker emphasized that the programme should be based on national priorities and the needs of each country, taking into account the principle of national ownership and practices, as well as the mandate of other international organizations working towards global food security.
392. *A Government representative of Kenya* expressed support for the proposed programme, its objectives and its strategic approach. The ILO could greatly assist many African countries where food security was endemic. To counter food insecurity, decent work and green jobs needed to be anchored in the food supply chain. A comprehensive and coherent approach was necessary that comprised inclusive social dialogue on minimum wages and improved working conditions in the agriculture and forestry sectors. Kenya thanked the Office for its support and was working actively with the relevant government agencies, employers and workers in food supply chains, UN agencies and other stakeholders to mainstream decent work in its food security and nutrition policy.
393. *A Government representative of Mexico* stressed the importance of the issue to her country. A constitutional reform had just been approved on the right to food in order to ensure the right to quality, sufficient and nutritious food. She noted the importance of the participation of sectoral trade unions, employers' organizations and national, regional and local authorities in the formulation and application of a strategy on food security as mentioned in paragraph 13. The issues mentioned in paragraph 18 were of great importance, such as the creation of green jobs in the food value chain, the promotion of sustainable enterprises, and the improvement of occupational safety and health. The ILO could greatly contribute to efforts to address those aspects through the proposed programme.
394. *A Government representative of India* supported the proposed programme, particularly in view of the importance of decent work for building livelihood resilience. The Government of India endeavoured to move from a needs-based to a rights-based approach to food security. The Mahatma Gandhi National Rural Employment Guarantee Act had been very successful.

395. *A Government representative of Brazil* welcomed the programme and supported the statement made by GRULAC. She endorsed the continuous cooperation between the ILO and both the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP); such partnership was crucial for the successful development of concrete projects on the ground and for knowledge sharing. It was also important to consider targeted action in favour of migrant workers in the food supply chain, as such workers were often victims of difficult working conditions.
396. *A Government representative of the Netherlands* welcomed the proposal for a strategic approach to achieve decent work in the global food supply chain. Food security was one of the key priorities in the development cooperation policy of the Dutch Government and the food sector played an important role in the Dutch Sustainable Trade Initiative. She endorsed the point for decision in paragraph 22 but suggested that the Office needed to give more attention to certain conceptual aspects, namely: socio-economic food security; safe and healthy working conditions in the food production sector; safety standards for the food product; and sustainable production in the food sector.
397. *The representative of the Director-General* thanked the constituents for their support and suggestions. The programme was a work in progress and continued support and collaboration from all ILO constituents, including the Employers, would be sought. The programme acknowledged that there could not be a “one-size-fits all” approach; every country had specific needs in relation to food security. She agreed with the importance of promoting sustainable enterprises, protecting migrant workers and of a rights-based approach. The programme would incorporate all suggestions made.

Decision

398. *The Governing Body endorsed the strategic approach contained in paragraphs 9–16 of GB.312/POL/7 and encouraged the Office to seek extra-budgetary funding to support the implementation of sector-specific activities as described in paragraphs 17–21 of GB.312/POL/7.*

(GB.312/POL/7, paragraph 22.)

Eighth item on the agenda

Other questions: Effect to be given to the recommendations of sectoral and technical meetings

(GB.312/POL/8)

399. *The representative of the Director-General* introduced the paper. She noted that all four items concerned ILO work in collaboration with other UN agencies, in particular the International Maritime Organization (IMO), as well as the UN Economic Commission for Europe (UNECE), which was actively involved in work dealing with the packing of containers.
400. *The Worker spokesperson* endorsed the points for decision.
401. *The Employer spokesperson* endorsed the points for decision but added that, given the reform of the Governing Body, his group deemed that some items included in the paper should have been reviewed by a meeting of the secretaries of the social partners, regional

coordinators and the Office and then brought to the screening group for consideration of whether they should be brought to the attention of the Governing Body.

402. *A Government representative of India* endorsed the points for decision.

Decisions

Global Dialogue Forum on Safety in the Supply Chain in Relation to the Packing of Containers (Geneva, 21–22 February 2011)

403. *The Governing Body:*

- (a) *authorized the Director-General to communicate the final report¹ of the Global Dialogue Forum on Safety in the Supply Chain in Relation to the Packing of Containers to governments, requesting them to communicate the text to the employers' and workers' organizations concerned; and to communicate the report to the international employers' and workers' organizations and other international organizations concerned; and*
- (b) *requested the Director-General to give due consideration to implementation arrangements for the recommendations made by the Forum.*

(GB.312/POL/8, paragraph 4.)

Subcommittee on Wages of Seafarers of the Joint Maritime Commission (Geneva, 26–27 April 2011)

404. *The Governing Body authorized the Director-General to:*

- (a) *communicate the text of the resolution concerning the ILO minimum basic wage for the able seafarer contained in Appendix I to GB.312/POL/8 to governments of member States, drawing their attention to the paragraph relating to the increase in the wage figure which should be applied in substitution for those in paragraph 10 of the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), and Guideline B2.2.4 of the Maritime Labour Convention, 2006, on the minimum monthly basic pay or wage figure for able seafarers;*
- (b) *communicate the text of the resolution to the international employers' and workers' organizations having consultative status;*
- (c) *request governments to transmit the text of the resolution to the employers' and workers' organizations concerned; and*

¹ GDFPC/2011/12.

- (d) *in due course, consult with the international employers' and workers' organizations concerned on the convening of a meeting of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission as requested by the resolution.*

(GB.312/POL/8, paragraph 7.)

Joint ILO–IMO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident

405. *The Governing Body:*

- (a) *endorsed the terms of the draft resolution contained in Appendix II to GB.312/POL/8; and*
- (b) *requested the Director-General to:*
 - (i) *disseminate the resolution, once adopted by the IMO Assembly; and*
 - (ii) *ensure that the Office, in collaboration with the IMO, continues to keep the problem of unfair treatment of seafarers in the event of a maritime accident under review and, as appropriate, periodically assesses the scale of the problem.*

(GB.312/POL/8, paragraph 13.)

Follow-up to the resolution concerning tonnage measurement and accommodation

- 406. *The Governing Body authorized the Director-General to consult with the Secretary-General of the IMO with a view to establishing a joint ILO–IMO working group on the impact of the tonnage measurement of ships on the living and working conditions of seafarers and fishers.*

(GB.312/POL/8, paragraph 18.)

Technical Cooperation Segment

- 407. The Technical Cooperation Segment was held on Wednesday, 9 November 2011. Mr Jazairy (Government, Algeria) chaired the meeting, as assigned by the Chairperson of the Governing Body. The Employer and Worker spokespersons were Mr Traore and Mr Gómez Esguerra.

Ninth item on the agenda

Capacity development for constituents in DWCPs and technical cooperation:

Follow-up

(GB.312/POL/9)

408. *The Chairperson* noted that the report dealt with capacity development in DWCPs, giving primary consideration to the priorities of, and implementation by, the countries and regions that are recipients of technical assistance. It also covered the internal process through which such priorities were determined by ILO constituents at the national level. It further related to responding to these priorities through maximizing the flow and flexibility of multilateral funding, much of which was in the form of voluntary contributions, including a sizeable part that was earmarked to different degrees. Lastly, it looked at the rising potential of South–South technical cooperation and knowledge sharing.
409. *A representative of the Director-General* (Director of the Partnerships and Development Cooperation Department (PARDEV)) introduced the paper. The aim of the paper, and of the two previous papers on the topic for discussion, had been to strengthen the ILO's efforts to provide effective and efficient capacity development for ILO tripartite constituents through technical cooperation.
410. In March 2011, the Committee on Technical Cooperation had asked the Office to produce an inventory of capacity development measures in technical cooperation. The Office had responded to that request by producing an initial inventory of capacity development approaches, contained in the appendix to the paper. In preparing the inventory, the Office had taken the opportunity to engage in a more comprehensive analysis of ILO technical cooperation approaches throughout all sectors and regions. The Office had also developed internal guidance on capacity-building results and indicators, and introduced criteria on capacity building for constituents in guidance on the programming of DWCPs. The issue of capacity development had also been incorporated into the ILO's project cycle management training programme.
411. Moreover, the ILO capacity-building programme entitled “Working with the United Nations” had continued throughout the 2010–11 biennium: all regions had received training through an Office-wide effort involving the Turin Centre. Capacity-building training for Arab States and Asia would be implemented before the end of 2011.
412. Some results of that effort had become visible. An analysis undertaken by the Office of the 13 United Nations Development Assistance Frameworks (UNDAFs) signed in 2010 showed that all of them reflected decent work outcomes and priorities in their respective results matrix. All of the UNDAFs also indicated that consultations with social partners had taken place during their preparation, which was a new development.
413. *The Employer spokesperson* recalled that strengthening the capacity of the tripartite constituents was a priority of ILO technical cooperation projects and DWCPs. The Employers' group encouraged the ILO to pursue its efforts, in particular in regard to training, results-based management and monitoring and evaluation, with a special focus on measuring the impact of its action.

414. Strengthening ACT/EMP would facilitate improved assistance in policy design, advocacy and business service development. There was also a need for greater strategic involvement of the Turin Centre in ILO action. Moreover, strengthening the institutional capacity of workers and employers would enable their needs to be better taken into account. The paper provided good examples in the areas of skills development, enterprise competitiveness and social dialogue. Lastly, the ILO should ensure tripartism in the implementation of DWCPs. The Employers' group supported the point for decision.
415. *The Worker spokesperson* drew attention to the fact that, while capacity development of constituents was a priority, it had been included in only 58 per cent of the DWCPs analysed. He requested more information on the trade unions that had benefited from it and on the number of trade unionists trained, as well as on its impact on participation of workers' organizations and the inclusion of trade union priorities in DWCPs and the role of ACTRAV. He emphasized the need, in the preparatory stage of the DWCPs, to identify constituents' training needs, promote institutional training, and design bipartite and tripartite trade union programmes. That should be part of a new DWCP development methodology. He added that the technical cooperation model should make constituents the key players in the development process, and that its training strategy should be based on the establishment of specialized national teams. He emphasized that coordination among trade unions was fundamental, and therefore training programmes should be unified and designed to contribute to social dialogue and the implementation of DWCPs.
416. He highlighted the importance of the Turin Centre and ACTRAV–Turin in the training strategy, citing the example of the ACTRAV–Turin programme entitled “Decent Work Cubed”, covering the four strategic objectives of the ILO. He noted that ACTRAV's role was key to ensuring that technical cooperation met the needs of the trade unions, and was consistent with workers' priorities and the importance of tripartism. He expressed concern at the large number of consultants involved in training, without knowing anything about trade union priorities, tripartism or the ILO's values and standards. Lastly, the Workers' group, while noting the persistence of work that was not “decent”, appreciated the progress made in designing a strategy of training programmes for constituents, and requested that the inventory of technical cooperation strategies be finalized.
417. *GRULAC*, through a Government representative of Brazil, stressed the importance of providing a special discussion space for technical cooperation within the Governing Body, giving priority to a strategic focus on how to train and advise the ILO's constituents. The group proposed five means of consolidating such an approach: (i) national ownership; (ii) absence of conditionalities; (iii) the use of solutions adapted to national realities; (iv) stimulation of inter-country exchange and South–South cooperation; and (v) consistency with national demands and priorities.
418. *ASPAG*, through a Government representative of Viet Nam, affirmed the crucial role of capacity development and expressed support for the point for decision. The ILO should evaluate the outcomes of capacity-building projects as compared to their objectives and the demands of constituents, as well as identifying sustainable indicators. The group called for the dissemination of good practices in the development and implementation of DWCPs on capacity development for constituents at country level. The speaker also recalled the discussion at the 304th Session of the Governing Body in March 2009 on the review of the ILO field structure, and urged the Office to assess the impacts of the field structure review on the scale and effectiveness of ILO efforts in building capacity for national constituents. Finally, he proposed a review of the UN “Delivering as One” reform at country level on capacity development for national constituents.
419. *IMEC*, through a Government representative of Italy, appreciated the follow-up on its request, during the last Governing Body session, for more information on good practices.

The speaker affirmed that the paper provided lessons learned and welcomed the fact that 58 per cent of DWCPs included specific outcomes and outputs on capacity development. She underlined the importance of being able to evaluate the impact and added value of capacity development activities when included in DWCPs, and emphasized that such aspects should be an integral part of the programme itself. On the basis of the mapping, she looked forward to concrete fact-based proposals including for monitoring, evaluation and communication of capacity development results. She asked what measures had been taken following the call at the March 2011 session of the Governing Body for the Office to leverage the results of the Turin Centre to make training opportunities more widely available. She concluded by agreeing with the decision point in paragraph 14 as long as the mapping stayed focused on concrete outcomes and field-based results.

420. *The Africa group*, through a Government representative of Zambia, recognized that much had been done since the last Governing Body session on the assessment of capacity development. The group underlined Africa's need for the ILO to strengthen technical cooperation programmes and ensure that sufficient resources were allocated in that area. Capacity building in the design and implementation of DWCPs constituted a key building block for the Decent Work Agenda in the African countries and the Millennium Development Goals (MDGs). Indicators for thematic areas were important. The speaker's delegation supported the proposed way forward as outlined in paragraph 13 and the point for decision.
421. *A Government representative of Ghana* reiterated the importance of the technical cooperation programme, and underlined the need for resources to be allocated for the implementation of DWCPs in Africa. She also recognized the role of the Turin Centre in developing constituents' capacity. She expressed support for strengthening the approaches to capacity development and endorsed the point for decision.
422. *A Government representative of India* affirmed that operational integration and an integrated approach in capacity development programmes would strengthen and enhance the impact of capacity initiatives via synergy and network effects. South–South knowledge sharing and its incorporation in the Turin model could also enhance the institutional capacity development agenda. The problems of the informal economy should also be addressed. He called for the development of suitable, flexible, comprehensive and appropriate indicators to capture decent work in the informal sector. ILO inputs and expertise gathered from various countries and regions could be shared through bilateral and multilateral exchanges and forums, and triangular cooperation involving South–South countries could serve as a possible medium. He mentioned some of the various activities that his Government was implementing under the DWCP and expressed his support of paragraph 14.
423. *A Government representative of Pakistan* said that his country was mainstreaming decent work in all sectors of economic activity but there was still a long way ahead to achieve the DWCP, particularly in the creation of work opportunities, provision of social safety nets for all workers, the elimination of child labour, improving working conditions and increasing labour productivity. Pakistan had recently gone through a process of devolution and labour laws were being developed in the provinces while the federal Government ensured compliance with international commitments. He requested the Office's technical and financial support to help establish and run a strong coordination set-up at the federal level to implement the DWCP.
424. *The representative of the Director-General*, replying to the call for more capacity development on the results-based management of programmes, noted that specific courses on DWCP programming and management for constituents were being developed with Regular Budget Supplementary Account (RBSA) and Extra-budgetary Technical

Cooperation (XBTC) funds, particularly in Africa. Moreover, courses organized by the Turin Centre were also addressing the issue in order to build constituents' capacity.

425. Regarding the 42 per cent of DWCPs which did not have specific capacity development outputs, the Office would strengthen its quality assurance mechanism on DWCPs in that regard. The Office could also better support the social partners in influencing national planning processes and priority seeking, and such a task could become a future priority for the Office. He emphasized that while many projects were not specifically dedicated to capacity development, they did allocate resources to important capacity development activities for constituents.
426. He agreed with the point made previously by GRULAC, and believed that countries should not only own the DWCP process but also use national and human capacities and human resources for its development. He also stated that South–South and triangular cooperation had become a priority for the Office, which was developing a strategy in that regard. Overall, it should be noted that the discussions from previous Governing Body sessions on capacity development had been integrated into the capacity development strategy of the 2012–13 programme and budget.

Decision

427. ***The Governing Body requested the Office to report on the results of the mapping of technical cooperation approaches at its November 2012 session and to make proposals in its report on how the current technical cooperation strategy could be adapted to strengthen a more programmatic approach to technical cooperation and capacity development.***

(GB.312/POL/9, paragraph 14.)

Tenth item on the agenda

ILO technical cooperation and DWCPs, 2009–10

(GB.312/POL/10)

428. *The representative of the Director-General* (Director, PARDEV) noted that the scope of the report had been considerably reduced from previous versions, in view of the consolidated implementation reporting on the 2010–11 biennium which the Office would provide in March 2012. What was new in the paper were figures indicating XBTC expenditure by outcome and showing roughly which ILO outcomes attracted XBTC funding. These figures should be interpreted with some caution, however, as many technical cooperation projects contributed to several outcomes simultaneously, whereas the financial breakdown did not fully reflect that dimension. Nevertheless, the figures did indicate the widespread popularity of outcomes related to employment promotion, skills development, enterprise development and the elimination of child labour, which were prominent in DWCPs, in high demand by member States, and most attractive to donors. That also meant that the challenge of attracting donor funding for other key outcomes remained.
429. The RBSA was important in that respect. While full accounting for the use of RBSA resources would be presented in March 2012 in the implementation report, preliminary figures showed that, for example, such outcomes as 9 and 10 (strengthened employers' and

workers' organizations) each received funding. Those outcomes were also strongly supported through Regular Budget for Technical Cooperation (RBTC) allocations.

430. However, the RBSA was not the only solution to the problem of adequate financing of all 19 outcomes. The Office clearly needed to do more to explain the relevance of all decent work outcomes to internationally agreed development goals and donor priorities, and that was the Office's main approach in resource mobilization efforts for 2012 and beyond. It would be crucial to preserve the RBSA at the current level of approximately US\$50 million per year in support of the outcome-based workplans alongside the regular budget and extra-budgetary resources.
431. In addition, it was encouraging to see that an increasing number of donors agreed to provide funding at the outcome level, leaving it to the Office to undertake the detailed programming of their resources in relation to the specific country programme outcomes and global products that had been set as priorities for each biennium. As a result, a more integrated resource framework for the delivery of DWCPs was emerging.
432. The Office was also widening the donor base with new modalities such as South–South and triangular cooperation, and public–private partnerships. those elements would constitute a main approach as the Office worked on a new round of resource mobilization, for XBTC, RBSA, South–South and triangular cooperation and for public–private partnerships, based on achieving results, transparency, accountability and efficiency.
433. The representative of the Director-General concluded by pointing out that the last Conference discussion on the ILO's role in technical cooperation had taken place in 2006; the resolution adopted on that occasion implied that the next Conference discussion on technical cooperation would take place in 2011. The Governing Body might therefore consider placing the item of technical cooperation on the agenda of a future session.
434. *The Employer spokesperson* welcomed the progress made in many DWCPs. Although there was still a need for capacity building, constituent involvement in the design, implementation and evaluation of DWCPs had been improved. However, the document presented did not provide enough detail on technical cooperation expenditure or on the impact of projects and programmes. Moreover, limited extra-budgetary resources had been allocated to strengthening employers' and workers' organizations. The respective roles of the social partners in support to least developed countries had not been sufficiently described.
435. The Employers' group welcomed the trend among donors away from linking assistance to predefined results, which enabled the ILO to better respond to constituents' needs. The Office should pursue its efforts in regard to quality control of technical cooperation projects. Increasing the delivery rate contributed to meeting the objectives of the DWCPs.
436. South–South and triangular cooperation and public–private partnerships should enable the ILO to diversify its partnerships to meet its objectives and offset a potential decrease in financing. G20 participation should be part of that approach.
437. *The Worker spokesperson* thanked those donors that had signed partnership agreements, especially those that included social dialogue and capacity building of the social partners. He stated that the paper presented failed to provide recommendations or a point for decision on how to address structural imbalances in the resources allocated to technical cooperation, or on guidelines for the process of resource allocation; it also lacked a political, legal or financial vision.

438. The speaker requested additional clarification on the imbalance in the allocation of resources among the 19 strategic outcomes of the ILO. He added that the outcome-based planning tools and the RBSA had failed to fulfil their function of redressing that situation; neither had they enabled an increase in the amount of resources allocated to the workers. By way of example, he noted that 45 per cent of extra-budgetary resources were concentrated on two outcomes. He requested clarification of the role of the Office in mobilizing and distributing those resources, and on how their management fitted into the governance of the Governing Body.
439. With regard to new resource mobilization initiatives, such as public–private partnerships, he pointed out that the Workers’ group did not wish to increase the number of public–private partnerships, which must not jeopardize the independence of the United Nations or its capacity to respond to the needs of its member States and its own development strategies. He called on the industrialized countries to meet the target of 0.7 per cent of GDP for official development assistance (ODA), saying that such assistance should not be privatized.
440. He asked the Office to clarify how involvement of the social partners in technical cooperation projects could be verified, how the DWCP appraisal mechanism could contribute to ensuring a better balance in resource allocation, and how to ensure that outcomes relating to freedom of association and the right to collective bargaining were integrated in all DWCPs. Lastly, he requested that labour standards and working conditions be incorporated in technical cooperation projects on sustainable enterprises in order to improve the balance among the 19 outcomes, that a more detailed gender perspective by region be included in the document in future, and that the document include a point for decision.
441. *GRULAC*, through a Government representative of Brazil, stated that, in future, the documents should refer more explicitly to challenges and ways forward in order to guide the debate towards more concrete results. The group recognized the steady progress being made towards the 75 per cent delivery target, and requested identification of the challenges in the way of continuing to improve that rate, as well as information on how the situation of the ILO compared to that of other UN agencies. ILO participation in the UNDAFs was essential to ensure coherence in international development efforts, that measures should be taken to that end, and efforts should continue to explore complementarities among the mandates of the different agencies, in order to achieve better results in the field.
442. *The Africa group*, through a Government representative of Zambia, warned that funding continued to lag behind in key areas, such as youth employment, labour migration, forced labour, HIV/AIDS, social protection and the promotion of international labour standards. Social protection was of particular interest to the Africa group, and more resources were needed for Africa in general. With regard to better quality control of technical cooperation projects and programmes, the group urged the Office to continue providing training and support for project design to African member States.
443. *A Government representative of Ghana* supported the call for more initiatives to mobilize technical cooperation resources, and encouraged ILO efforts to expand and strengthen public–private partnerships. In particular, she supported innovative partnerships with private and non-traditional donors.
444. *A Government representative of the Republic of Korea* appreciated the quality of the report and affirmed her country’s continued commitment and support to technical cooperation initiatives since 2003. It was strengthening its efforts to expand and diversify themes of technical cooperation.

445. The evaluation of many projects implemented with the support of Republic of Korea–ILO cooperation programme funds, such as projects for the establishment of occupational safety and health systems in Central Asian countries and improvement of technical qualifications for migrant workers in Asian countries, produced effective and helpful results. Donor countries should be better informed on how technical cooperation projects were implemented and on results. Better communication could also lead to the mobilization of resources from other non-traditional partners.
446. *A Government representative of Brazil* stated that the cooperation his country had established with others was horizontal in nature, and that they therefore preferred to use the term “development partners” instead of “donors”. With ILO assistance, between May and November 2011, 150 municipal and inter-municipal conferences and 27 state conferences had been held, at which the concept of decent work had been debated. That initiative would culminate in the first National Decent Work Conference, to be held in May 2012.
447. *A Government representative of Mexico* recognized the efforts being made by the ILO to broaden its donor base to include “non-traditional” donors. She stated that ILO technical assistance to her country had resulted in a change in the labour culture in the sugar industry, enhancing communication between employers and workers.
448. *A Government representative of India* noted that the alignment of DWCPs with the Strategic Policy Framework 2010–15 and the priorities and needs of constituents would improve DWCP outcomes. The focus on productive job creation following the global financial crisis underlined the need for allocating resources to employment and social protection. She felt that resource mobilization should focus on partnerships and locally mobilized resources. South–South and triangular cooperation were also very effective mechanisms for enhancing the impact of ILO technical cooperation and actively pursued by the Government of India. She added that linking public–private partnerships to DWCPs was a very innovative approach, and suggested that in order to further improve results-based management, project design had to take the specificities of host nations into account.
449. *A Government representative of France* emphasized that constituent involvement in the design of DWCPs enhanced national ownership. France had also reaffirmed its interest in South–South and triangular cooperation through the multi-annual partnership agreement renewed in 2010. In that context, the implementation of social protection floors was a priority. Moreover, public–private partnerships should be incorporated in operational programmes in the field.
450. France supported ILO initiatives aimed at improving quality control of projects. In that regard, it was essential to develop indicators to measure the impact of project implementation. Moreover, project evaluation should involve all of the stakeholders, including donors.
451. *The representative of the Director-General*, responding to the questions raised, explained that the relatively low level of extra-budgetary support to Outcomes 9 and 10 was partly due to the one–one linking of projects to outcomes. A majority of projects did in some manner support work with employers’ and workers’ organizations. He noted that the majority of donors still earmarked funding and preferred projects related to popular outcomes such as employment and child labour. Other sources of funding (RBTC, RBSA, regular budget) had been allocated to Outcomes 9 and 10 in addition to extra-budgetary resources.
452. He recalled that the Governing Body in 2008 had approved the principle of public–private partnerships and pointed out that each public–private partnership agreement was cleared by

ACTRAV and ACT/EMP. Targets for delivery for 2011 and 2015 had been set at 75 and 90 per cent respectively in the technical cooperation strategy as adopted by the Governing Body in November 2009. Comparative delivery figures of other UN agencies could be presented to a future session of the Governing Body.

453. Lastly, he noted that much progress had been made with the second generation of DWCPs, all of which had been designed with the involvement of workers' and employers' organizations, which also had a role in monitoring implementation.
454. *Another representative of the Director-General* (Director of the Bureau of Programming and Management (PROGRAM)), explained that the report for the agenda item under discussion focused on the flow of resources related to technical cooperation. A more detailed report on the results achieved in 2010–11 with various sources of funding would be presented to the next session of the Governing Body.

Outcome

455. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion, including the need to expand South–South and triangular cooperation, public–private partnerships and local resource mobilization; the need to outline efforts to ensure a more equitable resource distribution between outcomes, to provide more information on results achieved in the regions, to refine the result indicators, and to set out points for debate and decision; and the importance of engaging in better communication with donors on the implementation of projects and involving constituents in evaluations.*

Eleventh item on the agenda

Enhanced programme of technical cooperation for the occupied Arab territories (GB.312/POL/11)

456. *A representative of the Director-General* (Director, ILO Regional Office for the Arab States) introduced the Office paper, which was intended for debate and guidance. She noted that the paper's assessment had benefited from extensive consultations with the constituents, including a number of technical missions, the last being her own recent visit. It showed the reality of economic, political and financial constraints that had enormous implications for the livelihoods and well-being of the Palestinian people. The recommendations of the Director-General's mission in 2011 and the resulting Report on the situation of workers in the occupied Arab territories provided critical guidance for programme interventions, notably the need for: increased support to the Palestinian private sector to create more jobs; continued emphasis on the importance of anchoring labour and employment laws and regulations firmly in international labour standards that supported decent work; determined action to settle compensation claims of Palestinians working in Israel (for example, by maintaining the legal clinic initiative); revitalization of the Palestinian Fund for Employment and Social Protection as an instrument of poverty alleviation and employment generation; institutionalized social dialogue in support of broader policy exchanges tackling the strategic development agenda including core issues such as the minimum wage, social protection and labour inspection.

457. The paper outlined the three priority “pillars” of the forthcoming Decent Work Strategy, reflecting a widespread intergovernmental consultation through the good offices of the labour, women’s affairs, national economy, education and social affairs ministries. Those pillars were: supporting rights and labour market governance through improved industrial relations and strong institutions; providing a sustainable economic environment for greater access to employment and livelihoods; and facilitating the development of an integrated social security system and the extension of social security.
458. Two clear tracks had emerged as “rallying points” for future investment and collaboration. Firstly, the Employment and Social Protection Fund was now a viable national entity with a new team in place, a clear capacity-building agenda, a robust internal governance structure and a clear operational focus on two or three pilot projects with quantitative targets. They included a job placement scheme for 100 unemployed graduates in collaboration with the private sector, and subsidized self-employment schemes. The Fund would increasingly assume the role of “champion for job creation” with local and international partners. Secondly, earlier in 2011, a social dialogue process had been launched and led to a series of capacity-building workshops for workers, employers and government officials, with a view to establishing a national conference and an economic and social council early in 2012.
459. The good news included a clear commitment to internal revitalization, with elections among both the social partners. She had met with some of the newly elected representatives of the business chambers and with workers who would be holding a national Congress in early December 2011. The new heads of the chambers had come with fresh demands for strategic planning tools and effective employers’ training. There had been requests for support to the strategic plan and institutional strengthening of the incoming leadership of the Palestinian General Federation of Trade Unions (PGFTU). Tripartite delegations were being supported by the European Union, and there were high expectations of that leading to a stronger and more sustainable European partnership during 2012.
460. Challenges persisted (overstretched resources, limitations on economic self-sufficiency, and the socio-economic consequences of the Gaza blockade), but there were bright spots. The “Know about Business” entrepreneurship education modules were to be rolled out as part of national secondary and vocational school curricula from January 2012 onwards and could be a real example for the rest of the Arab world; work on the economic empowerment of Palestinian women (part of an inter-agency MDG initiative) had been adapted for application in North Lebanon with excellent leveraging of technical capacity, enhanced advocacy and impact, and greater mainstreaming of labour priorities within the overall UN agenda; the same model of opportunity creation was now being adapted for post-conflict Yemen. Three major evaluations of the key projects would be undertaken before the end of 2011 to validate the progress made and enable the lessons learned to be fully assimilated.
461. *An Employer member from the United Arab Emirates* stated that stronger Palestinian institutions and better programmes were needed, with the ultimate goal of a viable Palestinian State living at peace with its neighbours. While the Office paper noted the real progress that had been made, the social, economic and humanitarian situation in the territories overall remained very difficult. Serious breaches of human rights by Israeli forces, constraints on the movement of goods and people, and adverse demographic factors, all contributed to a difficult employment situation and a general worsening in the financial situation of Palestinian workers. The international community had to shoulder its responsibilities in that area, and in particular more support was needed from the ILO for Palestinian institutions. In the context of the Palestinian people’s demands for full membership of the United Nations, it was essential to broaden social protection through

social dialogue and improve protection of Palestinian workers' rights and standards of living.

