



Governing Body

331st Session, Geneva, 26 October–9 November 2017

GB.331/INS/PV/Draft

Institutional Section

INS

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DRAFT MINUTES

Institutional Section

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1. The Institutional Section met on Monday, 30 October, Thursday, 2 November and Friday, 3 November, and from Monday, 6 November to Thursday, 9 November 2017. The Chairperson of the Governing Body, Mr L. Cortebeeck (Worker, Belgium), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr M. Mdwaba (South Africa), was the Employer spokesperson for the Section, except in respect of item 3, “Follow-up to the resolution on Advancing Social Justice through Decent Work: Framework for recurrent discussions” and item 4/3, “Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning the second recurrent discussion on fundamental principles and rights at work”, where Ms R. Hornung-Draus was spokesperson; item 4/1, “Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning fair and effective labour migration governance”, where Mr S. Barklamb was spokesperson; item 4/2, “Matters arising out of the work of the 106th Session (2017) of the International Labour Conference: Follow-up to the resolution concerning employment and decent work for peace and resilience”, where Mr F. Ahmed was spokesperson; item 6, “Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation adopted by the Conference at its 104th Session (2015): Progress report on the implementation of the action plan”, where Mr C.H. Kyriazis was spokesperson; item 9, “Partnership and Policy Coherence Strategy”, where Mr A. Yuma was spokesperson; item 10, “Review of the implementation of ILO–ISO agreements”, where Mr B. Matthey was spokesperson; item 15, “Reports of the Committee on Freedom of Association”, where Mr A. Echavarría was spokesperson; and item 16, “Report of the Board of the International Training Centre of the ILO, Turin”, where Mr R. Dubey was spokesperson. Ms C. Passchier (Netherlands) spoke for the Workers, except in respect of item 4/2, where Mr M. Guiro was spokesperson; item 4/3, where Mr K. Ross was spokesperson; item 6, where Mr P. Dimitrov was spokesperson; and item 10, where Ms S. Cappuccio was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 331st Session:

Policy Development Section

Employment and Social Protection Segment (Wednesday, 1 November 2017)

Chairperson: Mr R. Behzad (Islamic Republic of Iran)

Employer spokespersons:

Item 1, Outcome 2: Ratification and application of international labour standards:
Mr E. Potter

Item 2, Outcome 8: Protecting workers from unacceptable forms of work:
Ms V. Giulietti

Worker spokesperson: Mr P. Dimitrov

Social Dialogue Segment

(Tuesday, 31 October and Wednesday, 1 November 2017)

Chairperson: Mr A.H. Adewo (Ethiopia)

Employer spokespersons:

Item 3, Sectoral meetings held in 2017 and proposals for 2018: Mr P. Woolford

Item 4, Outcome 7: Promoting workplace compliance through labour inspection:
Mr E. Potter

Worker spokesperson: Mr B. Thibault

Development Cooperation Segment

(Wednesday, 1 and Wednesday, 8 November 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokesperson: Ms J. Mugo

Worker spokespersons:

Item 5, ILO cooperation with the tobacco industry in the pursuit of the Organization's social mandate: Ms C. Passchier

Item 6, Enhanced programme of development cooperation for the occupied Arab territories: Mr M. Guiro

Legal Issues and International Labour Standards Section

Legal Issues Segment

(Friday, 3 November 2017)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Mr F. Yllanes

Worker spokesperson: Mr J.E. Ohrt

International Labour Standards and Human Rights Segment

(Friday, 3 November 2017)

Chairperson: Mr G. Corres (Argentina)

Employer spokespersons:

Item 2, The Standards Initiative: Report of the third meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 25–29 September 2017):

Mr A. Echavarría

Item 3, Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the Constitution in 2019:

Mr F. Yllanes

Worker spokespersons:

Item 2: Ms C. Passchier

Item 3: Ms A. Brown

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment (Monday, 30 and Tuesday, 31 October 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokespersons:

Item 1, Update on the headquarters building renovation project; item 3, Programme and Budget proposals for 2016–17: Regular budget and Working Capital Fund; item 5, Information Technology Strategy 2018–21; item 6, Other financial questions: Financial arrangements for the renovation of the ILO Country Office for Brazil: Mr J.M. Lacasa

Item 2, Proposed 2018–19 budgets for extra-budgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR): Mr J. Mailhos

Item 4, Knowledge Strategy 2018–21: Mr S. Barklamb

Worker spokesperson: Ms C. Menne

Audit and Oversight Segment (Tuesday, 31 October 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokespersons:

Item 7, Independent Oversight Advisory Committee: Revised terms of reference; item 8, Annual evaluation report 2016–17; item 10, Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU; and item 11, Other audit and oversight questions: Mr J.M. Lacasa

Item 9, High-level evaluations of strategies and Decent Work Country Programmes: Mr K. Ghariani

Worker spokesperson: Ms C. Menne

Personnel Segment (Tuesday, 31 October and Wednesday, 1, Tuesday, 7 and Wednesday, 8 November 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokesperson: Mr P. Woolford

Worker spokesperson: Ms C. Menne

**Working Party on the Functioning of the Governing Body
and the International Labour Conference**

(Monday, 6 and Tuesday, 7 November 2017)

Chairperson: Mr L. Cortebeeck (Worker, Belgium)

Employer spokespersons:

Item 1, Composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO:

Mr H. Munthe

Item 2/1, Improving the functioning of the International Labour Conference: Analysis of the 106th Session (2017) of the Conference; and item 2/2, Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference: Mr M. Mdwaba

Item 3, Review of the role and functioning of the Regional Meetings:

Ms R. Hornung-Draus

Worker spokesperson: Ms C. Passchier

Committee on Freedom of Association

(Thursday, 26 to Saturday, 28 October 2017)

Chairperson: Mr T. Teramoto (Japan), ad interim

Employer Vice-Chairperson: Mr A. Echavarría

Worker Vice-Chairperson: Mr Y. Veyrier ¹

Opening remarks by the Director-General

3. *The Director-General* said that the present composition of the Governing Body must guide the ILO up to, during and beyond the Organization's centenary. At this important juncture it was essential that the ILO demonstrated its capacity to deliver real benefits and effectively defend social justice. This Governing Body session had before it a progress report on all seven Centenary Initiatives, as well as a number of documents concerning individual Centenary Initiatives. The Future of Work Initiative, which had been the subject of national dialogues in 110 member States, had moved ahead with the launch in August of the Global Commission on the Future of Work (Global Commission), with the President of Mauritius and the Prime Minister of Sweden as its co-Chairpersons. The Governing Body would also be called on to give advice on the agenda and design of the centenary session of the Conference.
4. Reform had been one of the Director-General's commitments during his first mandate. It would remain so for his second. Many of the papers before the session were linked to this – on Knowledge Strategy; IT Strategy and Human Resources Strategy, for example. Resources were being redeployed to front line services to constituents. The ILO was contributing to United Nations reform. It had aligned its programme and budget to the delivery of the UN 2030 Agenda for Sustainable Development (2030 Agenda). However, the ILO's organic relationship with the UN also brought challenges, of which the future of its cooperation with the tobacco industry was one, and the question of the terms and conditions of employment

¹ Substituting Ms C. Passchier.

within the UN system, as determined by the International Civil Service Commission, was another; both were issues of system coherence.

5. A number of papers of particular significance addressed specific thematic policy items or country situations. Under three of these the Governing Body was called on to provide guidance with regard to follow-up action on the technical outputs from the 106th Session of the Conference: employment and decent work for peace and resilience; fair and effective governance of labour migration; and fundamental principles and rights at work. Guidance was also sought with regard to programme and budget policy outcomes on international labour standards, on unacceptable forms of work and on labour inspection. A number of country-specific cases were also on the agenda, reporting on progress in complaints filed under article 26 of the ILO Constitution. While these cases were necessarily difficult, ILO history showed that a combination of perseverance and principle bore results.

First item on the agenda

Approval of the minutes of the 330th Session of the Governing Body ([GB.331/INS/1](#))

Decision

6. *The Governing Body approved the minutes of its 330th Session, as amended.*

(GB.331/INS/1, paragraph 2.)

Election of new Government Vice-Chairperson of the Governing Body ([GB.331/INS/1/1](#))

Decision

7. *The Governing Body elected His Excellency, Ambassador Claudio Julio de la Puente Ribeyro of Peru, as Government Vice-Chairperson of the Governing Body for the remainder of the current term of office of its Officers until June 2018.*

(GB.331/INS/1/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference ([GB.331/INS/2](#))

Addendum

Proposal for the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31) ([GB.331/INS/2\(Add.\)](#))

8. *The Worker spokesperson* said that her group agreed with the proposal that the main theme of the centenary session of the Conference in 2019 should be the future of work. It would be useful to schedule the second discussion of the standard on violence in the world of work for 2019 because of its linkage with that topic. The group would like to know whether the Director-General intended to submit a Report to that session of the Conference, in addition to the report by the Global Commission, about linkages between the two. She expressed concern as to how the various committees' discussions of specific items would be reconciled into a single outcome in the short time available. It was important that the centenary session attracted high-level tripartite commitment, and that any resulting declaration was ambitious and provided for effective implementation. There should be room in the agenda for other Centenary Initiatives, such as the Women at Work Initiative, where they intersected with the theme of the future of work. The group would also like to see a strong emphasis on standards at the session, for example through formal ratifications or expressions of commitment in plenary. Future consultations on the working methods of the Committee on the Application of Standards (CAS) should consider whether the Committee would have enough time for a session on the future of work or a review of the history and impact of the CAS. The 20th anniversary of the ILO Declaration on Fundamental Principles and Rights at Work, 1998 (1998 Declaration) and the tenth anniversary of the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration) would be celebrated at the 2018 session, and the period leading up to that session should be used to reinvigorate the campaign for universal ratification of the core Conventions. Reflection on the future of work necessarily involved discussion of the normative framework, and ratification and implementation of the eight core Conventions would ensure that economic development and social progress went hand in hand.
9. Turning to the agenda of the Conference beyond 2019, she agreed that further discussion was needed to ensure that the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) were adequately prioritized in terms of Conference agenda items; the format of future sessions of the Conference would need to accommodate potential revision of standards. The Workers' group believed that it was still too early to decide on the agenda for 2020 but would like to see an item dealing with a Convention, supported by a Recommendation, on a just transition of the world of work towards environmentally sustainable economies, as well as an item on apprenticeships, as a follow-up to the SRM TWG recommendation. She noted that any decision on a standard-setting item would have to be taken in March 2018. The suggestion that the agenda for 2020 could contain an item on follow-up to the centenary session needed further clarification, especially as the 2019 session of the Conference would adopt an outcome in the form of a declaration, resolution or protocol. The group agreed that the four subjects listed in Appendix 1, section 2, of the document were not yet ripe for inclusion in the Conference agenda. It

supported the proposal to place the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31), on the agenda of the 2020 session.

10. *The Employer spokesperson* said that the document reflected a more strategic and coherent approach to the agenda of the Conference, which took better account of Members' needs and priorities, and lessons learned from ILO activities. The focus on the future of work at the centenary session of the Conference in 2019 would greatly help to achieve an impact commensurate with the topic's importance, both within and outside the Organization. The group was concerned that time was too short to identify three sub-items for inclusion in the agenda for 2019, notwithstanding the guidance that would emanate from the Global Commission. It was important that all parties submitted proposals, which should be relevant to current ILO discussions and genuinely related to drivers of the future of work. The Employers' group proposed that the three sub-items should address: employment opportunities brought by new and future realities and trends in business and at work; skills for the future; and governance at work. His group was still not convinced of the added value of a Conference declaration, feeling that it would require intensive preparation and detract from substantive discussion. Alternatives might be to give adequate visibility to the outcomes of the discussions on the future of work, or to use the Standards Initiative as an opportunity to present a more robust, coherent and credible supervisory system. An ambitious and well-focused overall approach would be needed to attract key personalities and heads of State.
11. The remaining slot on the agenda for 2020 should be kept for follow-up to the centenary session. Constituents in the 2019 session of the Conference could identify the most relevant and urgent item for discussion the following year, based on the need to anticipate and answer the new realities of work. The Employers' group would also like to see a future agenda item on workplace corruption, focusing on how employers and workers could add value in effective policies against it. The group continued to see no added value in including a standard-setting discussion on a just transition towards environmentally sustainable economies, and would object to a new agenda item on non-standard forms of employment, as it related closely to the future of work discussion in 2019. He noted the lack of support for an item on individual labour disputes. The proposal for a discussion on inequalities at work also related closely to the 2019 Conference discussions and would be best discussed after their outcome. The fact that the Governing Body had asked the Office in 2016 to develop a proposal for a possible new labour standard on apprenticeships did not mean that the subject should automatically feature on the agenda of the Conference for the purpose of deciding on a new standard. It was also inappropriate to narrow the field of action to a new ILO standard, since wide-ranging initiatives were being taken by employers, the Office and others, in association with the Global Apprenticeship Network, all aimed at establishing a holistic approach to apprenticeships.
12. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran said that the concept of a strategic and coherent approach to the setting of the Conference agenda should be extended beyond the 2019 session. Consideration should still be given to the possibility of holding the second discussion on violence in the world of work at the centenary session of the Conference. While it was preferable to hold a single discussion on standard-setting items, the number of topics for such discussions should be settled at the March 2018 session of the Governing Body. The centenary session of the Conference should result in a formal outcome, in order to give direction to the Organization's future activities. That session should include a celebratory dimension; the Office was requested to present specific proposals on the structure and content of the discussions in that respect. The recommendations of the SRM TWG on practical and time-bound follow-up should also be taken into account.

13. His group welcomed the inclusion of the topic of effective development cooperation in the agenda of the 2018 session. As the Governing Body had adequate time to provide guidance to the Office before the 109th Session of the Conference in 2020, options should be kept open with regard to the remaining slot on the corresponding agenda and the Office should present further reports on the four subjects set out in paragraph 28 of the document. His group supported the procedural roadmap set out in the document and the draft decision.
14. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Greece recalled that it had been agreed at the 329th Session of the Governing Body that, apart from standing items, the agenda of the 108th Session (2019) of the International Labour Conference should be dedicated to the future of work. Discussions on that subject could be linked to the report to be produced by the Global Commission, with three or four days of discussion in plenary, followed by a drafting committee to prepare an outcome document. After an amendment process, the Conference could then adopt the outcome document in plenary, during the second week. Alternatively, there could be a two-day plenary discussion followed by thematic discussions on key issues, which would each feed into an outcome document. She asked the Office to elaborate on proposed modalities for those discussions.
15. The outcome document should highlight the importance of the ILO's unique mandate in the current world of work. Any centenary declaration should provide added value with regard to previous milestone declarations. It should be concise, but cover all points discussed. The Office should provide more detailed information to the Governing Body in March 2018 on the preparatory work to be done, in the form of a roadmap. There was merit in the proposal to include a celebration of the ILO's centenary, because attracting heads of State and other key stakeholders would enhance the impact of the Conference and its outcome. She supported the proposal to highlight the ILO's history, perhaps by holding a session of the CAS linking its work to the Future of Work Initiative, provided that such a session would not overburden the schedule of that Committee. She looked forward to receiving concrete proposals from the Office, and noted that it may still be possible to hold a technical committee during the 108th Session.
16. Turning to the Conference agenda beyond 2019, she reiterated IMEC's commitment to the strategic and coherent approach to agenda setting, taking account of the need for institutional coherence and a balance between preparation and tripartite engagement. The outcomes of Regional Meetings or technical meetings could also contribute to the agenda-setting process. As no immediate decision had to be taken, the outcome of the centenary session could also be taken into account when setting the agenda beyond 2019. However, she noted the Office's suggestion that a standard-setting item should be decided upon in March 2018, and a general discussion item in March 2019, and sought further clarification in that regard.
17. Regarding the three possible items for inclusion on the agenda of the 109th Session (2020) of the Conference, IMEC did not find added value in the standard-setting item on the just transition of the world of work towards environmentally sustainable economies and societies for all, as guidelines already existed on sustainable development, decent work and green jobs. In any case, as the review of occupational safety and health (OSH) instruments was ongoing, it was premature to decide on a standard-setting item beyond the 108th Session. Furthermore, she recalled that more time was required to prepare for standard-setting items. The inclusion of two standard-setting items had proven to be very demanding in the past, and such an item on violence and harassment had already been included on the agenda. A general discussion on inequalities and the world of work in 2020 could take stock of progress towards achieving the labour-related Sustainable Development Goals (SDGs) and would build on the Women at Work Initiative, the work of the Global Commission and the outcome of the centenary session. While a standard-setting discussion on apprenticeships may be of interest, a general discussion could be held first, in 2021. She supported the draft decision

contained in paragraph 30 of document GB.331/INS/2 and, referring to the revised draft decision in paragraph 8 of document GB.331/INS/2(Add.), suggested placing an item on the withdrawal of Recommendation No. 31 on the agenda in 2020.

18. *A Government representative of Japan*, recalling that there had been broad support for the motion to dedicate the 108th Session (2019) of the Conference exclusively to the future of work, urged the Office to prepare proposals on how to facilitate the discussion for submission to the Governing Body at its March 2018 session. Noting that no consensus had been reached at the previous session on narrowing down to three the options that could be included on the agenda of the 109th Session (2020), she said that although Japan considered that it was premature to take a decision on the matter, it also considered that inequalities and the world of work would be a good choice, as it was highly relevant to the mandate of the ILO and was a common issue for many member States. Other items, such as individual labour disputes and non-standard forms of employment, could also be considered.
19. *Speaking on behalf of the Africa group*, a Government representative of Chad endorsed the approach proposed by the Office and agreed that the agenda of the centenary session should be based on the Future of Work Initiative, focusing on a plenary discussion on the report of the Global Commission with consideration of specific elements in greater detail in technical committees or similar forums. Given that it was a special event that should lead to a formal outcome, the work of the Conference should end with a centenary declaration, which could guide the Organization in its social justice mandate during its second centenary. A draft of the outcome document should be submitted to the Conference at its 2018 session so that it might benefit from as many member State contributions as possible. The Conference agenda items needed further examination and the agenda of sessions to be held after 2019 should be indicative only and flexible so that new items could be taken into account. In that regard, he referred to the follow-up to the conclusions on decent work in global supply chains, the follow-up to the Future of Work Initiative, the outcome of the discussion on the General Survey concerning the migrant workers instruments, and the preparation of a centenary declaration. He supported the content of Appendices I–III and the draft decision in paragraph 8 of document GB.331/INS/2(Add.).
20. *A Government representative of Canada*, speaking also on behalf of the Government representatives of Australia, Austria, Belgium, Denmark, Finland, Ireland, Israel, New Zealand, Norway, Spain, Sweden and United Kingdom, said that the agenda of the 2019 session of the Conference could include the second discussion of the standard-setting item on violence and harassment against women and men in the world of work (the first discussion was to be held in 2018), as the subject was inextricably linked to, and supportive of, multiple Centenary Initiatives. The discussion would directly contribute to the intended focus of the centenary session on the future of work and offered an unparalleled opportunity to highlight one of the key functions of the ILO, namely the adoption of international labour standards. Adoption of an instrument or instruments in 2019 would constitute a major deliverable outcome of the centenary session and a celebration of the core work of the ILO. Pragmatically speaking, the holding of the first and second discussions in sequential years would maximize the potential for momentum and continuity in the discussions.
21. *A Government representative of Switzerland* spoke in favour of a plenary discussion on the report of the Global Commission, which should lead to a formal outcome document aimed at guiding the ILO's activities in that area. As a priority before 2019, the Governing Body should determine what form that outcome document should take and prepare a draft. Inter-session consultations should be held for that purpose. Focusing the centenary session on the future of work would emphasize the key role of the ILO in responding to changes in the world of work. The audience and impact of the Conference could be increased by broadening the participation to include youth representatives and other stakeholders. It would be interesting if the CAS included a special session on its history, but not necessarily on the

Future of Work Initiative or on its impact, as the Committee had been through difficult times in recent years and was not yet over its hurdles. The discussion on coherence in the supervisory system was still ongoing and should not be interfered with. He supported the proposal that the agenda, apart from the standing items, should focus on the future of work incorporating aspects of the other Centenary Initiatives. He also agreed that the Office should prepare proposals on the structure and substance of discussions, to be considered by the Governing Body at its March 2018 session; those could also address the resources needed for inter-sessional negotiations on the draft of the outcome document of the 2019 session.

22. *A Government representative of India*, referring to paragraph 25 of document GB.331/INS/2, said that many of the 19 instruments concerning OSH which had been considered, required future action. He was in favour of putting the withdrawal of Recommendation No. 31 on the agenda of the 109th Session of the International Labour Conference. Other subjects of interest such as inequalities and the world of work, apprenticeship, and decent work in the world of sport could be included in a session thereafter. Growing inequalities in various forms and dimensions were a matter of concern for both developed and the developing countries and could affect economic growth, development and labour market outcomes. The topic of inequalities and the world of work should have a gender perspective with a view to promoting women's wage equality and their welfare in labour markets. As apprenticeship training was becoming an important tool for addressing skills mismatches, the discussion should focus on informal apprenticeships, in particular for women. There was ample time to decide on the agenda items of sessions after 2020.
23. *A Government representative of Cuba* supported a plenary discussion of the report of the Global Commission, as suggested in paragraph 15. However that variant implied consideration of specific elements by technical committees which would have to be approved by the Governing Body in light of the seven Centenary Initiatives or those deriving from the topic "the future of work". Her delegation was not opposed to the proposal contained in paragraph 16 as long as it would not entail new obligations for member States to send reports, information or answers to questionnaires, or a new follow-up mechanism in addition to those that already existed on the 1998 Declaration or the Social Justice Declaration.
24. *A Government representative of Brazil* supported the widely held view that the centenary session of the Conference should be entirely devoted to the future of work. The 108th Session should crown an inclusive and substantive consultation process through which governments and social partners would become duly aware of the challenges of the world of work and which was designed to spread the values of the ILO more widely and more effectively. The American Regional Meeting in Panama in 2018 would be an opportunity to deepen the debate and enhance preparations for the centenary session of the Conference. He was confident that the final document would be robust enough to provide guidance for the coming decades and looked forward to the outcome report of the Global Commission. He trusted that the consequences of automation, new employment modalities, the interaction between employment and education, the promotion of gender equality and the struggle against discrimination in the world of work would be given priority. He asked for detailed proposals on the number and topics of Conference committees at the centenary session of the Conference and whether it would be possible to adopt the same structure as that of the centenary conversations, and to envisage the addition of a technical item to the agenda at the Governing Body's next session. He also wanted the 109th Session to be flexible enough to deal with unforeseen issues. An item on the withdrawal of Recommendation No. 31 would be appropriate. He expected the SRM TWG to continue to give guidance on normative and non-normative activities of the Conference through its recommendations.

25. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the intention in the document had not been to make concrete proposals but to foster a discussion. A consensus was emerging that the 108th Session should focus on the future of work. The general view had been that any other discussion, or any technical committee or other forum should be linked to the future of work in some way. There had also been some support for a second discussion on the standard-setting item and its links to the future of work. The Director-General's decision on whether there would be a Report both of the Director-General and of the Global Commission would depend on the nature of the agenda and of the report from the Global Commission. Similarly, if there were to be a number of different committees operating within the Conference, it was still unclear how the different outcomes would be drawn together into a single conclusion or consolidated outcome, or how the other Centenary Initiatives would be integrated in the discussion. At a later stage, concrete proposals would be presented on using the Conference as an opportunity for the promotion and ratification of the fundamental and other Conventions. The Conference would be used as an opportunity to highlight the ILO's history and impact. The centenary would be celebrated throughout 2019, with the Conference as a centrepiece, accompanied by a variety of activities which would be designed in conjunction with member States. Furthermore, there was a widely held view that if an outcome document, such as a declaration, were to be adopted, it should at least have the stature of those adopted in the past, so as to provide authoritative guidance for the future.
26. Proposals would be based on the inputs to the current discussion and he would circulate some ideas about scenarios for the 108th Session at an early stage for informal consultations. Feedback was also being sought on the agenda for sessions of the Conference beyond 2019, on the three options for the agenda of future sessions that the Office had identified as having the greatest support, and on a possible item associated with the follow-up to the 108th Session. The Office would look at the comments received and assess which of the options should be given priority and submit proposals in March. The Office would also look at the practicality of not taking a decision until after the 2019 session of the Conference.
27. The question of the withdrawal of Recommendation No. 31 would be dealt with in 2020. In March 2018, the Office would present concrete proposals and suggest options and roadmaps on how to move forward in 2019 and the following years.

Decision

28. ***The Governing Body decided to place on the agenda of the 109th Session (2020) of the Conference an item on the withdrawal of the Prevention of Industrial Accidents Recommendation, 1929 (No. 31). It provided guidance in relation to the agenda of the centenary session (2019); and on the setting of the Conference agenda beyond 2019 both as regards the strategic approach and the seven subjects under consideration listed in the appendix to document GB.331/INS/2.***

(GB.331/INS/2(Add.), paragraph 8.)

Third item on the agenda

Follow-up to the resolution on Advancing Social Justice through Decent Work: Framework for recurrent discussions ([GB.331/INS/3](#))

29. *The Employer spokesperson* welcomed the revised framework for recurrent discussions proposed by the Office. She was satisfied with the proposed structure for the recurrent discussion report, which contained an assessment of the work done by the Organization and its Members. If properly implemented, it should foster a better understanding of the impact of action taken to achieve the strategic objectives of the ILO, including what had worked and not worked and what more could have been done to respond to constituents' varying needs. The Evaluation Office's role in providing an accurate analysis of lessons learned would therefore be critical. It was vital to have not only succinct and evidence-based content, but also a few focused points for discussion, which would be conducive to productive debates during the International Labour Conference. Informal consultations did not always need to be tripartite; Employer experience had shown that separate, informal consultations with each of the constituents were also useful. The addendum report should not pre-empt the Conference discussions.
30. While the input of external experts in previous recurrent discussions had been valuable, it should not be the rule, but decided on a case-by-case basis, with the agreement of the constituents. Tripartite information sessions to share national experiences and good practices should also be organized on a case-by-case basis, in light of the relevance of the input.
31. The outcome document should be action-oriented rather than policy-oriented, because recurrent discussions were meant to improve the implementation of existing and agreed policies, based on constituents' needs. Nor was it the role of the recurrent discussion to make proposals concerning the Conference agenda; that was for the Governing Body to decide through existing discussion channels with the tripartite constituents. However, the Employers supported the proposal to include priorities identified in recurrent discussions in the existing and future programmes and budgets.
32. It was true that new modalities were needed to ensure that the General Survey and the discussions of the CAS contributed to the recurrent discussions. However, General Surveys were not the only standards-related input to recurrent discussions. The Standards Review Mechanism, for example, would provide a proper assessment of the relevance of existing standards. In fact, the ILO had a wide range of means at its disposal to achieve the strategic objectives of the Social Justice Declaration. One of those means, international labour standards, must be complemented by technical assistance, advisory services, capacity building, research, information collection and sharing. Input on those different aspects could then be fed into the recurrent discussions. The Employers endorsed the draft decision.
33. *The Worker spokesperson* said that the means of action which the Office could use to respond to the diverse realities and needs of Members included standards-related action to promote the ratification and implementation of existing ILO standards and identify new ones. Paragraph 1(c) should therefore speak not only of adjusting priorities and programmes, but also emphasize that recurrent discussions should specifically address gaps in standards or investigate immediate follow-up action by the Organization.
34. Staff from the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) should participate in the small working group to be established for the preparation of the report on recurrent discussions. The Workers therefore proposed

amending the third sentence of paragraph 5, to read: “For each recurrent discussion, a small working group consisting of staff from relevant portfolios, departments and offices, including from ACTRAV and ACT/EMP, should be established to draft a report to be submitted to the Conference.”

35. While the Workers were in favour of consulting the constituents on the structure and topics of the Office report, they were against the inclusion of a preliminary text or building blocks in the outcome document, as that was something that should be discussed by the Conference Committee. However, early consultations on the points for discussion, the outcome of which could be summarized at the end of the report, would help the constituents to prepare for the discussion.
36. It was vital to include a reference to the objective of high-level exchanges with representatives from relevant regional and international organizations. The role of the latter should be clearly defined and linked to their contribution to the implementation of the Decent Work Agenda. The high-level exchanges should also lead to concrete follow-up by the ILO and the constituents. The Workers supported the draft decision.
37. *Speaking on behalf of the Africa group*, a Government representative of Morocco welcomed the inclusive approach to preparing the revised framework, which would help the constituents to better articulate their needs and proposals with respect to the implementation of the Social Justice Declaration, and enable the ILO to meet constituents’ needs when giving effect to fundamental principles and rights at work. Intensive tripartite consultations on the structure and topics of the outcome document would ensure that it was relevant and reflected constituents’ views and expectations, as well as those expressed in the high-level exchanges with interested parties. His group encouraged the Office to make every effort to advance social justice through decent work and to spur constituents into promoting and implementing the objectives of the Social Justice Declaration. Secondly, it should showcase the impact of Decent Work Country Programmes (DWCPs) on meeting the objectives of the Social Justice Declaration, with particular regard to fundamental labour rights and social dialogue. Thirdly, it must ensure the sustainability of actions. He supported the draft decision, while emphasizing the need to take the group’s comments into account.
38. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Paraguay underlined the importance of adopting appropriate modalities to improve the focus of recurrent discussions and ensure that they were based on current realities and challenges. Broad tripartite consultations should be held on the topics to be included in recurrent discussions between 2018 and 2023, bearing in mind that they included a decision on the theme of the 2019 centenary Conference. It would be wise to continue the successful practice begun at the 105th Session of the International Labour Conference of including interactive debates between high-level delegates from other international or regional organizations and the tripartite constituents. GRULAC supported the draft decision.
39. *Speaking on behalf of IMEC*, a Government representative of Germany was in favour of developing a flexible format for the report on recurrent discussions and continuing informal consultations once the report was published. However, an addendum report should be published only if new key issues had emerged. Given time constraints, high-level exchanges should not be the rule, but take place only when they offered added value. The follow-up to the outcome document was of great importance, and IMEC therefore supported the proposal that, at its November session following the International Labour Conference, the Governing Body should discuss how the priorities identified by the Conference could be systematically integrated into existing and future programmes and budgets to ensure effective monitoring of the document. It supported further efforts to ensure that the General Surveys better informed the recurrent discussions. Recalling IMEC’s position that article 19 requests had

become too broad and lengthy, she emphasized that the objective was to streamline reporting and make better use of existing reporting. Therefore, IMEC did not support the proposed broadening of questions in the article 19 questionnaire, which should pertain specifically to the provisions of the Conventions. It supported the draft decision.

40. *A Government representative of India* said that the report should be succinct and evidence-based, highlight recent developments and identify topics of emerging importance. She agreed with paragraph 6 on the structure of the report. The inclusion of best practices would identify real issues and encourage ownership among member States. The Office should consider how best to share that information. It would be advisable to hold early consultations with the constituents on the structure and topics of the report to ensure that it was relevant and reflected the tripartite constituents' views and expectations. Her Government supported the proposed linkages between General Surveys and the recurrent discussions and the synchronization with the General Survey, however the scope of recurrent discussions should not be limited or constrained by the General Survey review. General Surveys could provide a compilation of good practices and of the issues faced by member States with respect to specific international labour standards. The inclusion of interactive and dynamic discussions and high-level tripartite exchanges with key stakeholders should not dilute the tripartite nature of the ILO's decision-making processes. She endorsed the draft decision.
41. *A Government representative of Morocco* noted that the revised framework included many of the elements originally proposed. He welcomed the enhanced alignment between the topics of the General Surveys and recurrent discussions and the decision to maintain synchronization with the General Survey review in the CAS, as well as strengthened intra-Office collaboration when drawing up General Survey questionnaires and providing Members with support. He was in favour of adopting and implementing the revised framework.

Decision

42. *The Governing Body:*

- (a) *adopted the framework for recurrent discussions presented in the appendix of document GB.331/INS/3;*
- (b) *requested the Director-General to apply the framework for the preparation and organization of future recurrent discussions starting from 2018, taking into account the guidance provided by the Governing Body.*

(GB.331/INS/3, paragraph 4.)

Fourth item on the agenda

Matters arising out of the work of the 106th Session (2017) of the International Labour Conference

Follow-up to the resolution concerning fair and effective labour migration governance ([GB.331/INS/4/1\(Rev.\)](#))

43. *The Worker spokesperson*, thanking the Office for its support before and during the 106th Session (2017) of the International Labour Conference, and for the proposed follow-up plan, welcomed the proposals in the document and in particular the identification of ten priority areas and the organization of actions along four broad means of action. In particular, her group welcomed the work planned on statistics, social protection and recruitment costs, including towards a definition of recruitment fees and related costs – which was lacking from current ILO work on the subject – and the proposal to hold a tripartite meeting of experts on that subject in late 2018. The report on obstacles to freedom of association should address the difficulties faced by migrant workers in that respect, both in law and in practice. The outcomes of the research on temporary labour migration and its impact on working conditions and labour markets should be presented to a tripartite meeting of experts that could be combined with the proposed meeting on the definition of recruitment fees and related costs. An ILO discussion on those outcomes should be held and follow-up action determined. The protection of irregular migrants and the identification of pathways out of irregularity and informality, building on good practice, were priority issues. She welcomed the initiatives outlined in paragraph 13(a) and called for the ratification and effective application of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
44. The issue of enterprise development and self-employment had not been included in the conclusions of the general discussion on fair and effective labour migration governance, adopted by the Conference at its 106th Session, and was not a priority for her group. She cautioned that the widespread use of fraudulent self-employment had negative consequences, and migrant workers were particularly vulnerable in that respect.
45. Noting the importance of capacity building, she welcomed cooperation with the International Training Centre of the ILO (Turin Centre) in areas such as fair recruitment and social protection for migrant workers; ACTRAV should be involved in the design and delivery of programmes on such subjects. She also welcomed the proposals made in respect of establishing the Migrant Recruitment Monitor; organizing migrant workers and providing them with reliable information about their rights; and providing assistance for the adoption of bilateral, regional and multilateral migration agreements, including a global training course. Such assistance and training should be based on the ILO migration instruments, in particular the Model Agreement annexed to the Migration for Employment Recommendation (Revised), 1949 (No. 86). Bilateral trade union agreements were important tools for the protection of migrant workers and it was important to focus on the active participation of migrants in trade unions, including as officials. While endorsing the establishment of tripartite platforms to support social dialogue, she asked where the four subregional dialogues would be held, noting that geographical diversity must be taken into account. Her group backed the initiatives relating to collaboration and partnerships at all levels, and reiterated her group's call for a mechanism to discuss labour migration issues. In that respect, it was important to set a date for a regional meeting on labour migration in the Americas. The plan of work for outcome 9 of the Programme and Budget for 2018–19 should

take into account the conclusions adopted by the Conference and the follow-up proposals contained in the Office's document. Her group endorsed the draft decision.

