



Governing Body

333rd Session, Geneva, 9 June 2018

GB.333

Decisions adopted by the Governing Body at its 333rd Session (June 2018) and outcomes of the discussions

Institutional Section

1. Election of the Officers of the Governing Body for 2018–19 (GB.333/INS/1)

The Governing Body elected Mr Claudio Julio de la Puente Ribeyro, Ambassador, Permanent Representative of Peru to the United Nations Office and other international organizations in Geneva, to the post of Chairperson of the Governing Body of the ILO for the 2018–19 period.

The Governing Body re-elected Mr Mthunzi Mdwaba (Employer, South Africa) as Employer Vice-Chairperson of the Governing Body, and elected Ms Catelene Passchier (Worker, Netherlands) as Worker Vice-Chairperson of the Governing Body, for the 2018–19 period.

(GB.333/INS/1, paragraph 3.)

2. Approval of the minutes of the 332nd Session of the Governing Body (GB.333/INS/2)

The Governing Body approved the minutes of its 332nd Session, as amended.

(GB.333/INS/2, paragraph 2.)

4. 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 (GB.333/INS/4(Rev.))

Information on progress achieved

In view of the information communicated by the Government and the trade unions of Guatemala and the short period of time elapsed since the 332nd Session of the Governing Body (March 2018), and taking note, on the one hand, of the considerable progress achieved, in particular in the establishment and functioning of the National Tripartite Committee on Labour Relations and Freedom of Association and, on the other hand, of the areas of the roadmap that still require urgent attention, on the recommendation of its Officers, the Governing Body:

- (a) acknowledged the progress reached and urged the Government and the Guatemalan social partners, with the support of the International Organisation of Employers and the International Trade Union Confederation, and the technical assistance of the Office and of its representative in Guatemala, to continue the ongoing discussions with a view to submitting to the National Congress for approval a legislative proposal in full compliance with point 5 of the roadmap;
- (b) urged the Government, together with the Guatemalan social partners, and with the technical assistance of the Office and of its representative in Guatemala, to continue to devote all the efforts and resources necessary to achieve the complete implementation of the other aspects of the national agreement aimed at settling the unresolved matters in the complaint and the roadmap;
- (c) requested the Office to develop a comprehensive technical assistance programme to support the National Tripartite Committee on Labour Relations and Freedom of Association and help settle the unresolved matters;
- (d) welcomed the agreement for a tripartite mission to observe progress and make recommendations with a view to ensuring that the commitment included in the roadmap, particularly the amendments to the Labour Code, are taken into consideration in accordance with the national tripartite agreement reached in November 2017;
- (e) encouraged the international community to contribute to the abovementioned technical assistance programme by providing the necessary resources; and
- (f) trusts that the required progress in all the areas above will allow closure at its 334th Session (October–November 2018) of the procedure initiated under article 26 of the ILO Constitution.

(GB.333/INS/4(Rev.), paragraph 38.)

Financial implications

The Governing Body decided that the cost of the tripartite mission, estimated at US\$32,000, 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, in

Part II. Should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.

5. Revised proposed form for reports to be requested under article 19 of the ILO Constitution in 2019
(GB.333/INS/5(Rev.))

The Governing Body:

- (a) requested governments to submit reports for 2019, under article 19 of the Constitution, on the instruments listed in paragraph 3 of document GB.332/LILS/3; and
- (b) approved the report form concerning those instruments set out in the appendix to document GB.333/INS/5(Rev.).

(GB.333/INS/5(Rev.), paragraph 2.)