462. He was pleased that a donor meeting had been organized in November 2010, and wanted the ILO and all involved to increase resources for promoting employment in the Palestinian territories and improving the lot of people living there. All the institutions and donors involved should support the Palestinian people in their efforts to overcome the effects of the occupation. Constructive cooperation between the ILO and the Arab Labor Organization needed to be enhanced in order to surmount the difficulties confronting the Palestinian people. In conclusion, he invited the Director-General to attend the next Arab Labor Conference to be held in Beirut in early 2012.
463. *The Worker spokesperson* noted that the region was witnessing the birth of a new era of greater democracy, freedom and human rights and greater commitment to issues of human security. The continuing occupation in Palestine had destructive social and economic consequences, and the Palestinian people was being denied the right to determine its own destiny. The Workers shared the concerns voiced in the Office document about the effects of the occupation on the everyday lives of people living on the West Bank.
464. Unfortunately, in a situation of occupation, the Palestinian Authority had only a limited capacity to respond to those challenges, and there was little it could do to formulate and implement effective policies for economic and social recovery and sustainable growth. The prevailing difficulties also limited the effectiveness of social and economic assistance from international organizations, which was often unable to go beyond palliative measures and not sustainable. New structures were needed to overcome underdevelopment and dependency.
465. Real progress was nevertheless possible, even under such difficult circumstances, and for that reason the Workers had always supported the ILO's efforts to broaden the spectrum of social and economic policies to strengthen the Palestinian economy, which had been weakened by years of unacceptable occupation. The ILO needed to support the National Development Plan for 2011–13, which had laid the foundation for real improvements in Palestinian institutions. The ILO needed to adapt its future technical cooperation and give the social partners the tools they needed to determine the right measures for the sustained and equitable economic growth that could guarantee social progress.
466. Much remained to be done with regard to decent work. The Workers supported the Office efforts to develop a decent work strategy centred on social cohesion, justice and equality through an integrated results-based approach. They welcomed the focus on labour rights, labour market governance and promotion of a sustainable economic environment that would improve access to job opportunities and promote the development of an integrated social security system and social protection floor.
467. Those priorities were in tune with the demands of the PGFTU with regard to job creation, a minimum wage and a broader social security system. The Workers hoped that the ILO would encourage tripartite consultations and collective bargaining with a view to a national consensus in those areas. The establishment by the Palestinian Authority, with the ILO's help, of an economic and social council for social dialogue was a top priority. The role of the PGFTU in that process was crucial, as an independent organization promoting decent work and defending workers' rights in the formal and informal sectors.
468. As for sustainable enterprise development, the workers supported programmes that helped such enterprises to rebuild productive capacity and promoted the creation of decent jobs in the production of high value-added services and goods, but the ILO's technical assistance

had to be in line with the conclusions on sustainable enterprises adopted at the International Labour Conference in 2007.

469. Palestinian women had shown inspiring resilience in the face of all their difficulties. Greater emphasis needed to be placed on specific gender equality programmes. Women's employment opportunities could be improved by supporting the National Women's Employment Committee, developing social assistance infrastructures and investing in rural employment for women including in genuine cooperatives.
470. For those policies to be fully implemented, Palestinian statehood needed to be recognized, occupation had to end, and a sovereign Palestinian State had to be established with its own economic and social policies. Although obstacles remained, recognition of Palestinian statehood could boost the institutional ability of Palestine to enjoy its rights under international law.
471. The Workers strongly endorsed the vision expressed by the Director-General during the Conference in 2011, when he affirmed that recent changes in the Arab world, and the calls there for freedom, social justice and basic rights, would probably have a decisive impact on future development in the occupied Arab territories. That would have to be taken into account in the process of building the new State, where decent work and social justice would be not just social and economic objectives but key pillars of a future Palestinian State.
472. *The Africa group*, through a Government representative of Zambia, noted that the situation in the occupied Palestinian territory continued to be a source of tensions within the region and beyond. Signs of improvement were welcome but hardly comforting to the workers in those territories, who continued to face poverty and restrictions on freedom, without any real breakthrough in the political negotiations. The Africa group noted the ILO's efforts in support of the tripartite partners, and urged it to align its technical assistance with the objectives of the Palestinian National Development Plan and to continue to apply its multilateral influence to bring about a lasting solution to the crisis.
473. *A Government representative of Qatar* thanked the Office for its paper, and the Director-General for his role in organizing a donor meeting in 2010, and all the countries that had contributed funding as a result of it.
474. He noted that technical and financial support was being given to the PGFTU, but also called on the Office to continue its efforts to raise the funds needed to establish a development agency for micro-, small and medium-sized enterprises (MSMEs) to which paragraph 11 of the Office paper referred. He also asked the Office to consider submitting a concise report on the latest developments at the March 2010 session of the Government Body in order to keep the Governing Body's members informed.
475. *A Government representative of Lebanon* noted that the ILO's Beirut Office was very active, and thanks were due in particular to its Regional Director for her assistance to the Ministry of Labour, especially on issues of the worst forms of child labour, domestic work and labour inspection. A second point concerned the technical assistance given to Palestinian programme, which had played a crucial role in helping a population experiencing unprecedented difficulties. It was hoped that the Palestinian people would in the near future have a seat in the United Nations like other peoples and thus enjoy the benefits of democracy and self-determination.
476. *The representative of the Director-General*, responding to some of the comments that had been made, noted the need to maintain the existing areas of technical cooperation outlined in the report in the face of continuing resource limitations. The legal clinic could have been

a major casualty but additional resources had been found to keep it going until March 2012. She was hopeful that a further contribution would enable work on the social dialogue process to continue at least until mid-2012. Resource mobilization efforts continued, and the Office would be kept informed of that and of the outcome of the donor meeting in November 2010.

477. She thanked all those who had contributed comments on the overall context, which had been covered by the Report of the Director-General's mission. Developments would continue to be monitored. She thanked the workers' and employers' organizations for their help in rallying the support of their counterparts, in a situation which was likely to remain critical over the coming biennium.

Outcome

478. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion concerning the need for further resource mobilization and support to ongoing technical cooperation in the occupied Palestinian territory, and the need to report on such efforts and follow up to the donor meeting in November 2010.*

Twelfth item on the agenda

Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Technical cooperation priorities and action plans regarding the elimination of discrimination in employment and occupation (GB.312/POL/12)

479. *A representative of the Director-General (Executive Director, Standards and Fundamental Principles and Rights at Work Sector (ED/NORM)), reminded the Governing Body that the 2011 Global Report on non-discrimination, *Equality at work: The continuing challenge*, had concluded the third cycle of Global Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, and that, in 2012, in accordance with the terms of the 2008 ILO Declaration on Social Justice for a Fair Globalization, all four fundamental principles and rights at work would be discussed under one single recurrent discussion report. He highlighted the following thematic priority areas identified by the International Labour Conference for action by the Office: sex-based discrimination and gender equality, racial and ethnic discrimination, discrimination based on migrant status, discrimination based on multiple grounds, discrimination against persons with disabilities, and discrimination against persons living with HIV and AIDS.*
480. To implement those thematic priorities, he recalled that the International Labour Conference had recommended the following means of action: (a) promoting the relevant ILO instruments; (b) developing and sharing knowledge on the elimination of discrimination in employment and occupation; (c) developing the institutional capacity of constituents to effectively implement the fundamental right of non-discrimination at work; and (d) strengthening international partnerships with major international actors on equality at work.

481. *An Employer member from the United Kingdom*, speaking on behalf of the Employers' group, thanked the Office for the paper, and reiterated the group's commitment to the principle of non-discrimination. While indicating the group's willingness to mobilize the resources required for the implementation of training programmes and other activities geared to employers, he did not believe that the action plan responded adequately to employers' needs, and would have preferred the inclusion of initiatives such as the Employers' Disability Network. He further requested that a detailed audit of the Office's work on non-discrimination, together with a gap analysis, be undertaken by a tripartite working party. To justify the plea for resources he suggested that all activities proposed be developed using "SMART" objectives and presented with detailed budgets. He reviewed existing programme and budget arrangements in respect of the elimination of discrimination and sought clarity on how the priorities now proposed fitted into them. In conclusion, he proposed that the action plan be resubmitted to the March 2012 session of the Governing Body once the requested work had been undertaken.
482. *The Worker spokesperson* supported the thematic priorities and areas of action identified in the paper. Within those priorities he highlighted specific areas which required particular attention, such as equal pay for work of equal value and maternity protection. On the subject of racial discrimination, he recommended the establishment of an observatory within the Office to monitor trends, identify case studies, develop information and training materials, and provide policy advice. He also asked for work to be done in the area of discrimination against migrant workers, for the development of an assessment of national policies, and for promotion of Convention No. 143. Other Conventions to be promoted were Conventions Nos 126 and 183. He concluded by supporting the call for additional financial resources from the donor community to implement the proposed activities.
483. *The Africa group*, through a Government representative of Zambia, noted that weak labour administration and inspection systems in many African countries posed a challenge to the effective promotion and implementation of fundamental principles and rights at work. The Africa group expressed concern about the limited availability of regular budget resources for work in the area of discrimination, and supported the priorities, activities and point for decision in the paper.
484. *ASPAG*, through a Government representative of China, noted the persistence of racial and ethnic discrimination in the world of work and expressed concern that migrants had become the scapegoats of the economic crisis. The group reiterated its commitment to the elimination of discrimination in employment and occupation and endorsed the priorities and activities in the paper.
485. *IMEC*, through a Government representative of the United States, expressed concern at the considerable extra-budgetary resources required to implement the action plan successfully, given the current fiscal realities, and encouraged the Office to prioritize the proposed activities. The group was also concerned that the conclusions and recommendations of the independent evaluation of the ILO strategy for the elimination of discrimination in employment and occupation – which would be examined by the Governing Body – had not been taken into consideration in the development of the action plan. In order to take a position on the point for decision, the speaker requested information on how the Office intended to address the issues raised and how the current action plan would be integrated into the 2012 recurrent discussion.
486. *A Government representative of Algeria* suggested that such ILO reports in future should include reference to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to Recommendation No. 1737 of the parliamentary Assembly of the Council of Europe, adopted on 17 March 2006.

487. *A Government representative of Sri Lanka*, endorsing the point for decision, announced that his country was already implementing policies, programmes and projects to address the four proposed priority areas for action identified in paragraphs 12–13 of the paper.
488. *A Government representative of China*, endorsing the priorities in the action plan, expressed hope that the section concerning the promotion of equal treatment for migrant workers would also include internal migrants. Further, he requested specific technical assistance in the following areas: (a) gender-neutral job evaluations; (b) capacity building on labour statistics especially in the area of sex-disaggregated data; and (c) general awareness raising on the principles of ILO Conventions Nos 100 and 111.
489. *A Government representative of India*, endorsing the priority areas identified in the action plan, observed that workers in the informal economy had limited knowledge about their rights and that in developing countries, gender-based discrimination was more acute in informal jobs. He suggested that awareness-raising campaigns, capacity building for the social partners and the promotion of collective bargaining were crucial to achieving the objectives of the action plan.
490. The Office was encouraged to intensify advocacy of ratification and implementation of the international instruments relating to discrimination in employment and occupation, including ILO Conventions Nos 100, 111, 156 and 183 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
491. *The representative of the Director-General* noted the continued importance and relevance of the principle of non-discrimination in employment and occupation. He also noted that, while there was general consensus on the proposed priority areas identified in the paper, there were some concerns regarding process and programming. The paper had been prepared in accordance with the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work. However, he emphasized that the proposed thematic and priority areas for action would be taken fully into consideration in the preparation of the 2012 recurrent discussion report.
492. Responding to the questions raised on the findings and recommendations of the independent evaluation of the ILO strategy for the elimination of discrimination in employment and occupation, he recalled that, given the timeline for production of the Governing Body documents, the two papers had been prepared in parallel; they were in fact complementary and should not be seen as overlapping. He stressed that the purpose of the action plan was to highlight the priorities, i.e. themes and areas of action for further technical cooperation work on the principle of non-discrimination in employment and occupation as emerging from the political debate by the International Labour Conference, while that of the independent evaluation was to provide guidance on internal working methods and arrangements of the Office related to the outcome on non-discrimination.
493. *The Chairperson* of the sitting suggested that the Governing Body should endorse the substantive priorities set out in paragraphs 12–13 of document GB.312/POL/12 on the development of an action plan regarding the elimination of discrimination in employment and occupation, and to request the Office to take those into account in the preparation of proposals to be submitted in that regard to the next session of the International Labour Conference in 2012. The views expressed by participants during the meeting on results, processes, programming and financial issues would be taken into account, as well as the independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation.

Decision

494. *Subject to the outcome of the June 2012 session of the International Labour Conference, the Governing Body endorsed the substantive priorities set out in paragraphs 12–13 of document GB.312/POL/12. With a view to the development, at the June 2012 session of the Conference, of a coherent, focused and sustainable plan of action, the Governing Body requested the Office to take into account, in the preparation of the recurrent discussion on fundamental principles and rights at work at that session, the proposals contained in GB.312/POL/12 and the views expressed in the course of the November 2011 Governing Body discussion of this issue; and to address the conclusions and recommendations of the independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation (see GB.312/PFA/9, Part 1).*

(GB.312/POL/12, paragraph 23, as amended.)

Multinational Enterprises Segment

Thirteenth item on the agenda

Update on strategic priorities 2010–11, including promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in collaboration with intergovernmental and other international organizations (GB.312/POL/13)

495. The Multinational Enterprises Segment was held on Tuesday, 8 November. It was chaired by Mr de Robien (Government, France), as assigned by the Chairperson of the Governing Body. Ms Hornung-Draus and Mr Gurney were the Employer and Worker spokespersons.
496. *The Chairperson* of the sitting opened with a brief summary of the recent G20 meeting in Cannes, France, as it related to the agenda item before the Governing Body. He highlighted the joint statement adopted by the “L20” and “B20”, which referred to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).
497. *Mr Nieuwenkamp, Chairperson of the Working Party of the OECD Investment Committee*, gave a short presentation, highlighting the process and key outcomes of the update of the *OECD Guidelines for Multinational Enterprises*. He described the inclusive process underpinning the update, which had comprised numerous consultations with developing countries and emerging economies. He noted some new additions, including a chapter on human rights and a text on due diligence and responsibility regarding supply chains. He provided examples of how the OECD Guidelines had been brought into line with the provisions of the MNE Declaration and explained how the complaints procedure had been strengthened. Finally, the speaker emphasized the complementary roles of the ILO and the OECD and their respective competencies, and welcomed ILO technical assistance to the OECD National Contact Points (NCPs), as well as the broader cooperation between the OECD and the ILO.

498. *The Employer spokesperson* welcomed the Chairperson's mention of the B20 and L20 joint statement, which the Employers' group fully supported. She stressed the need to avoid parallel interpretations of the international labour standards referenced in the OECD Guidelines, and encouraged the OECD to refer questions of interpretation to the ILO. To make outreach more effective, the OECD must ensure that developing countries were able to adhere to the principles. The ILO and the OECD should cooperate, but each must stick to its own field of competence.
499. *The Worker spokesperson* welcomed the important changes brought about by the update of the Guidelines, in particular concerning due diligence, supply chains, adding a human rights chapter and use of the broader concept of "worker" instead of "employee". The OECD should go further in its revision of the procedures for NCP operations, for instance to include peer review of NCPs in all adhering countries. He commended the collaboration between the ILO and the OECD. Finally, he raised the question of updating the MNE Declaration to take into account issues such as supply chains and due diligence.
500. *A Government representative of the Netherlands* commended the close collaboration between the OECD and the ILO on the update of the Guidelines. She also welcomed the inclusion of guidance on supply chains, which drew on the UN Framework for Business and Human Rights, and urged updating the MNE Declaration to include that subject.
501. *A Government representative of France* also commended the cooperation between the ILO and the OECD. The content of the Guidelines and the MNE Declaration was mutually supportive and converged. The inclusion of the supply chain issue was crucial in the update, and the ILO should follow suit. The ILO should step up collaboration with the OECD and be more proactive.
502. *A Government representative of Brazil* called for further ILO cooperation with the OECD to help strengthen the social dialogue component of NCPs.
503. *A representative of the Director-General* (Chief, Multinational Enterprises Programme (EMP/MULTI)) introduced the paper before the Governing Body. She provided additional information about the European Commission Renewed Strategy on CSR, mentioning in particular that the Commission invited all European-based multinational enterprises to make a commitment by 2014 to respect the MNE Declaration.
504. *The Worker spokesperson* suggested that the MNE Declaration should be better integrated into some of the work of the Office, proposing to adapt the checklists used in the Better Work programme and the Sustaining Competitive and Responsible Enterprises (SCORE) project; the integration needed to become systematic in ILO projects. He called on the Office to restart its research agenda on sectoral issues or to explain why the research had not happened. Work at the country level should go beyond awareness-raising to include activities to bring about real improvements, examples such as those involving all constituents in Argentina should be analysed for lessons. The ILO Helpdesk for Business on International Labour Standards brought together across-the-board expertise from the Office to promote international labour standards; it should also encourage companies to engage more broadly on the wider range of issues covered by the MNE Declaration. Due diligence was a crucial area where the ILO should seek to achieve progress.
505. He strongly supported the collaboration between the ILO and the OECD to support NCPs, and mentioned the work of the Bureau for Workers' Activities (ACTRAV) in collaboration with the Trade Union Advisory Committee to the OECD (TUAC) and the Global Union Federations to promote both the MNE Declaration and the OECD Guidelines. He also welcomed coordination with other international organizations, as many international organizations were looking at ways to improve their impact and many companies were

starting to see the limits of private initiatives. The ILO should focus on its comparative advantages, which included an emphasis on collective bargaining, promotion of the rule of law and the participation of the social partners who could work with companies to prevent problems by promoting mature industrial relations. When companies engaged with trade unions and supported industrial relations, they could help to promote social development.

506. He also noted the work of the UN Global Compact Labour Working Group, but cautioned the Office to be vigilant concerning the new Children's Rights and Business Principles being developed by the UN Global Compact. He welcomed the new European Commission Renewed Strategy on CSR, with its specific references to the MNE Declaration and its revised definition of CSR, which provided many entry points for cooperation between the European Commission and the ILO. Lastly, he clarified the workers' position concerning the social responsibility standard ISO 26000 of the International Organization for Standardization (ISO): while the workers remained concerned about ISO "mission creep", they were not averse to including some elements of ISO 26000 in broader training and outreach programmes concerning international labour standards principles in company operations, but would rather not have the ILO provide stand-alone training on the standard.
507. *The Employer spokesperson* pointed out that the principal purpose of the MNE segment was the promotion of the MNE Declaration and requested more information on how the MNE Declaration was promoted by the Office. The principles of the MNE Declaration referred to small and medium-sized enterprises (SMEs) and domestic enterprises; therefore, the Office needed to support the integration of SMEs into the global supply chains. Referring to the Office's work with regard to the "Protect, Respect and Remedy" Business and Human Rights Framework presented by Mr Ruggie, Special Representative of the UN Secretary-General on human rights and transnational corporations and other business enterprises (the "Ruggie Framework") and the OECD Guidelines, she said that the reference to the MNE Declaration in those documents did not constitute promotion of the instrument and that what was needed was to provide support to companies in understanding the principles contained in the different instruments. Furthermore, the European Commission's Communication on CSR asking companies to make a commitment to uphold the principles contained in the MNE Declaration did not constitute promotion of the MNE Declaration, since such an invitation undermined the voluntary nature of CSR. The ILO Helpdesk for Business was a tool for information; the promotion of dialogue and establishing contact with companies were not part of its mandate. Lastly, the ILO's involvement in the Inter-agency Working Group on the Private Investment and Job Creation Pillar of the G20 Multi-year Action Plan on Development (IAWG) was a useful activity. She requested the Office to actively consult the constituents in the process.
508. *An Employer member from China* stated that the MNE Declaration and the UN Global Compact together promoted CSR and requested the Office to mobilize resources to position the MNE Declaration as the gateway for companies. She also suggested that the ILO should provide technical assistance to SMEs that currently operated outside the global supply chains.
509. *An Employer member from South Africa* concurred with the Worker spokesperson regarding ways to mainstream the MNE Declaration, including through ensuring that ILO units were aware of the instrument. A mere reference to the instrument might weaken the document and he stressed the need to adopt a strategic approach in order to achieve optimal success.
510. *A Government representative of China* pointed out that the ILO was the authority on international labour issues and cautioned against duplication. Cooperation should be based on the ILO Helpdesk for Business and other existing resources. He noted that concerns

existed regarding ISO activity and hoped for ILO involvement in that activity, on the basis of tripartite consultation.

511. *The representative of the European Commission* highlighted the key features of the new European Commission Communication on CSR.
512. *The Africa group*, through a Government representative of Togo, highlighted the importance of inter-agency collaboration and expressed appreciation of the Office's endeavours to address the repercussions of other agencies' work. The group encouraged the Office to further collaborate with the Human Rights Council and the OECD and noted that job creation as a response to the crisis was a priority for his region.
513. *A Government representative of India* emphasized that labour issues were within the domain of the ILO and that matters related to labour standards should be brought to the ILO for discussion. He also requested circulation of the OECD Guidelines for discussion.
514. *A Government representative of France* noted the effective collaboration between the ILO and the OECD in the revision of the OECD Guidelines. He stated that coherence at the international level was indispensable and recognized the progress that the ILO had made on institution-wide coherence. He requested a more dynamic approach with emphasis on the promotion of the MNE Declaration and available tools.
515. *The representative of the Director-General* clarified that the paper had focused solely on one area of work and did not report on all ongoing activities, including those at the local level. It described how much the social responsibility agenda had developed in the current year and the challenges that the Office faced, for which guidance from the Governing Body was sought. In response to the Employer spokesperson's remark on the European Commission's Communication on CSR, she stated that the document had enhanced the visibility of the MNE Declaration and clarified that it "invited" companies to respect the MNE Declaration, thus maintaining the voluntary nature of CSR. In response to other points raised, she noted that sectoral dimensions could be included in work at the country level and that capacity-building activities could also be mainstreamed, and should include SMEs, with education being a good place to start. Monitoring the activities of other standard-setting organizations required resources and there were also other limits to constant monitoring. Lastly, she requested the Governing Body to modify its June 2011 decision² to authorize an additional meeting, before the March 2012 session, of the ad hoc working group to review the follow-up mechanism of the MNE Declaration, which would deliver its recommendations, through the Director-General, to the Governing Body at its 313th Session. Provision for necessary expenditure would be made through a budget line item in the Employment Sector that would need to be identified.
516. *A representative of the Director-General* (Executive Director, ED/EMP) reflected on the meaning of "promotion". First, it implied that the ILO constituents, MNEs and SMEs knew about the existence of the MNE Declaration, its interpretation and its links with decent work, all of which entailed more than just distributing copies of the MNE Declaration. Second, it consisted of substantive work in the five topic areas of the MNE Declaration. He reported that the Office had developed a matrix which mapped the various ILO activities for each topic and which demonstrated that many MNE-related activities were cross-cutting in nature. Third, collaboration with global and regional organizations to position the MNE Declaration was a key aspect of promotion. He stated that the example of the European Commission's Communication was a powerful means of recognizing the importance of and promoting the MNE Declaration. He reported that the ad hoc working

² See document GB.311/7/2(Corr.), para. 2.

group would present a set of recommendations during the March 2012 session of the Governing Body on a tripartite strategy to promote the MNE Declaration. Fourth, in response to the statement made by the Government representative of India, he gave his assurances that the ILO was vigilant with regard to the work of other organizations. Reference to the MNE Declaration by other international organizations should be welcomed, but the ILO's values and the integrity of its standards needed to be defended and preserved. He recognized the challenges involved concerning ISO encroachment on the ILO's mandate and the need for the ILO to engage strategically. Lastly, he pointed out that building the capacity of OECD NCPs was important and that such capacity building fell within the ILO mandate.

517. *The Chairperson* of the sitting added in closing that inter-agency collaboration strengthened ILO credibility.

Outcome

518. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion. To allow for presentation in writing of the proposal that the Governing Body should authorize one last meeting of the ad hoc working group to review the follow-up mechanism of the MNE Declaration, this matter was referred to the Programme, Financial and Administrative Section for its consideration (see GB.312/PFA/7/3).*

Legal Issues and International Labour Standards Section

519. The Legal Issues and International Labour Standards Section met on Tuesday, 15 November 2011. The person chairing the Section was Mr G. Corres (Government, Argentina). Mr de Regil and Mr Cortebeeck were the Employer and Worker spokespersons.

Legal Issues Segment

First item on the agenda

Promotion of the ratification of the 1986 Instrument of Amendment of the Constitution of the International Labour Organization (GB.312/LILS/1)

520. *A representative of the Director-General* (the Legal Adviser) introduced the document, recalling that the Governing Body had decided in November 2010 to relaunch the campaign for the ratification of the Amendment. To that effect, the Office presented a series of actions which had been undertaken throughout 2011, the main ones being set out in the document presented to the Governing Body. Those efforts, which had been ongoing since spring 2011, had not yet had an impact on the number of new ratifications. In all likelihood, that situation was due to the amount of time necessary for ratification to be carried out.
521. Furthermore, since the publication of the document, a special information session had been organized at the 12th African Regional Meeting, held in Johannesburg in October 2011. The discussions which had taken place during that session had given rise to two types of comments. A number of participants, in particular the Governments, had argued that the Office should further intensify its efforts with a view to the ratification of the Amendment. The Employers and the Workers on the other hand had, in general, noted that the entry into force of the Amendment was far from being a certainty and that, in that case, if the aim was to fulfil the objectives implied by the Amendment, in particular, the alteration of the structure of the Governing Body, then another way would have to be found.
522. *The Worker spokesperson*, supporting the point for decision, welcomed the Office's efforts to promote the ratification of the 1986 Instrument of Amendment, reiterated his group's support for that Amendment and invited the Office to continue its efforts at promotion. The group was pleased with the side event organized at the African Regional Meeting and supported a similar initiative during the Asia and the Pacific Regional Meeting in December 2011. Given the fact that three more ratifications were needed among countries of chief industrial importance, the Office should work closely with the Governments concerned in order to clarify any possible point that could prevent ratification of the Amendment. If current efforts did not lead to the foreseen results, the ILO might need to seriously look into possible alternatives, as had already been discussed in the past.
523. *The Employer spokesperson*, agreeing with the point for decision, found the action taken by the Office appropriate and complete. The Office should keep reporting to the Governing Body on ratification progress at regular intervals until entry into force. His group also

welcomed the proactive approach taken with regard to another ratification campaign relating to the 1997 Instrument of Amendment of the Constitution. On 29 June 2011, the Office had received the instrument of ratification by Slovenia, which meant that only two more ratifications or acceptances were needed for entry into force.

524. *A Government representative of Switzerland* stated that his delegation was in favour of the rapid entry into force of the 1986 Instrument of Amendment of the Constitution, which had been approved by Switzerland through a decision of 15 June 1987. The measures to be considered regarding the promotion of the Instrument and the process of encouraging the Governments concerned to proceed with its approval should involve targeted action by the Director-General focusing on the eight Members of chief industrial importance, who had yet to accept the Instrument, as well as on around 30 additional Members who could benefit from the entry into force of the Instrument of Amendment. Certain points of the Amendment having already been applied, in particular with regard to the increase in the number of seats in the Governing Body and various aspects concerning the regions, his delegation would be grateful if the Office would provide the Governing Body, for its 313th Session in March 2012, with a document presenting the additional measures to be taken in order to enable other points of the Amendment to be implemented while awaiting a sufficient number of ratifications.