46. *The Employer spokesperson* thanked the Office for its support before and during the discussions at the 106th Session of the Conference, which had led to delivery of conclusions that contained a set of clear and potentially very positive priorities for action on labour migration governance. He noted, however, that although the Office's document translated most of those priorities into actions, the priorities were presented in a fragmented way and in some areas the document departed from what had been agreed on.
47. While welcoming the priority given to skills in the proposed plan of action, he recalled that the Conference conclusions were clear on the importance of assessing skills needs and aligning training to labour market demands. The Office should therefore focus on helping constituents to provide training and skills-acquisition opportunities for migrant jobseekers, including through proper investment. In addition, the capacities of employers' associations to assess, identify and advance employers' skills needs must be enhanced. The Office should also provide active and effective support to constituents on skills development and recognition, as directed in the conclusions, by setting up needs-driven skills programmes. Close collaboration in respect of outcomes 1 and 9 would be beneficial in that regard. Improved skills recognition could make an important contribution towards successful reintegration. Commending a programme-based approach, he said that any existing efforts in that respect should be extended, including to cover migrant workers, coordinated and made more effective. A partnership with the Business Mechanism of the Global Forum on Migration and Development could be of significant use in that regard. He proposed that an additional paragraph 19(c) should be added to the draft decision, to read: "calls upon the Office to deliver a broad programme on skills development for migrant workers, in coordination with its delivery of policy outcomes 1 and 9, and based on the input of social partners."
48. He agreed that there was a need to define recruitment fees and related costs; however, holding a full tripartite meeting of experts seemed to be a costly and potentially disproportionate way of achieving that goal. His group could support the proposal to establish the Migrant Recruitment Monitor, provided that a mechanism was in place to moderate content and check facts before online posting. It did not support, however, the proposal contained in paragraph 14(a) relating to training modules for journalists. He asked how many more countries could be assisted if the financial resources earmarked for such modules were redirected into capacity building for the constituents.
49. Noting with concern that no reference was made in the document to the Private Employment Agencies Convention, 1997 (No. 181), he sought the Office's assurances that the Conventions promoted under paragraph 13(a) included all those referred to in the conclusions. His group welcomed the proposed initiative on irregular labour migration and the proposed compendium of good practices. Mechanisms should be set up to regularize the situation of undocumented economic migrants and provide pathways into formal employment. The proposed review and continuous improvement of implementation of the activities should be driven by social partner inputs and needs.
50. Labour migration should be a key component of the Global Compact for Safe, Regular and Orderly Migration (Global Compact for Migration). The ILO had a mandate to contribute to the development of that compact and should present the priorities set out in the conclusions. The capacity of employers' and workers' organizations to contribute to regional or bilateral dialogues on labour migration must be enhanced. Additional information would be welcome on the expected impact of the Global Compact for Migration on the ILO's priorities and activities relating to labour migration governance. The Governing Body should be given an

opportunity at its November 2018 session to review the Global Compact for Migration as adopted and any proposals for new or adjusted Office activities.

51. *Speaking on behalf of the Africa group*, a Government representative of Morocco stressed the importance of respecting the fundamental rights and dignity of migrants through policies for their integration and decent work opportunities. The complexity of labour migration required an integrated approach and close cooperation across migration corridors and regions. The ILO should assist member States in putting in place the necessary policies and standardized data collection systems at the regional and international levels and in strengthening the capacity of constituents to create inter-institutional platforms for dialogue. The implementation of the plan of action should take place in a framework of transparency and respect for fundamental rights and human dignity, in line with international laws and commitments. Reliable data should be produced on recruitment costs and practices. The development of a definition of recruitment fees and related costs was not only essential in order to monitor progress towards the SDGs, but it was timely in view of the global discussions taking place, in which the ILO should be playing a key role. It was important to build capacity in respect of fair recruitment and skills recognition and for constituents to conclude bilateral and multilateral agreements that were fair and effective. His group called on the ILO member States to: ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; recognize the Global Forum on Migration and Development as an intergovernmental, non-binding platform for informal consultation; and strengthen triangular cooperation as a mechanism to strengthen ties between the leading States in the field of migratory governance and promote the role of economic and social partners in migration governance. Furthermore, the ILO should develop recruitment guidelines to assist member States, social partners, labour recruiters and other stakeholders in developing effective labour recruitment policies and achieving SDG 8. Taking into account those comments, the Africa group supported the draft decision.
52. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his region had been a destination for migrants throughout its history, which had enriched it and contributed to its development. The 2030 Agenda underlined that human rights, including fundamental labour rights, applied to all migrants, without distinction. Working on national agendas to regularize the situation of migrants in an irregular situation, especially through skills recognition, could benefit not only the migrants, but also the countries of origin and destination. Skills and enterprise development and self-employment were areas where technical assistance was both useful and necessary, but in order to carry out active employment policies it would be essential to allocate funds to equip training centres and arrange access to microcredit to encourage private self-employment initiatives. Given the ILO's budgetary constraints, he suggested that the ILO could act as a facilitator for the support activities provided by the United Nations Development Programme and international financial institutions. GRULAC supported the draft decision.
53. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Bulgaria supported the rights-based approach and emphasis on the role of fundamental principles and rights at work in the document. However, greater attention needed to be paid to the regional dimension, including the specificities of regional integration areas. She welcomed the various ILO guides outlined under technical assistance and cooperation and said that she would consider the Employers' proposed amendment to the draft decision. The proposed actions on social protection would contribute to successful outcomes on social protection for migrant workers. The proposed mapping regarding the scope, use and effects of temporary and circular migration would help to improve understanding of the impact of such migration on migrants, national workers, and national labour conditions and markets. Recent EU legislation on seasonal workers and intra-corporate transferees might be of interest in that regard. She requested the Office to describe the criteria and procedures that had been used to select countries or migration corridors in

the proposed plan of action. While noting with interest the Office's proposal for a tripartite meeting on recruitment fees and related costs, further explanation was needed on the specific aspects to be discussed at the meeting.

54. *A Government representative of Indonesia* expressed support for the ILO's involvement in developing the Global Compact for Migration, its work under outcome 9, and the proposed plan of action. Fair and effective labour migration governance would ensure the protection of migrant workers' rights, which was a priority in Indonesia. Efforts to promote and protect the rights of migrant workers at all levels should involve countries of origin, transit and destination, taking into account the unique circumstances of each. She supported the initiative to enhance technical assistance for a skills development mechanism and to better match skills supply with labour demand. Recognizing the importance of accurate and integrated data on the placement of migrant workers, she welcomed the plan to expand the database in ILOSTAT on labour migration. She supported the ILO's efforts to enhance cooperation with other stakeholders while strengthening its leadership role in global labour migration and welcomed the proposal to hold a tripartite meeting of experts to discuss recruitment fees and related costs.
55. The cross-cutting nature of the priority areas contained in the proposed plan of action should be better reflected, both in the plan of action and in related collaboration and partnerships, so as to ensure that the issue of labour migration governance was addressed in a more holistic and comprehensive manner. The ILO's partnership with the United Nations Office on Drugs and Crime (UNODC) was important in preventing and detecting irregular labour migration and protecting the rights of irregular migrants. She supported the draft decision.
56. *A Government representative of Nigeria* said that technical assistance would be required to implement the plan of action effectively. Problems relating to refugees and internally displaced persons were becoming harder to manage, including in terms of social protection and freedom of association. Emphasis should be placed on developing migrant cooperatives, and their relationship to local cooperative bodies. Such cooperatives would contribute to the formalization of the economy and social protection for migrants. Existing pilot projects should be expanded. He supported the collaboration and partnerships mentioned in the document. The mobilization of extra-budgetary resources would facilitate the delivery of the proposed plan of action, and additional regular budget allocations would also be required to cover initial capital. Finally, he welcomed innovative efforts to tackle irregular migration, including the development of a compendium of good practices. He supported the draft decision, as amended.
57. *A Government representative of India* expressed support for efforts to develop sound labour migration governance at all levels and in countries of origin, transit and destination. The Office's technical assistance in designing and implementing national laws and policies, developing internationally comparable data collection systems and building capacity would help member States to develop comprehensive approaches to addressing migration issues. The plan of action should be context-specific, gender-sensitive and non-discriminatory. Regional and bilateral frameworks were as important as a comprehensive multilateral framework. India's contribution to migration flows was expected to continue to increase; protecting migrant workers' rights, addressing labour market needs and enhancing the benefits of labour migration were therefore priorities for his Government. Regional efforts to strengthen bilateral and multilateral social security arrangements were ongoing. Moreover, a better cross-border framework for skills recognition was required.
58. Knowledge generation and dissemination were crucial, particularly in fair recruitment, and that required better and more comparable statistics. National and regional contexts should be taken into account in the composition of the proposed tripartite meeting of experts on the definition of recruitment fees and related costs, and in its discussions. Any conclusions and

recommendations should be presented to the Governing Body before being shared with knowledge partners. Fair recruitment frameworks should be strengthened, including through technology transfer, and the Office should support such initiatives. Social partners improved understanding of the effect of labour migration on markets and contributed to the social dimension of labour policies. He therefore supported the actions on capacity building and institutional strengthening for enhanced dialogue. Finally, the plan of action should include an assessment of ratification of migration-related ILO instruments and he asked what actions would be taken in that regard. He supported the draft decision.

59. *A Government representative of Uganda* said that some of the challenges of migration, including the violation of workers' rights and illegal recruiters, were cross-border in nature and therefore called for regional and international policy coordination in migration management. That could be achieved only by compiling the wealth of existing national, regional and international knowledge and experience. He welcomed the focus on knowledge generation and dissemination in the proposed plan of action and shared details of national efforts towards improving fair recruitment, protecting rights of migrant workers, strengthening training and skills development programmes and improving data collection. His Government was ready to share its experiences in migration management with the Office, and requested technical assistance to further strengthen its labour migration governance system.
60. *A Government representative of Mexico* said the proposed plan of action would form the basis for future work, particularly relating to the Global Compact for Migration, which should contain specific commitments to improve international labour migration governance. He asked which 22 member States would receive technical assistance for the development of labour migration laws and policies, and whether actions were planned to promote the ratification of migration instruments. He asked for more information on how the ILO guide *How to facilitate the recognition of skills of migrant workers* would be implemented. He noted the proposed evidence-based intervention model to extend social protection; any analysis of limited coverage should take into account national contexts and laws. He commended the expansion of the database in ILOSTAT on labour migration, which would facilitate the sharing of good practices and the development of effective national and regional policies. Interventions to strengthen social dialogue should build the capacity of all tripartite constituents and not just one group, and he asked what measures the Office would undertake in that regard. He suggested using information technology and other mechanisms to ensure the optimal use of resources. The Turin Centre had a central role to play in strengthening constituents' institutional capacity and promoting social dialogue. The Office should make better use of the resources offered by the Turin Centre. Migrants' return should be better addressed in migration governance, and forums to share and analyse good practices should be provided. He noted plans to mobilize extra-budgetary resources to help implement the plan of action. A regional meeting on labour migration in the Americas, to be held in Mexico, would be rescheduled to 2018. He supported the draft decision.
61. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that GRULAC supported the amendment to the draft decision proposed by the Employer spokesperson. However, in order to strengthen the tripartite nature of the proposal, he requested replacing "social partners" in the last line of paragraph 19(c) by "tripartite constituents" or "social partners and governments".
62. *The Worker spokesperson*, turning to the proposed amendment to the draft decision, said that, while the Workers did not object to considering a programme on skills development, it was inappropriate to cherry-pick a single issue for inclusion in the draft decision, as that would suggest that the Governing Body considered it to be of paramount importance. If the Employers were prepared to add a paragraph on a campaign to promote the ratification of migration instruments, the Workers might reconsider their position.

63. She asked why a tripartite meeting of experts on recruitment fees had been proposed. If the purpose was to discuss recruitment fees and how to address them in the context of temporary migration and recruitment, then any discussion should involve all constituents. If that meeting were to take place, it should look at the opportunities and challenges of temporary migration. She wondered whether reference should be made to skills recognition for temporary migrant workers. She also requested information on the training modules for journalists which would be part of the fair recruitment initiative. Moreover, Convention No. 181 and the Domestic Workers Convention, 2011 (No. 189), should have been included among the standards underpinning the proposed plan of action.
64. The much-needed work on irregular migration should include the drawing up of a compendium of good practices to enable member States to really address the issue. The ratification of migration instruments and other related instruments should be promoted to that end. Furthermore any discussion of self-employment and entrepreneurship would have to encompass migration with fraudulent forms of self-employment, as well as migrant cooperatives.
65. *The Employer spokesperson* said that any experts' meeting to identify and define recruitment costs should be as cheap and effective as possible with expeditious delivery by late 2018 in order to complement the very useful *General principles and operational guidelines for fair recruitment*. Although it would be inadvisable to graft an extra purpose onto that meeting, his group would join any consensus that might emerge on the subject. While the suggestion to promote cooperatives in the context of enterprise development and self-employment was interesting, it went beyond what had been agreed at the 106th Session of the International Labour Conference and should not therefore be pursued.
66. The Employers would welcome the incorporation of the alternative wording suggested by GRULAC into their own proposed amendment which was not an attempt to cherry-pick one of the areas which had been identified by the abovementioned session of the International Labour Conference as warranting special attention, but rather an effort to wrap up concepts in a clear programme of action. As it had been agreed in the Conference's conclusions concerning fair and effective labour migration governance that one of the priorities for ILO action would be to conduct a comparative analysis of temporary and circular migration schemes, his group was against any reference to temporary migration in the context of skills development.
67. *Speaking on behalf of IMEC*, a Government representative of Canada, speaking on a point of order, urged all groups to submit amendments by the 24-hour deadline.
68. *A representative of the Director-General* (Deputy Director-General, Policy) said that the aim of the plan of action was to create a balanced action-oriented approach that covered all ten areas warranting special attention, one of which was skills, but clearly there was no consensus on any order of priority. Outcomes 1 and 9 of the Programme and Budget for 2018–19 supplied the overarching framework for the programme of action, which meant that staff involved in skills development were working closely with those whose primary responsibility was driving forward results under outcome 9.
69. Plans for action on skills included the establishment of a quality assessment reference system for qualifications at the national level in the African region as a follow-up to the skills mobility mapping that had been carried out with the African Union in 2016. Such activities could be coupled with greater efforts to establish a skills forecasting system, as well as relevant capacity building for the constituents. The Office also intended to deliver capacity-building initiatives for designing and implementing bilateral labour migration agreements which would encompass skills-related issues. In that regard, the experiences from the Association of Southeast Asian Nations (ASEAN) could be extended to cover medium-

skilled and not simply high-skilled professions. For that purpose, the Office would try to work on a specific global guide on negotiating bilateral and multilateral labour migration agreements, including a specific component on skills, which could then be pilot tested. Another example was a platform that the Office would like to develop for peer learning among interested employment services from the regional economic communities in order to enhance those services' capacities. That work could also be part of the ILO's contribution towards developing a global skills partnership under the Global Compact for Migration. The Office had a unique role to play in helping member States to move forward with the Global Compact for Migration. It would naturally continue to consult constituents at every significant step of the way.

70. Notwithstanding the expense, the experts' meeting would be an expedient way of developing the knowledge, expertise and guidance needed on fair recruitment and recruitment costs, which could be fed into the Global Compact for Migration in a faster and more meaningful way than through Office research. The outcome of an experts' meeting was also more authoritative than Office research. Although it was true that there was a relationship between temporary labour migration and recruitment costs, the typology of temporary labour migration schemes would not be ready until 2021 and it would therefore be difficult to contribute expertise to the meeting.
71. The four subregional dialogues would be the ASEAN Forum on Migrant Labour, the Economic Community of West African States (ECOWAS) Social Dialogue Forum, one organized by the Intergovernmental Authority on Development (IGAD) and one which would be held in North Africa. The Office was also examining funding opportunities to cover dialogues in other subregional settings such as the Caribbean Community (CARICOM) and the Southern Common Market (MERCOSUR). Discussions were under way on convening a regional conference on migration.
72. With regard to the training of journalists, there was no intention of the ILO becoming a school of journalism. However, it was important to ensure that those who reported on labour migration had at their disposal the tools and the very important concepts that the ILO had developed and knew what lines of action it was taking.
73. As for international labour standards, Convention No. 181 would certainly be promoted. The Office was furthering ratification of Conventions Nos 97 and 143 by responding to requests from member States and trade unions for technical assistance. The results of the meeting of experts on recruitment costs would first be submitted to the Governing Body which could then authorize the Director-General to disseminate them.
74. Turning lastly to the criteria for the selection of countries in the plan of action, she explained that an attempt had been made to harmonize them with the criteria for country-level work provided in the indicators for outcome 9. As stated in the Programme and Budget for 2018–19, there were eight African countries, two Latin American countries, one Arab State, ten in Asia and the Pacific and one in Europe–Central Asia.
75. *The Worker spokesperson* said that, as the conclusions concerning fair and effective labour migration governance, adopted at the 106th Session of the International Labour Conference, had said nothing about a broad programme on skills development, her group could not accept subparagraph (c) of the draft decision, although it did support subparagraphs (a) and (b).
76. *The Employer spokesperson* asked how much the training of journalists would cost and how many additional workers and governments could be trained in fair recruitment practices in addition to the 12 mentioned in the paper, if money was not spent on development cooperation for a non-constituent. He wondered whether the experts' meeting might not be

expedient for the Organization's actions in the wake of the Global Compact for Migration process rather than during it.

77. He wished to see subparagraph (c) put to the meeting with the amendment proposed by GRULAC. The Office's efforts on skills development required synergy and a strategic approach. Delivering a broad programme on skills development would not be stretching the agreement reached in June, or shift the focus of the actions set out in paragraph 17(b) of the conclusions concerning fair and effective labour migration governance. The Governing Body was charged with implementing and operationalizing what had been agreed, and the Employers were proposing to do so through a programme which would be entirely different and separate to the very concrete actions on temporary labour migration and a number of other matters that had been inserted into the conclusions by the Workers. His group was not proposing a different approach.
78. *Speaking on behalf of the Government group*, a Government representative of the United States endorsed the point of order raised by IMEC. Subparagraph (c) was unnecessary because its contents were reflected in subparagraph (a). However, if subparagraph (c) were to be adopted, she would propose a subamendment referring to skills development for both migrant workers and national workers, in line with the conclusions of the Conference and with the Office paper.
79. *A Government representative of Azerbaijan* said that subparagraph (c) was very important as many migrants had no formal qualifications but skills which they had acquired in informal or non-formal conditions. He therefore suggested adding a few words on skills development and the recognition thereof.
80. *The Worker spokesperson* said that, since the action plan contained many important issues, her group would not agree to one point being treated as more important than the others by referring to it in the draft decision. Moreover the adoption of subparagraph (c) would mean that the Office would have to develop a programme on skills development, something that had not been requested in June or specifically mentioned in the report itself. The Workers did not support the proposal, and if subparagraph (c) were submitted for adoption, they would introduce a subamendment on a number of other important matters.
81. *The Employer spokesperson* said that his group would withdraw the proposed amendment, on the understanding that the matters in paragraph 17(b) of the conclusions would be implemented through a programmed approach. The scale, scope and content of that skills programme should be determined through full consultations between the Office and constituents, and should cover skills development for both migrant and non-migrant workers.
82. *The representative of the Director-General* (Deputy Director-General, Policy) said that the Office could indeed work towards developing a programme on skills that addressed the three aspects mentioned in paragraph 17(b) of the Conference conclusions, subject to resources and consultations with the social partners. That would be reflected in the record.
83. *The Worker spokesperson* noted the broad agreement on the importance of skills development and supported the Employers' proposal.
84. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his group considered it very important to devise an extensive programme for skills development that would cover all sections of the population. He therefore supported the Employers' proposal.

Decision

85. *The Governing Body:*

- (a) *requested the Director-General to take into account its guidance in pursuing the five-year plan of action giving effect to the conclusions concerning fair and effective labour migration governance and to draw on it in preparing future programme and budget proposals, and in developing resource mobilization initiatives;*
- (b) *agreed to hold in the last quarter of 2018 a tripartite meeting of experts to discuss and agree on a definition of recruitment fees and related costs, which would report its conclusions to the Governing Body at its 335th Session (March 2019).*

(GB.331/INS/4/1(Rev.), paragraph 19.)

Follow-up to the resolution concerning employment and decent work for peace and resilience (GB.331/INS/4/2)

- 86. *The Employer spokesperson* said that his group welcomed the document as a basis for future work and follow-up of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). Recalling the two years of standard-setting discussion, he said that the Office should improve its guidance for Government delegates to the International Labour Conference to explain the unique tripartite nature of the ILO and the key role of Employers and Workers in discussions. In the first year of discussion, constituents had often felt under pressure to change their points of view to avoid inconsistency with other international organizations' handling of a particular issue; however, coherence should not be imposed at the cost of depriving the social partners of the right to advocate different approaches. Recommendation No. 205 had nevertheless been adopted in the second year after a constructive and harmonious debate as a result of the application of lessons learned. In the view of the Employers, it was a text of paramount importance and a necessary framework of guidance to deal with the uncertainties and challenges the world was currently facing.
- 87. Follow-up to the resolution should focus on preventing crises and disasters and on developing the skills needed to adjust to them. The guiding principles set out in Paragraph 7 of the Recommendation were essential in ensuring the social partners' involvement in designing and implementing public policies to improve preparedness and resilience, and ensuring good governance while combating corruption and clientelism. Holistic strategic approaches were essential, including creating or improving an enabling environment for sustainable enterprises with the direct involvement of the social partners, in accordance with the 2007 resolution on sustainable enterprises. That could be reflected more visibly in the ILO's assistance to fragile countries, on the premise that the private sector was necessary for peace and stability because it played a critical role in the creation of employment as an engine of societal growth, progress and stability.
- 88. With regard to awareness raising and advocacy, the promotion and dissemination of ILO standards at the national level was increasingly resource intensive, therefore member States should cover a greater proportion of the costs so that the Office's funds could be spent on

technical assistance. Furthermore, the proposal to promote the Recommendation at ILO Regional Meetings was problematic in view of the vast range of topics that must be addressed on a four-year cycle.

89. As for policy advice, technical cooperation and capacity development, the ILO already had a range of tools that could be used to improve countries' preparedness and help them to adopt policies that would allow them to adjust to drastic changes, including by assessing their existing regulatory and institutional environment; the guidance contained in the 2007 conclusions concerning the promotion of sustainable enterprises could be useful in that regard. The social partners should be consulted on specific and priority policy issues, and strengthening their capacity to take part in the debate should be a top priority for the Office.
90. The section of the document on knowledge development and dissemination should have emphasized the importance of private sector job creation to resilience, crisis management and recovery, particularly through enterprise development and entrepreneurship. Furthermore, the Office should compile knowledge and research on entrepreneurship in fragile States, and design or improve methodologies to help States to develop policies and support services for entrepreneurs, migrants and refugees. Employers' organizations could provide platforms for service delivery in entrepreneurship programmes.
91. It was crucial for the Office to have internal coherence in its follow-up and support, as multiple overlapping action plans could jeopardize the efficiency of its work; consultation with ACT/EMP and the International Organisation of Employers (IOE) could alleviate that problem. Further information on the coordination functions referred to in paragraphs 43 and 45 of the document would be welcome. The Employers supported the draft decision.
92. *The Worker spokesperson* said that his group endorsed the strategy proposed in the document. The systematic awareness-raising and advocacy campaign was welcome, particularly the fact that it would target the tripartite constituents and that the latest developments related to the Recommendation would be published on the ILO website, ensuring transparency and easy access to information. Promoting Recommendation No. 205 within existing efforts for the ratification and implementation of all international labour standards was welcome; those efforts should also include the recently updated Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (the MNE Declaration).
93. As to policy advice, technical cooperation and capacity development, the Workers supported the fact that country-level support would secure synergies with relevant flagship programmes and that countries with protracted situations of fragility, conflict and disaster would be targeted primarily; they agreed that a degree of flexibility was required. Office action should involve the social partners in the target countries. The replication and intensification of relevant training courses delivered through the Turin Centre and the development of a massive open online course were positive developments, as was the delivery of tools and capacity-development activities for employers' and workers' organizations. Building staff capacity and awareness with respect to the Recommendation was also welcome.
94. With regard to knowledge development and dissemination, the Workers appreciated the fact that the strategy would build and expand on recent initiatives and products carried out in cooperation with relevant partner organizations; however, the Office should also take workers' and employers' experience into account. The Workers noted that no mention was made in the document of the need to develop policies and tools to protect and promote freedom of association and the right to bargain collectively in crisis contexts. That should be better reflected in the strategy, together with the role of young people in crisis recovery and in building resilience. As to international cooperation and partnerships, the group

welcomed the international partnerships already established and enhanced, and supported the strengthening of regional collaboration and the willingness to explore new partnerships at national level. In summary, the success of the Office strategy would be measured on the ground, when governments and social partners, with the support of the ILO, had developed strategies leading to sustainable development, crisis recovery and strengthened resilience while respecting the rights of the workers of the world. The Workers supported the draft decision.

95. *Speaking on behalf of GRULAC*, a Government representative of Paraguay reiterated the view of Latin American and Caribbean countries that employment and decent work could play a fundamental role in stabilizing societies after periods of crisis. The measures suggested by the Recommendation would help constituents to prevent and recover from crisis situations while contributing to the achievement of the relevant goals set by the 2030 Agenda. In that regard, the proposal to scale up the promotion of South–South and triangular cooperation and fragile-to-fragile cooperation would have a significant impact. The group endorsed the plan of action and encouraged the Office to continue to work with the regions and relevant stakeholders to increase awareness and promote implementation of the Recommendation. Recalling the group’s commitment to international solidarity and technical cooperation, he supported the draft decision.
96. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that his group endorsed the proposed strategy and plan of action, and welcomed the intention to help constituents to develop and implement local, national and regional strategies and measures in order to give practical effect to the Recommendation. The Office should vigorously pursue the four components of the strategy by providing technical assistance to constituents. He noted with regret that the document did not mention the African Regional Labour Administration Centre and similar bodies that could play a role in mainstreaming the Recommendation at the regional level, and requested the Office to note the guidance provided during the discussion. His group supported the draft decision.
97. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova and Georgia. She endorsed the proposed strategy and the phased, multi-track approach introduced by the Recommendation. The systematic awareness-raising and advocacy campaign, the plan to publish developments and resources related to the Recommendation and its implementation on a dedicated web page, and the web platform hosted by the Turin Centre were particularly welcome. Country-level support through policy advice, technical cooperation and capacity development, taking into account the nature of the crisis, the extent of the impact and response capacity, and specific priorities and needs, would be crucial to the effective implementation of the Recommendation, as would regular capacity-development activities tailored to local needs.
98. The strategy should be more specific on matters relating to prevention, crisis response, sustainable development and the transition to the formal economy. She requested the Office to provide further information on the support to be provided to at least eight countries per biennium and the selection criteria, and on how the strategy would align with other multilateral efforts in low-income and fragile countries. The development of new research and tools, especially regarding data collection, was welcome. The Office should clarify how the *Guidelines on social dialogue in public emergency services in a changing environment* would contribute to the implementation of the Recommendation. She fully supported the promotion of international cooperation and partnerships, particularly the Office’s intention to explore collaboration with new partners, including at country level. The Office should continue and scale up its efforts to strengthen the humanitarian and development nexus within its area of competence. It was hoped that the new normative framework would be

reflected in the forthcoming Global Compact on Refugees. The comprehensive nature of Recommendation No. 205 required an intra-Office approach to ensure internal and external coherence in pursuing the plan of action. She supported the draft decision.

99. *A Government representative of Mexico* expressed gratitude to the ILO for having sent a mission to join local authorities in assessing the impact on employment and social protection of the earthquakes of 7 and 19 September 2017. The situation in Mexico highlighted the relevance of Recommendation No. 205 and the extensive experience of the Office in supporting countries affected by crisis situations. The pertinence of the 14 guiding principles of the Recommendation to the adoption of crisis response measures was made clear on that recent occasion, and Mexico stood ready to share its experience and lessons learned from the application of those principles. She agreed with the Office on the need for coherence in the follow-up to the resolution and in the Office's support, hence the plan of action should be implemented in synergy with the cross-cutting policy drivers and the flagship programmes.
100. *A representative of the Director-General* (Director, Employment Policy Department (EMPLOYMENT)) thanked all members of the Governing Body for their support and endorsement of the strategy. She said that sustainable enterprises and enterprise development were taken into account throughout Recommendation No. 205 and were a very important consideration in employment generation, value chain production, small and medium-sized enterprises (SMEs), business continuity planning, local economic development and entrepreneurship, including for youth. She noted the proposal to document the impact and role of enterprises in job creation. As to the regional and subregional conferences mentioned in the document, the reference was to those meetings that offered an opportunity to raise awareness of the Recommendation, rather than to ILO Regional Meetings, for which the Governing Body approved the agenda. With regard to the coordination function, it embodied the principle that the response to crises required agility and rapid action as well as a context-specific combination of actions. Accordingly, an intra-Office task force would be convened on a regular basis through the Fragile States and Disaster Response Group located in EMPLOYMENT to review ILO action in the follow-up plan of action as well as when crises occurred, in order to provide an adequate and timely response within the resources available. The web page dedicated to Recommendation No. 205 would go live in the first quarter of 2018.
101. As to capacity building for the tripartite partners, that would indeed be a focus in the Office's action. Although the tools for freedom of association had not been mentioned in the examples in the document, they would indeed be included along with others that could be used in fragile situations. Youth would be a focus area of the strategy: one of the six thematic plans of the Global Initiative on Decent Jobs for Youth was "youth in fragile States", and the Jobs for Peace and Resilience flagship programme had a special focus on youth. As to the criteria for selecting countries, priority would be given to countries currently affected by protracted conflict or disaster, as determined by the programming tools from the country-level request to the outcome-based strategic programming framework. Resource mobilization was already well advanced, with more planned for ten countries under the flagship programme. In addition, some flexibility was allowed in responding to emerging crises.

Decision

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

- (a) *take into account its guidance in pursuing the plan of action for the implementation of the Employment and Decent Work for Peace and*

Resilience Recommendation, 2017 (No. 205), and to draw on it when preparing future programme and budget proposals and developing resource mobilization initiatives;

- (b) communicate the resolution concerning employment and decent work for peace and resilience to the governments of member States, and through them to the national employers' and workers' organizations and, also, to partner agencies in the multilateral system.*

(GB.331/INS/4/2, paragraph 47.)

Follow-up to the resolution concerning the second recurrent discussion on fundamental principles and rights at work (GB.331/INS/4/3(Rev.))

- 103.** *The Worker spokesperson* said that recent ILO global estimates of child and forced labour showed that progress in combating child labour had stagnated and the number of workers engaged in forced labour had increased. The 2030 Agenda offered a significant opportunity for the ILO to redefine its work and increase its impact. Accordingly, the Workers welcomed the plan of action to give effect to the conclusions concerning the second recurrent discussion on fundamental principles and rights at work, adopted by the International Labour Conference at its 106th Session (2017). The plan of action not only reflected the framework for action set out in those conclusions but also addressed projects covered under SDG target 8.8. Implementation of the plan of action would focus on the specific needs and circumstances of member States and country-specific challenges identified through the supervisory mechanisms and ILO field offices.
- 104.** In the lead-up to the 20th anniversary of the 1998 Declaration, the tenth anniversary of the Social Justice Declaration and the ILO centenary, member States must renew their commitment to the goal of universal ratification and effective implementation of fundamental Conventions, especially the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and DWCPs should give systematic consideration to that issue. It was essential that the necessary resources were found to ensure progress on drawing up a plan of action related to SDG target 8.8, with a focus on freedom of association and collective bargaining. The Office should provide more details of the process and time frame for developing the framework for measurement of discrimination and freedom of association and collective bargaining; the Workers' group trusted that targets would be specified as soon as the measurement framework had been set.
- 105.** With regard to the appendix to the document, his group appreciated the links shown between outputs and the corresponding paragraphs in the framework of action. However, two typographical errors needed to be corrected: the second output under outcome 4 should be linked to paragraph 7(c), and the fourth output under outcome 2 should be linked to paragraph 7(j). Both paragraphs 7(i) and 7(j) of the framework of action should be reflected in the plan of action.² The Workers' group drew attention in particular to the importance of

² These have been rectified and a revised version of the document posted on the Web following the discussion. In addition, and for purposes of clarity, a few minor editorial changes were made to the column "Corresponding paragraphs in framework for action" of the appendix. These have been marked in bold for ease of reference.

delivering the key outputs concerning the annual review under outcome 1, and of indicators and methodology to measure freedom of association and collective bargaining under outcome 4. The Office should provide information on the extent to which funding had been confirmed and on how it intended to ensure that all key outputs could be delivered. His group supported the draft decision.

106. *The Employer spokesperson* said that there was strong tripartite support for fundamental principles and rights at work for four main reasons: those principles and rights applied to all member States, irrespective of the status of ratification of the core Conventions; they covered four critical categories, which were all equally important; expansion of the categories of those principles and rights to other labour issues would risk jeopardizing the consensus and diverting attention away from the existing four categories; and realizing the fundamental principles at work in practice meant responding with a bottom-up approach to the diverse needs and realities of member States.
107. The Employers welcomed the overall objective of the plan of action. However, the wording of the objective should be amended to reflect the commitment of constituents, rather than the obligation of member States. Her group supported the objective and approaches set out for component I. With regard to component II, it was misleading to say that Conventions Nos 87 and 98 had low rates of ratification; it would be more accurate to say that those two Conventions were marginally less ratified than the other six core Conventions. Her group urged the Office to focus its efforts under the plan of action on plugging the gaps in implementation of the fundamental Conventions.
108. It was clear from the appendix that the Office was prioritizing freedom of association and the right to collective bargaining over other categories of rights and principles. The focus on all four principles and rights at work should be spread out equally in the Office's activities and actions. With regard to global estimates on discrimination and freedom of association and collective bargaining, it was important that the Office developed and proposed a common measurement framework in line with the 1998 Declaration; that is, it must focus on effective recognition of the right to collective bargaining, and not simply compile and assess rates of collective bargaining coverage and trade union density. The Office should not develop indicators in the plan of action, because the conclusions concerning the second recurrent discussion spoke of data, not indicators. Employers and workers should be involved in development of the methodology to measure freedom of association and the right to collective bargaining, as well as of the methodology on other issues, such as discrimination. Global estimates should be based on concrete country- and sector-specific data that could be disaggregated. Rather than waste money on activities that would have little impact on the implementation of the 1998 Declaration, such as development cooperation programmes under outcome 3 or global and regional meetings under outcome 6, the Office should focus on national programmes and activities that responded to the needs and diverse realities of constituents in the countries.
109. Activities on OSH should be removed from the plan of action, since they fell outside the scope of the 1998 Declaration. However, SDG target 8.3, which was highly relevant to the fulfilment of the Declaration, had been omitted and should be included. The Office should focus on helping countries overcome gender discrimination as it was highlighted in the 1998 Declaration, without going into the details of the Equal Remuneration Convention, 1951 (No. 100).
110. Employers welcomed the intent to focus on member States' needs and circumstances, as that was consistent with a bottom-up approach, but would like the Office to reflect that fact more concretely in the plan of action, and especially in the appendix. Provided those proposed adaptations were made, the Employers' group would support the draft decision.

