INTERNATIONAL LABOUR OFFICE

Governing Body

334th Session, Geneva, 25 October–8 November 2018

GB.334/PV

Minutes of the 334th Session of the Governing Body of the International Labour Office

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The 334th Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 25 October to Thursday, 8 November presided over by Mr Claudio Julio de la Puente Ribeyro (Government, Peru) as Chairperson.

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Institutional Section

1. The Institutional Section met on Monday, 29 October, Thursday, 1 November and Friday, 2 November, and from Monday, 5 November to Thursday, 8 November 2018. The Chairperson of the Governing Body, H.E. Mr C.J. de la Puente Ribeyro (Government, Peru), 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 3.1 "Matters arising out of the work of the 107th Session (2018) of the International Labour Conference: Follow-up to the resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals", where Ms J. Mugo was spokesperson; item 3.2, "Matters arising out of the work of the 107th Session (2018) of the International Labour Conference: Follow-up to the resolution concerning the second recurrent discussion on social dialogue and tripartism", where Ms R. Hornung-Draus was spokesperson; item 6, "Report of the Tenth European Regional Meeting (Istanbul, 2–5 October 2017)", where Mr H. Munthe was spokesperson; item 10, "Reports of the Committee on Freedom of Association", where Mr A. Echavarría was spokesperson; item 11, "Report of the Board of the International Training Centre of the ILO, Turin", where Mr H. Kyriazis was spokesperson; item 12, "Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference" where Mr S. Barklamb was spokesperson; and item 13.2, "Report of the Director-General: Second Supplementary Report: Composition of the Governing Body – Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO", where Mr V. Gill was the spokesperson. Ms C. Passchier (Netherlands) spoke for the Workers, except in respect of item 3.1, where Mr L. Cortebeeck was spokesperson; item 3.2, where Mr P. Dimitrov was spokesperson; item 10 where Mr J.E. Ohrt was spokesperson; and item 11, where Ms S. Cappuccio was spokesperson.

2. The following Governing Body members chaired the remaining Sections and Segments of the 334th Session:

Policy Development Section

Employment and Social Protection Segment
(Wednesday, 31 October 2018)

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

Employer spokespersons:

Item 1, "Follow-up discussion on the voluntary peer-review mechanisms of national employment policies": Mr B. Matthey

Item 2, "Follow-up to the Strategy for indigenous peoples' rights for inclusive and sustainable development": Mr M. Teran

Worker spokespersons:

Item 1: Mr P. Dimitrov

Item 2: Ms R. Flerez Gonzalez

Social Dialogue Segment
(Wednesday, 31 October 2018)

Chairperson: H.E. Mr M. Gaffey (Ireland)

Employer spokesperson: Mr A. Tan

Worker spokesperson: Mr B. Thibault

Development Cooperation Segment
(Wednesday, 31 October 2018)

Chairperson: H.E. Mr C.J. de la Puente Ribeyro (Government, Peru).

Item 4, "Enhanced programme of development cooperation for the occupied Arab territories": Mr P. Bigirimana (Uganda)

Item 5, "An integrated ILO strategy to address decent work deficits in the tobacco sector": H.E. Mr C.J. de la Puente Ribeyro (Peru)

Employer spokesperson: Ms J. Mugo

Worker spokespersons:

Item 4: Mr B. Ntshanlintshali

Item 5: Ms C. Passchier

Legal Issues and International Labour Standards Section

Legal Issues Segment
(Thursday, 1 November 2018)

Chairperson: Mr G. Corres (Argentina)

Employer spokesperson: Mr H. Diop

Worker spokesperson: Ms C. Passchier

International Labour Standards and Human Rights Segment
(Thursday, 1 November 2018)

Chairperson: Mr G. Corres (Argentina)

Employer spokespersons:

Item 2, "Report of the third meeting of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (Geneva, 23–27 April 2018)": Mr H. Matsui

Item 3, "The Standards Initiative: Report of the fourth meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 14–21 September 2018)": Mr A. Echavarría

Item 4, "Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d) of the ILO Constitution in 2020": Mr F. Yllanes

Worker spokespersons:

Item 2: Ms. M. Liew Kiah Eng

Item 3: Ms. C. Passchier

Item 4: Ms A. Brown

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment
(Monday, 29 October – Tuesday, 30 October 2018)

Chairperson: H.E. Mr C.J. de la Puente Ribeyro (Government, Peru)

Employer spokespersons:

Item 1, "Preliminary overview of the Programme and Budget proposals for 2020–21": Mr M. Mdwaba

Item 2, "Update on the headquarters building renovation project"; item 3, "Progress report on the implementation of the Information Technology Strategy 2018–21"; and item 4, "Other financial questions": Mr J.M. Lacasa Aso

Worker spokesperson: Ms C. Menne

Audit and Oversight Segment
(Tuesday, 30 October 2018)

Chairperson: H.E. Mr C.J. de la Puente Ribeyro (Government, Peru)

Employer spokespersons:

Item 5, "Independent Oversight Advisory Committee: Appointments"; item 8, "Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU"; and item 9, "Appointment of the External Auditor": Mr J.M. Lacasa Aso

Item 6, "Annual Evaluation Report 2017–18"; and item 7, "High-level evaluations of strategies and Decent Work Country Programmes": Mr K. Ghariani

Worker spokesperson: Ms C. Menne

Personnel Segment
(Tuesday, 30 October 2018)

Chairperson: H.E. Mr C.J. de la Puente Ribeyro (Government, Peru)

Employer spokespersons:

Item 11, "Amendments to the Staff Regulations"; and item 12, "Matters relating to the Administrative Tribunal of the ILO: Proposed amendments to the Statute of the Tribunal; Withdrawal of the Tribunal's jurisdiction by the Technical Centre for Agricultural and Rural Cooperation; and Status of the judges of the Administrative Tribunal": Mr B. Matthey

Item 13, “Other personnel questions: Update on matters relating to the review of the post adjustment system by the International Civil Service Commission (ICSC), and the implementation of the revised post adjustment index for Geneva”: Mr O. Oshinowo

Worker spokesperson: Ms C. Menne

Working Party on the Functioning of the Governing Body and the International Labour Conference
(Monday, 5 November 2018)

Chairperson: H.E. Mr C.J. de la Puente Ribeyro (Peru)

Employer spokespersons:

Item 1, “Functioning of the International Labour Conference: Analysis of the 107th Session (2018)”: Mr S. Barklamb

Item 2, “Comprehensive review of the Standing Orders of the Conference: Progress report of the inter-sessional consultations”: Mr M. Mdwaba

Item 3, “Revised Introductory Note to the Rules for Regional Meetings”: Ms R. Hornung-Draus

Worker spokesperson: Ms C. Passchier

Committee on Freedom of Association
(Thursday, 25 and Friday, 26 October 2018)

Chairperson: Mr E.R. Kalula (Zambia)

Employer Vice-Chairperson: Mr A. Echavarría

Worker Vice-Chairperson: Mr Y. Veyrier [1]

Opening remarks

3. *The Director-General* began by highlighting the importance of the 334th Session – the last one before the ILO Centenary year – and the responsibility of Governing Body members to assure the governance of the Organization, as it moved into its second century. In light of those circumstances, he said there was a need to reflect upon the current and future work of the ILO, for three key reasons. First, in response to the increasingly fast-paced and profound changes in the world of work on a global scale, the ILO has put the future of work at the heart of its Centenary Initiatives. In that connection, the Governing Body would be asked to determine the structure and working methods of the Centenary Conference in June 2019, and to consider the possibility of a Centenary Declaration as an outcome of the Conference. The Global Commission on the Future of Work (hereinafter Global Commission) would launch its report in Geneva on 22 January 2019, which would be transmitted to the Conference for discussion in plenary. A reduced technical agenda was being proposed for the Conference, so as to focus on issues of relevance to the Centenary, such as the future of work, while still addressing the Conference’s crucial mandate on standards, finance, and violence and harassment at work. The Conference should have concrete and important consequences for member States and for the ILO itself. Accordingly, as already agreed, the Programme and Budget for 2020–21 would not be adopted until November 2019, with a

[1] Substituting Ms C. Passchier.

view to incorporating the outcome of the Conference discussion on the future of work. Nevertheless, the Governing Body would examine a preliminary overview of the Director-General's proposals, and provide guidance on shaping a programme and budget with a view to ensuring that the future of work we want also shapes the future ILO.

4. Second, it was important to reflect upon the work of the ILO in the context of the current pressures on multilateralism, with its efficacy, legitimacy and relevance being called into question. At the same time, a far-reaching process of reform was under way in the United Nations (UN). In light of the challenges confronting both the ILO and the multilateral system, success of the UN reform was in the interest of all. The report on the reform submitted to the Governing Body contained two key messages: firstly, that the ILO had to ensure that its specific mandate and nature were acknowledged and maintained as the UN reform strived for greater cohesion and efficiency, a message which guided all ILO contributions to UN processes. He encouraged governments to echo it in all relevant UN arenas. Secondly, he stressed that despite the possible challenges of the UN reform, the ILO had to take its proper place within the reformed system, as it could not successfully operate outside it. Thus, the discussions on UN reform at the 334th Session would be important in shaping the reform process and placing the decent work agenda as a central component within it. Tripartism and standards should constitute key factors of added value in the reform system. In that regard, it was a great asset that the 2030 Agenda for Sustainable Development (hereinafter 2030 Agenda) well reflected ILO goals.

5. Last, it was important to be mindful of the prevailing economic, political and social environment which were in many regards inimical to the success of multilateral cooperation and tripartism. In order to respond effectively, and for the tripartite endeavour to advance social justice it was necessary to embrace diversity and promote a willingness to listen, understand, and to seek consensus and compromise. He referred to a number of agenda items (decent work in the tobacco sector, the supervisory system and the complaint against Guatemala) which had been comprehensively discussed, and on which there was very broad agreement on the objectives to be pursued. It was time to turn those discussions into consensual decisions, which would require a shared and dedicated application of tripartite political will. To close, the Director-General observed that the 334th Session of the Governing Body could propel the Organization towards its Centenary with momentum and optimism about what could be achieved, together with an understanding of its responsibilities.

6. *The Worker Vice-Chairperson* said that while her group had certainly observed the changes in the world of work, they regretted the lack of change in other areas. Despite the progress achieved, much remained to be done with respect to improving the dire living and working conditions of workers and their families, and the trade unions which were under pressure or prosecution. For all those workers, the ILO was a beacon of hope. With many parts of the world in turmoil, the Organization's message of social justice and social dialogue, at the heart of sustainable development, was as relevant today as it had been in the aftermath of the First World War. She urged Governing Body members to listen to each other and reach compromise, thus demonstrating that tripartism could deliver positive results. She emphasized that the Workers' group was willing to seek compromise with the other two groups.

7. *The Employer Vice-Chairperson* said that, during the March session, some pending points for decision had not been resolved because the discussions had conflicted with structural problems concerning the way in which the Governing Body operated that needed to be confronted as soon as possible. He cited the first problem as the growing number of decisions taken outside the Organization and imposed upon it. In some cases, it had been claimed that many ILO Members had supported such decisions and even committed to their implementation within the ILO. Thus he called for introspection, pointing out that the most divisive and toughest decisions had not arisen from within the ILO but from other entities

within the UN system, such as the International Civil Service Commission (ICSC), the Framework Convention on Tobacco Control (FCTC) and the UN reform.

8. In order for the Organization to operate effectively, its unique tripartite nature, as well as the opinion and autonomy of its constituents, must be fully respected and preserved. While the Employers' group understood, respected and supported greater unity within the UN family as it would reduce inefficiency, diversity was also critical for strength. Binding obligations originating externally should not be imposed upon ILO constituents. He therefore requested that the Office defend the values of the Organization and be clear, courageous and strategic in making clear to other agency leaders that the ILO had its own unique processes, constituents and governance who may not second the decisions of other organizations.

9. The second problem he cited was related to good governance. The Office needed to leave policy decision-making to the constituents; exercise impartiality and neutrality when presenting facts, options and possibilities; and avoid predetermining discussions or seeking to manage constituents. Such criteria also applied to the research work of the Office. He stated that the agreements made last November to implement a proper governance process which would involve constituents in research programmes and activities, had not been respected by the ILO and considered that the Organization's research needed to be more balanced. He cited two recent examples. The first was an ILO press release regarding the World Bank's *World Development Report 2019*, and the second was a survey by the Research Department on digital labour platforms and the future of work. In the first case, it was not clear to whom the "ILO" referred nor who had been consulted and that the Office had pre-empted future discussions. The second was one-sided having ignored the opinion of the Employers. In that respect, he called for tripartite consultations and good governance to be restored and for the point to be discussed at the next Governing Body session.

10. With regard to service to constituents by the ILO and leadership within it, the Employer Vice-Chairperson felt that the ILO failed to recruit managers with an employer background who could understand and respond to employers' needs. That needed to be addressed in order to assure the credibility and strength of the ILO. He called for improved tripartism, increased consultation and better social dialogue and reiterated the need to preserve ILO values, principles and tripartite governance, so as to enable the Organization to build on the next 100 years as a strong leader within the common system and providing it with a people-centred compass.

First item on the agenda

Approval of the minutes of the 333rd Session of the Governing Body
(GB.334/INS/1)

Decision

11. ***The Governing Body approved the minutes of its 333rd Session, as amended.***

(GB.334/INS/1, paragraph 2.)

Second item on the agenda

Agenda of the International Labour Conference

Agenda of future sessions of the International Labour Conference
(GB.334/INS/2/1)

12. *The Worker spokesperson* first recalled that the reason to discuss General Surveys one year before the recurrent discussion was to better identify gaps in protection and future standard-setting items as well as promote the ratification and application of relevant instruments. She said that there was unlikely to be a standard-setting "traffic jam" on the agenda of the International Labour Conference since no Standards Review Mechanism Tripartite Working Group (SRM TWG) recommendations had yet received adequate follow-up from the Governing Body. In particular, no standard-setting item on apprenticeships had been placed on the Conference agenda and the juridical replacement of the Apprenticeship Recommendation, 1939 (No. 60), and the Vocational Training Recommendation, 1962 (No. 117), had led to a regulatory gap in apprenticeships. Moreover, several groups had opposed the inclusion of a new Recommendation as a possible item for future Conference agendas, despite the relevance of apprenticeships to discussions on the future of work. She highlighted the need to ensure that Recommendations on standard setting received the same attention as those on the abrogation and withdrawal of Conventions and Recommendations and expected greater commitment from constituents to ensure that new standard-setting items could be placed on the Conference agenda out of the recommendations by the SRM TWG. She requested the inclusion of a standard-setting item on apprenticeships in the 2020 agenda. However, as it would be difficult to produce a first report and questionnaire by late November as required by the Standing Orders of the Conference, a programme of reduced intervals could be approved to expedite the process. If the Office could produce a first report by 1 April 2019, there would be time to take into account any questions on apprenticeships raised by the Global Commission. The new instrument should address the lack of clarity on the different forms of work-based learning by providing comprehensive guidance on all modalities rather than focusing just on apprenticeships. There was no need for a meeting of experts to discuss a strategy on skills ahead of the Conference discussion, as the Office would be able to gather the information required through a questionnaire to member States.

13. The Workers' group supported a Convention and Recommendation on a just transition of the world of work towards environmentally sustainable economies and societies for all. She suggested that just transition had two main dimensions: the outcomes and the process. It would have been useful to learn from the findings of the *World Employment and Social Outlook: Trends 2018* report on "greening with jobs" to inform constituents of the nature of the standard that could be adopted. Any new standard on the matter should build on the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, including its annex on international labour standards; demonstrate that just transition policies would be essential in efforts to achieve climate change goals, taking into account the needs of the global North and South; and ensure that a just transition would not be an "add-on" to climate policy but an integral part of the sustainable development framework. She stressed that the ILO should come up with an international definition of "just transition" to ensure that it included decent work as defined by the ILO's tripartite constituents. She requested the Office to put forward a more focused and specific proposal for standard setting at the 335th Session of the Governing Body.

14. The group also supported the inclusion of a general discussion on inequalities and the world of work in the 2021 agenda, to allow time to analyse the findings of the flagship report on

collective bargaining, to be published in 2020. The group generally agreed with the thrust of the proposal and was of the view that the discussion should provide sharper guidance on the labour market institutions and policies to be strengthened to reduce inequalities and leave no one behind. The Office should prioritize income inequality in its analysis, and labour market institutions and redistributive policies aimed at mitigating inequality should be prominent in the general discussion.

15. The discussion at the 107th Session of the Conference on topics linked to the Centenary debate was also welcome. It could feed into future Conference agenda items and possibly lead to a high-level event on freedom of association. The convening of a meeting of experts to discuss working time should take place in 2020.

16. She took note of the information on the four subjects not yet ready for full consideration. Instruments on the resolution of individual labour disputes should first be reviewed by the SRM TWG, which could then recommend any relevant follow-up action. She was concerned that decisions taken by the Meeting of Experts on Non-Standard Forms of Employment were not receiving adequate follow-up, in particular with regard to temporary and fixed-term contracts and related discrimination, and requested the Office to allocate the necessary resources for the meeting to take place as soon as possible. Her group welcomed the upcoming Global Dialogue Forum on decent work in the world of sport, and called for further research on the independence and protection of public services and the possibility of including private sector workers.

17. The Workers concluded that they supported a standard-setting item on apprenticeships for 2020–21 as well as a general discussion on inequality for 2021, or 2020 depending on other groups' positions. Her group supported subparagraphs (b), (c) and (d) of the draft decision on the understanding that the ILO would ensure better follow-up to SRM TWG recommendations in the form of standard-setting actions. She requested the Office to include proposals on biohazards, ergonomics, chemical hazards and the guarding of machinery at the March 2020 session of the Governing Body.

18. *The Employer spokesperson* expressed his group's continued support for the strategic and coherent approach to set the Conference agenda. He said that, although the discussions on two standards in a single item at the 107th Session of the Conference had created a certain time pressure, the challenges encountered by the constituents had primarily resulted from the substance of the discussions and the drafting of documents put before the standard-setting Committee. He encouraged ongoing efforts to mitigate the risk of a standard-setting "traffic jam" following the relevant recommendations of the SRM TWG.

19. He reiterated the need to retain flexibility in the setting of the agenda of the session of the Conference in 2020 and to reserve two slots for possible follow-up items to the Centenary Initiatives, which should be selected at the November 2019 session of the Governing Body to provide sufficient time to take into account the outcomes of discussions on the future of work. During next year's discussion, the constituents would identify the most relevant and urgent items for discussion on the basis of the need to understand and respond to the new realities of work. The ILO should maintain the momentum created by the Centenary discussions to enable it to demonstrate its awareness of those new realities and its commitment to addressing them. The preparation of the two follow-up items should build on the work undertaken in the Centenary Initiatives and the Global Commission to strengthen the ILO's credibility and capacity to anticipate needs.

20. Noting the three items proposed for the agenda of the 110th Session of the Conference, he emphasized that the proposal on inequalities and the world of work had not received widespread support in March 2018, as the Employers' group had only agreed that the proposal might have some value but would require a broader approach than the one suggested. The approach now proposed was again too narrow in scope and discussions

would need to look beyond the labour market towards the root causes of inequalities. The outcome of the Centenary discussion could help the ILO to better frame inequality by identifying trends and agreeing on the best focus and approach.

21. The proposals had not convinced his group of the value of selecting "a just transition of the world of work towards environmentally sustainable economies and societies for all" as a standard-setting item. The ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* provided a balanced and comprehensive policy framework and followed up the Conference discussions in 2013. The SRM TWG should present its assessment on any normative gaps for the consideration of the Governing Body. In light of the fast pace of change and new scientific findings, any standard setting might be outdated within a few years of its adoption. However, the ILO should continue its work on the subject by providing more assistance to the constituents in the implementation of the guidelines on the basis of lessons learned from the pilot countries. If the item were to feature on the Conference agenda, it should be a general discussion aimed at consensus on the greening of economies.

22. The issue of apprenticeships was important to the Employers' group, as evidenced by its active engagement in the promotion of appropriate apprenticeship schemes with the social partners. The recommendations of the SRM TWG would inform the ILO's work, of which standard-setting items were a crucial part. The group had previously invited the Office to further develop proposals on apprenticeships to facilitate deeper discussion. However, the Governing Body would select items for the Conference agenda by identifying priorities from all proposals. Any ILO action on apprenticeships should look beyond the adoption of international labour standards and a discussion on skills at the 108th Session of the Conference could lay the foundations for a holistic approach, incorporating elements such as education systems, mentalities and institutions. Adopting only a normative approach would limit the impact of any outcomes of discussions. The Employers would be ready to support a general discussion on apprenticeships at the 109th Session of the Conference if agreed at the 108th Session. However, rather than providing guidance to member States on providing decent work to individuals in work-based learning, the discussion should focus on promoting decent work by establishing well-designed and well-executed vocational training; aim at examining the criteria for effective vocational training; and ensure its scope extended beyond working conditions.

23. +The Employers supported the inclusion of the fight against corruption as an item in future sessions of the Conference after 2022. The ILO's action in that area should be strengthened on the basis of its mandate in relation to workplace challenges on corruption and the value added by the implementation of anti-corruption policies by employers and workers. The Office should include that dimension in its research to enable constituents to decide whether to include the item in the Conference agenda. It would be premature to take a decision on the remaining three subjects proposed, as it could preclude the outcomes of discussions in 2019. His group would be ready to examine the recommendations of the SRM TWG resulting from its review of existing standards on labour dispute resolution. The ILO should wait until the upcoming Global Dialogue Forum on decent work in the world of sport to discuss that subject.

24. The group also supported the elements of the draft decision on the abrogation and withdrawal of certain instruments, but wished to remove subparagraph (a) because the Governing Body had not yet taken a decision on the matter. It also proposed an amendment to subparagraph (e)(i), which would read "provide guidance and take any pertinent decision in relation to two technical items to complete the agenda of the 109th Session of the Conference by its next session in March 2019".

25. *Speaking on behalf of the Africa group*, a Government representative of Lesotho supported the inclusion of an item on inequalities and the world of work as a general point for

discussion at the 109th Session of the Conference, which would be a timely opportunity to follow up on progress on the future of work. A general discussion would also be timely given the linkages with the recurrent discussion on social protection (labour protection) to be held at the 111th Session of the Conference. Inequality in its different forms constituted a decent work deficit affecting employed and self-employed workers alike and discussions on that subject would guide the ILO in policy and strategy development.

26. The Africa group supported subparagraphs (b), (c) and (d) of the draft decision, as the respective instruments had been superseded or were obsolete. It also supported subparagraph (e) and prioritized standard setting on a just transition of the world of work towards environmentally sustainable economies and societies for all. Against a backdrop of globalization and climate change, the world would need to transition to a green economy, which would also provide more employment opportunities. The instrument could be informed by the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* and the 2015 Paris Agreement. Her group noted the continued efforts on the four subjects requiring further work, which should be considered for placement on the agenda of future sessions of the Conference.

27. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, the Government representative of Brazil said that apprenticeships should be included in the agenda of the International Labour Conference at the earliest possible date, preferably 2020. The second technical point for inclusion in the Conference's 2020 agenda should be decided on after its Centenary session, whose outcomes might require follow-up. Subparagraphs (a) and (e)(i) of the draft decision should reflect those points.

28. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Greece first reiterated her group's continued support to the strategic and coherent approach to the setting of the Conference agenda. She said that the agenda for the Conference session in 2020 should include capacity for follow-up items to the Centenary session, if required. Moreover, her group considered a general discussion on inequalities and the world of work as an interesting option that could be envisaged for the agenda of the 2020 session of the Conference. Her group noted with interest the proposed merging of a tripartite meeting of experts on work-based learning schemes with the meeting of experts proposed for 2020, given the importance of the recommendations of the SRM TWG and the timeliness of an item on apprenticeships, possibly a standard-setting discussion, in the framework of budgetary constraints.

29. Her group could reconsider its refusal to support a standard-setting item on a just transition of the world of work towards environmentally sustainable economies and societies for all in light of the future of work outcome of the Centenary session. The SRM TWG's recommendations on standard-setting items on occupational safety and health would help inform discussions on future Conference standard-setting items.

30. The topic of non-standard forms of employment was of increasing interest, and discussion could build on the outcome of the Centenary session regarding the future of work, the resolutions of the recent International Conference of Labour Statisticians and the article 19 questionnaire. The Office should convene a meeting of experts on promoting decent work in non-standard forms of employment to further discussion on identifying gaps in international standards. Her group supported the draft decision.

31. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that Turkey, Montenegro, Serbia, Albania and Bosnia and Herzegovina aligned themselves with the statement. Supporting the draft decision, she said that the proposed item on apprenticeships was a priority given the regulatory gaps identified by the SRM TWG and the potential of apprenticeships to facilitate the transition of young people from school to work and improve training systems. Given the lack of guidance on

apprenticeships and other forms of work-based learning, the item should be standard-setting, addressing the specific needs of developing countries regarding informal apprenticeships. Her group supported the proposed meeting of experts in 2020 to discuss a skills strategy that would inform the Conference's initial discussion on new standards governing apprenticeships in 2021.

32. *A Government representative of France* said that a general discussion on inequality should be held in 2020 to tackle the root causes of global inequality and the deep-seated inequalities in and between countries and in the world of work. The ILO should join other international forums in addressing the issue, drawing on its normative function and membership of the UN system to carry out analysis and enforce solutions. The inclusion of a general discussion on inequalities in the agenda would enable the ILO to reaffirm its normative function and address the rapid development of new and non-standard forms of work. The ILO should begin its second century by discussing inequalities among its tripartite constituents with a view to bringing about more egalitarian globalization.

33. *Speaking on behalf of the Governments of France and Germany*, a Government representative of Germany said that, as called upon by G20 labour and employment ministers, the ILO should continue international cooperation on promoting decent work in the platform economy. The ILO should put special emphasis on work in the platform economy in order to build adequate social responses to its development worldwide. The international dimension of that form of employment necessitated global policy solutions. It appeared highly relevant to analyse working conditions and provide guidance on measures to ensure decent work in the platform economy. A meeting of experts on non-standard forms of employment, with a special focus on the platform economy, should therefore take place as soon as possible, and preferably in the second half of 2019.

34. *A Government representative of India* supported the inclusion of a general discussion on inequalities in the agenda of the Conference's 2020 session, with a gender perspective. Taking particular note of paragraph 21 of the document, her Government supported the recommendations of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (MLC, 2006). It also noted paragraph 22 and the recommendations made by the SRM TWG, although States might encounter difficulties in moving from the Conventions proposed for abrogation or withdrawal by the SRM TWG to a new Convention. The ILO should provide technical assistance in that regard.

35. Her Government took note of paragraphs 16 and 17, and supported the inclusion of follow-up to the Conference's Centenary session in the agenda for its 2020 session. It supported the inclusion of apprenticeships in the agendas of Conference sessions beyond 2020. Discussion should focus on informal apprenticeships, in particular for women. The agenda item on decent work in the world of sport could also be considered for discussion after 2020.

36. *A Government representative of Japan* said that the general discussion on inequalities should take place at the Conference session in 2020. While apprenticeships were an important topic, they would be more appropriately addressed through a general discussion. Further discussion of the resolution of individual labour disputes and non-standard forms of employment would also be welcome. The Office should consider those subjects as possible agenda items for Conferences beyond 2020 and provide concrete proposals regarding occupational safety and health. Provided the Office took her remarks into account, her Government supported the draft decision.

37. *A Government representative of Cuba* said that her Government supported the inclusion of a standard-setting item on occupational safety and health and on apprenticeships in the agenda of future sessions of the Conference. However, it did not support including an item on a just transition of the world of work towards environmentally sustainable economies and societies for all; developing countries invariably struggled to ratify and comply with

Conventions or Recommendations on the subject. Her Government supported the inclusion of an update on the follow-up envisaged in relation to four subjects detailed in Appendix I of the document.

38. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the comments on agenda items beyond 2021 would inform the Office's future advice to the Governing Body. There appeared to be support for subparagraphs (b), (c), (d) and (e) of the original draft decision and for including inequalities in the agenda for 2020. The views of the Employers' group and the Workers' group on those points would be taken into account. Furthermore, there was broad support for a standard-setting item on apprenticeships for 2021. If the Governing Body were to accept inequalities as an agenda item for 2020, the Office would propose the outstanding item at its March 2019 session.

39. *The Worker spokesperson* said that the scope of the discussion on inequalities should be restricted to the context of decent work, in line with the ILO's mandate. While her group would prefer to discuss apprenticeships in 2020, it would agree to holding that discussion in 2020 and 2021 and for the other item on the agenda in 2020 to be inequalities, along with a technical item relating to the 2019 session.

40. *The Employer spokesperson* said that the discussion on inequalities should be broad in scope and take place in 2020. The item on apprenticeships should be postponed until 2021 to allow time for follow-up to the ILO Centenary.

41. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that his group would be prepared to accept the proposal of the Workers' group to discuss apprenticeships in 2021. His group had proposed deleting the word "complete" from subparagraph (e)(i) because the additional item for consideration in 2020 should be decided on after the Conference's Centenary session. His group would therefore be willing to withdraw its proposal on that understanding.

Decision

42. ***The Governing Body:***

(***a***) ***decided to place on the agenda of the 109th Session of the Conference (2020) an item related to inequality and the world of work (general discussion);***

(***b***) ***decided to place on the agenda of the 110th Session of the Conference (2021) an item related to apprenticeships (standard setting);***

(***c***) ***decided to place on the agenda of the 109th Session of the Conference (2020) an item on the abrogation of Conventions Nos 8, 9, 16, 53, 73, 74, 91 and 145 and the withdrawal of Conventions Nos 7, 54, 57, 72, 76, 93, 109, 179 and 180 as well as of Recommendations Nos 27, 49, 107, 137, 139, 153, 154, 174, 186 and 187;***

(***d***) ***decided to place on the agenda of the 111th Session of the Conference (2022) an item on the withdrawal of Recommendation No. 20;***

(***e***) ***decided to place on the agenda of the 113th Session of the Conference (2024) an item on the abrogation of Conventions Nos 45, 62, 63 and 85;***

(***f***) ***decided to place on the agenda of the 109th Session of the Conference (2020) at least one further technical item by its 335th Session (March 2019); and***

(g) provided guidance in relation to the setting of the Conference agenda beyond 2020 both as regards the strategic approach and the subjects under consideration, in particular as to the 110th Session of the Conference (2021).

(GB.334/INS/2/1, paragraph 31, as amended by the Governing Body.)

Agenda of the 108th (Centenary) Session
(GB.334/INS/2/2)

43. *The Employer spokesperson* said that the arrangements for the Centenary session of the Conference were starting to take shape. The opening formalities for the plenary format were clear. The large number of high-level guests potentially attending reflected the high level of interest in the session, which should be both substantive and celebratory. His group would appreciate confirmation of the high-level participation as soon as possible, as it would help attract high-level managers of business organizations and companies. He recalled, in respect of the Conference committees, that in March 2018, the Governing Body had decided to place on the 2019 Conference agenda, in addition to the standing committees, a standard-setting item on violence and harassment against women and men in the world of work; an item related to the Future of Work Initiative with a view to the adoption of an important outcome document; and an item related to the organization of debates and events connected to the Centenary. He asked the Office to clarify the programme with regard to the format and content of those committees.

44. *The representative of the Director-General* (Deputy Director-General, Management and Reform) said that, as outlined in the document, it was proposed there would be two "normal" committees, namely, the Committee on the Application of Standards (CAS) and the second discussion of the standard-setting committee on violence and harassment in the world of work. Whereas usually there would be two other committees at a session of the Conference, the proposal for the Centenary session was to use one of those spaces for a committee of the whole for the proposed outcome document and the other for a series of shorter panel discussions with high-level speakers on topics to be decided by the Governing Body. The number of those shorter panel discussions would depend on the number of high-level guests speaking in the plenary, as the panel discussions would not be held concurrently with high-level plenary sittings. A preliminary plan of work was included in the appendix to the document. In reply to a further question from the Employer spokesperson, he said that the Office proposed that the outcome document would be considered by a committee of the whole, in which any delegate to the Conference would be able to participate; the document emerging from that Committee would be submitted to the plenary for endorsement. A draft version of the document would be prepared and submitted prior to the Conference.

45. *The Employer spokesperson* sought urgent clarification from the Office on the effective organization of the voting and adoption of the standard-setting committee on violence and harassment at work in plenary. The scheduled end of that committee's work appeared to contradict article 40.4 of the Standing Orders of the International Labour Conference, under which discussions on Conventions and Recommendations should not take place until the day after copies of the report were circulated to delegates. With regard to the committee of the whole, it appeared that the item on the future of work would be considered by a committee of the whole and that the Office had sought to avoid overlap between that committee and additional plenary sittings devoted to high-level interventions. Consequently, five or six working days would be devoted to that item. Additionally, paragraph 12 of the document envisaged holding a series of thematic debates and events related to the future of work that could include other Centenary Initiatives and major themes related to the future world of work over a period of five to six days, not followed by conclusions. The Employers had said in October 2017 and March 2018 that the agenda of the 108th Session (2019) of the Conference should focus on the future of work and the technical committees on particularly

important aspects of that subject. They would have preferred to postpone the discussion on the violence and harassment standard setting and have three discussions on different aspects of the future of work, for a period of two weeks, by three technical committees, each drawing separate conclusions. In March 2018, the Governing Body had reduced the discussion on the future of work to two committees. However, it appeared that the current idea was not to discuss that theme itself but solely an outcome document, based on a pre-negotiated text that did not directly follow the content of the discussions, over a period of five days. The Employers considered it a major error to use the opportunity of the Centenary merely to adopt an outcome document; that had not been the Governing Body's intention in March 2018 when it had agreed to include on the agenda an item related to the Future of Work Initiative, with a view to the adoption of an important outcome document. The current proposal was not in line with the March 2018 decision to request the Director-General to further develop the nature and format of the item and to present first ideas regarding the outcome document for further consideration by the Governing Body in November 2018. The discussion on the concrete elements of the future of work could not be left uniquely to the plenary sitting, which was not the right forum for a real discussion of substance.

46. The lack of discussions by the Governing Body on the work of the Global Commission and the lack of proposed sub-items for the committee of the whole was regrettable. It was unclear how the thematic debates would contribute to discussions at the Centenary session. If they were to be held at all, they should be well structured and limited to a maximum of five. The matter could be discussed during further discussions, if there was agreement on the need to organize them. Recalling the proposals for sub-themes for the future of work committee submitted by his group, he emphasized the importance of:

(1) Anticipating skills and the changing nature of work, the new opportunities in the present and future world of business. The ILO should take the global lead on setting out guidance on skills for policy-makers, in particular for developing economies and sectors. This meant that member States should receive more support on how to best anticipate skills in the immediate future. This required the investment of more resources from the ILO.

(2) Governance of work including labour market regulations and labour market institutions reflecting on existing regulations, institutions and social protection schemes, and effectively addressing informality in the largest labour markets of developing economies.

(3) Strengthening social dialogue and improving governance. That discussion should be used to identify ways to modernize social dialogue by anticipating the digital reality and its influence on the way individuals act collectively to defend their rights and interests. The ILO should strengthen the relevance and impact of social dialogue by supporting innovative and action-oriented results.

47. He reiterated his request for those three subtopics to be discussed by the committee of the whole. He approved of the proposed structure of the outcome document, which had accommodated one of his group's requests. He suggested that informal tripartite consultations be held before the end of January 2019 to define the content, format and duration of the committee of the whole. He proposed the draft decision to be amended by deleting subparagraphs (b) and (c) and introducing a new subparagraph (b) to read:

(b) instructed the Director-General to organize tripartite informal consultations by the end of January 2019 to:

(i) improve the format of the ILC committees, in line with the November 2018 Governing Body discussions;

(ii) define the sub-items that will be addressed in the committee of the whole, as well as the content of the building blocks of the outcome document; and

(iii) define the topics for the debates and events connected to the Centenary.

48. *The Worker spokesperson* said that she agreed with the proposed Conference format, but asked that the presentation of the Director-General's Report and the statements by the Chairpersons of the Workers' and Employers' groups be moved to the afternoon sitting as suggested in paragraph 4 and, in view of the resulting shortened morning sitting, also asked for group meetings to take place in the morning to discuss the draft declaration, as briefing all Workers' delegates would take time. She supported the grouping of speakers suggested in paragraph 6 but asked for that grouping to include high-level interventions from social partners. Government interventions on the Director-General's Report should be limited to one per delegation. She agreed with the establishment of a committee of the whole to consider the draft outcome document. However, the time allocated to that committee was rather short and relied upon real progress being made during informal consultations. While she hoped that would be the case, it was important for provisions to be made for the committee to work more days if necessary. The Standards Initiative should not only be linked to the CAS. Centenary events should not distract the Committee from its crucial supervisory function. The high-level event on freedom of association, which was the outcome of the 2018 Conference discussion on social dialogue, was welcome. She proposed amending subparagraph (b) of the draft decision to read:

> (b) endorsed the proposals for the format of the 2019 session of the Conference, including a high-level sitting event on freedom of association and collective bargaining.