525. *A Government representative of Zambia*, observing the long delay in entry into force, urged member States of chief industrial importance and other ILO member States to consider ratification of the 1986 Instrument of Amendment.

526. *A Government representative of Algeria* believed that the Amendment represented a real reform of the ILO. In calling on all those States which had not ratified the Amendment to do so, the non-aligned countries had already taken a decision. The African Union Labour and Social Affairs Commission had taken the same approach by encouraging all those African countries which had not yet ratified the Amendment to take that step because the Amendment would give rise to fair representativeness between the different continents. Everything possible should be done to ensure implementation as soon as possible.

527. *A Government representative of India* recalled that his country had ratified the Amendment as early as 22 September 1988, primarily because it would widen the coverage of geographical representation in the Governing Body. The success of any proposal for amendment depended on its universal appeal and all-round support to member States.

528. *The Africa group*, through a Government representative of Angola, had welcomed the presentation made at the African Regional Meeting held in Johannesburg, South Africa, in October 2011. The spokesperson for the group pointed out that more than 27 additional ratifications or acceptances were needed and, given the importance of the Amendment, the group called on the Director-General to play his part by ensuring that the Office actively encouraged the member States to proceed with ratification. The Africa group enjoined all the constituents, and in particular the regional groups, to go ahead with ratification in order to promote a more democratic governance of the Governing Body of the ILO. The entry into force of the Amendment would underline the principles of equity and justice promoted by the ILO, ensuring the Organization's leading role in that regard within the multilateral system.

529. *A Government representative of Kenya* noted that the principal aim of the proposed Amendment was to make the composition of the Governing Body more representative by providing a means of appointment that took into account the various geographic, economic and social interests of its constituent groups. The failure to bring into force the 1986 Instrument of Amendment perpetuated the unbalanced representation of Africa, as it remained the only region without permanent representation on the Governing Body. It was

more than an African problem, since it underpinned the governance and equity of an international organization, and the ILO had been at the centre of promoting good governance, non-discrimination, diversity and equality in the world of work and beyond. The Office should not only continue the campaign to promote the ratification of the 1986 Instrument, but also submit other options aimed at ensuring Africa's permanent representation for consideration by the Governing Body in March 2012.

Decision

- 530. *The Governing Body took note of the progress report, encouraged the Office to continue to promote ratification of the 1986 Instrument of Amendment to the Constitution of the International Labour Organization, taking into account the guidance provided during its discussion, and requested the Office to provide updated information at its 313th Session. The Office was further encouraged to consider new proposals arising from the discussion for presentation, as appropriate, to a future session of the Governing Body.***

(GB.312/LILS/1, paragraph 10.)

Second item on the agenda

Matters relating to the representation of employers and workers at the International Labour Conference: Addressing tripartite imbalance within delegations

(GB.312/LILS/2)

- 531. *The representative of the Director-General, introducing the document, recalled that the item, which had already been discussed at earlier sessions of the Governing Body, concerned imbalance in Conference delegations between the number of advisers in the Government delegation and the number of advisers accompanying the Employers' and Workers' delegates. He referred to the awareness-raising measures undertaken by the Office and to action taken by the Credentials Committee at the 100th Session (June 2011) of the Conference. As stated in the Committee's report, communications received from governments revealed that the imbalance was often due to the presence of diplomats from the permanent mission in Geneva. One solution could be for certain participants to be accredited as "persons accompanying the minister" or "other persons attending the Conference" rather than as advisers, and some Governments had adjusted their credentials accordingly. The Committee therefore believed that awareness-raising measures could reduce the number of imbalanced delegations. A decision by the Governing Body was now needed on whether the Office should continue awareness raising or prepare draft amendments to the Standing Orders of the Conference to extend the mandate of the Credentials Committee with respect to tripartite imbalance in delegations.***
- 532. *An Employer member, speaking on behalf of the Employers' group, stressed that tripartite imbalance in Conference delegations was endangering the main pillar of the ILO, which was the principle of tripartism and its notion of equality of arms. Following discussions on the subject in the former Committee on Legal Issues and International Labour Standards (LILS) in March and November 2010, the Office had added a reference to the requirement of balanced delegations in the convocation letter and inserted explanatory text in the Conference guide and the Explanatory note on the submission of credentials. The question before the Governing Body was whether it wished to further examine the possibility of***

amending the Conference Standing Orders or whether it was satisfied with the continuation of awareness-raising activities by the Office and possible action by the Credentials Committee under its current mandate. The Employers supported both proposals contained in the document, in paragraph 7(a) and (b), which were not mutually exclusive. On the one hand, awareness-raising measures were important in many cases and should be continued. On the other hand, it was noted that in 2011 the Credentials Committee had expressed the view that serious cases of imbalance could be best identified and addressed on the basis of specific allegations and had requested the Governing Body to continue considering the possibility of extending the Committee's mandate to specific submissions based on alleged tripartite imbalance in a delegation. As the Committee's current mandate was not adequate to cover those cases, the Employers proposed to consider the possibility of extending the Credentials Committee's mandate. Lastly, it could be suggested that the Credentials Committee undertake in 2012 an analysis of the situation regarding tripartite imbalance of delegations attending the 101st Session of the International Labour Conference in order to have a clearer picture of the reasons for imbalance and that the Governing Body be informed of the outcome.

533. *The Worker spokesperson* welcomed the awareness-raising activities and the fact that the Credentials Committee had examined the situation in June 2011. As tripartism was the foundation of the Organization, a real and balanced participation in the work of the Conference by all three constituent groups ensured that the outcomes of the Conference corresponded to the needs of the contemporary world of work. The presence of advisers in the work of the Conference was necessary to allow social partners to take part in the work of the various committees. Serious and manifest imbalance in delegations affected tripartism by making it difficult for social partners to play their constitutional role. The Workers welcomed the efforts made by a number of Governments at the 2011 session of the International Labour Conference to adjust their delegations by changing the status of advisers to persons accompanying the minister or other participants in order to reflect the fact that those persons were not members of technical committees. However, as acknowledged by the Credentials Committee, there were cases where numerical imbalances in the number of advisers corresponded to a serious inequality, and those cases could best be identified on the basis of specific allegations. The Workers' group therefore supported an extension of the mandate of the Credentials Committee to cover those types of allegations, since the Standing Orders of the Conference currently allowed for complaints only in cases of manifest imbalance with regard to travelling and subsistence expenses and hence only addressed certain situations of imbalance. The Workers therefore supported the point for decision in paragraph 7(b).
534. *IMEC*, through a Government representative of Canada, welcomed the awareness-raising activities by the Office and the Credentials Committee regarding the requirement for balanced tripartite Conference delegations, as well as the respective improvements to the Conference convocation letter, the *Conference guide* and the *Explanatory note*. The spokesperson for the group noted that when, at the last session of the Conference, Governments had been invited by the Credentials Committee to provide information on the reasons for the imbalance in their delegations, the reasons provided had revolved, as IMEC had expected, around the functions in the delegation that were assigned to diplomats of the permanent missions. A number of Governments had subsequently adjusted their delegations by changing the status of advisers to persons accompanying the minister or other participants. IMEC expected that such awareness raising would further contribute to reducing the number of imbalanced delegations at future sessions. It therefore encouraged the Office and the Credentials Committee to continue awareness-raising activity with governments and supported decision point 7(a).
535. *GRULAC*, through a Government representative of Brazil, reiterated the group's traditional position in supporting all provisions concerning the representation and participation of the

delegates of each of the tripartite constituents. The spokesperson for the group welcomed the action taken by the Credentials Committee at the last session of the Conference, which coincided with the follow-up by the Governing Body, and the fact that express reference was made in the document to the 17 cases in which the credentials submitted by a Government appeared to reveal a notable imbalance between the number of Government advisers accredited and the number of both Employers' and Workers' advisers accredited. His group appreciated the fact that the governments had responded to the Committee's invitation to voluntarily provide reasons and, in some cases, take immediate steps to correct the imbalance. In the group's view, the circumstances did not make it necessary to amend the Standing Orders of the Conference with a view to extending the Credentials Committee's mandate regarding tripartite imbalance in delegations. The Credentials Committee had observed that at the 100th Session of the Conference – as at the 99th Session – it had not received any specific communication on tripartite imbalance in the composition of a delegation. The Office was therefore encouraged to continue awareness-raising activities, keep the question under review and report relevant future developments to the Governing Body, as proposed in paragraph 7(a) of the document.

536. *The Worker spokesperson* noted that the Governments generally supported the decision point in paragraph 7(a) and that the Employers could accept paragraph 7(a) and (b). The Workers could also agree with paragraph 7(a) on the understanding that, if the awareness-raising activities proved insufficient in reality, it should remain possible to reconsider amendments to the Standing Orders of the Conference, as suggested in paragraph 7(b).

Decision

537. *The Governing Body requested the Office to continue awareness-raising activity with governments on the question of tripartite imbalance in Conference delegations, keep the question under review and report relevant future developments to the Governing Body, keeping in mind, as the developments may justify, the possibility of amending the Conference Standing Orders in order to extend the mandate of the Credentials Committee to submissions alleging tripartite imbalance.*

(GB.312/LILS/2, paragraph 7, as amended.)

Third item on the agenda

Standing Orders of the Conference: Amendments related to the reform of the Governing Body (GB.312/LILS/3)

538. *The Worker spokesperson* agreed with the proposal for an amendment and endorsed the point for decision.
539. *The Employer spokesperson* also agreed with the point for decision.
540. *The Africa group* took note of the proposal for a consequential amendment and supported the point for decision.

541. *The Government group*, through a Government representative of Sudan, observed that, before the reform of the Governing Body, there had been a double examination of matters involving expenditures, by the Programme, Financial and Administrative (PFA) Committee and by the Governing Body, when it came to proposals with financial implications in the context of the Conference. The spokesperson for the group said that, as a consequence of the reform, there was no double examination, since the Governing Body was now organized in sections and the PFA Section was part of the Governing Body plenary. If article 18 of the Standing Orders of the Conference were to be amended as proposed in the document, when the Governing Body delegated to its Officers the authority to exercise the responsibilities under that article, all decisions taken by the Officers on PFA matters would be taken without the participation of Governments. That was due to the fact that, although the officers reflected a tripartite composition, the Government Officer did not represent the Governments as a whole. In the light of the importance it attached to the approval of expenditures, the Government group requested that it be engaged in any final decisions related to proposals involving expenditure. Consequently, it requested that the matter be deferred to the March 2012 session of the Governing Body, in order to analyse its full implications, including in the context of the reform of the International Labour Conference.

Decision

542. *The Governing Body decided to defer the matter to its 313th Session (March 2012).*

(GB.312/LILS/3, as amended.)

International Labour Standards and Human Rights Segment

Fifth item on the agenda

Improvements in the standards-related activities of the ILO

ILO standards policy: The establishment and the implementation of a standards review mechanism (SRM)

(GB.312/LILS/5)

543. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) recalled that the proposals contained in the Office paper were based on a long series of consultations and discussions, beginning in November 2005, on the four components of the ILO standards strategy. The proposed mechanism was the central element of the first component of the standards strategy, namely standards policy. Agreement had already been reached on the other three elements of the standards strategy. Through a series of informal consultations, starting in 2009 and leading to discussions in the LILS Committee in November 2010 and March 2011, a convergence of views had emerged on the definition of an ILO standards policy, its guiding principles, and the role of the LILS Section. It had been agreed that the 2008 Declaration on Social Justice for a Fair Globalization would provide the framework for the SRM. Based on the convergence of views, the Office paper therefore drew together the core components of standards policy

and provided an overview of the main elements of an SRM. Decisions would be needed on several matters. They included the composition of the working group that would undertake the review of standards, which could be based on the 8:4:4 formula (eight Government members and four members each for the Employers' and Workers' groups) or 8:8:8 (the same number of members for each group). Two options were also outlined for the standards to be reviewed, a broad one and a limited one.

544. In conclusion, she emphasized that the proposals under consideration offered the ILO a unique opportunity to reassert the role of international labour standards as a benchmark and point of reference, to support and give meaning to globalization and to respond to the call for social justice, freedom, dignity, effective protection for workers and sustainable enterprises. They offered the opportunity to maintain and dynamize one of the ILO's unique advantages.
545. *The Employer spokesperson* indicated that, while agreeing with the proposal for elements of the SRM, the Employers' group sought a number of improvements. First of all, the SRM should be established on a permanent basis with the objective of ensuring that the ILO, at any time, had in place a robust body of standards that responded to the changing needs of the world of work, the protection of workers and the promotion of sustainable enterprises. Past review exercises had clearly shown the need for the SRM to be a permanent mechanism that kept ILO standards under periodic review, although the possibility should not be excluded of adapting the SRM in future in line with emerging needs, or indeed terminating it if it became obsolete. The most important guiding principle was that the decisions of the SRM should be responsive and relevant to the needs of the world of work. In that regard, it was very important for each group to embark on the exercise in good faith. The Employers were committed to building with the other groups the trust that was key to the development of the SRM. However, in contrast with the indication contained in the paper, the consequences of the absence of a new decision would need to be considered in the concrete circumstances of each case, as it might not always make sense to go back to pre-existing decisions that might have been taken many years earlier in a totally different situation.
546. The speaker added that the working group should consist of 24 members, including eight Employer and eight Worker members, which would ensure a balanced representation by region and level of development. In relation to procedural matters, the Employers' group agreed with the proposals in the Office paper, although it considered that meetings of the working group should not be strictly limited to one day. Rather than the Office overseeing the SRM, it would be more appropriate for the LILS Section to do so, on the understanding that ACT/EMP and ACTRAV would be involved in the Office's preparations for the work of the SRM, as appropriate. On the subject of the proposed terms of reference and working methods, the SRM should clearly define the different types of statuses for the classification of standards. In terms of the selection of the standards to be reviewed, it was clear that a permanent SRM would necessarily examine all ILO standards at some point in time, perhaps with the exception of the fundamental and governance standards, and those that had been replaced, withdrawn, or consolidated. Outdated instruments should also be excluded. The Employers' group therefore preferred the first option outlined in the Office paper, although it could also accept the second option on the understanding that, although priority would be given to the standards in that group, the examination of the other standards would follow later. Finally, the Employers agreed that the time frame for the work of the SRM should be in keeping with the schedule of the recurrent reviews, although sufficient flexibility should be allowed for adaptation where necessary. They did not have strong views as to whether the SRM examinations should precede or follow the corresponding recurrent discussions.

547. *The Worker Vice-Chairperson* emphasized that the objective of the SRM was to achieve stronger support for ILO standards and the ILO supervisory mechanism, with proactive support from the Office for their further ratification. The Declaration on Social Justice for a Fair Globalization, which underpinned the whole process, reasserted standards as the cornerstone of ILO activities and recalled the responsibility of member States to review their situation with regard to ILO instruments with a view to achieving progressively increased coverage of each of the strategic objectives. The G20 had also emphasized the importance of ratifying and implementing standards. It should be recalled that the primary purpose of international labour standards was to protect the rights of workers, who were the weakest party in the employment relationship. The indication in the Office paper that standards also had to take into account the need for sustainable enterprises gave the misleading impression that the protection of workers' rights would be conditional on the need for sustainable enterprises. Moreover, he emphasized the key importance of the legal principle that, in the absence of a new decision resulting from consensus, the pre-existing decision taken in respect of any instrument would remain valid until replaced. That principle guaranteed legal certainty. The Workers therefore expected Employers and Governments to subscribe to that principle and firmly requested the Office to draw on the conclusions of that principle when developing labour standards activities. Actually, if that principle had been respected during the review of the Cartier Working Party, the status of the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166), would have been up to date.
548. He added that the actions taken for the promotion of up-to-date standards, including technical cooperation, were a key part of the Office's mandate. The issue of the promotion of standards, including the preparation of plans of action, should not be part of the mandate of an SRM and should be removed from the suggested terms of reference. He considered that, in the new setting of Governing Body reform, standards were not yet fully mainstreamed and that interaction between the technical departments, regional offices and NORMES was still work in progress. Such links should be emphasized as the real way forward to ensure that standards were adequately addressed. Although he welcomed the indication that the Declaration on Social Justice for a Fair Globalization constituted the overarching framework of the review, the linkages between the SRM and recurrent discussions were not clear. It was important not to use the same methods as the Cartier Working Party. Instead, there should be better synergies between Office units and, for instance, the SRM might refer some groups of Conventions to meetings of experts, or request further studies, as appropriate. Such processes combined expert technical work and tripartite discussions that took into account the needs of both developing and developed countries. It was therefore to be regretted that such flexibility appeared to be missing from proposals outlined in the Office paper.
549. The Workers' group believed that the SRM should cover the instruments indicated in the second option, namely the standards not reviewed by the Cartier Working Party and adopted between 1985 and 2000, the instruments for which the Cartier Working Party had requested further information, those classified by the Cartier Working Party as having interim status, and those that remained to be revised. The Workers did not consider that Convention No. 158 and Recommendation No. 166 should be covered by the SRM, as they had recently been reviewed by a meeting of experts. The option of reviewing all standards (option 1) was not relevant, as the SRM needed to prioritize its work and finalize what the Cartier Working Party had not covered. However, it was important for governments to follow-up on the recommendations of the Cartier Working Party and ratify the Conventions considered to be up to date and for the Office to more actively promote up-to-date standards. In specific cases, the SRM should also be able to examine certain up-to-date instruments and, for example, suggest the elaboration of a protocol to a given Convention. For that purpose, it would be necessary to consider standards as an

entire body, rather than on a case-by-case basis, as the Cartier Working Party had done, which meant that the review should precede, rather than follow the recurrent discussions.

550. Finally, it should be emphasized that the primary condition for the Workers' group to proceed with an SRM was the existence of trust that the three parties were willing to engage in the process of strengthening standards and achieving higher rates of ratification and implementation. Unfortunately, the meeting of experts on Convention No. 158 had created doubts that such a condition would be met. It was a matter of principle that all groups needed to be committed to the implementation of rights at work and the protection of workers. Convention No. 158, which lay at the heart of decent work, provided workers with a basic right in the event of unfair dismissal. Without wishing to question the position taken by one of the tripartite constituents on a specific Convention, what gave rise to concern was that the Worker and Government experts had had to wait until the last day of the meeting to be told that the Employers simply wanted the abrogation of the Convention. This position was taken further to a discussion that showed that the problems identified were related to implementation rather than to the Convention itself. In the light of the meeting of experts on Convention No. 158, it was to be feared that an SRM might result in a situation in which the Employers called for the abrogation of all the Conventions they did not like. The Workers' group was not therefore in a position to agree with the point for decision. One solution might be to use the resources proposed for the SRM to convene a tripartite working group with a view to discussing the mix of technical and policy proposals that could be envisaged, based on common values concerning what was to be achieved through the process, and linking it to the mandate of the Declaration on Social Justice for a Fair Globalization and recurrent discussions. The issues at stake were of the utmost importance for workers and their families worldwide and the process could not be engaged in lightly.
551. *IMEC*, through a Government representative of Canada, hoped that the proposals in the Office paper would lead to the setting up of the SRM by March 2012. *IMEC* had previously indicated its agreement with the establishment of an SRM, for which the priorities would need to be established and which would complete the work of the Cartier Working Party. All the parties would need to have full confidence in the SRM, which should be flexible, regularly evaluated and adjustable as necessary. Emphasis should be placed on the importance of clarity, transparency and consistency, as well as the principle of consensus. The process should be comprehensive and complete, and it would be important to have a clear understanding of the distinct roles and strengths of the SRM, the LILS Section, the recurrent discussions, and the International Labour Conference, respectively, in achieving the overall goal of improving ILO standards-related activities.
552. *IMEC* supported the proposed objectives of the SRM, and underlined that its focus should be on an up-to-date body of standards. The outcomes of the SRM should include a clear follow-up mechanism to ensure that instruments in need of revision or partial revision were put on the agenda of the Conference within a reasonable time. *IMEC* also agreed with the proposed guiding principles, the proposed framework of the SRM, and the role of the LILS Section. A single tripartite working group should be established with an 8:4:4 composition, and its members would need to be knowledgeable concerning ILO standards, their evolution, implementation and interpretation, and the functioning of the supervisory bodies. Nevertheless, membership should be flexible to enable the groups to change their representatives according to the subjects under discussion, with an independent chair from the Government group, in addition to the eight Government members. Out-of-session consultations should be held to keep the process as inclusive as possible. The working group could meet once during each March and November Governing Body session, and its costs would be met through existing resources. Although the group supported the participation of non-Governing Body members, such participation should be limited for cost reasons: for instance, the Workers' and Employers' groups might each nominate one

non-Governing Body member and the Government group two. The amount of the proposed budget should be reduced to US\$189,600, in view of the reduced participation of non-Governing Body members.

553. IMEC agreed with the proposed terms of reference and working methods and considered that the review should proceed by strategic objective, although care should be taken to ensure coherent outcomes for the instruments on specific categories of workers, which usually covered more than one strategic objective. Although there was value in the holistic approach in option 1 for the standards to be reviewed, the review might need to be carried out in stages. Within each group of instruments, priority should be given to the issues left open by the Cartier Working Party. What was missing from the second option was the examination of instruments on the specific categories of workers, and whether they might be improved by consolidation, along the lines of the Maritime Labour Convention, 2006 (MLC, 2006), and the fishing instruments. With regard to the time frame of the review, the working group should benefit from input from the respective recurrent discussions, and it would not therefore be logical to start with social dialogue. Once the first subject had been chosen, the next would automatically follow the sequence of the recurrent discussions, although the LILS Section should have autonomy to review and amend the time frames, as necessary.
554. ASPAG, through a Government representative of the Islamic Republic of Iran, welcomed the establishment of an SRM. The spokesperson for the group emphasized the other three interrelated and mutually reinforcing components of the standards policy and the need to improve the impact of the standards system by delivering efficient technical cooperation projects. The objectives and proposed outcomes of the SRM should also include ascertaining the reasons or constraints for non-ratification and investigating the manner in which existing standards could be made more flexible for wider ratification. The proposed composition of the tripartite working group provided for the proper representation of all ILO constituents, fair regional representation and a balance between developed and developing countries. A single working group should be established with an 8:4:4 composition, including non-Governing Body members. Out-of-session consultations should be held with non-Governing Body members, at no cost to the Office, with the working group meeting during the March and November Governing Body sessions.
555. ASPAG preferred the option of the reviews following the respective recurring discussions, and believed the General Surveys would be excellent starting points for reviews. The purpose of the SRM was distinct from the task of reviewing standards policy. The SRM should first identify and prioritize the standards that best met the needs, challenges and opportunities prevailing in today's world of work. In addition to its existing knowledge and expertise, the Office should not hesitate to initiate new research. In view of the vital importance of the SRM in increasing the relevance, scope and impact of the Organization, members of the working group should have in-depth knowledge of ILO standards, the history of standard-setting mechanisms and the results of earlier standards reviews, as well as ample technical competence and experience of the various legal, social and economic systems, and the different labour law systems.
556. GRULAC, through a Government representative of Brazil, welcomed the in-depth paper and supported the establishment of an SRM from 2012 with a view to obtaining a clear, robust and up-to-date body of ILO standards. The spokesperson for the group, while agreeing with the proposed objectives and outcomes, observed that non-ratification did not necessarily mean non-compliance, as national labour laws often set out, and even went beyond the minimum standards of international conventions. Although the group endorsed the proposed guiding principles, constituents should not be called upon to make decisions "as quickly as possible", but rather the most appropriate decisions, with emphasis being placed on the support that the SRM would provide to governments, employers and workers

the world over. The framework for review should be the ILO Declaration on Social Justice for a Fair Globalization, and the standards reviewed should be classified under one of the four strategic objectives. The LILS Section should oversee the SRM, on behalf of the Governing Body, and should work closely with the tripartite working group.

557. GRULAC preferred the creation of a single working group with an 8:4:4 composition, in which a balance was envisioned between industrialized and developing countries, and with the members being appointed by each group independently. It was important for the members of the working group to have the necessary expertise in the subject and at least a general understanding of the ILO and its standards. The review process should be as inclusive as possible, and consultations should be held with other members, at no cost to the Office. The working group should meet once during the March and November sessions of the Governing Body, and could include non-Governing Body members where necessary, but the social partners should endeavour to help reduce costs by keeping to Governing Body members where possible. GRULAC did not approve the proposal to recruit an associate expert, as the ILO already had many experts on its staff, as well as access to relevant research material. With regard to the terms of reference of the working group, where decisions could not be taken by consensus, they should be referred to the Governing Body, through the LILS Section. The working group could take the recommendations of the Cartier Working Party into account, but it should not necessarily be required to do so. This working group would be entirely new, and would work in the context of current realities at the national and international levels, in accordance with the Declaration on Social Justice for a Fair Globalization. The review should be structured around the four strategic objectives, with standards relating to specific categories of workers being distributed appropriately by strategic objective. Reviews should be undertaken following the respective recurrent discussion. Finally, GRULAC agreed with the proposed budget for the SRM.
558. *A Government representative of Switzerland* supported the establishment of an SRM, which should begin work in March 2012. He endorsed the proposed objectives and outcomes outlined in the Office paper, the guiding principles and suggested framework, the envisaged role of the LILS Section and the establishment of a single working group with an 8:4:4 composition, avoiding the participation of non-Governing Body members where possible. He supported the proposals concerning the working methods and terms of reference of the working group, the review of standards by strategic objective, and the selection of standards for examination, under option 1 as proposed in the paper. The Swiss delegation also agreed with the time frame suggested for reviews under option 2 (preceding the recurrent discussion), starting with employment and thereafter following the recurrent discussions cycle. Finally, the Swiss delegation agreed that these expenses should be financed, first, by savings that might arise under Part I of the budget or, failing that, through the use of the Provision for Unforeseen Expenditure (Part II).
559. *A Government representative of Australia* strongly supported the prompt establishment of the SRM, in accordance with the elements outlined in the Office paper, with an 8:4:4 composition. The SRM would be of most value if it reviewed all standards, with the exception of fundamental and governance Conventions. The reviews should commence following each recurrent discussion. Regarding the number of working groups, the Office and the LILS Section should keep an open mind on the option of establishing multiple tripartite working groups to undertake future reviews, since having more than one tripartite working group, each reviewing a group of standards, would result in a comparatively quick completion of all the strategic objectives.
560. *A Government representative of France* called for the establishment of an SRM by March 2012. His Government fully supported the proposed objectives and guiding principles of the review. The four strategic objectives of the Declaration on Social Justice for a Fair

Globalization provided the appropriate framework for the SRM, and the LILS Section was best placed to provide oversight over the process. Regarding the operational aspects, a single working group should be established, with sufficient flexibility in the choice of members to ensure expertise. The composition should follow the 8:4:4 formula, with emphasis being placed on appropriate regional representation and the balance between industrialized and developing countries. The broadest option should be selected concerning the standards to be reviewed (option 1).

561. *A Government representative of India* welcomed the establishment of an SRM, which was necessary to ensure the continued relevance of ILO standards in protecting workers' rights and promoting sustainable enterprises. The proposed objectives of the SRM could include ascertaining the reasons for the non-ratification of standards and exploring the manner in which existing standards could be made more flexible for wider adaptability. Standards should also take into consideration the vast informal economy existing in many developing countries, and the socio-economic disparities between member States. The consolidation of existing standards should also be included under the guiding principles with a view to removing duplication and strengthening the instruments, while maintaining the protection afforded to workers. The Declaration on Social Justice for a Fair Globalization should be the framework for the review, and the process should be monitored by the LILS Section and supported by NORMES. The 8:4:4 formula would allow balanced regional representation and the participation of developed and developing countries in a single working group, which should meet during the Governing Body sessions. The review of standards should be organized by strategic objective and should be as comprehensive as possible (option 1).
562. *A Government representative of Japan* requested clarification as to whether member States which were not members of the working group could participate and/or make statements in the group as observers.
563. *A Government representative of China* fully supported the establishment of the SRM with a view to ensuring that ILO standards were compatible with socio-economic development and the situation of constituents, so that standards could be better implemented and constituents could make more progress in achieving social justice. The SRM process should be open and transparent, and should fully guarantee the participation of the tripartite constituents. The composition of the working group should be fully representative and include more representatives from developing countries, with decisions being adopted by consensus. The SRM would undoubtedly be a long process. The evaluation of standards should be based on the work of the Cartier Working Party.
564. *The Employer spokesperson* noted the consensus that a regular SRM should be established within the context of the broader standards policy discussed by the Governing Body. The periodic review of standards was a major missing element of standards policy and a clear decision should be taken to start the reviews as soon as possible, based on the very specific mandate to proceed with work on the subject.
565. *The Worker Vice-Chairperson* stated that the Workers' group had listened carefully to all of the statements made on a subject of the greatest importance for workers and the Organization. He reiterated his group's support for the Declaration on Social Justice for a Fair Globalization, which should provide a framework for the review of standards, based on their recognition by all parties as the cornerstone of ILO action. This implied asserting standards as protecting workers' rights, enhancing Office promotion of standards and member States' ratification as well as strengthening the ILO supervisory system. GRULAC was correct in asserting that ratification was not the only criterion to be taken into account, as many countries already had laws in compliance with Conventions.