111. *Speaking on behalf of the Africa group*, a Government representative of Nigeria expressed agreement with the overall objective and structure of the proposed plan of action. In respect of component III, the group would like to see the Office take a particular interest in the situation of vulnerable groups in African member States, by helping to ensure regular migration and the promotion of decent work in the informal economy. The group hoped that a substantial part of any funding secured from international financial institutions to strengthen labour and environmental safeguarding policies would be used to promote decent work in Africa. The group would like to know the criteria that would be used to identify the member States that qualified for each stage of the action plan. He supported the draft decision.

112. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina, Norway, Republic of Moldova and Georgia. The group agreed that bottom-up approaches were essential to the success of the plan of action. While recognizing the importance of addressing specific country needs, the group would also welcome action to address trade relations, global supply chains and global partnerships.

113. She agreed with the proposed actions for outcome 1, and in particular the output on baseline tables for the annual review, and for outcome 2, where the output on a broad capacity-building programme for tackling obstacles to full realization of freedom of association seemed particularly relevant. She strongly welcomed the development of training materials and seminars on labour provisions in trade agreements. While agreeing with the proposed projects under outcome 3, the group felt it would be useful to address labour rights and the promotion of safe and secure working environments in connection with SDG target 8.8. Under outcome 4, she was pleased that the plan of action integrated assessment of fundamental principles and rights at work with OSH in public and private compliance initiatives. She also welcomed the planned briefs and tools to develop lists of hazardous child labour and to provide young people of working age with OSH training, as well as the continued provision of assistance to member States for raising awareness of child labour and forced labour issues. On outcome 5, the proposed gap analysis should investigate age, disability and sexual orientation as grounds for discrimination. With regard to the proposed actions under outcome 6, the group looked forward to the series of SDG notes on fundamental principles and rights at work and felt that it was important to address the full scope of SDG target 8.8. While the overall plan of action did not clearly address enforcement, that aspect was nevertheless encompassed in the priority given to workplace compliance under outcome 7. The group supported the draft decision.

114. *A Government representative of Argentina* drew attention to the projects under Alliance 8.7 and thanked ILO constituents for their dedicated preparatory work for the upcoming IV Global Conference on the Sustained Eradication of Child Labour, due to be held in her country. She invited participants in the Conference to offer pledges, as flexible instruments for shaping the Conference outcomes into specific actions. She supported the draft decision.

115. *A Government representative of Nepal* said that his country continuously sought to protect the rights of its disadvantaged and marginalized groups and bring them into the mainstream of development. Labour rights and the right to social justice had been enshrined in its Constitution, which also guaranteed all fundamental principles and rights at work. Nepal was committed to ending all forms of workplace violence and harassment. Concerted collective efforts were required to ensure fundamental principles and rights at work, and social dialogue played an immense role in that regard. He supported the draft decision.

116. *A Government representative of India* said his Government's deep commitment to fundamental principles and rights at work included a particular focus on implementation at

ground level, in which legislation and procedural guarantees were progressively upgraded in step with socio-economic realities. His country was a party to six of the eight core ILO Conventions, having established in each case that all its relevant laws and practices were in conformity with them. His Government believed that labour issues should be dealt with separately from human rights, since the latter were clearly defined in the UN Declaration on Human Rights. Given the huge extent of his country's informal economy and non-standard forms of employment, it was prudent to adopt a phased approach to introducing fundamental principles and rights at work. He supported the draft decision.

117. *A Government representative of Canada* welcomed the plan of action and expressed particular support for outcome 2, and notably for the output on the delivery of training materials on the implementation of labour provisions in trade agreements. Canada had long included comprehensive and enforceable labour provisions in its bi- and multilateral trade agreements. The broader aim was to support inclusive and sustainable growth, both in Canada and its partner countries, but her Government also believed that such provisions offered significant potential for protecting children's rights and improving working conditions in global supply chains. She thus encouraged the Office to continue its research in that area. She supported the draft decision.
118. *A representative of the Director-General* (Deputy Director-General, Policy), quoting from the 1998 Declaration, said that all member States had an obligation to respect those principles and rights and that the ILO plan of action was based fully on them. The Office had acted in accordance with the resolution adopted by the Conference in that it had reinforced its campaigns for universal ratification of the eight fundamental Conventions, taking into account, as mentioned in the resolution, the low rates of ratification of Conventions Nos 87 and 98, and for ratification by at least 50 countries of the Protocol of 2014 to the Forced Labour Convention, 1930.
119. It was true that baselines for measures of non-discrimination had not yet been established. Nonetheless, the Office expected to have global estimates on selected aspects of grounds of discrimination by 2023, which would serve as a baseline for future trends. A four-step process was envisaged, entailing the elaboration of a detailed list of indicators, development of a methodology, pilot testing of that methodology and calculation of global estimates.
120. The Office had long collected statistics on trade union density and collective bargaining. The methodology for doing that had been discussed at the International Conference of Labour Statisticians in 2013, and a consortium had been established, with organizations including Eurofound and the Organisation for Economic Co-operation and Development (OECD), to harmonize approaches to collecting data. Recording union membership and coverage of collective bargaining agreements did not, however, fully gauge the progress made in that area. A process to identify indicators and design methodology would therefore be developed, aligned with the Programme and Budget for 2018–19, and a timeline would be discussed with the constituents.
121. In the recurrent discussion, the Office was called on to explore the relationship between the fundamental principles and rights at work and safe and healthy working conditions, given that persons subjected to forced labour or child labour were often exposed to significant violations of safety and health. The Office was also pursuing research on trade agreements; it had conducted a study on the effect of labour provisions in trade agreements, and such work would be continued in the forthcoming biennium.
122. *The Employer spokesperson* said that her group's views on indicators and the need to develop a very sound methodology seemed to have been ignored. It was not relevant to take data on coverage of collective agreements as an indicator of freedom of association and collective bargaining. Her group insisted that it should participate in the development of the

methodology in that area. It was crucial to address the issue of shrinking membership of trade unions and employers' organizations from an objective standpoint, in order to improve the situation.

123. *The Worker spokesperson* said that, following difficult discussions, the constituents had reached consensus at the Conference on the resolution concerning the second recurrent discussion on fundamental principles and rights at work. That resolution and the framework for action contained therein had been fully taken into account in the plan of action. It reflected, for instance, the views expressed on the under-resourcing of collective bargaining and freedom of association and the need to provide balanced support on all four principles. The plan of action was in line with the guidance given by the constituents at the Conference.
124. *The Chairperson* said that a consultation would be held on the development of the indicators.

Decision

125. *The Governing Body requested the Director-General to take account of its guidance in implementing the plan of action set out in document GB.331/INS/4/3 and to consider the plan of action when preparing future programme and budget proposals and developing extra-budgetary resource mobilization initiatives.*

(GB.331/INS/4/3(Rev.), paragraph 18.)

Fifth item on the agenda

The Standards Initiative: Implementing the workplan for strengthening the supervisory system (GB.331/INS/5)

126. *The Chairperson* suggested that the discussion should start with a round of general observations on the progress report, followed by comments on: the representations procedure under article 24 of the Constitution; the streamlining of reporting; the potential of article 19 of the ILO Constitution; and the follow-up action by the Office for the 332nd Session (March 2018) of the Governing Body.
127. *The Worker spokesperson* thanked the Office for the extensive consultations it had held on the item and noted that the exercise reflected the importance of the supervisory system to the constituents and their shared desire to make it more effective. The actions being taken under the item complemented ongoing work on the working methods of the CAS, the Committee of Experts on the Application of Conventions and Recommendations (CEACR), and the Committee on Freedom of Association (CFA). Moreover, the Standards Review Mechanism was now fully functioning and would have an important impact on the work of the supervisory bodies. It was important to keep all those processes in mind when moving forward. Recalling that the objective of the current discussion was to identify the most suitable actions in order to strengthen the supervisory system, she said that while enhancing time and resource efficiency was a relevant consideration, such efficiency could not come at the expense of the effectiveness of the system or the access of workers to it.
128. *The Employer spokesperson* noted that, although the document took into account some of the inputs made by constituents in the informal consultations facilitated by the Office, the

content and language of a number of sections, including the appendices, differed from the document submitted at the consultations. Although many of the proposals in the document were worthy of consideration, the approach was often focused on procedural details, which risked an unduly complicated and bureaucratic outcome. The Governing Body should be guided by the need to: streamline and simplify existing procedures so as to ensure that they have distinct profiles and mandates; enhance the transparency, legal clarity, user friendliness and effectiveness of the procedures in bringing about positive changes in the application of standards in ILO member States; and strengthen tripartite governance and ownership.

129. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea welcomed in particular the tripartite exchange of views that had been held. Reiterating his group's commitment to the process of strengthening the supervisory system, he said that transparency and integrity were essential and that the complementarity of the various procedures of the supervisory system should be enhanced, in order to avoid unnecessary overlap. As there were still significantly divergent views on many issues, he called on the Office to continue to hold appropriate tripartite consultations in the interest of consensus-based decision-making.
130. *Speaking on behalf of GRULAC*, a Government representative of Paraguay encouraged the Office to continue the broad and inclusive informal consultation process. GRULAC was committed to strengthening the supervisory system, to ensure that it remained relevant in a constantly changing world of work and at the service of all countries and regions. Furthermore, an integrated and holistic approach should be applied to the reform of the supervisory system. Interrelationships between procedures needed to be clarified so that duplication could be eliminated, thus reinforcing credibility and efficiency. Good practices should be shared and disseminated. Appropriate use of the supervisory system should recognize the importance of approaching situations and remedies in a gradual manner, in light of their seriousness and urgency, in order to ensure a just, efficient and proportionate response.
131. *Speaking on behalf of the Africa group*, a Government representative of Namibia congratulated the Office for its efforts to improve the workplan and for its consultative approach in that regard. He supported the process to strengthen the supervisory system, which had already demonstrated great promise to improve the core work of the ILO. His group endorsed the statement of the Government group.
132. *Speaking on behalf of ASPAG*, a Government representative of Australia supported the proposal by the Office in relation to article 24 representations, namely that complainants should be urged, but not compelled, to indicate what, if any, national mechanisms had been used before they made a complaint to the ILO. His group also supported the form in Appendix III. The Office should prepare clearer guidance on the established practices across the supervisory system that were still not entirely understood by constituents, in the form of a high-level guide or an online tool. In relation to paragraph 72(1)(b), he said that the membership of ad hoc committees should not be limited to those countries that had ratified the Convention that was the subject of the complaint. His group endorsed the cost of computerizing the supervisory system and upgrading the NORMLEX platform. The status of complaints and compliance needed to be as clear as possible for the public record. However, a process should be available for member States to send documents by email, if they so required. ASPAG supported the proposal to ensure greater thematic coherence in requests for reports on all Conventions within a three-year reporting cycle for fundamental and governance Conventions and within six-year cycles for technical Conventions, as identified in option 2 of the document. It noted the link between the item and the Standards Review Mechanism. It was critical that outdated Conventions should be updated or abrogated sooner, to ensure that reporting could target those Conventions with contemporary relevance for ILO constituents. Stronger engagement between the CFA and the CEACR was

to be encouraged, as was more communication between both bodies and ILO constituents. ASPAG endorsed the proposal to make better use of information in article 19 reports in whatever way possible, so long as the reporting burden was not increased. It supported simpler, shorter article 19 forms, focused on key changes to law and practice affecting compliance, and was in favour of rewarding those making efforts to comply, even without ratification. With due consideration of the group's comments on paragraph 72(1)(b), ASPAG supported the draft decision.

133. *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC aligned itself with the Government group's statement. IMEC was pleased with the level of detail provided in the document and welcomed the consultations leading up to the discussion. Nevertheless, additional information on certain proposals would be needed before the group would be in a position to support moving on to the next stages. The explanation of financing in paragraph 72(2) was a concern, specifically the proposal that, if the costs described in section 2.1 and in paragraph 69 could not be financed from savings under Part I of the budget, they would be financed through the provision for unforeseen expenditure (Part II). IMEC was reluctant to authorize resorting to that provision, especially so early in the biennium. She would have further questions for the Office on the costs and provisions for their financing during the debate on reporting procedures.
134. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that the group aligned itself with the statement by ASPAG and supported the proposed measures to strengthen the supervisory system. The grouping of Conventions to streamline the reporting procedure would help improve thematic coherence, facilitate member country fulfilment of their reporting obligation and enhance the overall effectiveness of the supervisory system. The growing number of ratified Conventions made it more challenging for member countries to comply with their reporting obligations. Given that many countries had limited capacity and resources, the reporting cycle for fundamental Conventions and for all other Conventions could be extended further to four years and six years, respectively, thereby reducing workload and allowing member States to spend more time and resources on implementation and engagement with relevant stakeholders. ASEAN supported the proposed model electronic form for the submission of representations under article 24, particularly to ensure that all means of consultation at the national level had been fulfilled before a representation could be submitted for further examination by the relevant bodies of the ILO.
135. *A Government representative of the Republic of Korea* said that, given the increase in the number of representations submitted under article 24 since the 1990s and the fact that national dispute-resolution mechanisms should be the first port of call for the parties concerned, he endorsed the ideas set out in paragraphs 9 and 10. He also endorsed the proposal to computerize the supervisory system and the plan for resource mobilization. Regarding the streamlining of the reporting system, he supported the thematic grouping of Conventions to reduce the reporting burden on member States and the workload of the CEACR. Specifically, he endorsed option 2, under which the reporting cycle of technical Conventions would be extended to six years. Regarding the items for discussion at the 332nd Session of the Governing Body, he emphasized that any added value expected from the regular exchange of views among supervisory bodies should be assessed clearly. A cautious approach should be taken with regard to the proposal to establish an independent body to ensure legal certainty.
136. *A Government representative of France* said that the centenary year provided an opportunity to improve and strengthen the ILO supervisory system. Noting with interest the proposals on the streamlining of reporting, he called on the Office to continue its efforts in that respect. Legal certainty was essential as international labour standards were increasingly referred to in international economic instruments within the EU and the International Organization for

Standardization (ISO) as well as in private international framework agreements. An authoritative mechanism for the interpretation of standards had to be set up in order to safeguard the credibility of the supervisory system. That body should be made up of legal experts selected by the constituents and its procedure should be adopted by the Governing Body and should offer every guarantee of expertise, transparency and independence. Thus, France supported the proposal contained in paragraph 68 of the document.

137. *A Government representative of Switzerland*, also speaking on behalf of Spain, said that although a number of priorities had been set in the report, it was difficult to distinguish between procedures without losing sight of the hierarchy among them. In order to ensure a coherent package of measures, the Office should prepare in due course a document setting out all of the Governing Body's decisions on the subject, as well as the modifications introduced and the interrelationships among procedures.
138. *The Chairperson* invited the members of the Governing Body to consider the representations procedure under article 24 of the Constitution and paragraph 72(1) and (5).
139. *The Employer spokesperson* said that article 24 representations constituted a very important procedure that deserved the necessary focus and attention to ensure that it achieved its purpose at all times. Furthermore, the ILO must adhere to its principles of governance and the erosion of the original role of the Governing Body must be reversed. The proposal introducing the possibility to suspend the procedure for a limited period to allow for conciliation at the national level was both pertinent and reasonable. It was vital to send out a message encouraging parties to disputes to have recourse to national remedies wherever possible and to demonstrate that they had done so. Nevertheless, suspension should not impose pressure on the complainant to accept the outcome of national-level procedures. Exhaustion of national procedures should therefore not be a criterion for receivability. His group endorsed the limited period of time for conciliation set out in paragraph 9(ii) of the document. However, it did not agree with the proposal that the Officers of the Governing Body could suspend the procedure only if the complainant was willing and if the Government agreed. Suspension of a procedure currently required the consensus agreement of the corresponding ad hoc tripartite committee, guaranteeing that such decisions were not taken lightly. His group could therefore accept the proposal in question, on the condition that paragraph 72(1)(a) was amended to read: "paragraphs 9–10 (interim arrangements on the possible suspension of the procedure to facilitate voluntary national conciliation or the use of other alternative remedies at the national level)". The model electronic form in Appendix III to the document would have to be amended accordingly. His group accepted the two-year trial period, after which – and only after which – the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization should be amended accordingly.
140. Regarding the referral of representations concerning freedom of association or collective bargaining to the CFA, he recalled that article 3(2) of the Standing Orders afforded the Governing Body the discretion to refer such representations to the CFA, but did not impose a duty to do so (the word "may" was used, rather than "must"). The provision actually afforded the Governing Body very wide parameters of discretion. The Governing Body had to retain its governance function to refer article 24 representations, and it should not invite the CFA to assess further its current practice as currently proposed in paragraph 72(5). The CFA had no constitutional mandate to consider complaints of non-compliance with ratified Conventions. Furthermore, individual representations sometimes referred to several Conventions, which must be examined together. Complainants making such representations did so with the Governing Body, rather than the CFA, in mind. Automatic referral to the CFA was therefore not appropriate, nor should the electronic form request complainants to provide information on the reasons why an article 24 procedure was preferred over other available ILO procedures. In addition, ad hoc tripartite committee members received more

information on and had more time to examine representations than their CFA counterparts. If the aim was to engage the expertise of the CFA, it could be met by giving preference to past or present CFA members when composing ad hoc tripartite committees. Any issue of avoiding double jurisprudence did not arise as the ILO mechanisms did not produce jurisprudence to begin with. Consequently, the points set out in paragraph 72(1) and (5) were unacceptable and should be amended accordingly.

141. With regard to improvements in the functioning of ad hoc tripartite committees, he agreed with the proposal not to introduce pre-established time limits for the processing and examination of representations, and the proposal to keep the Governing Body informed at every session, in advance of the discussion and using electronic means, about the status of pending representations. The Employers agreed to the introduction of procedural safeguards to ensure the objectivity and impartiality of members of ad hoc tripartite committees. As to the proposal that committee members from the Government group should be from ratifying member States, the decision should be left to the governments themselves. The Employers had examined the amendment put forth by IMEC in that regard and could agree with it.
142. Turning to the issue of follow-up to representations, as referred to in paragraphs 17 and 18 and Appendix IV, an ad hoc tripartite committee, rather than the CEACR, should be responsible for follow-up to Governing Body recommendations. Appendix IV painted a rather negative picture of the effects of handing the responsibility for follow-up to ad hoc tripartite committees, making no reference to his group's submissions in that regard. He asked where the reporting period referred to in point (iii) of Appendix IV was defined. Ad hoc tripartite committees should be responsible for monitoring the implementation of article 24 recommendations because they would already be familiar with the case in question, negating the need for further discussion, and would be best placed to assess actions taken by the government concerned. Committee members were also members of the Governing Body and could gather during Governing Body sessions to discuss follow-up. The integrity and autonomy of the article 24 procedure would be better protected if the whole process was placed in the hands of ad hoc tripartite committees. Follow-up by such committees would promote tripartite governance regarding ILO standards supervision. A point stating that responsibility for follow-up to article 24 representations must be shifted from the CEACR to the respective ad hoc tripartite committees should be inserted into paragraph 72(1). His group endorsed the proposals on the publication on the ILO website of an information document on the follow-up to article 24 recommendations, the reinforced integration of follow-up to recommendations including the offer of technical assistance and tripartite follow-up at the national level.
143. *The Worker spokesperson*, referring to the common principles guiding the strengthening of the supervisory system adopted in March 2017 and noting that the representations procedure under article 24 functioned reasonably well, cautioned against trying to fix something that was not broken. A more limited use was now being made of article 24 procedures. The default course of action, once a representation was deemed receivable, must continue to be the appointment of an ad hoc tripartite committee to examine the merits of the case. The introduction of a conciliation process that amounted to a new admissibility requirement would hamper access to the article 24 procedure. However, the proposal for an optional voluntary conciliation on a trial basis could prove useful, but only provided that the safeguards outlined in paragraph 9 of the document were implemented so as to prevent undue pressure being brought to bear on the complainant. It was imperative for complainants to give a clear indication of interest and willingness to enter into national-level conciliation; it should not be up to the committee to determine conciliation, as proposed by the Employers. As for paragraph 9(ii), the Director-General should liaise with the government and the complainant only if the complainant had indicated its interest in conciliation in the model form, and the conciliation should be set in motion only after the tripartite committee had been set up to prevent unnecessarily prolonged procedures. Assistance by the Office or the

secretariats of the Workers' and Employers' groups to the parties engaged in conciliation may be useful if desired by the parties. The ad hoc committee should examine the merits of the case without further delay once the conciliation had been exhausted or the complainant had indicated conciliation had failed or was unproductive. She suggested removing section 7 of the model form proposed for use by complainants submitting a representation, which requested the complainant to indicate whether the issue had already been examined by or submitted to the ILO supervisory bodies. The Office would be in a better position to provide that information.

144. The Workers strongly supported the current practice of having representations on Conventions concerning freedom of association automatically referred to the CFA. For reasons of principle and coherence, the Workers were opposed to the Employers' proposal to establish two parallel procedures, separating article 24 cases from other cases on freedom of association. Changing the rule would congest the article 24 procedure, create duplication and incoherent decisions, and result in less legal certainty and a different treatment based on ratification rates. That would weaken, rather than strengthen, the supervisory system. They were not opposed, however, to a further assessment by the CFA within the context of its current examination of its working methods to ensure a clearer distinction between its consideration of representations and complaints.
145. The Workers agreed with the proposal to provide the Governing Body with regular reports on the status of pending representations. Those should include information on whether a government had failed to respond in due time to a request by the ad hoc committee. They also agreed that committee members from the Government group should be from ratifying member States. They welcomed and supported the procedural safeguards concerning the members of the committee outlined in paragraph 16 of the document.
146. The proposed actions under paragraph 17 of the document on the status and follow-up of article 24 representations could be useful in ensuring a more systematic and transparent follow-up on the implementation of recommendations. The relevant table in the publication should provide more details on the follow-up actions taken. The publication should also indicate the type of technical assistance provided and whether follow-up action had been taken, but it should not assess the outcome of such action, which should be left to the CEACR. The Workers welcomed the proposal to systematically invite governments to avail themselves of technical assistance when transmitting the recommendations of the Governing Body.
147. With regard to the Employers' proposal concerning paragraph 18 of the document, the Workers agreed that the governance role of the Governing Body was important, but emphasized that the CEACR and, if necessary, the CAS, had their role to play. The Workers could not agree to the proposal that the other parts of the supervisory system would not be involved until the Governing Body, or the ad hoc tripartite committee, had re-examined the matter. The Workers considered that the proposal weakened the supervisory system.
148. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea announced his group's support for the proposal regarding optional voluntary conciliation at the national level, provided that full access to the supervisory system for the organizations submitting representations was maintained. The group agreed with the Office that the creation of a standing committee to examine all representations under article 24 should not be explored further.
149. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that voluntary conciliation at the national level would offer an opportunity for consensual tripartite solutions that took national circumstances into account. While that was not to be confused with exhausting domestic judicial remedies, GRULAC stressed the value of

making use of national decision-making and social dialogue bodies. The model form for the submission of a representation under article 24 should request detailed information on national judicial procedures that could prove essential in securing a speedy resolution of a case. GRULAC supported the proposal that only government experts from States that had ratified a Convention invoked in a complaint should sit on the relevant ad hoc committee. However, the legal implications of the other proposals concerning the rules of participation in the ad hoc committee required further analysis.

150. GRULAC was in favour of publishing and regularly updating a follow-up document on the recommendations adopted by the ad hoc committees. The transparency of the supervisory mechanisms was valuable in that it contributed to effective compliance with international labour standards. Nevertheless, more time was needed to consider the proposal that the committees should continue to meet for the purposes of follow-up after the adoption of their recommendations; the prime consideration should be to strengthen the legal certainty of the supervisory system by determining clearly when the procedure would be closed.
151. GRULAC supported paragraphs 72(1)(a) and (c) and 72(5) of the draft decision, but proposed deleting “integrity of procedure and measures to protect ad hoc committee members from undue interference” from the bracketed wording in paragraph 72(1)(b).
152. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that, while in principle his group supported introducing voluntary conciliation at the national level on a two-year trial basis, it was concerned that such conciliation might hamper efforts to resolve disputes at the national level before submitting them to an ad hoc committee. Moreover, national circumstances in some countries might not be conducive to such an approach. It therefore proposed that the Standing Orders should provide for the Officers of the Governing Body to first screen representations under article 24, with a view to referring such matters for conciliation, social dialogue or other available procedures at national level, where feasible, on a time-limited basis, before appointing an ad hoc committee. Alternatively, an ad hoc committee could be appointed, but suspend its operation pending time-limited efforts to resolve the matter at national level. Furthermore, ILO technical assistance should be made available to help member States to introduce or adapt existing national mechanisms, and the parties should also be given the opportunity to request ILO assistance in dealing with particular cases.
153. *Speaking on behalf of IMEC*, a Government representative of the United States said that her group welcomed the proposal for recourse to national conciliation procedures facilitated by the Office, during a trial period, but wondered how ongoing national court procedures would be accommodated in the new system, and what criteria would be used to determine whether the new approach was successful. During the trial period, the Office must allow constituents uninhibited access to the article 24 mechanism.
154. The draft standardized form for electronic submission of article 24 representations might help to unburden, clarify and strengthen the procedure through the inclusion of information on attempts to address the subject of the representation through national procedures. The supervisory system should remain fair and rigorous. A report on the status of pending cases might improve its transparency. It would therefore be wise to flesh out the proposals on safeguarding the integrity of the procedure.
155. IMEC was satisfied that the proposal for a standing article 24 committee had been withdrawn. Members of ad hoc tripartite committees should have expertise in the Conventions concerned; hence the ratification of those Conventions should be a condition for membership of those committees. However, if no Governing Body member had ratified a Convention, the current procedure for appointing members of ad hoc committees should be applied. IMEC supported measures to reinforce integration of follow-up measures in the

recommendations of committees and a regularly updated information document on the effect given to those recommendations, but did not support the proposal that ad hoc committees should be charged with follow-up.

156. Although the current distinction between article 24 representations and regular complaints to the CFA was sufficiently clear, there was nothing against further assessment of measures to make it even clearer, as proposed in paragraph 72(5) of the draft decision. Finally, paragraph 72(1)(b) should be amended to read: “ratification of the Conventions concerned as a condition for membership for Governments in ad hoc committees, unless no Government titular or deputy member of the Governing Body has ratified the Conventions concerned”. With that amendment, IMEC supported paragraph 72(1) and (5) of the draft decision.
157. *Speaking on behalf of ASPAG*, a Government representative of Australia disagreed with the requirement that ratification of Conventions concerned should be a condition for membership of ad hoc committees. A government’s failure to ratify a Convention did not mean that a member of a committee would have an inconsistent or irrelevant opinion. The draft decision should therefore be amended.
158. *A Government representative of Bangladesh* commended efforts to make the supervisory system more effective. The proposed model form for submission of representations under article 24 would encourage constituents to resolve disputes at the national level. The tripartite consultative body constituted under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), could be deemed the Office’s supervisory body at the national level. Enhancing its role might encourage better implementation of the Convention. The simplified report form should include a section on technical assistance needs to help the Office prioritize technical assistance to member States. Moreover, the need for different types of information or statistics in order to determine Conventions’ implementation status should be reflected in the form. He supported the draft decision.
159. *A Government representative of Switzerland*, also speaking on behalf of Spain, said that the criteria for receivability should be clear, relevant, universally applicable, pertinent rather than purely formal and embodied in the Standing Orders for the sake of the credibility and legal certainty of the supervisory system. She supported the proposed modified article 24 procedure, as the possibility of national conciliation should be available to all.
160. *A Government representative of China* recalled that the purpose of the article 24 procedure was to spur member States into fulfilling their obligations under the ILO’s Conventions. National remedies should be exhausted prior to submitting an article 24 representation. Voluntary conciliation at the national level, with support from the Office, should be tried out as it might facilitate the resolution of cases.
161. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)), responding to the Employer spokesperson, said that the one-year period referred to in point (iii) of Appendix IV had been proposed in light of the consultations held, but was merely aimed at determining a defined period for follow-up and could be amended. In response to questions raised by IMEC, she said that the procedure for accommodating ongoing court procedures would not change, as information on them was already heeded. However, the proposed model form would make that information more readily available. It was for the Governing Body to decide what criteria should be used to determine whether the new article 24 procedure was a success. They might include the number of cases where it had produced consensual outcomes at the national level or whether it had clarified the matter under examination at the international level.

162. *The Chairperson* invited the members of the Governing Body to consider the streamlining of reporting and paragraph 72(2), (3) and (6).
163. *The Worker spokesperson* said that efficiency in reporting was important but not the main goal of the process. She supported the proposals for computerizing the supervisory system, especially those for an information management system and the use of e-reporting, and the provision of a guide on established practices.
164. Although the thematic grouping of Conventions for reporting purposes might help governments, it might lead to more generalized reporting rather than detailed reporting on a single subject. The Workers were strongly opposed to option 2, because it would extend the reporting cycle for technical Conventions from five to six years thereby preventing the timely provision of recommendations on the application of Conventions and impeding the discussion of cases related to technical Conventions. The ratification rate of many Conventions was already low as was the number of reports submitted on technical Conventions and the amount of detail those reports contained, even though reporting was vital to the exercise of the supervisory bodies' mandate. For that reason, the aim should not be to reduce reporting, but to assist governments in applying ILO Conventions. The Workers therefore preferred option 1, which would help to maintain the quantity and quality of the available information. However, the risks entailed by thematic grouping of many Conventions in a particular year – envisaged in option 1 and option 2 – included the possibility that discussions on specific reporting areas might be postponed for up to five years, although out-of-cycle reporting to the CEACR might act as a safeguard. She therefore hoped that the CEACR would consider allowing the reporting cycle to be broken when there were substantiated allegations of serious breaches of a Convention – and not only situations pertaining to matters of life and death or fundamental rights, as was currently the case. Neither option 1 nor option 2 should be considered until the conditions for breaking the regular reporting cycle had been expanded.
165. The thematic grouping of Conventions in the comments of the regular supervisory bodies would facilitate the requisite coherent and holistic analysis. However, clear recommendations should be made to constituents regarding their obligations under each Convention. The Workers supported the proposed integrated report form and the proposed pilot project to establish baselines for the implementation of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
166. *The Employer spokesperson* agreed with the introduction of an electronic document, an information management system and e-reporting, and asked the Office to provide an estimate of the savings that could be made from those measures. He noted that they might later be extended to other supervisory procedures, taking into account lessons learned from their introduction in the regular supervisory system. Regarding the thematic groupings of Conventions, the Employers preferred option 2, which would increase the effectiveness and reduce the burden of reporting, particularly in respect of technical Conventions.
167. The Employers agreed, in principle, with the integrated report form for simplified reports under article 22. He asked whether the distinction between detailed and simplified reports would remain as important after the introduction of e-reporting. If governments were able to update earlier detailed report electronically, that might reduce the number of late submissions of regular reports. He asked governments to submit proposals for other ways to incentivize on-time regular reporting.
168. Finally, he welcomed the pilot project to make reports under articles 22 and 23 publicly available and wished to know how that information could be presented in a user-friendly manner. He proposed adding the Promotional Framework for Occupational Safety and

Health Convention, 2006 (No. 187), to the pilot project, given the increasing number of ratifications in recent years.

169. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea asked the Office for more information about the cost of developing and managing the computerized reporting process. The latter should take into account developing countries' IT environments, harness modern technology and consider changing work environments. He supported option 2 and said that the reporting obligations of member States should not increase. The deadline of 1 September was not too late, as governments struggled to submit reports on time, as they had to consult the social partners after the International Labour Conference in June.

170. *Speaking on behalf of GRULAC*, a Government representative of Paraguay supported the initiative to speed up the submission of reports and information. The effective implementation of ILO Conventions could not be measured by the number or frequency of reports. He supported option 2. The proposal regarding a consolidated report form for all simplified reports was useful. As transparency was important, it would be helpful to experiment with the virtual platform outlined in section 2.2.2.2 and indeed the MLC, 2006, was particularly suited to that project. He was in favour of the 1 September deadline for annual reports under articles 22 and 23. The issues in paragraph 42 of the document had not been covered sufficiently during consultations. The working methods of the CEACR already contained some safeguards, in that issues could be raised outside the regular reporting cycle in exceptional circumstances. He supported paragraph 72(3) in its entirety with option 2 under (a) and proposed deleting the first part of subparagraph 6.

171. *Speaking on behalf of the Africa group*, a Government representative of Namibia supported the plan for computerizing the reporting process and the overall management of the standards system. The Office should ensure that no member State was left behind and provide for technical assistance in the form of infrastructure and training to member States, and other ILO constituents, where needed, to ensure that they could fully participate in, and benefit from the abovementioned computerization. He endorsed option 2.

172. *Speaking on behalf of IMEC*, a Government representative of the United States said that she aligned herself with the Government group statement. She supported further refining the thematic grouping of Conventions in line with option 2. On the issue of computerization, more details were needed on the user interface because the changes briefly described in paragraph 24 would not constitute improvements for governments. The proposed e-reporting forms would not provide the formatting flexibility necessary for internal governmental clearance processes, and would create more work for governments. It was much simpler for governments to submit their reports electronically as single documents. The report form was not easily navigable, limited some responses to binary answers, and was not reproducible for use by multiple drafters. A system which retained the option for governments to submit the comments of social partners along with national reports was preferable, as it allowed governments to consult with social partners on the report prior to submission, augment reports to reflect the views of social partners, or respond to the comments expressed by social partners, all of which were critical components of current reporting processes and in line with obligations for tripartite consultation on ILO reporting under Convention No. 144. While the paper acknowledged the need for flexibility in that regard, it provided no details of specific measures to secure it. A system should be constructed that would facilitate both reporting and report processing.

173. IMEC could in principle approve the new report form for simplified reports referred to in paragraph 72(3)(b). All new e-report forms should be submitted to the Governing Body for approval, as significant changes could be made when transitioning from current report forms to e-report forms.