49. Regarding the thematic debates mentioned in paragraph 13, she stressed the importance of securing the participation of regional bodies and entities from the multilateral system. The outcome document, as discussed in part IV, must maintain the level of ambition set by previous documents, such as the Declaration of Philadelphia; it should complement, rather than replace, previous declarations. The outcome document should be relevant to member States at all stages of development and should restate the commitment of ILO constituents to tripartism and the standard-setting function of the ILO, including its supervisory system. The need to regulate labour markets in times of globalization and the growth of non-standard forms of employment should be reaffirmed. The Centenary should be used to address the unfinished business referred to in paragraph 19(iii) of the document – issues mandated in the Constitution that had not been adequately or successfully addressed. One such issue was the promotion of policy coherence in support of social justice, as called for by the Declaration of Philadelphia. She agreed that the outcome document should take the form of a Centenary Declaration and, in view of the ambitious scope of and careful preparations required for that Declaration, took note of the milestones for consultations. She requested sufficient time to be allocated for that discussion during the 335th Session, in both the plenary and group meetings, and that consultations be held prior to that session to discuss the celebratory part of the Conference. She supported the draft decision with the wording she had suggested.

50. *Speaking on behalf of the Africa group*, a Government representative of Chad said that his group had taken note of the instructions given to the Director-General through the document. He welcomed the content and structure of the document, which reflected perfectly the expectations of the tripartite constituents regarding the Centenary. The group supported the Director-General's proposed broad consultations regarding the outcome document. Considering the importance of that document, his group supported the Director-General's suggestion to name it the "Centenary Declaration". The Africa group thanked the Office for its work and supported the draft decision.

51. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Australia said that her group supported the Office's concise, strong and practical approach to producing the proposed Centenary document, which would be relevant to all member States. The Office's proposal to address the relationship between the ILO and the broader multilateral system was welcome. Meaningful engagement with the UN reform process would position the ILO well for the future. She recalled the ILO's important role in helping member States to implement the 2030 Agenda, particularly Goal 8. She thanked the Office

for the draft elements of the Centenary document, particularly the proposals for the document to cover the ILO's unfinished business, emerging issues and the future work and role of the Organization, and supported the document taking the format of a Centenary Declaration with the expectation that it would be a substantial and meaningful text. The document should include practical elements in addition to high-level statements. For example, the Director-General could develop ILO Centenary goals to set targets for the Office, and possibly the constituents, building on existing goals, such as the Sustainable Development Goals (SDGs), and using the seven Centenary Initiatives as a starting point. She invited other constituents to propose their own ideas on how to ensure that the Centenary session of the Conference produced memorable and lasting results. She asked the Office to provide examples of the "creative and innovative" formats of the Centenary debates and panels, which should cover Centenary Initiatives beyond the Future of Work Initiative and should be challenging and potentially transformative. To strengthen the ILO's efforts to address gender inequality, she suggested a strong focus on women in the world of work and on the connections between the various Centenary Initiatives. That would provide synergies with the standard-setting discussion on violence and harassment. On an administrative note, she supported the proposed limitation of one intervention per Government in the Conference plenary and suggested that the Office distribute the draft Centenary document as soon as possible following the 335th Governing Body Session so that governments and social partners had time to develop their considered positions. ASPAG supported the draft decision but requested the Office to take its remarks into account.

52. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group supported the Governing Body's decision to involve all Members in the process of preparing for the Conference. It was important for the documents provided by the Office to reflect the constituents' proposals and agreements. The present document did not clarify the content and form of preparatory negotiations. The group favoured a format of tripartite exchange and asked the Office to provide more detailed information on the format it envisaged. He supported the general principle that the form of the output document should be commensurate with its content, but hoped that a declaration would be achieved. The document should contain responses to the social and technological challenges causing profound changes in the world of work. Social dialogue should be strengthened to include more representative voices and achieve genuine and effective tripartism, with the due participation of governments, which were responsible for implementing international labour standards. The ILO's transparency and coherence needed to be strengthened. Constituents' institutional capabilities should also be strengthened in order to implement standards and guidelines, raise awareness on the current reality of labour relations and the world of work, and increase opportunities to share best practices and cooperate for development. Regarding logistics, he said that more time should be allocated to discuss the outcome document during the Conference. It should be made clear that the debates and other Centenary-related events, while potentially valuable, would have no power of decision. He supported the holding of a commemorative session of the CAS and suggested that five cases of progress be analysed in order to demonstrate the positive impact of the supervisory system on promoting decent work. GRULAC supported the draft decision.

53. *Speaking on behalf of IMEC,* a Government representative of Greece said that IMEC agreed with the proposal to organize the plenary around the four phases described in the paper. Moreover, IMEC appreciated the information that the Director-General's Report would transmit the report of the Global Commission on the Future of Work to the Conference while the draft outcome document would be different and made available to the Committee of the Whole prior to the Conference, as the group had suggested during the informal consultations in September. The draft Centenary outcome document must be based on constituents' reactions to the report of the Global Commission and on broad and inclusive consultations. IMEC was concerned that the days devoted to the Committee of the Whole might not be enough and asked whether the Office was envisaging the possibility of a drafting group, following past practice. She asked how the format for the Centenary debates would be made

innovative and creative and how the topics for discussion would be identified. The debates should be limited in time in order to sustain interest and engagement and their added value incorporated into future ILO work. In the light of IMEC's support for a Centenary-related component in the work of the CAS, additional information would be welcome on how the Standards Initiative would be covered under the programme of the CAS while ensuring that the Committee was able to fully carry out its supervisory role. IMEC welcomed moves to bring the sittings of the other committees and the adoption of the Finance Committee's report forward and the allocation of more time to the standard-setting committee on violence and harassment in the world of work. The outcome document should be concise, meaningful, results-oriented, of use to countries at different stages of development and able to stand the test of time. It should be based on previous milestone ILO declarations, particularly the Declaration of Philadelphia, and should bring clear added value. Identifying broad, substantive issues regarding the future of work and addressing the role of the ILO in that context should go hand in hand. Clarification of the term "unfinished business" and the phrase "issues which … have not been adequately or successfully addressed" would be appreciated. Early preparations followed by tripartite consultations would be key to achieving the adoption of a Centenary Declaration. The working paper for the February 2019 informal consultations should focus on the report of the Global Commission. In addition, IMEC requested that the Office present detailed building blocks for the outcome document to the March session of the Governing Body to serve as a basis for a first draft of the outcome document by the Director-General for informal consultations no later than April 2019. While requesting that the comments be taken into account, IMEC supported the draft decision.

54. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, Montenegro, Serbia and Albania and the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina aligned themselves with the statement. She supported the statement made by the Government representative of Greece on behalf of IMEC. Youth, think-tanks, academia, non-governmental organizations (NGOs), start-ups and established influential technology companies should be involved in upcoming events focusing on the report of the Global Commission. Investment in skills, safe and healthy working conditions, and social protection were key to promoting decent work. Governance mechanisms must be fostered to ensure a fair globalization and fair transitions through social dialogue, collective bargaining and regulation for decent work. Both bipartite and tripartite social dialogue were essential to cope with the changing world of work. The Centenary outcome document should affirm the ILO's leadership in addressing those issues. Three actions were critical in that regard: work to ensure the effectiveness, universality and relevance of international labour standards; research and monitoring to anticipate labour needs; and a more concerted approach with UN and non-UN organizations. More details would be welcome regarding the intensive process of consultation and the type of documents to be discussed. A mixed bilateral consultation with all groups and of tripartite discussions should be used. The March 2019 Governing Body debate on building blocks for the outcome document and the April 2019 informal consultations should be tripartite in nature. Any accompanying note to the report of the Global Commission should include the Director-General's assessment of the Global Commission's recommendations and what they meant for the ILO. Both the head of State or Government and a minister of the same State should have the possibility to address the plenary at the Centenary Session. The committee of the whole should start its work on Monday, 10 June 2019. A drafting group might be required to make final adjustments to the final Declaration. The Conference could host an event on the ILO's achievements and another involving technology-sector players. Any event on the Standards Initiative in the CAS could include a short Centenary-related component and should be scheduled at the beginning of the Committee's work. She supported the draft decision as originally drafted.

55. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Thailand said that, should the outcome document take the form of a declaration, the draft version should be made available to the constituents in advance of the

Conference. Formal invitations to high-level guests to the Conference must be issued as soon as possible.

56. *A Government representative of India* said that the debates and events at the Conference could be centred on the role and participation of women in the labour market and decent working conditions for and rights of migrant workers. The outcome document should focus on, among other things, the changing nature of work and work relations in the light of the technological revolution, take the form of a declaration and be the subject of an intensive process of consultation with constituents.

57. *A Government representative of Cuba* said that her country opposed the inclusion in the outcome document of any new follow-up mechanisms that might imply further obligations for governments. Details should be provided of the special content and format of the Centenary session debates of the CAS.

58. *The representative of the Director-General* (Deputy Director-General, Management and Reform) said that although the Office had a general framework to work with, it was very keen on getting as much input from constituents on the content and details for the Conference as possible. The Conference was going to be an extremely complex arrangement, and priority areas had to be identified so as not to overload the programme. The core focus not only of the Centenary but also of the Conference would be the outcome of the report of the Global Commission (which would be available at the end of January 2019). National dialogues in the lead up to the Conference were encouraged, to develop and consider national responses. The Conference consideration on the future of work would be a key point in time. The Governing Body had deferred the finalization of the next biennium programme until November 2019 in order to take the outcome of the Conference into account. In November 2019, and most likely in March and November 2020, there would be further detailed discussions on the outcome of the Conference because of the impact that was anticipated on the work of the ILO.

59. Regarding extending the sitting time for the standard-setting committee, the rules did not provide for a 24-hour period, but only for the document to be available the day before it was considered, so theoretically midnight on Thursday to be considered on Friday. Further thought and consultations were needed concerning that matter in the lead-up to the March 2019 Governing Body, when the arrangements would be finalized. It was anticipated that the draft instrument would be available on the Thursday, however whether the report could be available or not was not clear, and if not, it might be necessary to consider the suspension of the Standing Orders. That would be examined further and information would be presented to the March 2019 Governing Body. One of the real challenges was to provide as much time as possible to committees, given the complexity of the standard-setting item, the time constraints in the CAS, the need to provide sufficient time for the committee of the whole, and the wish to avoid overlaps.

60. The future of work was not just focused on the two weeks of the Centenary session of the ILC but on the coming months and years for the ILO. During the Conference it would not only be the committee of the whole that would be looking at the future of work, it would be the thematic discussions on the various implications around the future of work; and it would also be the plenary sitting during the whole of the Conference session. The plenary would sit every day and would be the forum where national-level discussions would be transmitted to the Conference. All in all, between 18 and 24 working days would be focused on the various aspects of the future of work.

61. The nature of the committee of the whole, its format, structure, programme of work, the need for drafting groups, and the way it would operate would be clearer by March 2019 once the report of the Global Commission had been received and consultations had begun on the content of the outcome document. Regarding the Employers' questions on skills, governance

and social dialogue, the Workers' suggestions regarding a high-level event around freedom of association and collective bargaining, and the many themes raised by the Governments, that was exactly the sort of input that was being sought. Consultations would be held regarding how to include those topics in the various thematic panels or elsewhere during the Conference. The thematic panels were important to diversify the discussion by engaging a range of people not usually heard at the Conference, such as high-level guests from other international and regional organizations, employers' organizations and trade unions. As they would not be decision-making forums, discussions could be broader, more adventurous and innovative. Rather than using the format of the World of Work Summit, where there were organized interventions and questions, the intention was to have a much more free-ranging discussion. It was proposed that a reporter be appointed to sit in through each session and make an overall report to the plenary on the discussions rather than a set of conclusions or decision-making points. The content of those discussions would help guide the development of the programme considered at the Governing Body in November 2019 and work plan for the Office.

62. The process was embedded in continuity and was about an integrated and strategic approach, and while the Conference was a pinnacle of consideration, there were many other opportunities and requirements that needed to be followed up on beyond the Conference. Details such as the timing for the committee of the whole and the number of panels would depend on the number of days that were required for high-level guests. The Governing Body's guidance would be necessary regarding whether to provide more days for the committee of the whole and whether it should sit regardless of whether there were heads of State addressing the Conference. If the preference was that more time be provided to the committee of the whole, it would need to sit in parallel with high-level sessions of the plenary. More consultations would be held in order to have a final conclusion at the next session of the Governing Body.

63. In the letter that the Director-General had sent out to all member States shortly after the 107th Session of the Conference, all had been invited to inform the Office whether or not they were considering the participation of a head of State, and if so, a formal invitation would follow. It was proposed that up to three days in the first week and two days in the second week be set aside for high-level guests. The reference to a single government intervention meant one intervention in addition to that from a head of State or of Government. He had taken note of the questions relating to the Standards Initiative and for some aspects associated with it to be addressed in the CAS. The Office would come back with more detailed proposals, but there appeared to be strong support from delegates who generally participated in the CAS to having some sort of Centenary recognition during its sitting. Further consideration would be given to addressing the Standards Initiative in the thematic panels or in some other form.

64. Regarding the outcome document, the very helpful questions and comments had been taken on board and it was certainly also the Director-General's intention for early and intensive consultations to be held not only regarding the content, but also the process to be followed. The term "unfinished business" was meant to suggest that not everything included in the ILO Constitution in 1919 or the Declaration of Philadelphia in 1944 had yet been achieved, with a view to reflecting on what the priorities needed to be by looking both at the ILO's traditional mandate and also to the future, and how that mandate would be affected by the outcome of the report of the Global Commission and by other issues that would be covered at the Conference. In response to the Workers' group's questions, the issues relating to women and the future of work and the Women at Work Initiative would be taken into account at the Conference, and freedom of association and collective bargaining would be part of the agenda. Regarding the Employers' concerns, he said that there would be continuity between the current time and March, between March and the Conference and following on after that. He encouraged the Governing Body to adopt the draft decision in its

original form so that the Office could develop the plan further and report back in March 2019.

65. *The Worker spokesperson* withdrew the amendment.

66. *The Employer spokesperson* said that the informal consultations mentioned would not be as the Employers' group had envisaged them, but that in view of the fact that almost all supported the draft decision as it stood, he would also withdraw his amendment.

Decision

67. ***The Governing Body:***

(a) took note of the document;

(b) endorsed the proposals for the format of the 2019 session of the Conference;

(c) endorsed the Director-General's proposals for the nature, format and consultation process for the development of a draft outcome document for consideration by the Conference at its 2019 session; and

(d) requested the Director-General to provide a further update on arrangements for the 2019 session of the Conference at the 335th Session (March 2019) of the Governing Body.

(GB.334/INS/2/2, paragraph 21.)

Third item on the agenda

Matters arising out of the work of the 107th Session (2018) of the International Labour Conference: Follow-up to the resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals (GB.334/INS/3/1)

68. *The Employer spokesperson* said that her group viewed the plan of action as a transitional plan that would create the basis for the ILO Development Cooperation Strategy 2020–25. Seven points were of particular importance to the Employers. First, the Strategy should support employment promotion and income opportunities by fostering an enabling environment for sustainable enterprise and job creation. The Employers would like it to focus on supporting micro, small and medium-sized enterprises and facilitating the transition to the formal economy, and to prioritize delivering productive jobs, sustainable enterprises and market-driven skills. Second, actions should be based on constituents' needs and driven by demand, supported by Decent Work Country Programmes (DWCPs). They should recognize different levels of development and respond to the realities on the ground. Third, the Office must develop and implement specific and well-resourced programmes to build capacities among constituents, in particular employers' and workers' organizations, to assert their role in national development strategies. Fourth, the ILO needed to take full advantage of the opportunities presented by UN reform and ensure the preservation of its tripartism and

social dialogue by improving advocacy and promoting its role and mandate within the UN system, including through the system-wide strategic framework. Promoting policy coherence and ILO visibility would be crucial for the Organization to position itself strategically in the reforming UN development system (UNDS), especially at the national level. The DWCPs should be revamped, strengthened and fully integrated in the United Nations Development Assistance Frameworks (UNDAFs) so that the ILO could influence the UNDAFs and demonstrate its added value.

69. Fifth, on the subject of partnerships – which should have been dissociated from financing – the ILO should better recognize the developmental role of the private sector and promote investment, job creation, apprenticeship opportunities and workplace solutions by effectively utilizing business expertise, knowledge and experience. The potential of public–private partnerships (PPPs) should be harnessed through effective and robust programmes and procedures; however, selection processes or conditions that could undermine private sector engagement in development cooperation must be avoided. Sixth, innovation was needed to secure adequate resources for development cooperation through a combination of traditional funding and new financing mechanisms. Her group welcomed the focus on deepening, expanding and diversifying partnerships and financing, which would require the ILO to improve organizational performance, and looked forward to receiving information on deliverables related to assessments of relevant existing innovative finance mechanisms at the following session of the Governing Body. Lastly, the ILO should enhance efficiency and transparency, particularly in results-based management and policy-oriented research, and should analyse ways to better use data to illustrate what worked and what did not. The ILO's Knowledge Strategy should be transparent and products must be relevant to constituents.

70. Concerning the deliverables for 2019 and the four areas of focus, the Office should support the achievement of national decent work outcomes by mobilizing resources - and specifically channelling additional extra-budgetary resources – to supporting constituents, in particular the social partners, in the development, implementation and monitoring of the SDGs at the national level. In the area of enhancing efficiency, decent work results and transparency, more effort was needed to enhance the impact and orientation of ILO work in the context of the SDGs to deliver effective results. Regarding promoting policy coherence and ILO visibility, deliverables should not be limited to training for resident coordinators and UN staff, and should be extended to encompass targeted efforts to promote the role and added value of tripartism, social dialogue and the supervisory activities of the ILO and its constituents at the global and national levels. The fast pace of UN reform and national SDG mechanisms would require well-targeted, high-impact promotional and communication interventions to ensure the ILO would remain relevant to constituents and be fit for purpose within the scope of the One UN initiative. On the understanding that its views would be taken into account, her group supported the draft decision.

71. *The Worker spokesperson* emphasized the need for future development cooperation to be reorganized around the 12 guiding principles presented at the 107th Session of the International Labour Conference. His group welcomed the commitment made at the Conference to take a balanced approach to promoting the four strategic objectives on decent work, in line with the ILO Declaration on Social Justice for a Fair Globalization, since social dialogue and the promotion of international labour standards were too often neglected in discussions. The ratification of standards should be systematically integrated into DWCPs. The group fully supported the commitment to revitalizing the institutions of social dialogue at all levels, which should include strategies to strengthen collective bargaining.

72. The ILO's unique tripartite structure and normative functions, including its supervisory system, would be key to its success in fulfilling its role in the UN reform and in supporting its constituents towards the achievement of the SDGs. The International Training Centre (Turin Centre) in Turin should support the capacity-building of the social partners. Given

the urgent need to implement the outcomes of the previous Conference, the Office should submit the Development Cooperation Strategy for adoption at the Governing Body in March 2020 and begin implementation of the key areas of focus of the plan of action in 2019.

73. For the first area of focus, the ILO should develop a new generation of DWCPs centring on decent work deficits and integrating the four strategic objectives promoted in the Social Justice Declaration. The strengthening of the capacities of constituents and the active participation of the social partners in the development, implementation and evaluation of DWCPs and UNDAFs should also be a priority. Trade unions were too often excluded from those discussions and their priorities were not integrated into such programmes. He requested additional information on how the Office intended to align DWCPs and UNDAFs. It would be useful to receive a summary of the experiences gained through the pilot initiative to develop new DWCPs in four countries at the March and October–November 2019 sessions of the Governing Body to inform discussions on a strategy to include DWCPs in UNDAFs. His group supported the review of ILO guidance on capacity development in light of the high-level evaluation on the subject.

74. With regard to the second area of focus, the Workers' group supported the preparation of a report for the Governing Body's March 2019 session on innovative financing mechanisms to inform discussions on the opportunities and risks involved. A high-level evaluation of public–private partnerships would also allow the Governing Body to reflect on such partnerships and identify the risks and opportunities for the ILO. In discussions with other UN organizations on shared due diligence procedures and the signing of memoranda of understanding with businesses, the ILO should emphasize that any businesses seeking to finance the 2030 Agenda for Sustainable Development should respect labour and trade union rights. The ILO should look beyond the identification of good practices in assessing the achievement of deliverables and apply rights-based criteria when selecting private-sector partners. His group supported South–South and triangular cooperation.

75. The third area of focus, enhancing efficiency, decent work results and transparency, would lead to improvements in results-based management (RBM). Improving resource allocation in support of international labour standards and social dialogue in development cooperation would increase the effectiveness of the ILO's actions.

76. The Workers supported the fourth area of focus on promoting policy coherence and ILO visibility in support of the Decent Work Agenda in international forums and within the UN system, as well as the ILO's engagement at the regional level with UN organizations responsible for monitoring the implementation of the SDGs and at the UN High-level Political Forum on Sustainable Development.

77. Lastly, the Office should strengthen the capacities of its constituents to actively participate in voluntary national reviews and other monitoring initiatives for the SDGs in efforts to revitalize the implementation of the Decent Work Agenda. The Workers' group supported the draft decision.

78. *Speaking on behalf of ASPAG*, a Government representative of China welcomed the resolution adopted by the 107th Session of the International Labour Conference on effective ILO development cooperation in support of the SDGs and noted the proposed plan of action to lay the groundwork for preparation of the ILO Development Cooperation Strategy 2020–25. Preparation was particularly required in relation to the provision of services to constituents to support national decent work outcomes. His group called on the Organization as a whole, both at headquarters and in the field, to work towards that aim in close cooperation with the tripartite constituents. ILO development cooperation should adapt to prevailing trends in the world of work and leverage its added value. His group supported the draft decision.

79. *Speaking on behalf of the Africa group*, a Government representative of Senegal said that, while acknowledging the relevance of the proposed plan of action's four areas of focus, his group was of the view that there should be more focus on specific country-level contexts and needs. His group had repeatedly highlighted the importance of considering the prevalence of the informal economy as part of development cooperation. Furthermore, the document did not provide details of the financial resources required for implementation of the plan of action. He therefore requested clarification of the funding of the plan's activities. The plan should also pay particular attention to the global impact of insecurity and conflict, political crises, climate change and migration. His group supported the draft decision.

80. *Speaking on behalf of GRULAC*, a Government representative of Brazil highlighted the importance of the ILO in the implementation of the 2030 Agenda and the DWCPs and UNDAFs. Broad resource mobilization would be required, giving official development assistance a vital role. Innovative funding mechanisms must be found. His group supported the Office's sharing of its positive experience of South–South cooperation and triangular cooperation prior to the Second High-level United Nations Conference on South–South Cooperation (BAPA+40 Conference). Social dialogue was crucial to bring about sustainable and inclusive development, and measures should be taken to strengthen the institutional role of social actors and to understand the challenges posed by changes in labour paradigms and new governance in labour relations.

81. *Speaking on behalf of IMEC*, a representative of the Government of Finland said that the Development Cooperation Strategy 2020–25 should be guided by the 2030 Agenda, the principles to guide future ILO development cooperation underscored at the 107th Session of the International Labour Conference and the future of work declaration to be adopted at its 108th Session. It must also harness the value added by the Decent Work Agenda, which should be applied more widely, beyond ministries of labour and social partners. The Strategy's approach should be more programmatic, results-oriented and systemic, and it should make more efficient, evidence-based and cost-effective use of resources. Its development and implementation would benefit from the involvement of stakeholders, and consideration should be given to how the ILO could make best use of its expertise, norms and tripartism to deliver on the 2030 Agenda.

82. The ILO's Conventions and standards should guide the public and private sectors, and its ongoing commitment to implementing the UN reform was vital to supporting the social partners in meeting the SDGs. The UN reform process provided an opportunity for greater integration of the ILO's normative efforts and tripartism into country-level strategies; that tripartism could increase programme support and impact, assisting in the development and implementation of UNDAFs and improving work with UN Resident Coordinators. Additionally, the ILO must forge links between DWCPs and UNDAFs, build capacity in the UN system in the Decent Work Agenda, expand partnerships and cooperation with different actors and promote training on decent work and social dialogue for Resident Coordinators and their teams.

83. The plan of action's focus on contributing to the 2030 Agenda, national ownership, transparency through social dialogue and evidence-based best practices was welcome. There was a need for quality data and dialogue with constituents, who understood the needs and challenges on the ground. The ILO should continue to promote effective, sustainable social protection and occupational safety and health. The document made no reference to some of the concerns raised, including assistance for countries in addressing recommendations from the ILO supervisory bodies and improving data collection, RBM tools and evaluation; those concerns should be addressed by the Strategy.

84. Her group supported the plan of action, although the final adoption of the Strategy should take place at the Governing Body session in October–November 2019, rather than at the session in March 2020, given the urgent need for it. Gaps between strategies should be

avoided in future; they should be aligned with the Strategic Plan cycle. It welcomed the planned review of the Strategy after the 2020–21 biennium and supported the draft decision.

85. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Montenegro, Serbia, Albania, Bosnia and Herzegovina and Georgia aligned themselves with the statement. Her group endorsed the statement made by IMEC. She recalled that, at the 107th Session of the International Labour Conference, her group had welcomed the strong links between ILO development cooperation and the 2030 Agenda, including the principle of leaving no one behind. The Conference's conclusions had emphasized that the Strategy should build on the strategic objectives of the Decent Work Agenda. Her group welcomed the inclusion in the Conference conclusions and the proposed plan of action of the four key elements to be considered in the preparation of the new Strategy presented by her group: policy coherence, promoting tripartism, increased effectiveness and impact of ILO development cooperation, and promoting multi-stakeholder partnerships.

86. The plan of action's reference to the need to identify and assess experience of DWCPs with respect to how they promoted the Decent Work Agenda and align them with UNDAFs, and coordinate with other UN agencies and programmes, was positive. That should be followed by strengthening the DWCPs with a view to effectively mainstreaming decent work priorities in UNDAFs, as well as identifying innovative operational practices at the country level. The latter was not only important to inform analysis but ultimately to position the ILO within the reforming United Nations Development System (UNDS). Her group welcomed all measures to ensure compliance with international transparency initiatives.

87. The potential of innovative finance mechanisms, including public–private partnerships, should be analysed and evidence collected to inform the Strategy. The ILO development partners should consider supporting the Regular Budget Supplementary Account (RBSA).

88. The ILO should advocate for its added value to be included in training programmes for UN staff, including UN Resident Coordinators and their teams. Together with other UN agencies, it should explore opportunities for its own staff and constituents to participate in capacity-development programmes, and it should prepare guidelines on how to involve the social partners and include decent work aspects in UNDAFs. Those guidelines should then be submitted to the United Nations Sustainable Development Group as a complement to the current UNDAF guidance. The ILO should seek to maintain its current presence in UN regional and country teams in order to share its expertise.

89. Several issues that were not explicitly mentioned in the plan of action should be borne in mind when designing the Strategy. They included the need to strengthen the links between the normative and supervisory roles of the ILO and its development cooperation, the need for continued and strengthened focus on gender equality, and the broadening and diversification of partnerships, including with other UN entities, international finance institutions and the private sector to promote engagement with innovative finance modalities as well as multi-stakeholder networks and alliances. Particular attention should be paid to disadvantaged groups, in part through support for member States in gathering disaggregated data. Her group supported the draft decision.

90. *A Government representative of India*, noting the deliverables for 2019 under the first area of focus, reiterated the need for an integrated approach, including capacity building, at all levels of government to achieve the SDGs. Linking labour and trade could lead to trade barriers in developing countries and should be avoided. Innovative finance mechanisms were needed, but lessons should be learned from existing partnerships with other UN entities, international financial institutions and multi-stakeholder networks to develop better future partnerships. She supported consolidating good practices in South–South and triangular cooperation. With regard to promoting policy coherence and ILO visibility, building the

statistical capacity of member States was needed to identify the key indicators and measure key labour market variables, which should be monitored at a national level.

91. *A Government representative of Indonesia* said that the Office must ensure that the Development Cooperation Strategy would contribute further to the achievement of the SDGs, particularly in ensuring decent work at all levels. ILO development cooperation should be comprehensive, and its funding should be balanced across all relevant SDG targets, including when financed through partnerships with development partners and the private sector. ILO guidance on capacity building should be updated, and she looked forward to receiving the results of the pilot initiative to develop a new generation of DWCPs, which had to remain effective in assisting member States to achieve the SDGs and should take into account national needs to ensure their national ownership. She looked forward to receiving the overview of relevant existing forms of innovative finance mechanisms, which would identify lessons learned to strengthen future development partnerships. The Office should identify the best operational modalities at the country level to promote decent work, in line with national needs and wider UN reform. She welcomed the plan to mainstream the ILO's added value to UN Resident Coordinators, UN Country Team members and other UN staff. The Turin Centre should develop specific programmes on the promotion of the ILO's visibility. She supported the draft decision.

92. *A Government representative of Brazil* noted the deliverable relating to consolidating good practices on South–South and triangular cooperation, measuring their impact, and promoting them at the BAPA+40 Conference. The ILO's South–South and Triangular Cooperation Strategy was an example of best practice, and met the Joint Inspection Unit's (JIU) recommendation concerning the minimum allocation of budget financing for such initiatives. He asked how the ILO's South–South and Triangular Cooperation Strategy would be aligned or integrated with the Development Cooperation Strategy. South–South and triangular cooperation should remain identifiable, with separate reporting and indicators. He also asked which items on the agenda of the 108th Session of the International Labour Conference would be taken into account in establishing the Development Cooperation Strategy. He further asked how the Office planned to raise awareness among its constituents and partners of the links between trade and labour, and support the social partners in engaging in the development of trade and investment and labour policies and programmes of multilateral and regional institutions and development banks.

93. *A representative of the Director-General* (Director, Partnerships and Field Support Department (PARDEV)) noted the comments concerning the importance of supporting the most vulnerable populations through the integrated promotion of the strategic objectives of the Decent Work Agenda to achieve the SDGs. The ILO would continue to promote its added value through evidence-based good practices throughout the UN system. It would seize the opportunity provided by the UN reform to address the changing world of work, while safeguarding the role of the tripartite constituents, and would continue to engage with UNDAFs, in the voluntary national reviews on the SDG implementation and in all partnerships. The emphasis on RBM and evidence-based demonstration of the ILO's added value would continue, and she noted that member States' statistical capacities would need to be further strengthened.

94. Development cooperation, in particular at country level, would remain an integral part of the Office's provision of services, guided by national contexts and priorities. That would also guide the development of an ILO framework for measuring its results and impact. She noted the requested focus on capacity building for the design, implementation and monitoring of development cooperation, as well as training for UN Resident Coordinators, UN Country Team members and other UN staff on the promotion and mainstreaming of the Decent Work Agenda in all development cooperation.

95. The link between DWCPs and UNDAFs was a focus of the current programme and budget, and many countries had requested support for the creation of national development strategies. The pilot initiative on the new generation of DWCPs was building on the Office's work on RBM and was being implemented in Burundi, Iraq, the Philippines and Suriname. The lessons learned from that initiative would be reported in the Programme Implementation Report 2018–19. She noted that there were no additional financial implications resulting from the proposed plan of action, as all the proposed deliverables were already accounted for within existing budgets.

96. Concerning South–South and triangular cooperation, the ILO had co-chaired a new initiative with the United Nations Conference on Trade and Development (UNCTAD) for representatives from Geneva and Rome-based UN agencies to discuss input for the BAPA+40 Conference; and those discussions would be ongoing. The ILO's South–South and Triangular Cooperation Strategy would be fully aligned to the future Development Cooperation Strategy. She welcomed the recognition of the Strategy by the JIU and other UN representatives as good practice that could inform the work of other agencies.

97. March 2020 had been chosen for the launch of the Development Cooperation Strategy to ensure that the results of the ongoing UN reform process, the outcomes of the 108th Session of the International Labour Conference, and the Programme and Budget for 2020–21 could be adequately reflected. Moreover, the Governing Body would consider the high-level evaluation of public–private partnerships in 2019, which might also influence the Development Cooperation Strategy.

Decision

98. ***In order to give effect to the conclusions concerning effective ILO development cooperation in support of the Sustainable Development Goals, the Governing Body requested the Director-General to take into account its guidance on the implementation of the proposed plan of action for the preparation of the ILO Development Cooperation Strategy 2020–25.***

(GB.334/INS/3/1, paragraph 32.)

Follow-up to the resolution concerning the second recurrent discussion on social dialogue and tripartism (GB.334/INS/3/2)

99. *The Employer spokesperson* expressed appreciation for the intention outlined in paragraph 7 of the document to ensure that Office activities were coherent and coordinated and that duplication and piecemeal activities were avoided so that maximum impact would be achieved with the limited resources available. However, that ambition could not be fulfilled by the plan of action as proposed by the Office. Expressing regret that there had not been informal consultations on the item, she said that her group could not support the draft decision. The plan of action should be more focused and reflect a clearer strategy. In order to achieve an objective – in this case the strengthening of social dialogue and tripartism that is one of the "four strategic objectives at the heart of the Decent Work Agenda" – the ILO Office must have a strategy that is easy to identify. It also contained some elements that had been explicitly rejected during the recurrent discussion at the 2018 session of the Conference, and which should be removed, such as technical guidance on the identification of workers in an employment relationship in accordance with the Employment Relationship Recommendation, 2006 (No. 198). Furthermore, the plan of action should not propose

specific research activities or implementation of the conclusions on cross-border social dialogue, which pre-empted the outcome of the meeting of experts on that subject planned for February 2019.

100. The Employer spokesperson questioned the fact that the plan of action contained various outputs carried over from the 2013 plan of action and underlined that it should not contain proposals that were not directly related to the conclusions adopted by the Conference, such as research on the legal regulation of employment relations in low- and middle-income economies. Her group appreciated the inclusion of a number of priorities identified in the conclusions, covering the role of social partners and social dialogue in implementing the SDGs, transitions from the informal to the formal economy, crisis prevention and the future governance of the world of work. However, some other priorities in the conclusions had received inadequate attention, including: research on the business case for social dialogue and strengthening the capacity of social partners to engage in social dialogue conducive for productivity improvements; research and strengthening the capacity of social partners to contribute to skills development, enhancing adaptability to change and lifelong learning, particularly in the context of digital transformation and the future of work; and activities to strengthen social partner organizations.

101. She regretted that no cost estimates had been provided in the proposed plan of action, which made it impossible for her group to endorse it. She invited the Office to revise the plan of action to make it more focused, financially realistic and faithful to the conclusions concerning the recurrent discussion on social dialogue and tripartism. The Employers were ready to engage with the Office to revise the plan of action so that it could be presented again to the Governing Body in March 2019. Together with the Workers' group, she therefore proposed an amendment to the draft decision:

> The Governing Body requested the Director-General to take into account the guidance provided by the Governing Body and to prepare a revised action plan to be presented at its March 2019 session.

102. *The Worker spokesperson* said that at the Conference discussion in June, the Workers' group had clearly stated that the Office draft did not reflect earlier discussions. The plan of action as currently proposed did not adequately reflect some of the crucial agreements reached during the intense Conference discussion; it also diluted the language adopted which had reflected the centrality of freedom of association and collective bargaining at the heart of social dialogue and tripartism. He called for an assessment of the plan of action for the period 2013–18 and said that the new plan of action should be framed in the context of the full relevance of the 2013 conclusions concerning the recurrent discussion on social dialogue.