However, the Workers could not support a process that favoured a statement of principles over the ratification of standards, which were subject to supervision by the ILO.

- 566.** The Workers' group had always been ready to discuss solutions to difficulties relating to particular standards. However, the Workers' experience during the meeting of experts on Convention No. 158 meant that they did not think that the conditions existed at present to move forward with the SRM. Too often, efforts to adapt to the modern world involved the adaptation of social standards to the interests of enterprise, without acknowledging workers' interests. Such orientation was going against the constitutional mandate of the ILO reaffirmed by the Declaration on Social Justice for a Fair Globalization. The establishment of a permanent SRM covering all standards would lead to the permanent destabilization of the standards system, thereby blocking in practice the promotion and ratification of standards, with Conventions continuously being revised. The claim by the Employers that, in the absence of consensus under the SRM, the previous decision would not necessarily prevail was also a cause of concern and would result in legal uncertainty, which would be prejudicial to the consolidation of the standards system. In terms of working methods, the articulation and contradictions which might arise between the proposed SRM and the recurrent discussions had still not been resolved. The prerequisite for progress in that respect was trust. However, that requirement was not currently met and the point for decision was therefore not acceptable. Nevertheless, the Workers' group remained willing to continue frank discussions with a view to building trust.
- 567.** *The representative of the Director-General* replied to some of the points raised during the discussion. First, she reaffirmed that oversight of the SRM process was of course the responsibility of the Governing Body, and more specifically the LILS Section, and not the Office. She also confirmed that outdated Conventions would not be included in either of the options for the review of standards. With regard to the comments of the Employers' group on what would happen in the absence of a new decision being taken by consensus, she emphasized that it was a very important and entrenched legal principle that the pre-existing decision taken in respect of any instrument remained valid until replaced. It was common sense that an instrument adopted by the Conference would be promoted, unless there was a clear tripartite decision by the Governing Body to do otherwise. With reference to the comments concerning the lack of references to technical departments, and also relating to the involvement of ACT/EMP and ACTRAV, she added that the use of the term "the Office" included all the various departments and units of the Office, including the technical units, ACT/EMP and ACTRAV and others. Moreover, the links with the Declaration on Social Justice for a Fair Globalization and the recurrent discussions of the Conference were a necessary part of any decision to review standards. The proposed terms of reference of the SRM were quite broad and offered ample scope to take account of the outcome of recurrent discussions. With reference to the comment by GRULAC concerning the possible recruitment of an associate expert, she clarified that that would have no financial repercussions for the Office, as associate experts were generously funded by member States. Concerning the question of the Government of Japan as to whether non-Governing Body members could participate as observers in the working group, although that had not been specified in the proposals, past experience of the ILO working groups indicated that other members of the Governing Body, or even non-members, could attend meetings, but certainly not participate in taking decisions.
- 568.** *Another representative of the Director-General* (Executive Director, ED/NORM) noted that the Governing Body found itself in a complicated position on an item that everybody agreed was of critical importance to the ILO, and on which a number of speakers had called for rapid action. Despite the sense of urgency, the Workers' group had said very clearly that it was not in a position to support the point for decision. It appeared particularly difficult to launch a process in the absence of consensus when that very process was intended to operate on the basis of consensus. He noted that the Workers'

group had not rejected the SRM per se, and was prepared to continue discussions in an open and a frank spirit on the way forward. The Governing Body could not allow itself to stay in an impasse, and the best way forward would perhaps be to establish informal consultations, in line with the modalities envisioned during the Governing Body reform process, and return to the issue at the March session.

569. *The Employer spokesperson* indicated that his position regarding a pre-existing decision in absence of a new consensus was not just a legal matter. It might not always make sense to go back to previous decisions, which might have been taken many years earlier in totally different circumstances. He was not suggesting that consensus should be discarded, but just that it might perhaps make sense to find ways of moving on if certain standards were no longer totally adapted to the current situation. He noted that a very clear consensus had been expressed that the Governing Body should move forward with an SRM and that progress should not be delayed in view of the rapidly changing political and economic conditions in the world.
570. *A Government representative of France* requested clarification as to the format and time frame of the informal consultations that might be used to find consensus on the present issue.
571. *The Africa group* considered that the document had not been thoroughly discussed and therefore supported the position that further consultations were required.
572. *A Government representative of Canada* expressed disappointment that no agreement had been reached on the establishment of an SRM and hoped that the issue would be discussed again in March 2012.
573. *The representative of the Director-General* confirmed that the newly reformed Governing Body offered the opportunity for consultations to be undertaken “sooner rather than later” and that, if the members so wished, the coordinating group could explore ways of proceeding before the end of the current session.
574. *The Employer spokesperson* supported the proposal to engage in consultations on how to move forward.
575. *The Worker Vice-Chairperson* said that the Workers’ group would be willing to take part in informal consultations during the current session, but that further discussions would be needed before the March 2012 session of the Governing Body.
576. After consultations, the Governing Body adopted the following decision.

Decision

577. ***The Governing Body, taking full account of the statements made, agreed to the establishment of a standards review mechanism (SRM), and invited further consultations on the modalities of the SRM with a view to identifying and resolving the concerns in relation to such a mechanism and to make a proposal to the Governing Body in March 2012 on the options set out in GB.312/LILS/5, bearing in mind the views expressed by the Governing Body members under this agenda item.***

(GB.312/LILS/5, paragraphs 36 and 37, as amended.)

Sixth item on the agenda

Report and outcome of the Tripartite Meeting of Experts to Examine the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166) (GB.312/LILS/6)

578. The Governing Body had before it the report and outcome of the Tripartite Meeting of Experts to Examine the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166),³ with a covering document. For the discussion of this item, Mr Syder (United Kingdom) was Employer spokesperson and Mr Veyrier (France) was Worker spokesperson.
579. *A representative of the Director-General* (Director, NORMES) recalled that the Governing Body had decided to convene a tripartite meeting of experts on the only instruments on which there had been no consensus in the Cartier Working Party. The Governing Body now needed to determine the next steps to be taken with regard to the termination of employment instruments in light of the results of the Tripartite Meeting of Experts held in April 2011.
580. *The Employer spokesperson* recalled that the purpose of the Tripartite Meeting of Experts had been to identify obstacles to the ratification and implementation of the termination of employment instruments and other current trends in law and practice. As tripartite consensus had not been achieved on the outcome of the meeting, there had been an outcome of Government and Worker experts, and another dissenting outcome of Employer experts. However, a document entitled the “Proposed way forward of the Chairperson”⁴ had been placed on the ILO website in April 2011. Subsequently, the final report of the Meeting had also been placed on the website. The Employers’ group considered that to have been a mistake which risked being misinterpreted by the outside world. The question therefore arose, with regard to the point for decision, of what point there was in asking the Governing Body to authorize the communication of the report to constituents and others when the final report was already accessible on the ILO website.
581. The speaker added that the Employer experts had submitted their own outcome document to the Tripartite Meeting of Experts concerning obstacles to ratification and implementation and other current trends in law and practice. Although there had been points of convergence in the Meeting, which should not be overlooked, the Employers had no option but to object to the report in its current format, in which in the section “Adoption of the outcome” exclusively reproduced the views of the Government and Worker experts, while ignoring the views of the Employer experts, which were only indicated in the section “Discussion of the outcome”. That way of proceeding risked being construed as a serious attack on the need to strengthen tripartism and social dialogue, one of the four strategic objectives of the Organization. That was unacceptable. In order to prevent misunderstandings, they called for their views to be given equal visibility by placing on the ILO website the outcome document prepared by the Employer experts, which indicated the points of convergence, but also what they considered to be the obstacles to ratification and

³ TMEE/C.158-R.166/2011/2.

⁴ TMEE/C.158-R.166/2011/1.

implementation and other current trends in law and practice. With regard to the point for decision, the Director-General should be asked to bear in mind, when drawing up proposals for future action, the current discussions in the Governing Body. It was the view of the Employers' group that the ILO had to refrain from promoting Convention No. 158 and Recommendation No. 166 because of the lack of consensus on their principles and there should be thorough tripartite reflection to allow a fresh, balanced and holistic examination of what the ILO's action should be on protection against dismissal.

- 582.** *The Worker spokesperson* highlighted the quality of the discussions in the Tripartite Meeting of Experts on the problems and difficulties relating to the rights of workers in the event of dismissal. The discussions had reaffirmed the importance of the Convention's principles and provisions and the need to promote its ratification, while emphasizing that the legislation in many countries that had not ratified the Convention nevertheless applied its provisions. Several recent instruments highlighted the importance of the protection envisaged by Convention No. 158, including the Global Jobs Pact, the HIV and AIDS Recommendation, 2010 (No. 200), and the Revised European Social Charter. There had been no attempt to hide the lack of consensus at the Meeting and the views of the Employer experts were clearly stated in the report. However, it should be emphasized that the underlying principles of the Convention were based on common sense and respect for the dignity of workers. It was essential that workers should be informed of the reason for their dismissal and have the opportunity to defend themselves in case of invalid reasons for termination. Moreover, the general argument of the Employer experts that the protection of workers' rights in relation to termination of employment was an obstacle to job creation was clearly false, as Convention No. 158 could not be blamed for the millions of jobs lost in recent years and the 20 million increase in global unemployment. In view of the constraints of the market economy, much more attention needed to be paid to the relations between employers and subcontractors, delocalization and the employment relationship, rather than reducing the rights of workers in the event of dismissal. It was important to recall that the right of workers to protection against unfair dismissal was the counterpart to the employers' right to dismiss workers. The ratification of Convention No. 158 should therefore be promoted, particularly in countries where the legislation already gave effect to it. ILO technical assistance should be provided and tripartite discussions continued on the termination of employment instruments.
- 583.** *A Government representative of France* noted that, of the current members of the Governing Body, only four had ratified Convention No. 158. Although he would be willing to participate in further discussions on the termination of employment instruments, the important issue at the present time was to determine how to proceed in view of the lack of agreement between the Employers and the Workers.
- 584.** *A Government representative of Brazil* indicated that the termination of employment instruments were closely related to the principle of social dialogue, which was of particular importance during times of crisis, and set forth elements that were important for decent work. He mentioned that Convention No. 158 was being examined by the National Congress with a view to its second ratification. Note should therefore be taken of the discussions of the Meeting of Experts, as indicated in the point for decision.
- 585.** *An Employer member from Brazil* recalled that the Convention had been previously denounced. Employers' organizations in the country were completely opposed to the re-ratification of Convention No. 158 under the current conditions resulting from globalization.
- 586.** *The representative of the Director-General*, in reply to the comments by the Employers' group, indicated that it had been the practice for some years, at the request of the constituents, to place the final reports of sectoral meetings on the ILO website. The

availability of such reports on the ILO website did not remove the Office's obligation to communicate the documents and decisions of the Governing Body officially to constituents. What was missing was the indication that the report was not yet approved by the Governing Body. She added that the Office had an inherent obligation to promote the instruments adopted by the Conference and could not unilaterally withdraw from that obligation unless the instruments were declared by the Governing Body or the Conference to be out of date.

587. *The Employer spokesperson* indicated that his group was not in a position to agree with the points for decision as currently drafted. In particular, paragraph 4(b), by calling on the Director-General to bear in mind the matters raised in the report when drawing up proposals for future action by the Office, failed to draw sufficient attention to the consistent lack of consensus on the instruments in recent years, including in the Cartier Working Group and in the Tripartite Meeting of Experts.
588. *The Worker spokesperson* emphasized that the report of the Meeting of Experts set out clearly and in detail the views of all the experts. It also made it clear that any problems lay, not with the provisions of the Convention itself, but with their implementation at the national level, and that such problems could be solved through social dialogue.
589. *The Africa group*, through a Government representative of Angola, agreed with the points for decision and highlighted the need for consensus.
590. *Another representative of the Director-General* (Executive Director, ED/NORM) said that the report of the Meeting reflected in detail, in the section "Discussion of the outcome", the views of the Government, Worker and Employer experts, and that readers would therefore be left in no doubt as to the views of the Employer experts.
591. *The Employer spokesperson* announced that the Employers' and Workers' groups, following consultations had agreed on an amended text for paragraph (b) of the point for decision contained in paragraph 4 of the Office paper (see below).
592. *The Worker spokesperson* indicated that, although in agreement with the original text, his group had agreed to the proposed solution to move forward in that particular case, and in view of the importance of the matter for the advancement of the rights of workers. The objective was always to reach a consensus during tripartite meetings, and the fact that it had not been possible in the current situation made that case particular.
593. The Governing Body approved the text as amended.

Decision

594. *The Governing Body:*

- (a) *authorized the Director-General to communicate the report of the Tripartite Meeting of Experts to Examine the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166), to governments of member States, to the employers' and workers' organizations concerned, and to the non-governmental international organizations concerned; and*
- (b) *requested the Director-General to bear in mind, when drawing up proposals for future actions of the Office, the matters raised in the final report of the Tripartite Meeting of Experts to Examine the Termination of Employment*

Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166), taking into account in this particular case the “Way forward of the Tripartite Meeting of Experts of the Government and the Worker Experts” as referred to in paragraph 127 of the final report and the “Outcome of the Employer Experts” as referred to in paragraphs 118 and 119 of the same report, as well as the discussions held in the LILS Section of the Governing Body at its 312th Session (November 2011).

(GB.312/LILS/6, paragraph 4, as amended.)

Seventh item on the agenda

Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART): Interim report on allegations submitted by teachers’ organizations

(GB.312/LILS/7)

595. The Governing Body had before it a paper providing an overview of the functioning of the CEART in relation to allegations concerning non-observance of the provisions of the Recommendation concerning the Status of Teachers, as well as a summary of the CEART’s previous consideration and its findings and recommendations in a case concerning ongoing dialogue with the Government and teachers’ organizations of Japan. The paper proposed a point for decision to take note of the CEART interim report⁵ and to transmit it to the Government and teachers’ organizations of Japan for their appropriate follow-up action. During the discussion of this item, Ms Horvatic (Croatia) was Employer spokesperson and Mr Cortebecq (Belgium) was Worker spokesperson.
596. *The Worker spokesperson* called on the Government of Japan to speed up legislative reform on public services and negotiations within the social dialogue framework and to inform the CEART accordingly. The Workers’ group supported the point for decision.
597. *The Employer spokesperson* noted the overview and history of the CEART’s functioning presented in the Office paper, and the actions requested in the point for decision, namely for the Governing Body to take note of the interim report and to authorize the Director-General to communicate it to the concerned constituents in Japan. The CEART mandate was to monitor and promote the application of the international Recommendations on teachers of 1966 and 1997, and to report thereon to the Governing Body and to the Executive Board of UNESCO. In the past, the Employers had objected to language used in Office documents submitting such reports for consideration, which suggested a binding character of the two Recommendations. The Employers considered that in the meantime their concerns had, in essence, been taken into account and therefore supported the point for decision.
598. *The Africa group*, through a Government representative of Botswana, expressed the group’s appreciation for the interim report by the CEART on the allegations submitted by the teachers’ organizations of Japan pertaining to observance of the ILO/UNESCO

⁵ CEART/INT/2011/1.

Recommendation of 1966. The Africa group urged the concerned parties to continue to engage in dialogue in order to find a lasting solution to the allegations raised, and called upon the Government of Japan to bring about legislative reforms in order to establish stable union–management relations in the public services. The group agreed with the CEART’s recommendations contained in paragraph 17 of its interim report, as well as the point for decision in the Office paper.

Decision

599. The Governing Body:

- (a) took note of the situation and findings set out in the CEART’s interim report and the recommendations contained in paragraph 17 therein; and**
- (b) authorized the Director-General to communicate the report of the CEART to the Government of Japan, the All Japan Teachers and Staff Union (ZENKYO), the Japan Teachers’ Union (JTU) and to other representative teachers’ organizations in Japan, and to invite them to take the necessary follow-up action as recommended in the report.**

(GB.312/LILS/7, paragraph 5.)

Programme, Financial and Administrative Section

600. The Programme, Financial and Administrative Section of the Governing Body met on 10 and 11 November 2011. It was chaired by the Chairperson of the Governing Body, Mr Vines. Mr Julien and Ms Sundnes were the Employer and Worker spokespersons, respectively.

601. The order of discussion proposed in document GB.312/PFA/TOB(Rev.) was agreed.

Programme, Financial and Administrative Segment

First item on the agenda

Programme and Budget for 2010–11: Regular budget account and Working Capital Fund (GB.312/PFA/1(Rev.) and GB.312/PFA/1(Add.))

602. *A representative of the Director-General* (Treasurer and Financial Comptroller) reported that since 1 November 2011, contributions for 2011 and previous years amounting to 18,666,539 Swiss francs (CHF) had been received from three member States as follows:

Member States	Contribution received for 2011	Contribution received for arrears	Total contributions received in CHF
Israel	1 330 000	–	1 330 000
Ukraine	336 539	–	336 539
United States	17 000 000	–	17 000 000
Total	18 666 539	–	18 666 539

603. Including contributions received between 1 and 10 November 2011, the total contributions received in 2011 amounted to CHF307,981,179. Of this amount, CHF273,923,723 represented contributions for 2011 and CHF34,057,456 represented contributions for arrears.

604. The balance due as of 10 November 2011 was CHF163,290,036.

605. *The Employer spokesperson* considered that the paper was useful in that it provided the Governing Body with information on the ILO's financial situation. The figures contained in it showed both a sustained interest in the Organization and the difficulties facing certain countries in meeting their financial obligations, mainly as a result of the stronger Swiss franc.

606. He welcomed the fact that the number of countries that had lost their voting rights had declined, and endorsed the point for decision.

607. *The Worker spokesperson* thanked governments which had paid their contributions and encouraged other governments to pay their outstanding contributions.

Decision

- 608.** *The Governing Body delegated its authority under article 16 of the Financial Regulations by requesting the Director-General to submit proposals for any necessary transfers within the 2010–11 expenditure budget to the Chairperson for approval, prior to the closing of the biennial accounts, subject to confirmation of such approval by the Governing Body at its 313th Session (March 2012).*

(GB.312/PFA/1(Rev.), paragraph 11.)

Second item on the agenda**Use of the Special Programme Account**

(GB.312/PFA/2)

- 609.** The Governing Body had before it a paper containing proposals to finance high-priority work with the balance of US\$4.2 million under the Special Programme Account (SPA).
- 610.** *The Worker spokesperson* expressed support for the social security proposal. The ILO should assist at least five countries wanting to establish social protection floors. Country work should involve all three constituents, in particular trade unions, and the ILO should take a leading role in inter-agency work, based on its standards mandate and social dialogue values. Work should also contribute towards creating synergies with the 2012 Conference discussion on the social protection floor and eventually the adoption of a Recommendation on the social protection floor. She also supported the proposal on productivity growth, wages and collective bargaining, regretting that it was the least funded, although it covered issues that were central to social stability in all regions. She called for an increase in resources for that proposal, given that, despite being recognized as a fundamental objective of the ILO and reaffirmed by the ILO Declaration on Social Justice for a Fair Globalization, collective bargaining did not attract funding from the donor community and lacked even minimal resources as an outcome in DWCPs. She also pointed out that wages should not be linked to productivity only, as they related to other factors as well.
- 611.** The speaker expressed concern about the proposal on decent work for youth. Given the high level of youth unemployment in many countries, more efforts were needed to ensure that activities addressed demand- and supply-side measures, as well as micro and macro interventions consistent with the framework provided by the 2005 Conference discussion on that topic, the Global Jobs Pact and the Global Employment Agenda. Most of the technical consultations suggested had an exclusive supply-side focus (skills, vocational training, youth entrepreneurship) which was insufficient to address the problem of youth unemployment and ran the risk of pre-empting the debate at the Conference in 2012. Furthermore, reference should be made to the quality of youth employment and to the rights-based approach. In 2005, a set of international labour standards had been identified that were relevant to work and young people. The uprising in many Arab countries and the message from the youth of those societies was, in addition to employment, about rights, freedom and democracy. She indicated that the secretariat of the Workers' group and the Bureau for Workers' Activities (ACTRAV) should be consulted on the format, the criteria and the participation of workers in order to agree with the proposal. She also wished to see the allocation of resources increased for the proposal on collective bargaining and wages. She supported the rest of the proposals.

612. *The Employer spokesperson* considered that the paper posed a number of problems. First, it had reached the constituents late and without any prior consultations taking place. Secondly, the use of the SPA raised an issue of principle, given that article 11(9) of the Financial Regulations set a number of conditions for the use of that account; those conditions were clearly not met in the present case. The proposed activities would involve subsequent financial costs which the Employers wanted to know about. Thirdly, the proposals contained in the paper did not reflect the Employers' priorities. The Employers had reservations especially with regard to adopting models and to the substance of the proposal on decent work for youth, when there was no proposal on the question of sustainable enterprises or business start-ups. He suggested that the account should, if necessary, be used to fund the building renovation work.
613. The Employers wanted in-depth consultations on the implementation of the proposals contained in the paper and expressed their reservations.
614. *IMEC*, through a Government representative of the United Kingdom, indicated that it had no objection to the specific proposals, but had some concerns about how they had been presented for decision. Four points were emphasized: (i) no information was included on the criteria adopted for the selection of the proposals presented over others, even though the paper referred to orientations received from the Governing Body, the Conference and G20 demands; (ii) it would have been useful to know whether other proposals had been considered but not retained, and how the different options had been ranked; (iii) each option should have been supported by a plan, a budget and staffing breakdown and evidence of value for money; and (iv) informal consultations on the proposals should have been organized before the Governing Body met. The speaker requested that future proposals on the SPA satisfy the following criteria: (i) they should be presented with sufficient transparency, clarity and detail to allow informed decisions by the Governing Body; (ii) they should include budget breakdowns and evidence of value for money; (iii) they should include details of how projects were ranked against the selection criteria; and (iv) they should include a mechanism that would allow governments to present additional proposals for consideration, as previous proposals by governments to use funds available in the SPA for the ILO building had been rejected without explanation. The Office was requested to prepare for a discussion on a more inclusive and transparent mechanism for the selection of SPA proposals at the March 2012 session of the Governing Body, failing which it would be difficult for the IMEC group to agree to such proposals in the future.
615. *The Africa group*, through a Government representative of Zimbabwe, welcomed the proposals and supported the decision point. The speaker underscored the imperative of the proposal on decent work for youth, which was in line with the conclusions of the 12th African Regional Meeting. The Office should continue to strengthen its work in that area, both in the context of preparation for the Conference discussion in 2012 and with a view to enhancing service delivery in that area.
616. *A Government representative of India* supported the Office proposals. He welcomed the focus on inter-agency coordination for establishing social protection floors in the wider context of comprehensive national, social and economic policy frameworks. Effective collaboration should be established among national statistical organizations and labour inspection agencies to collect basic data. He also acknowledged the proposal on the Skills for Employment Knowledge Sharing Platform, mentioning the value of public-private partnerships in enhancing vocational training and skills building opportunities. The speaker made reference to several initiatives undertaken by India in the areas covered by the proposals and asked that India be included in the technical workshop for experts on employment and infrastructure development, as well as in the validation exercise on wage bargaining in relation to productivity.

617. *A Government representative of China* welcomed the proposals while emphasizing the importance of using resources prudently, especially in times of global austerity. In that context, proposals on the use of the SPA should be more specific. Given the urgent need to find solutions to the youth employment challenge, the issue should be given greater attention within the SPA.
618. *A representative of the Director-General* (Director, PROGRAM) focused his intervention on three points. First, most of the proposals reflected priority areas identified in the 2011 Conference decisions concerning social security, domestic work and labour administration. The proposals complemented activities already included in the Programme and Budget for 2012–13, by addressing specific issues for which dedicated resources had not been foreseen. The proposal on labour administration was a case in point. It addressed the need for appropriate data and indicators to measure performance of labour inspection in response to a decision taken by the Conference. In contrast, the proposal on youth employment was meant to enable the Office to consult more widely and gather new ideas in preparation for the discussion at the 2012 session of the Conference. Secondly, the request for more thorough consultations on the proposals and their implementation was noted and the Office would act upon that in further consideration of those items. Thirdly, the Office had considered a wider set of proposals for the use of the SPA but those contained in the paper were the preferred options. In particular, the use of the SPA for the building renovation fund had not been adopted as funding for phase I of the building renovation was almost complete. Proposals had been made during the discussion to closely involve the Bureau for Employers' Activities (ACT/EMP) and ACTRAV in the implementation of the SPA proposals, which the Office welcomed and would pursue.
619. *The Employer spokesperson* emphasized that it was not the purpose of the SPA to make up for shortfalls in the regular budget, and supported the statement made on behalf of the IMEC group on that point. He recalled that the question had created a number of difficulties in March 2011, and it would therefore have been better to hold consultations before drafting the paper. He recalled the importance of consultations held in accordance with the principles of tripartism that prevailed in the ILO.
620. He also requested that ACT/EMP and ACTRAV be involved in implementing the proposed initiatives, and reiterated his group's reservations.

Decision

621. ***The Governing Body authorized the Director-General to use US\$4.2 million from the SPA as detailed above and summarized in paragraph 4 of the paper.***

(GB.312/PFA/2, paragraph 32.)

Third item on the agenda

Financial questions relating to the International Institute for Labour Studies

622. This item was discussed under item 10 of the Institutional Section (see paragraphs 181–183 supra).

Fourth item on the agenda

Proposed 2012–13 budgets for extra-budgetary accounts

623. The Governing Body had before it two papers on extra-budgetary accounts.

International Occupational Safety and Health Information Centre (CIS)

(GB.312/PFA/4/1)

624. *The Worker spokesperson* fully supported the review of the CIS overall direction and strategy and welcomed the reference to enhancing the ILO's knowledge base on occupational safety and health. Greater linkages and synergies should be created between the CIS, the Programme on Safety and Health at Work and the Environment (SafeWork) and Conditions of Work and Employment Programme (TRAVAIL) databases to set up a unified data collection system in the labour protection field. She reiterated that while the use of electronic formats for publications was welcomed, many workers' organizations did not have access to electronic documents. The Workers therefore stressed the importance of continuing to provide hard copies of all publications.
625. She recommended an evaluation of earlier collaboration with regard to the CIS network of national, regional and collaborating centres in order to increase cooperation. The Workers' group supported the point for decision.
626. *The Employer spokesperson* endorsed the point for decision, but had two comments to make. First, he recalled that his group set great store by the activities of the CIS, which did excellent work. The Employers placed great importance on the CIS's continued ability to carry on its activities, and wondered whether the necessary human and financial resources were available. Secondly, with regard to paragraph 10, he wanted some more detailed information on the proposed synergies between the CIS databases and those of TRAVAIL, and noted that his group would not be in favour of any merger; the databases in question covered very different areas and it was essential to avoid confusion. Lastly, he recalled that the Department of Statistics had been given responsibility for ensuring consistency in data collection in the ILO. The Employers would devote particular attention to that question at the March 2012 session of the Governing Body during the discussion of the implementation report, since the streamlining exercise appeared not to have been completed.
627. *A representative of the Director-General* (Director, Programme on Safety and Health at Work and the Environment – SAFEWORK) responded to the questions raised by the Workers' and Employers' groups. He confirmed that hard copies and electronic copies would continue to be produced for all publications, and noted that, as part of the strategy of reinforcement, the CIS was trying to bring about more active participation from partners and collaborators, including increased collaboration with ILO field specialists. He indicated that the CIS was looking to create synergies between databases, not inappropriate merging.

Decision

- 628.** *The Governing Body approved the proposed 2012–13 income and expenditure budget for the CIS extra-budgetary account, as set out in detail in the appendix of the paper.*

(GB.312/PFA/4/1, paragraph 16.)

Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR)

(GB.312/PFA/4/2)

- 629.** *The Employer spokesperson* thanked CINTERFOR for its work, which was highly regarded by South American employers. Thanks were also due to the Government of Uruguay for paying its arrears of contributions. The Employers were bound to encourage the ILO to seek other resources.
- 630.** *The Worker spokesperson* stressed the need to adopt a more integrated approach to vocational training, linking it to the strategic pillars of decent work. The rights-based approach was particularly relevant, notably in terms of having freedom of association and collective bargaining recognized as integral elements of decent employment and vocational training. She expected that during the next biennium a specific programme to promote vocational training clauses in collective bargaining processes would be presented, and suggested that activities related to the promotion of new technologies should be discussed with trade unions.
- 631.** In the area of enterprise sustainability, the focus should be on a vocational training and workplace improvement programme to increase the productivity of small and medium-sized enterprises (SMEs), as well as promoting respect for freedom of association and collective bargaining, improvements in wages and working conditions. Further work was needed to strengthen the participation of workers' associations in vocational training institutions. It would be good to have an evaluation of social partners' participation in vocational training institutions with a view to building a strategy to improve it. Vocational training for young people needed to be part of an integrated macroeconomic framework putting decent and productive employment at the core of economic and social policies. Programmes should include a gender perspective with continuous learning opportunities available throughout an individual's working life. She also supported a focus on skills development and regional integration. Bipartite and tripartite dialogue should enhance working conditions and productivity linked with the promotion of the Human Resources Development Convention, 1975 (No. 142), the Human Resources Development Recommendation, 2004 (No. 195), the Vocational Training Recommendation, 1939 (No. 57), and the Vocational Training (Adults) Recommendation, 1950 (No. 88).
- 632.** Youth employment and enterprise development should be consistent with the concept of sustainable enterprises developed at the 2007 session of the Conference putting full, decent and productive employment at the core of economic and social policies and ensuring the right balance between supply- and demand-side measures. She commended the work done to promote CINTERFOR networks and reiterated the need for workers' representatives to be included in those networks. The Workers supported the point for decision.
- 633.** *A Government representative of Brazil* commended CINTERFOR for its role in South–South and triangular cooperation. He encouraged the development of CINTERFOR with a focus on green jobs and skills development. The speaker welcomed the proposal for CINTERFOR's Programme and Budget 2012–13 and supported the point for decision.

634. *A representative of the Director-General* (Director, ILO Regional Office for Latin America and the Caribbean) indicated that great efforts had been made towards a more integrated approach including knowledge sharing regarding vocational training and skills development with a specific focus on the participation of workers' and employers' representatives. She added that the Office was expanding its network of training institutions and developing regional strategies.

Decision

635. *The Governing Body approved the income and expenditure estimates of the CINTERFOR extra-budgetary account for 2012–13, as set out in Appendix I of the paper.*

(GB.312/PFA/4/2, paragraph 13.)

Fifth item on the agenda

Building questions: Update on the headquarters renovation project

(GB.312/PFA/5(&Corr.))

636. *A representative of the Director-General* (Director, Department of Facilities Management) indicated that, while the project had experienced minor delays in launching the tenders for some of the planned works, that should have only limited impact on the time line for execution of the works as approved by the Governing Body in November 2010.
637. The asbestos survey was under way and the results should be available for the next Governing Body session. The tender for the replacement of the 16 main elevators had just been published. Drafting of the detailed technical specifications for the renovation of the kitchen areas would be completed by mid-December and the corresponding international tender launched early in 2012. The restaurant and cafeteria services would remain available during the entire renovation period. The technical specifications for the construction of the temporary office building (commonly referred to as the "Annex") were ready and the international tender would be published soon.
638. Following expert advice, the Office had decided to organize two separate tenders for the services of a "project pilot", rather than one comprehensive one. The first tender had already been launched. The project communication strategy was being fine-tuned with the Department of Communication and Public Information.
639. *The Worker spokesperson* welcomed the Office paper and the oral information provided but expressed a number of concerns. Her group considered that preparation of the technical specifications and evaluation of the offers received should not be undertaken by the same consultants. Her group felt that consultations with the Staff Union were essential, especially on safety and health issues, and that the Staff Union should be represented on the Project Steering Committee. Regarding the asbestos survey, it would be useful to provide regular information on its findings, not just through Governing Body papers.
640. She wondered how the Office planned to place one half of the staff in one third of the building and what would happen if the construction of the Annex took longer than expected. She asked for information on the project team, which to her knowledge had not yet met, and requested confirmation that all contracts for the project stipulated compliance

with the fundamental principles and rights at work. She found the risk register attached to the paper somewhat vague and requested more detail. Regarding the discussions with the Swiss authorities, she asked for more information on developments. She also requested comprehensive documents on past decisions on both building and information technology (IT), since the new format of the Governing Body required the sharing of more information with its members.

641. *An Employer member*, speaking on behalf of his group, reaffirmed the great importance his group placed on the issue: first, because of its responsibility in finding effective solutions to the problem in the absence of specific funding; and, second, because the great amount of financial resources needed for the job could jeopardize other essential responsibilities of the ILO. For those reasons, the Employers welcomed the paper but considered that it was not the type of document expected to be presented within the new methodology adopted for Governing Body sections. The paper provided some information but did not provoke any orientation or decision. He suggested that information should be better provided to Governing Body members through modern communication media in between sessions in order to keep the Governing Body regularly informed on the project.
642. *GRULAC*, through a Government representative of Brazil, welcomed the paper but expressed the hope that future papers would be more focused on decisions which the Governing Body should take in the context of the project. The group wondered whether the renovation works would affect the work of the Governing Body or the Conference. Regarding the replacement of the elevators, it was not clear why the Office had needed an external consultant to evaluate the offers and supervise the works. It also requested information on the number of elevators currently in operation and why the replacement could not be done in a shorter time. Regarding the renovation of the kitchen areas, the group wondered about their current state and the contribution to the renovation costs by the current service provider. Finally, it requested more information on the discussions with the Swiss authorities concerning the sale of the plots of land required to finance the second phase of the project.
643. *A Government representative of France* welcomed the paper, which was important not only because of the financial resources involved in the project but also because the result would affect conditions of work and hence the quality of the services the Office could provide. He asked for information on how the project was being coordinated with other Geneva-based UN agencies, and reminded the Governing Body that, in his Government's view, it would have been appropriate to include the project as one of the priority items for use of the SPA.
644. *The representative of the Director-General* explained that the only responsibility of the outside consultants who assisted the Office in evaluating offers was to ensure that the bids received were in conformity with the specifications; they did not participate in the commercial evaluation of the bids. The project team, on which the Staff Union was represented, had already met to discuss the asbestos survey, together with the Administrative Committee on Occupational Safety and Health.
645. Regarding occupancy of the building, he explained that it was in fact possible to locate one half of the staff in one third of the building by applying the existing rules. He confirmed that all contracts for the project included the Office's general conditions of contract, which required compliance with the fundamental principles and rights at work. He pointed out that the "project pilot" would assist the Office in updating and elaborating the risk register. Progress had been made in discussions with the host country but the Office was not yet able to lift its objections to the "Jardin des Nations" plan.

646. As the Employers had suggested, the Office would in future make an effort to keep both the staff and the members of the Governing Body regularly informed using the Internet and other modern means of communication. He took note of the suggestion that future documents on the project could be for information only.
647. During the first phase of the project (2012–15), the work of the Governing Body and the Conference would not be affected by the project. Outside expertise was required for the preparation of the specifications, evaluation of the offers and supervision of the actual replacement of the elevators, since that was a highly specialized matter. Currently, seven elevators were operational on each side of the building. The elevator renovations were being phased to ensure an adequate level of service. The kitchen floors had been affected by carbonation. This was a structural problem and therefore the ILO's responsibility, not that of the service provider. He indicated that he met regularly with his counterparts in other UN organizations in Geneva to coordinate activities, particularly with the World Health Organization and the United Nations Office at Geneva, which were also planning renovations.
648. *The Worker spokesperson* reiterated that, if there were no objections from the other members of the Governing Body, the Staff Union should be represented on the Project Steering Committee.

Outcome

649. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion.*

Sixth item on the agenda

Information and communication technology questions

Progress on IT infrastructure investments (GB.312/PFA/6/1)

650. *The Worker spokesperson* thanked the Office and indicated that the document covered most of the information requested by the Workers' group in the March 2011 Governing Body session. She noted that ILO constituents could exercise governance on IT issues only if they were given further detailed information regarding IT sub-projects and the impact of the building renovation. She requested additional information on the establishment of the Project Management Office (PMO) and planned IT infrastructure initiatives. She noted the importance of consultation with the Staff Union.
651. *An Employer member* expressed concern regarding the lack of detailed information in the paper and indicated that critical issues highlighted during the November 2010 Governing Body session were not adequately addressed. In particular, she requested information regarding the status of reskilling staff, financial details and progress on IT governance. She also requested information about the challenges encountered thus far.
652. *A Government representative of Japan* thanked the Office for its efforts and voiced support for the infrastructure improvement initiative. He asked for additional detail on progress and, in particular, on the project components outlined in tables 1 and 2.

653. *A representative of the Director-General (Chief, Information Technology and Communications Bureau (ITCOM))* explained that close coordination had been established with the building renovation project, which did not affect the renovation of the Data Centre.
654. In response to the wider issues of transforming staff to keep pace with the rapid change in modern IT, he noted that information would be provided in the March 2012 session of the Governing Body in the context of the IT Strategy 2010–15 update.
655. He indicated that the primary challenge encountered thus far was balancing the need to sustain existing services while taking on significant new projects. He noted that two initiatives of IT infrastructure investments were progressing ahead of schedule owing to excellent collaboration from internal departments, assistance from external consultants and highly dedicated staff.
656. He indicated that the post for the Chief of the PMO was expected to be filled by the end of the year and briefly described the role, duties, functions and resources associated with the PMO.
657. The terms of reference, structure and charter for IT governance had been drafted, and included both the PMO and an IT Steering Committee. The IT governance structure was expected to be finalized by the end of the year.

Outcome

658. ***The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion.***

Progress on IRIS field rollout (GB.312/PFA/6/2)

659. *The Worker spokesperson* welcomed the document and sought additional information in relation to lessons learned on training and support, as well as the results of the business process review (BPR) conducted in DWT/CO–Budapest and the Regional Office for the Arab States in Beirut, as noted in paragraphs 4 and 5.
660. She questioned whether the Office would have sufficient time to implement both phases of IRIS in the African region, as the original schedule of implementation had outlined phase 1 in 2012 and phase 2 in 2013. She also inquired whether IRIS would be rolled out to other field offices in parallel.
661. Lastly, referring back to the previous agenda item, the speaker noted that she was looking forward to the implementation of IT governance, in particular the formation of the PMO.
662. *An Employer member* expressed appreciation for the information provided in the document. She asked for clarifications on paragraph 2, specifically on how the lessons learned and conclusions from the retrospective review of the Budapest implementation were applied in other locations. She expressed concern that the IT-related expenditures were not centralized in all cases, and sought an explanation as to why.
663. She noted that the implementation time line of IRIS was regularly changed and requested a more precise implementation time line. She pointed out that implementation for the African region was scheduled for 2013, and inquired whether that could be accelerated.

664. She stated that the document provided no budgetary information and asked the Office if the budget for IRIS field rollout was adequate. Lastly, she requested additional information on the status of upgrading IRIS.
665. *A Government representative of Japan* thanked the Office for the information provided, and noted the importance of IRIS for the Office, its staff and the member States. He was pleased that the rollout was on schedule and expressed hope that it would continue as planned.
666. *The representative of the Director-General*, in response to the questions raised, provided two examples of lessons learned and results from the business process reviews.
667. As a lesson learned from the Budapest rollout of IRIS, the time frame for the delivery of IRIS training, which had originally been concentrated over a shorter period of time, had been extended in order to accommodate field offices in carrying out key daily tasks in addition to receiving training.
668. As a lesson learned from the Beirut rollout of IRIS, the Office was better able to harmonize internal processes and procedures, flow of information and segregation of duties in line with the ILO's financial rules and regulations, resulting in a more equitable distribution of tasks among staff. He added that the Office could provide additional detail on the results of BPRs, if needed.
669. Although the initially planned dates for implementation of IRIS phase 1 for the African region had been moved from 2012 to 2013, the representative was confident that both phases could be implemented in the same year (2013). He noted that, as long as the Office provided a sufficient time gap (approximately six months) between phases 1 and 2, and applied lessons learned from previous locations, the implementation in Africa would be successful. The representative emphasized the advantage of the Regional Office for Africa in Addis Ababa being in close time-zone proximity to headquarters, and thus being able to benefit from extended support during core working hours. He stated that discussions on accelerated IRIS rollout were in progress, pointing out that one of the main challenges was the fact that the Office was rolling out IRIS within existing resources. In response to the inquiries about IT-related expenditures, he noted that the only decentralized funding was related to network connectivity in regions.
670. *Another representative of the Director-General* (Officer in charge, Office of the Executive Director, Management and Administration Sector – ED/MAS) noted that the Building and IT Subcommittees no longer existed, and IT-related matters were now reported directly in the PFA section of the Governing Body. The subcommittees had previously made it possible to discuss IT initiatives in greater detail. He suggested that informal consultations be held during the current session of the Governing Body to determine the format and content of future IT and building renovation papers. Those consultations would also provide an opportunity to share some more detailed information on IT.

Outcome

671. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion.*

Seventh item on the agenda

Other financial questions

Progress report on the expenditure review (GB.312/PFA/7/1(Rev.))

672. *The Director-General* introduced the paper and stressed the importance of the expenditure review for the long-term interests of the Organization. He stated that he had established the Expenditure Review Committee (ERC) to go beyond savings issues and to address processes for better resource management. He emphasized the value of the ERC in continuing to ensure that all ILO activities met standards of value for money which combined high-quality products and results with cost effectiveness and efficiency. He highlighted the fact that savings measures of over US\$5 million had been included in each budget while, within zero real growth, new costs had been absorbed for staff development, staff security, building and accommodation, ethics and oversight. The Director-General considered the need for savings to be a permanent, high-priority objective on which efforts must continually improve.
673. The Director-General sought support and guidance from the Governing Body in addressing the difficult issues that surrounded changes to organizational procedures and culture. On issues pertaining to conditions of work, he assured the Governing Body that the Office consulted the Staff Union. He informed the Governing Body of his intention to report regularly on progress made and measures taken.
674. *The Employer spokesperson* considered that the expenditure review had produced convincing results, and he supported the ways forward outlined in the paper. With regard to travel, the ILO should follow the practice in other organizations. The Employers drew the attention of the Office to the need to improve the way in which travel authorizations were managed, as the issue of the amount of travel – in other words, whether such travel was appropriate – was just as important as the cost of travel.
675. *The Worker spokesperson* noted the composition of the ERC and expressed regret that ACTRAV had not been involved in that internal oversight structure. She questioned how the assessment of work plans for outcome 10 on workers' activities would reflect workers' organizations' priorities without involving ACTRAV. She expressed concern with regard to the autonomy of ACTRAV and ACT/EMP at the field level since the Regional Directors were part of the ERC, while ACTRAV and ACT/EMP were not.
676. The savings measures proposed in the document were welcomed. She reiterated the need to ensure quality of documents over the issue of length and stressed that quality of work and of working conditions should not be sacrificed to ensure savings. She emphasized the need for ACTRAV to be closely associated in the cost-savings review, namely of the *International Journal of Labour Research*, an ACTRAV publication. Where proposals from the ERC affected staff assignments, she asked the Office to be committed to consultation with the Staff Union, and she underlined the importance of dialogue on a wider range of items. With regard to paragraph 28, she requested additional information on what would be examined under each heading.
677. IMEC, through a Government representative of Canada, strongly supported the cost-saving efforts and the work of the ERC. The group believed that travel and publications were good priority areas for review, welcomed additional ideas for cost savings, and called for the expenditure review to be as broad as possible. Noting the potential savings through

harmonizing travel procedures with those of other UN organizations, it requested further details on how the ILO travel policies differed.

678. IMEC welcomed the electronic distribution of pre-session and information documents and asked for clarification on how *Provisional Records* that were key to decision-making would be made available to delegates during the Conference. It supported paragraph 21 and requested that the Office carefully track and report actual savings and how those were achieved. The group requested an annual report on efficiency measures and savings and how the savings were used. It asked for the terms of reference of the ERC and its methods of work. The group supported the proposals to explore long-term measures and asked the Office to consider consolidating administrative functions with other UN agencies in Geneva. IMEC understood from the paper that the Office had identified possible savings of some US\$460,000, and suggested that the Office implement the proposed cost-saving measures. It proposed a point for decision.

679. ASPAG, through a Government representative of Japan, recognized the important mandate of the ERC and the office-wide assessment to increase value for money, savings, efficiency and effectiveness. ASPAG welcomed the work related to travel and publications and duly acknowledged the immediate measures taken. It encouraged a continued review for additional savings and harmonization of travel arrangements. Further savings were possible through cutting publication costs and decreasing the length of meeting documents. The group supported the long-term efforts proposed in paragraph 22 of the paper.

680. The speaker asked the ERC to seek improvement of working modalities in the ILO. He requested more background information on each item in paragraph 28 to ensure an informed discussion. ASPAG supported savings on translations and proposed a cost-benefit analysis of the creation of a department to meet interpretation demands. It called for more noteworthy and tangible achievements in the following report and encouraged the Office to ensure that, on any proposals affecting staff assignments, the voice of the staff would be heard.

681. *The Africa group*, through a Government representative of Zimbabwe, noted the significant savings and efforts to harmonize travel with other UN agencies. It welcomed proposed measures on savings in publications. The group endorsed the use of electronic files as a primary means of communication, but emphasized the need for flexibility in that regard for constituents with limited access to modern technologies.

682. *A representative of the Director-General* (Officer in charge, ED/MAS) assured the Governing Body that the quality of services to constituents was the first concern of the ERC. In order to effectively manage the process, task teams were used to ensure that those most concerned were fully involved in examining implications and developing solutions. ACTRAV and ACT/EMP would be involved in any discussions involving the substance of employers' and workers' activities.

683. The Office would report to the Governing Body in November 2012. That report would describe the concrete measures that had been implemented and the savings to date from those measures. He also offered to conduct informal consultations with the Governing Body, in the interim, to discuss progress that had been made and to receive further guidance.

684. The Office would provide information to the Governing Body, during informal consultations, on such questions as in-session documents for the Conference and class of travel. Lastly, he assured the Governing Body that any cost-saving measures that could be implemented by the Office were immediately implemented.

- 685.** *The Worker spokesperson* preferred that the Office report on implemented cost-saving measures to the November 2012 session of the Governing Body. She expressed reticence with regard to using resources to report in March 2012 on a process that had not finished. She reiterated that the Office should consult with the Staff Union in order to accomplish that work properly. The Workers supported the proposed point for decision without amendment.
- 686.** *The Employer spokesperson* endorsed the arguments put forward by the representative of the Director-General and highlighted the effectiveness of certain informal consultations. The Employers approved the proposed point for decision as currently worded, provided that it be specified that the terms “further update” could refer to the holding of informal consultations. Such consultations would enable a document to be prepared for the November 2012 session.

Outcome

- 687.** *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion.*

Appointment of a member of the Investments Committee of the International Labour Organization (GB.312/PFA/7/2)

- 688.** *The Worker spokesperson* supported the point for decision, and recommended that the Office take gender balance into account in the composition of all ILO committees.
- 689.** *An Employer member* approved the point for decision as currently worded.

Decision

- 690.** *The Governing Body:*
- (a) expressed its appreciation to Mr Rolf Banz for his years of service to the Investments Committee;*
 - (b) renewed the appointment of Mr René Zagolin and Mr Xavier Guillon as members of the Investments Committee for a further period of three years, expiring on 31 December 2014;*
 - (c) appointed Mr Max Bärtsch as a member of the Investments Committee for a period of three years, expiring on 31 December 2014.*

(GB.312/PFA/7/2, paragraph 4.)

**Working group on the follow-up to the Tripartite
Declaration concerning Multinational Enterprises
and Social Policy**
(GB.312/PFA/7/3)

Decision

- 691.** *The Governing Body modified its June 2011 decision⁶ by authorizing an additional meeting of the tripartite ad hoc working group to discuss and decide on the final text of its report, to be held before the March 2012 session of the Governing Body, to be financed from resources within the Employment Sector.*

(GB.312/PFA/7/3, paragraph 3.)

Audit and Oversight Segment

Eighth item on the agenda

Annual evaluation report 2010–11

(GB.312/PFA/8)

- 692.** *The Worker spokesperson noted the high technical quality of the report and the extensive data provided, but found that it lacked details on substantive matters. Regarding table 6 on the Strategic Policy Framework, she had some difficulties in interpreting the reference to the need for the ILO to demonstrate a wider impact of its normative work, which could be interpreted as undermining the standard-setting role of the Organization, and queried why the report did not question the uneven distribution of technical cooperation resources, which were concentrated on outcomes 1 and 16. She wondered how resources for other outcomes could be found adequate, including the outcome on workers' activities, which had received only 1.5 per cent of 2010 total extra-budgetary technical cooperation expenditure on country programmes and global products. She asked the Office to improve constituents' involvement in project design and the integration of international labour standards in projects.*
- 693.** *On DWCP lessons learned, she emphasized the need to consider the interrelated nature of support across the four decent work strategic objectives and to move away from a project-based funding approach. While she was against a one-size-fits-all approach, she insisted that the ILO Declaration on Social Justice for a Fair Globalization spoke of the inseparable, interrelated and mutually supportive nature of the four strategic objectives. Thus, a pick-and-choose approach was not welcomed either. She also asked the Office to put in place mechanisms to make the involvement of the social partners a sine qua non requirement in project design and evaluations, as recommended in the report. She asked for information on the completed internal evaluation of the DWCP for the Syrian Arab Republic in the present-day context.*
- 694.** *The Employer spokesperson welcomed the quality of the paper. In general, he considered that the constituents should be better trained for participation in evaluations, and that ACTRAV and ACT/EMP should play a pivotal role. He recalled that the Employers had*

⁶ GB.311/7/2(Corr.).

always advocated decent work programmes based on demand rather than on supply, and considered that each activity should produce concrete results in order to meet constituents' needs. The Employers noted that those points had been taken up in the report and included in the recommendations.

- 695.** The Employers' group invited the Office to step up its efforts in regard to follow-up of evaluations, and approved the knowledge strategy, which should facilitate information sharing. The Employers endorsed the Office views on responsibilities and considered that line managers played an essential role.
- 696.** With regard to impact assessment, the Employers were of the view that the indicators did not always reflect the progress achieved. Lastly, given the current context, the speaker considered that there was an urgent need for the Office to define its priorities more precisely.
- 697.** IMEC, through a Government representative of the Netherlands, considered the report very valuable in documenting the implementation of the evaluation strategy and in trying to identify weaknesses in the results-based management (RBM) framework of the ILO. The group noted the improvements made in the follow-up to evaluation recommendations but called for greater transparency in future of the consultations conducted on the topics for high-level evaluations. IMEC praised the analysis in table 6 but expressed concern over the limitations of the proposed long-term implementation of measuring impact, which should be feasible as part of the RBM system and should be incorporated in the recurrent reports as soon as possible. Noting the favourable results found in the meta-analysis of technical cooperation, the group asked how attribution to the ILO could be assumed given the reported weaknesses in monitoring.
- 698.** IMEC called on the Office to implement the suggestions and lessons presented in the report and requested a new decision point calling for an update on their implementation by March 2012.
- 699.** ASPAG, through a Government representative of China, called on the Office to improve the use of evaluations through the implementation of recommendations and capacity development of constituents. Speaking for the Government of China only, the speaker noted improvements in follow-up to decentralized evaluations and knowledge management, and supported the call for an improved results-oriented responsibility framework.
- 700.** *A Government representative of France* found that the report shed light on how evaluation was being used in the Office and contributed to the RBM system, which he viewed as positive progress towards institutionalizing an evaluation culture.
- 701.** *A Government representative of India* welcomed the section on the implementation of Regular Budget Supplementary Account (RBSA) evaluations, which included the green jobs RBSA project in India. He noted the advances in the implementation of the 2011–15 evaluation strategy and the progress reported on the follow-up to evaluation results.
- 702.** *A representative of the Director-General* (Director, Evaluation Unit – EVAL) noted the short time EVAL had available since the adoption of the new strategy in March 2011 to report in the new more extensive format. He referred to the detailed background reports prepared for additional substance on methodologies, conclusions, lessons learned and recommendations of the various evaluations and meta studies. Regarding the unequal distribution of technical cooperation resources among the 19 outcomes, he explained that all EVAL could do was to ensure that all projects were evaluated in accordance with prevailing procedures.

703. He noted the positive correlation shown in evaluations between constituent involvement and sustainability of DWCPs and projects. EVAL encouraged constituent involvement in evaluation design and had made progress in strengthening capacity of constituents. Management follow-up to recommendations for governance-level evaluations as well as those for projects had significantly improved, with the latter increasing from 50 to 72 per cent compliance.
704. He stated that the review of the Strategic Policy Framework in table 6 had arisen as part of the new strategy requiring EVAL to review overall performance effectiveness. Despite the substantial progress made on RBM, further strengthening of the monitoring and evaluation framework, strategies, assumptions, outcome-based workplans and teamwork was required as part of an ongoing and gradual process. He explained that the meta-evaluation was based on evaluations conducted by 59 external evaluators, which conferred credibility on the information contained in the report on the ILO's performance.
705. Regarding the proposed revised decision point, he cautioned against moving too fast on introducing impact assessments in the recurrent reports, as that would take time and substantial investment in the monitoring and evaluation mechanisms. The additional report requested for March would increase the reporting burden on the Office.
706. *The Worker spokesperson* accepted the IMEC group's proposal for amendments to the point for decision.
707. *The Employer spokesperson* considered that the Office should not be unnecessarily burdened with work. However, as the Workers approved the amendment proposed by Governments, the Employers' group chose to follow suit.
708. IMEC, through a Government representative of the Netherlands, agreed with the Chairperson's interpretation that the envisaged report would consist of further recommendations regarding follow-up and be subject to informal consultations with the groups.

Decision

709. *The Governing Body:*

- (a) *confirmed the priorities for the programme of work; and***
- (b) *requested the Director-General to present a paper for adoption to the March 2012 session of the Governing Body containing recommendations on how to give effect to the suggestions and planned next steps, including the incorporation of impact assessment as part of the recurrent discussion reports.***

(GB.312/PFA/8, paragraph 85, as amended.)

Ninth item on the agenda

Discussions of high-level evaluations: Strategies and Decent Work Country Programmes (GB.312/PFA/9)

710. *An Employer member* expressed the group's appreciation for the documents presented. The Employers wished to know how the Office intended to follow up on that document, given that no financial implications were expected. However, it was regrettable that the Office had not proposed any clear solution to the problems in coordination that had arisen in regard to the fight against discrimination in employment and occupation. Although the implementation of the strategy had been a success, the Employers' group considered that there was a need for increased cooperation of the social partners. The speaker also stressed the need to take into account the lessons learned and the recommendations contained in the paper, and added that the Employers' group wished to be kept informed of follow-up.
711. The Employers welcomed the adoption of the HIV and AIDS Recommendation, 2010 (No. 200), and the progress made in the fight against that scourge, but warned against complacency. The focus should be on resource mobilization and participation of the social partners in the programme financed by the Global Fund and the United Nations.
712. The Employers considered the evaluation of the Bahia Decent Work Agenda too ambitious to enable an accurate assessment of the different interventions. The speaker regretted that the Brazilian employers had not been sufficiently involved in the process. In conclusion, the Employers' group supported the point for decision.
713. *The Worker spokesperson* endorsed the recommendations of the evaluation of the ILO's strategy for the elimination of discrimination, noting that donors needed to allocate resources to all the dimensions of that work, not just gender. The existing strategy for outcome 17, when linked to international labour standards, could strengthen the basis for policy coherence in the promotion of the social justice agenda. She also invited the ILO to continue to work with constituents on improving the implementation of Conventions Nos 100 and 111 and ensure that anti-discrimination issues were adequately addressed in DWCPs. The report was particularly timely given the phasing out of the follow-up mechanism under the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration) and the upcoming General Survey and recurrent item discussion on fundamental principles and rights at work.
714. With regard to the HIV and AIDS strategy evaluation, the Workers supported the report's emphasis on working from the ILO's comparative advantage through tripartite approaches, and on incorporating the broader Decent Work Agenda, including gender and informal economy issues. The Workers called for adequate resources to support constituents in effectively implementing Recommendation No. 200 at national, sectoral and enterprise levels. Lastly, with regard to the Bahia evaluation report, the spokesperson endorsed the comments made by the Brazilian trade unions. She considered that the rich experience described could serve as an example to other Brazilian states and other countries, and asked whether workshops were being considered. In conclusion, she endorsed the point for decision.
715. *The Africa group*, through a Government representative of Egypt, emphasized the support for non-discrimination through ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by all African countries and the Equal Remuneration Convention, 1951 (No. 100), by 51 countries. In particular, the speaker

noted the correspondence between the 17 targets of the Decent Work Agenda in Africa 2007 and the 19 programme and budget outcomes. However, a holistic approach and more resources were needed, the latter particularly to mitigate the negative impact of the crisis on discrimination. In conclusion, the group endorsed the point for decision.