174. IMEC strongly preferred ILO requests for reports to be sent electronically directly to labour ministries as written reporting requests could be delayed in transit and processing. It was strongly opposed to the practice of sending all requests through national missions in Geneva, though they should be copied in to ensure that they were aware of requests. However, it was absolutely impossible to move the submission deadline up from 1 September. She also requested more information on how the electronic document and management system would fit into the IT Strategy.
175. She asked whether all of the costs set out in section 2.1 and in paragraph 69 would be incurred in the current biennium, and whether any of the costs listed in paragraph 69 reflected existing staff costs, whether all of the activities described would incur additional expenditure, and whether any of those costs were reflected in the paper on the Information Technology Strategy 2018–21. IMEC was worried that the Office may need to resort to the use of the provision for unforeseen expenditure. Without additional clarification of the costs and planned online reporting system that would meet its concerns with regard to the increasing reporting burden for governments, IMEC could not approve paragraph 72(2) of the draft decision as it stood or US\$423,000 for the e-reporting facility to the CEACR. The costs in section 2.1 referred to in paragraph 72(2) should be amended to include only those costs set out in section 2.1.1.
176. IMEC was open to the pilot project for the establishment of baselines but wanted more information on any additional costs the project would incur and on the feasibility of scaling up the pilot to generate baseline reports for all ratified Conventions. While it would be interesting to explore options for creating greater Internet access to information submitted in reports, making all reports, or the text included therein, available online might increase the reporting burden for governments, because those reports would require additional preparation and clearance for some governments.
177. Proposals from the CEACR on its possible contribution to optimizing the use of article 19 would be appreciated on the understanding that the Governing Body was trying to streamline reporting, not to broaden or create new reporting requirements. IMEC withheld support for paragraph 72(3)(b) and (c) pending further information from the Office.
178. *A Government representative of China* appreciated the Office's efforts to simplify the reporting process, supported the use of IT technology and other means to build a more powerful electronic information management system and requested more details of its cost. It was to be hoped that the Office would consider States' technological capacities and would develop tailored training tools. As a reporting cycle based on thematic groupings would ease the reporting burden of member States and help them to honour their reporting obligations, he supported option 2. However, the complexity of the MLC, 2006, might make it difficult to evaluate the pilot project to establish baselines.
179. *The representative of the Director-General* (Director, NORMES), said that computerizing the information management system would result in efficiency gains in terms of secretarial work when preparing for the deliberations of the supervisory bodies and it would enhance collaboration between the secretariat and those bodies. She intended to associate the Governing Body more closely in developing the proposal on e-reporting.
180. *A representative of the Director-General* (Deputy Director-General, Management and Reform), said that the benefits of the projects had been assessed internally. They were often difficult to quantify in dollar terms, but by automating processes and facilitating communication between the secretariat and members of the various supervisory bodies efficiency gains or improvements were to expected, including faster case management by the secretariat, compliance with the paper-smart policy, faster and more accurate assessments of relevant content and secure access to all of the information at any time and

from anywhere for the secretariat and members of the supervisory bodies. That was fully in line with the IT Strategy that had been approved by the Governing Body.

181. The project would not be covered by the IT Fund proposed in the IT Strategy as it was a department-specific project and therefore required the department either to identify funding itself or to revert to the Governing Body. It was not expected that the provision for unforeseen expenditure in Part II of the 2018–19 budget would be needed: it would only be used as an absolute last resort. Staff vacancies and delays in starting projects meant that spare resources could always be found in the course of a biennium to cover such projects.
182. *The Employer spokesperson* said that the proposals concerning the potential of article 19, paragraphs 5(e) and 6(d), were unnecessarily abstract and consequently difficult to understand. Moreover, they focused unduly on coordination, coherence and synergies between processes, without stating the intended improvements in terms of the quality of results. In order to improve the quality of General Surveys and their discussion, the following issues should be addressed: increasing the response rate of governments to article 19 questionnaires and the respective contributions of social partners; improving the completeness and relevance of government responses to article 19 questionnaires; and ensuring that the content of General Surveys was presented in a more user-friendly format.
183. With regard to the proposals related to the design, preparation and follow-up of General Surveys, a clear explanation should first be given of how the contribution of General Surveys to recurrent discussions was not optimal and should be improved, before considering targeted measures. The first discussion in the Governing Body should determine one or more instruments, not a “general topic”. The fewer the instruments selected, the more in-depth analysis could be expected from experts. It was not clear how a limited number of questions could be linked to achievement of the broader strategic objective, since they would all need to fall within the scope of the selected Conventions and Recommendations.
184. Solid and relevant information obtained through General Surveys would help to achieve meaningful outcomes in the CAS. To that end, the time allocated to discussion of General Surveys in the CAS should also be reconsidered. The discussion of General Surveys in the CAS could help the SRM TWG in making reviews and assessments of the respective instruments. Recourse to external experts to improve the discussion of General Surveys in the CAS could be considered on an ad hoc basis in special cases only. Holding a follow-up discussion of General Surveys at the November sessions of the Governing Body, as proposed, was not necessary; the Governing Body’s discussion of the outcomes of the CAS was not limited to promoting the ratification of standards and their implementation by non-ratifying countries.
185. The Office should ensure that the proposals to be presented to the Governing Body at its March 2018 session on the better use of article 19 were transparent and capable of yielding a clear improvement.
186. *The Worker spokesperson* said that the Governing Body should continue its practice of structuring its discussion in two stages and supported the suggestion that the Governing Body could invite the CEACR to further discuss and make proposals on optimizing the use of article 19. While appointing experts on the subject matter of the General Survey could be interesting, given the limited time available to the CAS, it could be difficult to do so in practice. She supported the inclusion of a standing item in the agenda of the November session of the Governing Body on follow-up of the General Survey by the CAS. It was puzzling that Employers preferred less Governing Body involvement in article 19 issues, whereas they generally argued for it to be more involved in article 24 and CFA issues. She supported the submission, to the Governing Body at its March 2018 session, of detailed

proposals concerning the annual review on follow-up to the 1998 Declaration and its coordination with other related processes.

187. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that his group welcomed the Office's assurance that it did not seek the establishment of a subcommittee of the CAS for additional discussion of the General Survey.
188. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that the Africa group agreed in principle with the desirability of making better use of article 19, paragraphs 5(e) and 6(d), to request information from member States concerning non-ratified Conventions. However, that should be done without imposing undue burdens on non-ratifying member States. The group supported the proposal that the Governing Body should request the Director-General to facilitate tripartite consultations on possible implementation of the measures described in paragraph 61 of the document and on any additional measures related to follow-up to the discussion of the General Survey, for consideration at the March 2018 session of the Governing Body.
189. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that he supported maintaining the two stages of discussion in the Governing Body on the General Survey subject matter and report forms. While his group was not opposed to the inclusion of a standing item in the agenda of a session of the Governing Body, non-ratifying countries should not be invited; rather, a briefing session could be included with governments that had ratified instruments relevant to the General Survey, so that they could share practices. The CAS would become more powerful only if governments participated more actively in the process. General Surveys merited more in-depth tripartite discussion, such as consultations on CAS conclusions. GRULAC supported the draft decision set out in paragraph 72(4)(a) of the document, but a new paragraph should be inserted after paragraph 72(4)(b), which would read: "(4bis) requests the Director-General to facilitate tripartite consultations on the possible implementation of measures referred to in paragraph 61 and on any additional measures related to the follow-up on the discussion of the General Survey for consideration of the 332nd Session of the Governing Body." The reference to paragraph 60 in paragraph 72(7) should be deleted.
190. *Speaking on behalf of IMEC*, a Government representative of the United States supported maintaining the two-stage Governing Body discussion format but opposed the broadening of questions included in article 19 requests. A standing item could be included at the October–November sessions of the Governing Body. However, to save time, non-ratifying governments could be invited to submit written information. IMEC supported the proposal in paragraph 72(7) to refer consideration of measures to enhance discussion of General Surveys to informal tripartite consultations. Given the time constraints, the Office should provide further explanations on recourse to experts during the CAS discussion on General Surveys, as proposed in paragraph 60. In summary, provided the guidance given was taken into account, her group supported paragraph 72(4) and (7) of the draft decision.
191. *A Government representative of Switzerland*, also speaking on behalf of Spain, said that greater efficiency could be achieved if opening statements, the adoption of the agenda and the general discussion were reduced to a minimum. That would leave a whole day for consideration of General Surveys, during which an expert could be invited to address the Governing Body. The deliberations of groups on working methods, either for the CAS or for the CFA, should be referred to the Governing Body for discussion and follow-up.
192. *The representative of the Director-General* (Director, NORMES) said that all the suggestions and recommendations made had been duly noted. The subject was also on the agenda of the informal tripartite consultation on the working methods of the CAS to be held the following day.

193. *The Worker spokesperson*, referring to section II of the document, on three actions submitted for guidance, and the draft decision contained in paragraph 72(8), said that she did not support the proposal on a regular meeting between the supervisory bodies because such a process could undermine the independence and authority of the supervisory system. However, she agreed with the three actions outlined in paragraph 65. She did not support the codification of article 26 because that could limit the different methods currently used by the Governing Body to handle cases, based on their content and country situation. Rather, a guide should be prepared to explain the procedure and practice. She supported the holding of informal tripartite consultations on the elements and conditions necessary for the operation of an independent body under article 37(2) of the Constitution.
194. *The Employer spokesperson* said that clarification of the distinct role and mandate of the CFA was necessary; while the CFA examined complaints pertaining to the principles of freedom of association and collective bargaining, it had no mandate to supervise ratified ILO Conventions. Unless that clarification was considered by the Governing Body, his group did not support presentation of a report of activities by the CFA Chairperson to the CAS. Publication of summary reports of missions requested in the conclusions of the CAS was fundamental to increasing transparency in the follow-up of CAS discussions. It was also important to publish the follow-up to CAS conclusions in a separate part of the report of the CEACR. The Employers supported the staged approach to codification of the article 26 procedure, on the understanding that the second stage (discussion of possible codification) depended on the outcome of the first stage. On legal certainty, the Employers would not oppose tripartite consultations on the issue. However, there was no automatic relationship between the first and second steps, let alone between the second step and the establishment of a body under article 37(2).
195. *Speaking on behalf of the Africa group*, the Government representative of Namibia agreed in principle to the organization of annual meetings of the supervisory bodies (action 1.2) but felt strongly that Government representatives, including regional coordinators, should be entitled to participate in the proposed “conversation”. Further consultations were needed to clarify its purpose and ensure transparency and tripartite participation. His group supported the three other actions proposed under action 1.2, as well as the proposal that the item related to action 2.3 should be placed on the agenda of the March 2018 session of the Governing Body.
196. *Speaking on behalf of GRULAC*, the Government representative of Paraguay, referring to action 2.3, emphasized that legal certainty was a fundamental factor that should be a guarantee of all existing supervisory procedures. Article 37(2) of the Constitution should be addressed at a later stage; the creation of a new entity was not necessarily the solution to the legal certainty problem. The group fully supported the proposal for the March 2018 session to discuss possible ways of giving greater transparency to the existing article 26 mechanism. The Governing Body’s working methods under article 26 had evolved such that the tripartite constituents were now much more involved through its plenary sittings. Given the high visibility of cases at Governing Body sessions, a rule should be introduced to suspend all other special procedures in the standards supervisory system once the Governing Body had taken a decision on receivability.
197. Dialogue between the supervisory bodies would provide a useful tool for strengthening the system, addressing unnecessary duplication and building on consensus and dialogue among constituents. The group looked forward to seeing proposals on that issue which offered clear opportunities for governments to participate, either through group spokespersons or regional coordinators. He urged the Office to develop, before the March 2018 session of the Governing Body, a proposal for ensuring tripartite discussion of the working methods of the supervisory bodies. His group accepted all the elements of the draft decision as set out in paragraph 72(8).

198. *Speaking on behalf of IMEC*, the Government representative of the United States welcomed the opportunity to further consider specific proposals on the topics covered in the draft decision as set out in paragraph 72(8)(a) at the next session of the Governing Body. The group was not convinced about the added value of the proposed annual meeting between the supervisory bodies referred to under action 1.2; she looked forward to fuller discussion of the remaining proposals under that action. The group supported the staged approach under action 2.1 involving, as a first stage, the preparation by the Office of a guide clarifying existing rules and practices and linkages with other supervisory procedures and a second tripartite discussion stage, which it felt should also address receivability criteria. While IMEC had not yet developed a position on action 2.3, it supported the draft decision as set out in paragraph 72(8)(b), expressing the hope that it would streamline existing reporting obligations rather than add to them.
199. *The Worker spokesperson* said that the Standards Initiative had been launched in a context of crisis. Whereas many contributors were clearly attempting to work in the direction proposed by the Office, albeit in contrasting ways, she had difficulty in understanding the Employers' position, and in particular whether challenging the role and mandate of the CFA was really the best way to strengthen the supervisory system.
200. *The Employer spokesperson* said that, while the supervisory system was not broken, it certainly needed improvement. Strengthening was not the same as preserving the status quo, and change did not mean weakening. Uncomfortable though it might be for some, the task was to accept the need for change and to confront the future. The current differences between his group and the Workers showed the value of social dialogue. His group had every reason to believe that the discussion was on the right path.
201. *Speaking on behalf of the Government group*, the Government representative of the Republic of Korea reiterated that decision-making should be fully consensus-based and requested the Office to facilitate tripartite consultations. The Government group was committed to developing the workplan, especially during the current session.
202. *A Government representative of Brazil* agreed that the level of consensus reached in the current discussion demonstrated the strength of the consultations that had taken place over the year. In particular, there was broad support for the option of voluntary conciliation at the national level. Reaching a decision on the pilot project to establish baselines for the MLC, 2006, would enable a transparent document to be produced that would help all users understand the supervisory system better. It would also be extremely helpful if consensus could be reached on adopting option 2 of the proposal on "thematic grouping of Conventions for reporting purposes", for the reasons given earlier by members speaking on behalf of GRULAC and the Government group. Lastly, in connection with the regular conversation between the supervisory bodies (action 1.2), he welcomed the interest expressed by governments in becoming more involved in discussion of the working methods of the standing and subsidiary bodies.
203. *The Government representative of the United States* agreed with the previous speaker that the level of consensus reached was encouraging and looked forward to further discussions.
204. *The representative of the Director-General* (Director, NORMES) said that the Office had revised the draft decision in the light of the majority views expressed during the initial discussion of the agenda item, to read:

The Governing Body, based on the proposals set out in the document and the further guidance provided during the discussion:

- (1) approves the following measures concerning the operation of the representations procedure under article 24 of the Constitution:

- (a) arrangements to allow for optional voluntary conciliation or other measures at the national level, leading to a temporary suspension of the examination of the merits of a representation by the ad hoc committee. The suspension would be subject to the agreement of the complainant. These arrangements would be reviewed by the Governing Body after a two-year trial period (paragraphs 9–10);
 - (b) publication of an information document on status of pending representations (paragraph 14);
 - (c) ratification of Conventions concerned as condition for membership of Governments in ad hoc committees unless no Government titular or deputy member of the Governing Body has ratified the Conventions concerned (paragraph 15);
 - (d) measures for the integrity of procedure and to protect ad hoc committee members from undue interference (paragraph 16); and
 - (e) reinforced integration of follow-up measures in the recommendations of committees and regularly updated information document on effect given to these recommendations (paragraph 17), as well as continuing to explore modalities for follow-up action on the recommendations adopted by the Governing Body concerning representations;
- (2) approves the measures and costs set out in section 2.1.1 (an electronic document and information management system for the supervisory bodies) and in paragraph 69 (preparation of a guide on established practices across the supervisory system), and decides that they will be financed in the first instance from savings that might arise under Part I of the budget 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 2018–19 biennium;
 - (3) approves the measures proposed on the streamlining of reporting on ratified Conventions concerning:
 - (a) thematic grouping for reporting purposes (Appendix V) under option 2 (section 2.2.1.1); and
 - (b) a new report form for simplified reports (section 2.2.2.1);
 - (4) decides to continue to explore concrete and practical measures to improve the use of article 19, paragraphs 5(e) and 6(d), of the Constitution, including with the purpose of enhancing the functions of General Surveys and improving the quality of their discussion and follow-up, in particular by the Committee on the Application of Standards, as well as by the Governing Body (through a standing item in its agenda on a trial basis);
 - (5) invites the Committee on Freedom of Association, in the context of its current examination of its working methods, to assess further its practice relating to the examination of article 24 representations and to propose any necessary measures or adjustments to the Governing Body to ensure a clearer distinction between its consideration of representations and of regular complaints;
 - (6) invites the Committee of Experts to review the current operation of the safeguard allowing observations from the social partners to be addressed outside the regular reporting cycle (paragraph 42); encourages it to pursue the examination of thematically related issues in consolidated comments (section 2.2.1.2); and further invites it to make proposals on its possible contribution to optimizing the use made of article 19, paragraphs 5(e) and 6(d), of the Constitution (paragraph 59);
 - (7) invites the Conference Committee on the Application of Standards, through the informal tripartite consultations on its working methods, to consider measures to enhance its discussion of General Surveys;
 - (8) requests the Office to present at its 332nd (March 2018) Session following consultations with the tripartite constituents:
 - (a) concrete proposals to give effect to actions 1.2 (regular conversation between the supervisory bodies), 2.1 (consideration of the codification of the article 26 procedure) and 2.3 (consideration of further steps to ensure legal certainty);

- (b) further detailed proposals on the use of article 19, paragraphs 5(e) and 6(d), of the Constitution, including in relation to the Annual Review under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work;
 - (c) detailed proposals for electronic accessibility to the supervisory system for constituents (e-reporting, section 2.1.2) bearing in mind the concerns raised by constituents during the discussion; and
 - (d) more information on a pilot project for the establishment of baselines for the Maritime Labour Convention and possibly other Conventions such as Convention No. 187 (section 2.2.2.2).
205. *The Worker spokesperson* said that, while her group disagreed with some of its provisions, the revised draft decision reflected the views of the majority and she supported it.
206. *The Employer spokesperson* said that with the exception of paragraph (2) concerning an electronic document and information management system, which his group was prepared to adopt, he would prefer to defer action on the draft decision until the March 2018 session of the Governing Body.
207. *Speaking on behalf of ASPAG*, a Government representative of Australia said that he supported the draft decision. However, in the context of paragraph 1(c), it was important to maintain a geographical balance in the membership of ad hoc committees.
208. *Speaking on behalf of IMEC*, a Government representative of Canada said that he supported the revised draft, which accurately reflected the discussion of the item and provided a viable way forward on that complex set of issues.
209. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that his group would have preferred to discuss the draft decision on a paragraph-by-paragraph basis and then to adopt it in its entirety. Furthermore, paragraph 1(d) failed to clarify the measures that members of ad hoc committees could take in order to ensure integrity of procedure.
210. *The Employer spokesperson* reiterated that his group was not in a position to support the draft decision and would prefer to discuss it further at the March 2018 session of the Governing Body.
211. *The Worker spokesperson* requested the Employer spokesperson to specify the provisions of the draft which, in his view, required additional consideration.
212. *The Employer spokesperson* said that he had discussed some of the issues with the Worker spokesperson, but they had been unable to agree on them owing to a lack of time. Those were the areas that he wished to defer until the March 2018 session.
213. *The Worker spokesperson* said that, while her group could have accommodated the Employers' concerns on several smaller points, there were two major issues on which their views conflicted with the majority position of the Governing Body. It was important for the three groups to find agreement wherever possible, particularly on an important issue such as the Standards Initiative, but no group had a veto on the way forward just because agreement could not be reached on one issue.
214. *The Chairperson* recalled that the common principles guiding the strengthening of the supervisory system, as set out in the revised workplan that the Governing Body had approved at its session in March 2017, stated that "decisions will be taken on a consensual and participatory basis by the ILO governance bodies". While there was a majority in favour of the revised draft of the decision, the importance of the supervisory mechanism made it

necessary to achieve a balance between the three groups. He therefore proposed that the discussion should be continued at the 332nd Session (March 2018).

- 215.** *Speaking on behalf of ASPAG*, a Government representative of Australia suggested that the Governing Body should adopt the provisions of the draft decision that the Employers could support.
- 216.** *The Employer spokesperson* said that it was precisely because of the importance of the discussion that he wished to allow time for consensus to be reached. Moreover, he was not convinced that the majority of the Governing Body was in favour of the revised draft, since some Governments that had not participated in the debate might in fact have difficulties with it. At present, his group was prepared to adopt paragraph 1(c) and (d).
- 217.** *The Worker spokesperson* said that, while she understood some constituents' desire to clarify the points on which the Employers and Workers disagreed, she was not prepared to engage in a piecemeal debate on the closely linked provisions of the draft decision. However, as paragraph (2) concerned a purely technical matter, she would not object to its immediate adoption.
- 218.** *The Employer spokesperson* reiterated his conviction that it would be possible to reach consensus on the other provisions of the draft decision, but taking into account the time and energy that had already been devoted to the discussion, at that stage it was not pragmatic. His group could therefore approve without any problem the adoption of paragraph (2) of the draft decision.

Decision

219. *The Governing Body:*

- (a)** *approved the measures and costs set out in section 2.1.1 (an electronic document and information management system for the supervisory bodies) and in paragraph 69 (preparation of a guide on established practices across the supervisory system) of document GB.331/INS/5, and decided that they would be financed in the first instance from savings that might arise under Part I of the budget 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 2018–19 biennium;*
- (b)** *deferred consideration of all remaining matters concerning the implementation of the workplan for strengthening the supervisory system to its 332nd Session (March 2018).*

(GB.331/INS/5, paragraph 72, as amended.)

220. *Speaking on behalf of IMEC*, a Government representative of Canada said that he was disappointed in the outcome of the discussion. While he understood the importance of moving forward together on an issue as sensitive as the Standards Initiative, the Governing Body had deferred the adoption of numerous draft decisions and would have a daunting task before it at its 332nd Session (March 2018).

Sixth item on the agenda

Follow-up to the resolution concerning small and medium-sized enterprises and decent and productive employment creation adopted by the Conference at its 104th Session (2015): Progress report on the implementation of the action plan (GB.331/INS/6)

221. *The Employer spokesperson* expressed satisfaction with the progress made since November 2016. It was gratifying that the ILO had given due consideration to the specific needs of SMEs and their workers when developing policies and guidance. The Employers were also pleased with the progress made in knowledge generation and in strengthening the Enabling Environment for Sustainable Enterprises (ESEE) programme, which was a useful tool which should be expanded by improving internal coordination and certain elements of current efforts and mobilizing resources.
222. Identifying the environment in which enterprises thrived was a key to understanding the challenges behind the creation of decent jobs. A more visible link should therefore be created between the enabling environment, employment policies and the design of DWCPs. The Office should adopt a holistic approach and make the ESEE programme a cross-cutting priority for the Office as a whole.
223. The ILO needed to go beyond evaluation and provide capacity building for constituents to enable them to implement and monitor ESEE programme reforms. In future, impact measurement should cover factors such as job creation or poverty reduction which were of relevance to national policy-making.
224. The Office should encourage donors to support the programme and allocate internal resources to its expansion, so that progress was not hampered by a lack of funding. Enterprise creation was a cornerstone of decent work.
225. The huge employment potential of SMEs made it essential to give them a special place in the discussion on the future of work. For example, tools should be developed to assist SMEs to enter the digital age. Employers' organizations should be seen as key implementing partners of programmes to provide services to the SME community. SME support programmes needed to be made more independent from donor money, for example through cooperation with national training providers.
226. He requested an update on progress made towards expanding the ESEE programme and mobilizing resources to that effect at the 332nd Session (March 2018). Subject to the Office's agreement thereto, the group endorsed the draft decision.

227. *The Worker spokesperson* agreed that SMEs had an important role to play in achieving decent work and creating productive employment. Further reporting on progress at future Governing Body sessions would therefore be welcome.
228. While the ILO's work on the EESE programme was welcome, the 1998 Declaration should provide guidance on all SME promotion activities. It would be interesting to know how the specific legislative changes referred to in paragraph 6(a) related to social and environmental aspects of sustainable enterprises and what they entailed. He also wished to know whether the sectoral working groups mentioned in paragraph 6(b) were tripartite and whether their deliberations had helped to improve the social aspects of the enabling environment for sustainable enterprises.
229. It was to be hoped that the research paper on the impact of social dialogue and collective bargaining on working conditions would contain practical recommendations on the future agenda of the Office in that regard and on improving links with other ILO units dealing with standards, working conditions and industrial relations, both at headquarters and in the field. It was to be hoped that resources would be made available to organize a workshop to present the results during the upcoming biennium. With a view to improving working conditions in SMEs, it might be a good idea to draw up guidelines on conditions for procurement from SMEs, which could be based on the recently revised MNE Declaration and the International Labour Conference conclusions on global supply chains. The policy briefs on what worked in SME development should focus more on improving working conditions in SMEs.
230. The fact that not all aspects of the EESE programme had been taken on board in the proposals to expand that programme to more countries was a matter of concern. Much of the country-level work had been undertaken exclusively with the ACT/EMP with minimal collaboration with trade unions. He asked which additional countries would benefit from the expansion of the programme, and what arrangements were being made to involve workers and cover issues relating to working conditions. It was regrettable that the impact of the first two phases of the Sustaining Competitive and Responsible Enterprises programmes (SCORE) on working conditions still seemed to be very limited. Phase three should therefore focus more on that aspect. The intention to work more closely with trade unions in the countries concerned to that end was therefore commendable. He questioned the sustainability of young, high-growth SMEs and inquired about the ILO's activities in relation to innovative start-ups in new technologies and the digital economy, and how they fitted in with the Future of Work Initiative. Again the Workers wished to see more discernible integration of Recommendation No. 204 in the Office's work on SMEs.
231. The table showing planned results versus achievements relating to follow-up to the conclusions concerning SMEs again omitted any reference to cooperatives, although they had been widely discussed at the International Labour Conference. It was essential to upscale the programme on cooperatives to encompass technical assistance, research and statistics and the promotion of the Promotion of Cooperatives Recommendation, 2002 (No. 193).
232. *Speaking on behalf of the Africa group*, a Government representative of Rwanda expressed concern at the lack of funding for the action plan and suggested that alternative sources of finance should be sought. He welcomed the concept note on the review of the EESE programme, studies on good practices in procurement from SMEs and the What Works in SME Development series. He commended the progress made in promoting knowledge generation for the creation of enabling environments. He supported the draft decision.
233. *Speaking on behalf of IMEC*, a Government representative of Turkey said that the achievement of several SDGs depended on the creation of decent jobs in SMEs, since they were the main providers of employment. He therefore urged the Office to incorporate indicators relating to the quality of jobs into future research activities.

234. As global supply chains played an important role in the sustainability of SMEs and the creation of decent employment, the Office should continue to support global technical cooperation programmes on SMEs in supply chains. Key findings from those programmes should be submitted to the Governing Body. The lessons learned from activities under the EESE programme should be more widely available to enable the sharing of good practices. However, he asked what was meant by “the reduction of the inspection burden on companies” in paragraph 6(c). In IMEC’s opinion, targeted and effective inspection should be maintained. He wished to know if the Office had any proposals for overcoming the underfunding of the action plan.
235. Since the use of information and communication technology was fundamental to the development of sustainable enterprises, he asked the Office to evaluate the impact of such technology on SMEs and to facilitate SMEs’ access thereto. Strategic partnerships with other organizations were vital to fostering decent, productive employment in SMEs. Discussions on resource mobilization should be postponed until the report by the World Bank Group on the impact of promoting growth-oriented enterprises in developing countries had been received. Consideration should also be given to the role of micro-enterprises in women’s entrepreneurship and economic empowerment, and the need to create an enabling environment for youth entrepreneurship as a means of combating youth unemployment.
236. Finally, he suggested that the Office should report on progress to the Governing Body’s 335th Session (March 2019) and continue to implement the action plan during the 2018–19 biennium. He supported the draft decision.
237. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Montenegro, Serbia, Albania, Bosnia and Herzegovina, and the Republic of Moldova aligned themselves with the statement. She supported the statement made by the representative of IMEC.
238. She asked the Office to consider future studies on: the link between SME policies and the future of work, informal–formal work relationships, labour market integration of migrants and refugees, and youth employment and entrepreneurship. In that context, the research into evaluation methods jointly conducted with the World Bank Group was welcome. It was, however, crucial that the ILO broadened its cooperation with other international organizations. SMEs could contribute to the achievement of the 2030 Agenda, but investment was needed if SMEs were to achieve their growth and innovation potential. Given that some components of the action plan remained underfunded, she encouraged the Office to enhance cooperation between departments to ensure that the action plan would be fully implemented. She agreed that the Office should report on progress in March 2019 and supported the draft decision.
239. *A Government representative of India* said that the sustainability of the huge number of SMEs in India was a challenge. Responsible business practices across global supply chains would be required if SMEs were to contribute to the creation of decent and productive employment. The ILO should support capacity building throughout supply chains in a bid to secure decent jobs for those most in need of them. The Office’s interventions should be country- and sector-specific and take into account the size, output and level of employment generation of SME sectors in each country.
240. *A Government representative of the Islamic Republic of Iran* said that the sustainability of SMEs was crucial to economic growth and employment creation. Given the importance of the key deliverables, it was to be hoped that the review of the EESE programme could identify areas for further development. He commended the emphasis placed on generating additional country-level work under the EESE and SCORE programmes. An evidence-based approach to SME policies was crucial, hence more research on the effectiveness and cost-

efficiency of SME interventions, the impact of sustainability and improved working conditions was required. Training packages on SME development should be extended to include young entrepreneurs. Moreover, the Office should develop targeted measures and programmes to promote cooperatives, which played an important role in many national economies. A set of indicators should also be developed to determine why many SMEs were unsustainable. Finally, he asked the Office to provide definitions for micro-, small and medium-sized enterprises to facilitate statistical analysis. He supported the draft decision.

241. *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the Office had produced a total of six policy briefs on SMEs, including one on productivity and another on training. He noted the request to expand the scope of the policy briefs to include workers and cooperatives. The Enterprises Department regularly met with other policy departments and units to ensure coordination within the ILO. The Office would consider making the EESE a cross-cutting theme. He recognized that work on SMEs would need to be integrated into future of work initiatives, particularly as a large proportion of employment creation would occur in SMEs in the future.
242. Concerning funding, a meeting had been held with representatives of the Partnerships and Field Support Department to consider innovative funding sources, including public-private partnerships and domestic sources in countries where activities were being implemented. He agreed that tripartism and social dialogue were fundamental to the successful implementation of the EESE programme. If those elements were not being implemented effectively, then an audit would be required to determine the cause. The Office was committed to furthering effective and efficient labour inspections. EESE assessments would be expanded to seven additional countries and a second region in Mexico.
243. *The Worker spokesperson* said that the time frame proposed by the Employers' group for reporting to the Governing Body in March 2018 might not allow the Office sufficient time to report on the additional elements that had been requested.
244. *The Chairperson* said as no amendment had been proposed to the draft decision, the exact time frame for reporting should be discussed by the tripartite screening group at its next meeting.

Decision

245. *The Governing Body requested the Director-General to:*
- (a) *continue to implement the action plan on how to follow up the 2015 conclusions concerning SMEs and decent and productive employment, taking into account the guidance provided by the Governing Body;*
 - (b) *allocate the required resources, within the limits of resources available, so as to ensure continued success with the implementation of the action plan.*

(GB.331/INS/6, paragraph 16.)

Seventh item on the agenda

Review and possible revision of formats and Standing Orders for meetings

(GB.331/INS/7)

246. *The Employer spokesperson* said that, in view of past difficulties owing to the lack of clarity of rules of procedure in some meetings, it was essential to adopt a set of generic Standing Orders that applied by default to all tripartite meetings convened by the Governing Body. His group agreed with the distinction drawn in the proposed Standing Orders between technical meetings and meetings of experts. It also acknowledged the formal role granted to the IOE and the International Trade Union Confederation (ITUC) as secretariats of the Employers' and Workers' groups, respectively.
247. However, it was of grave concern to the Employers' group that the general principles of balance between the three groups, which was the essence of tripartism, and of the efficiency of deliberations were inadequately reflected in the detail of the different provisions. While there was a need to involve all interested constituents, particularly Governments, that must not result in meetings that were not operational due to an unlimited number of participants, or be sought at the expense of a balanced composition of Employers, Workers and Governments. The general principles of balance in the composition of meetings and efficiency in their deliberations should therefore be included in the Standing Orders. For reasons of efficiency, it was critically important that meetings of experts should be, by default, closed to the public. Any outcomes of such meetings should be endorsed by the Governing Body and thus made public.
248. His group was opposed to the attendance at meetings of unlimited numbers of observers. In the specific case of meetings of experts, numbers of observers should, by default, be restricted. The same applied to advisers. His group did not support the assigning of advisers to experts, who, by definition, should not require them. The composition of subsidiary bodies should also be limited, in order to avoid too many participants intervening in drafting committees.
249. His group was willing to allocate more time to the issue in order to achieve consensus, adopting a common-sense approach that would accommodate different concerns.
250. *The Worker spokesperson* said that she appreciated the informal consultations held. With respect to the purpose and formats of meetings, as set out in the Introductory Note, she requested that both the notion of technical meetings and that of meetings of experts should include sectoral meetings. Her group agreed that the duration of meetings should, in principle, be five days.
251. Participation was the most contentious area. For both technical meetings and meetings of experts, it was essential to ensure balance across the three groups and the efficiency of deliberations. In the case of technical meetings, observers could be allowed to attend, but they must be limited in number. That principle needed to be reflected in the Standing Orders for both formats of meetings. Meetings of experts should have no observers and no advisers. Advisers should be permitted to attend technical meetings only, and limited to one per delegate. Advisers should only intervene or vote in the absence of the delegate and with the delegate's prior authorization. Subsidiary bodies should be composed of small and equal numbers of participants from the three groups, with no observers, and they should be closed to the public. Any observers should have the possibility to intervene only once, during the opening session of the meeting. Additional interventions should be subject to the agreement of the Officers.

252. The careful selection of Government representatives for technical meetings and of experts for meetings of experts was important, in particular the selection of experts in accordance with the criteria listed in paragraph 13 of the proposed Introductory Note. Technical meetings should be public; however, meetings of experts should not. Subsidiary bodies should never be public or open to observers. The Workers' group supported the proposed principles regarding group secretariats.
253. As to reports and draft outcome documents, her group supported the principles outlined in the appendix and would encourage the Office to make such documents available as early as possible. Her group agreed with the various possible outputs outlined and supported the adoption without amendment of such documents by the Governing Body. The Workers' group found the principles underlying notes on proceedings to be acceptable but requested the Office to ensure that any comments on notes were coordinated through the Workers' group secretariat.
254. As the Workers' group had concerns with articles 4, 5, 8, 9 and 13 of the proposed Standing Orders for technical meetings and with articles 4, 5, 8, 9 and 12 of those for meetings of experts, it was not in a position to support the adoption of the draft decision. The group would prefer to finalize discussion on the principles and then consider the Standing Orders for both formats of meetings.
255. *Speaking on behalf of the Government group*, a Government representative of the Republic of Korea said that the review and revision of the Standing Orders were essential to ensuring that meetings under the aegis of the ILO were conducted in a manner that was inclusive and transparent for all Members. Despite the progress made in the recent consultations, his group still had a number of concerns regarding the proposed Standing Orders, particularly with regard to restrictions on the participation of governments in certain meetings. The revised Standing Orders should be established with full tripartite support; that was fundamental to ensuring the effectiveness, efficiency and legitimacy of the process. The review process should deliver Standing Orders that would cater to the needs of all constituents. As the proposed text was not sufficiently well developed to provide the structure of governance required, his group needed more time to reflect on the issue with the other two groups. The discussion should therefore be deferred to the March 2018 session of the Governing Body, and he proposed a revised draft decision to that effect.
256. *Speaking on behalf of the Africa group*, a Government spokesperson of Namibia said that his group supported the continuation of sectoral meetings and meetings of experts but agreed that further discussion of the matter should be deferred to the March 2018 session of the Governing Body.
257. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that, as the divergence of opinion was still quite significant, he agreed that it would be beneficial to defer the matter until the March 2018 session of the Governing Body. The Office would be available to facilitate consultations, of which tripartite consultations – in not too big a room – would be an essential component.
258. *The Worker spokesperson* said that her group supported the proposal to defer the discussion and stood willing to seek a solution that would be supported by all groups.
259. *The Employer spokesperson* said that his group also supported deferral of the item.

Decision

- 260.** *The Governing Body decided to defer the decision on this agenda item to its 332nd Session (March 2018) and requested the Director-General to facilitate tripartite consultation to help broker a consensus-based decision at the next session.*

(GB.331/INS/7, paragraph 8, as amended.)