6. Reports of the Committee on Freedom of Association

384th Report of the Committee on Freedom of Association
(GB.333/INS/6/1)

The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–63, and adopted the recommendations made in paragraphs: 98 (Cases Nos 3078 and 3220: Argentina); 128 (Case No. 3229: Argentina); 145 (Case No. 3203: Bangladesh); 169 (Case No. 3263: Bangladesh); 188 (Case No. 3276: Cabo Verde); 210 (Case No. 3214: Chile); 232 (Case No. 3144: Colombia); 249 (Case No. 3067: Democratic Republic of the Congo); 285 (Case No. 3227: Republic of Korea); 329 (Case No. 3262: Republic of Korea); 345 (Case No. 3094: Guatemala); 361 (Case No. 3152: Honduras); 387 (Case No. 3202: Liberia); 408 (Case No. 3205: Mexico); 435 (Case No. 3244: Nepal); 454 (Case No. 3168: Peru); 472 (Case No. 3174: Peru); 493 (Case No. 3204: Peru); 526 (Case No. 3209: Senegal); 547 (Case No. 3240: Tunisia); 564 (Case No. 3016: Bolivarian Republic of Venezuela); and 574 (Case No. 3187: Bolivarian Republic of Venezuela), and adopted the 384th Report of its Committee on Freedom of Association as a whole.

(GB.333/INS/6/1.)

Presentation of the Committee on Freedom of Association 2017 – Annual report
(GB.333/INS/6/1(Add.))

The Governing Body took note of the first annual report of the Committee on Freedom of Association.

(GB.333/INS/6/1(Add.), paragraph 4.)

Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry
(GB.333/INS/6/2)

The Governing Body adopted the recommendations of the Committee on Freedom of Association contained in paragraph 20 of the Report, and adopted the 385th Report of the Committee in its entirety.

(GB.333/INS/6/2.)

386th Report of the Committee on Freedom of Association
(GB.333/INS/6/3)

The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–68, and adopted the recommendations made in paragraphs: 85 (Case No. 3269: Afghanistan); 120 (Case No. 3210: Algeria); 133 (Case No. 3219: Brazil); 148 (Case No. 3273: Brazil); 159 (Case No. 3183: Burundi); 213 (Case No. 3237: Republic of Korea); 242 (Case No. 3271: Cuba); 259 (Case No. 3194: El Salvador); 270 (Case No. 3255: El Salvador); 296 (Case No. 3256: El Salvador); 314 (Case No. 2445: Guatemala); 340 (Case No. 3188: Guatemala); 352 (Case No. 3249: Haiti); 378 (Case No. 3268: Honduras); 423 (Cases Nos 2177 and 2183: Japan); 474 (Case No. 3283: Kazakhstan); 489 (Case No. 3226: Mexico); 501 (Case No. 3235: Mexico); 513 (Case No. 2902: Pakistan); 530 (Case No. 3289: Pakistan); 552 (Case No. 3127: Paraguay); and 588 (Case No. 3242: Paraguay), and adopted the 386th Report of its Committee on Freedom of Association as a whole.

(GB.333/INS/6/3.)

7. Report of the Director-General

First Supplementary Report: Composition of the Commission of Inquiry appointed to consider the 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), made under article 26 of the ILO Constitution by several delegates to the 104th Session (2015) of the International Labour Conference
(GB.333/INS/7/1)

The Governing Body appointed the persons listed in paragraph 2 of document GB.333/INS/7/1 to serve on the Commission of Inquiry.

(GB.333/INS/7/1, paragraph 3.)

**Second Supplementary Report: Process
for the preparation of the Programme
and Budget for 2020–21**
(GB.333/INS/7/2)

The Governing Body approved the process for preparing the Programme and Budget for 2020–21 as set out in paragraphs 6–10 of document GB.333/INS/7/2.

(GB.333/INS/7/2, paragraph 11.)

**Third Supplementary Report: Composition of the
Committee on Freedom of Association**
(GB.333/INS/7/3)

The Governing Body appointed Ms Amanda Brown (United Kingdom), Worker deputy member of the Governing Body, and Mr Richard Wagstaff (New Zealand) as Worker regular members of the Committee on Freedom of Association for the remainder of the period of office of the Governing Body for 2017–20, in replacement of Mr Kelly Ross (United States) and Ms Ged Kearney (Australia), respectively.

(GB.333/INS/7/3, paragraph 3, as amended by the Governing Body.)