103. He raised 15 points regarding the proposed plan of action: (1) in the appendix, under "social dialogue forms", "tripartite social dialogue", his group did not agree with the terminology "innovative policy consultation mechanisms and practices" which should be replaced by the language in paragraph 5(d) of the conclusions; (2) in the same item, the point on the International Association of Economic and Social Councils should be placed under component 4; (3) under "collective bargaining", the Office should build capacity of the social partners regarding the effective implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and promote collective bargaining at all levels; (4) the Office should undertake activities on the extension of collective bargaining agreements to employment relationships where they have not traditionally been available, to new and emerging forms of employment and to self-employed workers; (5) under "social dialogue in a changing world of work", the item "transition from the informal to the formal economy" should clarify that the work would be in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); (6) in the same section, under "new and emerging forms of employment", sub-items (i)–(iii) referred to other forms of

precarious employment; (7) under "Component 2: Research and training", "key publications", he did not support the transitional measures proposed in the plan of action for 2020. The flagship report should be a new and different publication to the *Global Wage Report*. The Office should allocate adequate resources to produce in 2020 the first new flagship report on the role and impact of collective bargaining on inequality, wages and working conditions, a topic that should be covered on a regular basis; (8) under "high-quality thematic research on traditional work and future of work-related issues", the sixth item should be exactly as agreed in the conclusions – "access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig-economy workers and, on that basis and the outcome of the 108th Session of the International Labour Conference, for the October–November 2019 session of the Governing Body to decide whether convening a tripartite meeting would be appropriate or not"; (9) component 3 "standards-related action" should reflect the strength of the language of the conclusions and the Office should launch a campaign which has a value added to work already under way; (10) the plan of action should reflect the work needed to assist member States with the ratification and implementation of Conventions Nos 87 and 98 in all DWCPs; (11) capacity development in the area of social dialogue in national labour law reform processes should be carried out for the sole purpose of fully implementing the eight fundamental Conventions; (12) a high-level event with the composition as described in the conclusions should be included in the plan of action, as well as a time frame; (13) in component 4 "enhancing policy coherence", pilot policy coherence initiatives should be based on prior experiences, as stated in the conclusions. He asked the Office to confirm that that approach would guide Office work; (14) regarding partnerships, he asked the Office to consider the Workers' position as stated during the discussion on the UN reform and on development cooperation; (15) regarding the "global compact for safe, orderly and regular migration", social dialogue, tripartism and decent work should be mainstreamed in its development and implementation in order to ensure social dialogue. The plan of action should be redrafted in line with the Conference conclusions. The Workers' group therefore supported the amendment proposed by the Employers' group.

104. *Speaking on behalf of the Africa group*, a Government representative of Eswatini commended the Office for the speed at which it had executed paragraph 3(a) of the resolution and urged it to do the same in respect of paragraph 3(b). Successful implementation of the SDGs hinged on how effectively international and national institutions could drive social and economic policy objectives whose outcomes invariably affected the tripartite partners. Social dialogue was therefore a concern of all institutions at all levels, and not only of the ILO. He wished to add the International Civil Service Commission to the list in sub-item (v) under "Component 4: Enhancing policy coherence"; the list was, however, not intended to be exhaustive. To allow for ease of programme monitoring and evaluation and to facilitate the work of the Governing Body, the five-year plan of action should be broken down into periodic blocks. In the spirit of paragraph 5 of the resolution, the plan of action should make proposed collaborations clear, particularly in respect of formal cooperation arrangements with regional labour training institutions. To facilitate resource mobilization, related outputs could be combined even if they did not fall within the same "means of action". A costed plan of action should be presented for approval at the 335th Session of the Governing Body. The Africa group would consider the joint amendment proposed by the Workers and Employers.

105. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that consultations with the Government group would be necessary to implement the plan, in particular in relation to the proposed high-level event on freedom of association and collective bargaining. The "meeting of experts" referred to in the appendix under component 1, "cross-border social dialogue" was being discussed under another agenda item. GRULAC would prefer a technical meeting in order to increase the participation of governments. He supported the draft decision subject to an amendment to the appendix of the reference document, to change "meeting of experts" to "tripartite meeting", and could

accept the social partners' amendment to postpone the decision on the plan of action to the March 2019 session.

106. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the plan of action came at a time of profound change in the world of work, presenting both challenges and opportunities for social dialogue and tripartism. He encouraged the Office to conduct further high-quality research into social dialogue and the future of work. The plan of action must take account of national specificities as there was no one-size-fits-all approach to organizing and strengthening social dialogue. It was crucial that capacity development and training be delivered on the basis of the needs and priorities identified and articulated by constituents, including through South–South cooperation. Efforts should be made to align the plan of action with the outcomes of the Centenary session of the Conference, evolving national priorities, the UN reform and other global developments. He looked forward to the high-level event on freedom of association and collective bargaining.

107. *Speaking on behalf of the EU and its Member States,* a Government representative of Romania said that the candidate countries Serbia, Albania and Montenegro, the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina and the EFTA country, Norway, aligned themselves with the statement. Building the capacity of constituents was important for successful social dialogue in a changing world of work. The proposed programme priorities in that field were welcome, including those on inclusive social dialogue, workplace cooperation and cross-border social dialogue. In that regard, she invited the Office to implement the recommendations of the high-level evaluation discussed under PFA/7. European practice and experience could be a valuable resource in that respect. The institutional capacity development of social dialogue actors and mechanisms should be integrated across all ILO policy outcomes and DWCPs. EU–ILO cooperation activities and Eurofound experience could help in both that regard and in the development of the flagship report. She welcomed the Office's determination to step up its efforts to support the campaign for universal ratification and effective application of fundamental Conventions Nos 87 and 98, and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). She asked when and where the high-level event would take place and which format it would take, and also how the costs of the action plan, including the high-level event, would be covered. Regarding the Workers' and Employers' amendment, there had been a productive Conference discussion and consensual conclusions had been adopted, which should now be implemented. There was no need to postpone the decision until March as the Governing Body could provide guidance on implementing the plan of action; she trusted that the Office would take that guidance into account. She supported the draft decision.

108. *A Government representative of India* said that it was essential to promote cross-border social dialogue and tripartism in order to understand the issues faced by workers in the global value chain. The ILO should suggest ways of developing such social dialogue, which would help to identify training and skilling responsibilities in the chain. It should also focus on providing technical assistance to enable the constituents to deal with informality in their countries, including through the sharing of best practices and identification of the needs and priorities of the social partners and Governments.

109. *A Government representative of the United States* said that the financial resources needed to implement the plan of action on social dialogue and tripartism for the period 2018–23 were unrealistic. The Governing Body must provide the Office with concrete guidance on the highest priority areas for action. The social partners should identify their priority items under each of the plan of action's four components. The Office should develop quality guidance on issues within the ILO's mandate. Regarding component 1, additional information was required on how the Office would prioritize activities and avoid duplication. It should take stock of all existing and proposed activities to ensure that there was no duplication and

provide a cost estimate of proposals for subregional forums, networks and workshops. As to component 2, clarification was required regarding: the development of the proposed key publications; the development of an annual flagship report and the resources required; the cost of the proposed programme of research, which should focus on fewer issues; and the audiences for the proposed databases, their cost and their accessibility to the public. Component 4 must focus on enhancing the ILO's internal and external policy coherence on social dialogue, particularly regarding its engagements within the UN system and forming strategic partnerships. She supported the development of a coherent Office-wide strategy on social dialogue and tripartism. The plan of action must remain within the parameters set out in existing and future programme and budgets to ensure the adequate funding of all four pillars of decent work. The Office should provide information on the cost implications of the proposed plan of action at the next session of the Governing Body.

110. *A Government representative of the Republic of Korea* said that it was unclear how the outputs of the plan of action would be delivered and what effect they were expected to have. The plan must be reviewed to ensure that the ILO maintained and strengthened the foundation of its activities. The Office should ensure that clear objectives were set under the plan and that it was fully reflected in the Programme and Budget for 2020–21. He supported the draft decision.

111. *A Government representative of Indonesia* said, regarding component 1, that it was important to strengthen national tripartite institutions, labour administrations and dispute-prevention and resolution bodies. Thus, the Turin Centre should enhance its capacity-building and training programmes for the Asia and the Pacific region. Regarding component 2, the database on industrial relations and social dialogue must be accessible to all policy-makers. When developing user-friendly policy and training tools, limitations regarding Internet access and the need to translate such tools into member States' languages should be taken into account. Regarding component 3, technical assistance to countries reforming their legal frameworks should be tailor-made and developed in line with those countries' priorities and DWCPs. The high-level event could be an opportunity to promote the fundamental principles and rights at work. Regarding component 4, when promoting strategic partnerships with the broader UN system and development communities, the ILO should preserve its unique tripartite nature and mandate. Indonesia supported the draft decision.

112. *A Government representative of Nepal* said that there should be due emphasis on creating a conducive socio-political environment in countries aspiring to ratify Conventions Nos 87 and 144. Technical assistance regarding capacity development was essential in that regard.

113. *A Government representative of Nigeria* hoped that the proposed plan of action would address the concerns of the social partners and competent authorities through social dialogue and tripartism. The effective use of those tools would strengthen the capacity of constituents to improve terms and conditions of employment and promote enterprise sustainability. However, a serious challenge existed in the form of inadequate resources and the underdeveloped capacity of industrial relations actors. In some cases, parties to social dialogue had made excessive demands that could not be met. Regarding component 3 of the plan of action, social dialogue became muddled when the real actors were shielded by a third-party employer unable to take decisions without recourse to a principal. Discussions must be opened up on contract labour and related matters with a view to adopting a standard regulating practices in that field. It was important to recognize that all parties to social dialogue, including the "plus" of "Tripartite plus", must be strengthened to develop workplace cooperation and enhance policy coherence and acceptability, particularly with regard to mediation, conciliation, arbitration and adjudication mechanisms.

114. *A representative of the Director-General* (acting Director, Governance and Tripartism Department (GOVERNANCE)) said that the Office would take into full and careful

consideration all the points raised, in redrafting the plan of action. Costed proposals would be provided to the Governing Body in March 2019. The question was how to strike the right balance between a short and focused plan of action and what was essentially needed under the framework for action contained in the ILC conclusions. Prior to the March 2019 session, consultations would be held with the tripartite groups on the high-level event, the ratification campaign and any other issues raised by the constituents at the current session.

115. *Speaking on behalf of ASPAG,* a Government representative of China said that his group supported the original decision paragraph prepared by the Office.

116. *The Worker spokesperson* said that clarification was required regarding the decision concerning the high-level event on freedom of association and collective bargaining. The Conference had given a clear mandate in that regard, therefore the Governing Body should give guidance to the Office on how to proceed. His group was definitely not in favour of a global symposium.

117. *Speaking on behalf of the Africa group,* a Government representative of Eswatini asked what the original intent of subparagraph (b) of the draft decision had been.

118. *A representative of the Director-General* (acting Director, GOVERNANCE) said that the Office had not been specifically instructed as to whether the high-level event should be held during the Conference or at another time during the Centenary year. Interdepartmental discussions in that regard had been held within the ILO and a concept note had been prepared. Further discussions and tripartite consultations were required. There was a need to move quickly on both the high-level event, notably the date, and the ratification campaign in light of the upcoming Centenary. Subparagraph (b) was a standard point included in decisions filed following recurrent item discussions.

Decision

119. ***The Governing Body requested the Director-General to take into account the guidance provided by the Governing Body and to prepare a revised action plan to be presented at its 335th Session in March 2019.***

(GB.334/INS/3/2, paragraph 20, as amended by the Governing Body.)

Fourth item on the agenda

Update on the United Nations reform (GB.334/INS/4)

120. *The Worker spokesperson* recalled that, in March 2018, her group had emphasized that any reform process should recognize and respect: the unique nature of the ILO, defined by its tripartite governance structure and normative mandate, including its supervisory system; the need for the continuation of specific funding and programmes on labour rights and the world of work, including technical assistance and development cooperation; and the need to maintain the ILO's ability to exercise its mandate through its country and regional offices. She also recalled that, in May 2018, the UN General Assembly had adopted resolution 72/279 on the reform of the UN development system.

121. She noted with satisfaction that the Office, in preparing for the reform rollout, intended to take forward the key messages of ILO constituents on the reform. She asked what the impact of those messages was likely to be, and what would be done to guarantee that tripartism, the

ILO's normative mandate and supervisory system, and the independence of ILO's programme and budget and governance organs were safeguarded as part of the reform.

122. Noting that it would take time before other agencies were in a position to staff resident coordinator (RC) positions, she asked when changes were expected to be made to the profiles and selection of resident coordinators and their staff and to their training. She noted with interest that the ILO would promote a role for the International Training Centre of the ILO in the development and delivering of training to resident coordinators, but said that further guarantees must be provided that resident coordinators would ensure that issues related to the world of work, including ILO standards and recommendations of the ILO supervisory system, would be adequately reflected in country-level priorities and that social partners' concerns would be taken into account when identifying those priorities.

123. She asked how the ILO intended to ensure that tripartism was safeguarded under the new UNDAF system. Trade union organizations were not currently sufficiently involved in or even aware of the Frameworks. In order for the reform to succeed, there must be specific channels of consultation with workers' organizations, separate from civil society. Clarification was required regarding how DWCPs would be reflected in, and aligned with, the Frameworks. Discussions must be held with the United Nations with a view to obtaining clear guarantees that the normative mandate of the ILO would be preserved as a part of country-level activities.

124. She asked what would happen under the dual reporting model in cases where a UN country team member's own hierarchy contradicted the resident coordinator or vice versa. ILO guidance in such cases might be based on Governing Body or International Labour Conference decisions, raising a critical issue of governance. Noting that the dual reporting model might necessitate changes to the ILO's performance management system and Staff Regulations, she called on the Administration to engage with the Staff Union regarding any issues related to the reform that would have an impact on the terms and conditions of employment of ILO staff.

125. She welcomed the fact that resolution 72/279 referred to UN norms and standards as relevant principles that should ensure that the normative role of the ILO would be recognized in criteria for determining the ILO's physical presence in countries, as the establishment of ILO country offices and technical cooperation projects at the national level might be based on tripartite decisions and be directly linked to complaints within the supervisory system. The Office should only opt into the pilot co-location exercise if there was a clear framework guaranteeing the ILO's identity and mandate. Workers' and employers' organizations must continue to have easy access to ILO premises.

126. It was unclear how much the ILO would have to contribute in financial terms to the resident coordinator system beyond 2019. The ILO was being asked to double its contribution to the system at a time when it was uncertain whether its mandate and added value would be preserved as a part of the reform, while the UN Secretariat had not paid its 2018 contribution to the system. She asked whether it was true that the UN had failed to pay its contributions since 2014.

127. Her group wished to know whether the 1 per cent levy on tightly earmarked third-party non-core contributions to UN development-related activities would be in addition to the existing cost-recovery fees charged by the agencies for project administration and support. The levy would mean that more ILO activities would have to be funded by pooled funds for system-wide activities. Thus, it would be essential to secure funding for issues related to the world of work and specific labour-related interventions requested by constituents. However, it was unclear if and how such funding could be guaranteed. She asked whether, with regard to the funding compact, member States had agreed to bring the level of core resources for the UN development system to the level of 30 per cent of total contributions over the next five years.

128. The UN Global Compact was a completely inadequate model for private sector engagement, as it had no accountability mechanisms linked to compliance with its principles. The ILO should take a leading role in designing a UN partnership approach by pushing for private companies to be screened with regard to their labour records and respect for trade union rights, in line with the 2009 ILO policy and procedure relating to public–private partnerships. She asked why the document did not contain any reference to that policy. Companies with a poor labour record should be excluded from partnerships and asked to agree on a regularly monitored road map to improve that record. The ILO should consult with the company and workers' organizations in that regard, reassessing the conclusion of a partnership once progress on the road map had been made.

129. The reform of the UN development system must lead to the strengthening, not the weakening, of the ILO. The draft decision should be postponed until March 2019, pending the approval by the General Assembly's Fifth Committee of the UN Secretariat's contribution to funding the resident coordinator system and allowing for further clarifications on how the ILO's tripartite structure and normative mandate would be safeguarded.

130. *The Employer spokesperson* noted that the document provided little detail on how the reform of the UN development system would affect the ILO and its title did not reflect the fact that the Governing Body would have to take an important budgetary decision. Should the ILO agree to the full package of reforms, that decision would influence the ILO's Programme and Budget for 2020–21, the Strategic Framework 2022–26, ILO operations, funding and partnerships, the follow-up to the resolution concerning effective ILO development cooperation in support of the SDGs and the tobacco discussion. The decision would also contribute to the foundation of the ILO's future in the reformed development system as a unique specialized agency with a tripartite governance system. The Employers' group had, on numerous occasions, raised concerns related to the recognition of the ILO's tripartite governance structure and to the financing of the reform process. However, there was still a lack of clarity on fundamental questions, and it was impossible to accept the allocation of a budget to a process the consequences of which were unclear. In addition, the Employers' group had previously raised concerns regarding the acceptance by the United Nations of the tripartite governance system, especially at the country level, the implications of the modular development system, the role of the empowered resident coordinators and the independent functioning of the supervisory system.

131. He reiterated his group's concern that the ILO would not be able to promote tripartism once diluted in the resident coordinator system and its fear that the UN reform would diminish the capacity of ILO offices to interact with governments at the country level. The group noted the lack of attention to personnel issues in the document. The fact that employers' organizations and business were not included as constituents in the UNDAF process being developed by the UN Sustainable Development Group's Strategic Results Group was worrying and the apparent lack of knowledge regarding the role of the International Organisation of Employers or of employers at all was alarming. The ILO should ensure that the choices it made did not irreparably damage its identity.

132. His group was also concerned about the financial implications of the reform, which the Governing Body was being asked to approve before the discussion on the programme and budget. It remained unclear where the new resources requested by the UN would be allocated or how the approach would save resources. With regard to the harmonization of common UN partnership approaches, public–private partnerships needed to be open, dynamic and flexible if their potential was to be fully harnessed to implement the 2030 Agenda. While the UN Global Compact was an important learning platform, the representative and legitimate voice of business was national employers' and business organizations; the UN must engage with them if it was to make a real difference.

133. The Office must strongly defend the Organization's values and make clear to other agencies and organizations that it had its own processes, constituents and governors. Before engaging in the reform process, the ILO should clearly envisage how it would address those issues on terms acceptable to the constituents and ensure that it was recognized as bringing strength to the UN family because of its diversity, uniqueness and tripartism. Because of the lack of clarity on the issue, paragraph 35(b) of the draft decision appeared to contradict itself; moreover, more than active participation, the Employers expected leadership from the ILO to defend its uniqueness. Furthermore, it was unclear how the request in paragraph 35(c) for US$2.2 million to finance the resident coordinator system in 2019 would benefit the ILO and how that provision would be sustainably financed in future. The Office should address in March 2019 the concerns raised by the Governing Body and discussed by the Conference in 2018 satisfactorily, including by conducting a thorough analysis of the implications of the reform for ILO policy and operations at headquarters and in the field; developing a clear plan to ensure that tripartism and the role of the social partners was preserved in the reformed system at all levels; and raising discussion points on how the ILO could effectively discharge its mandate after the reform. The Employers did not support the draft decision.

134. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan acknowledged the active participation of the Director-General in the reform process and welcomed his clear leadership as a member of the UN Sustainable Development Group's Core Group. Resolution 72/279 paved the way for a development system that could better support countries in implementing the 2030 Agenda and provided guidance to ensure that the UN and its agencies were more effective, efficient and responsive. A multilateral approach was essential to tackle the challenges of the world of work and achieve the SDGs. The ILO must assume a proactive lead role in the reform and design of the new system and a central position in UN development cooperation. It must further ensure that its tripartite structure was harnessed by the UN system and, with the ILO constituents, engage actively to ensure that the Decent Work Agenda was mainstreamed into the new system. The reforms must not affect the mandate of specialized organizations such as the ILO. Since the resolution clearly directed all UN agencies to fully implement the reform agenda, his group urged and expected the Office and the Director-General to continue to engage constructively with all relevant stakeholders. The ILO must lead the reformed UN system to collectively reaffirm that decent work was key to ensuring inclusive and sustainable and economic growth. The Government group was committed to supporting the Office and the Director-General in that endeavour.

135. *Speaking on behalf of the Africa group*, a Government representative of Rwanda said that his group appreciated the Director-General's leadership in the reform process at both the governance and the oversight levels. Emphasizing the importance of preserving tripartism, he said that ministries responsible for labour administration should take the views of the social partners on board in their engagement with ministries responsible for foreign affairs, finance and economic planning. The social partners should also be involved in UNDAF arrangements. The Office should promote the Decent Work Agenda and the idea of tripartism within the UN in general and at the national level, through the new resident coordinator system. Resident coordinators ought to embrace tripartism and engage with the social partners as key players in the reform process and in the future cooperation propounded in the 2030 Agenda. In view of the benefits of working coherently and collectively, he emphasized the need for the ILO to engage constructively in the reform process. The Africa group supported the draft decision.

136. *Speaking on behalf of ASPAG*, a Government representative of Australia said that her group endorsed the reform efforts, which required strong multilateral support to succeed. The General Assembly resolution clearly indicated that member States expected all UN agencies to participate; the new paradigm required them to work together to improve coordination and implement the reforms. Multilateralism was key to addressing global decent work deficits and achieving SDG targets, particularly under Goal 8; the ILO must therefore

encourage and support the strengthening of the multilateral system while maintaining its core advantage of tripartism. The new resident coordinator system required adequate and sustainable funding. ASPAG encouraged the ILO to integrate fully with the new system at the country level. The group supported paragraph 35(c) of the draft decision and emphasized that the ILO must pay its contributions for 2019 in full and on time to ensure swift implementation. The ILO should continue to advocate for the recognition and incorporation of its unique tripartite structure, social dialogue and normative mandate in the new system and consider how those key features could assist resident coordinators. All tripartite members must work together with resident coordinators and UN country teams to ensure that the Organization's mandate and specificity and the special status of ILO constituents in the world of work was recognized. The active and substantive engagement of the ILO served to raise the profile of the ILO and the Decent Work Agenda in the development of UNDAFs and demonstrated its commitment to taking advantage of opportunities to increase its influence and impact to advance social justice through decent work. ASPAG was confident that the Office was striving to ensure that the ILO and its tripartite structure would be adequately reflected and taken into account in the new system, and supported the draft decision.

137. *Speaking on behalf of IMEC*, a Government representative of France said that all countries had a role to play in achieving the 2030 Agenda and the contribution of all UN entities and programmes, including the ILO, was vital to that objective worldwide. The ILO, with its normative mandate and tripartite structure, was uniquely placed to form new partnerships inside and outside the UN system during the reform. Resolution 72/279 envisaged a strengthened role for the resident coordinator as a UN development ambassador, leading the UN country team and encouraging partnership and cooperation between UN organizations and other entities. Noting that decent work was the key to inclusive and sustainable economic growth, he said that the ILO could contribute to the implementation of the 2030 Agenda by fostering local ownership of UN projects, including reliance on workers' and employers' organizations at the local, national and regional levels. IMEC was confident that those organizations could contribute to broader consultations on the implementation of the SDGs. The ILO should also play a strong role in developing and implementing UNDAFs and ensuring that the social partners were included in UN development cooperation. The reforms would not affect the mandates of specialized organizations such as the ILO but would rely on using the resident coordinator system efficiently, yielding the benefits of greater coherence for all stakeholders. IMEC therefore supported the proposals for sustainable funding mechanisms for the new resident coordinator system, including the doubling of the cost-sharing contribution to the resident coordinator system for 2019, and urged the Director-General and the Office to continue engaging constructively with all stakeholders to reposition the UN development system and strengthen the resident coordinator system in order to ensure the smooth implementation of the General Assembly resolution. In that regard, IMEC welcomed the proposal contained in document GB.334/INS/3/1 to advocate the mainstreaming of the ILO's added value in briefing and training programmes for resident coordinators, country team members and other UN staff. IMEC supported the draft decision and underscored the importance of adopting a long-term, sustainable financial arrangement to comply with the cost-sharing requirement. For 2019, those resources should be drawn from savings under Part I of the budget and the remainder, if needed, sourced from the unforeseen expenditure provision in Part II. IMEC did not believe that deferring that crucial matter was an effective way forward.

138. *Speaking on behalf of the EU and its Member States,* a Government representative of Romania said that the candidate countries Serbia, Albania and Montenegro, the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia aligned themselves with the statement. Her group welcomed the ILO's strong interest in positioning the ILO at the forefront of the new UN system and the design and implementation of revised UN development cooperation. She called on the Office to make suggestions for operational mechanisms that would enable tripartite constituents to

contribute to national programming processes. The proposal of using the Turin Centre for training resident coordinators (RCs) was welcome, as were the pilot initiatives launched in Burundi, Iraq, the Philippines and Suriname on aligning the DWCPs with UN cooperation frameworks. The UN reform represented a positive and unique opportunity for the ILO for many reasons, such as the benefits arising from joint programming. She supported the draft decision and called upon the ILO to continue its active engagement in all forums in support of UN reform. She emphasized the importance of adopting the draft decision during the current session, warning that failure to do so would prevent the ILO from seizing the opportunities for reform and ensuring the role of the social partners and the ILO normative agenda in UNDAFs.

139. *Speaking on behalf of ASEAN,* a Government representative of Indonesia said that his group supported the implementation of resolution A/RES/72/279 and recognized its implications for the ILO. He commended the Office's efforts to take an active part in the UN reform process. ASEAN, underlining the importance of improved alignment between DWCPs and the UNDAF so that the latter would fully reflect the needs of national tripartite constituents, looked forward to the result of the ILO's pilot initiative. While the UN's efforts to consolidate its country presence were welcome, careful assessment of the possible financial implications of the new RC system was needed. The ILO should harmonize its management system and business processes at the country level to meet UNCT members' requirements. It should also adapt its performance management system to be fully integrated within the dual reporting model to RCs and ILO regional directors. ASEAN supported the ILO's active participation in the regional coordination structures to better support ASEAN member States in achieving the SDGs. ASEAN also supported the draft decision and requested the Office to regularly update and consult the Governing Body on issues arising from the UN reform.

140. *A Government representative of Finland*, speaking also on behalf of the Government representatives of Denmark, Norway and Sweden, said that they aligned themselves with the statements made by the Government group, IMEC and the EU. It was important to adopt the decision at the current Governing Body session in order to furnish the ILO and the Director-General with a mandate to actively participate in the UN reform process; postponing the decision would be counterproductive. Concerns raised could be addressed by the ILO in consultation with its constituents. He strongly supported the draft decision.

141. *A Government representative of the Russian Federation* said that his Government supported the necessary link between DWCPs and UNDAFs. Implementing UNDAFs should not limit ILO support to countries for DWCP implementation. He asked the Office to confirm whether the US$2.2 million currently spent on the cost-sharing arrangement came from assessed or voluntary contributions, and also to provide more substantive and precise information on the expected benefits of doubling the ILO's share in 2019. The system-wide cost-sharing arrangement itself was problematic as decisions had been made without consulting member States and the division of costs had been determined based on the size of the Organization rather than the services provided by its RC system. The UN General Assembly had for many years opposed the use of the UN regular budget to finance the RC system. He strongly opposed the use of the ILO assessed contributions, including the redeployment of budgetary resources, to cover increased expenses in the RC system, for which the Office should seek additional sources of voluntary funding, and could not support subparagraph (c) of the draft decision. Also, the extent to which the cost-sharing arrangement reflected the real level of participation by organizations in the RC system should be monitored. If that reality was not reflected appropriately, a review of the arrangement should be considered.

142. *A Government representative of Japan* said that her Government welcomed the adoption of resolution A/RES/72/279 and expected the ILO to take the opportunity to improve its operations, particularly field operations, to contribute to the SDGs. To optimize UN reform, the RC system must operate effectively. She requested detailed explanations regarding how the doubled contribution of US$4.4 million would be spent and what the tangible benefits

would be for the ILO. She also requested information on how, and how well, the RC system could fulfil the ILO mandate, saying that ILO principles should be mainstreamed into it. Provided the Office took her comments into account, her Government supported the draft decision.

143. *A Government representative of Thailand* said that the capacity building of ILO constituents in respect of social dialogue would allow them to participate more actively and constructively in DWCP creation, significantly contributing to results- and action-oriented UNDAFs. He urged the ILO to deepen and widen its capacity-building partnerships for development with other UN agencies, the private sector and civil society. His Government would continue to support the UN reform process and the ILO's involvement in it, which would ensure that its tripartite constituents could contribute to creating a system that was responsive to their needs and allow them to respond optimally to transformative future changes.

144. *A Government representative of Germany* said that the ILO must continue to play a key role in the UN system by taking an active part in the reform process. The ILO had decades of social dialogue experience to contribute, but consensus was needed. While sympathetic to a number of the concerns expressed, her Government said that the reform process would not wait and the ILO must get involved and contribute to its implementation.

145. *A Government representative of Brazil* said that resolution A/RES/72/279 had provided enough guidance to help governing bodies throughout the UNDS understand its objectives and assess its impacts. He welcomed the Office's engagement in the main multiagency exercises to prepare for the implementation of reform measures and its assessment of the expected benefits of the resolution for the ILO, including the potential gains from aligning DWCPs and UNDAFs. He requested information on ways of making ILO regional structures more efficient and fit for purpose, and asked how much the ILO would contribute to the RC system through the application of the 1 per cent levy. He understood that the Director-General's search for resources to meet the ILO's target of doubling annual cost-sharing contributions for 2019 would not endanger any current cooperation projects and, therefore, would be in line with the objective of repositioning the UNDS to better support national efforts to implement the 2030 Agenda. He supported the new RC system and the draft decision.

146. *A Government representative of the United Kingdom* said that her Government was fully supportive of the UN Secretary-General's reform agenda, as a more coherent and coordinated United Nations focused on delivering results on the ground was the best means of achieving the SDGs and decent work for all. She welcomed the Director-General's active engagement in the UN reform process, trusting that he would represent the views of all ILO constituents. The doubling of contributions to the RC system by UN entities was crucial to strengthen the system, itself essential for the UN reform effort. She asked how the Office planned to make swift progress towards Delivering as One, including moving towards common premises and business operations. She strongly supported the draft decision.

147. *A Government representative of Mexico* said that his Government remained committed to the UN reform and highlighted the relevance of the ILO's continued efforts to ensure a leadership role in that reform process and the effective functioning of the RCs. The reform presented significant benefits which would be key for achieving the SDGs. Its prompt involvement was key to influencing the design and implementation of the reform in order to ensure the ILO's principles and tripartite spirit were reflected. He supported the draft decision.

148. *A Government representative of Peru* said that providing a clear mandate was one of the best ways to guarantee the Director-General's active participation in the reform process. Therefore, he supported the draft decision.

149. *A Government representative of Uganda* said that it would be a mistake and mischaracterization for the ILO not to participate actively in the reform process, in a manner that reflected its tripartite spirit. The process would involve challenges, but also many opportunities.

150. *A representative of the Director-General* (Deputy Director-General, Field Operations and Partnerships) said that work was under way, but that not everything was under control yet. Wherever the reform had been discussed and arguments had to be presented to defend the specificities of the ILO, the Office had and would be present, which had brought results, including some important ones. For instance, the first draft resolutions included a reference to the Global Compact, but the one adopted did not. As a result of the Office defending the specificity of the ILO in group meetings, the Secretary-General's description of the tasks of the new RC included a mission to consult and work with a number of constituencies, and in particular with employers' and workers' organizations. The Office had been proactive and considered that it would strengthen the role of the ILO to provide training for RCs at the Turin Centre and the UN System Staff College, as they would have to ensure that tripartism and the constituents were taken into account, and that workers' and employers' organizations were consulted. It had also launched four pilot countries in the context of DWCPs, as those could influence the UNDAFs, to see how they would work together and how ILO constituents in general could take part in the UNDAFs. The Office would also consider how to reinforce the capacity of workers' and employers' organizations for them to be able to make alternative proposals concerning country priorities that would be taken into account in the UNDAFs. With regard to the many existing alliances within the UN system and with specialized agencies, the Office would be reviewing agreements in light of the reform. One of its first interlocutors had been the UNDP, which was present in most countries, and had agreed to defend the mandate of the ILO with the assistance of the Office. Should common operations and premises become a possibility, talks would be held with the Staff Union to consider whether there was a legal obligation to revise the Staff Regulations. Regarding visibility and situations in which social partners had difficulty accessing common offices, discussions had been held with Viet Nam, a pilot country, about how all the UN family organizations could meet. The guideline given by the Director-General and communicated to the RC in Viet Nam was that there were red lines that could not be crossed, namely the visibility of the ILO, social partners' access to the common premises of the United Nations, and the availability of premises for meetings.

151. *A representative of the Director-General* (Director, Multilateral Cooperation Department (MULTILATERALS)) said that the Office was just at the start of the implementation of the resolution. Activities were ongoing and the implications for the Organization would be clearer in some months. However, the resolution was clear about the role of RCs and resident UNDP representatives. RCs had been consulted and the Secretary-General had asked them to choose between their current position or that of resident UNDP representative – the vast majority of RCs wanted to continue in that capacity and would be reporting to the Secretary-General as from 1 January 2019. Regarding the issue of funding the new RC system, specifically the UN Secretariat contribution, that would be decided on the basis of a report by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). A number of agencies had decided to double their contributions and other organizations and specialized agencies would shortly be addressing the issue. The trust fund was currently US$76 million from 23 countries. Concerning the 1 per cent levy, discussions were still ongoing on the exact modalities and allocation criteria. He reiterated the previous speaker's comments about drawing attention to the tripartite mandate, the added value of the Organization, its supervisory mechanisms, the fact that it was one of the 40 UNSDG member organizations, and its normative function. While important, the issue of double reporting lines remained unclear; discussions had only just begun in the context of the UNDG transition team. Normative activities should be considered a criterion for establishing a national presence, rather than just operational activities. It was too early to respond about regional structures, as the proposals would be submitted to ECOSOC in May 2019. There

would be a first stage on regional economic commissions and the regional activities of the UNDG. More information about the funding compact would be available at the end of the year and related proposals would be submitted to ECOSOC in May 2019. Regarding partnerships and the Global Compact, considerable effort would be invested in that area. Reference had been made to the Director-General guiding the results team, which he co-directed together with the UNICEF Executive Director, in order for the role of the social partners to be reflected in that framework. Regarding multi-stakeholder participation, the ILO was managing the team responsible for those issues, and seeking to open up opportunities for the social partners to play a central role in both discussions with RCs and in UNDAF-related matters.

152. *The Director-General* said that in the complexity of the debate, the extraordinary level of consensus, even unanimity, within the Governing Body on some of the major issues must not be forgotten. All agreed that the UN reform process must be successful; all supported it and recognized the opportunities it provided; all understood the absolute need to act together to promote and protect the mandate, objectives and specificity of the ILO; and all wanted the Director-General and the entire ILO team to play a full and active role in pursuit of those objectives. No voice had contradicted his view that there was no opt-out for the ILO from its engagement in the process. While concerns had been raised in opening statements about the issue being on the Governing Body agenda, one week later the UN reform was being described as crucial for the institutional future of the Organization. He urged all to adopt the draft decision. The Office was making the required investment – it understood its responsibilities and its engagement had been intensive and time- and resource-consuming. All had used the opportunity to great effect to interact with the UN Deputy Secretary-General in March. The importance of tripartism, the ILO mandate and its normative agenda had been stressed so clearly that anyone present at the time would have no doubt about their importance. Those who thought the ILO was not taking up its role of leadership or doing well enough were underestimating the situation. Some objections had been raised about the process of allocating the financing set out under subparagraph (c) of the draft decision. It was a substantial amount of money, but the procedural approach was consistent with previous Governing Body practice and it was surprising to hear calls to depart from that. Serious and genuine concerns had been expressed about problems, dangers and risks ahead, which he fully understood, and on which the Office was working to shape the reform agenda and reconcile it with the objectives he had mentioned earlier. However, guarantees that the concerns had been resolved could not be given as the process was still in motion. The final outcome of the reform process was yet to be resolved and it was the responsibility of the ILO, and in its interests, to ensure that it was best placed to respond to those concerns satisfactorily. Attention had been drawn to the circumstances in which the debate and reform were taking place, and to the fact that it would be dangerous, a mistake, a miscalculation not to adopt the draft decision. Multilateralism was under pressure, and that was a primary reason why the reform must succeed. The Organization had been asked to take a leadership role in the reform process, and that was its intention. Failure to adopt the draft decision would make that impossible; a decision not to allocate the money would be in contradiction to putting the Organization in a position to realize the ambitions demanded. Twice during the current session they had been asked to exercise a degree of introspection and examine their own actions and motives, but ceding to introversion would place the ILO at the margins of the crucially important reform process and leave its consequences in the hands of others, potentially less sensitive to their shared priorities, with the possible repercussions described by many speakers.