716. *IMEC*, through a Government representative of the Netherlands, found the recommendations of all evaluations useful but would have liked more information on the impact of the strategies and programmes. The group called on the Office to improve the evaluability of the strategy for the elimination of discrimination so that subsequent discussions at the Conference could be guided by impact information. IMEC found recommendations 5 and 6 of the HIV strategy evaluation particularly substantive in calling for priority countries and consolidated staffing. It called on the Office to address high-risk groups such as sex workers and the young, and asked it to indicate how the recommendations would feed into a governance discussion of the HIV strategy. Noting the usefulness of the Bahia evaluation, the group called on the Office to find a way to translate the lessons learned to other DWCPs. In conclusion, it endorsed the point for decision.
717. *A Government representative of Brazil* offered an update on the current status of events in Bahia. A series of decent work conferences were taking place around the country, based on the experience in Bahia. The success of the sub-national decent work programme offered strong prospects for South–South cooperation.
718. *A Government representative of India* thanked the Office for its efforts to make elimination of discrimination more relevant, efficient and effective through improved knowledge management, monitoring and capacity building. With regard to the ILO’s HIV strategy, he emphasized the need to focus on the informal sector.
719. *A representative of the Director-General* (Director, ILO Regional Office for Latin America and the Caribbean) explained that the Bahia Decent Work Agenda had become a programme in 2008 and was being integrated into the national agenda through a series of conferences to be held up to May 2012. She mentioned that the sustainability of the programme had been secured through a special fund based on private–public contributions. The Regional Office would use the experience of Bahia for its South–South cooperation programme.
720. *Another representative of the Director-General* (Executive Director, ED/NORM) emphasized the importance of the Office being highly effective and efficient in its action for the elimination of discrimination and outlined two issues that would be addressed. First, with regard to the inherent risks of fragmentation in supporting such a multifaceted issue, as pointed out in the evaluation, the Office would invest greater effort in coordinating the work of different parts of the Office. Second, to improve the evaluability of the strategy, the Evaluation Unit would be consulted on steps to be taken. Evaluation results would also be part of future Global Reports and ILC discussions on follow-up to the 2008 Declaration.
721. *Another representative of the Director-General* (Director, ILO Programme on HIV/AIDS and the World of Work (ILO/AIDS)) assured the Governing Body that the recommendations of the evaluation reflected the thinking of the Office, particularly in looking more at addressing HIV in the informal economy through workers’ and employers’ organizations and operating more around countries and less by projects. Implementation of Recommendation No. 200 would spearhead action, and the Office would keep the Governing Body informed on the progress made in implementing the recommendations through the established procedures.

Decision

- 722. *The Governing Body requested the Director-General to take into consideration the findings, recommendations and lessons learned from the independent evaluations.***

(GB.312/PFA/9, paragraph 110, as amended.)

Tenth item on the agenda**Review of the Independent Oversight
Advisory Committee (IOAC)**

(GB.312/PFA/10)

- 723.** *The Worker spokesperson* recalled that when the IOAC had been initially created in 2007 the Workers' group had been sceptical about the added value that the creation of the IOAC would bring to the ILO. The Workers' group noted the importance of independent oversight bodies and said that in order to be more efficient the numerous existing oversight bodies at the ILO should be improved, rather than the ILO investing in the creation of an additional one. The Worker spokesperson stated that, in the interests of consensus and tripartism, the Workers had endorsed the creation of the IOAC in the past and would be prepared to do so again, but with the understanding that the tripartite principles of the Organization would be fully recognized and that the IOAC would not supersede in any way the oversight role and other functions of the PFA.
- 724.** She referred to several recommendations contained in the appendix. The Workers' group agreed with the Office comments in recommendations 2 and 9. In recommendation 3, more clarification was requested with respect to the last sentence, which read "Consideration of geographical representation, gender and any other characteristics should be secondary", as this opposed the ILO's values and could also be interpreted to mean that trade union representatives should not be part of the IOAC. The Workers supported option 2 in recommendation 4, and recommendations 5 and 6 were endorsed. The justification for recommendation 7 was contested and the Workers' group did not support recommendation 10, which related to including a review of activities and performance of the ILO's evaluation function as part of its terms of reference. In the interests of consensus, she supported the point for decision.
- 725.** *The Employer spokesperson* agreed with the numerous recommendations contained in the report, and observed that some of them merited more in-depth discussion. The Employers supported the point for decision as presented in the document.
- 726.** With regard to the selection process, the speaker invited the Office to undertake consultations quickly so that the process could be ratified the following March. It was important for the members of the IOAC to be competent and independent experts. The most difficult task would be to determine how to carry out the selection. During the review of the IOAC's mandate, the Employers wished to see stronger links between that body and the Governing Body.
- 727.** The election of a new Director-General and the Governing Body reform would give the Governing Body the opportunity to review all the evaluation and audit functions, particularly with regard to the appointment process, and the independence of the members of the IOAC and their relationship with the Governing Body. The Employers hoped that the November 2012 session would be carefully prepared to that effect, because it was

important, before reviewing the IOAC's mandate, to determine the exact position that the IOAC should occupy in the audit and oversight procedures as a whole.

728. *IMEC*, through a Government representative of Japan, stressed that the IOAC had an essential and distinctive role to play and that endorsing it with permanent status would align the ILO with other UN organizations. The group concurred with the conclusions of the consulting firm's recommendations, in particular the recommendations regarding the selection process. The speaker welcomed informal consultations and felt that they should begin immediately. He encouraged the Office to provide relevant draft documentation. *IMEC* supported the point for decision.
729. *GRULAC*, through a Government representative of Brazil, expressed support for the IOAC and its belief that a permanent IOAC could ensure the effective monitoring of the ILO. The group evaluated the recommendations and called for further discussion on certain topics, such as the terms of reference and the selection process. On the basis of future tripartite discussions, as called for in the decision point, *GRULAC* supported the point for decision.
730. *The Africa group*, through a Government representative of Egypt, expressed support for some of the recommendations contained in the appendix. He stressed that a more open and transparent selection process was required and that further discussions regarding the terms of reference were necessary. The speaker praised the Joint Inspection Unit (JIU) report entitled *The audit function in the United Nations system* and remarked that the consulting firm's report could have been elaborated in closer coordination with the JIU. The Africa group expressed the view that the adoption of decisions on terms of reference and the selection process should have preceded the point for decision, but stated that in the interests of consensus it would support the point for decision, proposing that it be amended to say that the informal consultations should be aligned with the JIU report and practices in other UN organizations.
731. *A Government representative of Canada* supported the amendment proposed by the Africa group, understanding that the primary objective of the amendment was to ensure that constituents were provided with all relevant information.
732. *A representative of the Director-General* (Treasurer and Financial Comptroller) explained that the terms of reference with the consulting firm explicitly required that it take into account the JIU report as well as the practices of other UN organizations.
733. *The Worker spokesperson* did not support the proposed amendment to the point for decision.
734. *The Employer spokesperson* considered the proposed amendment to be rather confusing, and said that his group could not support that proposal; however, it did support the point for decision as worded in the Office paper. The speaker suggested waiting for the examination of the evaluation and audit functions to take place in November in order to discuss the role of the JIU.

Decision

735. *The Governing Body decided to:*

- (a) *establish the IOAC as a permanent advisory body reporting to the Governing Body;*

- (b) extend the mandate of the current five members of the IOAC until 16 November 2012 under the existing terms of reference as approved by the Governing Body at its 300th Session (November 2007); and*
- (c) request the Director-General to continue to facilitate informal consultations in order to make proposals on:*
 - (i) the selection process for membership of the IOAC to the 313th Session (March 2012) of the Governing Body; and*
 - (ii) the revision of the terms of reference of the IOAC, no later than at its 315th Session (November 2012).*

(GB.312/PFA/10, paragraph 8.)

Eleventh item on the agenda

Matters relating to the Joint Inspection

Unit (JIU): Reports of the JIU

(GB.312/PFA/11)

- 736.** *The Employer spokesperson* noted his concern about various elements in the document, and also pointed out that the discussions on that subject were getting shorter and shorter. The Employers were certain that the JIU could be useful if its reports were better focused on the ILO and if the Governing Body then made more use of them. In that respect it would be a good idea for a member of the JIU to present the document and the various reports, highlighting aspects of relevance for the ILO. The Employers could not give their views on the points mentioned in paragraphs 24 and 25; they first needed to know whether or not collaboration with the JIU should be continued. In any event, before a decision could be reached on the question of resources, there should be a global debate on all the Organization's evaluation and audit functions.
- 737.** *The Worker spokesperson* expressed concern about the report on more coherent UN system support to Africa, notably with regard to the fact that some of the Office comments on the draft report had not been taken up, ignoring the social partners and the additional level of bureaucracy that would result from the establishment of the proposed high-level steering committee to oversee the Regional Coordination Mechanism (RCM). The group agreed with the Office in paragraph 8 that the issue of offshoring service centres did not apply to the ILO. She supported the position of the Office, as explained in paragraph 11, concerning the selection and conditions of service of executive heads in UN organizations, and the comments of the UN System Chief Executives Board for Coordination (CEB) and the Office to the effect that the adoption of 18 benchmarks "to guide and measure efforts towards a more efficient and effective organization" would be complex. She regretted that the report did not take into account the ILO's tripartite structure. The Workers' group agreed with the Office and the CEB opposing the recommendation calling for the JIU to investigate accusations or threats of retaliation when the internal oversight office declined to do so. The group supported the recommendations related to environmental protection, which should be implemented in due course, subject to resource availability. She invited the Office to carry out the review of travel expenditure in consultation with the Staff Union.

738. Moving to the point for guidance in paragraph 24, the speaker reiterated a number of concerns about JIU-related work, including the considerable costs entailed in the follow-up of recommendations. The Office should produce for the Governing Body a document on the different layers of oversight and control, their functions, costs and benefits, to enable the Governing Body to better understand the value added of the JIU and to make informed decisions on follow-up action.
739. *A Government representative of the United States* requested clarifications from the Office on the costing envisaged to contribute to the JIU tracking system mentioned in paragraph 24. The Office should continue tracking the JIU recommendations, their implementation and the related efficiencies and savings over time.
740. *The Africa group*, through a Government representative of Egypt, underscored the value of cooperation between the JIU and the participating organizations. The group called upon the ILO to take a number of actions to step up its partnership with the JIU, namely: (i) holding formal high-level meetings with the JIU inspectors in the future; (ii) engaging more actively in the approval and implementation of JIU recommendations relevant to the ILO's mandate and agreed upon with no comments from the CEB; (iii) supporting the development of the JIU web-based tracking system mentioned in paragraph 24; and (iv) acting on the proposal to establish a high-level steering committee to oversee the RCM in Africa. The speaker proposed that a point for decision be considered by the Governing Body, requesting the Director-General to submit to the March 2012 session of the Governing Body a detailed report on the steps taken by the Office to implement the JIU recommendations.
741. *A Government representative of France* supported the Employers' statement calling for a presentation by a JIU representative to Governing Body members on the various JIU reports that were relevant to the ILO. That included both reports concerning UN system-wide issues and those more directly addressing the Office, as those reports were an important source of information and convergence towards UN system-wide harmonization. The speaker underscored the complementarity of the JIU within the broader ILO oversight mechanism and the need for the ILO to follow up on JIU recommendations.
742. *A Government representative of Canada* expressed concern about the fact that JIU discussions were getting shorter over time, which did not allow for proper consideration of JIU reports. She supported the Employers' proposal for a broader discussion on the ILO oversight mechanism, as well as the need for a better understanding of JIU work and how better to use it. She requested the Office to coordinate a briefing early in 2012 between the JIU and the tripartite constituents to discuss how to best benefit from JIU work and its recommendations.
743. *ASPAG*, through a Government representative of China, underscored the need to evaluate the effectiveness and efficiency of the existing UN system-wide cooperation framework and to identify best coordination practices and methods of collaboration to increase UN coherence, thus avoiding duplications of work and the dispersion of resources. The group strongly supported the JIU initiatives, which aimed to assess and better clarify roles and responsibilities within the UN system and between different bodies. The representative referred to UN General Assembly resolution 60/258, which called for enhanced dialogue between the JIU and participating organizations, including the ILO. He requested the Office to further reaffirm its commitment to results-based management and the harmonization of practices. The Office should provide information on its involvement in the three high-level committees, in particular the United Nations Development Group.

744. At the invitation of the Chairperson, the Chair of the JIU took the floor. He highlighted a number of areas where ILO cooperation with the JIU should be strengthened, identified several shortcomings in the paper submitted by the Office and called upon the ILO to support the web-based tracking system mentioned in paragraph 24.
745. *A representative of the Director-General* (Director, PROGRAM) addressed four points. First, the practice of the Office had always been to report on JIU reports with CEB comments, which explained possible delays in reflecting all JIU reports in the papers submitted to the Governing Body. Second, the ILO faced a particular difficulty as its unique tripartite structure was often not appropriately reflected in JIU documents. Third, the large number of JIU recommendations submitted to the Office – over 100 per year – presented specific challenges in terms of their implementation, in particular because they were often presented in general terms and did not consider costs. Lastly, the Office had taken due note of the proposal to hold informal discussions on the way the Office should handle JIU reports and their value added to audit and governance functions for the Office.
746. *The Government group*, through a Government representative of Brazil, thanked the representative of the JIU for his statement, called on further interactions with the JIU on future occasions and encouraged the Office to submit relevant JIU recommendations to the Governing Body along with comments from the Office.

Outcome

747. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion.*

Personnel Segment

Twelfth item on the agenda

Statement by the staff representative

748. The statement by the representative of the Staff Union is reproduced in the Appendix I.

Thirteenth item on the agenda

Report of the International Civil Service Commission (GB.312/PFA/13)

749. *The Worker spokesperson* sought clarification as to whether the reference in article 14.7 of the Staff Regulations to the Director-General's duty to consult the Staff Union about any proposed amendment to the Staff Regulations should not be replaced by a duty to negotiate any proposed amendments.
750. *The Legal Adviser* indicated that the use of the expression "after consulting the Joint Negotiating Committee" had been chosen by the Governing Body in order to give effect to the Recognition and Procedural Agreement concluded in 2000 between the Director-General and the Staff Union. The replacement of the term "consultation" by any

other term in the Staff Regulations was a discretionary decision that the Governing Body alone was empowered to make.

Decision

751. The Governing Body:

(a) noted the recommendation of the ICSC on the increase of 0.13 per cent in the base/floor salary and consequential increases in separation payments, for staff in the Professional and higher categories, and authorized the Director-General to give effect in the ILO, through amendments to the Staff Regulations, to that increase, subject to its approval by the General Assembly;

(b) approved the following amendment to article 14.7 of the Staff Regulations:

Subject to the approval of the Governing Body, these Regulations may be amended, without prejudice to the acquired rights of officials, by the Director-General after consulting the Joint Negotiating Committee. The Director-General ~~shall also~~ may amend the Regulations, without prejudice to the acquired rights of officials, and after consulting the Joint Negotiating Committee, in order to give effect to decisions of the International Civil Service Commission and of the General Assembly on the recommendation of the Commission concerning (1) salary scales (2) rates of allowances and benefits ~~(other than pensions, dependency allowances, education grant, home leave, repatriation grant and termination indemnity)~~, the conditions of entitlement thereto, and standards of travel; and (23) the classification of duty stations for the purpose of applying post adjustments; as well as in respect of non-controversial issues with no significant financial and policy implications; the Governing Body shall be informed of such amendments.

(c) decided that the Office would report to it on common system issues and consequential amendments to the Staff Regulations once a year, normally at its spring session.

(GB.312/PFA/13, paragraphs 5 and 12.)

Fourteenth item on the agenda

Amendments to the Staff Regulations

752. A representative of the Director-General (Director, Human Resources Development Department (HRD)) explained to the Governing Body that the item had been placed on the agenda of the PFA Segment in anticipation of a possible agreement on recruitment and selection procedures in the context of the mediation process initiated in early 2011. She stated that no final agreement had yet been reached, and that she therefore would provide the members of the Governing Body with an update on progress made and outstanding issues.

753. The mediation process between the Office and the Staff Union had been launched on issues around recruitment and selection. Additional areas of priority had been identified as: (i) clarification of the scope of collective bargaining in the ILO, including a better definition of areas that fell under negotiation, consultation and information; (ii) a review of the contract types and policies; and (iii) the classification of positions.

754. Four joint mediation sessions had taken place, in February, March, May and October 2011.

755. She was pleased to report that the basic principles for an overall review of recruitment and selection procedures had been agreed with the Staff Union and that both sides had witnessed advancements with a view to finding workable solutions. However, progress in the mediation had faltered over one remaining difference between the parties: the use of external assessors in the recruitment process.
756. The Staff Union had considered that the use of external assessors constituted a breach of the Collective Agreement on Recruitment and Selection and had mobilized around that issue; most notably with a call for global action in November 2010. The speaker explained that the parties had indeed agreed in 2000 that the assessment centre evaluations would be carried out by internal staff, jointly appointed by the Administration and the Staff Union. Unfortunately, that had proved unworkable for effective and timely recruitment. Being ILO staff members, internal assessors were engaged primarily in the realization of the objectives and deliverables under the approved programme and budget, and they were consequently seldom available for that voluntary and time-consuming human resources-related task, which also required regular training. To illustrate the scope of work involved, she explained that during the second Recruitment, Assignment and Placement System (RAPS) exercise of 2011 there had been 38 competitions requiring 120 assessment centre actions. With only 12 available internal assessors the Office had been unable to guarantee that more than one third of assessment centre evaluations could be undertaken by internal assessors.
757. Since the introduction of the RAPS in 2008, several interim agreements had been reached concerning the use of external assessors. For the first RAPS exercise in 2008 three external assessors were agreed upon. During the second RAPS exercise in 2010, the work of the external assessors had been subject to random review by internal assessors; the review process fully validated the quality of the work of the external assessors. Lastly, and with the assistance of the mediator, agreement had been reached over the use of mixed teams of internal and external assessors for the first RAPS exercise in 2011.
758. The speaker highlighted the fact that since 2008 the same three professional external assessors had been used and their work had been confirmed as being of an excellent standard. The Staff Union had not raised any substantive objection concerning the quality of their work. She stated that there was general acknowledgement, including by the internal assessors, that the only viable means of enabling the Office to meet its commitments with regard to the quality and efficiency of its recruitment and selection processes, was to use qualified external assessors. She reminded the Governing Body that while the Office had always supported the use of internal assessors, it was not an affordable viable solution, given existing internal capacity.
759. Discussions during the most recent mediation session in October 2011 had again concentrated on that very issue which, although not substantive in nature, was impeding progress in the long-overdue review of the Collective Agreement on Recruitment and Selection that had been foreseen in 2002. It was also delaying progress in other areas of mediation, including policy areas needed to implement the Human Resources Strategy endorsed by the Governing Body in November 2009.
760. Despite focused mediation efforts, the Staff Union had refused to agree to the use of the same external assessors or to any of the assessment measures agreed upon for previous RAPS exercises. The Staff Union had released a Bulletin, dated 1 November 2011, which stated that “the Staff Union Committee has decided to use all, including legal, means at its disposal to denounce the unlawfulness of the present RAPS exercise”.
761. That situation put the Office at risk of not being able to deliver on the recruitment and selection for existing vacancies. It would also challenge the legitimacy of the appointment of candidates who had participated in good faith in a rigorous process of competition. There was a negative impact on staff morale. Lastly, the strain caused by responding to

such actions constituted an inefficient use of staff resources and was to the detriment of the positive climate needed for dialogue.

- 762.** She was confident that during the mediation sessions scheduled for the following week and for early December, it would be possible to find a sustainable solution for the Office on that procedural area of dissent, thus unblocking the path for a constructive dialogue on broader issues of priority for the ILO and its staff. She concluded that the Administration was confident that the mediation process would yield tangible results that could be submitted to the following session of the Governing Body for approval. She hoped that her briefing had served to inform the Governing Body of the nature and scope of the contention at stake, and would not be construed as in any way undermining the commitment of the Office to continued social dialogue and collective bargaining.
- 763.** *The Worker spokesperson* stated that, while she did not find it appropriate to comment on the substance of the matters under mediation between the parties, she felt compelled to recall that social dialogue and collective bargaining was one of the pillars of the ILO. The Administration and the Staff Union had a joint duty to make the mediation process work and she trusted that the parties would be able to report to the Governing Body that they had reached agreement on any persistent areas of dissent.

High-Level Section

Strategic Policy Segment

764. The Strategic Policy Segment was held on Monday, 14 November. It was chaired by the Chairperson of the Governing Body. Mr Rønnest and Mr Coortebecck were the Employer and Worker spokespersons.

First item on the agenda

Policy coherence in the multilateral system (GB.312/HL/1)

765. *The Director-General* introduced the paper before the Governing Body which set out a framework for the ILO to contribute to enhancing the policy dialogue, coordination and coherence required within the multilateral system in order to improve opportunities for decent work in a diverse but interdependent world economy. He recalled the widely felt sentiment at the 100th Session (2011) of the International Labour Conference (ILC) that the topic of policy coherence deserved a thorough discussion in the Governing Body. He underlined that the paper focused only on international coherence and highlighted five points.
766. First, the need for better coherence of multilateral policies had become stronger because of globalization. Financial deregulation and trade liberalization had been the two key drivers behind the process of globalization, to the detriment of social and environmental issues. The multilateral system had developed a high degree of coherence around the so-called Washington Consensus, but that model of coherence no longer worked. Forging a new model was the main challenge currently facing the multilateral system.
767. Second, there was growing consensus within the multilateral system that a stronger model of coherence should place emphasis on sustainable development, with a better balance between the economic, social and environmental dimensions, including between finance and the real economy. Each international institution could make a distinct contribution. The ILO's contribution stemmed from its tripartism, its standard-setting mandate, and its globally accepted policy tools developed over the past years. He noted that the Decent Work Agenda had been a very strong instrument for policy coherence within the ILO.
768. Third, with reference to the different levels of decision-making, he referred to the ILO's tripartite process as a method to develop policy coherence at the national level, noting however that sectoral decision-making at the national level had an impact on international coherence. At the regional level, he stressed that there was a strong drive towards greater coherence in many areas, from trade agreements to monetary and social issues, and that achieving such coherence was of importance to the ILO. At the international level, it was important to make a distinction between the standard-setting organizations in the economic and social areas, such as the United Nations (UN), the ILO and the World Trade Organization (WTO); the "discipline-setting" institutions, such as the International Monetary Fund (IMF); and the lending institutions, such as the World Bank and the United Nations Development Programme (UNDP). There were explicit policy areas where the mandates of different institutions interacted, for example between the ILO and the WTO and with the IMF.
769. Fourth, he recalled some principles that could provide a framework for fruitful interaction: to do no harm to policy areas of another institution that had equal international recognition;

to support others' policies when they were relevant; to work together at policy development as done by the ILO with the WTO and the IMF; and to work together at the country level as shown by the inclusion of the Decent Work Agenda within the United Nations Development Assistance Framework (UNDAF). He mentioned that the ILO was already applying those principles in four practical ways – inter-secretarial collaboration, partnership agreements, country-level coordination and country support.

770. Finally, he underlined that, because of its close links with the economic and social evolution of countries, the ILO had a special responsibility in defining the criteria for the success of policies and helping the multilateral system deliver a coherent agenda.
771. *The Employer spokesperson* emphasized his group's continuous support for ILO efforts to promote policy coherence with other international organizations, based on shared values, mutual respect for mandate and common goals. He recognized the need for policy coherence to address global challenges, and stressed that social, economic, environmental and financial policies had an impact on each other. That interaction needed to be factored into policy-making for successful outcomes such as job creation, development of sustainable enterprises and, in the current crisis, the urgent restoration of investor and consumer confidence. He noted that there were different interpretations and applications of policy coherence. The Employers' group disagreed with paragraph 6 of the paper. He stressed that real policy coherence could be achieved only through the creation of solid partnerships, which could be effective and sustainable only if there were synergies to be harnessed in pursuit of common goals and respect for each partner's distinctive mandate.
772. The Employers' group considered that the pursuit of policy coherence should not lead to uniformity of policy or to the dilution of the ILO's core values. Existing and potential partners should understand and make a commitment to work with the ILO as an organization characterized by tripartism, accepting the implications that tripartism had. Partnerships should not compromise or hinder the core activities of the social partners at the national level nor divert the attention and limited resources of the Office from prioritizing and supporting the needs of its own constituents. Maintaining partnerships also required good listening skills, and the ILO had to listen, as well as talk, to other organizations.
773. He called on the ILO to consider the wider implications of pursuing multilateral policy coherence and to clarify how multiple partnerships with other agencies were being managed, resourced and evaluated. He suggested that the Institutional Section of the Governing Body was a more appropriate forum for detailed reporting than the Strategic Policy Segment of the High-Level Section. He also indicated that the group would like further clarifications on the financial and human resources implications of the research envisaged under paragraph 19 of the paper.
774. He noted several recent good examples of partnerships that the social partners supported and were fully involved in, including the Global Jobs Pact, the Green Economy initiative, the Social Protection Floor (SPF) initiative, the ILO–World Bank cooperation, the United Nations High-level Task Force on the Global Food Security Crisis and the engagement with the G20. The Employers were committed to further engagement and new collaborative partnerships, provided that the scope, value and objectives of those partnerships, and the financial and human resource implications, were first discussed. They also expected that ILO policy pronouncements relating to areas of core importance for all constituents would be made only where tripartite consensus had been established beforehand. Finally, while the Employers agreed in principle with the point for decision contained in paragraph 20 of the paper, they found it insufficiently ambitious and lacking the clarity and specificity needed to improve the ILO policy for coherence. Further clarification on resourcing, on the reflection of the tripartite perspective and on

comprehensive reporting, evaluation and follow-up was required before taking a decision on paragraph 20.

775. *The Worker spokesperson* asserted that current trends showed a staggering lack of coherence at all levels, with unemployment and inequality increasing while bankers continued to receive unsurpassed bonuses. The financial sector had drawn governments into a new wave of austerity measures, with the real economy paying the price.
776. The Workers' group found that standards were inadequately addressed in the paper and stressed that economic, financial and trade policies must be subordinate to international labour standards. Recalling the outcome of the G20 Summit in Cannes and the mandates it gave to the ILO, including participation in the new Task Force on Employment, he urged the ILO to take the lead in producing the joint report to the G20 Finance Ministers on the world employment outlook.
777. He welcomed the four steps of policy coherence identified in paragraph 17; however, greater attention should be given to addressing how cooperation at the international level linked to implementation at the country level. Many national policies to exit the crisis were incompatible with the recommendations of the Global Jobs Pact and the Declaration on Social Justice for a Fair Globalization. Romania, for example, had, with the support of the IMF, the European Commission and the European Central Bank, made changes to labour laws that denied sections of the labour force their right to union representation. The ILO had to be more effective in its interactions with the IMF, the European institutions and other organizations to prevent infringements of workers' rights and worsened working conditions. Interventions by international organizations that undermined collective bargaining and wage setting were totally unacceptable. The undermining of enabling rights was a reason for which the Workers' group had supported the proposed resolution on policy coherence submitted by France and Switzerland at the 100th Session (2011) of the ILC.
778. The Workers' group supported the five channels for the promotion of enhanced policy coherence, although they would like more emphasis to be placed on providing assistance to constituents, developing a clearer strategy on putting decent work and employment at the centre of policy-making in UNDAF countries, and enhancing the engagement of members of tripartite Decent Work Country Programme (DWCP) steering committees in the work of UN country teams. Finally, the ILO's cooperation with other organizations should not be limited to social adjustment to the economic policies determined by other organizations. In trade policy, for example, the ILO should engage in discussions that resulted in policies revised on an assessment of their impact on employment.
779. *GRUA*, through a Government representative of Brazil, agreed that there was a need to promote dialogue and participation with other international organizations, including as observers. The spokesperson for the group noted that the Office had developed important initiatives with other UN agencies in that regard. *GRUA* would like to receive additional information, indicating in which forums the ILO was acting as an observer and identifying the existing policy coherence frameworks. *GRUA* was of the view that the policy coherence framework proposed in the document should be aligned with existing UN frameworks, in particular Resolutions 62/277 and 64/289 of the UN General Assembly. With regard to paragraphs 18 and 19, *GRUA* requested clarification on what areas and frameworks had been taken into consideration and to what extent they were aligned with other multilateral efforts to promote policy coherence, including the UN General Assembly's "Delivering as one" approach. It was not clear to *GRUA* why a document on international coherence did not make reference to other UN system-wide efforts, with the exception of a brief reference to UNDAFs. *GRUA* supported the actions proposed in paragraphs 18 and 19 and the point for decision in paragraph 20, on the understanding that

the most important contribution that the ILO could make was to maintain the efforts made by the Director-General to increase the Organization's participation even further in multilateral initiatives and to promote decent work as a central reference for the whole UN system.