8. Reports of the Officers of the Governing Body

**First report: Follow-up to the representation
alleging non-observance by Chile of the
Promotional Framework for Occupational Safety
and Health Convention, 2006 (No. 187), made
under article 24 of the ILO Constitution by the
College of Teachers of Chile AG**
(GB.333/INS/8/1)

In the light of the information presented in document GB.333/INS/8/1, and taking into consideration the recommendation of its Officers, the Governing Body decided to:

- (a) postpone once again the appointment of the committee charged with examining the new representation pending further examination by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) of the follow-up given to the recommendations previously adopted by the Governing Body;
- (b) invite the CEACR to examine at its 2019 session the application by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); and
- (c) invite the Government of Chile to provide the CEACR with further information on the issues raised in document GB.333/INS/8/1 with regard to the application of Convention No. 187, to be examined by the CEACR at its 90th Session (November–December 2019).

(GB.333/INS/8/1, paragraph 7.)

Second report: Representation alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Nepal Telecom Employees' Union (NTEU)
(GB.333/INS/8/2)

In the light of the information contained in document GB.333/INS/8/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.333/INS/8/2, paragraph 7.)

Third report: Representation alleging non-observance by Colombia of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the General Confederation of Labour (CGT), the Confederation of Workers of Colombia (CTC), the Single Confederation of Workers of Colombia (CUT) and the National Association of Ecopetrol Retirees (ANPE2010)
(GB.333/INS/8/3)

In the light of the information contained in document GB.333/INS/8/3, and on the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was receivable;
- (b) taking into account that the allegations submitted by the complainant organizations were being examined by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and that the Government had been requested to send a report in 2018 on this matter, to transmit the communication sent under article 24 to the CEACR for the full examination of these allegations during its 2018 session; and
- (c) to resume its consideration of the matter based on the outcome of the CEACR's examination.

(GB.333/INS/8/3, paragraph 6.)

Fourth report: Representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Action Workers' Union Confederation (Aksiyon Is)
(GB.333/INS/8/4)

In the light of the information contained in document GB.333/INS/8/4, and taking into consideration the recommendation of its Officers, the Governing Body decided that:

- (a) the representation is receivable; and
- (b) it should be examined in conformity with the decision to be made at its 334th Session (October–November 2018) regarding the operation of the article 24 procedure in the context of its consideration of the agenda item “Standards Initiative: Implementing the workplan for strengthening the supervisory system”.

(GB.333/INS/8/4, paragraph 7.)

Fifth report: Appointment of the Chairperson of the Committee on Freedom of Association (GB.333/INS/8/5)

On the recommendation of its Officers, the Governing Body appointed Professor Evance Rabban Kalula as Chairperson of the Committee on Freedom of Association, until the expiry in June 2020 of the term of office of the current Governing Body.

(GB.333/INS/8/5, paragraph 4.)

9. Programme, composition and agenda of standing bodies and meetings (GB.333/INS/9)

Meeting on cross-border social dialogue (Geneva, first quarter of 2019)

The Governing Body approved the holding of the meeting in the first quarter of 2019 with the agenda proposed in paragraph 4 of document GB.333/INS/9 and deferred to its 334th Session (October–November 2018) the decision on its composition.

(GB.333/INS/9, paragraph 7, as amended by the Governing Body.)

19th American Regional Meeting (Panama City, Panama, 2–5 October 2018)

The Governing Body, on the recommendation of its Officers, invited France, the Netherlands and the United Kingdom to be represented by a delegation of observers at the 19th American Regional Meeting.

(GB.333/INS/9, paragraph 9.)

Proposed invitations of intergovernmental organizations and international non-governmental organizations to official meetings

The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the organizations mentioned in paragraph 11 of document GB.333/INS/9 to be represented at the meetings listed therein as observers.

(GB.333/INS/9, paragraph 12).

***Programme of meetings for 2018–19
and advance information for 2020***

The Governing Body took note of the programme of meetings set out in Part II of document GB.333/INS/9, as approved by the Officers of the Governing Body.

(GB.333/INS/9, paragraph 13.)