153. *The Employer spokesperson* clarified that he had consistently argued that decisions had been imposed from outside the Governing Body and presented as a fait accompli. The message was that the ILO should align to processes within the UN system to its detriment and ignoring its mandate, people, values and governing processes. It was a make-or-break moment for the Organization as, without due attention to the nuances of the UN reform, it could inadvertently lose its tripartism. The details of the budget had not yet been provided,

which was tantamount to asking the Governing Body to sign a blank cheque, and the financial decision had to be taken before the discussion of the ILO programme and budget. While the reform process held opportunities, the ILO should not compromise on its unique feature to remain part of the UN system at any cost. It was meaningless to discuss the impossibility of opting out of the reform process, as the Governing Body had never received the required level of detail to truly opt in. He asked how it had been decided to start implementing the reform process, as that appeared to have happened without a decision from the Governing Body and without the specific information requested. Details were also lacking regarding the extra resources required in subparagraph (c) of the draft decision; taking such a decision would only be acceptable with a fully transparent process based on the Organization's principles, such as that used in approving a commission of inquiry. The Governing Body was being asked in the present case to take a decision without knowing how it would involve the tripartite partners or how priorities would be identified.

154. More than active participation, reform efforts required courageous, strategic leadership that would emphasize the ILO's identity and tripartite decision-making. He therefore requested that the item be postponed until the next session to address concerns raised by the Governing Body and the International Labour Conference. The Office should prepare a document including but not limited to: (a) a thorough analysis of the implications of the reform on ILO policies and operations at headquarters and in the field; (b) a clear proposal and plan to ensure that tripartism and the role of the social partners would be preserved in the UN reform at all levels; and (c) possible discussion points on how the ILO could effectively discharge its mandate in post-reform and post-2019 environments. His group would only support a draft decision that reflected those elements.

155. *The Worker spokesperson* recognized that the Director-General and the Office were strongly committed to influencing the UN reform process, addressing ILO concerns and ensuring the Organization played a central role. However, that was not necessarily sufficient; there had been little reassurance from the UN that the ILO's views were being taken into account. It was especially important that the Government representatives of ILO member States promote tripartism within their governments and use their decision-making powers at the UN General Assembly accordingly. Stronger reassurances, notably in relation to financing, were needed to improve trust in the reform process. Her group shared the Employers' lack of confidence that ILO tripartism would be maintained in the reformed UN development system, and could not therefore support the draft decision. She asked the Office and the Government group to provide further details on how those concerns were being addressed in negotiations on UN reform.

156. *The Government representative of China* noted the previous successful discussions on the UN reform, including with the Deputy Secretary-General of the United Nations during the March 2018 session of the Governing Body, and drew attention to the resulting opportunities for the ILO in relation to the Decent Work Agenda, tripartite governance and its normative function. He welcomed the Director-General's leadership role, which demonstrated the ILO's commitment to the reform process. Given the importance of multilateralism in tackling challenges in the world of work and achieving the SDGs, it was vital to support a reformed, invigorated multilateral system. The ILO should continue to proactively engage in the design of the new system in order to promote social justice and the Decent Work Agenda. The reform of the UN development system would not affect the mandates of specialized agencies, but rather help them deliver on those mandates; it was up to the ILO and its constituents to ensure its unique tripartite structure was well reflected in the reform. Greater clarity was needed on how the ILO's normative role would be reflected in national planning processes. The ILO and its tripartite constituents must urge the resident coordinators and UN country teams to recognize the ILO's unique mandate and the special status of its constituents as decision-makers in the world of work. He recognized the importance of redefining the role of the UNDP as the support platform for the UN development system and aligning DWCPs with UNDAFs. He supported the draft decision.

157. *A Government representative of France* recalled that the ILO had been the first international organization to join the United Nations as a specialized agency; the Governing Body at that time had underscored the importance of preserving tripartism and decided that it was within the UN system that the Organization could best serve its constituents. The ILO had ensured that its values featured heavily in the SDGs, and it was inconceivable that it could fulfil its mandate without full engagement with the relevant UN organizations, programmes and funds. Thanks to its tripartite structure, the Organization had successfully weathered difficult periods in the past through dialogue, mutual trust and a willingness to proceed by means of compromise and consensus. His Government was fully committed to UN reform, which was an essential step towards implementing the 2030 Agenda for Sustainable Development. He trusted that the Director-General would ensure that the ILO was fully involved in UN reform and that the unique characteristics of the Organization were brought to bear in that process. As postponing a decision on the matter would detract from rather than serve the interests of the social partners, he supported the adoption of the draft decision.

158. *A Government representative of Senegal* said that Governing Body members had firmly insisted on the need to preserve the ILO's tripartism and normative mandate throughout the UN reform process in the discussion that had taken place in March 2018 with the Deputy Secretary-General of the United Nations, and both the Office and the UN representative had been receptive to those calls. His Government wished to reaffirm its support for UN reform, all the more so because the Office document provided ample reassurance on the issue of tripartism and identified specific means of guaranteeing that constituents' priorities and needs would be taken into account. In view of that evidence that the ILO's added value would be preserved, he continued to support the draft decision.

159. *A Government representative of the United States* said that, as the ILO was the only international organization that had employers and workers as voting members, it was essential to preserve that unique characteristic. As the only surviving member of the predecessor organization of the United Nations, the ILO had a distinct role to play. UN reform and the preservation of the ILO system were not mutually exclusive. Reform of the UN was a reality, a necessity and the best possible action in a world where resources were scarce. Moreover, it would enable the Organization to leverage its current status and take advantage of the many opportunities offered by working in concert with a larger organization. As deferring the agenda item would only postpone the opportunity to take advantage of such opportunities, he was in favour of adopting a decision at the current session.

160. *A Government representative of Canada* said that her Government considered that the ILO was ahead of other UN entities with respect to its thinking on UN reform. The Office, Governments and the social partners could help to shape the way forward by engaging in the process, particularly at the country level. Her Government was convinced that UN reform would create more opportunities for the social partners to engage with more programmes, funds and agencies in the UN system by developing synergies, and at the same time would enable the Organization to extend its normative reach to the broader UN system. She encouraged the Office and the Director-General to continue their active engagement with all relevant stakeholders and with the strengthening of the resident coordinator system. Her Government would welcome further updates from the Office with respect to UN reform. Deferring the decision would send a message of a lack of support and therefore be counterproductive, whereas adopting a decision at the current session would strengthen the ILO's negotiating position.

161. *A Government representative of Brazil* said that the ILO had all the credentials and capacities to influence and participate actively in the UN reform process. A final decision on the agenda item should be taken at the current session.

162. *A Government representative of Uganda* requested the Director-General to explain how the ILO's identity would be preserved in the broader UN system after the reform. In particular, she sought reassurance that the ILO would continue to be a distinct UN agency with its mandate and social partners, and that the participation of the Workers and Employers in meetings would be safeguarded.

163. *A Government representative of Mexico* said that he appreciated the Director-General's strong commitment to defending tripartism. At the current stage of UN reform, there could be no concrete answers to the concerns raised. The process had been set in motion, and the ILO must take an active part rather than just spectating. Consequently, it was not possible or desirable to delay the adoption of a decision on the matter. Moreover, the Governing Body could not ask the Director-General to be accountable if it did not assign him a clear mandate. He therefore proposed adding a final subparagraph to the draft decision to read: "(d) requested the Office to inform the Governing Body at its 335th Session (March 2019) concerning the impact of the reform on the operations and tripartite nature of the ILO, and on the operations and staff of field offices, as well as on the technical cooperation and assistance provided by the ILO to countries".

164. *Speaking on behalf of ASPAG,* a Government representative of China reiterated that his group did not wish to see the important issue at hand deferred until March 2019.

165. *The Director-General* noted that everyone agreed on the shared objectives of protecting and promoting the ILO mandate, tripartism and the normative function, and expressed his view the Governing Body would be well advised to provide the Office with the financial and other means required to attain them. The Governments had also reiterated the fact that UN reform in no way called into question the ILO's mandate.

166. In response to the question from the Employers, he said that the Office had endeavoured to share all available information, but it was unable to provide all of the information requested by the Employers, as decisions had not yet been taken, such as that on joint reporting systems. It would be important for the ILO to play an active role in the processes under way, and the adoption of the draft decision would give the Office the best chance of achieving what the Governing Body was asking of it. As it would not be possible for the ILO to operate outside or in the margins of the reformed UN development system, there could be no question of "opting out" of UN reform.

167. In response to the question from the Government representative of Uganda, he said that the Office directed all its efforts at ensuring the full tripartite participation of constituents in both ILO and UN processes. The social partners would not, therefore, be excluded within a reformed UN system. As to the proposal of the Government representative of Mexico to add an extra subparagraph to the draft decision requesting the Office to report back to the Governing Body in March 2019 and be held accountable for the results achieved, he considered that that could offer a reasonable means of achieving consensus on the draft decision. The Office had every interest in being objective and honest about what it had achieved and where it should make greater efforts. It could also use that opportunity to call on Governments to steer it in the right direction.

168. *The Chairperson* drew attention to a letter dated 7 November 2018 addressed to the ILO from the UN Secretary-General on the subject of UN reform, which had been distributed among constituents.

169. *The Worker spokesperson* said that she welcomed the letter, which demonstrated the Secretary-General's interest in the ongoing debate on UN reform. The tripartite constituents had formulated several amendments to the Workers' previous amendment to the draft decision. Her group proposed that in paragraph 35(b), the word "advancing" should be replaced with "ensuring". In paragraph 35(c), the word "challenges" should appear after the

word “implications” and the word “secure” should be changed to “preserve”. In paragraph 35(d), the word “should” should follow the words “social partners”. Furthermore, since the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE) could not apply for observer status at the UN General Assembly, paragraph 35(f) should be amended to read “expressed understanding for the legitimacy of the demands of the International Trade Union Confederation and the International Organisation of Employers to be granted observer status in the United Nations General Assembly in order to allow for their participation in the sessions and the work of the General Assembly with respect to the UN reform process, and committed to follow up on this matter at the next Governing Body session with a view to assure further commitment and action from the ILO and its member States to achieve this”.

170. *Speaking on behalf of IMEC*, a Government representative of France welcomed the letter from the UN Secretary-General, which emphasized that employers, workers and governments should come together through dialogue for shared solutions in support of countries’ development priorities, that the ILO’s unique tripartite governance model was a source of strength and legitimacy, and that the reform would expand the opportunities of the specialized agencies. The social partners had expressed legitimate concerns regarding the implications of the reform, particularly with regard to country programmes, but there could be no doubt that all constituents shared the same goal: to ensure that the ILO would be able to seize the opportunities provided by the UN reform process on the basis of its unique tripartite structure. Constituents must empower the Director-General to promote their shared interests by endorsing the draft decision; otherwise those shared interests would be significantly weakened. The full involvement of the social partners was key to the successful design and implementation of the reform of the UN development system and the UNDAFs and to the achievement of the 2030 Agenda. Her group supported the amendments proposed by the social partners up to and including subparagraph (e). In subparagraph (f), she proposed a subamendment to remove the words “the legitimacy of” and to add, at the end, “and agreed to bring this matter to the next Governing Body session to consider further appropriate action”.

171. *Speaking on behalf of GRULAC,* a Government representative of Brazil thanked the Chairperson for his efforts in finding an approach for compromise. He acknowledged the significant contributions of the Government of Mexico and the social partners. His group was considering the issue on the basis of a number of principles. First, although the reform of the UN development system would bring risks and challenges, the opportunities were far greater. UN reform had received the unanimous support of governments at the UN General Assembly. Furthermore, the reform process would align the work of the various actors towards greater coherence and collaboration in line with the 2030 Agenda and efforts to ensure decent work for all. Governments in his group had committed to take into account the specificities of the ILO in the context of UN reform. The capacities and credentials of the ILO provided clear assurance of its capacity not only to participate in but also to make a positive impact on the reform of the UN development system, as echoed by the UN Secretary-General in his letter. GRULAC valued the contribution of the social partners in the debate on UN reform and understood their legitimate concerns on the changes it could bring; in his view, those concerns would be solved through dialogue and transparency.

172. Turning to the proposed amendments, GRULAC considered that replacing “took note of” with “welcomed” in subparagraph (a) of the draft decision would convey a more constructive message. Regarding subparagraph (b), although the word “advancing” would provide a better indication of the ILO’s capacities, his group could accept the amendment to “ensuring”. On subparagraph (c), he welcomed the social partners’ flexibility in accepting the amendment proposed by IMEC and GRULAC on consultations with constituents, to ensure that they would be sufficiently prepared for discussions of the Governing Body. He applauded the inclusion of the message of commitment to tripartism in subparagraph (d) and the broadening of the scope of consultations to include Governing Body members as

described in subparagraph (e). His group also agreed with subparagraph (g) as it would ensure consultations were more inclusive. As to subparagraph (f), he requested the Office to clarify: the formalities involved in the process for securing observer status for the ITUC and IOE to allow them to participate in meetings relevant to UN reform; whether discussions on the next stages of the implementation of UN reform would take place at meetings of the Economic and Social Council or at the UN General Assembly; which member States would be permitted to request the granting of observer status and which UN bodies should be approached; and whether it would be possible to lodge such a request before 2020. GRULAC supported subparagraph (g).

173. *The Director-General* responded by quoting Chapter VI, section B, of the *United Nations Juridical Yearbook, 2008*:

> *B. Formal procedures for granting observer status*
>
> 8. Neither the United Nations Charter nor the Rules of Procedure of the General Assembly address the question of observers. In practice, the General Assembly has adopted resolutions granting observer status to various organizations and entities. As indicated above, in its decision 49/426 of 19 December 1994, the General Assembly decided that observer status would be confined to States and intergovernmental organizations whose activities cover matters of interest to the Assembly.
>
> 9. It is for the Member States to initiate the process of granting observer status to an intergovernmental organization. The first step is for a Member State or a group of Member States to request the inclusion of an appropriate item in the agenda of the General Assembly. The request must be accompanied by a memorandum explaining why the item should be inscribed on the agenda and why the organization should be given observer status.
>
> 10. The General Committee of the General Assembly then reviews the request and recommends to the General Assembly whether or not to include the item in the agenda. If the item is included, the next step is for a Member State to sponsor a draft resolution by which the General Assembly would decide that the intergovernmental organization concerned is invited to participate in the sessions and work of the General Assembly in the capacity of an observer. Ultimately, it would then be for the General Assembly to take a decision on the proposed resolution.
>
> 11. By virtue of paragraph 2 of General Assembly resolution 54/195, the Sixth Committee of the General Assembly considers all applications for observer status before they are considered in the plenary session. It is highly likely, therefore, that the legal status of the applicant organization − as an international organization − would be determined on that occasion.

174. *Speaking on behalf of GRULAC*, a Government representative of Brazil requested clarification of the timing of the request for observer status; his group had been informed that the next opportunity would arise in 2020. He also wished to know whether the request would be submitted to the General Assembly or to ECOSOC.

175. *The representative of the Director-General* (Director, MULTILATERALS) said that ECOSOC received an annual report by the Secretary-General on the implementation of the reform. Another report by the Secretary-General on the implementation of the resident coordinator system would be presented to the General Assembly at its 74th Session (2019–20). That report would also contribute to the next quadrennial comprehensive policy review of operational activities, which would begin in 2020. The processes for acquiring observer status at ECOSOC and at the General Assembly were totally separate; one did not automatically lead to the other.

176. *Speaking on behalf of ASPAG*, a representative of the Government of China said that the UN reform should facilitate the delivery of the mandates of the UN specialized agencies, rather than altering them. The ILO and its tripartite constituents must work together to engage in all aspects of the reform process, ensuring that it reflected the Organization's unique

tripartite structure. His group supported the amendments proposed by the social partners and IMEC; however, he proposed replacing the word "ensuring" in subparagraph (b) by "advancing".

177. *The Employer spokesperson* welcomed the letter from the Secretary-General, in which he had expressed his awareness of the ILO's discussions and his conviction that its unique tripartite model was a source of strength and legitimacy in its work across the globe. The Secretary-General had also stated that the reforms would reinforce the importance of partnerships for sustainable development and for the governance model of the ILO, and that they would require capitalizing on the enormous strengths of the specialized agencies, including the ILO. The UN reform represented an opportunity to work together to drive a particular agenda of reform, recognizing the unique nature of the ILO. It also required an innovative approach in order to promote the ILO's agenda. Government representatives had urged the social partners to have faith in their support, and IMEC's proposals provided a sound basis for the draft decision.

178. *Speaking on behalf of the Africa group,* a Government representative of Rwanda said that his group supported subparagraphs (a), (d) and (g), and also subparagraph (b) with the word "ensuring". He proposed deleting subparagraph (e), as there appeared to be significant overlap between subparagraphs (c) and (e). His group did not support subparagraph (f), as Governments must be given the opportunity to consider the matter by consulting further with ministries in their home countries.

179. *Speaking on behalf of the EU and its Member States,* a Government representative of Romania supported the amendments proposed by IMEC as a compromise that addressed all the concerns expressed, and welcomed the letter of the UN Secretary-General. The Director-General should be empowered without delay by all constituents to play an active role and promote the ILO's tripartite structure, normative mandate and supervisory role to realize its full potential within the UN system. She therefore called upon the ILO to continue to actively engage in all forums in support of UN reform; that would require the full support of the social partners to succeed.

180. *A Government representative of Mexico* sought clarification on the procedure. The social partners were seeking observer status at the General Assembly. However, implementation of the reforms would be discussed at ECOSOC, which was subject to a separate process for acquiring observer status. Therefore, the Governing Body's proposal would not only be difficult to implement, but would also not achieve the desired effect. Furthermore, not all members of the Governing Body were members of ECOSOC; fewer still were members of the committee that considered requests for observer status. The timing of the request presented further obstacles. The review of the implications of UN reform referred to in subparagraph (c) could address means of ensuring the inclusion of the social partners; one question to explore could be whether the Director-General could be accompanied by a tripartite delegation.

181. *The Chairperson* clarified that both the ITUC and the IOE already enjoyed observer status at ECOSOC; paragraph (f) related to observer status at the General Assembly.

182. *A Government representative of the Russian Federation* said that while his Government was prepared to continue constructive dialogue with regard to the draft decision, it could not agree to the reference to the financing of the reforms before the General Assembly had examined the issue.

183. *A Government representative of Azerbaijan* said that the application for observer status of the International Chamber of Commerce had taken more than four years to be granted. Such applications were serious processes requiring careful examination by the ILO and governments.

184. *The Worker spokesperson* said that it was reasonable to retain in the decision an understanding of the request for observer status, given that the social partners had been part of the ILO's decision-making structure for a century – longer, indeed, than the UN had been in existence. Even if the UN reform process had concluded before the observer status was granted, an important message would have been sent that any reform must take the concerns of all tripartite constituents into account. It would also promote the mandate and core principles of the ILO more broadly. She noted that there was a strong majority in favour of the current text.

185. *The Employer spokesperson* said that after extensive efforts to reach a consensus, the draft decision as amended enjoyed sufficient support and could be adopted.

186. *Speaking on behalf of the Africa group,* a Government representative of Rwanda reiterated that his group did not support subparagraph (f).

187. *The Chairperson* said that there appeared to be majority agreement on the draft decision as amended by IMEC.

Decision

188. ***The Governing Body:***

(a) welcomed the United Nations General Assembly resolution "Repositioning of the United Nations Development System in the context of the quadrennial comprehensive policy review of operational activities for development of the United Nations system" (A/RES/72/279) adopted on 31 May 2018 and the implications for the work of the ILO;

(b) requested the Director-General to take leadership in ensuring tripartism and the specific role of the social partners in the implementation of the resolution and related interagency coordination mechanisms, taking fully into account the views and positions expressed in the Governing Body on this matter at its current and previous sessions;

(c) decided to review the implications, challenges and opportunities of the UN reform for the ILO at its March 2019 session on the basis of a comprehensive analysis to be prepared by the Office, in consultation with the constituents and a plan of action to implement the reform addressing issues and challenges expressed by the Governing Body, including how to preserve the ILO's tripartite governance structure, normative mandate and programmatic priorities;

(d) took note of the strong commitment expressed by the Governments to the principle of tripartism and the importance of the role that the social partners should play in the implementation of the reformed UN system;

(e) requested the Director-General to organize regular consultations with the constituents on, inter alia, the promotion of tripartism in the context of the reform of the UN development system with a view to feeding into the ILO's strategy for its engagement in the reform process (and to foster dialogue between Geneva and New York);

(f) expressed understanding for the demands of the International Trade Union Confederation and the International Organisation of Employers to be granted observer status in the United Nations General Assembly in order to allow for their participation in the sessions and the work of the General Assembly with respect to the UN reform process, and agreed to bring this matter to the next Governing Body session to consider further appropriate action; and

(g) decided that the cost of the doubling of the cost-sharing contribution to the Resident Coordinator system for 2019, estimated at US$2.2 million, would 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 that not prove possible, the Director-General would propose alternative methods of financing at a later stage in the 2018–19 biennium.

(GB.334/INS/4, paragraph 35, as amended by the Governing Body.)

Fifth item on the agenda

The Standards Initiative: Implementing the workplan for strengthening the supervisory system – Progress report
(GB.334/INS/5)

189. *The Chairperson*, recalling that the Governing Body had examined the item twice previously without reaching a decision, said that the draft decision currently before it took into account the guidance provided at its session in March 2018 and at the informal tripartite consultations held in January and in September 2018. He urged the Governing Body to make a special effort to reach consensus on the proposed decision for this leg of the Standards Initiative, prior to the ILO's Centenary. He suggested that the discussion should start with a round of general observations on the progress report, followed by comments on the operation of the article 24 procedure, the streamlining of the reporting system, the potential use of article 19 of the ILO Constitution and follow-up action.

190. *The Worker spokesperson*, noting that progress had been made towards reaching a consensus on what were very important, delicate and contentious issues for her group, recalled that the Workers had reached a compromise with the Employers at the 332nd Session (March 2018) and the two groups had submitted some proposed amendments, which had been the subject of a first exchange with the Governments at that session, and discussed further at the tripartite consultations in September. Her group remained committed to that compromise.

191. Regarding the proposal to codify the article 26 procedure, the Workers agreed to the Office proposal as set out in paragraph 14 of the document to wait for the presentation of the guide on established practices and assess its effectiveness before continuing the exchange of views on codification. While the absence of standing orders afforded flexibility and, as a result, a number of complaints not meeting the criteria for an article 26 complaint had been referred to other supervisory bodies without protracted discussions in the Governing Body, it was of concern that several meritorious complaints filed by the Workers had not led to the establishment of a commission of inquiry, and had resulted in multiple deliberations in the Governing Body. In the case of Guatemala, for example, there had been 22 discussions in the Committee on the Application of Standards on fundamental Conventions, but a Commission of Inquiry could not be established, despite trade unionists being murdered. Reforms were necessary to allow for the establishment of a commission of inquiry based on

the merits of the complaints. That should not necessarily be done through codification, but through a common understanding of improved practices, including the automatic establishment of a commission of inquiry when governments failed to reach agreed benchmarks. That had been the approach taken in respect of the complaint against the Bolivarian Republic of Venezuela, and should be the rule for all complaints.

192. Regarding the review of the Standards Initiative, she noted that there would be an opportunity to review the ten actions under the work plan in March 2019. Progress should be made in respect of all the actions, given that they were part of a Centenary Initiative; it was important to show tripartite unity on the way forward for the ensuing 100 years with a strengthened tripartite supervisory system. She agreed with the amendment that the Employers were about to propose.

193. *The Employer spokesperson*, making a general observation, stressed the importance of the discussion, which reflected tripartism in action. As technical as it was, the issue was at the heart of the ILO. He recalled that compromises had been reached at the March 2018 session on elements relating to the operation of the article 24 procedure, the streamlining of reporting and the potential of article 19, paragraphs 5(e) and 6(d), but that the adoption of decisions on those elements had been hindered by the early adjournment of the session. The document reflected most of the agreements reached in March 2018 and further proposals that had emerged from the informal consultations in September. He looked forward to discussing the item following the structure suggested by the Chairperson.

194. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan said that, in approaching the ILO Centenary and in moving towards the implementation of the 2030 Agenda and the UN reform, the supervisory system had to be prepared to face the challenges ahead and benefit from the opportunities of a changing world of work and multilateral landscape. He stressed the importance of the system and the value of further strengthening it based on the principles of transparency, coherence, effectiveness, impartiality and genuine tripartism. He welcomed the progress made in Governing Body discussions and informal consultations and acknowledged the concrete measures put forward by regional groups. In general, the provisions contained in the draft decision were beneficial and timely. He encouraged the Governing Body to consider the amendments that would be submitted by GRULAC and ASPAG in the course of the discussion.

195. *Speaking on behalf of GRULAC*, a Government representative of Brazil emphasized that the issue was of fundamental importance for the entire Organization. He agreed with the previous speaker that, in the discussions on strengthening the supervisory system, it was important to take into account the forthcoming ILO Centenary, the 2030 Agenda and the reform of the UN. GRULAC appreciated the contributions made by all parties at the 332nd Session of the Governing Body and thanked the Office for the tripartite consultations it had held since then. He looked forward to commenting on specific elements of the draft decision in due course. Noting that reference had been made to two countries from the GRULAC region, he said he assumed that the points raised would be discussed under the appropriate agenda item. GRULAC wished to propose a number of amendments at the appropriate point in the discussion.

196. *Speaking on behalf of IMEC*, a Government representative of the United States said that IMEC supported and had confidence in the ILO supervisory system and sought to contribute constructively to discussions on the Standards Initiative with a view to strengthening it. The consultations convened by the Office had been very useful in providing clarity on proposed amendments to the draft decision. IMEC would comment on specific actions at an appropriate point in the discussion.

197. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that ASEAN aligned itself with ASPAG. ASEAN welcomed the proposed arrangements for a temporary

suspension of the examination under the representation procedure to encourage reconciliation efforts at the national level. However, a maximum period of six months would not be sufficient to resolve the issues and an extension should be allowed as part of the new arrangements. Information on the use of such arrangements should be made available on a regular basis, preferably in the information document on the status of pending representations. ASEAN supported the decision to extend the reporting cycle for technical Conventions to six years, and hoped that clear and definitive criteria would be submitted to the Governing Body for consideration on how the Committee of Experts on the Application of Conventions and Recommendations (CEACR) could break the cycle for technical Conventions. The codification of article 26 should not be delayed further, as standards were at the heart of the ILO and there was no good reason to leave the most serious measure of the Organization to erratic and inconsistent interpretation. A comprehensive guide on the operation of that procedure and on all other supervisory bodies would improve constituents' overall understanding and potentially prevent claims and allegations from being used as a political tool. He looked forward to more substantive and more concrete proposals on the issue of legal certainty in subsequent sessions of the Governing Body.

198. *A Government representative of the Russian Federation*, noting with satisfaction that the inter-sessional consultations had helped to clarify the positions of the different groups, expressed support for the efforts to strengthen the supervisory system. Decisions on strategic issues relating to the future of the Organization had to take into account the delicate balance of interests that had been built at the ILO as a result of its tradition of tripartism. The measures proposed in the document largely reflected that approach. The Russian Federation would be willing to consider further amendments if deemed necessary. The system should allow for an assessment of progress and adjustments where required. He welcomed measures to improve the practical use of article 24 and article 26 procedures and said that realistic deadlines for the consideration of complaints were necessary for optional agreed voluntary procedures or other measures. He would make more detailed comments in due course.

199. *A Government representative of China* said that his Government had consistently spoken in favour of solving the problems of standards application through social dialogue, tripartism and technical support. He noted with satisfaction the tripartite consultations held by the Office, the consensus reached by the tripartite constituents on the Standards Initiative and the proposals contained in the document, including the proposal to allow for optional voluntary conciliation or other measures at the national level. China welcomed the discussions on the legal certainty of labour standards. Disputes concerning the interpretation of Conventions should be resolved through dialogue rather than through the establishment of an in-house tribunal. The regular article 22 reporting cycle for technical Conventions should be extended, with legal safeguards.

200. *A Government representative of Brazil* said that a strong, effective and legitimate ILO, adapted to the challenges of the world of work and multilateralism, could and should be achieved through cooperation, dialogue, partnership and a reinforced tripartism that included, rather than excluded, governments. The ILO Centenary provided an opportunity to modernize and improve the ILO, including its standards system. Proposals and solutions should be built to rejuvenate and strengthen tripartism, emulate the best practices of other multilateral organizations, increase transparency and accountability and ensure true and effective dialogue. Supervisory bodies must be transparent, paving the way for an Organization that was responsive to its Members' needs and to the rapid transformation of the world of work. A report on methodologies and procedures for the appointment of members of supervisory bodies, particularly the CEACR, would be most welcome. Any review of the working methods of the supervisory bodies should take into account the best practices of other UN system bodies. Clear and objective criteria should be observed regarding breaks in CEACR reporting cycles. More information on the review of the working methods of the supervisory bodies was a key component of the Standards Initiative. Discussions on the possible implementation of article 37(2) of the ILO Constitution should

take place after the legal certainty and practical effectiveness of existing mechanisms had been ensured. Efforts should be focused on strengthening a supervisory system that belonged to all three constituents and on the outcome document of the Centenary session of the International Labour Conference.

201. *A Government representative of the Islamic Republic of Iran* reaffirmed his Government's commitment and full support to the strengthening of the supervisory system, which must uphold the principles of tripartism, transparency, consistency, impartiality and accountability. The informal consultations held by the Office had contributed to the advancement of the discussions. Thematic grouping for reporting purposes under a six-year cycle for the technical Conventions and the preparation of a new report form would help to streamline reporting procedures. However, conditionality between the extension of reporting cycles and the review of possibilities for breaking the cycle would bring about uncertainty and should be avoided. National conciliation strengthened the supervisory system and was fully consistent with the principle of social dialogue.

202. *The Chairperson* invited the members of the Governing Body to consider the representations procedure under article 24 of the Constitution and paragraph 21(1) and (4).

203. *The Worker spokesperson* recalled that a consensus had previously been reached regarding the measures proposed in paragraph 21(1)–(3). Her group supported the amendment to paragraph 21(4) that would be proposed in due course by the Employers, but was strongly opposed to any further delay to the examination of the merits of a representation by the ad hoc committee. Indeed, the referral back to the national level of cases already gave cause for serious concern given the lengthy nature of the examination of representations. Her group had agreed to allow an extension on a trial basis, on the condition that safeguards were put in place, including a six-month period for conciliation should the complainant organization so wish. However, the Workers could not agree to any further extension of that six-month period. The words "and with the possibility for the tripartite committee to decide on a limited further extension of the suspension should the initial conciliation or other measures need a further period of time to successfully resolve the issues raised in the representation" should be deleted from the text of question 6 of the model electronic form for the submission of a representation under article 24 of the ILO Constitution, contained in Appendix I to the document.

204. *The Employer spokesperson* noted with satisfaction Brazil's call for cooperation, dialogue, partnership and a reinforced tripartism that included, rather than excluded, governments. His group would have preferred that the length of the suspension of the examination of the merits of a representation had been left to the discretion of the ad hoc committee, but accepted the arrangements allowing for a six-month suspension of the examination of the merits, which should be reviewed in two years' time. His group supported the Workers' stance on question 6 of the model electronic form. It was hoped that the introduction of the form would encourage potential authors of article 24 representations to first of all try out available national remedies. The Office must continue to assist member States in setting up and improving such remedies, which would help ensure that the article 24 procedure was available for those who most needed it. Noting that some governments may not have an open approach to conciliation, he said that the reference in paragraph 21(1)(a) of the draft decision, to "the agreement of the government" should be deleted and discussed again after the two-year trial period.

205. The information document referred to in paragraph 21(1)(b) should be published sufficiently in advance and should contain information on all pending representations, including those concerning the Conventions on freedom of association and collective bargaining. While his group would have preferred members of the Governing Body to receive the final report of article 24 ad hoc tripartite committees five days before they were called to adopt their conclusions, it could nevertheless agree to the three-day period referred to in

paragraph 21(1)(c), provided that the matter could be reconsidered if necessary. With regard to paragraph 21(1)(f), his group wished not only to explore modalities for follow-up action on Governing Body recommendations concerning representations, but also to put into practice that follow-up as soon as possible.

206. Contrary to the claim made in paragraph 7 of the document, there had not been a broad consensus around the measures contained in paragraph 21(4). According to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the ILO Constitution, there was no automatism in the referral to the Committee on Freedom of Association (CFA) of article 24 representations relating to Conventions on freedom of association and collective bargaining. Article 24 representations, regardless of which Conventions they concerned, must be dealt with consistently in line with the article 24 procedure, and not following any other existing procedures such as the procedure followed by the CFA for the examination of article 24 representations. His group therefore proposed that paragraph 21(4) be amended to read: "The Governing Body instructed the Committee on Freedom of Association to examine representations referred to it according to the procedures set out in the Standing Orders for the examination of article 24 representations to ensure that representations referred to it be examined according to the modalities set out in the Standing Orders."

207. *A Government representative of Brazil* reiterated that Brazil's proposals were conducive to a more inclusive, more democratic and more robust ILO, founded in tripartism and dialogue.

208. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that, when examining representations under article 24, the CFA must always comply with the provisions of the relevant Standing Orders. While welcoming the progress made by the CFA subcommittee, he said that the Governing Body should monitor the Committee's methodology closely and enable it to make improvements, including with respect to the significant geographic imbalance regarding the number of cases before the Committee that were from the Latin American and Caribbean region. The verb *"Pide"* should be replaced by the verb *"Instruye"* at the beginning of paragraph 4 of the Spanish-language version of the draft decision.

209. *Speaking on behalf of IMEC*, a Government representative of the United States said that she appreciated the clarification provided by the Workers in September on action 2.2, supported the proposed modifications to the model electronic form and was open to the amendment proposed by ASPAG to paragraph 21(1). She supported the draft decision in paragraph 21(4) but could accept the amendments proposed by the Employers.

210. *The Worker spokesperson*, in reply to a question from the Chairperson, confirmed that the Workers were in agreement with the amendment tabled by the Employers.

211. *The Chairperson* noted that there appeared to be consensus on paragraph 21(1), including the amendment tabled by the Employers to which there had been no objection. He asked whether ASPAG had formally tabled its proposed amendment to paragraph 21(1).

212. *Speaking on behalf of ASPAG*, a Government representative of China said that ASPAG had submitted its amendment to subparagraph 1(a) concerning the maximum period of six months, which should remain flexible if there were positive developments.

213. *The Worker spokesperson* said that the matter had been discussed extensively in September, with full respect for ASPAG, when the Workers had explained that they did not wish to come back on the important principle under article 24. There was no need to exhaust national remedies; the innovation was to allow for the possibility of conciliation, if the complainant thought that would help solve the matter. The six-month deadline was a safeguard introduced to ensure that Governments did not put undue pressure on complainants to withdraw

complaints; the tripartite committee could then determine whether there were promising conciliatory signals. The Workers had sought agreement with the Employers on the deadline and conceded to see whether conciliation worked; the matter could be discussed again at the end of the trial period. She preferred to reach agreement on the matter of conciliation and defer any further discussion of the maximum period of six months.

214. *The Employer spokesperson* said that he fully agreed with his Worker counterpart.

215. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group viewed conciliation under subparagraph 1(a) as an optional and voluntary procedure. The willingness of the parties involved was the most important element; if they agreed to extend conciliation procedures, that option should not be excluded. His group could accept the ASPAG amendment but parties should be able to agree to extend beyond six months.

216. *The Chairperson* said that the GRULAC statement proposed a flexible solution, with or without the amendment proposed by ASPAG, which the Employers and Workers clearly did not support.

217. *Speaking on behalf of the Africa group,* a Government representative of Namibia said that she agreed that it should be acceptable for the parties to extend the deadline. If they believed that they were making progress and agreed to do so, there was no point in insisting that the committee resume its activities.

218. *The Worker spokesperson* said it was important to understand that complaints under article 24 were not made easily. The innovation that was being introduced was to ask the complainant whether they saw a benefit at the national level. If the Governing Body provided in the procedure that the deadline could be extended with the agreement of the parties when the complaint was against a government, enormous pressure could be exerted on the complainant and the complaint could be extended indefinitely, which would corrupt the procedure under article 24. Both Workers and Employers were against the amendment and wished to move forward carefully; Governments should understand that their agreement to try out conciliation was a major concession. If conciliation proved beneficial for all after two years, further steps could be discussed.

219. *Speaking on behalf of IMEC*, the Government representative of the United States recalled that the item had garnered significant discussion during the September consultations because the procedural innovation being trialled was interesting and because there was a lack of clarity around what exactly was being suspended. She had understood from the Workers that the article 24 ad hoc committee would suspend its deliberations for six months to give space for conciliation and that when it reconvened, it had the prerogative to take note of any positive progress and adjust the pace of its work accordingly. Both the draft decision and the trial reflected the period of suspension and gave space for conciliation to continue to progress, with or without the amendment, because it was the committee's prerogative to support a positive conclusion. She was comfortable with either formulation, but also with the original draft.