- 780.** *ASPAG*, through a Government representative of Pakistan, recognized the need for international cooperation and coherent and comprehensive policies in reducing poverty, promoting employment and social justice and achieving a fair globalization. The spokesperson for the group stressed that the efforts by the ILO to create synergies with other international organizations should be based on a well-defined, results-oriented and time-bound strategy, compatible with ILO capacity and financial resources. The implementation and supervision of international labour standards should rest with the ILO and labour standards should not be used for protectionist trade purposes. ASPAG would appreciate further information and clarification in relation to the proposal made in paragraph 19(c) concerning the establishment of reciprocal observer status with the WTO. ASPAG would also appreciate more evaluation of the integration of DWCPs into the UNDAFs.
- 781.** *The EU and its Member States*, through a Government representative of Denmark, with the support of Norway, agreed with the analysis of the Office paper and the point for decision in paragraph 20. The Governing Body and the Office of the Director-General were asked to: (i) continue promoting ratification and implementation of the eight ILO fundamental Conventions; (ii) strengthen the activities referred to in the Global Jobs Pact and engage in the G20 Task Force on Employment; (iii) continue to evaluate the employment effects of trade and financial policies and to enhance dialogue and cooperation with international organizations as encouraged by G20 Leaders; (iv) strengthen concrete partnerships and take steps to establish cooperation agreements and mutual observer status with all relevant international organizations; (v) encourage closer policy coordination between and within member States; (vi) coordinate and work concretely at the country level with other organizations involved in the SPF and other common projects, including follow-up to the joint ILO–IMF conference in Oslo; and (vi) enable the Office to contribute, in accordance with its role, in labour reform policies put forward by other international institutions, upon the invitation of a country.
- 782.** *The ASEAN*, through a Government representative of Viet Nam, urged the Office to give equal attention to promoting policy coherence both at the national and the global levels. With respect to the framework set out in the paper, the speaker stressed the importance of mutual problem solving and called on the Office to strengthen its cooperation with other multilateral institutions to avoid unilateral actions that could hinder progress towards shared objectives.
- 783.** *A Government representative of Egypt* suggested that several points should be taken into consideration before adopting initiatives and undertaking institutional partnerships. First, the different mandates and prerogatives of other UN organizations should be understood and the mechanisms to strengthen cooperation and coordination should be identified. The dialogue that had been initiated by the UN High-level Committee on Programmes and the standing or ad hoc committees and commissions should be strengthened and continued. Second, points of agreement and disagreement should be identified and considered. Despite their differences, organizations shared a commitment to strengthen economic growth and social stability. Third, regional imbalances in decision-making bodies should be addressed. African countries, for example, were often under-represented. Furthermore, while countries had a collective responsibility to deal with issues on the international level, not all countries had the social and economic resources to enable them to participate.

784. *The Africa group*, through a Government representative of Algeria, commended the ILO on its response to the international financial crisis, in particular the participation of the Director-General in multilateral forums. The group called for greater complementarity in economic and social systems in order to deliver the goals of the Decent Work Agenda. Partnerships with Africa should be promoted through the New Partnership for Africa's Development (NEPAD). Policy coherence could be achieved in the multilateral system if developed countries took the needs of developing countries, particularly those in Africa, into consideration when developing crisis responses, and if policy coherence ensured that those elements were applied in a concrete manner. The speaker concluded by saying that the framework recommended in the document corresponded to the desired goal.
785. *A Government representative of Panama* noted that despite a looming recession in the developed countries, her country had done well in overcoming the effects of the economic crisis and had made important advances by using social dialogue to formulate policy responses and by improving democratic participation.
786. *A Government representative of Ghana* supported the statement of the Africa group. Ghana shared the view that the four steps of policy coherence should guide the ILO in its efforts to promote full productive employment and that they should be underpinned by mutual recognition of other international organizations. He stressed that, if effectively implemented, the proposed framework would enable the ILO to contribute further to enhancing the necessary policy dialogue, coordination and coherence within the multilateral system. Therefore, the delegation of Ghana supported the decision point contained in paragraph 20 of the document.
787. *A Government representative of Colombia* recognized the contributions made by the ILO to promote policy coherence and expressed his agreement with the paper. Those multilateral developments should reverberate at the national level. He noted the recent efforts made by his Government to develop legislation that promoted the goals outlined in the paper and asked the Office to establish a programme office in the country that could provide technical assistance on the plan of action developed within the framework of the free trade agreements.
788. *A Government representative of India* commented on the complexity of the concept of policy coherence, at both the international and national levels. In India, the complex cultural matrix and historical institutions complicated the achievement of policy coherence. There was no "one size fits all" solution. He felt that greater clarification of the components, structure and modalities of coherence, as well as of the financial and human resources, was required. He requested more information on the modalities of working with non-tripartite organizations and on how negative externalities on developing countries' growth would be dealt with. He asked for clarification concerning the implications of paragraph 19 of the paper and said that coherence should not be used to link trade with labour standards for protectionist purposes. From a development perspective, it was important to address global challenges such as market access, international migration and improving access to education and skills.
789. *A Government representative of Switzerland* acknowledged and welcomed the fact that paragraphs 17–19 of the paper incorporated some of the fundamental considerations contained in a proposed resolution submitted to the 100th Session of the ILC in June 2011. In the view of the Swiss delegation, paragraphs 17–19 needed to be worded more precisely in order to ensure that the ILO effectively implemented the 2008 Declaration on Social Justice for a Fair Globalization by taking the initiative or contributing to specific arrangements for promoting greater institutional coherence. Regarding the "collaboration" referred to in paragraph 18, he welcomed the support of the G20 and considered that the Governing Body should be consulted concerning the ILO's work with the G20, without

ruling out the possibility of an extra-budgetary contribution from the G20 countries for that purpose. In the interests of effective partnerships, other international organizations should participate in the development of reports for the ILC and in debates on the social impact of financial, economic and trade policies, particularly the discussions on recurrent reports and reviews. The Director-General was requested to submit, at the 313th Session of the Governing Body in March 2012, concrete proposals with a view to realizing the objectives of the Declaration on Social Justice for a Fair Globalization in several areas: the strengthening of concrete partnerships between the ILO and other organizations; better policy coordination among and within member States; and the increased recognition of fundamental principles and rights at work as the rules of the game for the social dimension of globalization. He welcomed the work done to put in place social protection floors. The Swiss delegation invited the Director-General to submit, at the March 2012 session, proposals to commence dialogue on observer status for the ILO at the WTO.

- 790.** *A Government representative of France* expressed support for the principles set out in the paper, but criticized the lack of concreteness in paragraphs 18 and 19. He regretted that the ILO's own policy formulation process was not coherent enough and emphasized the need for the ILO to engage in concrete actions. For example, although coordination work on the SPF had been completed, building policy coherence among organizations remained difficult. Policy coherence was not a final goal, but a means to render the multilateral system more effective in its actions and more efficient in its resource allocation. Other organizations should be associated with the ILC recurrent discussions, hence widening their scope. The speaker also highlighted the opportunity for the ILO provided by the G20 Summit in Cannes in the form of the leaders' request that the ILO, the IMF, the World Bank and the Organisation for Economic Co-operation and Development (OECD) should jointly report on employment perspectives and economic reforms aimed at creating jobs. He also noted the G20/Business 20 (B20)/Labour 20 (L20) request for member States to evaluate the effectiveness of certain policies and to work on pilot projects focusing on topics that emerged from the crisis through inter-agency task force groups, staff exchanges, and other means.
- 791.** *A Government representative of Romania* explained the reasons that had led his Government to undertake the austerity measures described by the Worker spokesperson. He added that since the introduction of the new Labour Code in March 2011, the number of individual labour contracts had increased by 1 million, which represented an increase of 25 per cent compared to previous available data. Moreover, real average wages in the private sector had not decreased. He reiterated his Government's commitment to cooperate with the social partners, especially with trade unions, in monitoring the results of the application of the new legislation regarding collective bargaining agreements. In addition, Romania was ready to cooperate at the international level with international institutions to ensure the coherency of policies, in compliance with labour standards and European legislation.
- 792.** *A Government representative of Sudan* expressed support for the statement of the Africa group. He stressed that unilateral and multilateral policy coherence was particularly important with regard to social, economic and environmental policies. Policy coherence and coordination could bolster technical assistance and projects, which could lead to economic growth, employment creation and the improvement of working conditions. That could give rise to improved development conditions and the establishment of social equality. He emphasized the importance of green jobs in that regard.
- 793.** *A Government representative of China* stated that policy coherence should be reflected in the national macroeconomic policy framework. The participation of the ILO at the G20 Summit had enhanced policy coherence in the multilateral system. However, policy coherence was a tool and not an objective. Labour standards should not be used for

protectionist purposes and therefore international trade and financial organizations should not engage in the ratification and implementation of ILO Conventions. Labour standards should not be linked with trade, investment and assistance. His Government was not in favour of establishing observer status for the ILO at the WTO.

794. *A Government representative of Australia* emphasized the ILO's critical work in enhancing policy coherence across multilateral forums. His Government strongly supported the framework for ILO action proposed in the paper and urged the Organization to consider the inclusion of sustainability as a cross-cutting theme. The speaker stressed the importance of promoting policy coherence within government agencies at the national level. Priority for new dialogue on coherence should be given to those organizations where it would have the biggest impact, such as the IMF, as well as to organizations linked by subject areas such as the SPF initiative. When developing and implementing the policy coherence framework, the ILO should also integrate internal coherence, linking technical capacities and resources.
795. *A Government representative of Congo* described the measures taken by his country to reduce poverty and streamline its budget within a medium-term framework designed to improve the allocation of resources and expenditure. The speaker noted that, within the priority action plan, the Ministry of Labour and Social Security worked closely with other departments to promote sustainable development, support rural development and integrate work on HIV/AIDS at the workplace. Referring to concrete examples of policy coherence in action, he mentioned the forthcoming DWCP and reiterated his country's appeal for support from the ILO and other international agencies in establishing national programmes on policy coherence, social protection and labour administration.
796. *A Government representative of Qatar* expressed full support for paragraph 17 of the document. He drew attention to the G20 Summit held in Toronto in June 2010, which had highlighted the role of open markets in supporting growth and the creation of work. The leaders of the G20 had asked the leaders of the international organizations to present reports on the liberalization of trade and its benefits with regard to employment and growth. The speaker agreed with the findings of the report and asked the ILO to build on the study and to cooperate with other organizations in order to make the most of any employment opportunities that might come out of the Doha Round.
797. *A Worker member from Romania* said that the IMF and the EU used a double language, which did not present a picture of policy coherence. The speaker recalled the Romanian case, where austerity measures imposed by the IMF had not only led to a reduction in wages and a loss of 180,000 jobs in the public sector, but also to legislative changes in the Labour Code, altering collective bargaining and freedom of association rights. Those measures had also given rise to an increase in temporary employment and the migration of workers, now estimated at 2.5 million persons. An agreement between organizations within the multilateral system could not function unless the ILO Conventions and Recommendations were respected.
798. *A representative of the Director-General* (Director, Policy Integration Department (INTEGRATION)) summarized the discussion. First, there had been numerous requests for more information regarding the overall framework for policy coherence, in particular with regard to the UN. Second, many speakers had recognized the urgent need for policy coherence, while stressing that the issues were complex and long term. Priorities would need to be identified when pursuing partnerships, and ILO tripartism would play an important role. There had been a mixed reaction to the idea of possible observer status for the ILO at the WTO. Third, country-level coordination had been a common theme and many speakers had pointed to the importance of the continued integration of DWCPs in UNDAFs. Fourth, there was a need to focus on policy issues, such as the role of standards in work on growth, poverty eradication and social inclusion. In that regard the potential

role of the ILO in the G20 Task Force on Employment had been highlighted by many. Finally, the framework for the ILO's work outlined in the paper seemed to be acceptable but required further development in future meetings.

- 799.** *The Director-General* provided several examples of concrete action that had resulted from recent ILO policy coherency efforts, including: the removal of labour issues from the indices in the World Bank's *Doing Business Report*; the inclusion of the Global Jobs Pact as an institutional objective of the UNDP and the further integration of decent work into UNDAFs; the joint coordination with the World Health Organization of the 17 agencies involved in the SPF initiative; and the incorporation of decent work in the EU development coordination policy. Citing the work with the IMF, he noted that, while part of the Fund was aligned with the ILO's views concerning the need for better coordination in terms of macroeconomic employment and social issues, another part, which dealt mainly with fiscal consolidation in countries, was not yet aligned in that regard.
- 800.** *The Chairperson* presented a revised version of paragraph 20 for decision, which reflected the request of the Employers' group for more consideration to be given in the paper to the need for broad consensus and to the need to provide the Office with guidance.

Decision

- 801.** *The Governing Body requested the Director-General to take appropriate action and to prepare a further discussion on policy coherence in the multilateral system to be held in 2012; the Governing Body would then have before it a revised paper based on the content of discussions held at its 312th Session (November 2011).*

(GB.312/HL/1, paragraph 20, as amended.)

Appendix I

Statement by the representative of the Staff Union to the Programme, Financial and Administrative Section of the ILO Governing Body (312th Session – November 2011)

Mr Chairperson,
Director-General,
Members of the Governing Body,

Dear colleagues here today, and those following via the Intranet,

In March, I spoke of hope and optimism, of the “beginning of the beginning” with the launch of an external mediation process, which had been agreed between the Director-General and the Union and announced to this assembly just one year ago. I spoke with confidence and determination that the mediation would succeed.

When we launched the mediation, the Union participated under the weight of great expectations, as the staff expected their actions in November 2010 to lead to improvements to long-standing issues of great concern. The mediation was intended to address a number of issues including: recruitment and selection, precarious work, classification of positions, and collective bargaining and collective dispute resolution.

Today, one year on, precarious work is just as prevalent, if not more prevalent than a year ago. Why do I say this? Because in the middle of the mediation, the Office published – absent of any consultation or negotiation – a policy governing external collaborators. These are independent consultants, or what Recommendation No. 198 calls self-employed workers. This new policy is in direct contradiction with some of the key elements of the Employment Relationship Recommendation, in particular in respect of the criteria to be used for the determination of the existence of an employment relationship.

Its hasty publication, the unwillingness by management to suspend its application pending the outcome of good-faith negotiations, as they believe there is no duty to bargain or even consult over the subject, has raised questions among the staff as to whether there is a genuine willingness to end precarious work in the Office.

It serves to deteriorate the situation, rather than contribute to an atmosphere conducive to mediation.

It does not build confidence.

As regards recruitment and selection, a major stumbling block has been encountered once again. Despite an interim agreement having been reached during the mediation, the Office has now moved forward unilaterally. The current round of recruitment is being carried out in violation of the Staff Regulations, opening the Office to considerable legal and financial liability. We were told that this was done because the “primary interest of the ILO and its staff [was] a swift recruitment process” which would “facilitate the compliance with the ILO Governing Body expectations on delivery as committed in the approved HR Strategy”.

This raises an important question. When the Human Resources Strategy was adopted in 2009, did you, in fact, mean that the Office should elevate speed above all else, including respect for the law?

This unilateral action once again serves to inflame the situation, rather than contribute to an atmosphere conducive to mediation.

It does not build confidence.

However, the Union remains committed to the mediation, and to making collective bargaining work. We remain committed to restoring confidence.

But the expectations of the staff remain. In fact, I would say they have grown. With little forward progress made, we need to produce results now, as this process cannot continue forever. And the alternative – a return to conflict – is not an attractive option for anyone. Let us say we are doomed to succeed.

Let me now briefly turn to the items on your agenda.

Later this afternoon you will consider the **Progress Report on Expenditure Review**. And here, let me begin by saying that we welcome the establishment of this Expenditure Review Committee, and the information provided in the paper helps us to understand the composition and goals of the Committee. However, given that the Committee will consider structures, procedures, methods of work and expenditure patterns, as the Committee is open to suggestions from staff, the Union wonders why it does not have a place at the table.

Let me be clear: this is not about “co-management”. This is about involving the statutory representative of the staff in a process which, both directly and indirectly, will have an impact on conditions of employment and work. We appreciate recent moves to provide the breathing room necessary for negotiations to succeed on conditions of travel. We will continue to work on this to deliver a package which meets the savings targets set by the Governing Body, while ensuring that the rights and interests of the staff are protected.

If the Union is involved in the work of the Expenditure Review Committee, we will be in a position to make concrete suggestions for potential savings in areas which may result in protecting our working conditions. We can ensure that efforts to streamline, simplify and save costs would not conflict with other priorities set by the Governing Body. Staff members come and talk to us about this. They make suggestions. And the Union could facilitate a more structured, ongoing dialogue among the staff on reform.

One such suggestion, which has been raised by staff, would be to end the “double-dipping” phenomenon, where staff retire, and come back to work – sometimes the very next day – receiving both their pension and an income from the Office, without any contribution to the Pension Fund. Addressing the double-dipping issue represents an important opportunity to ensure a solvent Pension Fund, while at the same time responding to the frustrations from many staff who would then have an opportunity – through more rigorous succession planning – for career advancement, or for precarious staff to be regularized.

You will not hear me praising harmonization often, but here we may have something to learn from the policies that have been adopted by the UN General Assembly to manage double-dipping.

We know what is going on in the world. We see at first hand the realities of the cuts and austerity measures being taken in the public sector, and we know that there are ways of working smarter, and differently, and yes, even more efficiently to increase value for money. But as we are currently not part of the conversation – as we are currently not part of the Expenditure Review Committee – we are forced to react, to demand that things be reconsidered after decisions have been taken or proposals made. This is not a healthy way of managing change.

Again: this is not about co-management. It is about making the staff part of the change, rather than the change “happening to them”.

The same holds true for the **headquarters renovation** which you will consider tomorrow. We understand that the Steering Committee has been formed and is meeting regularly. The Union has been invited to be part of the “Project Team” which has yet to hold any meetings. While we appreciate the regular but informal updates we have received from FACILITIES, we have had no formal consultation on several decisions already taken, some of which will have a real impact on the staff.

We have questions we would wish to raise in the context of the Steering Committee, related to the Annex, the occupancy of which seems a moving target. We have concerns in relation to the accommodation of technical cooperation projects, and the communication strategy, which met with great interest by the staff but has not been as regular as hoped. We would ask for greater detail on the “risk register” and contribute to its development, and we would wish to be fully engaged in the consultations on the refurbished offices, including on how these consultations with the departments would be structured.

Our exclusion from these discussions in the Steering Committee, and the fact that we receive some information only through Governing Body papers, does not build confidence.

The Union wonders what risk is represented if it sits on the Steering Committee, rather than in a project team which does not meet. In our view, the value of our presence in such a body – even as an observer – is clear. We asked why the Union would not have a seat at the table, and were told that it was a Governing Body decision. We would welcome any clarification on this.

Finally, I would like to say a word on the working environment. Something that has become palpable when passing through the corridors and, in particular, speaking to staff in the regions, and technical cooperation staff, is the pressure to work faster and work longer hours in deteriorating conditions. This has been confirmed by the Union’s stress survey. More than 850 staff responded to the survey, with the results showing that the level of stress at work has increased for the majority of staff as they have to work more intensively to unachievable deadlines, feel pressured to work long hours, and are worried over poor promotion prospects and job insecurity – again this is a particular worry for precarious staff and those on technical cooperation. In fact, 30 per cent of respondents find their job very stressful or extremely stressful, and with a quarter of respondents remarking a decline in the quality of work. Sick leave due to stress is on the rise as is work eating into leisure or family time.

And at the same time we have a Safety and Health Policy which would help address these issues, which I am happy to say was the product of extensive and good-faith negotiations over five years, and which has been finalized since March this year. This Policy, which was announced as having been published back in 2008, still has not been published. We cannot understand how an organization, which is a global leader in occupational safety and health (OSH) and promotes Conventions on the subject, does not have a policy of its own. We are embarrassed when we speak to representatives of other UN organizations and learn that they have an OSH policy, but we do not.

It is not true that an OSH policy was adopted in 2008, as you were given to believe at the time – this was merely an announcement, a commitment on the part of the Director-General to “offer a safe and healthy working environment which contributes to human dignity and self-fulfilment”. And yet, the policy which would make this commitment a reality is still eagerly anticipated.

Appendix II

Bureau international du Travail - Conseil d'administration International Labour Office - Governing Body Oficina Internacional del Trabajo - Consejo de Administración

312^e session - Genève - novembre 2011
312th Session - Geneva - November 2011
312.^a reunión - Ginebra - noviembre de 2011

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Mr F. ROODT, International Unit, Department
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Mr P. TISSOT, Deputy Permanent
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Ms N. NOBLE, Second Secretary, Permanent
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Ms C. OGDEN, Researcher, Permanent Mission,
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Mr S. WEEKS, Adviser.

Ms A. LYLE, Private Secretary to the Minister
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Work and Pensions.

Fédération de Russie
Russian Federation
Federación de Rusia

Mr A. SAFONOV, Deputy Minister,
 Representative of the Russian Federation to
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 Representative, Permanent Mission, Geneva.

Mr I. DUBOV, Head, Department of
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Mr M. LEBEDEV, Deputy Permanent
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Mr V. STEPANOV, Head of Section,
 Department of International Cooperation,
 Ministry of Health and Social Development.

Mr D. PLATYGIN, Director-General, All-Russia
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Ms V. ZAKHAROVA, Head of Section,
 Department of Wage, Labour Protection and
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 Social Development.

Ms E. MOKHOVA, Principal Expert,
 Department of Wage, Labour Protection and
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 Social Development.

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Mr D. STADNIK, Deputy Head, Social Security
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Mr A. ZAVOLOKIN, Head of Division of
 International Cooperation, Social Security
 Fund.

République-Unie de Tanzanie
United Republic of Tanzania
República Unida de Tanzania

Ms G. KABAKA, Minister of Labour and
 Employment.

substitute(s):

Mr E. SHITINDI, Permanent Secretary, Ministry
 of Labour and Employment.

accompanied by:

Mr S. KINEMELA, Labour Commissioner,
 Ministry of Labour and Employment.

Mr C. MSIGWA, Director, Commission for
 Mediation and Arbitration, Ministry of
 Labour and Employment.

Ms M. MCHA, Assistant Director of
 Employment, Ministry of Labour and
 Employment.

Mr S. MWANJALI, Private Secretary to the
 Minister of Labour and Employment,
 Ministry of Labour and Employment.

Mr O. SAMA, Labour Officer, Ministry of
 Labour and Employment.

Togo

M. N. BROOHM, ministre du Travail,
 de l'Emploi et de la Sécurité sociale.

suppléant(s):

M. E. AMOUSSOU KOUETETE, Directeur
 général du travail, Direction générale
 du travail.

M. S. TOBA, Chargé d'affaires, Monsieur
 le Représentant permanent de la République
 togolaise auprès de l'Office des Nations
 Unies et des autres organisations
 internationales à Genève.

accompagné(s) de:

M. E. AMEGNIGNON, Directeur des normes et des relations internationales, ministère du Travail, de l'Emploi et de la Sécurité sociale.

M. K. NARTEH-MESSAN, Deuxième secrétaire, Monsieur le Représentant permanent de la République togolaise auprès de l'Office des Nations Unies et des autres organisations internationales à Genève.

Trinité-et-Tobago
Trinidad and Tobago
Trinidad y Tabago

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Viet Nam

Mr D. VU, Ambassador, Permanent Representative, Permanent Mission, Geneva.

substitute(s):

Mr A. VU, Permanent Mission, Geneva.

accompanied by:

Mr Q. DAO, Counsellor, Permanent Mission, Geneva.

Mr D. VU, Third Secretary, Permanent Mission, Geneva.

Mr D. NGUYEN, Senior Official, Ministry of Labour, Invalids and Social Affairs.

Zambie Zambia

Mr F. SHAMENDA, Minister of Labour, Sports and Youth.

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Mr K. CHIVUNDA, Director, Occupational Safety and Health Services, Ministry of Labour and Social Security.

Mr S. KAPILIMA, Acting Labour Commissioner, Ministry of Labour and Social Security.

Mr O. MGEMEZULU, Chief Planner, Ministry of Labour and Social Security.

Mr M. MULONGOTI, First Secretary (Legal), Permanent Mission, Geneva.

Membres gouvernementaux adjoints Deputy Government members
Miembros gubernamentales adjuntos

Algérie Algeria Argelia

M. T. LOUH, ministre du Travail, de l'Emploi et de la Sécurité sociale.

suppléant(s):

M. I. JAZAIRY, Ambassadeur, Représentant permanent, Mission permanente, Genève.
M. B. CHEBIHI, Ministre conseiller, Mission permanente, Genève.
M. H. BENAKEZZOUH, Chargé de mission, Premier secrétaire, Mission permanente, Genève.

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Angola

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Botswana

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Bulgarie Bulgaria

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Chypre Cyprus Chipre

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République de Corée Republic of Korea República de Corea

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Emirats arabes unis United Arab Emirates Emiratos Arabes Unidos

Mr M. EL-ZAHIRI, Under-Secretary of State, Ministry of Labour.

substitute(s):

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 Mr M. EL-AWBED, Deputy Under-Secretary for Inspection Affairs, Ministry of Labour.
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Ghana

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Indonésie Indonesia

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Kazakhstan Kazakhstán

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Kenya

Mr S. OJAAMONG, Minister of Labour.

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Dr S. NYAMBARI, Labour Commissioner, Ministry of Labour.

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Liban Lebanon Líbano

M. C. NAHAS, ministre du Travail.

suppléant(s):

M^{me} N. RIACHI ASSAKER, Ambassadeur, Représentant permanent, Mission permanente, Genève.

M. A. RAZZOUK, Directeur général *a.i.*, ministère du Travail.

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M. B. SALEH AZZAM, Premier secrétaire, Mission permanente, Genève.

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M. G. DIBEH, Conseiller, ministère du Travail.

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Malte Malta

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Mexique Mexico México

Sr. J. GÓMEZ CAMACHO, Embajador, Representante Permanente, Misión Permanente, Ginebra.

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Sr. U. CANCHOLA GUTIÉRREZ, Embajador, Representante Permanente Alterno, Misión Permanente, Ginebra.

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Pakistan Pakistán

Mr M. RAJA, Federal Secretary, Ministry of Labour and Manpower.

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Mr S. KHAN, Deputy Permanent Representative, Permanent Mission, Geneva.

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Mr M. KHAN, First Secretary, Permanent Mission, Geneva.

Panama Panamá

Sra. A. CORTÉS AGUILAR, Ministra de Trabajo y Desarrollo Laboral.

suplente(s):

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Representante Permanente, Misión
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Sr. A. MENDOZA GANTES, Consejero, Misión
Permanente, Ginebra.
Sr. I. GANTES CASTILLO, Asesor de Asuntos
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Sra. A. ROMERO MÓNICO, Directora General
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Sr. R. MEDINA, Asesor del Despacho Superior,
Ministerio de Trabajo y Desarrollo Laboral.
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Sr. R. GOMEZ, Jefe del Departamento de
Organizaciones Sociales, Dirección General
de Trabajo, Ministerio de Trabajo y
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Sr. A. CALDERÓN, Asistente del Despacho
Superior, Ministerio de Trabajo y Desarrollo
Laboral.

Pays-Bas Netherlands
Países Bajos

Mr L. BEETS, Director for International Affairs,
Ministry of Social Affairs and Employment.

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Permanent Representative, Permanent
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Minister Plenipotentiary, Permanent Mission,
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Ministry of Social Affairs and Employment.
Mr E. DRIESSEN, First Secretary, Permanent
Mission, Geneva.
Ms J. BAAK, Policy Advisor, Ministry of
Foreign Affairs.

Roumanie Romania
Rumania

M. V. MOCANU, Secretary of State for Social
Dialogue, Ministry of Labour, Family and
Social Protection.

suppléant(s):

M^{me} C. DUMITRIU, Superior Councillor,
Department for International Relations and
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Social Protection.
M^{me} M. CIOBANU, Ambassadeur, Représentant
permanent, Mission permanente, Genève.

accompagné(s) de:

M^{me} A. SPANU, Deuxième secrétaire, Mission
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Soudan Sudan Sudán

Mr S. BABELKHAIR, Acting Under-Secretary,
Ministry of Labour.

substitute(s):

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Representative, Permanent Mission, Geneva.

accompanied by:

Mr H. AHMED, Ambassador, Deputy Permanent
Representative, Permanent Mission, Geneva.
Mr M. EL-GORASHI, Ministry of Labour.
Mr A. MOHAMED, Second Secretary,
Permanent Mission, Geneva.
Mr H. ABDELBAGI, Ministry of Labour.