Eighth item on the agenda

Proposal for an integrated policy outcome reporting within the framework of the four strategic objectives ([GB.331/INS/8](#))

- 261.** *The Worker spokesperson* said that the integrated policy outcome reporting proposed in the document could indeed help strengthen synergies between the four strategic objectives. However, a reduction in the number of reports could lead to a reduction in the quality of reporting. An alternative option would be to integrate the four strategic objectives within each of the ten outcomes; in other words, to produce ten reports on outcomes, with four integrated sections on objectives.
- 262.** The Workers' group fully supported the proposal to integrate the four cross-cutting policy drivers in the reports. The suggestion to integrate the follow-up to plans of action based on resolutions of recurrent discussions at the Conference would be useful for coherence, but might be overly ambitious in practice, particularly in view of the page limits for Governing Body documents. There was a risk that the information provided would be too superficial to provide the Governing Body with a full understanding of activities and how they contributed to the four strategic objectives. Her group's preference was therefore to have separate reports and agenda items.
- 263.** If it was decided to proceed with a cycle of four reports, the Workers' group agreed that social security and labour protection should be two sub-items on the agenda of the Governing Body. The proposed sequencing of the reports could be better linked to the cycle of the recurrent discussions, starting with social dialogue and tripartism in March 2018 to feed into the Conference discussion in June that year. The logic of including reviews of other follow-up action was understandable, but could also compromise the depth of the analysis.
- 264.** She asked the Office to clarify how the Governing Body would receive all the necessary information under the proposed framework, and requested the Governing Body to consider limiting the pilot phase to a single report, to be evaluated at the March 2018 session. She asked the Office how it proposed to review the results of the two-year pilot at the November 2019 session of the Governing Body, when the last integrated report, on employment, would also be on the agenda.
- 265.** *The Employer spokesperson* said that his group was unconvinced that the proposed new reporting framework would enable the Governing Body to better assess the relevance and effectiveness of ILO actions. The Governing Body already used the programme and budget discussion and the implementation report as governance tools, and the Employers' group hoped that its request for a financial report detailing the actual allocation of funds would also

be granted. Furthermore, the recurrent discussions in the follow-up to the Social Justice Declaration had a strengthened governance role.

- 266.** As past Governing Body discussions on the eight areas of critical importance and 19 outcomes had not been particularly productive, there was no strong rationale to focus policy outcome reporting on the four strategic objectives, and the proposed reviews would not generate useful policy lessons for leveraging synergies among the objectives. As the Social Justice Declaration recognized that the four strategic objectives were inseparable, interrelated and mutually supportive, a fragmented discussion across four Governing Body sessions did not seem appropriate.
- 267.** Before adopting any new reporting procedure, the Governing Body should evaluate its current way of working. The implementation report produced at the end of each biennium could be better presented and discussed so that the lessons learned would feed into the proposals for the next programme and budget preview and subsequent proposals, and would enhance organizational effectiveness and responsiveness to members. If produced sufficiently in advance, the implementation report would provide the Office with the information it needed to prepare for the recurrent discussions. The Governing Body also needed to devote sufficient time to the discussion at each of its sessions. To be able to better guide the Office, the Governing Body needed better information in other areas, such as how to bring better governance to flagship and action programmes. As his group found neither the new proposal for outcome discussions nor the status quo satisfactory, it would welcome an independent assessment of the impact of the Governing Body's discussion on outcomes. It would be important to discuss the implementation report beforehand at the March session and consider the lessons learned before proceeding.
- 268.** *Speaking on behalf of the Africa group*, a Government representative of Morocco said that the proposed new reporting framework was appropriate, because it focused on the progress of the implementation of the four strategic objectives of the Social Justice Declaration and the corresponding action taken by the Office and constituents. The reduced number of reports would facilitate the assessment of progress achieved. Furthermore, it would generate useful policy lessons on leveraging synergies among the strategic objectives to assist member States in prioritizing efforts to advance decent work in an integrated way. The Africa group emphasized the Office's key role as an interface between the four strategic objectives with a view to ensuring effective progress, and in building constituents' reporting capacities so that they could keep the ILO informed of their progress in the activities to implement the strategic objectives.
- 269.** *A representative of the Director-General* (Deputy Director-General, Policy) said that the objective of the proposal was to improve both the quality and the relevance of outcome reporting, because the Screening Group had requested the Office to develop a new reporting framework based on a strong rationale. However, the Office had not considered the possibility that the Screening Group might support no reporting beyond the implementation report as an option. Serial outcome reports did not allow the Office to present its work in an integrated manner that related to the Organization's broader objectives. Therefore, rather than moving from ten reports to four that merely listed all of the activities in each outcome under one strategic objective, the proposal was to prepare in-depth, cross-cutting reports to enable the Governing Body to better assess progress. For example, the Office could show what aspects of the work on the informal economy related to the strategic objective of social protection, how ILO activity in the world economy promoted full employment, or how the work on the enabling environment for sustainable enterprises promoted social dialogue. She did not believe that any quality would be lost in the process. The Office was open to shortening the two-year pilot, and would provide an evaluation of the pilot in consultation with constituents. The form of reporting proposed would add a new type of analysis and would respond to the Screening Group's request. Furthermore, the lessons learned in

pursuing one strategic objective could translate into work on others. As to the Employers' request for an independent assessment, that could prove difficult while the Office was simultaneously continuing its reporting. As to the Workers' proposal to begin the reports with social dialogue at the March 2018 session of the Governing Body, she noted that the Conference report was already being prepared, therefore the timing would not be synchronized; furthermore, a discussion in March 2018 might pre-empt the Conference discussion in June 2018.

270. *The Director-General* said that it was clear that the proposal, which had resulted from discussions with the Screening Group, did not enjoy sufficient support in the Governing Body for the Office to proceed. He therefore suggested that the issue should be returned to the Screening Group to come up with another proposal; the item would then be placed on the agenda of the Governing Body at its March 2018 session.
271. *The Worker spokesperson* thanked the Office for alleviating some of her group's concerns. The Governing Body should take the time to consider the matter in depth to arrive at a sound decision that enjoyed widespread support.
272. *The Employer spokesperson* clarified that he was not suggesting eliminating reporting, merely fine-tuning it. He agreed with Director-General's proposal to return the matter to the Screening Group.
273. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that, given the many and diverse views on the approach to be taken with regard to reporting to the Governing Body, it was evident that there was a need for clarification of the Screening Group's intention and for further consultation with the three groups. The Office had accordingly prepared a new draft decision, deferring the matter to a future session of the Governing Body.

Decision

274. ***The Governing Body decided to defer consideration of an integrated policy outcome reporting to further consultations, taking into account the views expressed at its 331st Session.***

(GB.331/INS/8, paragraph 16, as redrafted in light of the Governing Body discussion.)

Ninth item on the agenda

Partnership and Policy Coherence Strategy (GB.331/INS/9)

275. *The Employer spokesperson* said that paragraph 15.6(g) of the 2016 resolution on Advancing Social Justice through Decent Work, which concerned further engagement with the private sector, should be reflected in any future strategy for promoting decent work through partnerships and policy coherence, so that the Office could give effect to the Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in 2007. The correlation between social and economic progress, mentioned only in paragraph 1 of the document, was insufficiently examined; policy coherence required not only embedding social and employment goals in broader economic policy formulation, but also taking economic policies into account in setting such goals. The Office should explain

how it planned to address the failure to systematically engage employers' and workers' organizations in many countries.

276. In the Office's dealings with international and regional economic, financial and trade institutions, not only decent work but also inclusive growth should be promoted. It was important to recognize the core principles of other organizations in order to facilitate constructive dialogue. He did not agree that new and non-standard forms of employment were precarious and constituted decent work deficits; moreover, he doubted that those views were shared by the OECD, the International Monetary Fund (IMF) or the World Trade Organization (WTO). Discussions with those organizations should not be based on predetermined solutions or incomplete interpretations of globalization; they should be inspired by the Declaration of Philadelphia and the Social Justice Declaration and should reflect the tripartite nature of the ILO.
277. The section of the document on "key elements" did not set out the Office's position on the UN Secretary-General's recent report, *Repositioning the United Nations development system to deliver on the 2030 Agenda: Ensuring a better future for all*, and the proposed framework for engagement did not constitute a coordinated operational strategy and was unlikely to achieve its goals. The Office should explain whether the Director-General's written statements presented during high-level dialogues with, among other things, the G20 and BRICS (Brazil, Russian Federation, India, China and South Africa) processes were made on behalf of the Office or the Organization; in the latter case, they should be subject to constituent approval. The Director-General should also use his new position as Chairperson of the UN High-Level Committee on Programmes (HLCP) to influence policy implementation. Discussions with the main international and regional organizations on policy and research should be held on a more regular basis. They should focus not only on the promotion of decent work but also on its compatibility with economic and financial policies, and they should lead to realistic joint action. The Office should explain what was meant by "testing" an integrated approach in a few countries, which countries it wished to target and why; and it should clarify how it planned to focus both on the four strategic objectives and cross-cutting objectives of the Decent Work Agenda and on a single priority issue, such as employment.
278. In summary, the document was overly brief and lacked an in-depth analysis in terms of concept and implementation based on realistic proposals. In particular, the section entitled "Going forward" should have set out mechanisms for further action. He therefore requested the Office to submit to the Governing Body at its March 2018 session a new document reflecting his group's concerns.
279. *The Worker spokesperson* said that the mandate of the ILO on policy coherence was grounded in the Declaration of Philadelphia and reaffirmed by the Social Justice Declaration. The question was therefore not whether the ILO had a mandate to promote policy coherence but rather how to ensure that all organizations of the multilateral system promoted inclusive growth and decent work. Major challenges remained, stemming from the lack of coherence within governments and the resistance of international financial and economic institutions. Those institutions often advocated policies that were counter to the ILO mandate and relevant international labour standards. The IMF, for instance, was promoting social protection strategies that were not rights-based and went against the universal coverage advocated by ILO standards. The ILO should be proactive in assessing how international financial and economic policies were related to the goal of social justice and decent work, and take a firm position in defence of its mandate.
280. Important differences of opinion continued to exist over the details of the economic, social and environmental policies required to achieve SDG 8. Another challenge was to ensure that policies promoted an integrated, comprehensive and coordinated approach to the four pillars

of decent work. The exclusion of social partners from the development of national economic and employment policies led to lost opportunities to engage in dialogue with stakeholders from the world of work and thus facilitate policy implementation and ownership.

281. With regard to the first key element of the strategy, high-level dialogues, the ILO should participate actively in critical debates at the global, regional and national levels. Through its involvement in the G20 and similar processes, it could challenge organizations whose policies failed to promote decent work, inclusive growth, international labour standards and ILO values.
282. Enhancing ILO work at the country level, another element of the strategy, was a key priority for her group. The ILO should be ready to provide integrated and rights-based policy advice based on the four dimensions of decent work; it should advise governments on how wages, social protection, collective bargaining and other labour market policies could reduce inequality; and it should advise constituents on pro-employment macroeconomic policies and how labour rights could be promoted to ensure that economic development went hand in hand with social progress. Those issues should be made more explicit in the strategy.
283. The promotion of greater policy coherence for decent work at the country level was indeed an ambitious undertaking. Nonetheless, the Office should, as a matter of urgency, start pilot implementation of such approaches with the involvement of the tripartite constituents, all relevant ministries and regional and international organizations. It would be crucial to ensure that the social partners were involved in the selection of pilot countries. In setting up such country programmes, lessons learned from previous experiences would be useful.
284. *Speaking on behalf of ASPAG*, a Government representative of China said that ILO collaboration with other international and regional organizations and mechanisms had been constructive, judging by its contribution to many international platforms and the integration of decent work into the 2030 Agenda. His group supported the proposal to adopt a three-pronged approach to promote the Partnership and Policy Coherence Strategy. It also supported the draft decision.
285. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom welcomed the document's recognition that the strategy should take into account the discussions related to the UN Secretary-General's report on repositioning the UN development system to deliver on the 2030 Agenda, as well as his further report expected by the end of 2017. Noting that the strategy focused on cooperation with international and regional economic, financial and trade institutions, IMEC would have appreciated the inclusion of ILO plans for partnership with other parts of the UN system, the private sector, academia and non-governmental organizations (NGOs).
286. With regard to the first element of the strategy, IMEC welcomed the Director-General's participation in high-level dialogues, ILO collaboration with processes and entities such as the G20, G7, World Bank and the OECD, and the Director-General's appointment as Chairperson of the UN HLCP. On the second element, she expressed appreciation of the Office's acknowledgement that the ILO could and should do more to implement regular and better-coordinated research and technical discussions with other international organizations. On country-level collaboration, she would be interested to learn how soon the pilots could be launched and when their effectiveness would be evaluated. At its March 2018 session, the Governing Body should be briefed on how the Office viewed the Secretary-General's emerging priorities in the UN reform process and how it proposed to apply the relevant elements. IMEC supported the draft decision.
287. *Speaking on behalf of the Community of Portuguese-speaking Countries (CPLP)*, a Government representative of Brazil, noting UN General Assembly Resolution 71/324 on

cooperation between the United Nations and the CPLP, said that the ILO could substantially contribute to effective implementation of the 2030 Agenda. It could leverage its extensive network of field offices and its accumulated expertise and partnerships in research to participate effectively in discussions on reform of the UN development system. To ensure timely attainment of the targets in the 2030 Agenda, the ILO should step up its technical assistance and the sharing of best practices. It should also strengthen social transformation activities, especially in the fields of education and training, health at work, transfer of technology and the promotion of gender equality. Moreover, it should promote women's empowerment, decent work and formal employment, devote efforts and resources to youth employment, and combat precarious work in rural areas. The CPLP welcomed ILO efforts to join multi-stakeholder partnerships, seek high-level global dialogue on economic and social issues, improve research and technical cooperation with global partners, and strive for more integrated, coherent and interdisciplinary ILO action at the national level to develop the Decent Work Agenda and achieve the SDGs.

288. *Speaking on behalf of the Africa group*, a Government representative of Chad said that decent work deficits were clearly destabilizing sustainable development. Accordingly, member States should ensure full and productive employment and decent work for all, as called for by SDG 8 and in accordance with the Social Justice Declaration. That required multilateral cooperation, notably with financial and economic partners at the national, regional and international levels. For such cooperation to succeed and contribute to decent work, it must be guided by coherent policies and underpinned by regular and constructive dialogue. The Africa group supported the draft decision.
289. *A representative of the Director-General* (Director, Multilateral Cooperation Department (MULTILATERALS)) said that the document reflected the request of member States to concentrate on concrete activities at the national level. Accordingly, it highlighted national-level cooperation with financial, economic, international and regional institutions. Once cooperation frameworks had been established with specific organizations in specific countries, the outcomes and impacts of those activities would be monitored.
290. Responding to the comment made by the Employer spokesperson concerning paragraph 15.6(g) of the 2016 resolution on Advancing Social Justice through Decent Work, he wished to confirm that private sector involvement and the role of enterprises in fostering inclusive growth were already fully covered in the Enterprises Initiative, and they were also an integral part of the strategy. As noted in paragraph 11 of the document, policy coherence entailed considering the views of both parties and striking a balance through constructive dialogue. UN reform was not on the agenda of the session; following publication of the Secretary-General's second report at the end of the year, it would be discussed at the Governing Body session in March 2018. Regarding policy coherence activities with other parts of the UN system, the private sector, academia and NGOs, it was stressed that many partnerships of this kind were being developed by the ILO as part of the 2030 Agenda implementation.
291. It was still too early to define country-level activities, although they were expected to cover the areas highlighted by the tripartite constituents. With regard to the choice of pilot countries, one option could be to select one country per region where workers and employers made a significant contribution to the economic and social debate, and where there were real opportunities for cooperation with global and regional financial institutions. That would be discussed internally with the regional directors, ACTRAV and ACT/EMP, on the basis of the Governing Body's guidance. While it was also early to determine the time frame, activities could start in 2018 and be implemented over a two-year period.
292. It could be said that a certain degree of global coherence, or even convergence, was emerging on issues such as inequalities. However, there were still areas where major policy

divergences could be found, such as in the area of social protection where the 2017 evaluation report by the IMF was not in line with the Social Protection Floors Recommendation, 2012 (No. 202), and SDG target 1.3. Beyond policy coherence among international organizations, policy coherence at the national level should also be encouraged. In that regard, the 2030 Agenda was the ideal mechanism for fostering policy coherence at the national and global levels.

293. *The Employer spokesperson* welcomed the clarifications provided by the Office, which had addressed his concerns, but reiterated that the strategy should be redefined and made clearer, more specific and, above all, operational, to ensure that the ILO did not subordinate its mandate to that of the organizations with which it engaged in dialogue. The question of selection of pilot countries should be analysed in greater detail.

294. *The Worker spokesperson* welcomed and fully shared the views of the Employers.

Decision

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

- (a) take into account its guidance in relation to the proposed strategy for promoting decent work through partnerships and policy coherence;*
- (b) take the necessary action towards its implementation.*

(GB.331/INS/9, paragraph 27.)

Tenth item on the agenda

Review of the implementation of ILO–ISO agreements (GB.331/INS/10)

296. *The Chairperson*, introducing the document, said that publication of the ISO international standard, ISO 45001, on occupational health and safety management systems was currently expected at the earliest by the end of March 2018, since the ISO would organize a ballot vote of its members on the Final Draft International Standard. With regard to the draft decision, in the light of the report on the pilot implementation of the 2013 Agreement between the ILO and the ISO, two options were presented in paragraph 26 of the document: the first sought to modify the 2013 Agreement; and the second to terminate it forthwith. A consequence of terminating the 2013 Agreement would be the ILO's withdrawal of its liaison status in the work on ISO 45001. Paragraph 27 would operate as an exception to the provision in paragraph 26 to refrain from future cooperation with the ISO, since collaboration on social responsibility had already begun under the Memorandum of Understanding between the ILO and the ISO in the field of social responsibility, concluded in 2005 (2005 MoU). Since the ISO had unilaterally terminated the 2005 MoU, effective 3 January 2018, the draft decision provided the possibility of applying the terms of the expired 2005 MoU to future ILO participation in ISO's work in that field.

297. *The Employer spokesperson* said that from the outset his group had not been in favour of the ISO's initiative to draw up ISO 45001, as it interfered with legislative and collective bargaining competences and added a new layer to the multiplicity of existing instruments, increasing the burden for companies. One of the fundamental features of the ISO's work,

particularly on management systems, was that it did not link to compliance with legally binding requirements. Since the drafting of that standard was an ISO process, it could not be expected to include all of the ILO's provisions related to OSH.

298. The Office had participated in ISO meetings on behalf of the ILO, authorized by the Governing Body. The IOE had also been involved in the ISO 45001 drafting process and had not always aligned itself with the Office's position. ISO management system standards were not appropriate instruments for addressing the issue of workers' participation rights, which remained the prerogative of legislators and social partners. Nor was it appropriate to insist that each employee be involved in all areas of an OSH management system. It would be challenging and costly for SMEs to understand and implement ISO 45001, even though they would be under pressure from their customers to obtain certification. His group supported the proposal, set out in paragraph 12, to assess the extent to which the objectives of the ILO's *Guidelines on occupational safety and health management systems, ILO-OSH 2001* (ILO-OSH-MS Guidelines) had been achieved.
299. The Employers acknowledged the Office's report that its participation in the development of ISO 45001 had had limited impact and was resource intensive, and that the outcome of the pilot implementation had been quite unsatisfactory. In that light, the Office should proceed with termination of the 2013 Agreement; the envisaged public statement should increase awareness of the implications of ISO private standardization in fields relevant to the work of the ILO and to the social partners.
300. His group was concerned about the ISO's ongoing standardization on other subjects potentially relevant to labour or social policies in the remit of the social partners. While the ISO was effective in convening small expert groups to address discrete technical issues, its model and membership were not appropriate for addressing larger social issues that required truly representative processes for balancing the competing interests of different stakeholders. The ISO and the ILO had different roles, and the ISO was not equipped with the mandate, the representation, the necessary expertise, or the capacity to establish and interpret new standards on social responsibility. While welcoming the rejection of the ISO's proposal to create a new technical committee on social responsibility, his group was concerned that the ISO member that had submitted the proposal believed a future one would succeed. Given the unlikelihood that the ISO would agree to apply the terms of the 2005 MoU in the field of social responsibility, participation by the ILO in any future ISO activity should not be pursued.
301. With regard to the draft decision, the Employers' group supported paragraph 26(a), on the understanding that the ILO policy position on ISO 45001 took account of the Governing Body's guidance. It also supported option 2 in paragraph 26(b) and both parts of paragraph 27.
302. *The Worker spokesperson* said that the ISO's increasing activity in fields within the remit of labour regulation was of concern because its standards were developed through non-transparent and unrepresentative processes that included many private auditors and consultants but without a balanced representation of employers, governments and workers, with workers in particular severely unrepresented. The fact that the ISO continued to consider that the 2013 Agreement did not require ISO standards to defer to international labour standards in cases of conflict was also of concern and was indeed inconsistent with the language of the 2013 Agreement.
303. ISO 45001 contained a welcome leading role for the participation and consultation of workers and their representatives in an occupational health and safety management system, as well as positive safeguards for workers on irregular contracts; those features could be seen as the major contribution from the ILO's hard work. However, her group had noted with

regret that ISO 45001 would provide lower standards of protection for workers on significant OSH principles concerning removal from situations of imminent and serious danger and the availability of necessary equipment and safety and health training without cost to workers. The critical provisions that had been excluded from ISO 45001 were included in the Occupational Safety and Health Convention, 1981 (No. 155), had improved labour legislation in many countries, and had been transposed in the EU's Framework Directive 89/391/EEC, which was one pillar of the European social model. It was clear that, as explained in the Office document, the impact of the ILO's interaction as a liaison organization had been limited.

304. The Workers' group supported the proposal to authorize the Director-General to issue an ILO policy position on ISO 45001 that would clarify the respective functioning of the ILO and the ISO standards pertaining to OSH management systems. Her group also supported further promotion of the ILO–OSH–MS Guidelines; in the light of developments within the ISO, urgent consideration should be given to updating those guidelines. The ILO should enhance its work on the promotion of safe and healthy working conditions and, in so doing, actively promote the ratification and implementation of ILO OSH standards, starting with Convention No. 155.
305. Her group had noted with great concern that the pilot implementation of the 2013 Agreement had shown that its aims were very far from being achieved, such as avoiding that the ISO's standards conflicted with international labour standards and that the ILO received advance notice of ISO proposals that could address ILO issues. In addition, the ISO had refused to distribute the joint ITUC–IOE letter opposing proposals to establish a new technical committee and to revise ISO 26000 on social responsibility, which it should have distributed pursuant to the 2005 MoU. She called on governments to recommend that national standardization bodies voted against the proposal to revise ISO 26000, given that a decision on the matter was to be taken in February 2018.
306. The Workers' group supported the adoption of paragraph 26(a), the second option under paragraph 26(b), and paragraph 27(a). If the Governing Body agreed to the second option under paragraph 26(b), it was her understanding that paragraph 27(b) would fall.
307. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that it was regrettable that the ISO had disregarded clear ILO guidance during the development of ISO 45001 and that the standard would, as a result, allow for the certification of organizations that did not provide workers with vital OSH protections. The 2013 Agreement had proved insufficient to guarantee the ILO its due influence in ISO processes. He urged the Director-General to issue an ILO policy position or declaration of principles that would make clear, inter alia: the ILO's competency in matters regarding labour standards, particularly those pertaining to OSH; the danger of bodies such as the ISO leaving workers unprotected, despite the existence of international labour standards concluded by tripartite consensus; and the ILO's rejection of standards that were in conflict with its instruments.
308. GRULAC supported taking further action to ensure that the objectives of the ILO–OSH–MS Guidelines were achieved. All member States should be aware that ISO 45001 could in no way replace or amend those guidelines. While the ILO should continue to be active in the international arena to ensure that other public and private bodies were acting in conformity with ILO standards, it should not seek to renew collaboration with the ISO without adequate safeguards being in place to ensure the respect of ILO standards. Without such safeguards, other bodies might unjustifiably claim that the ILO legitimized their activities. In the light of the above, and given that the ISO had also failed to comply with the 2013 Agreement on a number of occasions, his group believed that the ILO should refrain from further cooperation with the ISO at the current time.

309. His group found it regrettable that the ISO had proposed to revise ISO 26000 without the agreement of the ILO and with the ISO's termination of the 2005 MoU. Regarding the draft decision, GRULAC supported the adoption of paragraph 26(a), the second option under paragraph 26(b), and paragraph 27(a) and (b).
310. *Speaking on behalf of the Africa group*, a Government representative of Chad said that the work of the ISO should not be in conflict with public policies, regulations and international treaties, which fell under the remit of governments or treaty organizations. The ISO should also refrain from developing standards that were in conflict with those of the ILO or that called into question the ILO's authority and mandate. With regard to the draft decision, his group supported the second option under paragraph 26(b).
311. *Speaking on behalf of IMEC*, a Government representative of France said that he was alarmed by the fact that ISO 45001 would lower OSH standards in relation to certain important principles of international labour standards and would permit the certification of organizations that did not adequately protect workers. Also of concern was the ISO's failure to give due consideration to the drafting proposals made by a number of national standards bodies that supported international labour standards. The Office should provide additional information on the resources required for the participation of the ILO in the ISO Project Committee (PC) responsible for drafting ISO 45001 (ISO/PC 283). Compliance with ISO standards was voluntary, and any instrument related to OSH must provide for effective, proportionate risk management and be adapted to the organizations concerned. IMEC had doubts as to the wisdom of a continued partnership between the ILO and the ISO and would welcome further information from the Office. With regard to the draft decision, he supported the position set out in paragraph 26(a) and both parts of paragraph 27.
312. *A Government representative of Switzerland*, supporting the IMEC position, added that recent developments with regard to the potential revision of ISO 26000 showed how difficult it was to ensure that the positions of the ILO, international social partners and national stakeholders were taken into account; clearly, the proposed revision did not have the support of the majority, and the ILO should not participate in future work on the standard. The ISO's unilateral termination of the 2005 MoU showed that it did not wish to pursue collaboration with the ILO. Indeed, the 2005 and 2013 accords had not been respected. For those various reasons he endorsed the second option in the draft decision and considered that the ILO should end its participation in work related to ISO 26000.
313. *A representative of the Director-General* (Deputy Director-General, Policy) said that pilot implementation of the 2013 Agreement had shown that the difficulties in collaboration were both substantive and procedural. At the heart of the matter, the ILO and the ISO disagreed as to whether international labour standards, as the source of reference in areas of conflict, would form the floor of relevant ISO standards or whether the ISO simply needed to consider international labour standards in developing its own standards. In some cases, the ILO had succeeded in raising the level of protection offered by ISO 45001, but in many cases it had been unable to do so because, while many national standards bodies had supported the Office's work, the ISO Central Secretariat and the committee leadership had not given its views, the audience, or the attention envisaged in the 2013 Agreement.
314. While the ISO was currently addressing many issues on which the ILO had been working for decades, such as procurement systems and human resources management, neither the substantive nor the procedural issues were likely to improve with further engagement between the two organizations. In practice, not partnering with the ISO would mean that lower ISO standards would have a negative effect on ILO standards, but it would be hard to mitigate that problem due to the obstacles to influential partnership.

315. If the partnership was terminated, the ILO would still receive information on some of the standards on the ISO's agenda, but no action on the Office's part would be required. It was difficult to quantify the resources expended on cooperation with the ISO in the pilot, but preparation for and participation in the six-week meetings and follow-up consultations had been labour intensive.
316. The developments on ISO 26000 during the period covered by the pilot permitted a full decision in context and the topic of social responsibility was important to member States. Disagreement with the ISO as to the terms of the ILO's engagement in ISO's ongoing work on social responsibility had arisen almost immediately, and the decision point on the matter was not requesting authority for the Office to enter into negotiations on the matter.
317. *Speaking on behalf of IMEC*, a Government representative of France said that his group would support the consensus view of the Governing Body with regard to the draft decision.
318. *The Worker spokesperson* said that her group was not against the approach set out in paragraph 27(b) in principle but saw the idea as very difficult to put into practice.
319. *The representative of the Director-General* (Deputy Director-General, Policy) said that the Office had already explored with the ISO the meaning of the 2005 MoU and the question of whether it should apply to the new initiative on social responsibility. Paragraph 27(b), if adopted, would mean that if an opportunity arose to engage in that initiative, the Office would do so on terms similar to those set out in the 2005 MoU, but it would not actively seek to participate in it.

Decisions

320. *In the light of the outcome of the ILO's pilot implementation of the 2013 Agreement between the International Labour Organization (ILO) and the International Organization for Standardization (ISO), the Governing Body:*
- (a) *authorized the Director-General to issue an ILO policy position on ISO 45001 on occupational health and safety management systems in order to clarify the functioning of international labour standards and other ILO action relevant to occupational safety and health management systems and the respective roles of the ILO and the ISO in this field;*
 - (b) *requested the Director-General to terminate the 2013 ILO–ISO Agreement, refrain from further cooperation with the ISO until further notice and, after consultation with the Officers of the Governing Body, issue a public statement explaining the reasons for termination.*
321. *As to ILO participation in any future ISO Technical Committee on social responsibility or revision of ISO 26000, the Governing Body:*
- (a) *noted with regret the ISO's decision to unilaterally terminate the 2005 ILO–ISO Memorandum of Understanding (MoU) for standardization in the field of social responsibility, with effect as from 3 January 2018;*
 - (b) *authorized ILO participation in any future ISO activity in the field of social responsibility and/or revision of ISO 26000 in the event that the ISO should decide to move forward on either proposal, solely and strictly on the condition*

that the ISO will have agreed to apply the terms of the 2005 ILO–ISO MoU in relation to further activity in social responsibility therein, under the same conditions that the ISO applied to the development of ISO 26000, including with regard to ILO participation in ISO leadership structures.

(GB.331/INS/10, paragraphs 26 and 27.)

Eleventh item on the agenda

Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) ([GB.331/INS/11](#))

- 322.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that, regrettably, the current situation was not as positive as hoped. Despite the Office's efforts, the Government of Myanmar had indicated that it was not yet prepared to renew the Memorandum of Understanding and the Action Plan for the Elimination of Forced Labour. As a result, when the current Supplementary Understanding expired on 31 December 2017, there would be no formal mechanism for addressing forced labour in Myanmar. That was a great disappointment and a serious concern, and would have major implications for the ILO's capacity to deal with the ongoing problem. Despite progress towards establishing a DWCP for Myanmar, in which the elimination of forced labour was a core component, the lack of a formal framework brought the finalization and implementation of that DWCP into question. The seriousness of the current situation could not be understated. Moreover, the ILO's plans to consider the integration of its activities in Myanmar into the structure of the Asia and the Pacific Region would need to be reviewed in the light of recent developments.
- 323.** He therefore proposed that paragraph 35(e) of the draft decision should be amended to read: "requests the Director-General to report on forced labour cases received by the ILO at each future Governing Body session and to provide a comprehensive update on further progress to the 332nd Session of the Governing Body in March 2018". As forced labour continued to be of concern in Myanmar, the Governing Body should remain apprised of any such cases, until such time as an agreement could be signed reinstating the agreed mechanisms for tackling the problem. He expressed the hope that the Office would be in a position to report on positive progress at the 332nd Session of the Governing Body.
- 324.** *A Government representative of Myanmar* said that, since the new democratic Government had taken office in April 2016, cooperation with the ILO had continued and progress had been made under the four pillars of the Framework for ILO Engagement in Myanmar 2016–17. While peace and national reconciliation were his Government's highest priorities, full attention was being given to the social and economic welfare of workers. Recognizing the pivotal role of workers in national development, the Government was working to enhance tripartite efforts in the country and promote harmony in relations between employers and workers. He highlighted efforts in the areas of labour legislation reform and skills development, as well as the establishment of a labour exchange office for migrant workers at Yangon international airport, the implementation of the Myanmar Programme on the Elimination of Child Labour and the provision of social protection and health care, with the cooperation of the ILO and development partners.

325. Myanmar had made significant progress towards the elimination of forced labour in recent years, thanks to joint efforts by the Government, all stakeholders in the country and the ILO. Noting that raising public awareness of forced labour was instrumental to that progress, he said that 140 talks and training sessions had been held since 2012 and 150 billboards had been erected. Myanmar was also committed to addressing the problem of under-age recruitment, with 429 perpetrators being punished under the Penal Code and Defence Services Act by August 2017. In addition, 8,998 seminars on forced labour and under-age recruitment had been conducted in military establishments between 2012 and 2017.
326. The Technical Working Group on Labour Law Reform had held substantive discussions on the amendment of three priority laws. A motion to amend the Settlement of Labour Disputes Law had been submitted to Parliament on 1 November 2017. With regard to the Employment and Skills Development Law, new terms and conditions for employment contracts had been agreed in July 2017 by the National Tripartite Dialogue Forum – which had been functioning well – and had been disseminated to all establishments with more than five workers. Paragraph 19 of the document adequately reflected the increasing number of labour organizations being registered in Myanmar.
327. Technical and financial assistance from the ILO had helped to establish a database on the labour force, child labour and school-to-work transition survey in 2015, which facilitated policy-making and planning in Myanmar. Similar assistance would be required for another survey on labour demand. Myanmar was a beneficiary of the ILO's Global Flagship Programme on Building Social Protection Floors for All. As a result, the Government had launched maternal and child cash-transfer programmes in two states and one self-administered zone and was providing a monthly pension of 10,000 Myanmar kyats (MMK) for persons over the age of 90 years.
328. Recognizing that many children contributed to families' daily subsistence, a national committee had been created to develop a national strategy and action plan to eliminate child labour. A list of hazardous workplaces and activities had already been created. A draft law in line with the Minimum Age Convention, 1973 (No. 138), had been submitted to Parliament.
329. Renewing the Memorandum of Understanding and the Action Plan for the Elimination of Forced Labour remained a priority for the Government of Myanmar. It was regrettable that the Government had needed more time to make adjustments to the Action Plan and clarify some wording in order to satisfy the concerns of stakeholders. He was confident that an agreement would be reached soon. Myanmar had been on the ILO's agenda for too long, and it was time for a new level of cooperation. He looked forward to the launch of the DWCP and the establishment of a country office. Lastly, he expressed his appreciation to the Office for the sincere efforts to reach an agreement.
330. *The Worker spokesperson* said that she was deeply disappointed about the continued deadlock with respect to the renewal of the Memorandum of Understanding and Action Plan, without which sustainable progress towards eradicating forced labour would not be achieved. The Government had failed to act on repeated calls from the Governing Body over the past two years and seemed to be backtracking on its commitment to cooperate with the ILO on cases of under-age recruitment occurring after 26 February 2007, which raised questions about the Government's commitment to eradicating forced labour. While she welcomed the information about the low number of new instances of forced labour, she was disappointed about the Government's failure to effectively prosecute those cases that had been identified. Impunity for grave violations such as under-age recruitment was simply not acceptable, and silencing victims who came forward to raise awareness with criminal penalties was a severe breach of the Supplementary Understanding and of any trust in the

Government, and called into question the credibility and usefulness of awareness-raising activities.