220. *The Chairperson* said that while the position of the Employers and Workers was clear, there was insufficient consensus in the room to approve the amendment. He suggested that the Governing Body revert to that point after considering the other paragraphs of the draft decision.

221. *The Employer spokesperson* said, with reference to subparagraph 2(a), that his group emphasized the need for the Committee of Experts to extend possibilities for breaking the reporting cycle with respect to the technical Conventions, which would make it possible to address observations from the social partners outside the regular reporting cycle. The significant extension to six years made such observations an even more important source of

information for assessing and ensuring compliance with the Conventions within that period. His group also supported paragraph 21(5) and trusted that the Committee's consolidated comments would be more reader-friendly and include concrete requests for action. The Employers further supported inviting experts to make proposals on optimizing the use of General Surveys, in particular by considering measures to improve their presentation and format, making sure that the overview of law and practice in ILO member States included difficulties in the ratification or implementation of Conventions and potential gaps in their coverage.

222. *The Worker spokesperson* said with reference to paragraph 21(2) that her group continued to support the streamlining of reporting, provided that the criteria used by the Committee of Experts to break the regular reporting cycle were expanded as the Committee itself deemed appropriate. The Workers had initially opposed lengthening the cycle for technical Conventions, fearing that doing so might reduce the effectiveness of their supervision and, ultimately, application; they had agreed to lengthen the cycle provided that it could be broken when significant national developments deserved the Committee's attention. The Committee should have full discretion with regard to the criteria that it wished to take into account. In light of that, her group could agree with subparagraph 2(a).

223. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that his group's commitment to international labour standards was clear from the fact that, of the groups, it had one of the highest rates of ratification of ILO Conventions. Extending the reporting cycle for the technical Conventions from five to six years was essential to provide governments with the requisite time to submit substantive, relevant reports, thus ensuring the sustainability of the reporting system. Adherence by all parties to clear and stable reporting system cycles was key and any interruption to those cycles should be permitted only in exceptional circumstances. In the same spirit, the group believed the inclusion of its proposed amendment, which read: "thematic grouping for reporting purposes under a six-year cycle for the technical Conventions while inviting the Committee of Experts to further review, clarify and, where appropriate, adjust criteria for breaking the reporting cycle, upon reasonable grounds, with respect to technical Conventions;" would be useful. The amendment was based on the understanding that the Governing Body could not determine or pre-empt the result of a review undertaken by the independent Committee of Experts. In the spirit of finding consensus and fully preserving the Committee's independence, GRULAC did not object to inviting the Committee to consider, in view of the extension, whether or not to adjust the criteria upon which it based its decision of whether or not to break a regular reporting cycle.

224. *Speaking on behalf of IMEC*, the Government representative of the United States said that, with the understanding described in paragraph 11, her group could support the draft decision in paragraph 21(2)(a). Equally, her group was open to the formulation proposed by GRULAC, perhaps with a subamendment, as well as to paragraph 21(2) and (5) as originally drafted.

225. *A Government representative of China* said that his Government supported the opinion expressed by GRULAC concerning paragraph 21(2)(a).

226. *The Worker spokesperson* said that the independence of the Committee of Experts had been an important proviso for her group to agree to extend the reporting cycle. Appreciative of GRULAC's commitment to the ratification of ILO standards, her group recognized the desire of governments to ease the pressure of reporting time periods. However, the Committee of Experts should work according to its own criteria and the Governing Body should not give instructions to the Committee on how to handle its work. Therefore, the original wording of paragraph 21(2)(a) should be kept.

227. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that his group, while understanding the Workers' and Employers' insistence on the independence of the Committee of Experts, could not understand how that Committee could simultaneously be independent and be instructed by the Governing Body on the possibilities for breaking the cycle, as was the case in the original wording of paragraph 21(2)(a). GRULAC had put forward alternative wording in order to strengthen, not diminish, the Committee's independence by allowing it to adjust its criteria, on reasonable grounds, should it see fit. His group emphasized the fact that the Committee was an independent entity separate from the Governing Body.

228. *A Government representative of the Russian Federation* said that his Government had never been entirely convinced that extending the reporting cycle to six years would enhance the effectiveness of the supervisory system and rather feared the opposite. Nonetheless, in respect of tripartite consensus, his Government was ready to support the extension. While there was undoubtedly a link between a longer reporting cycle and the possibility of breaking it, his Government supported the logic of GRULAC's proposed wording for paragraph 21(2)(a), which was mild and non-prescriptive and hoped that agreement might be reached on the issue.

229. *Speaking on behalf of IMEC*, the Government representative of the United States said that, mindful of the Workers' group's concern about the link between extending and breaking the reporting period and of GRULAC's eagerness to preserve the Committee's independence, the unclear formulation of "upon reasonable grounds" could be deleted from GRULAC's amendment. Or, indeed, the original wording could be kept with the simple addition of "where appropriate" to read: "thematic grouping for reporting purposes under a six-year cycle for the technical Conventions provided that the Committee of Experts further reviews, clarifies and, where appropriate, extends possibilities for breaking the reporting cycle with respect to technical Conventions".

230. *The Worker spokesperson* said that the original wording did not, in any way, interfere with the independence of the Committee of Experts but rather provided a safeguard that reviews of possibilities for breaking the reporting cycle would at least take place. The wording of GRULAC's amendment did not provide that safeguard and therefore did not meet the Workers' group's condition for accepting the extension. Her group still had strong concerns about the extension, which it considered to be too long.

231. *The Employer spokesperson* said that he disagreed with the argument that the original wording would imply that the Governing Body was interfering with the independence of the Committee of Experts. The Governing Body's duty was to govern and establish rules that would satisfy its constituents. Those rules were then passed on to an independent committee, which set its own criteria for work, a process in which the Governing Body did not interfere.

232. *The Worker spokesperson* said that she needed to consult with the Employer spokesperson as the original wording was part of their joint agreement.

233. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) said that the Subcommittee of the Committee of Experts had paid close attention to the Governing Body's discussion, in particular its potential invitation for the Committee to review its criteria for breaking the reporting cycle, and had confirmed its willingness to consider how it might broaden its criteria for breaking its review cycle, as recorded in paragraph 12 of its General Report.

234. *The Chairperson* suspended the meeting to allow delegations to consult with one another.

235. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that, following informal consultations with the social partners and the representative of the United

States, his group proposed in the interests of consensus that, in paragraph 2(a), "while inviting" and "provided that" should be replaced with "with the understanding that", so that the subparagraph would read: "thematic grouping for reporting purposes under a six-year cycle for the technical Conventions with the understanding that the Committee of Experts further reviews, clarifies and, where appropriate, extends the objective criteria for breaking the reporting cycle with respect to technical Conventions".

236. *The Worker spokesperson* said that her group could accept GRULAC's proposal of "with the understanding that"; however, the word "objective" should be removed. Additionally, in her view, the word "possibilities" was clearer than "criteria", but she would be interested to hear the views of the Government representative of the United States.

237. *The Employer spokesperson* agreed that it was not appropriate to include the word "objective". The word "possibilities" would be appropriate in English, but if it was not suitable in Spanish, an alternative could be sought.

238. *The Government representative of the United States* proposed that the phrase "extends possibilities" in the original draft decision could be replaced by "expands the criteria", which would have the same intention.

239. *Speaking on behalf of GRULAC,* the Government representative of Brazil said that his group preferred to use the word "criteria" in the English version and "*criterios*" in the Spanish; they best reflected the word "*critères*" used in the French version of the original draft decision. In the spirit of compromise, his group would accept the deletion of "objective" and the replacement of "extends" with "expands".

240. *The Employer spokesperson* said that paragraph 12 of the General Report of the Committee of Experts used the word "criteria", which meant that it was a term known to the experts and therefore might be suitable for the draft decision.

241. *The Chairperson* suggested that, as the General Report of the Committee of Experts used the word "broaden", that could be used instead of "extends" or "expands".

242. *The Worker spokesperson* said that "expands criteria" did not capture the fact that it was currently not possible to break the reporting cycle and that new possibilities would need to be considered. All language versions of the draft decision must make it clear that there must be more options to deal with breaking the reporting cycle.

243. *A Government representative of the Russian Federation* said that the measures under consideration took into account the balance of interests that contributed to the ILO's unique tripartism. It would be advisable to review the mechanism in order to make any necessary corrections. Her Government would welcome steps to improve the practical use of the article 24 and 26 procedures and the proposed suspension of the examination of the merits of complaints and representations. She questioned whether the six-year cycle would bring about greater efficiency in the work of the ILO's supervisory bodies. Given the importance of the work of the CEACR and the Committee on the Application of Standards, their working methods should be reviewed and improved. Additionally, States that were the subject of complaints or representations must receive information in a timely manner and be given greater opportunities to defend their positions. She supported the proposal to finalize the decision on the information to be provided to the Governing Body in March 2019 on the progress made in reviewing the supervisory mechanisms, as it would be important for defining future work in that area.

244. *The Chairperson* suggested that "broadens criteria" also implied that the possibilities of already existing criteria could be expanded. Furthermore, using the language of the report of the Committee of Experts could provide a solution to the wording of the decision.

245. *The Worker spokesperson* agreed that the wording of the report of the Committee of Experts should be followed, on the understanding that the word "objective" would not be added before "criteria".

246. *Speaking on behalf of GRULAC,* the Government representative of Brazil said that his group agreed to the use of the phrase "broadens criteria" and, in the interest of consensus, could accept the deletion of the word "objective". However, he wished to put on record that it was his group's understanding that whenever the Committee of Experts took a decision on whether to break the reporting cycle, it must do so based on an objective, reasonable and reasoned analysis, according to the circumstances of each specific case.

247. *The Chairperson* invited the members of the Governing Body to consider the article 19 procedure (paragraph 21(3) and (6) of the draft decision).

248. *The Employer spokesperson* said that General Surveys were among the most important tools available to the ILO for determining standards-related action, as they were intended to obtain objective, in-depth information on the status and problems related to Conventions and Recommendations. Therefore, measures to improve reporting under article 19 of the Constitution must not compromise that function. As to ways of enhancing the discussion of General Surveys, the meeting on the working methods of the Committee on the Application of Standards would begin its consideration the following day.

249. *The Worker spokesperson* said that her group had already said everything that it wished to say in previous statements on the article 19 procedure, and supported paragraph 21(3) and (6) of the draft decision.

250. *Speaking on behalf of GRULAC,* the Government representative of Brazil said that his group did not propose any amendments to paragraph 21(3) and (6). He wished to reiterate the group's view that the discussions of General Surveys by the CAS would benefit from prior informal exchanges on their content so that all constituents understood fully the different opinions and perspectives on the subject matter of a specific General Survey; that was also a good practice that had been applied to other agenda items of the International Labour Conference. One request that had emerged from recent consultations was that the Office should follow up more actively on the Conference Committee's conclusions on General Surveys; the success of that follow-up would be enhanced by the participation of all constituents. The group could support paragraph 21(3) and (6) of the draft decision.

251. *Speaking on behalf of IMEC*, the Government representative of the United States said that her group looked forward to the proposals of the informal tripartite consultations on the working methods of the CAS in relation to the potential of article 19 (action 4.3), and supported paragraph 21(3) and (6) of the draft decision.

252. *The Chairperson* noted the consensus on paragraph 21(3) and (6), and invited the members of the Governing Body to consider further steps to ensure legal certainty (paragraph 21(7) of the draft decision).

253. *The Worker spokesperson* said that there was a serious need to ensure legal certainty (action 2.3). However, as the Employers' group continued to express divergent views from the Committee of Experts with respect to the interpretation of ILO Conventions, that put pressure on the functioning of the supervisory system. The International Court of Justice was the only forum for settling disputes relating to the interpretation of Conventions under article 37(1) of the ILO Constitution. However, challenges to the Committee of Experts' interpretations of ILO Conventions continued to be raised in the Committee on the Application of Standards, which was neither the competent nor the appropriate body to hear such challenges. That practice undermined the authority of the experts and, by extension, the ILO with respect to the interpretation of its core Conventions. A tripartite exchange of views

on article 37(2) of the ILO Constitution was therefore indispensable. That debate should ideally take place early in the Centenary year. It was still too soon to make a decision on the establishment of a tribunal; before arriving at such a proposal, all groups would need an opportunity to raise concerns, obtain clarifications and discuss a possible way forward. Ensuring legal certainty should be a key aspect of any reflection on the ILO supervisory system in the context of the Future of Work Initiative and the Centenary celebrations. In the spirit of compromise, the group could agree to the extended timeline, provided that it was limited to the end of 2019, with the first exchange of views before the October–November 2019 session so that the Governing Body could discuss the outcomes. The supervisory system should be considered in its entirety as part of the Standards Initiative; it did not make sense to examine the other relevant articles of the ILO Constitution but not article 37(2). She proposed adding wording at the end of subparagraph 7(a), which would read, "including, but not limited to, organizing a tripartite exchange of views in the second semester of 2019 on article 37(2) of the Constitution".

254. *The Employer spokesperson* requested the Office to provide a comprehensive analysis of action 2.3, including a list of all cases of divergent views on interpretations of ILO Conventions that had been filed within the supervisory process, including descriptions of how they had been resolved. It should be explained what legal certainty actually implied and why it would be required, as well-known interpretations of ILO Conventions made by ILO supervisory bodies were never legally binding, and the ILO supervisory system had so far functioned without legal certainty. Moreover, proposals should be made on ways to prevent contentious assessments of Conventions and to settle disputes by means of informal or in-house processes. His group held that ILO constituents had primary responsibility for the functioning of the standards supervisory system. Any decision-making competence should not be given to new in-house or external bodies without due cause. In the Employers' view, action 2.3 was much broader than an examination of the possibility of setting up an ILO tribunal under article 37(2), and must be prepared accordingly. Constituents, the supervisory bodies and the International Labour Standards Department, which provides support to all the supervisory bodies, should all seriously consider what each party could do to avoid contentious assessments and positions with respect to the supervision of standards. Furthermore, the issue of legal certainty highlighted the importance of adopting international labour standards that were both drafted in a clear and straightforward manner and had wide tripartite support. He requested clarification from the Office on the reasons for the delay in the finalization of the guide on established practices referenced in subparagraph 7(b), and looked forward to the report on progress towards completing the Standards Initiative work plan referenced in subparagraph 7(f).

255. *Speaking on behalf of GRULAC,* the Government representative of Brazil said that codification of the article 26 procedure was essential to ensure transparency and accountability. That provision had clearly been conceived to be used as a last resort, after other local and international channels had been exhausted. He urged the Governing Body to timetable the codification of the article 26 procedure for the near future. He also expressed the hope that the guide on established practices across the supervisory system would be completed imminently and would take into account the hierarchy between the article 24 and 26 procedures.

256. As to action 2.3, the Governing Body's priority should be to consider the legal certainty of existing mechanisms; the creation of new bodies could be considered only if their usefulness for all constituents had been ascertained and once more pressing decisions had been taken, such as the codification of the article 26 procedure. In order to build a stable and effective system, the Governing Body must consider revising the current working methods of the supervisory bodies. In particular, the working methods of the CAS should be revised in order to take into account the significant and legitimate concerns raised by Governments. For the review of the Standards Initiative at the March 2019 session of the Governing Body, the Office should provide a detailed report including information on the progress made in

discussions about the working methods of the supervisory bodies, as it was essential that the Governing Body should acquire greater understanding of the current procedures and methodology so that it could review the Standards Initiative in a comprehensive manner that would enable the entire supervisory system to be strengthened. He therefore proposed adding to subparagraph 7(f) of the draft decision the phrase, "including detailed analysis of progress made in the review by the supervisory procedures of their working methods and possible further improvements towards strengthening tripartism, coherence, transparency and effectiveness", and adding a further subparagraph, 7(g), to read: "report on current procedures and methodologies applicable to the appointment of members of supervisory bodies, taking into account the common principles guiding the strengthening of the supervisory system (GB.329/INS/5, paragraphs 6–11) and best practices of other international organizations".

257. *Speaking on behalf of IMEC*, a Government representative of the United States said that, with regard to action 2.1, her group continued to support the development of standing orders on the procedure for examining article 26 complaints. Clear, transparent and accessible information on the article 26 procedure could improve predictability by increasing Governing Body members' understanding of procedural requirements and helping them to prepare for cases. Clearly articulated procedures could also improve time management in discussions, in particular of new complaints. The flexibility of the system, however, had encouraged improved application of standards in article 26 cases without the establishment of a commission of inquiry, therefore the possibility to use intermediate measures should be retained. Discussions on standing orders should include parameters for the consideration of cases aiming at improving the accountability of governments against which there were article 26 complaints, and discussions on potential codification should not be limited to the existing practice but should also consider admissibility criteria. Her group had expressed its support for a staged approach to consider ways to strengthen the article 26 procedure, in which the first stage would consist of clarifying existing rules and practices and linkages with other procedures, and the second would consist of a tripartite discussion of the possible codification of the article 26 procedure. Her group looked forward to reviewing the guide on established practices of the supervisory system and thereafter participating in a discussion on codification.

258. On action 2.3 concerning legal certainty, IMEC did not support holding an initial exchange of views in January 2019, as that would not leave sufficient time between the holiday period and the launch of the report of the Global Commission to consider new materials, coordinate positions and hold consultations. Her group understood the proposed timeline extending beyond March 2019 to mean that an exchange of views would not be convened prior to the 335th Session of the Governing Body. She requested the Office to provide additional information to inform future discussions and to revisit the proposals in the documents submitted to the October–November 2014 session, if that information remained relevant. Any new document should include information on the costs and anticipated workload of a tribunal, an analysis of its limitations and possible alternatives. Any questions prepared to guide tripartite discussions should not anticipate responses or prejudge the outcome. Turning to action 1.2, she requested the Office to consider in its concrete proposals her group's reservations regarding the proposed regular conversation between supervisory bodies, particularly given the cost and logistical feasibility. Her group looked forward to a comprehensive discussion at the 335th Session of the Governing Body on progress towards the completion of the Standards Initiative work plan, including the work done by each supervisory body to review its own working methods. IMEC supported the draft decision, including GRULAC's amendment to subparagraph 7(f), but not its proposed addition of a new subparagraph 7(g); the group would require time to consider the Workers' proposed amendment.

259. *The Worker spokesperson* considered that the proposed amendment to subparagraph 7(f) was superfluous. The Governing Body had agreed that the Committee on Freedom of

Association and Committee of Experts would review their own working methods and methodologies. The former already submitted reports to the Governing Body, including information on progress made on its working methods. She requested the Office to clarify whether the Committee on the Application of Standards submitted a report to a working party of the Governing Body. Furthermore, the Governing Body already had a general obligation to consider possible further improvements towards strengthening tripartism, coherence, transparency and effectiveness, which did not need to be stated explicitly. As to the proposed new subparagraph 7(g), it would not be necessary to require supervisory bodies to report on their procedures and methodologies for appointing members, as good practices were already in place; moreover, that idea had never been included in discussions or consultations on the agenda item. Her group therefore did not support either amendment proposed by GRULAC.

260. *The Employer spokesperson* asked for clarification from the representative of IMEC on its opposition to GRULAC's proposed addition of paragraph 7(g) to the draft decision.

261. *Speaking on behalf of IMEC*, a Government representative of the United States said that her group was prepared to support GRULAC's amendment to subparagraph 7(f) because it would be helpful to have a comprehensive review of the work done to date under the Standards Initiative, including discussions of the various working parties of the supervisory bodies; however, her group was not seeking to re-open decisions made by supervisory bodies. IMEC was also prepared to support the Workers' group's amendment to subparagraph 7(f), provided that the meeting was held after the International Labour Conference; the group viewed it as an initial exchange of views rather than a meeting where decisions would be made. As to GRULAC's proposed addition of a new subparagraph 7(g), her group did not support it as it had not been part of the work plan of the Standards Initiative and it would be inappropriate to include it at that time without an opportunity to consider it carefully.

262. *The Employer spokesperson* said that, following IMEC's explanation, his group could support GRULAC's amendments to subparagraphs 2(a) and 7(f) of the draft decision, but not the addition of a new subparagraph 7(g). He agreed with the Worker spokesperson that it would be useful to have a tripartite exchange of views in the second semester of 2019 on article 37(2) of the Constitution.

263. *The Worker spokesperson* said that her group could support subparagraph 7(f) if it were amended to read, "a report on progress towards completing the Standards Initiative work plan as revised by the Governing Body in March 2017, including information on progress made in the review by the supervisory bodies of their working methods".

264. *The Employer spokesperson* said that his group supported subparagraph 7(f) as amended by GRULAC because it reflected the role of the Governing Body in producing the report.

265. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group had proposed its amendments in the hope of strengthening the supervisory system, and had been somewhat cautious in referring only to a report – and not to request or refer to a revision, review or reform – that would feature a detailed analysis of progress made in the review being undertaken by the supervisory bodies and procedures themselves of their working methods. Such a report would help inform a holistic assessment of the work carried out and progress made in the Standards Initiative, which would be analysed at the Governing Body's 335th Session (March 2019) with a view to making future improvements and developments.

266. It would be important to start a conversation on such an important issue at that session, even if no decision were adopted, which is what his group had in mind in proposing the addition of subparagraph 7(g). If rejected for inclusion in the draft decision, the issue should be taken into account in the preparation of the guide on established practices of the supervisory

system. In the interests of transparency, constituents should be made aware of the methodology used to appoint committee members. He requested the Office to comment on that and to clarify its use of the phrase "supervisory procedures". His group had used that wording in its amendment to subparagraph 7(f) because it was more comprehensive than "supervisory bodies".

267. *The Worker spokesperson* recalled that the Governing Body had been clear in its previous rounds of discussions that it was up to the supervisory bodies – not procedures (namely the Governing Body) – to review their working methods. Her group would be happy to simply be informed of the progress of the work of the supervisory bodies, but would not support GRULAC's proposed amendment to subparagraph 7(f) because the intention behind it would seem to be to use the information received to interfere in the working methods of the supervisory bodies.

268. *Speaking on behalf of IMEC*, a Government representative of the United States, noting the explanations provided, said that replacing "detailed analysis" with "information" in subparagraph 7(f) would be more appropriate, as the role of the Office would be to compile information to enable the Governing Body to analyse whether progress was being made towards the objectives of the Standards Initiative.

269. She wondered whether there might be some ambiguity in the wording in English compared to the Spanish version, as it could be interpreted in English as asking for information on the review by the supervisory bodies of their working methods and possible improvements, making it unclear whether it was the supervisory bodies or the Governing Body that would determine possible improvements. The wording of the different language versions should be aligned.

270. The amendment proposed by the Workers' group was more in line with the thinking of her group.

271. *The Employer spokesperson* challenged the use of the word "interfere" when referring to the actions of the Governing Body, given its role as the ultimate custodian of all work carried out by the ILO. He could not see why there could be an objection to possible improvements in strengthening tripartism, coherence, transparency and effectiveness; in his view, such improvements were the overarching goal of the review. In the interests of reaching consensus, he agreed to replacing "detailed analysis" with "information" and using the term "supervisory bodies", but requested that the reference to improvements and strengthening tripartism, coherence, transparency and effectiveness be retained.

272. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that he was prepared to accept the word "information", but emphasized the need to retain the reference to possible improvements to strengthen tripartism, coherence, transparency and effectiveness, as those were the shared principles that should guide all Governing Body discussions. Furthermore, it was not wrong to indicate a desire to continue to improve and strengthen the system in the future. The Standards Initiative was, and should remain, an ongoing dialogue.

273. He asked the Office to clarify whether the correct expression to be used in the draft decision should be "supervisory bodies" or "supervisory procedures", given that the work plan in Appendix III of document GB.334/INS/5 contained the term "supervisory procedures". He also asked whether the information on the procedures and methodologies applicable to the appointment of members of supervisory bodies could be included in the guide on established practices of the supervisory system that was being prepared by the Office.

274. *The Worker spokesperson*, welcoming the comments made by the representative of the United States speaking on behalf of IMEC, proposed amending the end of subparagraph 7(f)

to read, "… including information on progress made in the review and possible further improvements of their working methods by the supervisory bodies". The intention behind her proposal was to ensure that the review and any possible future improvements were the responsibility of the supervisory bodies, not the Governing Body. She was not against including a reference to improvements to strengthen tripartism, coherence, transparency and effectiveness, as long as they resulted from the supervisory bodies' own discussions regarding their working methods. However, she reiterated that the draft decision should refer to "supervisory bodies" not "supervisory procedures".

275. *Speaking on behalf of GRULAC*, a Government representative of Brazil reiterated the importance of retaining the reference to possible improvements to strengthen tripartism, coherence, transparency and effectiveness, as those were core principles of the Governing Body and the ILO as a whole and thus should be taken into account in the preparation and subsequent use of any report.

276. *The representative of the Director-General* (Director, NORMES) said that the appropriate term to be used in subparagraph 7(f) was "supervisory bodies" because only a body, not a procedure, could conduct a review. Concerning the appointment of members of supervisory bodies, she said that applicable information about procedures and methodologies was already publicly available, but agreed that the Office could include it in the guide for ease of use, if the Governing Body so decided. The guide was being prepared by the International Training Centre in Turin to ensure that it would be user-friendly. It had not yet been finalized, as the Office was waiting for the Governing Body's final decision on the current agenda item in order to avoid publishing a document that was not up to date.

277. *The Employer spokesperson* thanked the representative of the Director-General for explaining the delay, and agreed that information regarding the appointment of members of supervisory bodies should be included in the guide. He was still not happy with the wording of the end of subparagraph 7(f), and proposed amending it to read, "… including information on progress made in the review by the supervisory bodies and how that progress ensures the strengthening of tripartism, coherence, transparency and effectiveness".

278. *The Worker spokesperson*, reiterating her earlier comments, proposed a new, clearer, amendment to subparagraph 7(f), so that the whole subparagraph would read, "a report on progress towards completing the Standards Initiative work plan as revised by the Governing Body in March 2017, including information on progress made with regard to the review and possible further improvements of their working methods by the supervisory bodies in order to strengthen tripartism, coherence, transparency and effectiveness". It was not for the Governing Body to judge the coherence of the work of the supervisory bodies, as proposed by the Employer spokesperson. The supervisory bodies were responsible for reviewing their own work, and for introducing any improvements, should they be required.

279. *Speaking on behalf of GRULAC,* a Government representative of Brazil accepted the point about the supervisory bodies and explained that his aim was to highlight what could still be done to strengthen the supervisory bodies and system. The intention was that the Governing Body would examine the information provided about the working methods of the supervisory bodies in order to make its own contribution, as it had been doing for other aspects of the supervisory system, in the way the Committee of Experts prepared its report on the reporting cycles. While his group attached great importance to maintaining the independence of the supervisory bodies and preventing interference from the Governing Body, it was the collective responsibility of the latter to reflect on the progress that had been made in the supervisory bodies' review of their working methods.

280. *The Worker spokesperson* said that she could not support the idea that the Governing Body would discuss the working methods of the supervisory bodies; that was clearly within the remit of the bodies themselves. Her group could accept the amendment to subparagraph 7(f)

as currently proposed, as she had rephrased it, but strongly objected to the original amendment proposed by GRULAC. Regarding the proposed addition of subparagraph 7(g), the Office had offered to include that information in the guide on the supervisory system; if that had been agreed, it did not need to be further specified in the decision.

281. *The Employer spokesperson* accepted the amendment as currently proposed by the Workers' group.

282. *Speaking on behalf of GRULAC,* a Government representative of Brazil said that his group always sought consensus, but would continue to propose new ideas to continue strengthening the supervisory system. He welcomed the flexibility shown by the Employers' and Workers' groups, especially in accepting that information on the procedures and methodologies applicable to the appointment of members of supervisory bodies should be included in the guide on the supervisory system. It was important to include relevant information in the guide; indeed, even if that information was already public and its inclusion did not need specifying in the decision, the information should be clearer and more widely available. He supported the final amendment to subparagraph 7(f) as proposed by the Workers' group.

283. *The Worker spokesperson*, *the Employer spokesperson and, speaking on behalf of IMEC*, the Government representative of the United States, expressed support for the final proposed amendment to subparagraph 7(f).

284. *Speaking on behalf of GRULAC,* a Government representative of Brazil agreed that they could conclude the discussions on subparagraph 7(f), and that the discussion on the addition of subparagraph 7(g) had been resolved by agreeing to include that information in the guide. He asked whether subparagraph 7(a) could be further amended to read, "concrete proposals to prepare the discussion on actions 1.2 (regular conversation between the supervisory bodies) and 2.3 (consideration of further steps to ensure legal certainty), including, but not limited to, organizing a tripartite exchange of views as soon as feasible on article 37(2) of the Constitution".

285. *The Worker spokesperson* said that she was not prepared to further discuss subparagraph 7(a), as an agreement had already been reached.

286. *The Employer spokesperson* said he would only discuss subparagraph 7(a) if the Workers' group was prepared to do so.

287. *Speaking on behalf of GRULAC,* a Government representative of Brazil accepted the current formulation of subparagraph 7(a), proposed by the Workers' group and supported by the Employers' group, recognizing that, although further efforts were required to strengthen the supervisory system, addressing the issue of the legal certainty of the existing mechanisms was a priority.

Decision

288. ***The Governing Body, based on the proposals set out in documents GB.334/INS/5 and GB.332/INS/5(Rev.) and the further guidance provided during the discussion and the tripartite consultations:***

(1) Approved 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 for a

maximum period of six months 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 as expressed in the complaint form, and the agreement of the government. These arrangements would be reviewed by the Governing Body after a two-year trial period;

(b) publication of an information document on the status of pending representations at the March and November sessions of the Governing Body;

(c) members of article 24 ad hoc tripartite committees need to receive all information and relevant documents from the Office 15 days in advance of their meetings and members of the Governing Body should receive the final report of article 24 ad hoc tripartite committees three days before they are called to adopt their conclusions;

(d) ratification of the Conventions concerned as a 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;

(e) maintaining existing measures and exploring other possible measures to be agreed upon by the Governing Body for the integrity of procedure and to protect ad hoc committee members from undue interference; and

(f) reinforced integration of follow-up measures in the recommendations of committees and a regularly updated document on the effect given to these recommendations for the information of the Governing Body, as well as continuing to explore modalities for follow-up action on the recommendations adopted by the Governing Body concerning representations.

(2) Approved the measures proposed on the streamlining of reporting on ratified Conventions concerning:

(a) thematic grouping for reporting purposes under a six-year cycle for the technical Conventions with the understanding that the Committee of Experts further reviews, clarifies and, where appropriate, broadens the criteria for breaking the reporting cycle with respect to technical Conventions; and

(b) a new report form for simplified reports (Appendix II of GB.334/INS/5).

(3) Decided 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.

(4) Instructed the Committee on Freedom of Association to examine representations referred to it according to the procedures set out in the Standing Orders for the examination of article 24 representations, to ensure that representations referred to it be examined according to the modalities set out in the Standing Orders.

(5) Encouraged the Committee of Experts to pursue the examination of thematically related issues in consolidated comments; and 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, in particular by considering measures to improve the presentation of General Surveys, so as to ensure a user-friendly approach and format that maximizes their value for constituents.

(6) Invited the Conference Committee on the Application of Standards to consider, through the informal tripartite consultations on its working methods, measures to enhance its discussion of General Surveys.

(7) Requested the Office to present at its 335th Session (March 2019) following consultations with the tripartite constituents:

(a) concrete proposals to prepare the discussion on actions 1.2 (regular conversation between the supervisory bodies) and 2.3 (consideration of further steps to ensure legal certainty), including, but not limited to, organizing a tripartite exchange of views in the second semester of 2019 on article 37(2) of the Constitution;

(b) a report on progress towards the development of a guide on established practices of the supervisory system, bearing in mind the guidance received on action 2.1 (consideration of the codification of the article 26 procedure);

(c) 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;

(d) a report on progress towards the development of detailed proposals for electronic accessibility to the supervisory system for constituents (e-reporting, section 2.1 of GB.332/INS/5(Rev.)) bearing in mind the concerns raised by constituents during the discussion;

(e) more information on a pilot project for the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (section 2.2.2.2 of GB.332/INS/5(Rev.)); and

(f) a report on progress towards completing the Standards Initiative work plan as revised by the Governing Body in March 2017, including information on progress made with regard to the review and possible further improvements of their working methods by the supervisory bodies in order to strengthen tripartism, coherence, transparency and effectiveness.

(GB.334/INS/5, paragraph 21, as amended by the Governing Body.)

Sixth item on the agenda

Report of the Tenth European Regional Meeting
(Istanbul, 2–5 October 2017)
(GB.334/INS/6)

289. *The Employer spokesperson* said that the Governing Body was requested to adopt the report of Tenth European Regional Meeting and to make the text of its outcome document available to member States. That text, the Istanbul Initiative for the Centenary: Future for Decent Work for strong and responsible social partnership in Europe and Central Asia (Istanbul Initiative), continued with the well-established practice of setting out brief, precise and action-oriented conclusions for ILO Regional Meetings that would ensure that the policy expectations and means of action outlined therein would determine and guide the actions of the ILO and the Regional Office for Europe and Central Asia over the coming four years.

290. Unfortunately, following a call from the ITUC and the European Trade Union Confederation (ETUC) for Worker representatives not to participate, fewer than normal had attended the Tenth Regional Meeting. While recognizing the legitimacy of the position taken, the Employers expressed profound regret that many Worker representatives had chosen not to attend, since ILO tripartism could only be ensured and flourish when all three parties sat down at the same table to discuss and negotiate together. The Employers' group supported the draft decision.

291. *The Worker spokesperson* thanked the Employer spokesperson for recognizing the legitimacy of the decision of the ITUC and ETUC not to participate in the Regional Meeting, even though that had meant that the vast majority of delegations participating in the meeting did not have a tripartite composition. It was regrettable that the letter detailing the ITUC and ETUC concerns had not been distributed at the meeting, as requested; it would have clarified a number of the questions raised over the matter.

292. The Regional Meeting would have been an opportunity for fully tripartite discussions on the serious challenges facing workers in Europe, but the right conditions for those discussions had not been safeguarded in Turkey. The ILO's fundamental principles were based on the rights to freedom of expression and freedom of association. Genuine debates could only take place in an environment, where workers did not fear victimization and retaliation for expressing their views. Yet, the Regional Meeting had been held in the midst of a two-year state of emergency during which the Government of Turkey had been imposing draconian measures impeding workers' fundamental rights. More than 100,000 people, including thousands of trade unionists, had been dismissed or arrested without recourse to a fair trial, around 300 journalists had been arrested on vague and baseless charges, and countless websites had been shut down, while at least five strikes had been banned during the state of emergency. In such a context, workers would have been unable to freely express their views during the Regional Meeting without fear of retaliation. In addition, although the Employers' group had not raised the matter, business owners and managers were also being deprived of their rights.

293. Holding a Regional Meeting in a context of contempt for workers and employers went against the ILO values. Although the state of emergency had since been lifted, excessive interference in the right to freedom of association continued, with the Office of the President authorized under a new presidential decree to limit the rights of trade unions to organize their internal activities, and the authorities permitted to investigate and audit trade unions and professional associations at any time, without a court order.

294. Given that the discussions leading to the adoption of the Istanbul Initiative had not been fully tripartite, it could not be a proper basis for the development and implementation of ILO

work. Her group would not enter discussions on the draft decision, to which her group strongly objected. She reiterated her grave concerns about fundamental labour rights and trade union rights in Turkey and said that her group would closely monitor the actions taken by the Office in that respect. Individual trade unions in the region could decide individually how to engage in the further process at national level.

295. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the Government of Norway aligned itself with the statement. Expressing her group's strong disappointment at the failure to secure the participation of all Worker representatives at the Regional Meeting, she emphasized that such a situation should not arise again or set a precedent for future meetings. The ILO's unique tripartite structure could not function properly without one of its constituents and it would be impossible to shape the future of work and deliver balanced and mutually beneficial outcomes for all without the engagement and contribution of all tripartite constituents. Every effort should be made to restore the conditions for peaceful and productive dialogue at both national and international levels.

296. As well as raising awareness of the many positive developments in the world of work in the Europe and Central Asia region since the previous Regional Meeting in Oslo, the Tenth European Regional Meeting had provided a platform for timely discussions on the new challenges driving transformation in the world of work, including globalization, automation, digitalization, demographic and climatic changes and international migration; the future of work; the promotion and implementation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and fair and effective access to labour markets for migrants and refugees.

297. The Istanbul Initiative recognized the importance of the Future of Work Initiative and its contribution towards the achievement of the SDGs, and emphasized the importance of employment, social protection, skills development and gender equality, as well as the need to reinforce the effective implementation of fundamental rights and to fully support social dialogue. Those principles, as well as the rule of law, would remain central to reflections on the future of work. Her group supported the draft decision.