Sri Lanka

Mr G. LOKUGE, Minister of Labour and Labour
Relations.

substitute(s):

Mr W.J.L.U. WIJAYAWEEERA, Secretary,
Ministry of Labour and Labour Relations.

accompanied by:

Ms T. KARUNANAYAGAM, Permanent
Representative, Permanent Mission, Geneva.
Mr R.P.A. WIMALAWEERA, Senior Assistant
Secretary, Ministry of Labour and Labour
Relations.
Mr U.L.M. JAHUAR, Permanent Mission,
Geneva.

Suisse Switzerland Suiza

M. J. ELMIGER, Ambassadeur, Secrétariat
d'Etat à l'économie (SECO), Affaires
internationales du travail.

suppléant(s):

M^{me} S. VOLLENWEIDER, Secrétariat d'Etat
à l'économie (SECO), Affaires
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accompagné(s) de:

M^{me} A. RUPPEN, Deuxième secrétaire, Mission
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M^{me} L. CALDER, Mission permanente, Genève.
M. M. AMMANN, Division politique III,
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et politique d'accueil, Département fédéral
des affaires étrangères.
M. D. LEDERGERBER, Secrétariat d'Etat
à l'économie (SECO), Affaires
internationales du travail.

**Thaïlande Thailand
 Tailandia**

Mr S. PHUANGKETKEOW, Ambassador,
Permanent Representative, Permanent
Mission, Geneva.

substitute(s):

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Coordination Bureau, Ministry of Labour.

accompanied by:

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Permanent Representative, Permanent
Mission, Geneva.
Ms E. PINTARUCHI, Minister Counsellor,
Permanent Mission, Geneva.
Mr A. NUALSRI, Minister Counsellor (Labour),
Permanent Mission, Geneva.
Ms C. THONGTIP, Senior Labour Specialist,
Ministry of Labour.

Uruguay

Sr. E. BRENTA, Ministro de Trabajo y
Seguridad Social.

suplente(s):

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Permanente, Misión Permanente, Ginebra.

acompañado(s) de:

Sr. G. WINTER, Consejero, Misión Permanente,
Ginebra.

**Venezuela (Rép. bolivarienne)
Venezuela (Bolivarian Rep.)
Venezuela (Rep. bolivariana)**

Sr. E. COLMENARES, Viceministro del
Trabajo.

suplente(s):

Sr. J. ARIAS PALACIO, Embajador,
Representante Permanente Alterno, Misión
Permanente, Ginebra.

acompañado(s) de:

Sr. C. FLORES, Consejero Laboral, Misión
Permanente, Ginebra.
Sra. G. AGUIRRE KOCH, Directora de la
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Zimbabwe

Ms P. MPARIWA, Minister of Labour and Social Services.

substitute(s):

Dr M. NZUWAH, Chairman, Public Service Commission.

Mr L. MUSEKA, Secretary for Labour and Social Services, Ministry of Labour and Social Services.

Mr J. MANZOU, Ambassador, Permanent Representative, Permanent Mission, Geneva.

accompanied by:

Mr N. SENGWE, Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr P. MUDYAWABIKWA, Deputy Director, Ministry of Labour and Social Services.

Ms N. CHIVAKE, Legal Adviser, Public Service Commission.

Mr M. PARAKOKWA, Principal Labour Officer, Ministry of Labour and Social Services.

Mr L. MUTANDWA, Principal Economist, Ministry of Labour and Social Services.

Mr F. MUNHUNDIRIPO, Counsellor, Permanent Mission, Geneva.

Mr C. MUCHEKA, Counsellor, Permanent Mission, Geneva.

Ms G. MAZANI, Personal Assistant to the Minister, Ministry of Labour and Social Services.

Membres employeurs titulaires Regular Employer members Miembros empleadores titulares	
Vice-président du Conseil d'administration: Vice-Chairperson of the Governing Body: Vicepresidente del Consejo de Administración:	Sr. D. FUNES DE RIOJA (Argentina)
Secrétaire du groupe des employeurs: Secretary of the Employers' group: Secretario del Grupo de los Empleadores:	Sr. A. PEÑALOSA (IOE)
Secrétaire adjoint du groupe des employeurs: Deputy Secretary of the Employers' group: Secretario adjunto del Grupo de los Empleadores:	Mr B. WILTON (IOE)

Mr P. ANDERSON (Australia), Chief Executive, Australian Chamber of Commerce and Industry.

Sr. J. DE REGIL (México), Vicepresidente, Comisión Laboral, Confederación de Cámaras Industriales de los Estados Unidos Mexicanos.

Ms R. GOLDBERG (United States), Executive Vice-President, United States Council for International Business.

Ms R. HORNUNG-DRAUS (Germany), Managing Director, European and International Affairs, Confederation of German Employers' Associations.

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Mr H. MATSUI (Japan), Co-Director, Nippon Keidanren.

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Mr C. SYDER (United Kingdom), Davies Arnold Cooper LLP.

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Mr B. PANT, accompanying Mr Modi.

Mr M. THORNS, accompanying Ms Hornung-Draus.

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Miembros empleadores adjuntos	

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Mr H. BRAUNER (Austria), Federation of Austrian Industries.

M. K. DE MEESTER (Belgique), Premier conseiller, Fédération des entreprises de Belgique.

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Mr A. JEETUN (Mauritius), Director-General, Mauritius Employers' Federation.

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Mr P. O'REILLY (New Zealand), Chief Executive, Business New Zealand

Mr K. RAHMAN (Bangladesh), Former President, Bangladesh Employers Federation.

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Ms L. VAN EMBDEN ANDRES (Netherlands), Director, International Social Affairs.

Mr F. WELZIJN (Suriname), President, Suriname Aluminum Company LLC.

Mr P. WOOLFORD (Canada), President, Clairmark Consulting Ltd.

M. A. YUMA (République démocratique du Congo), Président du conseil d'administration, La Générale des Carrières et des Mines.

Mr O. ROMANOVSKY, accompanying Ms Moskvina.

Membres suppléants assistant à la session:

Substitute members attending the session:

Miembros suplentes presentes en la reunión:

M. O. DIALLO (Côte d’Ivoire), Conseiller du Président, Confédération générale des entreprises de Côte d’Ivoire.

M. B. MATTHEY (Suisse), Directeur général, Fédération des entreprises romandes Genève (FER-GE).

Membres travailleurs titulaires Regular Worker members Miembros trabajadores titulares	
Vice-président du Conseil d'administration: Vice-Chairperson of the Governing Body: Vicepresidente del Consejo de Administración:	M. L. CORTEBEECK (Belgique)
Secrétaire du groupe des travailleurs: Secretary of the Workers' group: Secretario del Grupo de los Trabajadores:	Sra. R. GONZÁLEZ (ITUC)
Secrétaire adjoint du groupe des travailleurs: Deputy Secretary of the Workers' group: Secretario adjunto del Grupo de los Trabajadores:	Ms E. BUSSE (ITUC)

Mr N. ADYANTHAYA (India), Vice-President, Indian National Trade Union Congress (INTUC).

Mr K. ASAMOAH (Ghana), Secretary General, Ghana Trade Union Congress (TUC).

Ms B. BYERS (Canada), Executive Vice-President, International Department, Canadian Labour Congress (CLC-CTC).

M. L. CORTEBEECK (Belgique), Vice-président du Conseil d'administration du BIT, Président, Confédération des syndicats chrétiens.

M^{me} R. DIALLO SERAH (Guinée), Secrétaire générale, Confédération nationale des travailleurs de Guinée (CNTG).

Ms S. FOX (United States), American Federation of Labor and Congress of Industrial Organizations (ALF-CIO).

Sr. J. GÓMEZ ESGUERRA (Colombia), Secretario General, Confederación General del Trabajo (CGT).

Mr S. GURNEY (United Kingdom), Labour Standards and World Trade, Trade Union Congress (TUC).

Mr G. JIANG (China), Executive Committee Member, All China Federation of Trade Unions (ACFTU).

M^{me} H. KADDOUS (Algérie), Membre de la Commission exécutive nationale, Union générale des travailleurs algériens (UGTA).

Ms H. KELLY (New Zealand), President, New Zealand Council of Trade Unions (NZCTU).

Mr T. SAKURADA (Japan), Takashimaya Labour Union.

Mr M. SHMAKOV (Russian Federation), President, Federation of Independent Trade Unions of Russia (FNPR).

Ms M. HAYASHIBALA, accompanying Mr Sakurada.

Ms B. KÜHL, accompanying Mr Sommer.

M^{me} V. ROUSSEAU, accompagnant M. Cortebec.

Mr A. ZHARKOV, accompanying Mr Shmakov.

Membres travailleurs adjoints	Deputy Worker members
Miembros trabajadores adjuntos	

Mr F. ATWOLI (Kenya), General Secretary, Central Organization of Trade Unions (COTU).

Sra. I. CARCAMO (Honduras), Secretaria de Educación, Confederación Unitaria de Trabajadores.

M. R. DE LEEUW (Belgique), Président, Fédération générale du travail de Belgique (ABVV-FGTB).

Ms C. DEL RIO (Italy), Head of the International Department, Unione Italiana del Lavoro (UIL).

M. F. DJONDANG (Tchad), Secrétaire général, Union des syndicats du Tchad (UST).

Sra. E. FAMILIA (República Dominicana), Vicepresidenta, Mujer, Confederación Nacional de Unidad Sindical (CNUS).

Sra. M. FRANCISCO (Angola), Secretaria, Relaciones Internacionales, Unión Nacional de los Trabajadores, Confederación Sindical (UNTA-CS).

M. B. HOSSU (Roumanie), Président, Confederația Națională Sindicală Cartel Alfa (Cartel ALFA).

Mr A. HUSSAIN (Bahrain), Assistant General Secretary for Arab and International Relations, General Federation of Bahrain Trade Unions (GFBTU).

Sr. G. MARTINEZ (Argentina), Secretario internacional, Confederación General del Trabajo (CGT).

Ms M. NIZAMANI (Pakistan), Pakistan Workers' Federation (PWF).

Mr B. NTSHALINTSHALI (South Africa), Deputy General-Secretary, Congress of South African Trade Unions (COSATU).

Ms B. PANDEY (Nepal), General Federation of Nepalese Trade Unions.

Mr R. SILABAN (Indonesia), Chairman, Konfederasi Serikat Buruh Sejahtera Indonesia (K-SBSI).

Sr. N. SOUZA DA SILVA (Brasil), Secretario, Relaciones Internacionales, Força Sindical.

Ms T. SUNDNES (Norway), Confederal Secretary, Landsorganisasjonen i Norge (LO).

M. Y. VEYRIER (France), Secrétaire confédéral, Confédération générale du travail - Force ouvrière (CGT-FO).

Ms A. WOLANSKA (Poland), Head, International Department, Niezależny Samorządny Związek Zawodowy "Solidarność" (NSZZ).

M. T. AERTS, accompagnant M. de Leeuw.
M. R. LAMAS, accompagnant M. de Leeuw.

Représentants d'autres Etats Membres de l'Organisation assistant à la session
Representatives of other member States of the Organization present at the session
Representantes de otros Estados Miembros de la Organización presentes en la reunión

Afrique du Sud South Africa
Sudáfrica

Ms M. OLIPHANT, Minister of Labour
 Mr S. NDEBELE, Minister, Permanent Mission, Geneva.
 Mr X. MNENE, Parliamentary Officer, Ministry of Labour.
 Ms P. SALUSALU, Personal Assistant to the Minister, Ministry of Labour.
 Mr M. SKOSANA, Director, International Relations, Ministry of Labour.

Albanie Albania

Mr S. QERIMAJ, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Ms D. XHIXHO, Second Secretary, Permanent Mission, Geneva.

Arabie saoudite Saudi Arabia
Arabia Saudita

Mr A. ELTELAWI, Legal Expert, Ministry of Labour.

Autriche Austria

Ms I. DEMBSHER, Head of International Social Policy Unit, Federal Ministry of Labour, Social Affairs and Consumer Protection.
 Ms E. JAMEK, Counsellor, Permanent Mission, Geneva.
 Ms V. WURMBÖCK, Advisor, Permanent Mission, Geneva.

Bahreïn Bahrain Bahrein

Mr J. HUMAIDAN, Minister of Labour
 Mr Y. BUCHEERI, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Mr F. AMIN, Director of Unemployment Insurance's Directorate, Ministry of Labour.
 Mr A. MAATOUQ, Head of the International Relations, Ministry of Labour.
 Mr F. ALBAKER, Second Secretary, Permanent Mission, Geneva.
 Mr M. ALANSARI, Assistant Undersecretary for Labour Affairs, Ministry of Labour.
 Mr B. AHMED, Second Secretary, Permanent Mission, Geneva.
 Mr A. SAMET, Legal Advisor, Ministry of Labour.
 Mr K. AL KHALIFA, Permanent Mission, Geneva.
 Ms E. AL-DOSERI, Director of Foreign Trade Relations, Ministry of Industry and Commerce.
 Mr B. HUGHES, Counsellor, Ministry of Industry and Commerce.

Bélarus Belarus Belarús

Mr A. USOLTSEV, Counsellor, Permanent Mission, Geneva.

Belgique Belgium Bélgica

M. F. ROUX, Ambassadeur, Représentant permanent, Mission permanente, Genève.
 M^{me} L. WEERTS, Directrice de Cabinet adjointe, Cabinet de la Vice-Première ministre, ministère de l'Emploi et de l'Egalité des chances.
 M. F. VANDAMME, Conseiller général, Chef de la Division des affaires internationales, Service public fédéral Emploi, Travail et Concertation sociale.
 M^{me} T. BOUTSEN, Conseillère générale, Division des affaires internationales, Service public fédéral Emploi, Travail et Concertation sociale.
 M^{me} M. DENEFFE, Conseillère, Mission permanente, Genève.

M^{me} S. KEPPENS, Attachée, Service public fédéral Affaires étrangères, Commerce extérieur et Coopération au développement.
 M. J. TEMPELS, Attaché, Division des affaires internationales, Service public fédéral Emploi, Travail et Concertation sociale.
 M^{me} J. BYNENS, Déléguée du gouvernement flamand auprès des organisations multilatérales à Genève.

Bosnie-Herzégovine Bosnia and Herzegovina Bosnia y Herzegovina

Ms E. KECO ISAKOVIC, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Ms I. SUZNJEVIC, First Secretary, Permanent Mission, Geneva.

Burkina Faso

M. P. VOKOUMA, Ambassadeur, Représentant permanent, Mission permanente, Genève.
 M^{me} S. BAKYONO, Deuxième conseiller, Mission permanente, Genève.

Côte d'Ivoire

M. G. KONE, Ministre d'Etat, ministre de l'Emploi, des Affaires sociales et de la Solidarité.
 M. K. ADJOUANI, Ambassadeur, Représentant permanent, Mission permanente, Genève.
 M. N. BAMBA, Directeur général du travail, ministère de l'Emploi, des Affaires sociales et de la Solidarité.
 M. K. GLEGLAUD, Premier conseiller, Mission permanente, Genève.
 M^{me} B. QUACOE, Conseiller, Mission permanente, Genève.
 M. T. MORIKO, Conseiller, Mission permanente, Genève.
 M. L. BAMBA, Conseiller, Chargé du protocole, Mission permanente, Genève.

Equateur Ecuador

Sr. L. ESPINOSA SALAS, Misión Permanente, Ginebra.
 Sr. J. SÁNCHEZ, Misión Permanente, Ginebra.

Espagne Spain España

Sr. A. SANTOS MARAVER, Embajador, Representante Permanente, Misión Permanente, Ginebra.
 Sr. B. MONTESINO MARTÍNEZ DEL CERRO, Embajador, Representante Permanente Adjunto, Misión Permanente, Ginebra.
 Sra. L. ORTIZ SANZ, Subdirectora General de Relaciones Internacionales Sociolaborales, Ministerio de Trabajo e Inmigración.
 Sr. M. VECINO QUINTANA, Consejero, Misión Permanente, Ginebra.
 Sr. J. RUIZ NAVARRO, Secretario General de Relaciones Internacionales Sociolaborales, Ministerio de Trabajo e Inmigración.

Finlande Finland Finlandia

Mr H. HIMANEN, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Mr A. RYTÖVUORI, Minister, Permanent Mission, Geneva.
 Ms R. KANGASPERKO, Government Counsellor, Ministry of Employment and the Economy.
 Ms L. HEINONEN, Government Counsellor, Ministry of Employment and the Economy.
 Ms H. NISSINEN, Second Secretary, Permanent Mission, Geneva.
 Ms E. HAKALA, Permanent Mission, Geneva.

Grèce Greece Grecia

Mr G. PAPADATOS, Minister Counsellor, Permanent Mission, Geneva.
 Ms A. VENTOURATOU, Permanent Mission, Geneva.
 Mr A. GOULANDRIS, Permanent Mission, Geneva.

Guatemala

Sr. C. MARTINEZ ALVARADO, Representante Permanente, Misión Permanente, Ginebra.
Sra. A. CHÁVEZ BIETTI, Ministro Consejero, Misión Permanente, Ginebra.
Sr. L. RODRIGUEZ MONDAL, Misión Permanente, Ginebra.

Haïti Haiti Haití

M. J. ALEXANDRE, Ministre conseiller, Mission permanente, Genève.

Honduras

Sr. R. BERMÚDEZ, Embajador, Representante Permanente, Misión Permanente, Ginebra.
Sra. M. BENNATON, Embajadora, Misión Permanente, Ginebra.
Sr. M. PÉREZ, Consejero, Misión Permanente, Ginebra.

Jordanie Jordan Jordania

Mr S. DAJANI, Special Adviser for ILO Affairs, Permanent Mission, Geneva.
Ms M. HATTER, Second Secretary, Permanent Mission, Geneva.

Lettonie Latvia Letonia

Mr R. JANSONS, Ambassador Extraordinary and Plenipotentiary, Permanent Mission, Geneva.
Ms L. GRIKE, Permanent Mission, Geneva.

Malaisie Malaysia Malasia

Mr O. HASHIM, Ambassador, Permanent Representative, Permanent Mission, Geneva.
Mr R. BIN BAHARI, Labour Attaché, Permanent Mission, Geneva.

Malawi

Mr L. KANYUMBA, Minister of Labour
Mr W. KAYIRA, Principal Secretary, Ministry of Labour.
Mr E. ZIRIKUDONDO, Labour Commissioner, Ministry of Labour.

Maroc Morocco Marruecos

M. O. HILALE, Ambassadeur, Représentant permanent, Mission permanente, Genève.
M. A. LASSEL, Ministre plénipotentiaire, Mission permanente, Genève.
M. A. SAMRI, Ministre plénipotentiaire, Mission permanente, Genève.

Mozambique

M^{me} F. RODRIGUES, Ambassadeur, Représentant permanent, Mission permanente, Genève.
M. J. DENGGO, Labour Issues, Mission permanente, Genève.

Namibie Namibia

Mr S. MARUTA, Chargé d'Affaires a.i., Permanent Mission, Geneva.
Ms S. NGHINAMUNDOVA, First Secretary, Permanent Mission, Geneva.
Mr A. NGHIFITIKEKO, First Secretary, Permanent Mission, Geneva.
Ms S. KATJINGISIUA, Second Secretary, Permanent Mission, Geneva.

Nigéria Nigeria

Mr E. WOGU, Minister of Labour and Productivity
Mr A. OZODINOBI, Permanent Secretary, Federal Ministry of Labour.
Mr O.C. ILLOH, Director (Productivity Measurement), Federal Ministry of Labour and Productivity.

Ms T. BRAIMAH, Deputy Director
(Productivity Measurement), Federal Ministry
of Labour and Productivity.

Ms G.I. MKPULUMA, Deputy Director
(Planning and Policy), Federal Ministry of
Labour and Productivity.

Mr J.O. OKORONKWO, Assistant Director
(Employment and Wages), Federal Ministry
of Labour and Productivity.

Mr P. AJUZIE, Minister /Labour Attaché,
Permanent Mission, Geneva.

Mr N. AGOMOU, Personal Assistant to the
Minister, Federal Ministry of Labour and
Productivity.

Norvège Norway Noruega

Ms G. KVAM, Director-General, Ministry of
Labour.

Ms G. YTTERDAL, Senior Adviser, Ministry of
Labour.

Ms C. ANDERSEN, Senior Manager, Ministry
of Foreign Affairs.

Nouvelle-Zélande New Zealand Nueva Zelandia

Ms J. HIKUROA, Deputy Director, International
Department of Labour, Department of
Labour.

Ouzbékistan Uzbekistan Uzbekistán

Mr B. OBIDOV, First Secretary, Permanent
Mission, Geneva.

Mr N. NURMATOV, Third Secretary,
Permanent Mission, Geneva.

Mr E. TOSHMATOV, Attaché, Permanent
Mission, Geneva.

Pérou Peru Perú

Sra. S. ALVARADO SALAMANCA, Tercera
Secretaria, Misión Permanente, Ginebra.

Sr. H. WIELAND CONROY, Ministro
Consejero, Misión Permanente, Ginebra.

Philippines Filipinas

Mr E. GARCIA, Ambassador, Permanent
Representative, Permanent Mission, Geneva.

Mr M. IMSON, Labour Attaché, Permanent
Mission, Geneva.

Pologne Poland Polonia

Mr R. HENCZEL, Ambassador, Permanent
Representative, Permanent Mission, Geneva.

Ms M. NOJSZEWSKA-DOCHEV, First
Secretary, Permanent Mission, Geneva.

Ms E. MARMULEWICZ, Attaché, Permanent
Mission, Geneva.

Portugal

M. A. VALADAS DA SILVA, Conseiller,
Mission permanente, Genève.

République dominicaine Dominican Republic República Dominicana

Sr. H. HERNÁNDEZ SÁNCHEZ, Embajador,
Representante Permanente, Misión
Permanente, Ginebra.

Sr. P. MEDINA JIMENEZ, Ministro Consejero,
Misión Permanente, Ginebra.

Saint-Siège The Holy See Santa Sede

M. P. GUTIÉRREZ, Mission permanente,
Genève.

M^{gr} M. TOMASI, Nonce apostolique,
Observateur permanent du Saint-Siège,
Mission permanente, Genève.

M^{gr} M. DE GREGORI, Attaché, Mission
permanente, Genève.

Serbie Serbia

Mr U. ZVEKIC, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Ms V. FILIPOVIC-NIKOLIC, Counsellor, Permanent Mission, Geneva.

**Singapour Singapore
 Singapur**

Ms Y. TAN, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Mr S. PANG, Deputy Permanent Representative, Permanent Mission, Geneva.
 Ms C. CHIA, Deputy Director, Workplace Policy and Strategy Division, Ministry of Manpower.
 Mr Y. HOE, Assistant Director, Labour Relations and Workplaces Division, Ministry of Manpower.
 Ms J. WEE, Deputy head (Prosecution Team 3), Legal Services Department, Ministry of Manpower.
 Ms C. LEE, First Secretary, Permanent Mission, Geneva.

Suède Sweden Suecia

Mr C. ERIKSSON, Director, Special Expert, Ministry of Employment.
 Mr O. EKEUS, First Secretary, Permanent Mission, Geneva.

**République tchèque
 Czech Republic
 República Checa**

Ms K. SEQUENSOVÁ, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Mr I. PINTÉR, Counsellor, Permanent Mission, Geneva.

Tunisie Tunisia Túnez

M. M. BAATI, Ambassadeur, Représentant permanent, Mission permanente, Genève.
 M^{me} E. BEN AMOR, Premier secrétaire, Mission permanente, Genève.

Turquie Turkey Turquía

Mr L. GENC, Conseiller, Permanent Mission, Geneva.
 Mr H. OYMAN, Expert, Permanent Mission, Geneva.

Représentants d'organisations internationales gouvernementales
Representatives of international governmental organizations
Representantes de organizaciones internacionales gubernamentales

Nations Unies
United Nations
Naciones Unidas

Joint Inspection Unit
Corps commun d'inspection
Dependencia Común de Inspección

M. M. ZAHRAN, Président.

Haut Commissariat des Nations Unies pour les réfugiés
Office of the United Nations High Commissioner for Refugees
Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados

Ms A. ROUDIES, Livelihoods Officer, Operational Solutions and Transition Section, Division for Programme Support and Management.
 Ms G. ROUDY FRASER, Senior Livelihoods Officer, Operational Solutions and Transition Section, Division for Programme Support and Management.
 Ms A. NIRRENGARTEN, Associate Officer (Livelihoods), Operational Solutions and Transition Section, Division for Programme Support and Management.

Banque mondiale
World Bank
Banco Mundial

Ms S. JACKSON, World Bank's Special Representative in Geneva.
 Mr M. HOPPE, World Bank's Special Representative in Geneva.

Organisation mondiale du commerce
World Trade Organization
Organización Mundial del Comercio

Ms J. CHAKARIAN-RENOUF, Counsellor, Trade and Environment Division.
 Ms M. WAHL, Information and External Relations Division.

Organisation internationale pour les migrations
International Organization for Migration
Organización Internacional para las Migraciones

Mr S. HAQUE, Director, Department of International Cooperation and Partnerships.
 Mr C. KWENIN, Senior Regional Adviser for Sub-Saharan Africa.
 Mr F. SODA, Head, Labour and Human Development Division.
 Ms K. TOUZENIS, Head, International Migration Law Unit.

Union africaine**African Union****Unión Africana**

Mr G. NAMEKONG, Chargé d’Affaires, Permanent Delegation of the African Union in Geneva.
 Ms B. NAIDOO, Social Affairs Officer, Permanent Delegation of the African Union in Geneva.

Organisation arabe du travail**Arab Labour Organization****Organización Árabe del Trabajo**

Mr A. LUQMAN, Director-General.
 Mr R. GUISSOUMA, Head, Permanent Delegation of the ALO in Geneva.
 Ms Z. KASBAOUI, Permanent Delegation of the ALO in Geneva.

**Conseil des ministres du Travail et des Affaires sociales
des Etats du Conseil de coopération du Golfe****Council of Ministers of Labour and Social Affairs in Gulf Cooperation Council States**

Mr S. AL-MUHAIIRI, Director-General, Executive Office.
 Mr J. AL-SALMAN, Director, Department of Labour Affairs.

Union européenne**European Union****Unión Europea**

Ms M. ZAPPIA, Ambassador, Head.
 Mr D. ILIOPOULOS, Ambassador and Deputy Head.
 Ms J. HIVONNET, Minister Counsellor.
 Mr M. FERRI, First Counsellor.
 Mr C. DUFOUR, UN Affairs Officer.

Conseil de l’Europe**Council of Europe****Consejo de Europa**

Mr R. WEINGÄRTNER, Director of Human Rights and Antidiscrimination.

Commission européenne**European Commission****Comisión Europea**

Mr L. ANDOR, Commissioner for Employment, Social Affairs and Inclusion.
 Mr G. CSEREY, Member of the Cabinet of Commissioner László Andor.
 Ms K. SCHREIBER, Head of Unit for External Relations, Neighbourhood Policy, Enlargement, IPA,
 Directorate General for Employment, Social Affairs and Inclusion.
 Ms S. BOEHMERT, Administrator, Unit for External Relations, Neighbourhood and Enlargement Unit,
 IPA, Directorate General for Employment, Social Affairs and Inclusion.

**Représentants d'organisations internationales non gouvernementales
assistant à titre d'observateurs
Representatives of international non-governmental organizations as observers
Representantes de organizaciones internacionales no gubernamentales presentes con
carácter de observadores**

**Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial**

Ms O. OVIEDO DE LA TORRE, Permanent Representative at the ILO.
Mr A. SOTIROPOULOS, Permanent Representative at UNESCO.
Ms A. KOUTSOUP, Expert.

**Organisation internationale des employeurs
International Organization of Employers
Organización Internacional de Empleadores**

Mr A. PEÑALOSA, Secretary-General.
Mr B. WILTON, Deputy Secretary-General.

**Organisation de l'unité syndicale africaine
Organization of African Trade Union Unity
Organización para la Unidad Sindical Africana**

Mr H. SUNMONU, Secretary-General.
Mr D. DIOP, Deputy Secretary-General.
Mr A. DIALLO, Permanent Representative to the ILO and UN Offices in Geneva.

**Association internationale de la sécurité sociale
International Social Security Association
Asociación Internacional de la Seguridad Social**

Mr H. KONKOLEWSKY, Secretary-General.
Ms D. LEUENBERGER, Head, Resources and Services Branch.

**Confédération syndicale internationale
International Trade Union Confederation
Confederación Sindical Internacional**

Ms R. GONZALEZ, Director, Geneva Office.
Ms E. BUSSER, Assistant Director, Geneva Office.

**Mouvement de libération
Liberation movement
Movimiento de liberación**

Palestine Palestina

Dr I. KHRAISHI, Ambassador, Permanent Mission, Geneva.

Mr I. MUSA, Counsellor, Permanent Mission, Geneva.