331. There had been a further regression in Myanmar's commitment to the fundamental principles and rights at work and, although the National Tripartite Dialogue Forum had been meeting regularly, little progress had been made to bring the country's labour laws into compliance with international labour standards. While agreement had been reached on common proposals concerning the draft Labour Organization Law, the Government had again failed to engage in genuine consultations with the social partners over those proposals. As a result, the Law, if adopted, would include numerous provisions that would not be in line with international labour standards. Furthermore, she was extremely disappointed by the Government's opposition to the adoption of legal provisions on collective bargaining, which cast serious doubts over the Government's commitment to reform labour laws.
332. She welcomed the ILO's various initiatives to enhance decent employment opportunities, including in conflict-affected areas. In relation to new opportunities for economic diversification and exports, enterprises should carry out human rights due diligence in line with the MNE Declaration. Furthermore, the Government should swiftly complete the various measures it had undertaken to adopt in order to combat child labour. The National Action Plan on Child Labour and the draft Child Law should be adopted without further delay. The Government should engage in serious consultations with the social partners in order to develop a list of hazardous and light work for children. The three priority areas that the DWCP would address, as mentioned in the document, had been generally endorsed by the National Tripartite Dialogue Forum, which she hoped would mark a turn in the Government's attitude with respect to various fundamental challenges.
333. She urged all governments to impress on the Government of Myanmar the urgent need to stop military violence and put an end to the human rights abuses inflicted on the Rohingya people.
334. She noted the amendment to the draft decision proposed by the Office. Referring to point (c), she said that simply encouraging the Government to continue what it had been doing was not sufficient to ensure that the country's labour laws were brought into line with international labour standards, and proposed that the sentence should be amended to read: "urges the Government to engage in the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in line with international labour standards".
335. *The Employer spokesperson* noted with concern that the Government and the ILO had not been able to finalize an agreement to renew the Memorandum of Understanding and Action Plan. He regretted that, as stated in paragraph 5 of the document, the Government would cooperate with the ILO only with respect to cases of under-age recruitment occurring after 26 February 2007. He requested the Director-General to report on cases of under-age recruitment that had occurred before 26 February 2007 to each session of the Governing Body and encouraged the ILO to continue working on under-age recruitment cases with the Country Task Force on Monitoring and Reporting. He noted that awareness-raising activities against forced labour continued throughout the country in collaboration with social partners and civil society organizations, but that long-term sustainability in the elimination of forced labour required the implementation of additional activities as proposed under the Action Plan.
336. The National Tripartite Dialogue Forum had met many times and had made progress, but important areas of difference remained. Efforts should continue to focus on building solid institutions and on reinforcing the capacity of the social partners to improve labour market governance in support of democratization and the rule of law. The Government should

continue the process of labour law reform to promote the development and strengthening of labour market institutions as well as the capacity of the constituents to improve labour market governance.

337. Referring to an ACT/EMP project to develop the capacity of employer organizations in Myanmar, he drew attention in particular to partnerships with the Union of Myanmar Federation of Chambers of Commerce and Industry to provide guidance on integrating employer functions into the existing chamber structures, and with the Myanmar Garment Manufacturers Association to develop its labour service offering. He noted with satisfaction that a number of positive steps had been taken in respect of the third and fourth pillars of the Framework for ILO Engagement in Myanmar 2016–17, as described in the document.
338. Noting that the DWCP for Myanmar was being developed for the first time, he said that the most important issues for employers were the need to increase capacity and improve labour market governance. Government enforcement of the law only occasionally resembled the law itself. The institutional capacity building of social partners should be a priority. Expressing deep regret and concern regarding the forceful displacement of the Rohingya people, he asked the Government to take demonstrable and determined action to stop attacks on that population, and thanked the Government of Bangladesh for accommodating them. Failure to renew the Memorandum of Understanding and the Action Plan would hamper further progress as well as the ILO's capacity to continue providing its full range of technical support, training and awareness-raising activities, and would call into question the Government's stated commitment to the elimination of forced labour.
339. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, and Norway aligned themselves with the statement. She welcomed Myanmar's progress on a democratic transition and the positive steps made by the Government to improve labour rights. The EU and its Member States were strongly committed to that process. However, she expressed deep concern over reports of serious human rights violations and abuses in the country, in particular in Rakhine State, Kachin State and northern Shan State. She noted the challenges related to the deterioration of the security and humanitarian situation in Rakhine State. The EU and its Member States would continue to address vital issues as part of their continued political engagement with the country and in multilateral forums and she looked forward to a constructive dialogue with the Government in relevant side events at the forthcoming Foreign Ministers' Meeting of the Asia–Europe Meeting on 20 and 21 November 2017.
340. She welcomed the ILO's involvement in the country and in particular the recent development of a DWCP outline, and looked forward to its signing and swift implementation. The Government should continue to bring its labour law into line with international labour standards, foster a tripartite dialogue and ensure freedom of association. She noted with interest the strengthening of tripartite dialogue through the National Tripartite Dialogue Forum and encouraged the Government to finalize the Labour Organization Law, in consultation with social partners. Together with the Governments of Myanmar, Denmark, United States and Japan, and the ILO, the EU was actively participating in the Initiative to Promote Fundamental Labor Rights and Practices in Myanmar.
341. She strongly encouraged the Government of Myanmar to take additional measures to eliminate forced labour and expressed deep concern that the Action Plan had not been renewed; she therefore urged the Government to take all necessary steps to agree on a new Memorandum of Understanding and revised Action Plan with the ILO and to implement it. The Action Plan should be aimed not only at the union level but also at the regional and local levels, and cover conflict-affected areas so that ethnic armed organizations were targeted. Any failure to renew those instruments would bring into question the Government's stated

commitment to eliminate forced labour. The Government should also extend the Supplementary Understanding beyond 31 December 2017 as a matter of urgency in order to address the many long-standing cases of forced labour already received as well as new ones. Impunity was not acceptable, even in cases that had occurred many years ago. She expected tangible progress on the revised Action Plan and a renewed Supplementary Understanding at the Governing Body session in March 2018. She supported the draft decision, as amended.

342. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that Australia aligned itself with the statement. He took note of the positive developments in the promotion and protection of labour rights in Myanmar and observed that, with technical assistance from the ILO, the efforts to promote and protect the rights of workers in Myanmar were gaining momentum and producing tangible results. He appreciated Myanmar's long-standing cooperation with the ILO and the commitment made by the Government of Myanmar to eliminate forced labour. Noting that the renewal of the Action Plan was an ongoing process, he encouraged Myanmar to continue its engagement with the ILO to finalize the agreement on the renewal of the Action Plan and the Memorandum of Understanding. The ILO should continue to provide technical assistance to Myanmar not only to eliminate forced labour but also to promote decent work in the country. The international community should continue to engage with Myanmar constructively and assist the Government in promoting and protecting labour rights as well as in enhancing social and economic development.
343. *A Government representative of the United States* said that his Government had deep concerns with respect to the forced labour situation. Despite repeated and increasingly urgent calls from the Governing Body, the Memorandum of Understanding and the Action Plan had not been renewed. Moreover, while the ILO continued to receive significant numbers of forced labour complaints, the Supplementary Understanding, which set out the Government's commitment to address those complaints, would expire in December 2017. In addition, the Ministry of Defence was challenging aspects of the mandate of the Supplementary Understanding, a move that could jeopardize hundreds of former under-age recruits currently relying on the Supplementary Understanding's protections, and others who might file complaints in the future. The mandate of the Supplementary Understanding could not be curtailed to exclude individuals recruited before it was signed. He called on the ILO Liaison Officer for Myanmar to report on those cases at every session of the Governing Body and stressed that the Government, including both the civilian government and the military, bore responsibility for the elimination of forced labour. The military must renew and strengthen its cooperative engagement with the ILO to eliminate the use of forced labour throughout the country.
344. Recent developments related to freedom of association were also troubling. While the National Tripartite Dialogue Forum's Technical Working Group on Labour Law Reform had met intensively over the past few months to discuss amendments to freedom of association laws prioritized for reform, and employers and workers had reached consensus on a number of important issues, the Government had been unwilling to accept bipartite amendment proposals, even in situations where those amendments would resolve issues raised by the Committee of Experts. The number of trade unions registered had declined and trade unions had reported that local labour offices had imposed bureaucratic requirements for registration that were not required under law.
345. He urged the Government to implement the findings of the Advisory Commission on Rakhine State, and requested the ILO Liaison Officer to support those efforts. Given the strong correlation between conflict in the country and the use of forced labour, areas of ongoing conflict, including Rakhine State, must be included in the work of the ILO Liaison Office on the elimination of forced labour. The US Government provided significant resources for technical assistance in the country; it could not support a transition to a DWCP and the establishment of a country office when the will of the Government, and particularly

that of the military, to address forced labour was evaporating. He requested the Office to clarify whether, and how, forced labour was currently included in the draft DWCP, and further requested clarification on the efficacy of implementing the DWCP in 2018 in the absence of the renewal of the key agreements on forced labour.

346. In the absence of that information, and in the light of the Government's failure to give any indication of an intention to renew the agreements, he proposed the addition of a new paragraph 35(f) to the draft decision, to read: "delays the implementation of the Decent Work Country Programme until such time as the Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour and the Supplementary Understanding are renewed." He supported the amendments proposed by the Office and by the Workers.
347. *A Government representative of India* noted the positive steps taken by the Government of Myanmar to strengthen social dialogue, develop the DWCP and undertake labour reforms. He encouraged Myanmar to continue its engagement with the ILO and to finalize the agreement on the Memorandum of Understanding and associated Action Plan. The ILO and the international community should continue to support and extend technical assistance to the Government of Myanmar in its efforts to eliminate forced labour and promote decent work so as to achieve its national economic and social policy objectives, including labour reforms.
348. *A Government representative of Bangladesh* said that the recent gross and systematic violations of rights in Rakhine State were a matter of grave concern and ran counter to the letter and spirit of the Declaration of Philadelphia. His Government urged the ILO to take into account the situation there in its ongoing work in ethnic areas to encourage job creation and local reconciliation in support of the Government's peace-building agenda. It requested the Office to include in its next report the outcome of its project to implement a skills development project in Rakhine State, following the recommendations of the Advisory Commission. The Rohingya people, as the most vulnerable and disadvantaged group in Myanmar, deserved special attention in the DWCP. In finalizing the agreement between the Government of Myanmar and the ILO on the renewal of the Memorandum of Understanding and its associated Action Plan, more attention should be given in the future Action Plan to eliminating forced labour and child labour from Rakhine State.
349. *A Government representative of China* noted the significant improvements in protecting labour rights in Myanmar, achieved with ILO technical assistance. He expressed the hope that the Office would continue to provide Myanmar with the necessary technical assistance to promote tripartite social dialogue and the protection of labour rights. He called on the international community to continue playing a constructive role in joint efforts to ensure better protection of labour rights in Myanmar and help promote a sustainable and healthy development of its economy and society.
350. *A Government representative of Japan* appreciated the Government of Myanmar's efforts to promote continued labour law reform and tripartite social dialogue. Recognizing Myanmar as an important partner, the Government of Japan had been providing bilateral support to the country. It expected that continued support from the ILO and other relevant countries would contribute to the adoption of labour laws and practices in Myanmar that were in line with international labour standards. It was important for the ILO and the Government of Myanmar to advance policies in a spirit of mutual respect and agreement.
351. *A representative of the Director-General* (ILO Liaison Officer for Myanmar), in response to the question from the United States concerning the link between the DWCP and the Memorandum of Understanding and its associated Action Plan, said that the Office had sought to integrate the two frameworks. The DWCP included a specific component on the

elimination of forced labour, under which the various activities envisaged in the Action Plan would be reflected as significant outputs.

352. *The Worker spokesperson* asked whether it would be wise to include the proposed paragraph 35(f) in the draft decision, and whether delaying the DWCP until the Memorandum of Understanding and its associated Action Plan and the Supplementary Understanding were renewed would actually help the people of Myanmar.
353. *The representative of the Director-General* (Deputy Director-General, Management and Reform) said that, in terms of the timing, it was expected that the DWCP would be finalized and ready for agreement in late January 2018. It was hoped that the Government would continue to discuss with the ILO the renewal of the Memorandum of Understanding and its associated Action Plan. The Office hoped to be able to report back positively to the Governing Body in March 2018.
354. *The Worker spokesperson* said that, in that case, the Workers could agree with the proposal to include paragraph 35(f).
355. *The Employer spokesperson* said that the Employers were not happy with the idea of delaying the implementation of the DWCP and sought further clarification.
356. *A Government representative of the United States* said that the DWCP would include the elimination of forced labour as a core component, but it would have no real effect unless there was a Memorandum of Understanding and a Supplementary Understanding. The suggestion was simply to delay implementation of the DWCP until the Government agreed to sign the two documents.
357. *The Employer spokesperson* said that, in the light of that explanation, the Employers could agree to the proposal to include paragraph 35(f).
358. *A Government representative of Myanmar* said that he was not suggesting that his Government would not be renewing the Memorandum of Understanding and associated Action Plan, and the Supplementary Understanding; he had simply said that the Government was in the midst of very intensive consultations with important stakeholders in the country. Those difficult consultations were close to drawing to a successful conclusion, and he had hoped to be able to sign that very day, but that had not proved possible.
359. With regard to the addition of paragraph 35(f) to the draft decision, proposed by the United States, he said that delaying the DWCP would penalize the workers and the social partners in Myanmar and was unfair treatment. He therefore called on the United States to reconsider its proposal. He also requested the ILO Liaison Officer to explain the negative impact that delaying the DWCP would have on all parties, in terms of activities in the country and future action. The DWCP addressed all challenges in Myanmar, including forced labour and under-age recruitment.
360. *A Government representative of the United States* said that, while he understood those concerns, the representative of the Government of Myanmar's remarks had given the impression that a response would be imminently forthcoming. Thus, as soon as the response was received, the ILO would be able to move ahead with the DWCP.

Decision

361. *The Governing Body:*

- (a) *urged the continued cooperation between the Government of Myanmar and the ILO for the elimination of forced labour through the extension of the Supplementary Understanding beyond 31 December 2017;*
- (b) *expressed serious concern about the Government's failure to renew the Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour and requested the Government to finalize these immediately;*
- (c) *urged the Government to engage in the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in line with international labour standards;*
- (d) *noted the progress made under the current Framework for ILO Engagement in Myanmar and in the development of a Decent Work Country Programme in which the elimination of forced labour was included as a core component;*
- (e) *requested the Director-General to report on forced labour cases received by the ILO at each future Governing Body session and to provide a comprehensive update on further progress to the 332nd Session of the Governing Body in March 2018;*
- (f) *delayed the implementation of the Decent Work Country Programme until such time as the Memorandum of Understanding and associated Action Plan for the Elimination of Forced Labour and the Supplementary Understanding were renewed.*

(GB.331/INS/11, paragraph 35, as amended.)

Twelfth item on the agenda

Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution – Information on progress achieved
([GB.331/INS/12\(Rev.\)](#))

362. *The Special Representative of the Director-General in Guatemala said that, despite a persistent climate of mistrust in the country, dialogue between the employers and workers had begun to take hold and had already resulted in consensus on a new decree restoring disciplinary powers to labour inspectors. More than 13 bipartite meetings had been held*

since March 2017, and the Congressional Labour Committee and the Ministry of Labour and Social Welfare had maintained efforts to convene tripartite meetings to consolidate social dialogue. The National Committee on Labour Relations and Freedom of Association, established by a tripartite agreement signed at the ILO during the current Governing Body session, represented a new era of social dialogue.

- 363.** Nevertheless, some problems remained, and the Office would continue to support the social partners as they sought to deliver on their commitments. Above all, the Government must address the priority issues that continued to require further urgent action: the prosecutions for the murders of and violence against trade unionists; implementation of reinstatement orders for workers who had suffered anti-union dismissals; the strengthening of the newly created National Committee on Labour Relations and Freedom of Association; and the expansion of the awareness-raising campaign on freedom of association and collective bargaining.
- 364.** *The Worker spokesperson* said that the tripartite agreement was a positive development that would help to resolve differences between the constituents and offered a lasting solution for the implementation of the roadmap. However, serious shortcomings remained with regard to the prosecutions for the murders of trade unionists, protection of unionists under threat, reinstatement of dismissed workers, and registration of unions. Accordingly, the social partners had requested the Government to establish a national tripartite committee, which importantly made specific mention of freedom of association in its title. Building on the initial consensus achieved by bipartite dialogue, the new agreement required the Government to use a tripartite approach in bringing national legislation into line with Conventions Nos 87 and 98 before the next session of the Governing Body, in accordance with point 5 of the roadmap. If the agreement was implemented fully by that time, she was optimistic that the Governing Body would be able to conclude its examination of the article 26 complaint. The Workers' group supported the draft decision.
- 365.** *The Employer spokesperson* noted with satisfaction the new tripartite agreement, which contained clear commitments and deadlines to resolve the outstanding issues. He commended the Special Representative of the Director-General on the work he had undertaken. The Office must support the tripartite initiatives embodied in the agreement by providing technical assistance to find legal alternatives to the issues identified by the Committee of Experts, before they were sent to the National Congress. He was confident that the goodwill shown in the negotiation of the tripartite agreement would result in the prompt and effective realization of the commitments. The Employers' group supported the draft decision.
- 366.** *A Government representative of Guatemala (Minister of Labour and Social Welfare)* drew attention to the presence of a high-level delegation representing the three branches of government responsible for implementing the roadmap. Moreover, the President of Guatemala had written that day to the Director-General reaffirming the commitment and political will reflected in the tripartite agreement and requesting the Governing Body to assess and recognize the substantial progress made on each of the key indicators, so that the process could be brought to a close by March 2018. The Chairperson of the Congressional Labour Committee had also written that day to the Director-General, reaffirming the commitment of the legislative branch and providing reassurances that the Committee stood ready to receive further legislative proposals for safeguarding freedom of association and the right to collective bargaining and to step up its efforts to protect human rights.
- 367.** She welcomed the signing of the national tripartite agreement and called on all stakeholders in Guatemala to implement it. There had already been continuous progress on all of the indicators of the roadmap over a five-year period. She commended the support of the Special Representative of the Director-General, and requested the Organization's tripartite

constituents to continue to provide support to her Government in complying with the fundamental principles and rights at work. Resources were also needed to address other important issues, including the implementation of the national policy on decent work, the launch of a roadmap to eliminate child labour, the implementation of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the functioning of the general labour inspectorate's probity and transparency unit. She reaffirmed her country's commitment not only to achieving the indicators of the roadmap, but also to creating decent work, complying with the law and meeting its national and international commitments on labour matters, with a view to closing the article 26 complaint.

- 368.** *Speaking on behalf of GRULAC*, a Government representative of Paraguay applauded the efforts and political will of the President and Minister of Labour of Guatemala to implement the roadmap under an overall approach in which the three branches of government assumed their respective responsibilities. GRULAC welcomed the tripartite dialogue that had culminated in the signing of the national tripartite agreement, which attested to the determination of the Government and the social partners to step up efforts to implement the roadmap. Tripartite agreements were unequivocal proof that constructive, participatory social dialogue could result in lasting solutions and the full application of international labour standards. The involvement of the ITUC and the IOE was laudable, and they should continue participating actively in the follow-up to the agreement. The group requested the Office to support the valuable technical assistance provided by the Special Representative, and invited the international community to provide the Office with the necessary resources to continue all of its activities. It would welcome the closure of the case at the next session of the Governing Body. GRULAC supported the draft decision.
- 369.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the following countries aligned themselves with the statement: the former Yugoslav Republic of Macedonia, Montenegro, Albania, Bosnia and Herzegovina, and Norway. She welcomed the progress made in Guatemala on social dialogue, which had led to a reform of the labour code to restore disciplinary powers to labour inspectors. The involvement of the ITUC and the IOE was a very positive step. However, it was regrettable that progress on implementing the roadmap remained limited. The murder of a trade unionist in September 2017 was deeply concerning. The Government must adopt immediate measures to address the priority issues that continued to require further urgent action. Furthermore, the Committee for the Settlement of Disputes must take the necessary measures to build trust among parties to ensure that it could work effectively. She called on the Government to resolve the long-standing political issues in the country and ensure rapid, substantial progress on the roadmap. Tripartite consensus should also be reached on new legislation that complied with Convention No. 87. The recently concluded tripartite agreement was a promising step forward, and it was hoped that the national tripartite committee would build trust and forge social dialogue. She supported the draft decision.
- 370.** *A Government representative of Canada* welcomed the continued engagement by Guatemala with the ILO, particularly on the establishment and institutionalization of the National Tripartite Committee on Labour Relations and Freedom of Association focused on implementation of the roadmap. She called on the Government to address the continuing challenges, including murders of and violence against trade unionists. She supported the draft decision.
- 371.** *A Government representative of the United States* commended the Guatemalan Government and social partners on reaching an agreement that would strengthen all parties' commitment to the full and urgent implementation of the roadmap. The efforts of the Ministry of Labour were laudable, but progress had been inconsistent and many challenges remained. For example, there was no evidence that the decree which restored administrative sanction authority to the labour inspectorate was being implemented effectively. Additionally,

tripartite consensus had not been reached on legislation to address long-standing recommendations of the Committee of Experts relating to Convention No. 87. The lack of progress in making the labour inspectorate more transparent, effective and self-sustaining was a concern. That could be improved by finalizing the legal instruments necessary to establish an anti-corruption unit, implementing new inspection protocols and providing the additional resources required by the labour inspectorate. Those initiatives would facilitate the effective implementation of the new decree and the roadmap, particularly in the agriculture and maquila sectors where violations of freedom of association and collective bargaining persisted. The four additional convictions for trade union murders were welcome, but additional progress was needed on the remaining cases. The process for prosecuting non-compliance with labour court orders must be expedited to eliminate the backlog. The number of trade union registrations had increased, but only a few had taken place within the legally established limit of ten to 20 days. Such delays exposed trade union members to anti-union reprisals and undermined the credibility of those trade unions. Therefore, anti-union discrimination must be investigated and barriers to trade union registrations eliminated. She expressed the hope that the national tripartite agreement would result in concrete progress. She supported the draft decision.

Decision

372. *In view of the information communicated by the Government and by the workers' and employers' organizations of Guatemala, and welcoming the agreement reached by the Guatemalan tripartite constituents, on the recommendation of its Officers, the Governing Body:*

- (a) *urged the Government, together with the Guatemalan social partners and with the technical assistance of the Office and of its representative in Guatemala, to devote all the efforts and resources needed to implement the national tripartite agreement aimed at settling the unresolved matters in the roadmap;***
- (b) *encouraged the international community to contribute, by providing the necessary resources, to the implementation of the national tripartite agreement and to the Office's corresponding technical assistance;***
- (c) *deferred until its 332nd Session (March 2018) the decision on the appointment of a Commission of Inquiry.***

(GB.331/INS/12(Rev.), paragraph 50.)

Financial implications of the extension of the duration of the ILO representative in Guatemala's presence in the country (GB.331/INS/12(Add.))

Decision

373. *The Governing Body, having decided to extend the duration of the ILO representative's presence in Guatemala, further decided that the cost of the representative, estimated at US\$872,400, would be financed from savings that might arise under Part I of the budget 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 2018–19 biennium.

(GB.331/INS/12(Add.), paragraph 3.)

Thirteenth item on the agenda

Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution (GB.331/INS/13(Rev.))

374. *A Government representative of Qatar*, emphasizing that his Government was committed to protecting human rights in general and workers' rights in particular, said that Qatar hoped to set an example for other countries in the treatment of migrant workers through the implementation of national legislation and international standards and agreements related to workers' rights, based on five major pillars: prevention; protection; increased provision of remedies; awareness raising; and implementation. The Qatar National Vision 2030 had established standards to guarantee the rights of migrant workers and attract the skills required to achieve sustainable development. Qatar annually welcomed large numbers of migrant workers, and Qatari society had become a model for the coexistence of people of diverse beliefs and cultures.
375. Qatar had undertaken a number of legislative and administrative steps in order to achieve decent work for both its citizens and migrant workers. He provided an overview of those developments, which were described in the document, including the efforts to implement a contractual system; the measures taken to implement the law on regulating the entry, exit and residence of migrant workers; and the issuance of laws on workers' dispute resolution committees and on domestic workers. In addition, measures were being taken to address the non-payment or delayed payment of wages, and to combat trafficking in persons. Qatar was studying how to implement a minimum wage policy for all workers without discrimination. At the end of October 2017, the Council of Ministers had approved the establishment of a workers' support and insurance fund. Thanking the Governing Body for its support, he said that Qatar would continue to cooperate with the ILO in order to implement the technical cooperation programme.
376. *The Worker spokesperson*, recalling the background to the complaint and the progress made to date, noted with satisfaction that the Government of Qatar had acted on the Governing Body's request to continue engaging with the ILO and as a result had developed a three-year technical cooperation programme, which aimed to address virtually all the issues raised in the complaint. She noted in particular the efforts to improve the wage protection system; the plans to introduce a minimum wage applicable to all workers; the measures foreseen to ensure that employment contracts would replace all manifestations of the *kafala* system; the plans to develop effective policies against human trafficking; the commitments to promote freedom of association, in particular for migrant workers; and the establishment of workers' dispute resolution committees and joint committees, with half of the representatives to be

elected by workers. She expressed the expectation that a fully competent and resourced labour inspectorate would ensure that reforms foreseen in the area of labour inspection would be effectively implemented. However, good intentions would not be sufficient; the implementation of the proposed actions in law and practice would be critical. The Workers expected the Government of Qatar to work closely with the ILO in that respect and looked forward to hearing about the progress made at the 334th Session of Governing Body, in November 2018. She endorsed the draft decision.

377. *The Employer spokesperson* commended the Government of Qatar's efforts, in consultation with the social partners and with the support of the ILO, to bring its law and practice into line with international labour standards. In particular, he commended the measures taken to implement effectively Law No. 21 of 2015 relating to the entry, exit and residence of migrant workers. Change was never easy, but the efforts of the Qatari employers to provide information, to help the Employers' group to appreciate the regional dynamics and their resolve to be part of the solution to mould a better Qatar, were greatly appreciated. Legislative changes to establish workers' dispute resolution committees and to protect domestic workers, including through the development of a model contract for domestic workers, were particularly welcome.
378. The Employers supported the technical cooperation programme and its implementation modalities as agreed between the Government of Qatar and the ILO. He commended the programme's aims to support an integrated approach to the annulment of the sponsorship system, the improvement of the labour inspection and OSH systems, the efforts to give a voice to workers and, notably, the implementation of a system of employment contracts. He thanked the Minister of Labour and Social Affairs and other high-level government officials of Qatar for their attendance at the current session of the Government Body, which signalled the Government's commitment to find effective and long-lasting solutions to the issues at stake. He endorsed the draft decision.
379. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bosnia and Herzegovina, and Norway aligned themselves with the statement. She noted the significant legislative developments reported by the Qatari Government, including on dispute resolution, domestic workers and job transfer. New legislation on exit visas should be fully implemented. She welcomed the technical cooperation programme, which would address all the critical issues that had been raised in the complaint and which should be implemented quickly. Its implementation should be regularly monitored and evaluated. The ILO should support the Government in strengthening the national complaints mechanism. She supported the draft decision.
380. *A Government representative of Nepal* welcomed steps to protect the rights of migrant and other workers in Qatar, including the adoption of legislation on domestic workers, dispute settlement, joint committees, entry and exit of migrant workers and the abolition of the *kafala* system. That legislation must now be fully and swiftly implemented by the Qatari Government and employers. He welcomed the technical cooperation programme and the Qatari Government's commitment to aligning its laws and practices with international labour standards and fundamental principles and rights at work. He encouraged the Government to continue its reform process, and ensure that all reforms were put into practice to achieve workplace compliance, and promote and protect workers' rights.
381. *A Government representative of the United States*, noting that the agreement reached could bring significant and lasting reform to labour relations in Qatar, welcomed the efforts by the Qatari Government to respond to the ILO's supervisory bodies. She welcomed the technical cooperation programme which, if properly implemented and sustained, would have a positive impact on the 2 million migrant workers employed in Qatar. While the Qatari

Government had initiated legal reforms and had allocated resources to fulfilling its commitments, much work remained to be done. It should redouble its efforts to strengthen its institutional capacity and ability to address outstanding labour issues by fostering a culture of compliance through meaningful enforcement. The system that facilitated forced labour had to be fully dismantled in order to protect workers from exploitative practices and ensure that perpetrators were prosecuted. Migrant workers should be confident that labour contracts would be respected and the law enforced. She looked forward to future progress reports concerning the technical cooperation programme and supported the draft decision.

382. *A Government representative of Australia* said that Bangladesh, China, Fiji, India, Indonesia, Iraq, Republic of Korea, Lebanon, Malaysia, Myanmar, New Zealand, Philippines, Singapore and Thailand aligned themselves with the statement. He welcomed the significant progress made and commended all those involved for working productively to resolve the complaint. In particular, he noted legislative reforms on the entry, exit and residence of migrant workers, domestic workers and dispute resolution, and the development of the technical cooperation programme. He supported the main areas of work to be conducted under that programme, as outlined in paragraph 4, and in particular encouraged the Qatari Government to implement all steps to abolish the *kafala* system. He supported the draft decision, including the proposal to close the complaint procedure.
383. *A Government representative of Myanmar* took note of the Qatari Government's efforts to improve legislation and abolish the *kafala* system. He welcomed the technical cooperation programme and its implementation modalities, and encouraged the Government to continue to cooperate with the ILO in that regard. He supported the proposal to close the article 26 procedure.
384. *A Government representative of Canada* welcomed the Qatari Government's efforts to improve the labour rights of migrant workers by implementing legislative reform and finalizing a technical cooperation programme with the ILO. In particular, she welcomed the ratification of Law No. 15 of 2017 on domestic workers, which should be further developed and fully implemented in full conformity with ILO standards. She encouraged the Government to continue to implement reforms, particularly in the areas of wage protection and access to effective dispute resolution mechanisms, and looked forward to the finalization of the workers' support and insurance fund and the introduction of a minimum wage. Her Government would continue to work with the Qatari Government to provide training and capacity building towards compliance with international labour standards, and looked forward to regular progress reports on the technical cooperation programme. She supported the draft decision.
385. *A Government representative of Turkey* noted the Qatari Government's commitment to solving the problems relating to labour relations and working conditions in Qatar. He welcomed the technical cooperation programme, which would contribute to abolishing the *kafala* system, improving labour inspection systems and giving a voice to workers. He supported the draft decision.
386. *A Government representative of Cuba* took note of the steps taken by the Qatari Government, including legislative reforms and the development of the technical cooperation programme. The Government should continue to work with the ILO and should revisit the legislative reform process where necessary.

Decision

387. *At its 331st Session of November 2017, recalling the decisions adopted at its 329th Session (March 2017), and commending: (i) the measures taken by the*

Government to effectively implement Law No. 21 of 2015 relating to the entry, exit and residence of migrant workers and to follow up on the high-level visit assessment; (ii) the official transmission of Law No. 15 of 22 August 2017 on Domestic Workers and of the Law establishing Workers' Dispute Resolution Committees of 16 August 2017; and (iii) the information provided on the technical cooperation programme between the Government of Qatar and the ILO (2018–20), the Governing Body:

(a) supported the agreed technical cooperation programme and its implementation modalities between the Government of Qatar and the ILO;

(b) decided to close the complaint procedure under article 26.

(GB.331/INS/13(Rev.), paragraph 5.)

Fourteenth item on the agenda

Complaint concerning non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), submitted under article 26 of the Constitution by several delegates to the 104th Session (2015) of the International Labour Conference
(GB.331/INS/14(Rev.))

388. *A Government representative of the Bolivarian Republic of Venezuela said that numerous efforts were being made with all stakeholders to consolidate open and constructive social dialogue, characterized by mutual recognition, respect and objectivity, in order to foster national economic and social development and the well-being of workers and citizens in general.*

389. President Maduro had urged all employers in the country to make a commitment to address the current economic situation, assuring them that the Government was ready to assist in any way possible in that regard. Since January 2017, meetings had been held with the leadership of the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) to discuss specific issues such as job security, the situation of companies and the official minimum wage. Those meetings had been a positive experience for the Government and for FEDECAMARAS, as acknowledged by its former president. There had also been written communication with FEDECAMARAS on outsourcing and consultation on the national minimum wage.

390. In June 2017, a tripartite meeting had been convened at the ILO, with the Director-General's support, during the International Labour Conference. FEDECAMARAS had accepted the invitation but, unfortunately and surprisingly, had failed to attend the meeting. That notwithstanding, the Government's firm resolve to promote social dialogue had prompted it to organize a working meeting in September 2017 between the leadership of

FEDECAMARAS and the Minister of External Trade and International Investment, who had reiterated his Government's support to private enterprise to boost production, strengthen the economy, promote general well-being and support exporting companies.

391. In October 2017, the current leadership of FEDECAMARAS had met the Minister of Labour, and both parties had agreed to address labour-related issues. The Government had been emphatic that the Ministry of Labour was open to social dialogue. Although the country was experiencing a complex economic situation, it was still committed to social dialogue as the fundamental mechanism for promoting the well-being of workers and society in general.
392. With regard to the complaint, his Government considered that it was not appropriate to establish a Commission of Inquiry, and the Bolivarian Republic of Venezuela did not therefore support the amendment to the draft decision proposed by the Employers. It would be counterproductive, considering that current conditions were favourable to the consolidation of social dialogue and the Government was certain of achieving good results. The Government reiterated its commitment to continue to comply with ratified ILO Conventions and would do everything possible to promote the development and consolidation of social dialogue in keeping with national laws.
393. The Government appreciated the constructive aspects of the amendment proposed by the Workers but expressed regret that its wording failed to acknowledge the steps taken by the authorities to consolidate social dialogue. The Government accepted the technical visit proposed in that amendment. However, considering that municipal elections would be held in December, it would be more appropriate to conduct that visit in January 2018.
394. *The Employer spokesperson* said that the political, economic and social situation in the Bolivarian Republic of Venezuela had deteriorated to such an extent that a different and urgent approach was required. There were no independent institutions left in the country to act as a check on the executive power, dissent was brutally repressed, opponents were jailed, civilians were tried in military courts, and there was a shortage of medical supplies and food. As a result, many Venezuelans were fleeing the country. Several international organizations and governments had condemned the abuses in the country.
395. The Governing Body had witnessed for years the many acts of intimidation, manipulation and attacks against not only FEDECAMARAS but also the independent trade union movement. It had given the Venezuelan Government many opportunities to address the violations, but the only occasions on which the Government had shown any willingness to cooperate had been immediately before a discussion at the Governing Body or the International Labour Conference. The tripartite high-level mission to the country in January 2014 had considered it necessary for the Government to develop and implement a plan of action that included stages and specific time frames for implementation. However, the Government had not adopted any satisfactory measures in terms of bipartite and tripartite social dialogue or an action plan as requested by the mission. Since November 2015, there had been an escalation of unilateral decisions targeting employers' organizations and harassing private companies under the pretext of an economic emergency that suspended constitutional economic guarantees.
396. At the Governing Body session of March 2016, the Government had made a commitment to develop an action plan including a calendar of meetings with FEDECAMARAS and the most representative independent trade unions, but had failed to produce it. In November 2016, the Governing Body had noted with interest the Government's commitment to include FEDECAMARAS in the future socio-economic dialogue. In view of the lack of progress, in March 2017 the Governing Body had adopted a firm decision urging the Government to take measures to allow FEDECAMARAS and affiliates to carry out their legitimate activities in accordance with the decisions of the ILO supervisory bodies, to institutionalize without

delay a tripartite round table, and to avail itself without delay of ILO technical assistance. However, the Government had never meaningfully implemented any recommendations of the Governing Body. How then could it claim that it had complied with the ratified Conventions, engaged in consultations, respected the freedom of association of employers and workers and upheld basic civil liberties?