298. *A Government representative of Turkey* said that, from the outset, his Government had made every effort to maintain channels of dialogue at both the national and international levels to respond to the concerns of Worker representatives. One lesson learned from the Regional Meeting had been that a country's efforts to work and cooperate closely with the ILO and social partners should not be used for political purposes; otherwise, it might hinder the achievement of the main objectives of such meetings, lessen their effectiveness and harm the ILO's tripartite structure.

299. The Regional Meeting had provided an opportunity to discuss the dynamic processes shaping the future of work in the region, including technological developments, globalization and demographic trends. The Office and countries in the region should take further steps to ensure fair and effective access to labour markets among migrants and refugees on the basis of the discussions held on that subject. His country had been particularly affected by long-lasting conflicts in the region, which had provoked a mass influx of refugees; he therefore emphasized the importance of international solidarity and cooperation with a view to alleviating the problems of civilians, including workers affected by the conflicts.

300. There had been tripartite consensus that social dialogue would continue to be the best way to find adequate and balanced responses to future issues and challenges in the world of work. The Regional Meeting had concluded with the acceptance of the Istanbul Initiative, which presented comprehensive policy frameworks to help stakeholders to reap the benefits and minimize the risks associated with the future of work. He emphasized the importance of

taking the Initiative into consideration when implementing current ILO programmes and developing future programmes and budgets.

301. In response to the allegations raised by the Worker spokesperson, he said that they had already been submitted to the ILO supervisory bodies. Some cases had already received responses and others were being examined by the relevant institutions. The Government's comments would be transmitted to the ILO once the investigations had been completed. His Government supported the draft decision.

302. *A representative of the Director-General* (Regional Director for Europe and Central Asia) recalled that that the Governing Body had approved the agenda and arrangements for the Tenth European Regional Meeting at its 326th Session (March 2016) and had upheld that decision at its 329th Session (March 2017) and 330th Session (June 2017) in full knowledge of the reservations of the Workers' group. The ILO, acting as the secretariat for the Regional Meeting, was therefore obliged to implement the Governing Body decision to the best of its ability. The absence of numerous Worker representatives was unprecedented and regrettable. However, the Office had to respect the decisions of both the Worker representatives who chose not to participate and of the small number of Worker, as well as the large number of Employer and Government, delegates that did attend. The letter explaining the concerns of the ITUC and ETUC had not been distributed at the Regional Meeting, in accordance with the *Rules for Regional Meetings following the decision of the Officers of the Tenth Regional European Meeting*.

303. Likewise, the Regional Meeting had been established and the Istanbul Initiative adopted in accordance with the Rules. The Istanbul Initiative was therefore a valid outcome document, also in accordance with the Rules.

304. The text of the Istanbul Initiative provided a balanced approach and reflected the rich discussion during the Regional Meeting of the region's main challenges and priorities, with a particular focus on the future of work and the Centenary Initiatives. It was also a logical continuation and consolidation of the Oslo Declaration. It was the Office's hope that the Istanbul Initiative would provide the necessary guidance for work in the region over the coming four years, embedded in the programme and budget priorities as approved by the Governing Body, and that the Istanbul Initiative would be implemented in a tripartite fashion. Finally, the representative of the Director-General thanked the delegates for their contributions and the Turkish Government for its generous hospitality.

Decision

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

(a) draw the attention of ILO constituents, in particular those of the European region, to the Istanbul Initiative by making the text of the Initiative available to:

(i) the governments of all member States, requesting them to communicate the text to national employers' and workers' organizations;

(ii) the official international organizations and non-governmental international organizations concerned; and

(b) take the Istanbul Initiative into consideration when implementing current programmes and in developing future programme and budget proposals.

(GB.334/INS/6, paragraph 213.)

Seventh item on the agenda

Review and possible revisions of formats and Standing Orders for meetings
(GB.334/INS/7(Rev.))

306. *The Employer spokesperson* said that the revision of the Standing Orders for ILO meetings was not a mere technical discussion, but a crucial governance matter that would result in a set of rules that fully respected tripartism and ensured effective meetings. In view of past difficulties owing to the lack of rules of procedure in some meetings and a lack of clarity on the applicable rules for other meetings, it was essential to adopt a set of uniform standing orders that applied by default to all tripartite meetings convened by the Governing Body, including to any new types of meeting introduced in the future. During informal consultations, the Employers' and Workers' groups had worked on a joint position with a view to simplifying the process. Since the beginning of discussions, his group had demonstrated flexibility to ensure the participation of all interested constituents, in particular to facilitate the wide involvement of Government representatives and advisers. However, it was of concern that the Governments were seeking to introduce major changes that could endanger the principle of balance and efficiency of deliberations, as enshrined in the introductory notes to the proposed texts in the document submitted to the March 2018 session of the Governing Body. [2]

307. The latest version of the Standing Orders contained two problematic aspects. First, the Employers' group would accept an unlimited number of Governments participating in technical meetings only if decision-making was balanced; the three groups should have equal voting weight (1:1:1), as was currently the case in the 1995 Standing Orders for Sectoral Meetings and in technical committees of the International Labour Conference, where decisions were also taken by simple majority. Second, allowing an unlimited number of observers with a right to speak during the opening and closing sittings of meetings of experts would go against the operational format of meetings and would potentially make it difficult for them to finish on time. The Employers' group had already made an important concession to allow each Government expert to be accompanied by one adviser, despite its belief that experts should not need to be advised on technical questions and despite the fact that it would double the number of Government participants. As a compromise, the Employers could accept an unlimited number of observers in meetings of experts if they were physically separate from the titular participants and not entitled to make statements. He expressed the hope that the Governments would take the concessions made by the Employers' group into consideration and address its concerns in the spirit of reaching consensus.

308. *The Worker spokesperson* agreed with the account given by the Employer spokesperson of the previous discussions.

309. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan said that it was important to reach a tripartite consensus on the Standing Orders so that their legitimacy could not be questioned. To find such a consensus, concessions would be required on all sides. In that spirit, his group was considering to make a number of concessions, namely: removing the reference to voting at technical meetings, thus avoiding a debate on the 2:1:1 voting structure, in favour of consensus-based decision-making; limiting the participation of advisers to one per Government representative at meetings of experts; and allowing meetings of experts to be closed to the public. The one outstanding issue was the access to those meetings by Government observers, as the Government group could not accept the limitations currently proposed. By way of compromise, he suggested a process

[2] GB.332/INS/7.

that would require any interested Government representatives who wished to attend a meeting of experts as observers to inform their respective regional coordinator, who would inform the Office prior to a set deadline. Such a system should be subject to a trial period of three years. The significant concessions proposed by the Government group demonstrated its effort to achieve a sustainable, consensus-based outcome that would work for all constituents.

310. *The Worker spokesperson* sought clarification from the Government group on whether it proposed removing all references to voting from the draft Standing Orders for technical meetings, or deleting only the text in square brackets in article 12(2) on the required majority and in article 12(6) on the weighting of votes. Turning to the draft Standing Orders for meetings of experts, she asked for details on the Government group's proposals concerning the attendance of observers, in particular whether they would be able to make opening or closing statements.

311. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group welcomed the suggestion made by the Employers' group regarding the role of observers at meetings of experts, although more clarification was required on what was meant by a physical separation between Government observers and the other participants. The Government group had discussed the general principles behind the Worker spokesperson's questions, but it must consider the revised draft Standing Orders before the agreed changes could be approved. There appeared to be an agreement in principle on the notification procedure for Government observers who wished to attend meetings of experts. It would be useful if that procedure could be added to a revised draft text for approval.

312. *The Chairperson* welcomed the progress made to resolve the difficulties in aligning the groups' positions, and urged the Governing Body to continue the momentum to reach agreement on the outstanding issues. It would indeed be useful to have a text incorporating the various proposals with a view to finalizing it rapidly.

313. *The Worker spokesperson* welcomed the goodwill of the Governments to resolve the outstanding issues. She would appreciate a revised draft text incorporating the elements on which there was agreement, and sought confirmation: that the texts in square brackets in article 12(2) and (6) of the text on technical meetings would be removed so that there would be no three-fourths majority or different weighting for voting; that a procedure to appoint observers would be established for meetings of experts; and that the Government group would be willing to consider the physical separation of experts and observers at such meetings, by which was meant a provision enabling the Chairperson to easily identify the experts among the attendees. She also sought clarification of the length of the trial period, as she had understood the agreement to have been two years rather than three; however, the social partners could be flexible on that point. During the trial period, the Office should keep a record of who attended the meetings and how well the meetings functioned. It was her understanding that it had been agreed that observers at meetings of experts would not make statements, in exchange for a potentially unlimited number of observers being permitted to attend, and she sought clarification on that point.

314. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that the Office could indeed provide a revised set of Standing Orders. In the Standing Orders for technical meetings, the words "and without a vote" would be deleted from the end of the second sentence of article 12(1), and the rest of article 12 would be deleted to remove any references to voting, which would bring those Standing Orders in line with those for meetings of experts. In the Standing Orders for meetings of experts, article 9 would be amended to include a reference to the physical separation of observers from experts and advisers, such as had been included in the last version of the Introductory note. In article 9(4), the two sentences contained in the first set of square brackets would be deleted, and the paragraph would end after "set by the Office", with the rest of the wording being

deleted. Article 9(4) would therefore read: "Interested governments may attend the meeting as observers (one per government) upon prior notification within a deadline set by the Office." Lastly, he proposed that the reference to a trial period be included in the draft decision, not in the text of the Standing Orders, and sought clarification that the trial period would apply only to the question of observers and not to the Standing Orders as a whole.

315. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that the statement on behalf of the Government group provided a summary of the agreements in principle. He confirmed that, as a way to achieve compromise, any reference to voting should be removed in relation to technical meetings so that decision-making would be by consensus, as was provided for in relation to meetings of experts. There was general agreement on a process to submit the names of Government observers wishing to attend meetings of experts. The Governments were willing to discuss the deletion of the reference to speaking rights of observers; however, they would require more time to consider the matter. Currently, observers had a right to speak at least in the opening sitting of meetings of experts, particularly those organized by the ILO Sectoral Policies Department. That practice, and the clear separation of the experts and observers, worked well. Therefore, he expressed the hope that an agreement could be reached with further discussion. He also clarified that the trial period requested would apply to the whole of the Standing Orders, not just the status and participation of observers, as the text came as a package.

316. *The Employer spokesperson* agreed in principle that the trial period would apply to the whole package of Standing Orders, but said that it was unclear what that package comprised. He underscored that the Employers' group could not agree to grant speaking rights to observers, and said that he thought that an agreement had already been reached on that very important issue.

317. *The Worker spokesperson* sought clarification on who was representing the Government group, because a previous intervention had been made by the Government member of Azerbaijan on behalf of that group, but the latest intervention by the Government representative of Brazil had appeared to speak for all Governments. She emphasized that speaking rights for Government observers had to be limited. At a meeting composed of eight Worker experts, eight Employer experts and eight Government experts, granting speaking rights to 50 Government observers, for example, would upset the balance between the groups. She had understood that the Government group had previously said that the attendance of observers was more important than their speaking rights, and the Workers' group had made a major concession in agreeing to allowing observers without speaking rights on a two-year trial basis. Any Government observer would be able to talk to the experts, but those experts alone would participate in the meeting. If the Governments wished to reopen those discussions, then the Governing Body was not as near to an agreement as she had hoped. It was time to make a decision, and the explicit reference to a trial period was an acceptable solution, whether that applied only to the attendance of observers or to the Standing Orders as a whole, as long as an evaluation was undertaken at the end of that trial period.

318. *Speaking on behalf of IMEC*, a Government representative of Canada welcomed the constructive discussions that had taken place in informal consultations. As the Government group comprised various regional groups, consultations had to be held with individual constituencies on certain points. Discussions were being held in good faith and they were close to an agreement. It would be helpful if they could discuss the latest text in a smaller group to examine some of the newly raised points, such as the use of a partition in the meeting room.

319. *Speaking on behalf of GRULAC*, the Government representative of Brazil fully supported the statement made by the representative of IMEC. They were close to reaching a compromise, and discussing the proposed text in a smaller group would be helpful.

320. *A representative of the Director-General* (Deputy Director-General, Management and Reform), said that the Office would prepare a revised text of the Standing Orders and circulate it among the groups.

321. *The Chairperson* reopened the discussion after a suspension, and said that he understood that the Governing Body was ready to adopt the revised draft decision as well as the revised texts of the Standing Orders for technical meetings and Standing Orders for meetings of experts, as contained in document GB.334/INS/7(Rev.).

Decision

322. ***The Governing Body decided:***

(a) to adopt the Standing Orders for technical meetings and the Standing Orders for meetings of experts contained in the appendix of document GB.334/INS/7(Rev.);

(b) that the Standing Orders for technical meetings and the Standing Orders for meetings of experts replace, with immediate effect, the Standing Orders for sectoral meetings and the note on "General characteristics of sectoral meetings", adopted by the Governing Body at its 264th Session (November 1995); and

(c) to review the Standing Orders for technical meetings and the Standing Orders for meetings of experts at its March 2022 session.

(GB.334/INS/7(Rev.), paragraph 6.)

323. *Speaking on behalf of GRULAC,* the Government representative of Brazil welcomed the new Standing Orders as they enshrined the principles of a broad participation of all interested governments, the right to speak for advisers and observers, decision-making by consensus in line with current practice, and the function of Government Vice-Chairperson. However, he said that his group wished to place on record that, in the interests of tripartite consensus, it could live with provisions that it considered to be problematic regarding tripartism and transparency. For example, meetings of experts would be closed to the public and the participation of secretariats of the social partners had not been limited, in addition to an attempt made in the text to deprive government observers of any participation rights. Nevertheless, as the implementation of the Standing Orders was for a trial period, the group would closely follow the application of that provision and propose any necessary amendments at a later date. He considered that article 9(4) of the Standing Orders relating to observers at meetings of experts must be interpreted in conjunction with article 7(1) and (2) on the role of the Chairperson, which did not prevent him or her from giving the floor to an observer. There was also no need to change the practices relating to observers at meetings organized by the Sectoral Activities Department, as they had worked well in the past.

324. *The Employer spokesperson* proposed that a date should be set for the Governing Body's consideration of the Introductory note, preferably at its March 2019 session.

325. *The Worker spokesperson* agreed with the Employer spokesperson. She noted that it was the understanding of the social partners that the meeting on cross-border social dialogue in February 2019 would be held as a meeting of experts operating under the new Standing Orders.

326. *The representative of the Director-General* (Deputy Director-General for Management and Reform) confirmed that discussion of the Introductory note would be placed on the agenda of the March 2019 session.

Eighth item on the agenda

Follow-up to the decision adopted by the Governing Body at its 331st Session to support the technical cooperation programme agreed between the Government of Qatar and the ILO and its implementation modalities (GB.334/INS/8)

327. *A representative of the Director-General* (Head, ILO Project Office for the State of Qatar) said that, since the launch of the technical cooperation programme a year previously, a number of milestones had been achieved in collaboration with the Government of Qatar and other stakeholders and partners, including the recent adoption and entry into force of Act No. 13 of 2018, which lifted the exit visa requirement for the majority of workers covered by the Labour Code. The Act specified that employers may submit to the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) for approval a list of up to 5 per cent of workers for whom an exit visa would still be required, with justification based on the nature of their work. This was how paragraph 13 of the annual progress report contained in document GB.334/INS/8 should be read. Upcoming objectives included the lifting of the exit visa requirement for domestic workers, the adoption of a non-discriminatory minimum wage, the establishment and implementation of a workers' fund recently approved by the Emir, the removal of the no objection certificate (NOC), further fair recruitment pilots and the establishment of joint committees at the enterprise level. His office would continue to expand partnerships, learn from others and adapt best practices to fit Qatar's needs. Beyond the current partnerships, his office was exploring others with the ADLSA and interested parties were invited to make contact. Thanking the Government of Qatar for its commitment to labour reform and its support to the ILO team in Qatar, he said that he looked forward to celebrating the joint achievements over the following two years and beyond.

328. *The Worker spokesperson* said that the rapid progress made from the article 26 complaint to technical cooperation that could make a difference to workers on the ground demonstrated the importance and effectiveness of the supervisory system. The ILO had a capable team in place to support the Qatari Government. She asked what further steps were being taken to establish a permanent non-discriminatory working wage and what specifically remained to be done. In view of reports that the wage protection system was not yet fully functional, she asked what steps were foreseen to provide effective protection on the ground for workers. She expressed the hope that the law relating to the establishment of a workers' fund would soon be promulgated and given effect. With regard to labour inspection and occupational safety and health systems, the plans that were in preparation were impressive but actual inspections were needed on the ground. In respect of the new contractual system replacing the *kafala* system, the new law lifting the exit visa requirement for workers was a major milestone but her group would like further details on progress in respect of the NOC. In addition, it was unacceptable that domestic workers should remain excluded from the new system; the ILO must make rapid progress on that issue as a matter of priority with the Government of Qatar and, also, identify challenges in the discussion of Act No. 15 of 2017 on domestic workers. She asked how the exclusion of 5 per cent of workers under Act No. 13 of 2018 was understood and implemented, and noted that workers in that category should be duly informed and able to appeal the grounds for their exclusion.

329. Noting with satisfaction the activities being undertaken to promote fair recruitment practices, she requested further information on cooperation with the countries of origin of migrants to prevent recruitment abuses and highlighted the importance of the ILO's *General principles and operational guidelines for fair recruitment* as the benchmark for progress. She noted that capacity building to combat forced labour had begun and underscored the importance to workers of access to the judiciary. While the introduction of joint committees was a clear sign of progress which the Workers hoped to see expand, further information should be provided on steps taken to ensure full freedom of association and greater negotiating freedom for workers. In view of reports that the workers' dispute settlement committees were not yet fully functional, she emphasized the importance of providing workers with strong support in disputes. The fact that an enormous number of women domestic workers were excluded from protection should be considered from both a non-discrimination perspective and a gender perspective; those issues should be brought together better. The technical cooperation programme was bold and ambitious and enjoyed the support of the international community. Many positive steps had been taken; for the Workers, its ultimate success would be judged not only in terms of new laws and committees but in reports from migrant workers on the ground that their reality had changed, their living conditions had improved and their rights were being implemented.

330. *The Employer spokesperson* said that the technical cooperation programme reflected the shared commitment of the Qatari Government and the ILO to ensure compliance with ratified international labour Conventions and to achieve fundamental principles and rights at work in Qatar during the period 2018–20. He commended the progress reported under the five pillars and welcomed the partnerships that had been established, which had strengthened the implementation of the programme. He further commended the Qatar Chamber of Commerce for mobilizing knowledge and expertise and in particular for co-hosting a conference on labour reforms in Qatar with the ILO and the ADLSA in October 2018. Many steps in the right direction had been taken to date; the Employers encouraged the Government to continue on that path and to report to the Governing Body on further progress in November 2019. The programme provided an excellent example of ILO work in the field and of tripartism in action. The Employers supported the draft decision.

331. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, Serbia and Albania and the European Free Trade Association country Norway aligned themselves with her statement. Thanking the Office for its work on the ground and commending the Government of Qatar for its active involvement in the programme, she welcomed the overall progress made, especially the recent entry into force of Act No. 13 of 2018, which represented an important step towards the abolition of the *kafala* system. Her understanding was that the 5 per cent exception was a temporary provision. Noting that the new law did not apply to domestic and other categories of workers not regulated under the Labour Code, she urged the Government to introduce further regulations without delay to ensure that those workers had the same right to leave the country as other categories of workers; and to remove restrictions on migrant workers' ability to change jobs, in particular the requirement for a NOC.

332. The creation of workers' dispute settlement committees was a welcome development, as was the agreement on a protocol for ILO assistance on the submission of labour complaints. She expressed the hope that the 52 complaints submitted by the ILO to the ADLSA would be processed in a timely and fair manner. As most cases related to non-payment of wages, the establishment of a wage guarantee fund for workers was critical. She noted with interest that six companies had volunteered to pilot the establishment of joint committees and expressed the hope that the committees would be effective and be established in all enterprises. She welcomed the adoption of a temporary minimum wage in November 2017 and was pleased that negotiations to establish a permanent non-discriminatory minimum wage were at an advanced stage. She further noted with interest positive developments relating to labour inspection and the development of an occupational safety and health strategy; such measures

were important milestones towards the implementation of genuine labour reform in Qatar. The foundations of labour reform had been laid but further work was needed to implement a real contractual system that offered fair and decent conditions to all migrant workers, including domestic workers. A robust and independent labour inspectorate and further development of the targeted action plan were key. She encouraged the Government to continue working closely with the ILO and other partners to meet the goals of the technical cooperation programme and said that the EU stood ready to continue providing support as required.

333. *A Government representative of the United States* thanked the Office for the significant work undertaken over the past year to support labour reform in Qatar, and commended the leadership of the Head of the ILO Project Office. The enactment and entry into force of Act No. 13 of 2018 was a welcome development. She was pleased to note that work had begun under all five pillars of the technical cooperation programme and welcomed the partnerships established or strengthened to advance various components of the programme. She encouraged the Government to continue its constructive collaboration with all stakeholders and to focus its efforts in the programme's second year on the implementation of structural reform and the development of enforcement and administrative capabilities, giving particular attention to protecting domestic workers, enforcing timely wage payment and eliminating the NOC. Her country supported the Government's critical labour reform work under the technical cooperation programme and looked forward to further progress and to continuing partnership with the Government and the ILO on those efforts.

334. *A Government representative of Canada* said that his Government welcomed the efforts by the Qatari Government to improve migrant workers' labour rights in Qatar, especially its cooperation with the ILO to further key reforms. In particular, it welcomed the ratification of Act No. 13 of 2018 lifting the exit visa requirement for workers covered by the Labour Code and looked forward to the extension of the same provisions to domestic workers. The establishment of a workers' fund would have a real and positive impact and demonstrated Qatar's commitment to protecting workers' rights. Furthermore, the opening of the first Qatar Visa Centre in Sri Lanka was a significant step towards safeguarding the employment rights of migrant workers before their arrival in Qatar and could serve as a model for the region. Canada encouraged Qatar to continue to work expeditiously on reform implementation, and in particular to liberalize labour mobility. He thanked the ILO and in particular the ILO Project Office for its excellent work in assisting Qatar with meeting its commitments under international labour standards. Canada supported the draft decision.

335. *A Government representative of Qatar* said that a new Minister of Administrative Development, Labour and Social Affairs had been appointed in a cabinet reshuffle a few days previously and the previous incumbent would assume the duties of Minister of Justice and Minister of State for Cabinet Affairs. Both Ministers extended their greetings to the Governing Body and were paying close attention to its work. He thanked the ILO for supporting his country's labour reform efforts and commended the Regional Office for the Arab States in Beirut and the ILO Project Office in Doha for their work to advance the technical cooperation programme. He also thanked the representatives of employers and workers who had provided ongoing assistance. One year after the signature of the technical cooperation agreement with the ILO, he saw significant scope for an improved situation. His Government had responded positively to the demands of the ILO and fully intended to provide an enabling environment for all members of its society in accordance with the international labour standards that it had ratified and in order to achieve the SDGs, in particular SDG 8, in line with its national agenda and in recognition of the fact that foreign labour was a useful productive force in all areas of economic development. Accordingly, the Government had already adopted new legislation and administrative measures and had amended existing laws to guarantee workers' rights and occupational health and safety. He emphasized his appreciation and thanks to all partners for their assistance in ensuring his country's progress, which would benefit all stakeholders, especially workers in his country.

336. *The representative of the Director-General* (Head, ILO Project Office for the State of Qatar), replying to the questions raised, said that the methodology usually applied to determine an appropriate minimum wage level had been inappropriate for the Gulf region, where the tendency was for workers to send the majority of their earnings back to their countries of origin rather than spend them in the local economy. His office had begun to adapt the methodology to the situation in Qatar, and had carried out studies in two source countries of migrant workers and was assessing the market in Qatar. The goal was to establish a threshold to propose to the ad hoc Minimum Wage Commission, which had been established not only to lead national consultations on the subject but also to establish a sustainable system, including annual reviews, to ensure that the level remained appropriate. Acknowledging the gaps in the wage protection system, he said that his office, in collaboration with the ADLSA, was currently conducting an assessment of the system and had already begun drafting an implementation plan based on the findings of that assessment so far. The inclusion of domestic workers in the system was one area for improvement. His office had also begun an impact assessment of free labour market mobility in Qatar, with a view to putting forward a business case showing that free labour mobility was of benefit to everyone in the labour market, including employers. The Government had made a commitment to abolish the requirement for NOCs.

337. Confirming that domestic workers were currently excluded from the provisions of Act No. 13 of 2018, he said that the Government and his office were working to develop a ministerial decree to grant domestic workers the same rights as other workers. He recalled that national stakeholders and the ILO had been consulted in the development of the new law on domestic workers. Referring to the exclusion of workers from the provisions of Act No. 13 of 2018, he stressed that the figure of 5 per cent was an upper limit; the majority of companies had not submitted a list at all and the Government had confirmed that the scheme would be phased out. In cases where lists were submitted, sufficient justification had to be provided for the Ministry's approval. The workers concerned had the option of consulting a grievance committee and asking for a ruling.

338. On the basis of the ILO's *General principles and operational guidelines for fair recruitment*, a pilot fair recruitment initiative had been carried out in the Bangladesh-to-Qatar migratory corridor and further pilots could be carried out in other migratory corridors in the near future. Regarding access to the judiciary, he said that dispute settlement committees had been established in order to expedite the complaints process and a quick resolution to workers' situations. The Government had been honest and proactive about the challenges it faced, and had requested the organization of a best practices workshop, in which representatives of different countries had participated. Follow-up activities on the outcomes and challenges identified were in place. Regarding freedom of association, he said that progress had been made in respect of establishing joint committees at the enterprise level, and the election of committee members had been confirmed to be fully democratic.

339. *The Worker spokesperson* thanked the representative of the Director-General for his responses and commended him and his team on their work. She also thanked the Government of Qatar for its commitment and said that the progress made was an excellent example of what could be accomplished by the ILO's combined approach of complaint mechanisms and technical cooperation and support. Her group stood ready to assist with overcoming the real-life challenges in making progress for workers' rights and hoped to see even more progress over the following year.

Decision

340. ***The Governing Body took note of the report on ILO activities in Qatar.***

(GB.334/INS/8, paragraph 27.)

Ninth 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 (GB.334/INS/9(Rev.))

341. *The Special Representative of the Director-General in Guatemala*, highlighting the progress made in Guatemala since the 333rd Session (June 2018) of the Governing Body, said that a new tripartite agreement had been signed on 28 August 2018 on the principles that should guide the discussions on the pending legislative reforms that were needed to bring domestic legislation into line with the principles enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), including with regard to the establishment of sectorial unions, and their participation in collective bargaining in line with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The National Tripartite Committee on Labour Relations and Freedom of Association had submitted the agreement, together with the other agreements reached to date on the basis of the comments of the CEACR, to the Labour Commission. He expressed his appreciation to the Labour Commission for its continuous support in that regard. The content of the technical assistance programme to strengthen the National Tripartite Committee – which had been prepared in close collaboration with the national tripartite constituents – was expected to be approved by the tripartite constituents by the end of November 2018 and thereafter a project document would be prepared, which would be available to the international community for possible financing at the end of January 2019. The consultation process took time, but reflected the importance that the social partners and the Government attached to social dialogue. Referring to the observations of the tripartite mission, he thanked the Government and the social partners for their commitment to discussing a bill on the reforms called for by the CEACR, that was currently being examined by the National Congress. He recalled that, although significant progress had been made, genuine social dialogue could not be sustained without the full recognition, both in law and practice, of freedom of association and collective bargaining, and freedom of association could only be exercised in conditions in which fundamental rights, in particular those relating to life and personal safety, were fully respected and guaranteed. He thanked the Worker, Employer and Government representatives concerned for their commitment to Guatemala and also the donor countries for their political and economic contributions towards the success of the procedure initiated under article 26.

342. *A Government representative of Guatemala (Minister of Labour and Social Welfare)* drew attention to the presence of a high-level delegation representing his Government, which demonstrated Guatemala's commitment to its responsibilities in respect of the ILO. He emphasized the significant and tangible progress made by his country in implementing the road map, including: the establishment of the National Tripartite Committee, and the impending approval by National Congress of its legislative status, following tripartite consultations; the preparation of a draft code of labour procedure; the signing on 28 August 2018 of an agreement by the national tripartite constituents on principles upon which future legislation on two pending issues would be based; the tripartite agreement to request the support of an international expert to facilitate the incorporation of those principles into a draft law; the creation in 2011 of the Special Investigation Unit for Crimes against Trade Unionists with an initial budget of US$100,000, which had increased fivefold over seven years, rising to approximately US$568,000, thanks to the strengthening of the Public Prosecutor's Office; and the registration of more than 180 trade unions 2016–18. Those

achievements, and others detailed in the document, were the result of ongoing support from the institutions involved in the implementation of the road map, for which the National Tripartite Commission was now responsible. Workers, employers and the Government had all recognized the progress made and the challenges remaining, which should be overcome through a tripartite process and, crucially, with the support of the ILO, the IOE and the ITUC. In that regard, the Government highly valued the technical assistance programme and the support of the Special Representative of the Director-General in Guatemala. He called on the Governing Body, in recognition of the efforts made over the previous six years, to close the procedure initiated under article 26. He reiterated his Government's commitment to financially support the National Tripartite Committee and thanked the workers' and employers' sectors for their efforts over the previous six years, urging them to continue in that respect. He reiterated his Government's commitment to national and international legislation on individual and collective labour rights and activities that fostered decent work and sustained, inclusive and sustainable economic growth.

343. *The Worker spokesperson* thanked the Office for its efforts in making the tripartite mission possible, and the Special Representative of the Director-General in Guatemala in particular for his commitment to progress. While the National Tripartite Committee had facilitated social dialogue, it had yet to deliver tangible results for workers and trade unionists. She stressed the importance of adopting the draft law to grant legislative status to the Committee, as currently there were no assurances that the Committee would continue to exist. It was regrettable that, in spite of the best efforts of the trade unions in Guatemala, consensus had not been achieved on the legislative reforms to present to the National Congress to ensure conformity with Conventions Nos 87 and 98. Failure to present those reforms constituted non-compliance with the agreement reached with the Governing Body at its 331st Session; the examination of the complaint submitted under article 26 must therefore continue. However, of much greater concern was the failure to protect trade unionists effectively: six murders had been reported to the tripartite mission in 2018. The request by one unionist for protection prior to his death had been ignored by the authorities. The Government's failure to find anti-union motives for the murders suggested an attempt to disguise those crimes as acts of common criminality. Since the new Minister of the Interior had taken office in January 2018, the security measures granted by authorities to human rights advocates, including trade union members, had severely deteriorated. Furthermore, failure to renew the mandate of the Standing Trade Union Technical Committee on Comprehensive Protection meant that there was no process in place to consult with trade unions on matters related to their own security. The primary concern motivating her group's complaint under article 26 was the continued acts of violence perpetrated, and with impunity, against trade unionists in Guatemala. Regrettably, her group had seen no progress in that regard. Instead, the situation had become worse, as also recognized by the Committee on Freedom of Association in its examination of Case No. 2609. In spite of commitments to address the high rate of non-compliance with reinstatement orders, the reality was that workers had almost no chance of reinstatement if they had been dismissed due to their union activity. Efforts to improve the infrastructure of labour tribunals had made no impact on compliance with court orders.

344. Referring to the elements of the road map that had not yet been fulfilled (key indicators 1, 2, 3, 4, 5, 7 and 8), she said that action on all those indicators should be intensified to deliver results in practice. In view of the shortcomings, the only option available to the Governing Body was to adopt by consensus a decision recognizing that, while progress had been made, the commitment of the Government had not been sufficient. The best way to help was to keep up the pressure, not only on the Government, but also on all other parties that needed to work with the Government, to deliver on all the issues, and to demonstrate a commitment to protecting the lives of workers and their representatives. She reiterated her group's readiness to work with all stakeholders in Guatemala to that end. The ILO had existed for 100 years and the protection of trade union rights was enshrined in its core Conventions. It was a disgrace that trade unionists were still being assassinated in many countries, including in Guatemala, and as long as that continued to happen there would be complaints. In that

regard, she commended the courage of trade unionists who complained about the infringements of their rights despite being extremely vulnerable. It was hoped that the governments concerned would make a commitment to change so that progress could be made.

345. *The Employer spokesperson*, thanking the representative of the Director-General and his team for their work, recalled that he had been a member of the mission that had visited the country in September 2018. The combination of experience and fresh perspective among the members of the mission had proved to be very valuable. The mission had witnessed the agreement reached by the Government and the social partners which had led to the creation of the National Tripartite Committee, had witnessed the functioning of the Committee in practice, and had interviewed all the parties extensively. The mission had been well received and had found that tripartism was happening in a spirit of respect and reciprocity. Agreements had been reached on the legislative amendments that had been requested by the CEACR and on the manner in which the reforms should be agreed upon, and there had been a clear recognition of the fact that time was of the essence. All the office leaders and representatives that had met with the mission had demonstrated genuineness, honesty, humility, respect and seriousness. The Guatemalan authorities had acknowledged that, sadly, there were 3,000 to 3,500 murders per annum in Guatemala. Four trade unionists had allegedly been murdered that year, and while such deaths should not happen in the future, the context was critical. As unfortunate as the deaths were, it could not be concluded that they were due to trade union activity.

346. Progress had been made in the areas of social dialogue, legislative reforms and in strengthening institutions responsible for the application of justice, and although there were still pending commitments to be fulfilled, he positively valued the process that had been carried out to respond to the issues raised in the complaint. The efforts made by the ILO, assisted by the ITUC and the IOE, had clearly had a positive impact on the social partners and Government, as tripartite solutions had been found to some of the common problems they faced. The Employers would continue to support such efforts. He trusted that the consensus processes would be irreversible.

347. The Government had indicated its willingness to comply with all the conditions imposed on it. It should be allowed to take steps to resolve through social dialogue the problems that had been pointed out to it. That did not mean disregarding the process that had been initiated or the issues pending in Guatemala. His group therefore supported the decision to close the process initiated under article 26, and to ask the Government of Guatemala and the national social partners in the strongest terms and with the technical assistance of the Office for the immediate treatment and prompt resolution of the pending issues contained in the road map. The IOE and the ITUC should continue to be available to assist as they had up until that point. Comparisons to other article 26 cases should be avoided, as cases should be treated on their own merits. He implored the members of the Governing Body to allow Guatemala to complete its journey without continuing to punish it when it had demonstrated a need, resolve and goodwill to get things right.

348. *Speaking on behalf of a significant majority of governments from Latin America and the Caribbean, including all the titular and deputy members of the Governing Body from that region*, a Government representative of Brazil said that he welcomed the presence of a high-level delegation from Guatemala and the report of the tripartite mission. He trusted that progress would continue to be made in respect of all the key indicators of the road map in a tripartite manner, and that the National Tripartite Committee would continue to operate, with the technical and financial assistance of the ILO, the ITUC, the IOE and the international community. He therefore supported option 2 of the draft decision. The complaint against Guatemala had been deferred from session to session for six years, and each time the Government of Guatemala had reported on progress in respect of the road map. The draft

decision presented at the June 2018 session of the Governing Body had, for the first time, envisaged the possibility of closing the Guatemala case at that session.

349. The ILO supervisory system must be used appropriately in order to strengthen its credibility and efficiency. Article 26 of the ILO Constitution should be used for only the most serious and persistent violations, rather than to support the compliance process concerning Guatemala, a country that had recognized the difficulties it faced and had, for six years, requested and accepted cooperation and technical, tripartite and high-level missions, while constantly reporting on progress and obstacles. The treatment afforded Guatemala under the supervisory system led his group to question the system's efficiency and effectiveness.

350. The Government of Guatemala had upheld its commitment to implement the road map with ILO technical assistance provided following a tripartite request. The Government would continue to report on further action taken at future Governing Body sessions, in line with the National Tripartite Agreement of November 2017. Under option 2 of the draft decision, the process of the past six years would continue, not in the form of the procedure initiated under article 26, but rather through cooperation and technical assistance that would enable further progress to be made regarding compliance with domestic and international legislation on labour rights. That approach would also contribute to the achievement of Goal 8 of the 2030 Agenda. In light of the above, he supported option 2 of the draft decision.

351. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Montenegro and Albania, and the European Free Trade Association country Norway, member of the European Economic Area, aligned themselves with the statement. She said that it would have been useful to receive recommendations on the way forward from the tripartite mission that had visited Guatemala in September 2018. The National Tripartite Committee on Labour Relations and Freedom of Association had created a climate of trust and cooperation that should be maintained and developed and it was strongly hoped that it would be given full legal recognition through legislation proposed by Congress. The strengthening of the Special Investigation Unit for Crimes against Trade Unionists was a welcome development. However, the Government should further develop efforts to protect union officials, investigate trade unionists' murders and prosecute the perpetrators. Although extremely challenging, the security situation in Guatemala could not be used as an excuse to justify the murders of trade unionists. The ILO must remain fully engaged in Guatemala to facilitate and support social dialogue and should finalize the technical cooperation programme requested at a previous session of the Governing Body. The EU was providing funding to help the ILO support Guatemalan efforts to implement Convention No. 87 and other fundamental Conventions. It was important that: a legislative proposal be submitted to Congress amending the Labour Code so as to bring it fully into compliance with Convention No. 87; the road map be fully implemented and a programme of technical cooperation be agreed on in order to address pending issues concerning the road map; the protection of trade union leaders and activities be ensured; and the National Tripartite Committee on Labour Relations and Freedom of Association be granted full legal recognition through new legislation. The item should be kept on the agenda in order to allow for the re-evaluation, in one year's time, of progress made. She supported option 1 of the draft decision.

352. *A Government representative of Panama* said that successive Guatemalan Administrations had made efforts to strengthen freedom of association and that the current Government of Guatemala had taken a number of positive measures related to the road map. Such measures included the formation of the Special Investigation Unit for Crimes against Trade Unionists and the setting up of mechanisms for the protection of trade unionists.

353. *A Government representative of Barbados* said that the Government of Guatemala had established a tripartite mechanism to deal with matters related to freedom of association and had strengthened its prosecutorial mechanism, resulting in 18 convictions for offences

committed against trade unionists. The Government had adhered to the road map and embraced the technical assistance of the ILO, fully cooperating with the September 2018 ILO technical mission.

354. *A Government representative of Paraguay* said that, between 2011 and 2017, the budget of the Special Investigation Unit for Crimes against Trade Unionists had been increased by almost 500 per cent. Moreover, the Government of Guatemala had undertaken to report annually to the Governing Body on progress in the implementation of the road map until 2020.

355. *A Government representative of Argentina* said that a number of the ILO's principles must be strengthened in order to guarantee and protect justice. Guatemala had taken specific actions involving sacrifices and effort and faced an international jury. It was difficult to believe that Guatemala was a paradigm of all the world's labour disputes. The options contained in the draft decision left the indelible mark of politics on the so-called technical considerations, which were based on standards that would doubtless one day have to be amended and that should be reviewed by all on the eve of the ILO Centenary. Let he who is without sin cast the first stone.

356. *A Government representative of Mexico* said that, on multiple occasions, Guatemalan ministers and high-level public servants had provided proof of the political will and commitment of their Government regarding freedom of association and the protection of the right to organize. Given the progress made concerning the implementation of the road map, cooperation and constant dialogue with the ILO and solid foundations for the strengthening of social dialogue, the procedure initiated under article 26 of the ILO Constitution had achieved its aim. Further progress regarding the case in question could only be made through a tripartite approach.

357. *A Government representative of Brazil* said that her Government endorsed the statement made by the Government representative of Argentina regarding the need to reform the ILO supervisory system and the opportunity provided by the Centenary in that regard. The procedure initiated under article 26 of the ILO Constitution had been designed to be used as a last resort, once all local and international channels had been exhausted. The Government of Brazil was concerned at the length of time for which the issue at hand had remained on the Governing Body's agenda under article 26 without a final decision on the way forward being taken.

358. *A Government representative of the Russian Federation* said that Guatemala had given every assurance of its commitment to implement the prescribed recommendations. The ILO tripartite mission had found the competent authorities willing to conduct objective investigations into the murders of trade unionists. The country was clearly committed to social justice and tripartite dialogue; the Government needed technical assistance to respond more effectively to the challenges that it was facing. The Russian Federation supported option 2.

359. *A Government representative of the United States* said that progress had been made in meeting the commitments of the November 2017 agreement, notably with the establishment of the National Tripartite Committee on Labour Relations and Freedom of Association, which remained to be institutionalized in law and adequately funded. He welcomed the tripartite agreement reached in August 2018 on the guiding principles for discussions on legislative reforms and the parties' request for ILO expert assistance in drafting legislation. Additional progress on continued implementation of the 2013 road map was needed, including to: enforce labour laws on freedom of association and collective bargaining, particularly in sectors where complaints relating to reprisals remained pervasive; conduct more effective labour inspections; improve compliance with labour court decisions, including by imposing fines on violators; and expedite union registrations. Expressing deep

concern about the increased number of murdered trade unionists, he urged the Government to take all measures necessary to protect labour rights activists, including by ensuring police investigators consider advocacy-related motives and by holding all accountable responsible. The United States supported option 1.

360. *A Government representative of Cameroon* said that she noted the steps taken by Guatemala to confront challenges and strengthen dialogue with the social partners and commended the work done and steps taken in response to the ILO's comments. Significant progress had been made from the legal and judicial points of view. Paragraph 44 of the document indicated clearly that the Government was going to step up the work done so far. Although further work remained, in view of the Government's clear commitment Cameroon supported option 2.

361. *A Government representative of Canada* said that recent developments demonstrated the commitment of Guatemala to progress. Commitments made in the road map must be supported by legislative change. The establishment and significantly increased operating budget of the Special Investigation Unit for Crimes against Trade Unionists was encouraging, and the Government should continue to amend, implement and enforce the Labour Code in a timely manner. Her country welcomed the agreement reached on guiding principles for legislative reforms that would ensure conformity with ILO Conventions Nos 87 and 98, in particular with regard to the conditions for the creation of a sectoral trade union and the right to strike, invited the relevant institutions to elaborate and adopt the new legislative measures without delay on a tripartite basis, and called for the adoption of the Bill to grant legal status to the National Tripartite Committee. She sought assurances that the efforts of the Special Representative of the Director-General in Guatemala would not be interrupted and asked what the ILO presence in that country would look like going forward. Her country looked forward to the elaboration of the technical cooperation programme mandated by the Governing Body in March 2018 and the support from Guatemala, which was instrumental to making real progress and closing the case. Ongoing tripartite efforts were needed to address concerns raised under article 26. Despite the progress noted, challenges in implementing key aspects of the road map remained. Canada supported option 1.

362. *A Government representative of Ecuador* said that her country recognized the progress achieved by the Government of Guatemala on implementation of the road map. Her country firmly believed in social dialogue and tripartism and trusted that that attitude would prevail in Guatemala, leading to full implementation. She supported option 2.

363. *A Government representative of Eswatini*, speaking also on behalf of South Africa and Mozambique, said that the commitment of the Guatemalan Government was most encouraging and it should be given the support needed to live up to its promises. While noting the comments of the Workers about murder and lack of safety and of the Employers with regard to the murder rate in the country in general, he was convinced that the will existed to change the situation for the better and therefore supported option 2.

364. *A Government representative of Morocco* congratulated the Government on its implementation of the road map, particularly by strengthening investigations into the murders of trade unionists, the signature of an agreement in August 2018 by the national tripartite constituents to make the necessary changes to future labour legislation to bring it into line with Conventions Nos 87 and 98, creating new labour tribunals and establishing the new National Tripartite Committee. Morocco supported option 2, which would close the procedure under article 26.

365. *A Government representative of Peru* said that there was a road map, indicating the goals to be achieved; indicators, to measure their achievement; and the National Tripartite Committee in Guatemala, engaged in tripartite social dialogue. Furthermore, the

Government had expressed its will to act in good faith as it had done during the tripartite mission and had demonstrated its willingness to cooperate with the social partners and relevant bodies. Peru supported option 2 as outstanding problems with the road map could be resolved through a robust technical assistance programme.

366. *The Worker spokesperson* said that some difficult issues had arisen that the Workers found hard to swallow and that must be addressed. She asked whether the Employer spokesperson had meant that because there was a certain level of violence in a country, the murder of trade unionists could be considered to be less serious, and whether the Employers and Workers shared the same view of fundamental rights and social justice. The Employers had also spoken of "attitudes". Tripartism also entailed respect, for all groups, for their positions and for their concerns. One Worker member had observed that morning that employers could buy security; governments had security forces; workers had only the ILO. During the discussion on immunities and privileges, the house had found it hard to agree on protection for workers expressing serious concerns about their own countries. During the discussion of UN reform, she had emphasized the importance of workers having continuous access to ILO premises, which in some countries may be their only safe place.

367. She agreed with the Employers that all cases should not be treated the same way. For the previous 15 years, trade unions had complained about very serious matters in article 26 cases, including in Qatar. Even in that case, relating to the forced labour of some 2 million migrant workers, there had not been a majority in favour of launching a commission of inquiry. However, years of sustained pressure had eventually yielded a change for the better. Without article 26, without the commitment of the Office, without the work of unions, and of employers and of governments, that change would not have happened.

368. The speaker pointed out that a representative of Brazil, on behalf of a number of Latin American countries, had said that article 26 cases should be reserved for really serious matters, which appeared to imply that the case under discussion was not serious. She asked what, in their view, would constitute a sufficiently serious complaint, particularly in light of the March 2018 Governing Body decision on a complaint under article 26. Since such cases were not about punishing governments, the Workers struggled to understand why so many governments wanted to reward the Government of Guatemala by closing the case. Her group commended the Government and other parties that were committed to progress. At the same time, other voices in Guatemala were expressing concerns. Significant progress had been made but it was not yet sufficient, in law, in practice or in terms of protection. Her group wished to help the Government and maintain pressure on those parties that needed to move in order to achieve the further progress needed. The decision to open or close the case was not a matter of punishing or rewarding a government; the mandate of the house was to protect workers when they raised their voices. For the Workers, more was at stake than Guatemala. She questioned whether they could continue to work with an Employers' group that showed such contempt for trade unionists' lives, and for the Workers, and how the ILO could enter its Centenary with a case where the workers raising the complaint did not have confidence that they would be protected, individually or collectively. No decision on that matter should be taken lightly or without reflection on the need for tripartite consensus on how to help all parties in Guatemala make the progress needed, especially as options 1 and 2 both reflected the view that a number of issues remained to be addressed.

369. *The Chairperson* said that the issue was clearly sensitive and it was important to maintain focus on the case in hand, keeping in mind the significant progress made and the outstanding problematic issues. Any solution found in the Governing Body should be based on conscientious reflection and constructive cooperation.

370. *The Employer spokesperson* clarified that he had explicitly stated that any death was one too many. The Employers' group condemned in the strongest possible terms the murder of and violence against trade unionists in retaliation for their trade union activities. Choosing

option 2 as the decision was the best way forward, as it would strengthen the will and capacity of the Government of Guatemala to address any interference with the rights embodied in Conventions Nos 87 and 98. He recognized the significant progress that had been made to respond to the issues contained in the complaint, while acknowledging that some commitments were still pending. The situation in Guatemala was not perfect, but he had witnessed for himself the steps that had been taken by the Government during his visit to the country as part of the tripartite mission, and there had been further substantial progress since that time. Consequently, the Employers were in favour of option 2, which ensured that the Government of Guatemala would have to take a number of specific measures to fully implement the road map.

371. *The Government representative of Guatemala (Minister of Labour and Social Welfare)* reiterated his Government's request to declare the article 26 procedure closed. He thanked those that had recognized the progress made by his Government, and assured the Governing Body that legal and administrative measures were in place to ensure that there would be no regression, including budgetary increases for judicial institutions, and support from the Labour Commission of Congress. Some Governing Body members had referred to the need to maintain pressure on the Government by preserving the possibility of establishing a commission of inquiry, but that was not necessary. Trust was better than pressure, and the Governing Body should make a decision that motivated the parties involved. All sectors in his country were committed to moving forward, and the Government would continue to strengthen tripartite social dialogue at the local level. Closing the article 26 procedure would not signify an end to the process; the Government had already agreed to submit regular progress reports until November 2020. Support from the ILO, the IOE and the ITUC through a tripartite cooperation project would help to secure agreement on specific areas with a view to improving the labour situation in Guatemala.

372. *The Chairperson* recalled that the Governing Body had previously taken a decision recognizing the progress made by the Government of Guatemala, therefore he believed that the commitment of the Government could not reasonably be called into question. The article 26 procedure was a process, and the problems could not be solved overnight. The situation in Guatemala was complex, but it was important to look beyond the smaller details towards the full implementation of the road map and the other commitments made by the Government of Guatemala. However, progress was not just the responsibility of the Government; for some aspects it was the responsibility of all three parties to keep moving forward, even if that took somewhat longer than had been hoped.

373. *The Government representative of Brazil* said that the case of Guatemala should be considered on its own merit. An article 26 procedure might have been warranted six years ago, but the question was whether it was justifiable to keep it open now. The clear commitment and assurances of the Government of Guatemala that dialogue and cooperation would continue, together with the demonstrable progress that had been made, should be sufficient to close the procedure. Otherwise, there might be a problem with the article 26 procedure itself, if it was being used to apply political pressure. The ILO should be promoting and ensuring the application of international labour standards through cooperation and dialogue.

374. *The Worker spokesperson* said that she had been disappointed not to hear the Employer spokesperson or the Government representative of Guatemala recognize the concerns of her group and commit to addressing them. She had heard requests for the parties to be constructive, but asked whether that meant closing the case, or whether it meant trade unions entering into social dialogue despite the fact that their rights had not been guaranteed; there had been just as many murders in Guatemala in 2018 as in 2012. Her group was nevertheless being constructive; that meant keeping the article 26 procedure open for as long as was necessary in order for the road map to be fully implemented. There should be consistency in the way governments were treated, and that meant applying the same rules in the current

case as in the past. The case was not political; rather it concerned social justice and the serious infringement of workers' and trade union rights. As the Governing Body had achieved consensus on the case in the past, she asked members to reconsider their position. There should be a strong unified message to the Government of Guatemala that the ILO would continue to provide the assistance it needed, but also to the workers in Guatemala that they would not be abandoned. She recognized the considerable progress made by the Government of Guatemala; however, crucial steps remained outstanding. She asked why the Governing Body should put an end to a six-year process just before the list of requirements had been met, and what guarantees were being offered so that the workers in Guatemala could have confidence in the Government. She requested that a worker from Guatemala be allowed to address the Governing Body to express the concerns of the workers in that country.

375. *The Chairperson* said that the Legal Adviser had confirmed that, under the provisions of paragraph 1.10.1 of the Standing Orders of the Governing Body, non-governmental international organizations could be invited to speak if all Officers so agreed; otherwise, the matter should be referred to the meeting for decision. As there had been no agreement, he invited the Government group to give its view.

376. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan, said that, having consulted with the regional coordinators and given that the Government of Guatemala was also in agreement, the trade unionist from Guatemala should be allowed to take the floor within the limits set by the Chairperson.

377. *The Chairperson* invited the worker from Guatemala to speak briefly in relation to the agenda item.

378. *A worker from Guatemala* expressed his concerns that being a trade union member in Guatemala constituted a risk. It was not merely freedom of association that was being violated, but the right to life itself. While all the Governing Body members had recognized the progress made, they had also noted the many issues that remained. Closing the case would leave trade union members without the protection of the ILO, which needed to provide the framework for the way forward. In addition, the Government of Guatemala had to provide guarantees. While work was being done in good faith in the National Tripartite Committee on Labour Relations and Freedom of Association, workers continued to be dismissed or even killed for exercising their right to freedom of association and right to organize. The 90 fellow trade unionists killed were individuals with names and families. Furthermore, the Committee on Freedom of Association had, at that same session, once again drawn the special attention of the Governing Body to the extreme seriousness and urgency of Case No. 2609 concerning Guatemala. Lastly, he reaffirmed the Guatemalan workers' commitment to the fundamental principles of the ILO.

379. *The Government representative of Guatemala (Minister of Labour and Social Welfare)* recalled his Government's openness to listening to all parties in the spirit of social dialogue and tripartism. It was introducing measures to benefit both employers and workers in the interests of national development. Efforts were already being made within the National Tripartite Committee to address the themes under discussion; that, together with the progress noted in the report, demonstrated the willingness of the Government, and the country as a whole, to strengthen social dialogue.

380. *A Government representative of Panama* lamented the number of deaths reported and drew attention to the many difficulties facing his subregion, which was sometimes unfairly punished for its earnest efforts to comply with the ILO Conventions. However, it was important not to lose sight of the fact that article 26 was intended for serious and urgent cases. It was like a starter motor that set the ILO's mechanisms in motion and enabled States to build the necessary tripartite framework, but once that had been done, the motor needed

to be disconnected to prevent it from being damaged. In practice, option 2 in the draft decision contained all the measures that would be taken by a commission of inquiry, notably in terms of visits to the country and international resources and assistance. As the Government had complied with the spirit of article 26 and given that option 2 contained the measures needed to keep up the momentum, that version of the draft decision should be adopted, which indeed appeared to be the preference of the Governing Body.

381. *The Chairperson* noted that, while more Governments had spoken in favour of closing the procedure initiated under article 26, the Governing Body as a whole was evenly divided between the two opposed positions.

382. *The Worker spokesperson* said that she was pleased that the Government of Guatemala had permitted the trade union member to speak, which demonstrated the Government's clear commitment to making progress on the issue. She noted that many Governments from some regions had spoken on the matter, while there had been few statements from other regions. More broadly, consideration should be given to reforming the article 26 procedure, particularly the fact that it took years to handle serious cases. It was regrettable that a majority agreement had not been reached to appoint a commission of inquiry for any of the serious cases raised by the Workers' group over the past ten years.

383. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that the Government of Guatemala had asked him to state that it would continue to make every effort to secure consensus on the matter, based on the concrete action and the guarantees it had provided; however, a vote could not be discounted.

384. *The Worker spokesperson* proposed that, in view of the divergence of views on the item, the Governing Body should put the matter to a vote.

385. *Speaking on behalf of a significant majority of governments from Latin America and the Caribbean, including all the titular members of the Governing Body from that region*, a Government representative of Brazil said that the Minister of Labour and Social Welfare of Guatemala had met with various delegations in the margins of the session, including representatives of workers of Guatemala, but a formula that met with the agreement of all parties had not been found. He therefore supported the proposal to proceed to a vote. The vote should initially be on option 2 of the draft decision, which was the option that his group supported.

386. *The Employer spokesperson* confirmed that many conversations had taken place behind the scenes, including with Guatemalan stakeholders, who had again demonstrated their commitment to tripartism and mutual respect. It was regrettable that the matter could not be resolved without a vote; after all, everyone wanted what was best for Guatemala. He firmly believed that the country should be allowed to take charge of resolving its own issues, with the continued support of the ILO, the IOE and the ITUC and with measures providing for accountability and follow-up, as set out in option 2. However, as consensus could not be reached, and given the pressure of time, he supported the proposal to put the matter to a vote and agreed that the vote should be on option 2.

387. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania reiterated her group's readiness to vote and its support for option 1, which provided the best framework to address the issues raised in the complaint and monitor progress.

388. *A Government representative of Mexico*, acknowledging the efforts by the Government of Guatemala to satisfy the concerns of all stakeholders, said that part of the solution lay in dialogue and the goodwill of all parties. Expressing regret that a decision could not be reached by consensus, he supported the proposal to put option 2 to a vote. The position of the Government of Guatemala should be taken into account.

389. *A Government representative of Argentina*, recalling that there were a disproportionate number of cases involving countries in the Latin American region, expressed his country's solidarity with the other countries in the region. He supported the proposal to put option 2 to a vote.

390. *The Chairperson* said that, although a consensus should ideally be sought, diagonally opposed views made consensus difficult. He accepted therefore the proposal to proceed to a vote. He recalled that the Officers had proposed two options, and no alternatives had been proposed. So if the majority voted for option 2, that option would be adopted. If not, the Chairperson would interpret the result as meaning that the majority was in favour of option 1.

391. *The Clerk of the Governing Body*, recalling that the Governing Body had not proceeded to a vote since November 2015, explained the voting procedure, as set out in the Standing Orders of the Governing Body.

392. *The Governing Body proceeded to a vote by a show of hands on the adoption of the draft decision set out as option 2. The results of the vote were:*

In favour:	27
Against:	22
Abstentions:	4

The draft decision set out as option 2 was adopted.

393. *The Worker spokesperson* said that those who had voted in favour of closing the case had taken on a very heavy responsibility. It remained to be seen whether the Government of Guatemala would perform better now that the case was closed, as it had promised. She hoped that the other countries in the region, together with the other stakeholders who had been in favour of closing the case, would help the Government of Guatemala. It was a sad moment, as the Workers – who had raised the complaint – had stated that they still had strong concerns, and those concerns had not been considered important. Many unresolved issues remained. The question had not been about the commitment of the Government, but rather about how all the stakeholders in Guatemala could be helped to best achieve what was needed. The unions were already working with the Government and wanted to see greater commitment on the part of enterprises. She expressed the hope that, without the pressure of the article 26 complaint, the process would deliver what everybody believed it would deliver. However, if the attacks against and murders of trade unionists in Guatemala continued, workers would again have to use the supervisory system of the ILO.

394. *The Chairperson,* acknowledging the views of the Workers' group, said that he trusted that matters would improve. A great opportunity had arisen for all parties to work together to improve the labour situation in Guatemala.

395. *A Government representative of Guatemala (Minister of Labour and Social Welfare)* thanked the Governing Body for its vote of confidence, and said that the best thing the Government could do in return would be to show concrete results without delay. It was a historic moment and a joint achievement, not just of the Government, but of all Guatemalan stakeholders and of tripartism. He had met with workers' representatives the previous afternoon and had given his assurances that, irrespective of the Governing Body's decision, the Government was committed – and he personally was committed – to strengthening tripartite dialogue and to working together. He called on workers and employers to keep working with the Government to achieve the desired results.

396. *The Employer spokesperson* expressed regret that it had been necessary to hold a vote. He gave his assurances that the tripartite mission, of which he had been a member, had taken its

role very seriously. He also gave his assurances that the Employers' group would make every effort to ensure follow-up and accountability and trusted that the Guatemalans would do whatever it took to deliver, with the support of the IOE and the ILO.

397. *A Government representative of the United States*, noting that long-awaited legislative reforms were still not in place, said he trusted that the Government of Guatemala would make good on its commitments. His Government would support the ILO's technical assistance programme as best it could and looked forward to working with the Government of Guatemala, the social partners and all other interested governments to assist Guatemala in achieving the goals to which it was committed.

398. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that she trusted that the Government of Guatemala would meet its commitments without delay, with the full support of all the constituents in a tripartite manner.

399. *A Government representative of Brazil* said that it was regrettable that it had been necessary to hold a vote, given that option 2 offered all the necessary safeguards. Through specific actions and a willingness to cooperate with the ILO and to engage in social dialogue, the Government of Guatemala had, over a long period of time, shown itself to be committed to improving the lives of all Guatemalans. Any government displaying such political will deserved total support. The vote, although, in his view not the best way to proceed, sent a signal that the Organization worked best through dialogue and cooperation, an approach that was in line with its mandate and that produced concrete results.

400. *The Chairperson* reiterated that, although it was not the best way to take decisions and a consensus should always be sought, voting was sometimes necessary.

Decision

401. ***In view of the report of the tripartite mission that visited Guatemala from 26 to 29 September 2018, taking note, on the one hand, of the significant contribution of the National Tripartite Committee on Labour Relations and Freedom of Association to more mature and constructive social dialogue and of the agreement reached by the national tripartite constituents on the principles that should guide the legislative reforms aimed at ensuring conformity with ILO Conventions Nos 87 and 98, and, on the other hand, of the need to pursue the efforts undertaken so as to ensure that the positive process of social dialogue leads to a comprehensive/effective and sustained implementation of the road map, and in light of the progress achieved and of the matters remaining to be resolved, the Governing Body:***

(a) declared closed the procedure initiated under article 26 of the ILO Constitution concerning the above-mentioned complaint;

(b) firmly called on the Government, the Guatemalan social partners and the other relevant public authorities, with the support of the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), and the technical assistance of the Office, to elaborate and adopt legislative reforms that fully comply with point 5 of the road map;

(c) firmly called on the Government, together with the Guatemalan social partners, and with the technical assistance of the Office, to continue to devote

all the efforts and resources necessary to achieve a sustained and comprehensive implementation of the other aspects of the road map;

(d) established that, in line with the National Tripartite Agreement of November 2017, the Government of Guatemala would report on the further action taken at the Governing Body sessions of October–November 2019 and October–November 2020;

(e) requested the Office to implement without delay a robust and comprehensive technical assistance programme to ensure the sustainability of the current social dialogue process as well as further progress in the implementation of the road map; and

(f) encouraged the international community to contribute to this technical assistance programme by providing the necessary resources.

(GB.334/INS/9(Rev.), paragraph 48, option 2.)

Tenth item on the agenda

Reports of the Committee on Freedom of Association

387th Report of the Committee on Freedom of Association (GB.334/INS/10)

402. *The Chairperson of the Committee on Freedom of Association* said that the Committee had taken note of 165 cases, 24 of which had been examined on their merits. No urgent appeals had been made. Any Governments wishing to transmit observations should do so by 4 February 2019 so they could be taken into account in the Committee's next examination of cases. He had met with representatives of Liberia and the Republic of Maldives to encourage greater cooperation with the special complaints mechanisms. In both cases, the representatives had indicated that changes in administration had prevented their governments from submitting replies but that they would ensure greater cooperation in the future.

403. The Committee continued to make progress on its working methods and had established a process for closing its consideration of cases where there was a lack of information on the follow-up given to its recommendations. There were plans to streamline its examination of complaints in cases where the Committee's procedures were used repeatedly through strategic and systematic action. The Committee proposed that activities to mark the ILO Centenary at the regional and national levels should promote the principles of freedom of association and communicate the impact of the special complaints mechanisms in that regard.

404. The Committee had examined the follow-up given to its recommendations in respect of six cases. It had concluded its examination in respect of two, concerning Japan and Panama.

405. The Committee had drawn the attention of the Governing Body in particular to five cases, owing to the seriousness and urgency of the matters dealt with therein. In Case No. 2318 (Cambodia), the murder of three trade union leaders had yet to be fully investigated and,

while appreciative of the more regular provision of information, the Committee had urged the Government to expedite the investigation and inform it of the outcome. The Committee had also requested the complainant to provide up-to-date information on the outstanding allegations, particularly those relating to the alleged assault and dismissal of trade unionists.

406. In Case No. 2609 (Guatemala), the Committee had repeated its deep concern at the seriousness of the case, which concerned many instances of murder, attempted murder, assaults and death threats in a climate of impunity. It had urged the Government to intensify, as a matter of urgency, all the necessary measures to ensure that, in the planning and conducting of investigations, the possible anti-union motive for the murders of members of the trade union movement are fully and systematically taken into account and to ensure that the investigations focus on both those who instigated and those who perpetrated the acts. Trusting in the contributions of the new subcommittee on implementation of the roadmap, the Committee requests to be kept informed of the measures taken and the results obtained in this respect. The Committee had also urged the Government to significantly increase the human and financial resources of its Special Investigation Unit and to ensure the prompt adoption of personal security measures to protect at-risk trade union members.

407. In Case No. 2508 (Islamic Republic of Iran), the Committee had noted with interest the Government's consultations with the competent judicial authorities to follow up on the arrested and imprisoned trade unionists, and urged it to ensure that peaceful trade union activists were not sentenced to prison on vague charges. It had also urged the Government to ensure that Mr Razavi, Mr Madadi and Mr Nejati were not returned to prison to serve sentences for peaceful trade union activities, and requested that the Government reply to recent allegations concerning the arrest and detention of striking truck drivers.

408. Case No. 2982 (Peru) concerned the murders of trade union leaders and members in a climate of violence, threats and extortion perpetrated by criminal mafia groups in the civil construction sector. The Committee had requested the Government to develop a detailed plan of action with concrete targets and deadlines to guarantee that reports of violence were duly investigated and greater efforts made to identify and punish those responsible.

409. In Case No. 3185 (Philippines), which concerned allegations of extrajudicial killings of three trade union leaders in 2013 and the failure of the Government to adequately investigate and punish the perpetrators, the Committee had repeated its firm expectation that the perpetrators would be brought to trial without further delay, and requested that the Government inform it of the progress made in that regard.

410. *An Employer member of the Committee* said that progress had been made in the discussion of the Committee's working methods to improve their transparency, effectiveness and clarity. The Employers remained committed to the process and to discussing further proposals and ideas. He noted that some of the advancements made in the discussions about the Standards Initiative related to the Committee's work. One area of progress was that follow-up cases not resolved for lack of information from the Government or the complainant for 18 months would be considered closed, and the submission of further information after that deadline would lead to the opening of a new case. The practice would not apply to serious and urgent cases. To address the Committee's increasing workload, it had decided to jointly examine cases presenting similar allegations; prioritize multiple and systematic violations rather than sporadic individual violations; and favour the use of social dialogue and national dispute resolution bodies. Further proposals to improve the workload would be presented during the March 2019 working methods discussion. In recognition of the ILO Centenary, a high-level event on freedom of association and the effective recognition of the right to collective bargaining would be organized in 2019, with the participation of representatives from the ILO's supervisory mechanisms.

411. He thanked the Office for taking on board some the proposals of his group when preparing the *Compilation of decisions of the Committee on Freedom of Association*, sixth edition, 2018. He expressed regret that only the introduction to the document had been agreed by the Committee in tripartite discussions, but emphasized that its content continued to be an Office publication. The introduction set out the Committee's mandate clearly. He welcomed the design of the online database of past cases, which facilitated access to cases, conclusions and recommendations, and looked forward to it becoming fully operational.

412. At the March 2019 meeting on its working methods, the Committee would discuss the need to ensure consistency in its decisions in the use of the term "the principles of freedom of association and the effective recognition of the right to collective bargaining" arising from the ILO Constitution and the Declaration of Philadelphia. There was also a need to discuss the use of the terms "definitive conclusions" and "interim conclusions", as in the current session "definitive conclusions" were used for follow-up cases that were not definitive in reality.

413. Highlighting serious and urgent Cases Nos 2318 (Cambodia), 2609 (Guatemala), 2508 (Islamic Republic of Iran), 2982 (Peru) and 3185 (Philippines), he urged the Governments to provide timely responses and solutions. He drew attention to the inclusion of new elements in the conclusions and recommendations of the Committee relating to social protest and strikes. Cases Nos 3137 and 3150 (Colombia) had led the Committee to reflect on the meaning of freedom of association. Case No. 3137 dealt with the legal concept "trade union contracts", and the Committee, highlighting the singularity of the contractual category at stake and the complexity of the issue, had requested the Government to provide more information on the impact of such contracts. Case No. 3150 dealt with another legal possibility available in Colombia allowing non-unionized workers to sign collective labour accords when less than a third of workers in a company were members of a union. Regrettably, the Committee had not received sufficient information to conclude those cases, despite the submission of last-minute essential information from the Government, which would have substantially changed its decision. He urged the Committee to examine them again in March 2019.

414. *A Worker member of the Committee* stressed that the new *Compilation* was the result of long and detailed tripartite discussions, consultations and negotiations and therefore a product of tripartism and social dialogue. He also highlighted that the document set out the Committee's mandate clearly, both in the introduction and in Annex 1.

415. Turning to the serious and urgent cases contained in the report, he recalled that the Committee had considered Case No. 2318 (Cambodia) many times and the criminal investigations called for by the Committee for more than ten years had still not been concluded. The Government must take swift government action, as it had a huge impact on the social climate and the exercise of freedom of association in the country. Concerning Case No. 2508 (Islamic Republic of Iran), the Committee should underline the need to bring national legislation into line with freedom of association principles, with amendments to allow trade union pluralism, and in the meantime to take measures to ensure that trade unions could be formed and function unhindered despite legal restrictions. In addition, a prompt independent investigation should be conducted into the allegations of workplace harassment when the SVATH union was being established. The right to health of the numerous trade unionists in detention should also be respected. In Case No. 2609 (Guatemala), he expressed deep concern about the new allegations of murders of trade union leaders and members received, despite the adoption of a road map in 2013 and the signing of a national tripartite agreement in 2017. He urged the Government to ensure full freedom of association and to prevent further acts of violence. In Case No. 2982 (Peru), he expressed concern regarding the absence of judgements against perpetrators of violence and emphasized the importance of investigations in seeking appropriate punishments and preventing recurrences. The situation of impunity reinforced the climate of violence and insecurity and was damaging to

the exercise of trade union rights. Concerning Case No. 3185 (Philippines), the Government's failure to investigate and prosecute the allegations reinforced the climate of impunity and violence, leading to an environment without full access to freedom of association.

416. The Committee had worked hard to improve its procedures in line with the Governing Body's decision on the Standards Initiative, including in particular the decision to present an annual report to the Conference Committee on the Application of Standards to improve coherence between the two Committees and ensure better follow-up of the cases referred to the Committee of Experts on the Application of Conventions and Recommendations. He also highlighted that cases concerning countries that had not ratified the freedom of association Conventions would be decided on a case-by-case basis, and that the Committee's consideration of article 24 representations would allow the examination of the five pending cases before the Committee.

417. *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Argentina, Iraq, Japan, Lesotho, Nigeria and Switzerland, a Government member from Switzerland drew the Governing Body's attention to the Committee's discussions on its working methods, highlighting in particular the agreement reached on the procedures for considering follow-up cases not resolved for lack of information, recurring cases, and cases in which the added value of an international examination was in doubt. The Committee's discussions on its contribution to the ILO Centenary would continue at its March 2019 session. In line with the Governing Body's decision on the Standards Initiative, the Committee would examine the article 24 representations referred to it according to the procedures set out in the Standing Orders for that purpose. Drawing attention to the Committee's conclusions and recommendations on the cases it had examined, she encouraged the Governing Body to adopt the report.

418. *Speaking on behalf of GRULAC*, a Government representative of Brazil requested that more time be given to members in the future to review the report, as the current report had only been published the previous day.

419. He expressed his group's concern that the number of cases from his region continued to increase; 84 per cent of the cases in the current report concerned countries in his region, as did 11 of the 12 new cases. It called into question the effectiveness of what should be a global mechanism when it appeared to be a regional mechanism instead. He proposed increasing the number of members from his region on the Committee to reflect the balance of cases being examined by it and to give the Committee a better understanding of the national situations in the region.

420. He welcomed the measure to close follow-up cases not resolved for lack of information, and the decision to indicate which States had not ratified the freedom of association Conventions on the website. Concerning the special procedures, his group could not support the practice of accumulating complaints within a single case over time. That led to several cases being open for more than ten years, and did not resolve any fundamental issues. Rather, it masked the reality in his region. He welcomed the focus on the serious and urgent cases, and requested that the oldest cases also receive attention. 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. There was also a need for clear, objective receivability criteria.

421. Concerning follow-up cases not resolved for lack of information, he asked whether a new case could be presented with the same facts if a case had been closed under the new procedure, and which criteria would apply to closing cases in countries that had not ratified the relevant Conventions. It was important that the parties had legal certainty regarding the

examination of cases. He understood that cases would be closed following the submission of information from a government that a final ruling had been issued under national procedures. The Committee should take into account best practices at the national level, particularly dispute settlement by national bodies, and continue to encourage the Office to take into account steps taken to settle disputes at the national level. He welcomed the recommendations made concerning article 24 representations. Finally, the Committee should make every effort to take into consideration all available information prior to the start of each session. He hoped that his group's comments would be reflected in the Committee's subsequent reports.

422. *A Government representative of Paraguay* confirmed her Government's commitment to freedom of association and the right to organize, and to the promotion of strong workers' and employers' organizations. She welcomed the Committee's decision to close cases for which no further information had been received for a period of 18 months, but expressed concern regarding the criteria for admitting and closing cases. Indeed, it was regrettable that the Committee was opening cases for which a national administrative procedure was already under way, such as Case No. 3307 (Paraguay), which led to the duplication of efforts and resources by the Office and the national government. In that instance, the case had already been resolved, yet, despite receiving evidence from the Government to that effect, six months on the Committee had still not responded to the complainant's request for the case to be closed. It was also regrettable that Case. No. 2086 (Paraguay) was still open. Given that the final rulings on the case had been upheld by the Supreme Court, and that it had not even been possible to demonstrate a link between the trade union leader status of the complainants and their convictions for offences in the ordinary courts, it should be possible to close the case. In order to prevent interference with national justice systems, the Committee should revise its working methods to avoid opening new cases that were already under negotiation or being examined by the administrative labour authority, and to ensure it closed cases that had been resolved.