- 397.** The Governing Body had no reason to believe that any of the promised changes would materialize in the following three months. The Government's statement that it reserved the right to ask for technical assistance and to accept technical visits from the ILO while at the same time refuting the veracity of the arguments set out in the complaint was clear evidence that it was in denial and did not wish to cooperate with the ILO. The Government had raised unilaterally the minimum wage 26 times in recent years (including five times in 2017), in violation of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), had failed to consult with FEDECAMARAS on any issues related to activities in connection with international labour standards, in violation of Convention No. 144; and had carried out a campaign of intimidation against employers and the business sector, in violation of Convention No. 87.
- 398.** The Employer Vice-Chairperson of the CFA had made it clear that there was nothing more the Committee could do to secure the cooperation of the Venezuelan Government with the supervisory mechanism. The credibility of both the complaint procedure and the Governing Body itself was at stake. Accordingly, the Employers called on each member of the Governing Body to support the establishment of a Commission of Inquiry, and proposed a corresponding amendment to the draft decision.
- 399.** *The Worker spokesperson*, noting that the Government had complied with none of the clear demands made by the Governing Body in March, said that there could be no doubt about the legitimacy of the complaint, which concerned the principle enshrined in the established case law of the CFA and elsewhere in the supervisory system that the rights of employers' and workers' organizations could only be exercised in a climate free of violence, pressure or threats against their leaders and members. The Governing Body had exercised great caution in response to calls for a Commission of Inquiry in the article 26 cases brought against the Governments of Qatar and Guatemala, despite serious violations of core standards, and had decided to proceed using other means. In the current case, the discussion concerned the most appropriate and effective action to take to ensure that the Government fulfilled its commitments not only in word but also in deed. It was important to take every possible step to ensure that the supervisory system could effectively monitor and enforce any corrective measures, to effect genuine change for the better. Therefore, the Workers' group would grant the Government one last chance to comply with the decisions of the Governing Body and engage in genuine social dialogue with the ILO and its tripartite constituents to bring about the necessary changes. The ILO should conduct a technical visit to that effect. If the requisite progress was not achieved by the next session of the Governing Body, the Workers' group was unanimous that a Commission of Inquiry must then be established. The group therefore proposed amending the draft decision to read:

The Governing Body, seriously concerned with and deeply regretting the lack of progress with respect to the decisions taken in its previous sessions:

- (a) urges the Government to engage in good faith, in a concrete, transparent and productive dialogue based on respect for employers' and workers' organizations with a view to promoting solid and stable industrial relations;
- (b) urges one last time the Government of the Bolivarian Republic of Venezuela to institutionalize before the end of 2017 a tripartite round table to foster social dialogue for the resolution of all pending issues, and to invite to that effect an ILO technical visit, with ACT/EMP and ACTRAV participation, to meet with government authorities,

FEDECAMARAS and their member organizations, leaders and affiliated companies, as well as trade unions;

- (c) requests the Director-General of the ILO to make available all necessary support in this regard and to report back on the ILO technical visit at its 332nd Session (March 2018); on the basis of the report of the ILO technical visit, the Governing Body will decide if a Commission of Inquiry shall be established; and
- (d) defers the decision on the appointment of a Commission of Inquiry until its 332nd Session (March 2018).

- 400.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Norway aligned itself with her statement. She deplored the continuing acts of intimidation and retaliation against employers and the exclusion of FEDECAMARAS from social dialogue, as well as the refusal of the Venezuelan Government to foster social dialogue and avail itself of ILO technical assistance in response to repeated requests by the Governing Body and the 2014 high-level mission. Tripartite social dialogue was essential to ensure social stability and economic growth, and the Government's political and economic problems did not excuse it from excluding the employers from social dialogue. To decide on the way forward, an approach based on consensus was required from the Governing Body, therefore she called on the Workers and the Employers to propose a jointly agreed draft decision.
- 401.** *A Government representative of Argentina*, speaking also on behalf of Brazil, Canada, Chile, Colombia, Costa Rica, Honduras, Mexico, Panama, Paraguay and Peru, presented a subamendment to the Workers' proposal, to the effect that a high-level mission led by the Officers of the Governing Body would take place instead of an ILO technical visit, and would meet also with leaders from all social sectors to determine whether concrete progress had been achieved by means of social dialogue. The Governing Body would then decide in March 2018, on the basis of the report of the high-level mission, whether to appoint a Commission of Inquiry.
- 402.** *A Government representative of the Russian Federation* said that there had been evidence that the Venezuelan Government had been working together with the ILO and the social partners on the implementation of freedom of association and other rights provided for in ILO Conventions, and had held a number of meetings with FEDECAMARAS. Since the March 2017 session of the Governing Body, it had provided regular and detailed reports to the ILO on its sincere attempts to establish tripartite dialogue. In light of that progress, the Russian Federation did not support the proposal to send a Commission of Inquiry.
- 403.** *A Government representative of the United States* said that he shared the concerns expressed by the Workers and Employers, in particular about the very serious allegations of intimidation, harassment and stigmatization of FEDECAMARAS. The Government's unwillingness to avail itself of ILO technical assistance to help achieve compliance with international standards and its failure to engage with the ILO and the social partners on the outstanding issues concerning freedom of association were regrettable. The potential of meetings with the social partners and forums such as the National Council on the Productive Economy was lost if they failed to produce specific workplans or were followed by intimidation and aggression. The case had already been deferred twice to give the Government time to engage in social dialogue and avail itself of ILO technical assistance but, given the complete lack of progress, the only option left was to send a Commission of Inquiry.
- 404.** *A Government representative of Cuba* said that the Governing Body should take account of the recent efforts by the Minister for External Trade and International Investment and the Minister of Labour to strengthen social dialogue with FEDECAMARAS. The establishment of the National Council on the Productive Economy was a further promising development.

Despite the intense economic and media pressures it faced, the Government had reiterated its willingness to comply with its employment-related obligations and fulfil the requests made by the Governing Body. The ILO supervisory mechanisms must not be applied selectively or be subject to political manipulation, as had happened in the instant case. He rejected the proposal for a Commission of Inquiry and supported the proposal of the Workers' group for a technical visit.

405. *A Government representative of India* said that he welcomed the commitment of the Venezuelan Government to hold genuine and inclusive social dialogue, and the steps it was taking to address the legitimate concerns of the social partners, who should respond to the Government's calls and participate actively in the dialogue. The Government's commitment to the ILO supervisory bodies and its willingness to seek technical assistance were notable. The establishment of a Commission of Inquiry was unwarranted and would be counterproductive. The ILO and member States should support the Venezuelan Government in fulfilling its obligations and provide any assistance it sought.
406. *A Government representative of Ecuador* said that the situation in the Bolivarian Republic of Venezuela should be addressed internally through engaging in social dialogue with a view to reaching agreement on a national level. The Workers' proposal would help to promote robust labour relations and the Venezuelan Government's acceptance of an ILO technical visit involving all tripartite stakeholders was commendable. It was inappropriate to establish a Commission of Inquiry, which could become a divisive force, destabilizing the social order that had been achieved rather than promoting social dialogue. He called on the Venezuelan Government and all stakeholders to renew their efforts to identify solutions to issues requiring joint action, to give the Venezuelan people the peace and prosperity they deserved.
407. *A Government representative of Myanmar* said that the Venezuelan Government had made significant progress in strengthening social dialogue with all stakeholders to improve the socio-economic situation in the country and comply with international labour standards. Constructive dialogue should continue between the employers' representatives and the Government to resolve the situation. The establishment of a Commission of Inquiry did not constitute a viable solution. Social dialogue, capacity building and technical assistance were the only suitable approach.
408. *A Government representative of Canada* said that it was regrettable that a mutually agreeable solution had still not been found and that the Government had effectively rejected all recommendations and had failed to address the issues raised in the complaint. Social dialogue was a core principle of the Organization and fundamental to democratic societies where all people could freely choose their representative organizations. Social dialogue and freedom of association were, however, being consistently undermined by the Venezuelan Government. She supported the subamendment presented by the representative of Argentina.
409. *A Government representative of China* said that the non-observance by the Venezuelan Government of freedom of association and the right to organize had been the subject of recommendations by the CFA. All member States were obliged to give effect to ratified labour Conventions, but history had shown that the imposition of sanctions was not an effective solution. Dialogue and technical cooperation were effective ways to secure the implementation of international labour Conventions. He supported the provision of ILO technical assistance to the Venezuelan Government.
410. *A Government representative of Uganda* said that the ultimate solution to the issues raised in the complaint was social dialogue, and that should be given another chance. He therefore did not support the proposal to set up a Commission of Inquiry. The Venezuelan Government should seriously consider availing itself of ILO technical assistance to strengthen social dialogue.

411. *A Government representative of Brazil* noted that the Employers' and Workers' assessments of the situation were not fundamentally different. The proposal presented by the representative of Argentina was balanced, constructive and in line with ILO principles. It took into account the Workers' proposal and could unite the Governing Body in reaching a consensus-based decision that set out feasible action to improve the situation in the country.
412. *A Government representative of Uruguay* said that his country called upon the groups to reach a tripartite agreement to resolve the complaint in a constructive spirit. Commissions of Inquiry should be reserved for exceptional situations where there was no possibility of social dialogue. The Workers' proposal of a technical visit to the country was the most appropriate and was worth exploring; the Government had given its agreement in principle, which reflected its openness to social dialogue.
413. *A Government representative of the Islamic Republic of Iran* said that the Government had demonstrated its willingness to resolve the issues in the complaint and reach agreement with the employers. All parties should continue to work together to overcome the challenges. It was premature to consider the appointment of a Commission of Inquiry. He encouraged the Government to continue its efforts to fully address the matters being discussed and to call on the Office to provide assistance.
414. *A Government representative of Peru* said that the issue had been before the Governing Body for a long time without any solution being reached. The possibility mentioned by the Worker spokesperson that a Commission of Inquiry might become inevitable by March 2018 should be given due consideration and was a scenario his Government might support. In the interest of consensus, he supported the alternative proposal submitted by the representative of Argentina on behalf of a sizeable group of countries from the Americas.
415. *A Government representative of Mexico* said that social dialogue was the most suitable approach to resolve conflicts and secure compliance with States' obligations relating to labour standards. However, in light of the failure to reach consensus, it was important to recall the commitment of member States to cooperate with the ILO supervisory bodies. The instant case warranted careful and timely consideration. He therefore urged the parties concerned to continue to engage in dialogue, and invited the Venezuelan Government to cooperate and facilitate the application of the measures decided on by the Governing Body, including, if necessary, the establishment of a Commission of Inquiry. With a view to reaching an agreement, he supported the subamendment proposed by the representative of Argentina.
416. *A Government representative of Paraguay* said that the appropriate socio-political conditions should be created and all ILO instruments should be utilized with a view to restoring social dialogue in the country. He supported the subamendment proposed by the representative of Argentina, which comprised a balanced and pragmatic approach to conflict resolution for the sake of the Venezuelan people.
417. *The Worker spokesperson* welcomed the aims of the proposal put forward by the representative of Argentina and supported by other countries, which sought to establish a solid tripartite basis for action that allowed the parties on the ground to participate in solving their problems, yet exerted sufficient pressure to ensure that the Venezuelan Government showed genuine commitment. She could support the proposal if the Employers agreed.
418. *The Employer spokesperson* said that the proposals submitted both by the Workers and by the representative of Argentina called for cooperation from the Venezuelan Government that he did not believe would be forthcoming. He would like to hear from the Government before proceeding.

419. *The Government representative of the Bolivarian Republic of Venezuela* said that his Government could strongly support the initial proposal made by the Workers' group. He had just received authorization to establish a timetable for the proposed technical visit, which would greatly help his country to continue strengthening social dialogue. He could not, however, accept the subamendment submitted by the representative of Argentina.
420. *The Employer spokesperson* said that the Venezuelan Government's refusal to demonstrate flexibility with regard to the proposal of the group of countries led by the representative of Argentina meant that there were no further options that he could discuss with his group.
421. *The Worker spokesperson* said that she shared the Employers' disappointment, as she had expected the Government of the Bolivarian Republic of Venezuela to understand that it was being given one last chance.
422. *The Employer spokesperson* said that there was no rationale in holding further consultations. His group was clear about its position. Unless the Venezuelan Government rapidly changed its stance, the Governing Body should move to a vote on the appointment of a Commission of Inquiry.
423. *The Worker spokesperson* said that it would be useful to have time for further consultations.
424. *The Government representative of Argentina* said that, while the proposed text might not be satisfactory to some members, there was an overall motivation to reach consensus and to help the Venezuelan people. He therefore made a final appeal to the Venezuelan Government to demonstrate flexibility to preclude more drastic but wholly legitimate measures.
425. *The Employer spokesperson* said that the situation in the country was unsustainable. Delaying decisions would put at risk not only the business sector and the independent trade union movement but also all of the Venezuelan people. The Office had afforded time, resources, tools and assistance to the Government and had exhausted all possible channels in good faith without receiving a positive and constructive response. Nothing more could be said or done. The time had come to appoint a Commission of Inquiry, which would carry out a full investigation of the complaint and make recommendations. It would assist in ensuring compliance with the ILO Conventions and in generating more and better decent and productive jobs, to pave the way for long-lasting peace and to ensure the rule of law and democracy that were essential for the economic and social well-being of the people. His group trusted that the Commission of Inquiry would be ready to start its work before the end of 2017.
426. *The Employer spokesperson*, on resuming the discussion the following day, said that the Government seemed to have changed its position overnight. Having consulted at length with Caracas, the representative of the Venezuelan Government had received approval to accept the proposal submitted by the group led by the Government representative of Argentina. The Employers had remained unsure as to whether the Government was making that undertaking in good faith. Accordingly, they had agreed to the Workers' proposal that a letter of agreement should be drafted, with the assistance of the Office, that would demonstrate the commitment of the Venezuelan Government. Some Employer colleagues were of the view that certain minimum requirements should be included in the letter to guarantee the seriousness of the Government, namely that the high-level mission should consult the relevant actors and authorities, such as: (1) the representative independent workers' and employers' organizations; (2) the Ministry of Labour; (3) the Labour Commission of the National Assembly; and (4) the Supreme Court of Justice. A disagreement had arisen on the third point, because the Government wanted also to include the Constituent National Assembly. However, it was not possible to include the Constituent National Assembly because of the political challenges involved. The Venezuelan Government representatives

had then suggested that the wording should include “the public powers established under the constitution, among others the Labour Commission of the National Assembly”, thus opening up the possibility of including the Constituent National Assembly. That suggestion had been rejected by the Employers; furthermore, some Governments did not recognize the Constituent National Assembly. Consequently, with little prospect of an agreement being reached in the immediate future, the Employers wished to revert to their initial position of calling for a Commission of Inquiry and were prepared to have a vote on the matter, if necessary.

427. *The Worker spokesperson* said that the question at the current stage was how to move forward. The Workers had consulted with the Employers and had reached an understanding to request the Venezuelan Government to commit in writing to implementing the decision, in a letter of agreement drafted with the help of the Office. The political and legal situation in the country was particularly complex. The Government was trying to accommodate what it understood to be the Employers’ sensitive issues, within its own legal framework. What had emerged was an acceptable outcome, which was good enough for the ILO and, hopefully, helpful for the Venezuelan tripartite constituents. It was regrettable that they had come so close to agreeing on a decision and securing a commitment that would have built trust for the future. It was her view that the Workers’ proposal was the best way forward, but she could also accept the subamendment, especially as the Venezuelan Government had shown its readiness to accept it and to work with the ILO in implementing it.
428. *The representative of the Government of the Bolivarian Republic of Venezuela* said that his Government had initially rejected the proposed subamendment because it had had no prior knowledge of it. Having had the time to consult, he had informed the Governing Body that his Government had accepted the proposal, and the Employers, Workers and the Office had been informed. The Government had also said that it would sign an agreement accepting the high-level mission. In the latest draft, the Government had undertaken to: (i) accept and implement the Governing Body decision based on the Workers’ group’s proposal, as subamended by a group of Governments; (ii) fully cooperate with the ILO to give full effect to that decision with a view to restoring trust between the Government and social partners and engaging in social dialogue in good faith, based on mutual respect; (iii) welcome an ILO high-level mission led by the Officers of the Governing Body after 10 December 2017, on a date to be determined; and (iv) accept a subsequent ILO high-level visit to assess progress and report to the Governing Body in March 2018. It was understood that the purpose of the high-level mission was to collect and exchange information on the complaint with the authorities and relevant stakeholders, namely: (1) representative and independent employers’ and workers’ organizations; (2) the Ministry of Labour; and (3) any other entity or organ deemed necessary by the high-level mission, including the public bodies provided for in the national constitution, among others the Labour Commission of the National Assembly. The Government had included the third point in order to safeguard the autonomy of the high-level mission and the principles enshrined in the national constitution. However, it was regrettable that the internal politics of the country had been brought into the discussion on that point.
429. He extended his gratitude to the governments that had supported his country, and thanked the Worker and Employer spokespersons for contributing to the drafting of the agreement, which had been an extraordinary exercise in social dialogue. He reiterated that the case had been politicized; it did not genuinely concern employers’ and workers’ organizations and the violation of Conventions. He called on the members of the Governing Body to adopt the amended draft decision by consensus. A Commission of Inquiry was not necessary and would be counterproductive.
430. *The Government representative of Argentina* confirmed that the countries he represented wished to retain their subamendment, which had been proposed as a compromise solution

with a view to achieving consensus. He urged the members of the Governing Body to support it.

431. *Speaking on behalf of the EU and its Member States*, the Government representative of Bulgaria expressed support for the subamendment proposed by the group of countries led by the representative of Argentina. She appealed to the Governing Body members to demonstrate flexibility and understanding.
432. *A Government representative of Namibia* also supported the proposal submitted by the Government representative of Argentina.
433. *The Government representative of Cuba* said that the Venezuelan Government had indicated that it could accept the subamended text, which seemed to be gaining a consensus. Adopting that decision would demonstrate the credibility of the supervisory mechanisms with a view to promoting dialogue and cooperation.
434. *The Government representative of the Russian Federation* commended all parties on their efforts to achieve consensus and the Venezuelan Government on its constructive attitude. He supported the draft decision as subamended.
435. *A Government representative of the Republic of Korea* said that, in the interest of consensus, he supported the subamended draft decision.
436. *The Government representative of China* welcomed the efforts made by so many Governments to achieve consensus, and supported the subamendment proposed by the group of countries led by the Government representative of Argentina.
437. *The Government representative of the Islamic Republic of Iran* said that the Governing Body was close to reaching an agreement; he appealed to the Governing Body to show the flexibility needed to reach a compromise.
438. *The Government representative of Ecuador* said that the amended draft decision had resulted from tripartite dialogue at its best. He acknowledged the flexibility shown by the Venezuelan Government. The text as currently proposed was the best way of achieving a consensus-based decision.
439. *The Employer spokesperson* said that, in the light of the clear consensus among the Governments, the best way forward would be for his group to concede its position. He hoped that the matters that had been raised during the discussion would guide the high-level mission in properly assessing the situation on the ground and preparing an objective report to the Governing Body at its March 2018 session, without undue politicization. He thanked his Worker counterpart and the Governments led by the representative of Argentina for their efforts to achieve consensus, and expressed the hope that the last chance being given to the Venezuelan Government would bring about the necessary improvements to the situation.
440. *The Worker spokesperson* agreed on the high quality of dialogue that had characterized the discussion. The Workers' group strongly supported the Governing Body's decision as the best way forward. Although it was unfortunate that it had not been possible to conclude an agreement, the fact that the Government representative had read out to the Governing Body the terms to which it agreed was a strong sign of its commitment, which must be followed by implementation. The Governing Body stood ready to assist and would evaluate in March 2018 whether progress had been achieved.
441. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that, under the Standing Orders of the Governing Body and the Financial Rules

of the Organization, the Governing Body was required to approve the costs of the high-level mission, estimated at US\$45,000, since the mission was not provided for in the regular budget.

Decision

442. *The Governing Body, seriously concerned with, and deeply regretting, the lack of progress with respect to the decisions taken at its previous sessions:*

- (a) *urged the Government of the Bolivarian Republic of Venezuela to engage in good faith in a concrete, transparent and productive dialogue based on respect for employers' and workers' organizations with a view to promoting solid and stable industrial relations;***
- (b) *urged, for the last time, the Government to institutionalize before the end of 2017 a tripartite round table to foster social dialogue for the resolution of all pending issues, and to invite to that effect an ILO high-level mission led by the Officers of the Governing Body, to meet with government authorities, FEDECAMARAS and their member organizations and affiliated companies, as well as trade unions and leaders from all social sectors;***
- (c) *requested the Director-General of the ILO to make available all necessary support in that regard and the Officers of the Governing Body to report back on the ILO high-level mission at the 332nd Session of the Governing Body (March 2018) on the determination of whether concrete progress had been achieved by means of the social dialogue fostered by the tripartite round table;***
- (d) *suspended the approval of a decision on the appointment of a Commission of Inquiry pending the report of the high-level mission at the 332nd Session of the Governing Body (March 2018); and***
- (e) *decided that the cost of the high-level mission, estimated at \$45,000, be financed in the first instance from savings that might arise under Part I of the budget for 2018–19 or, failing that, through the use of the provision for unforeseen expenditure, in Part II. Should this not prove possible, the Director-General would propose alternative methods of financing at a later stage in the biennium.***

(GB.331/INS/14(Rev.), paragraph 7, as drafted in the light of the Governing Body's discussions.)

Fifteenth item on the agenda

Reports of the Committee on Freedom of Association

383rd Report of the Committee on Freedom of Association ([GB.331/INS/15](#))

443. *The interim Chairperson of the Committee on Freedom of Association (CFA)*, introducing the report, said that there were 180 cases before the Committee, 27 of which had been examined on their merits. Urgent appeals had been made to governments that had failed to send complete observations despite the time that had elapsed since the submission of the complaints for the Committee's previous examination. Such appeals had been made to the Democratic Republic of the Congo, Haiti and the Republic of Korea. The deadline for receipt of observations was 5 February 2018. The Committee had welcomed the impact that setting a deadline had had on the receipt of replies from governments. There were only two cases that the Committee had been obliged to examine without the benefit of a response from a government. Since those examinations, the Government of Cameroon had transmitted its reply. The Committee hoped to receive the required information from the Government of the Republic of Maldives soon.
444. The Committee had examined the follow-up given to its recommendations in respect of 13 cases. It had concluded its examination in respect of five, concerning Argentina, Costa Rica, Dominican Republic, Peru and Turkey, and had effectively closed those cases. In the case of the Dominican Republic, the Committee had noted with satisfaction the signature of a collective bargaining agreement in the company concerned.
445. The Committee had drawn the attention of the Governing Body in particular to seven cases, owing to the extreme seriousness and urgency of the matters dealt with therein. In the long-standing Case No. 2318 (Cambodia), the Committee had urged the competent authorities to expedite the process of investigation of the murders of three trade union leaders, which had taken place over ten years previously, including by ensuring the effective functioning of the Inter-ministerial Commission for Special Investigation and the establishment and operation of its tripartite subcommission. Additionally, while welcoming the registration of the factory trade union in Case No. 3121 (also Cambodia), the Committee had urged the Government to clarify whether the specific allegations of killings, physical injury and arrest of protesting workers following the January 2014 demonstrations were being investigated and to provide detailed information in that regard.
446. In the long-standing Cases Nos 2761 and 3074 (Colombia), concerning violence against trade unionists, the Committee had urged the Government to continue taking all necessary measures to ensure that all reported acts of anti-union violence were investigated and that the perpetrators and instigators were convicted.
447. Case No. 2982 (Peru) concerned the murders of union leaders and members, against a backdrop of a climate of violence, threats and extortion created by criminal mafia groups in the construction sector. The Committee had requested the Government to ensure that further investigations were conducted in one archived case and to keep it informed of the outcome of all pending investigations. Emphasizing that the problem of violence in the construction sector and action for its eradication must be considered in the context of social dialogue, the Committee had requested the Government to keep it informed of the actions taken to build trust between the parties and to foster tripartite dialogue.

448. In Case No. 3185 (the Philippines), which concerned allegations of extrajudicial killings of three trade union leaders, the Committee had noted with interest the recent signing of a tripartite manifesto of commitment and collective effort to sustain observance and further improvement in the application of the principles of freedom of association and collective bargaining. It had requested the Government to keep it informed of the outcome of the renewed review of the murders of the three trade union leaders, and of further efforts to ensure a climate of justice and security for trade unionists. The Committee trusted that the national criminal system would be assisted to increase its capacity to collect forensic evidence, so that the lack or retraction of witnesses no longer impeded progress in the investigation and prosecution of cases.
449. Finally, in the case brought by employers' organizations against the Bolivarian Republic of Venezuela (Case No. 2254), the Committee had been obliged once again to deplore the various and serious forms of stigmatization and intimidation by the Venezuelan authorities, groups and organizations directed against FEDECAMARAS, its members, its member organizations, their leaders and affiliated companies. The Committee had insisted on the urgency of the Government taking strong measures to prevent such actions and statements, and to ensure that FEDECAMARAS was able to exercise its rights as an employers' organization in a climate free from violence, pressure or threats of any kind against its leaders and members. Deeply deploring the fact that, once again, the Government had not yet provided the requested plan of action, the Committee had urged it to implement fully and without delay the conclusions of the high-level tripartite mission, which had been endorsed by the Governing Body.
450. Finally, the Chairperson indicated that the Office had completed the review of decisions of the CFA from the period 2006–16 so as to enable the completion of an online version of an updated compilation before the end of the biennium. A final review of the paragraphs that did not require an update would be made by the Committee in March 2018 for a hard copy publication.
451. *The Employer Vice-Chairperson of the Committee* welcomed the progress made in the discussion of the Committee's working methods to improve its operation and tripartite governance. The Employers were highly committed to the process and stood willing to participate actively in suggestions for improvements. He welcomed the update of the compilation of the Committee's conclusions and recommendations, which they would have liked to have included only the most relevant references. A first draft had been circulated internally by the Office with an additional 400 references. The Employers had requested that the Office publication should be confined, so far as possible, to verbatim conclusions and recommendations of cases examined by the Committee. They had presented alternative wording to be considered for non-verbatim references, and the Office had been willing to create an informal tripartite group for that purpose whose work had not yet been completed. The Committee had decided to conclude its assessment of all the non-verbatim paragraphs in time for the March 2018 session of the Governing Body, at which the Employers hoped to present a full report. He welcomed the online database of the Committee's cases.
452. The mandate of the Committee continued to be the subject of discussion, particularly in relation to: its procedures and scope; the interaction between the Committee and other ILO supervisory bodies; the best way to improve the follow-up given to its recommendations; the criteria for the receivability of complaints; and the management of recurring subjects in complaints from the same States. In addition, the Employers had submitted to the Committee a proposal to define a smaller number of principles that reflected the basic principles of freedom of association and collective bargaining, as derived from the ILO Constitution.
453. The Employers supported the preparation of an annual report but stressed that it should not be presented until the mandate of the Committee had been clarified. The CFA examined

complaints against ILO member States, whether or not they had ratified the Conventions; in contrast, the other supervisory bodies did so as a follow-up to ratification or to monitor States' observance of ratified Conventions.

454. The significant increase in the number of cases before the Committee (they had doubled in the previous 17 years) made detailed analysis problematic and represented a significant additional workload for the Office. Of the 16 new cases presented to the Committee since its meeting in November 2016, 13 had come from Latin American countries. In order to promote a more balanced geographical distribution of complaints, the Employers encouraged complainants to use national bodies for conciliation and dispute settlement.
455. Among the serious and urgent cases currently before the Committee, he wished to draw special attention to Case No. 2254, in which the Bolivarian Republic of Venezuela had completely departed from the usual manner in which governments replied to the ILO supervisory bodies. It had established, without consultation, bodies that infringed on the freedom of association, such as the General Staff of the Working Class, Workers' Production Boards and Labour Feminist Brigades, all under the guise of a state of economic emergency and through the enactment of exceptional measures. The members of the Workers' Production Boards came primarily from state-run institutions, including the armed forces. The State's very legislation used military language.
456. He drew attention to paragraph 703 of the report as an indication of the Government's uncooperative and aggressive attitude, where it had replied that it did not agree with the conclusions and recommendations of the Committee, which were based on those of the high-level tripartite mission. The Government had once again used its reply to accuse the complainant of links with politically destabilizing activities and had failed to prevent acts of stigmatization and intimidation, establish a plan of action in consultation with the social partners or establish structured bodies for bipartite and tripartite social dialogue. Never before had a Government expressly defied an ILO supervisory body, and there was no procedure to be followed in such instances. The Committee had used the strongest possible language in urging the Government to respect Venezuelan employers' and workers' right to freedom of association, but in vain; he therefore urged the Governing Body to take further steps in that regard.
457. *A Worker member of the Committee* said that his group had taken note of the process of the office to update the *Digest of decisions and principles of the Freedom of Association Committee* with an electronic version to be available before the end of the year and the publication of a hard copy in March 2018. He stated that the Committee was an integral component of the ILO supervisory system with a clear mandate to examine complaints, including those submitted within the framework of article 24, which had been approved by the Governing Body in 1951. The link with Conventions Nos 87 and 98 was explicit and there was no consensus on changing it. Turning to the seven serious and urgent cases to which the Committee had drawn the special attention of the Governing Body, he said that, in Case No. 2318 (Cambodia), he firmly expected the Government to take swift action in addressing impunity in the country and upholding trade union rights in the garment industry. With regard to Cases Nos 2761 and 3074 (Colombia), where there were new allegations of violence, the Government should ensure respect for the principle that trade union rights could only be exercised in the absence of violence, pressure or threats against union members. In Case No. 2982 (Peru), failure to convict the guilty parties worsened the climate of violence and impunity and undermined the exercise of trade union rights. With respect to Case No. 3238 (Republic of Korea), responsibility for declaring a strike illegal should lie not with the Government but with an independent, impartial body; governments were, however, responsible for ensuring respect for workers' right to strike in protest against social and economic policies affecting their interests. He requested the Government to take any measures in its power to secure the immediate release of the President of the Korean

Confederation of Trade Unions and any other trade unionists who were still in detention. Lastly, in Case No. 3184 (China), the Government should provide the requested observations on the alleged obstacles to the exercise of freedom of association.

458. *Speaking on behalf of the Government members of the Committee* appointed by the Governments of Argentina, Iraq, Lesotho, Nigeria and Switzerland, a Government member from Switzerland said that it was important to proceed with the update of the *Digest*; she was pleased that an online version would soon be available. The Office should continue to support constituents' efforts to resolve problems at the national level, by building the capacities of governments and the social partners. It should also provide members of the Committee with online access to cases as soon as possible, with due regard for their confidentiality, as had been done in other ILO committees.
459. *Speaking on behalf of GRULAC*, a Government representative of Paraguay said that, while reaffirming his group's commitment to the ILO supervisory bodies and to freedom of association within a framework of tripartite social dialogue, he wished to point out that over 70 per cent of the cases before the Committee concerned States of his region. In light of the ongoing review and strengthening of the standards supervisory system, the subcommittee should continue its preliminary review and identify priority cases based on their seriousness and urgency and on the need for equitable geographical distribution, subject to approval by the Committee as a whole. There was also a need for clear, objective receivability criteria. The Committee should take into account best practices at the national level, including tripartite dispute settlement bodies, and should consider postponing for a reasonable period of time any examination of cases referred to such bodies.
460. He reiterated his group's request that the Committee should address the inconsistency in the classification and status of cases; there was a need for legal certainty as to the length of time during which governments must continue to report to the Committee before a case was closed, and concerning the question of whether a case, once closed, could be reopened if additional information was received, or whether the Committee should open a new case or simply inform the submitting party that the case was no longer being examined. He hoped that his concerns would be reflected in the Committee's subsequent reports.
461. *A Government representative of China* said that his country had the world's largest working-age population, expanding urban employment and a low unemployment rate. His Government had improved its labour laws and regulations and social security system, strengthened law enforcement mechanisms and introduced a new tripartite labour relations mechanism. The legitimate interests of workers were protected, harmonious and stable labour relations had been established, collective bargaining and collective agreements had been steadily promoted, and a system of labour and social security inspections was being applied, with penalties enforced as appropriate. In recent years, the Government, trade unions and employers' organizations had been working to coordinate labour relations, improve tripartite consultation and promote collective agreements. Guidelines on building harmonious labour relations had been issued in 2015, and many of the country's provinces, autonomous regions and municipalities had issued regulations, rules and provisions on collective bargaining and consultation on issues such as wages, working time and OSH. As at 31 December 2016, collective agreements covering 178 million employees had been approved by the Ministry of Human Resources and Social Security, and a wage increase system prevented and resolved conflicts and promoted enterprise development. Trade unions in China represented some 320 million workers; 28,000 trade unions had been established at the township or community level in 2015, and there were a total of 122,000 regional and sectoral unions. A total of 50 million migrant workers were members of trade unions, an increase of 15 per cent over the previous year.

462. Every State had its own national situation, history and culture; thus, institutional arrangements that worked in one country might not in another. The focus should be on protecting workers and promoting economic and social development. With the approach of the ILO centenary, the international community should take a more inclusive approach and explore new ways to protect workers' rights and achieve social justice.
463. *A Government representative of the Republic of Korea* said that the newly elected Government was working hard to guarantee and promote basic labour rights. It would therefore carefully review the recommendations for Case No. 3238 and strive to implement them where applicable.
464. The Government had investigated the death of Mr Baek Nam-gi and had decided to prosecute those responsible for violations of national laws and the principle of proportionality. Other lawsuits were under way. The point at issue was whether the police had used excessive force against ordinary civilians participating in a rally. The Government's view was that that had no bearing on workers' freedom of association. Accordingly, the Government was disappointed with the Committee's conclusion and recommendations, since it believed that the Committee had made recommendations that were beyond its purview.
465. The Government of the Republic of Korea supported unions' right to peaceful assembly. The trade union leader Mr Han Sang-gyun had been indicted because he had resorted to violence during rallies, and the Supreme Court had found him guilty. Calling for further action, including his release, could undermine the integrity of the judicial system, including the principle of fair trial in the Republic of Korea. The Government did not believe that was the intention of the Committee.
466. *A Government representative of the Bolivarian Republic of Venezuela* stressed the need to remain conciliatory and respectful and to avoid a confrontational debate. It was not usual practice to discuss the report of the CFA at Governing Body sessions. The Chairperson made reference to paragraphs solely for the purpose of adoption; that did not mean that they were accepted. The Government welcomed and respected the CFA and had always provided timely responses to that Committee in connection with Case No. 2254. The business of the current sitting was to adopt the report of the CFA. As usual, the Government's response would be submitted subsequently. As stated in paragraph 703 of the report, his Government had only reserved the right to avail itself of the opportunity to continue reporting on the other conclusions and recommendations of the Committee. The Government had never refrained from providing information in response to the baseless allegations of the Employers. Although it refuted those allegations, the Government would continue to provide any necessary information to the CFA with a view to resolving the case, which was plagued with politicized individual interests.

Decision

467. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–81, and adopted the recommendations made in paragraphs: 104 (Case No. 2318: Cambodia); 118 (Case No. 3121: Cambodia); 134 (Case No. 3212: Cameroon); 170 (Case No. 3184: China); 193 (Case Nos 2761 and 3074: Colombia); 237 (Case No. 3103: Colombia); 301 (Case No. 3238: Republic of Korea); 333 (Case No. 3167: El Salvador); 353 (Case No. 2989: Guatemala); 371 (Case No. 3062: Guatemala); 393 (Case No. 3125: India); 416 (Case No. 3124: Indonesia); 438 (Case No. 3081: Liberia); 454 (Case No. 3126: Malaysia); 463 (Case No. 3076: Republic of Maldives); 488 (Case No. 3163:*

Mexico); 504 (Case No. 2982: Peru); 518 (Case No. 3173: Peru); 537 (Case No. 3119: Philippines); 560 (Case No. 3185: Philippines); 591 (Case No. 3236: Philippines); 608 (Case No. 3113: Somalia); 625 (Case No. 2949: Swaziland); 667 (Case No. 3196: Thailand); 686 (Case No. 3095: Tunisia); and 710 (Case No. 2254: Bolivarian Republic of Venezuela), and adopted the 383rd Report of its Committee on Freedom of Association as a whole.

(GB.331/INS/15.)

Sixteenth item on the agenda

International Training Centre of the ILO, Turin

Report of the 80th Session of the Board of the Centre

(Turin, 26–27 October 2017)

([GB.331/INS/16](#))

468. *The Worker spokesperson* said that her group welcomed the discussions held at the 80th Session of the Board of the Turin Centre and thanked the Board for agreeing to a bolder vision statement of the role of the Centre, as set out in the Strategic Plan of the ITC–ILO for 2018–21, clear recognition of the important role of ACTRAV and ACT/EMP in the provision of quality training for workers and employers, and the further disaggregation of indicators under outcome 1 in the Programme and Budget proposals for 2018–19. The vision statement linked the role of the Turin Centre to a number of significant global developments, including the Future of Work Initiative and the 2030 Agenda. She also thanked the Director of the Turin Centre for conducting informal tripartite consultations the previous week, on the basis of a joint Workers’ and Employers’ statement regarding the Strategic Plan 2018–21 and the Programme and Budget for 2018–19. Existing staff vacancies at the Turin Centre should be filled as soon as possible.
469. *The Employer spokesperson* said that the Office and the Turin Centre had clearly taken into account the concerns expressed in the joint Workers’ and Employers’ statement. The agreement reached on the urgent recruitment of an additional Professional staff member to the Programme for Employers’ Activities was highly welcome.
470. *Speaking on behalf of the Government group*, a Government representative of Argentina said that her group fully supported the Strategic Plan 2018–21 and the Programme and Budget for 2018–19, and valued the fact that those documents were better aligned than previous documents with the ILO’s strategic framework and programme and budget. Governments supported the efforts that the Turin Centre would make to address the concerns expressed by the Workers and Employers during the 80th Session of the Board. The Turin Centre’s efforts to improve ILO collaboration with other actors, and to align ILO priorities with the 2030 Agenda, were much appreciated. She welcomed the emphasis placed on the Future of Work Initiative and the ILO centenary, and fully supported efforts made by the Centre to diversify income and improve the coordination of resource mobilization.
471. *A Government representative of Italy* said that his Government welcomed the Strategic Plan 2018–21 and the zero real growth budget of the Programme and Budget for 2018–19. Coordination between the ILO and the Turin Centre should continue to be reinforced. He urged the Turin Centre’s management to continue moving towards long-term sustainability by diversifying its income basis and reaching out to other member States and non-traditional

donors. The Italian Government attaches great importance to the financial sustainability of the Turin Centre. His Government remained committed to the success of the Turin Centre.

472. *Speaking on behalf of ASPAG*, a Government representative of China welcomed the Strategic Plan 2018–21, particularly the emphasis on aligning priorities with those of the ILO and the 2030 Agenda. As the ILO centenary fell within the period of the Strategic Plan, the follow-up to the ILO Centenary Initiatives, including the Future of Work Initiative, should be taken into consideration. For that reason, ASPAG encouraged the Turin Centre to set its forward-looking agenda well beyond 2019. He supported the efforts by the Turin Centre to engage tripartite constituents in formulating the Programme and Budget proposals for 2018–19. However, it was of concern that, while Worker and Employer representatives from ASPAG countries regularly participated in Turin Centre programmes, Government representatives had made up less than one fifth of all participants in recent years. The Turin Centre should remedy that situation and report to ASPAG on the action taken. The Turin Centre should also develop targeted training programmes to meet the needs of regions and countries, and should work with counterpart training institutions in regions to develop training materials and curricula. The Turin Centre was urged to further mobilize resources, including by developing public–private partnerships.

473. *A representative of the Director-General* (Director, Turin Centre) said that the demands from constituents for training, learning and knowledge sharing in many fields of capacity building were encouraging. The Turin Centre would follow the guidance of the Governing Body to enrich and complete its Strategic Plan 2018–21 and its Programme and Budget proposals for 2018–19. Efforts would also be made to facilitate the participation of the Workers' and Employers' groups in designing and delivering training programmes, in order to further improve their relevance. While the Turin Centre faced many challenges, including increased demands for outreach activities and uncertainty surrounding its operational environment, it would endeavour to address concerns related to staffing and the financial needs of constituents. Moreover, it would further strengthen its partnership with the ILO in order to attain a greater social impact. Board members would be kept fully informed concerning implementation of the Strategic Plan.

Decision

474. *The Governing Body took note of the report contained in document GB.331/INS/16.*

(GB.331/INS/16.)

Seventeenth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference

(GB.331/INS/17)

475. *The Chairperson* said that he had presided over the meetings of the Working Party on the Functioning of the Governing Body and the International Labour Conference held on 6 and 7 November 2017. His informal report (contained in the document under consideration) was divided into four sections: (a) the composition of the Governing Body; (b) improving the functioning of the International Labour Conference (including a report on the informal tripartite consultations on the working methods of the CAS that had taken place on

4 November 2017); (c) a comprehensive review of the Standing Orders of the Conference; and (d) a review of the role and functioning of Regional Meetings.

476. *A Government representative of Brazil*, recalling that the CAS was a tripartite body, said that the Chairperson of the CAS would be in a good position to include the views of Governments during preparation of the Committee's conclusions. GRULAC had also made two points that were not adequately reflected in the report on the informal tripartite consultations, namely, the proposal that the Governments concerned should be informed in advance of conclusions to be reached by the Committee, and that their representatives should be permitted to make observations before the adoption of conclusions. No consensus had been reached on whether to allow a representative of a Government to speak soon after a conclusion had been adopted. It was important to note that the Working Party proceeded by consensus, not by majority. Furthermore, according to the Standing Orders of the Conference, it was the responsibility of the Chairperson of the CAS to decide who would take the floor; that matter could not be the subject of a decision resulting from informal tripartite consultations.
477. *Speaking on behalf of the Africa group*, a Government representative of Swaziland said that two of the items in the report were of particular interest to his group: the composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO; and Review of the role and functioning of Regional Meetings. The outcomes of the Working Party in relation to those two items were most welcome.

Decisions

Composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO

478. *The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO, including through direct contacts with member States, and to report at the 332nd Session (March 2018) on the results obtained and the feedback from Members concerned on the reasons which prevent or delay such ratification.*

(GB.331/INS/17, paragraph 5.)

Improving the functioning of the International Labour Conference: Analysis of the 106th Session (2017) of the Conference

479. *Following the discussion and lessons learned from the 106th Session of the Conference (June 2017), the Governing Body:*
- (a) *took note of the successful trialling of the first set of amendments to the Standing Orders of the Conference set out in Appendix II of document GB.329/INS/18;*

- (b) decided to continue to explore further improvements taking into account the discussion in the Working Party;*
- (c) requested the Director-General to prepare for its consideration at the 332nd Session (March 2018) a detailed plan of work for the 107th Session of the Conference (May–June 2018) based on a two-week format.*

(GB.331/INS/17, paragraph 22.)

Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference

480. The Governing Body:

- (a) took note of the additional proposed amendments for the simplification and modernization of the Standing Orders of the International Labour Conference;*
- (b) requested the Director-General to undertake inter-sessional email and Geneva-based consultations with the three groups for the purposes of an in-depth review of the proposed amendments and drafting of any additional amendments, as may be necessary;*
- (c) decided that the progress of such consultations be reported to the Working Party at the 332nd (March 2018), 334th (November 2018) and 335th (March 2019) Sessions of the Governing Body with a view to finalizing a comprehensive package of amendments to the Standing Orders of the International Labour Conference for validation by the Working Party and possible approval by the Governing Body in March 2019 as part of the Governance Initiative.*

(GB.331/INS/17, paragraph 26.)

Review of the role and functioning of the Regional Meetings

481. The Governing Body:

- (a) adopted the principle that each member State would be invited as a full Member to only one Regional Meeting with the Governing Body having the discretion of inviting on a case-by-case basis any member State as an observer to other Regional Meetings;*
- (b) requested the Office to prepare for its consideration at the 332nd Session (March 2018) a consolidated version of the Rules for Regional Meetings and the Introductory note based on the guidance provided during the discussion for adoption and referral to a future session of the Conference for confirmation.*

(GB.331/INS/17, paragraph 41.)

Eighteenth item on the agenda

Report of the Director-General (GB.331/INS/18(Rev.))

Obituary: Mr Jean-Jacques Oechslin

482. *The Employer spokesperson* paid tribute to the memory of Mr Oechslin and offered condolences to his family and friends. His passing was a great loss and he would be remembered fondly.
483. *The Worker spokesperson* said that Mr Oechslin had been closely associated with the ILO throughout his career. She recalled the key role that he had played in the adoption of the 1998 Declaration and in compiling the annual reviews under the follow-up to the Declaration. Mr Oechslin had been a true believer in the founding values of the ILO. She conveyed her sincere condolences to his family, the IOE and the Employers' group.
484. *A Government representative of France* also paid tribute to the memory of Mr Oechslin, who had spent most of his life serving the ILO. Passionate about ILO issues, he had defended the Organization's values with finesse, intelligence and humanity.
485. *The Director-General*, on behalf of the Office and on his own behalf, also paid tribute to Mr Oechslin, who had been one of the giants of the Organization. Probably as much as anybody in history, he had been responsible for interweaving the histories of the IOE and the ILO. His role was best reflected in the fact that he had been elected at different moments Chairperson of the Governing Body and also President of the International Labour Conference in a particularly important year. His dedication and his very personal commitment to the ILO had also been demonstrated after his retirement, when he had founded the French Association for the International Labour Organization, which had reinforced the historic links between France and the ILO. He expressed the Office's deep sympathy and condolences to Mr Oechslin's family and to his son, Eric, who was known in the Organization not only as a friend but also as a colleague.

Decision

486. *The Governing Body invited the Director-General to convey its condolences to the family of Mr Oechslin, to the International Organisation of Employers (IOE) and to the Movement of French Enterprises (MEDEF).*

(GB.331/INS/18(Rev.), paragraph 6.)

Membership of the Organization, progress in international labour legislation and internal administration

487. *The Worker spokesperson* welcomed the information about the 25 new ratifications of Conventions and the eight new ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930. She also welcomed the entry into force of the amendments to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), further to their adoption by the International Labour Conference at its 105th Session (June 2016).

Outcome

488. *The Governing Body took note of the information contained in document GB.331/INS/18(Rev.) concerning membership of the Organization, progress in international labour legislation and internal administration.*

(GB.331/INS/18(Rev.).)

First Supplementary Report: Follow-up to the ILO Centenary Initiatives (GB.331/INS/18/1)

489. *The Employer spokesperson said, with regard to the Enterprises Initiative, that implementing the strategy for wider ILO engagement with the private sector, adopted by the Governing Body at its 321st Session (June 2014), was a priority. The key was for the ILO to understand what challenges enterprises faced and to engage in exchanges of information to assist the Office to achieve its goals. As agreed in the strategy, ACT/EMP should be the entry point for private sector engagement and was responsible for sharing information with enterprises and for liaising with the IOE and national employers' organizations; regrettably, the procedures in that regard were still not being fully respected. The new ILO register of enterprises could be an important tool to ensure transparency and coordination across the Office. Collaboration with individual enterprises should not be used as a way to set policies or to change an existing policy approach that had been agreed upon by the tripartite constituents and the Office should avoid becoming a consulting firm for individual enterprises. The purpose of engagement was to help the ILO meet its objectives.*

490. Concerning the programme of action on decent work in global supply chains and the corresponding roadmap, it was of paramount importance to maintain and reinforce the tripartite consensus achieved during the discussion of global supply chains at the 105th Session (June 2016) of the International Labour Conference and to take an approach that was in line with the UN Guiding Principles on Business and Human Rights. Despite the strong divergent views on the issue, an extraordinary joint effort between the Employers and Workers had made it possible to provide guidance to the Office on how to develop the roadmap. However, the process was still less than satisfactory. Although agreement had been reached on some important Employer concerns, the programme of action and the roadmap still took an unbalanced approach towards some deliverables, where global supply chains were described as if they were drivers of decent work deficits. That was the case with certain other Office reports and papers as well, including the ILO submission to the G20 in February 2017, which had included an annex on living wages in the context of global supply chains. Such an approach had to stop. Furthermore, despite an agreement on the matter, the Office had not included as a focus in its research the specific challenges relating to decent work in global supply chains. He expressed concern about the lack of information on the cost of the programme of action and on the budgetary impact of the Initiative on other ILO projects.

491. Regarding the End to Poverty Initiative, he reiterated his group's support for cooperation between the ILO and the UN, particularly with regard to alignment with the 2030 Agenda. It was essential to refocus DWCPs to guarantee the participation of constituent processes. The Decent Work for Sustainable Development Resources Platform should help in that respect. The need to strengthen national capacities in the fight against poverty according to countries' priorities would be raised in the forthcoming Conference discussion on effective ILO development cooperation. Effective participation of the private sector was also essential. Partnerships linked to Goal 8 and other decent work-related targets should be well built and pursued with clear objectives, but a simple governance structure should be

maintained to reduce bureaucracy and unnecessary costs and avoid duplication. The Global Deal mentioned in the document had not yet been endorsed by the Governing Body. Noting with satisfaction the Office's work to ensure that the ILO would assume the custodianship of some of the SDG indicators, he said that efforts should now be made to ensure that the methodology used enjoyed tripartite endorsement.

492. With regard to the Green Initiative, his group could in principle support the activities mentioned for the coming biennium. However, the ILO had more value to add in the area of employment and decent jobs. All activities needed to be taken from that angle to avoid duplication with other international organizations. Furthermore, the ILO should provide reliable, real-time, finely tuned, holistic and dynamic data on future skills in a green economy, as an immediate priority, and working with the Turin Centre.
493. Recalling that his group had called on the ILO to take a more holistic, ambitious and practical approach in respect of the Women at Work Initiative, he welcomed the steps suggested by the Office under that Initiative. He noted in particular the work done by ACT/EMP on women in business and management; a follow-up report on that issue would be instrumental to better understanding gender stereotypes. He supported the three angles suggested, namely research, consultations and advocacy, and called for greater support for the programmes offered by the Turin Centre on strengthening the managerial and training skills of women. The Initiative should be forward-looking and focus on future skills needs, demographic challenges, the role of women in the labour market, the increasing demand for flexible working arrangements and the importance of economic empowerment.
494. On the Future of Work Initiative, he said that discussions should focus less on traditional thinking and more on evidence and practical cases, with a view to demonstrating the relevance of the ILO for the next 100 years. Further work was needed in respect of future skills and the Turin Centre should be involved in the process. Particular attention should be given to the evolution of the employment relationship and practical lessons in the fight against informality. The Initiative was already being discussed in various forums at the national and international levels. Referring to the Global Commission, he said that commissioners would need to demonstrate ambition, encourage exchange on new realities, challenges and policies and not be trapped in old ways of thinking. While their autonomy to decide how they wanted to frame their contributions must be preserved, the final contribution must reflect the tripartite constituents' concerns and expectations. Continuous interaction between the tripartite constituents and the Commission was therefore essential. He supported the draft decision.
495. *The Worker spokesperson*, referring to the Enterprises Initiative, observed that the changes made to the fifth edition of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy had been much more substantial than in the past. The MNE Declaration should therefore be promoted as a truly innovative approach and framework for engagement through the various follow-up mechanisms. Reiterating the comments made by her group in March 2017, she stressed that engagement with enterprises should not be considered purely as an employer activity and that the added value of the ILO was to strengthen social dialogue in areas relevant to business and unions, and to build mature industrial relations in a specific company, sector or supply chain. Enterprises engaging with the ILO should have to make a commitment to promote decent work and engage with trade unions. Those points should be included in the work of the Enterprises Initiative and reflected in the progress report that would be submitted to the March 2019 session of the Governing Body.
496. In response to remarks made by the Employers' group, she said that as the MNE Declaration addressed the issue of wages, it was appropriate to have raised the issue of living wages in the submission to the G20. Furthermore, although some aspects of the programme of action

on decent work in global supply chains had initially been unsatisfactory, the document was no longer unbalanced. A lot of time had been spent with the Employers and the Office to improve it. She expressed concern at the persistent lack of trust on the part of the Employers and was not ready to reopen the debate again on the document. She hoped that ultimately the work on global supply chains would be fruitful.

497. On the End to Poverty Initiative, she welcomed the technical assistance provided to countries in respect of labour force surveys and the submission of data relating to SDG indicators. The added value of the ILO, namely international labour standards and tripartism, should be reflected in all activities relating to the implementation of the 2030 Agenda. The Office must train social partners to participate in national reviews of the SDGs, strengthen its input regarding compliance with international labour standards and launch an Alliance 8.8 on labour rights. She welcomed ILO participation in the Inter-agency and Expert Group on SDG indicators; the fact that it had been entrusted with a number of those indicators demonstrated its success in mainstreaming decent work in the SDGs.
498. The Workers welcomed the priorities outlined for the Green Initiative for the coming biennium, in particular the increased support provided to member States on just transition issues. A focus on promoting national social dialogue and involving the social partners in technical and policy debates was vital. Activities at the country level should be carried out in full consultation with the social partners and full use made of the 2015 ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. Consideration should be given to how existing ILO standards could be used in the just transition. A future standard on just transition would enhance ILO efforts and visibility in that area.
499. Her group also welcomed the choice of the Women at Work Initiative as the subject of the Director-General's Report to the 2018 session of the Conference, the launch in March 2018 of a major report on the care economy and the focus on gender wages and earning inequalities in the ILO *Global Wage Report for 2018–19*. It was also important to address the protection of women who faced multiple forms of discrimination. Welcoming the preparations for the discussion in 2018 on a new standard on violence against women and men in the world of work was a positive step; she said that the Workers were in favour of a Convention on that subject, supplemented by a Recommendation.
500. Her group endorsed the establishment of the Global Commission. In the lead-up to 2019, it would be important to ensure the engagement of constituents at the national level and to offer possibilities such as subregional and regional discussions involving sectoral perspectives. The Workers supported the draft decision.
501. *Speaking on behalf of ASPAG*, a Government representative of Australia welcomed the establishment of the Global Commission and looked forward to discussing the outcomes of its first meeting and to receiving regular updates through the Governing Body. ILO constituents should be engaged in the discussion and have the opportunity to shape the programme of work. The other Centenary Initiatives should receive equal prominence. It was not apparent that progress had been achieved on the Women at Work Initiative. Empowering women was critical for the ILO's future agenda, including at the regional level, and the Office should use the centenary to generate action-oriented activities to drive change for female workers. The Office should provide further information on the workplan to guide the development and vision of the initiatives leading up to the centenary, conduct further research into the initiatives, taking into account the different circumstances of countries, and disseminate the findings.
502. *Speaking on behalf of the Africa group*, a Government representative of Rwanda said that his group appreciated the efforts to evaluate the Social Justice Declaration and noted

progress made towards implementing the structural reforms of the Governing Body and the International Labour Conference. Discussions on the functioning of Regional Meetings should be held during the current Governing Body session. Steps taken to implement the Enterprises Initiative were welcome. With regard to the End to Poverty Initiative, more technical assistance should be provided to countries to help improve labour force surveys and better monitor implementation of the SDG indicators. His group supported the draft decision.

- 503.** *Speaking on behalf of IMEC*, a Government representative of Switzerland commented that the integration of the Centenary Initiatives into the strategic plan and the programme and budget would need to be sustained over time in order to influence future ILO activities. He noted with satisfaction that the Enterprises Initiative had permitted the ILO to step up cooperation with the private sector, and welcomed measures taken in the follow-up to the Conference discussion on decent work in global supply chains. He highlighted the importance of the ILO's involvement in partnerships to ensure the universality and impact of the 2030 Agenda, and of the ILO's objective of social justice and decent work, and requested further details on the actions proposed for the Women at Work Initiative. The Initiative should focus on family-friendly employment policies, labour legislation and community services. With regard to the Green Initiative, he underlined the need to support the capacity to undertake social dialogue to address the challenges of just transition. The Office should prepare an evaluation report with regard to the Centenary Initiatives for the November 2019 session of the Governing Body.
- 504.** *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Montenegro, Serbia, Albania, Bosnia and Herzegovina, and the Republic of Moldova aligned themselves with the statement. Noting that the Future of Work Initiative was the most critical initiative, she stressed the need for the Global Commission to be as transparent as possible and for all constituents to be kept informed about the process and results of its work. She therefore welcomed the establishment of an online platform to report on the Commission's work. However, more clarity was needed on the process and time frame. She supported the future activities under the Women at Work Initiative, and looked forward to the Director-General's Report to the 2018 session of the Conference. With regard to the Enterprises Initiative, she welcomed the development of different networks to engage the private sector, and supported the ILO's joint work with the OECD on responsible supply chains in Asia. She was satisfied that the End to Poverty Initiative supported the ILO's contribution to the implementation of the 2030 Agenda, and stressed the role of the work undertaken on SDG indicators and preparations for the 20th International Conference of Labour Statisticians in 2018. Regarding the Green Initiative, she welcomed the preparations for the entry into force of the Paris Agreement and encouraged the ILO to develop further partnerships in that area.
- 505.** *A Government representative of Germany* noted that the Future of Work Initiative was central to all the Centenary Initiatives. When addressing the wide variety of aspects subsumed within it, it would be essential to balance the different challenges and common interests of countries and constituents. The online platform would contribute significantly to building the vital bridge between the Global Commission and constituents. It was, however, crucial to integrate the outcomes of processes within the ILO, the UN and other bodies into the various subjects in the ILO's work. The Declaration of Philadelphia was an ideal prism for looking at all aspects of the future of work and providing guidance regarding the format and outcome of the 2019 session of the International Labour Conference. The Centenary Initiatives were an important step in the right direction.
- 506.** *A Government representative of Italy* emphasized the importance of a proactive approach to the challenges of a rapidly evolving labour market. Referring to the Future of Work Initiative, he said that achieving the ideals of a future world of work and the SDGs were

inextricably interlinked. He welcomed the outreach activities envisaged for the Global Commission, such as its online platform. As skills enhancement, active labour policies and training activities played a central role in moving towards the future of work, more public and private funding should be secured for the Turin Centre.

- 507.** *A Government representative of Argentina* said that holding national dialogues was fundamental to the process of defining the role of the ILO in the future of work. It was vital to strengthen the engagement of the tripartite constituents in the Global Commission. She supported the draft decision.
- 508.** *A Government representative of France* said that, for the ILO to embrace opportunities and face challenges, the Organization must refer to the Declaration of Philadelphia. Her Government supported the adoption by the ILO of an instrument that offered constituents guidance on the implementation of the fundamental principles of the Declaration while addressing major changes currently taking place in the world of work. The true challenge facing the ILO as it approached its centenary was to demonstrate that it was willing and able to put the message of the Declaration of Philadelphia firmly into practice.
- 509.** *A Government representative of India*, noting the progress made under the End to Poverty Initiative, said that poverty alleviation remained India's prime goal. He welcomed the ILO's new partnerships and proposed activities under the Initiative, but advised it to be cautious in its alliances and to ensure that methodology and database issues were well established and that wide consultations were held with national governments and the social partners. Compliance with the SDGs had to be nationally driven and indicators nationally determined and reviewed. With regard to the Green Initiative, the ILO must intensify its research into identifying sectors that would be most adversely affected, and should provide technical assistance to countries carrying out research. The Enterprises Initiative should take into account new challenges such as new forms of employment leading to enterprises distancing themselves from skills development. The role of the private sector in employment generation should also be taken into account. As for the Women at Work Initiative, while it was imperative to identify sectors that were more favourable to the employment of women, it was also important to promote a gender-neutral employment market and to address the larger concentration of women in the informal economy.
- 510.** *A Government representative of Australia* said that she welcomed the focus on the significance of governance and supervisory reforms in the Centenary Initiatives. The ILO and other organizations in the United Nations system should make gender issues a permanent priority and gender awareness should be incorporated into all aspects of their work. The ILO must seize the centenary as an opportunity to demonstrate leadership on many issues that would result in real and tangible improvements for women at work worldwide.
- 511.** *A Government representative of Sweden* said that her Government had consulted international and national trade unions and employers' organizations, the most representative employers' organizations in Sweden and the relevant social partners on the Global Deal, as had previously been accepted by the Employers' group. In that regard, she referred the Employer representative to the information contained in the first sentence of paragraph 128 of document GB.328/PV. She looked forward to further engagement with the social partners at the international and national levels.
- 512.** *The Director-General* noted that the strong interest and support expressed for the seven Centenary Initiatives in the Governing Body indicated the importance of progress in those areas for the ILO up to and beyond its centenary. They had been satisfactorily integrated into the Office's programming mechanisms and the Office would pay due attention to the deep interlinkages between them. The Office was working hard to comply with the procedural modalities for implementing the Enterprises Initiative and would address any issues brought

to its attention in that regard. The Enterprises Initiative had been designed in response to criticism that the ILO failed to interact sufficiently with individual enterprises, but there was no question of enterprises becoming a fourth constituent of the ILO, or in any way impinging upon the mandate of the Employers' group. The boost given to the visibility and importance of the Green Initiative by the conclusion of the Paris Agreement showed that the Governing Body had been wise to make a just transition to environmental sustainability a cross-cutting policy driver in the programme and budget for the upcoming biennium. Similarly, the alignment of the programme and budget with the delivery of the 2030 Agenda placed the ILO's End to Poverty Initiative at the centre of efforts to that end. The Workers could rest assured that the Office was striving to secure real tripartite involvement in the delivery of the Agenda at the national level.

- 513.** The Office would concentrate on giving each of the Initiatives an integral identity while extracting maximum value from the interactional linkages between them, and his report to the 2018 International Labour Conference would focus on how to do so with regard to the Women at Work Initiative. The ILO's alliances and partnerships furthered issues which were among the Organization's priorities, in accordance with the instruction and the views of the Governing Body, and hence there was no danger of it straying into areas of which the Governing Body would disapprove. The Global Commission had devoted considerable time at its first meeting to the subject of outreach and had decided that an interactive online platform should be put in place to enable communication between the member States and the Global Commission, as well as that outreach should be conducted regarding other actors, and in particular other international and regional organizations. Guidance concerning the design, format and outcome of the 2019 International Labour Conference would be welcome, in particular with regard to the Future of Work Initiative. The Office had established an in-house task force to service the Global Commission and another to plan the centenary year. Although the Conference would be the high point, the Office wished to engage with member States with regard to possible activities to be carried out at the national level and at headquarters throughout 2019. The ILO staff were fully aware of the role they were called upon to undertake and performed their duties in a spirit of responsibility and objectivity.
- 514.** *The Chairperson* said that, at the first meeting of the Global Commission, its ex officio members had stressed the importance of linkage with the Governing Body and with the constituents.
- 515.** *The Employer spokesperson* thanked the Director-General for his clarity and reassurance with regard to the Office's interaction with enterprises. He said that the Employers had not been consulted by the Government of Sweden on the Global Deal. The term "cost of living", as employed in Article 3(a) of the Minimum Wage Fixing Convention, 1970 (No. 131), could by no means be equated with a living wage; an issue on which no agreement had been reached. Indeed, the MNE Declaration, like the Convention, referred to the "cost of living" and not to a living wage. It was important to make certain that there was coherence between the MNE Declaration, ILO activities and the UN Guiding Principles on Business and Human Rights.
- 516.** *The Worker spokesperson* said that the question of a living wage was currently being debated throughout the world of work and could legitimately be addressed by the ILO in the context of the G20. She asked the Office to confirm that the Declaration of Philadelphia referred to that notion. A wage that covered, among other things, the cost of living, was surely one on which a worker could live. Lastly, the follow-up to the global supply chain debate was of great importance and all the parties concerned should adopt a positive approach to it.
- 517.** *The Director-General* said that reference in the Preamble to the ILO Constitution "the provision of an adequate living wage" had given the Office grounds to employ that term in

a report on living wages submitted to the G20 at the express request of the Government of Germany.

Decision

518. *The Governing Body requested the Director-General:*

- (a) to take account of its guidance with regard to the Centenary Initiatives, and to facilitate the strong involvement of constituents in their implementation;*
- (b) to submit a report on progress at its 334th Session (October–November 2018).*

(GB.331/INS/18/1, paragraph 26.)

Second Supplementary Report: Follow-up to Governing Body decisions ([GB.331/INS/18/2](#))

519. *The Employer Vice-Chairperson* said that his group supported the draft decision.

520. *Speaking on behalf of IMEC*, a Government representative of Ireland said that his group attached great importance to the report under consideration and welcomed the adjustments made in response to the decision taken at the 323rd Session (March 2015). Shortening the reporting periods had made the document far more readable and showed more clearly what follow-up had been given or was envisaged on Governing Body decisions. The report should continue to be concise and concentrate on providing a clear update on the implementation status of decisions. It had been wise to retain the standing agenda items that were either reported on annually or on a regular basis. The current format provided accountability regarding follow-up actions and provided the Governing Body with the necessary assurance that decisions were being implemented efficiently. His group supported the draft decision.

Decision

521. *The Governing Body requested the Office to prepare, for its 334th Session (November 2018), a supplementary report on the follow-up to the decisions adopted since November 2016.*

(GB.331/INS/18/2, paragraph 5.)

Third Supplementary Report: Documents submitted for information only ([GB.331/INS/18/3](#))

Decision

522. *The Governing Body took note of the information contained in the documents listed in the appendix to document GB.331/INS/18/3.*

(GB.331/INS/18/3, paragraph 4.)

Fourth Supplementary Report: Appointment of a Deputy Director-General and an Assistant Director-General (GB.331/INS/18/4)

Decision

523. The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Moussa Oumarou as Deputy Director-General for Field Operations and Partnerships, with effect from 1 January 2018, and Ms Cynthia Samuel-Olonjuwon as Regional Director for Africa at the Assistant Director-General level, with effect from 10 November 2017. Mr Oumarou and Ms Samuel-Olonjuwon made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.

(GB.331/INS/18/4, paragraph 4.)

Nineteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Representation alleging non-observance by Peru of the Minimum Wage Fixing Machinery Convention, 1928 (No. 26), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Labour Relations (Public Service) Convention, 1978 (No. 151), made under article 24 of the ILO Constitution by the Union of Workers of the Social Health Insurance Scheme (CUT-EsSalud)
(GB.331/INS/19/1)

(The Governing Body considered this report in its private sitting.)

Decision

524. In the light of the information presented in the report contained in document GB.331/INS/19/1, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.331/INS/19/1, paragraph 5.)

**Second report: Representation alleging non-observance by Romania of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Federation of Trade Unions of Romanian Pathologists (FSMAPR)
(GB.331/INS/19/2)**

(The Governing Body considered this report in its private sitting.)

Decision

525. *In the light of the information presented in the report contained in document GB.331/INS/19/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.*

(GB.331/INS/19/2, paragraph 5.)

Twentieth item on the agenda

Programme, composition and agenda of standing bodies and meetings ([GB.331/INS/20](#))

Decisions

Committee of Experts on the Application of Conventions and Recommendations

Reappointments

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

- *Mr Shinichi Ago (Japan);***
- *Ms Lia Athanassiou (Greece);***
- *Mr Lelio Bentes Corrêa (Brazil);***
- *Mr Rachid Filali Meknassi (Morocco);***
- *Mr Abdul Koroma (Sierra Leone);***

- *Mr Vitit Muntarbhorn (Thailand);*
- *Mr Paul-Gérard Pougoué (Cameroon);*
- *Ms Deborah Thomas-Felix (Trinidad and Tobago);*
- *Mr Bernd Waas (Germany).*

(GB.331/INS/20, paragraph 1.)

Meeting of Experts in Preparation for the 20th International Conference of Labour Statisticians

(Geneva, 5–9 February 2018)

527. The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the following international non-governmental organizations to be represented at the meeting as observers:

- *International Organisation of Industrial, Artisanal and Service Producers' Cooperatives (CICOPA);*
- *Women in Informal Employment Globalizing and Organizing (WIEGO).*

(GB.331/INS/20, paragraph 5.)

Meeting of Experts to adopt Guidelines on Social Dialogue in Public Emergency Services

(Geneva, 16–20 April 2018)

528. The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the following international non-governmental organizations to be represented at the meeting as observers:

- *African Training and Research Centre in Administration for Development (CAFRAD);*
- *Asian Association for Public Administration (AAPA);*
- *Association of Labour Relations Agencies (ALRA);*
- *Cooperative for Assistance and Relief Everywhere (CARE);*
- *Council of European Municipalities and Regions (CEMR);*
- *European Public Administration Employers (EUPAE);*
- *European Public Administration Network (EUPAN);*
- *European Public Service Union (EPSU);*

- *Global Network of Civil Society Organisations for Disaster Reduction (GNDR);*
- *International Federation of Red Cross and Red Crescent Societies (IFRC);*
- *Latin American State Workers' Confederation (CLATE);*
- *Médecins Sans Frontières (MSF);*
- *Public Services International (PSI);*
- *Save the Children International;*
- *Trade Unions' National and European Administration Delegation (TUNED);*
- *United Cities and Local Governments (UCLG);*
- *World Vision International;*
- *World Wildlife Fund (WWF).*

(GB.331/INS/20, paragraph 9.)

**Programme of meetings for the remainder
of 2017 as well as for 2018 and 2019
and advance information for 2020**

529. *The Governing Body took note of the Programme of meetings set out in Part II of document GB.331/INS/20, as approved by its Officers, subject to decisions yet to be adopted, as described in the footnotes.*

(GB.331/INS/20, paragraph 10.)