423. *A Government representative of Mexico* reaffirmed his Government's commitment to the principles of freedom of association and the supervisory mechanisms, and undertook to give due attention to the Committee's recommendations in relation to Case No. 2694 (Mexico). However, that case had been in follow-up for a decade, with many developments, and it was surprising it could be summarized in just eight paragraphs. The practice of compiling several complaints into a single case had prevented its closure; if the Committee had focused on specific allegations separately, Case No. 2694 (Mexico) could have been closed some time ago, along with any other cases that had subsequently arisen, providing the mechanism with greater legal certainty. Even the significant progress made by the Government in following the Committee's recommendations had not led to the closure of the case, as the Committee claimed that further allegations continued to be made. His Government disagreed with the practice of compiling complaints, which neither resolved the underlying problem of the workload nor guaranteed the effectiveness of the Committee. He asked the Committee to reconsider the practice on the basis of consultations with the governments concerned, and encouraged it to strengthen dialogue with the CEACR to prevent the duplication of work.

424. *A Government representative of Uruguay* said that GRULAC had repeatedly raised concerns regarding the Committee's selection criteria for the examination of cases. Yet almost all the new cases received related to member States in Latin America and the Caribbean, despite the fact that there were violations of freedom of association worldwide. The list drawn up by the CFA should reflect the actual international situation in a more balanced and objective way. He asked why Latin America had been singled out, and sought clarification on the selection process that had led to that situation.

425. *A Government representative of Argentina* expressed support for the statements made by GRULAC and the representatives of the Governments of Latin America.

426. *A Government representative of Colombia* said that her Government had provided additional information on Cases Nos 3137 and 3150 (Colombia) prior to the current session, covering the administrative investigations carried out by the labour inspectorate, the sentences handed down by the Constitutional Court and additional measures recently adopted by the Government. It appeared that that information had not been thoroughly analysed by the Committee or translated into its working languages for consideration at its latest session. Given the relevance of the information, and the requirement to take into account sentences passed by national judges, she asked the Committee to re-examine Case No. 3150 (Colombia) at its next session and take into account the additional information provided, which would have had an impact on the conclusions and recommendations in the draft decision.

427. *A Government representative of the Islamic Republic of Iran* said that his Government had submitted its observations on Case No. 2508 (Islamic Republic of Iran), but that had not been acknowledged in the introduction of the report. He reaffirmed his Government's commitment to promoting freedom of association, strengthening social dialogue and empowering workers' and employers' organizations; information had also been provided on measures taken in that area, including those undertaken in collaboration with the Office. It was therefore regrettable that the case, which contained some baseless allegations, had been included in the serious and urgent cases. Given the progress made, he asked the Committee to cooperate with his Government with a view to closing the case.

428. *Speaking on behalf of GRULAC*, a Government representative of Brazil asked if the Office could give its initial reactions to the comments made by his group and by the representatives of several countries in his region. In particular, he would like to know why the countries in his region were represented in such a high proportion of cases. He suggested that the Office provide detailed, objective information on the subject for discussion at the March 2019 session of the Governing Body.

429. *The Chairperson of the Committee on Freedom of Association* said that the Committee reviewed the cases it received and was indeed keen to reduce their number. The Committee worked on a tripartite basis, which meant that its Worker, Employer and Government members could all contribute their views on the balance of cases. Indeed, efforts to make the caseload more manageable were the joint responsibility of the Committee, the Office and the Governments; the latter group notably needed to ensure they upheld the principles of freedom of association. In particular, the Committee intended to work with individual governments to establish whether certain cases could be dealt with at the national level. He welcomed the efforts made by most governments in Latin America and the Caribbean to respond to concerns, but said that the Committee could only deal with cases presented to it and on the basis of the information it received; otherwise the process would be unfair.

430. *The Director-General* said that the Office would not comment on the Committee's working methods, as those were a matter for the Committee itself to consider. The Committee considered cases on the basis of the complaints submitted; that process was independent of the Office. The high proportion of cases relating to member States belonging to GRULAC was therefore due to the high number of complaints received from those member States, whether from trade union organizations or employers' organizations. There was no selection of cases, so the process was objective.

Decision

431. ***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: 127 (Cases Nos 3248, 3257 and 3272: Argentina); 140 (Case No. 2318: Cambodia); 151 (Case No. 3212: Cameroon); 227 (Case No. 3274:***

Canada); 244 (Case No. 3184: China); 282 (Case No. 3090: Colombia); 315 (Case No. 3137: Colombia); 345 (Case No. 3150: Colombia); 366 (Case No. 3297: Dominican Republic); 414 (Case No. 2609: Guatemala); 447 (Case No. 3032: Honduras); 481 (Case No. 3287: Honduras); 511 (Case No. 2508: Islamic Republic of Iran); 522 (Case No. 3081: Liberia); 531 (Case No. 3076: Republic of Maldives); 559 (Case No. 3018: Pakistan); 575 (Case No. 2982: Peru); 598 (Case No. 3170: Peru); 610 (Case No. 3190: Peru); 628 (Case No. 3119: Philippines); 654 (Case No. 3185: Philippines); 669 (Case No. 3113: Somalia), and adopted the 387th Report of its Committee on Freedom of Association as a whole.

(GB.334/INS/10.)

Eleventh item on the agenda

Report of the Board of the International Training Centre of the ILO, Turin

Report of the 81st Session of the Board of the Centre
(Turin, 25–26 October 2018)
(GB.334/INS/11(Rev.))

432. *The Worker spokesperson* said that the International Training Centre was an integral part of the Office's work. Her group welcomed the Turin Centre's willingness to take on board its comments in previous years; several improvements had been made as a result. The independent evaluation on social dialogue and tripartism had demonstrated the extent to which the promotion of rights at work was mainstreamed across the Centre's training activities, which was crucial, given the need to intensify the focus on freedom of association and the importance of knowledge on the core principles of social dialogue and tripartism. The evaluation had also provided clear recommendations and highlighted the central role of social dialogue and tripartism. Furthermore, placing international labour standards at the centre of curricula was particularly relevant in the context of UN reform and in relation to training activities on the SDGs, especially given the Centre's potential as the main training centre for resident coordinators.

433. Her group welcomed the Centre's progress in meeting its target for face-to-face training and exceeding its target for distance-learning activities. However, further work was required to meet the targets relating to participation by ILO constituents. The sustainability of the Programme for Workers' Activities and the full participation of workers in the global academies and other programmes must be ensured. Sound funding for constituents' programmes should be central to the Centre's financial planning, and the participation of workers and employers in all activities must be ensured. The Centre had made significant progress in terms of technology and digitalization; however, that should complement face-to-face interaction, which was crucial to social dialogue. She reaffirmed the Workers' group's commitment to working with Board members to make the Centre the hub for training in the ILO's core principles, providing constituents with the necessary capacities and tools to promote and achieve social justice.

434. *The Employer spokesperson* expressed her group's satisfaction with the performance of the Turin Centre, including the management's more proactive approach to communication and constructive discussions in considering initiatives to embed the ILO's tripartite nature across the Centre; the Employers' group would work closely with the Workers' group and the

management of the Centre in that regard. Turning to the report, she expressed the hope that the Centre would look into her group's recommendations in the first half of 2019. She welcomed the management's responsiveness to discussing the Centre's activities frequently throughout the year; the lead Employer spokesperson would soon visit the Centre to see how the Employers' group could help it to develop and improve its work.

435. *Speaking on behalf of the Government group*, a Government representative of Argentina said that the Turin Centre had a strategic role in improving all ILO activities, especially training and capacity building for its tripartite constituents, and should therefore continue to improve and widen the scope of its training activities. She noted the significant number of participants in the Centre's programmes in the 2016–17 biennium, and encouraged the Centre to promote training activities in collaboration with other training institutions; the initiative to promote new partnerships with local training institutions was therefore welcome. As to case studies, the Centre should continue to promote gender equality and adapt its activities to the challenges of the changing world of work. She welcomed the planned Future of Work summer school in 2019. She reiterated the importance of training on social dialogue and tripartism, given the important role the Centre could play in promoting the mandate of the ILO and tripartism in the context of UN reform.

436. *A Government representative of Italy* reaffirmed his Government's continued support for the Turin Centre, reflected also in its financial contributions. He congratulated the Centre's management for its efforts to contain costs, and looked forward to further synergies between the work of the Centre and the ILO. Greater collaboration with donor institutions would help to identify new sources of funding. He invited the Centre to enhance its capacity building for small and medium-sized enterprises in developing countries and on labour migration policies. The Centre should be used to train new UN resident coordinators and members of country teams on the ILO's mandate, tripartite structure and normative function. Lastly, he noted the success of the Turin School of Development, and asked the Centre to allocate more financial and human resources to it to consolidate its position and strengthen its governance structure.

437. *A representative of the Director-General* (Director, Turin Centre) thanked the Board members for their upfront communication which had enabled the Centre's management to better comprehend the strategic concerns and therefore improve the implementation of activities. He thanked the Government of Italy, the ILO and other member States for their ongoing financial commitment to the Centre. The Board members' comments would be taken into account during the implementation of activities in the next biennium.

Outcome

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

(GB.334/INS/11(Rev.))

Twelfth item on the agenda

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference
(GB.334/INS/12(Rev.))

439. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that it would be more productive if the items under the Working Party's agenda were placed within the Institutional Section or Legal Issues and International Labour Standards Section, as appropriate, with points raised by constituents captured for future reference in the minutes, rather than in the current summary report form to the Institutional Section. Alternatively, he requested the Office to consider advancing the publication of the report of the Working Party so as to improve governance and transparency. As some other major points made by GRULAC during the discussions in the Working Party were not reflected in the report, he felt obliged to state them again for the record.

440. During the Working Party meeting, GRULAC had reiterated the concerns it had expressed during the previous Conference and Governing Body sessions regarding the ineffective working methods of the Committee on the Application of Standards. He noted that his region had the highest number of ratifications and many examples of good practice to share and expressed regret that the CAS did not discuss cases where progress had been made. The same persistent problems that his group had been pointing out for some time had re-emerged at the 107th Session of the Conference. At the opening session of the CAS, GRULAC had highlighted several aspects of the supervisory system that had not been agreed upon by consensus, which meant that it was not transparent, predictable, efficient or fully tripartite. Failing to take constituents' comments into account affected the trust in and credibility of the system.

441. At the informal tripartite consultations on the CAS working methods, GRULAC had proposed that: the final list of cases to be examined by the CAS should be disclosed as early as possible and prior to the Conference; the governments concerned should be informed of the conclusions in their respective cases well in advance and be given the opportunity to express their views on them before their adoption by plenary; and the Centenary session of the Conference would be an opportune moment for the CAS to discuss cases where progress had been made. GRULAC requested that five such cases be discussed by the CAS in 2019. The CAS was a valuable mechanism within the ILO's supervisory system and, with the ILO Centenary approaching, GRULAC supported the promotion of effective tripartism, where government views were taken into account and consensus sought.

442. *Speaking on behalf of the Africa group*, a Government representative of Morocco, referring to the functioning of the International Labour Conference, said that gender balance should be taken into account as part of efforts to promote diversity and that time management should be improved. Portuguese should be added as one of the working languages for African Regional Meetings. Her group supported the draft decisions.

Decisions

Functioning of the International Labour Conference: Analysis of the 107th Session (2018)

443. ***Following the discussion and lessons learned from the 107th Session of the Conference (May–June 2018), and on the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, the Governing Body decided to:***

(a) continue to explore further improvements taking into account the discussion in the Working Party;

(b) request the Director-General to prepare for its consideration at the 335th Session (March 2019), a detailed work plan for the 108th Session of the Conference (June 2019) based on a two-week format; and

(c) request the Director-General to take into account the discussion of the Working Party in developing proposals for the work plan of future sessions of the Conference.

(GB.334/INS/12(Rev.), paragraph 25.)

Comprehensive review of the Standing Orders of the Conference: Progress report of the inter-sessional consultations

444. ***On the recommendation of the Working Party, the Governing Body took note of the second progress report on the inter-sessional consultations concerning the comprehensive review of the Standing Orders of the Conference contained in document GB.334/WP/GBC/2, and provided guidance on the next stages.***

(GB.334/INS/12(Rev.), paragraph 30.)

Revised Introductory note to the *Rules for Regional Meetings*

445. ***On the recommendation of the Working Party, the Governing Body:***

(a) adopted the revised Introductory note set out in Appendix I of document GB.334/WP/GBC/3; and

(b) approved the list of Members to be invited as full Members by region set out in Appendix II of the document.

(GB.334/INS/12(Rev.), paragraph 40.)

Thirteenth item on the agenda

Report of the Director-General

Main report
(GB.334/INS/13)

446. *The Worker spokesperson* welcomed the developments of member States that had ratified important Conventions, many of which had been mentioned in the report. She highlighted the importance of social dialogue, fundamental values and principles, Conventions, and other activities, which had progressed thanks to the commitment of the Office and member States. She acknowledged the progress which had been made, then referred to the Standards Review Mechanism which would be discussed later that week. On behalf of her group, she looked forward to implementing their previously expressed good intentions by moving towards the ratification of up-to-date Conventions. She said that she would appreciate more active commitment from all sides to support the Office in their efforts for further ratification.

447. *On behalf of the Africa group*, a Government member from Rwanda welcomed the Director-General's Report on the latest progress in international labour legislation and international administration. The member expressed his group's appreciation for the 27 ratifications of the International Labour Conventions registered since the 332nd Session, pointing out that 13 of them came from the African region. He also encouraged the office to continue working with member States in enforcing the 1986 Instrument for the Amendment of the Constitution of the ILO. The member noted that, for the past three decades, the Amendment continued to be obstructed by the delayed ratification from three countries of chief industrial importance. This matter would be further discussed during the item on the Second Supplementary Report of the Director-General. Finally, he extended warm congratulations and regards to the newly appointed and promoted staff members.

Outcome

448. ***The Governing Body took note of the information contained in document GB.334/INS/13 concerning membership of the organization, progress in international labour legislation and internal administration.***

Addendum – Obituaries
(GB.334/INS/13(Add.))

Mr Ali Ibrahim

449. *A Worker member from Kenya* paid homage to the late Mr Ali Ibrahim, a dynamic labour leader, former member of the Governing Body and member of the ILO Bureau for Workers' Activities (ACTRAV). Mr Ibrahim began his career as a civil servant within the Somali Government, working in various capacities such as Head of the Trade Unions Division in the Ministry of Justice and Labour. Having developed an interest in the labour movement, he subsequently served as an Assistant Secretary-General to the Confederation of Somali Trade Unions. In 1998, Mr Ibrahim was appointed Director of the ILO Area Office for Eastern Africa, based in Dar es Salaam. Mr Ibrahim would also be remembered as the official founder of the Organization of African Trade Union Unity (OATUU). Upon retirement in 2006, Mr Ibrahim was immediately appointed Minister for Planning and Coordination in Somalia.

Decision

450. ***The Governing Body paid tribute to the memory of Mr Ali Ibrahim and invited the Director-General to convey its condolences to the family of Mr Ibrahim and to the Organization of African Trade Union Unity (OATUU).***

(GB.334/INS/13(Add.), paragraph 7.)

Mr Birahima Nacoulma

451. *An Employer member from Nigeria* said that his group regretted to announce the death of Mr Birahima Nacoulma, a friend, colleague and firm believer in free enterprise. He was President of the National Council of Employers of Burkina Faso, of which he was a founding member. Mr Nacoulma was integral in developing the private sector of Burkina Faso and clearly understood the role of business membership in promoting and defending enterprise rights. He was a man of dialogue and consensus, who had fostered good relationships with workers' organizations over the years, and was a key crusader for social dialogue and consultations in his country. The Employer spokesperson added that Mr Nacoulma would be remembered as a very vibrant member of the Governing Body and President of the Federation of West African Employers' Associations and of the Pan African Employers' Confederation, Business Africa. He was also highly engaged in the African Social Partners Forum. The Employer spokesperson reiterated that Mr Nacoulma was a highly valuable asset of the African region, and would be sorely missed.

452. *Speaking on behalf of the Africa group*, a Government member from Ethiopia joined in paying tribute to Mr Ali Ibrahim and Mr Birahima Nacoulma. She reiterated that their ideas had helped to shape and improve the world of work at national, regional and global levels. In addition, she commended their strong passion for social dialogue, which was key for achieving the Decent Work Agenda.

Decision

453. ***The Governing Body paid tribute to the memory of Mr Birahima Nacoulma and invited the Director-General to convey its condolences to the family of Mr Nacoulma, to Business Africa and to the International Organisation of Employers (IOE).***

(GB.334/INS/13(Add.), paragraph 13.)

Mr Bernard Boisson

454. *An Employer member from France* paid her respects to Mr Bernard Boisson, who was an Employer member of the Governing Body, from 1999 until 2007, as well as an Adviser to the President of the Movement of French Enterprises (MEDEF). Within this business confederation, Mr Boisson played an important role in major institutions managed by the French social partners, including the National Occupational Union for Employment in Industry and Commerce (UNEDIC) and the Union of National Social Security Funds (UCANSS). He was a strong believer in social dialogue and maintained close relations with all trade unions, even when labour relations were tense. He was also a member of the French Economic and Social Council. Despite joining the ILO late in life, he was convinced of the relevance of the Organization's mandate in today's world of work. On behalf of the

Employers' group, the member said that Mr Boisson would be remembered for the graceful manner in which he engaged in social dialogue.

Decision

455. ***The Governing Body paid tribute to the memory of Mr Bernard Boisson and invited the Director-General to convey its condolences to the family of Mr Boisson, to the International Organisation of Employers (IOE), and to the Movement of French Enterprises (MEDEF).***

(GB.334/INS/13(Add.), paragraph 17.)

456. *Speaking on behalf of the Government group*, a Government member from Azerbaijan echoed the sentiments expressed by social partners and extended deep condolences to the families of Mr Ali Ibrahim, Mr Birahima Nacoulma and Mr Bernard Boisson, as well as to the organizations that they served with honour and dignity.

First Supplementary Report: Follow-up to the ILO Centenary Initiatives (GB.334/INS/13/1)

457. *The Worker spokesperson* said that her group looked forward to follow-up discussions of the Governance Initiative at the March 2019 session of the Governing Body and welcomed the consensus reached on the Standards Initiative. However the actions detailed under the Enterprises Initiative section did not appear to add value in terms of coherence and outcome. Furthermore, that section did not mention the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and its newly adopted follow-up mechanism, including the establishment of tripartite focal points, which the ILO should promote rather than corporate social responsibility in Asia and Latin America. Engagement with enterprises was not a matter purely for the Employers' group; the ILO's added value lay in its capacity to strengthen social dialogue in areas relevant both to businesses and to trade unions, and to build mature industrial relations in a specific company sector or supply chain. Companies engaging with the ILO must commit to promoting decent work and engaging with trade unions, which required respect for freedom of association and collective bargaining.

458. Regarding the End to Poverty Initiative, she welcomed the establishment of the Decent Work for Sustainable Development Resource Platform, which linked the SDGs to ILO policy outcomes. However, the thematic area of freedom of association and collective bargaining should be included under SDG 1. The multi-stakeholder partnerships under the 2030 Agenda had to safeguard the ILO's tripartite nature and rights-based approach, while companies wanting to engage in such partnerships should demonstrate a decent labour relations record. The ILO's engagement and visibility in the high-level political forum on sustainable development would be particularly important in 2019, given that SDG 8 would be the subject of the thematic review; the Office should work closely with constituents and provide support to improve trade unions' capacity to engage in the development and implementation of national sustainable development strategies under the 2030 Agenda. Her group welcomed the resolution adopted at the 20th International Conference of Labour Statisticians on the methodology for indicator 8.8.2 and the ILO's role as custodian agency for that indicator.

459. In relation to the Green Initiative, she welcomed the ILO's formal entry to the NDC Partnership; the Organization should continue to promote the involvement of workers' and employers' organizations in discussing and implementing nationally determined

contributions (NDCs) to promote a just transition. The normative work under the Initiative should take into account, when promoting a just transition in strategic partnerships with UN agencies and lead initiatives, the annex to the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, which contained a list of relevant international labour standards and resolutions. Decent work was central to the just transition; the ILO should promote decent work within the transition to a low-carbon economy, whether for workers having to move to low-carbon jobs in a mitigation area, or those whose livelihoods were at stake due to climate change. Further research was required on working conditions and green jobs, or jobs negatively affected by climate change.

460. The Women at Work Initiative had been both comprehensive and inclusive. The publication of the ILO report on *Care work and care jobs for the future of decent work* was especially welcome. Her group looked forward to the standard-setting discussion on violence and harassment at work at the Centenary session of the Conference, which should lead to the adoption of a meaningful Convention and Recommendation on that issue. The Centenary session would also be a high point for the Future of Work Initiative; it was important to secure full tripartite involvement at the highest level for the discussions on a possible declaration, both during the Conference and in prior informal consultations. Taking those comments into account, the Workers supported the draft decision.

461. *The Employer spokesperson* said with regard to the Enterprises Initiative that the strategy to widen ILO engagement with enterprises was a priority; engaging with enterprises of different sizes across all regions would help the Office better understand the challenges they faced, develop a more practical approach to problem-solving and contribute to achieving the Organization's goals. However, ILO policy must be set by the constituents; collaboration with individual companies should not be used to set or alter the policy approach already agreed on a tripartite basis, as had happened on some occasions. Individual enterprises did not constitute a fourth constituent; they were employers. Moreover, the Office had no mandate to report on social dialogue without involving employers and workers' organizations and should not have been involved in producing the flagship report for the Global Deal. Should there be continued involvement, the Employers would wish to request a Governing Body discussion. Furthermore, it should avoid providing paid services to individual enterprises; the purpose of engagement with the private sector was to help the ILO achieve its objectives, which was best done by capacity building among its constituents. In addition, all Office departments should respect the role of the Bureau for Employers' Activities (ACT/EMP) as the entry point for private sector engagement. The recently developed ILO register of enterprises would improve transparency and coordination in that respect and provide information on how engagement with companies had helped the Office achieve its objectives. With regard to public–private partnerships, multinationals reportedly found the ILO's clearance process lengthy, opaque and influenced by external organizations; companies found it easier to partner with other UN agencies to promote the SDGs. The Office should improve those processes and timelines to protect its reputation as a reliable partner. It should continue to follow the guiding principles on public–private partnerships adopted by the Conference and should not delay or block partnerships on the basis of issues that were not covered by those principles, while further recognizing that it was legitimate for such a partnership to focus on a single strategic objective. The Employers were satisfied with the business networks and approaches such as Better Work, which reduced administrative burdens, increased impact through joint efforts and protected the ILO from slipping into a consultancy role. The networks were a good example of strategic engagement, as they aligned the objectives of participating companies with one of the ILO's strategic outcomes. The approach taken was working well and the lessons learned could be shared with employers' organizations globally. All networks should use agreed operating procedures developed in consultation with participating companies to ensure good understanding of the objectives and deliverables.

462. He supported further ILO cooperation with the UN under the End to Poverty Initiative, particularly regarding alignment with the 2030 Agenda. In the interest of coherence, it was essential to refocus the DWCPs to incorporate constituents' processes. He noted the developments on partnerships in relation to SDG 8 and other targets related to decent work; such partnerships should have clear objectives, but needed a simple governance structure to reduce bureaucracy and costs and ensure effective coordination with existing programmes. The ILO, as custodian agency for certain SDG indicators, needed to ensure that the sub-indicators and methodology were implemented consistently with tripartite guidance.

463. Regarding the Green Initiative, the ILO lacked an action plan at country level to strengthen constituents' capacities to implement the transition to a low-carbon economy, notably in terms of providing guidance for governments and financing for enterprises, particularly small and medium-sized enterprises (SMEs). It also lacked an action plan for engaging with employers' organizations; the Organization's efforts should be directed primarily towards capacity building. Implementation of the just transition would be costly; the Green Initiative should address the financial implications and fund allocation at country level. While advanced economies were undergoing a technological revolution, developing economies faced challenges in relation to daily operations. In order to build the capacity of governments, the Office should disseminate examples of best practices, including lessons learned from the pilot countries where the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* had been implemented. The Office needed to take a comprehensive approach to the creation of a legal instrument requiring enterprises to implement the just transition that included the economic dimension. In addition to balanced regulatory frameworks and institutions that would unlock potential rather than create burdens, incentives for enterprises were key to a socially and economically viable transition. In addition, it was necessary to anticipate skills requirements for the transition. There was no action plan that encouraged constituents to implement the upskilling and reskilling necessary for a sustained green economy, yet skills for a low-carbon economy were essential to minimize job destruction.

464. There was a need to ensure that the Women at Work Initiative examined forward-facing issues, such as future skills needs, demographic challenges and the growing role of women in the labour market, with a view to promoting women in leadership, talent as a key driver of productivity, flexible working arrangements and the importance of economic empowerment in the context of the future of work. The most important outcome would be the identification of steps to achieve measurable progress regarding the integration of women at work. His group had been disappointed by the pessimistic stance of the Report of the Director-General to the 107th Session of the Conference on the Women at Work Initiative; it would be remiss of the ILO not to build on the substantial progress made to date on women's participation in the labour market. Future policies in favour of gender equality must be based on accurate statistical data on women's inclusion in labour markets, avoiding any assumptions that could divert the focus from the action required and actively involving constituents in the research. In addition, the ILO should conduct research to assess whether the digital economy was empowering women and increasing their purchasing and decision-making power, enabling women and men to afford care services and eventually allowing women to transition into more formal workplaces. Employers' efforts to be inclusive would fall short unless public authorities worked to break down structural, social, legal and cultural barriers to skills development among women; the ILO could provide a technical report on the crucial role of public support systems in advancing the role of women. The Employers hoped a different approach would be taken in the ILO's 2019 report on the future of women at work and encouraged it to continue its work on gender inclusion at national and regional levels.

465. *Speaking on behalf of GRULAC,* a Government representative of Brazil said that it was essential to bring all activities undertaken in countries of the region to the attention of Governing Body members and the Global Commission. The multiple events on social

dialogue held in the region highlighted his group's commitment to and interest in the Centenary Initiatives. The different areas detailed in the document were key to ensuring decent work and the well-being of people in the region. He took note of the Director-General's proposal to promote events to review and discuss the Global Commission's report, following its publication, in a tripartite setting. Regional exchange between different speakers was essential to ensuring the success and richness of the various Centenary Initiatives as it would enable the ILO to track achievements and challenges in each region. It would be beneficial if such review and discussions could take place in a regional or subregional setting. The most effective way to achieve results was for the Office to take action. He expressed the hope that the Governing Body's work would be adequately incorporated in the Organization's efforts leading up to the Centenary and that it would prove useful in facing future challenges.

466. *Speaking on behalf of IMEC*, a Government representative of Germany said that the Future of Work Initiative was a central Centenary Initiative. With respect to the Women at Work Initiative, her group fully agreed that business as usual was not enough and supported the development of innovative and transformative approaches to achieve gender equality. She asked whether the forthcoming report on the future of women at work would include actions that promoted work–life balance. With regard to the End to Poverty Initiative, she encouraged the ILO to use the opportunity offered by the high-level political forum on sustainable development in the Centenary year to gain visibility on its efforts to implement the 2030 Agenda. IMEC welcomed that the ILO was involved in several global partnerships including Alliance 8.7, the Global Initiative on Decent Jobs for Youth, the Global Partnership for Universal Social Protection, and the Global Deal, which were important for the impact of the 2030 Agenda and for achieving the ILO's objectives of social justice and decent work. Effective development cooperation required policy, programmatic and budgetary coherence within the ILO, with and between the constituents, in the United Nations Development System and among a broader spectrum of stakeholders, including international financial institutions, development partners and government ministries. Moreover, her group was pleased to note that supply chain policies and practices formed one of the main strategic components of the Enterprises Initiative. She welcomed the engagement with the private sector through the Vision Zero Fund or SCORE and the implementation of the programme of action on decent work in global supply chains adopted by the Governing Body at its 328th Session. The Green Initiative had allowed the ILO to produce specific tools that were helpful to assist constituents in adapting to changes in labour markets by transitioning to more resource-efficient production. The purpose of the Centenary Initiatives was to equip the Organization to respond successfully to the challenges of its mandate in the future. IMEC therefore invited the Office to prepare an evaluation report in the period following the Centenary Initiatives for discussion at the October–November 2019 session of the Governing Body. Her group supported the idea of incorporating the subsequent follow-up of the Centenary Initiatives into the Programme and Budget for 2020–21. IMEC supported the draft decision.

467. *Speaking on behalf of the EU and its Member States,* a Government representative of Romania said that Turkey, Montenegro, Serbia, Albania and Bosnia and Herzegovina aligned themselves with her statement. While the Future of Work was the most critical of the Centenary Initiatives, she was in favour of including the others in the thematic debates and events that would take place during the 108th Session of the Conference. The Standards Initiative was particularly important for strengthening the supervisory mechanism and enhancing the relevance of the international labour standards. With respect to the Governance Initiative, she requested further information from the Office on the strategy for developing the institutional capacity of constituents. Regarding the Enterprises Initiative, she commended the Office for its engagement with private sector networks and programmes and welcomed the recently launched Global Business Network on Forced Labour and Human Trafficking, in addition to the extension of ILO cooperation with the Organisation for Economic Co-operation and Development (OECD). The collaboration of the ILO with

financial institutions in the field of social finance was also of interest. The EU looked forward to hearing about the results of the new approaches being tested in that field. Additionally, it continued to support ILO activities under the End to Poverty Initiative and its participation in several global partnerships. The EU was closely following the implementation of the resolution of the 20th International Conference of Labour Statisticians with regard to Tier III SDG indicators, for which the development of methodology and standards lay under ILO custodianship. She acknowledged the strength and role of the ILO as a reference on the connections between climate change, decent work and a just transition for all, and welcomed the ILO in joining the NDC Partnership, in which a large number of countries as well as the European Commission participated. The EU followed with interest the activities under the Equal Pay International Coalition and looked forward to the ILO *Global Wage Report 2018/19*. As women were still under-represented in the labour market, and too many women lived in poverty or worked in the informal economy, the Women at Work Initiative required more efforts from the Office. It was high time to reach better results concerning the participation of women in the world of work. In that regard, she looked forward to the new push for equality in the forthcoming ILO report on the future of women at work. The EU supported the draft decision.

468. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his group noted with satisfaction the many achievements under the seven initiatives, which showcased the translation of the ILO's mandates into addressing the challenges of the future. Excellent examples included the launch of the Equal Pay International Coalition under the Women at Work Initiative and the ILO's involvement with other stakeholders in the context of the Paris Agreement on climate change. At the same time, the current approach to implementing those initiatives could be further improved and refined. The ILO should engage more closely with tripartite constituents at the national level in order to ensure that the aspirations expressed in the initiatives were translated into real actions with tangible results on the ground. Strengthened social dialogue and constructive information exchanges would contribute to the success of the initiatives and the fulfilment of the ILO's potential to create decent living standards and protect all from the risks of working life.

469. A *Government representative of the United Kingdom* said that since all organizations needed to be efficient, transparent and consistent in order to be effective, she welcomed the work undertaken under the Governance and Standards Initiatives. Her country strongly supported the Standards Review Mechanism and had taken part in the initial meetings of its working group. Given that global supply chains accounted for more than 450 million jobs worldwide, she welcomed the aims and strategic components of the Enterprises Initiative and emphasized the need for worldwide action from the private sector, governments and international organizations to prevent the exploitation of workers. Her country had been the first to introduce legislation requiring businesses to report on the steps they had taken to tackle modern slavery. As businesses had stressed the need for reporting requirements that were consistent internationally, she looked forward to hearing more from the Office on work to date and next steps on the Roadmap on Decent Work in Global Supply Chains. The United Kingdom continued to support ILO activities under the End to Poverty Initiative, commended the Organization on its continued leadership concerning target 8.7, and supported Alliance 8.7. With regard to the Women at Work Initiative, she commended the Office for its work on equal pay for work of equal value. She looked forward to the ILO *Global Wage Report 2018/19*, which would focus on gender wage and earnings inequalities, as well as the forthcoming 2019 report on the future of women at work. Regarding the Future of Work Initiative, it was time to move from debate to action. In 2017, her Government had commissioned a review of modern working practices and supported action at the international level, recognizing the key role of the ILO in that regard. It looked forward to the publication of the strategic and action-oriented report of the Global Commission. The ILO must seize the opportunity offered by its Centenary year to agree actions on the future of work that placed the ILO at the forefront of work at the international level to deliver

measurable results for hard-working people everywhere. The United Kingdom supported the draft decision.

470. *A Government representative of India* said that when building on Enterprises Initiative interventions, new forms of employment and worker training, skilling and reskilling should be taken into account. A protectionist agenda should not be encouraged when implementing the enterprise and supply chain component of the Initiative. The ILO should be cautious regarding alliances concerning the furthering of the 2030 Agenda. The terms used should be defined taking into account national perspectives, any methodology adopted should be sound and tested and official national databases should be relied upon. Governments and social partners must be consulted regarding any studies undertaken. The ILO should provide technical assistance to enable countries to carry out research to identify those sectors that would be most negatively affected by a just transition to environmental sustainability and to estimate employment loss in that regard. The Office needed to improve labour statistics on women's contribution to the economy, in particular the informal economy.

471. *Speaking on behalf of the Africa group,* a Government representative of Senegal said that the Initiatives would equip the ILO to face the challenges of a rapidly changing world. In fact, the Governing Body had no choice but to take action to meet the pressing challenges presented by the SDGs and the Decent Work Agenda. In that regard, it was reassuring that the Office was successfully incorporating the results of the follow-up to the evaluation of the impact of the 2008 ILO Declaration on Social Justice for a Fair Globalization. She commended the cross-cutting nature of the Governance Initiative, which would be essential to the success, in particular, of the End to Poverty Initiative. As the Centenary was not only a celebration but also a chance for the ILO to reaffirm its mandate, she encouraged the Office to incorporate, after the 108th Session of the Conference, follow-up activities in the Programme and Budget for 2020–21 and to conclude the process of providing annual reports on the implementation of the Initiatives. The Africa group supported the draft decision.

Decision

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

(i) to take account of its guidance with regard to the Centenary Initiatives, and to facilitate the strong involvement of constituents in their implementation; and

(ii) to incorporate the continued implementation of the Centenary Initiatives into the follow-up to the 108th Session (2019) of the International Labour Conference.

(GB.334/INS/13/1, paragraph 26.)

Second Supplementary Report: Composition of the Governing Body – Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.334/INS/13/2)

473. *The Employer spokesperson* expressed concern regarding the outcome of promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO. He sought clarification from the Office regarding the changes to the composition of the

Governing Body that would result from the amendment, as there appeared to be a discrepancy between the numbers provided by the Legal Adviser at the March 2018 session, indicating that the overall number of Employer and Worker members would increase from 33 to 38 each, and those in document GB.329/WP/GBC/1, indicating that there would be 28 Employer and 28 Worker titular members, and no deputy members.

474. *The Worker spokesperson* said that the lack of progress made regarding the ratification of the 1986 Instrument of Amendment was regrettable. Her group had always supported the amendment, as it would enhance geographic representation in the Governing Body. She hoped that the positive steps towards ratification taken by Georgia and the initiation of national social dialogue on ratification by the Islamic Republic of Iran would lead to ratification by both countries shortly. However, it was regrettable that only 33 per cent of the Governments that had received the Director-General's letter in December 2017 had responded with reasons for non-ratification. It was also concerning that there had been no new ratifications since March 2018, given that a further 17 were required for the 1986 instrument of amendment to enter into force, including at least three from Members of chief industrial importance. She appealed to those Governments in particular, and also the other Governments, to consider ratifying the instrument. Doing so would recognize that, as the ILO celebrated its Centenary, the world had changed since 1919 and 1946. She encouraged the Office to continue its activities to promote ratification, and expressed support for the draft decision.

475. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia welcomed the Office's ongoing promotional efforts and the steps taken by Georgia and the Islamic Republic of Iran towards ratification of the 1986 Instrument of Amendment. However, it was of concern that so few member States had replied to the Office's enquiry regarding the reasons for non-ratification. In addition, his group had hoped for more information about the outcome of visits to non-ratifying member States; constructive solutions could be found only if the reasons for non-ratification were clear. His group urged member States that had not yet ratified the 1986 Instrument of Amendment, in particular the eight remaining Members of chief industrial importance, to take that step in order to promote a more effective ILO that respected the principle of equality between States. The ILO should uphold the principles of multilateralism to ensure fair and balanced representation in its Governing Body. He therefore reiterated his group's request to the Director-General to intensify efforts to achieve the required number of ratifications. During the forthcoming Centenary celebrations at the third session of the African Union's Specialized Technical Committee on Social Development, Labour and Employment, and at the 14th African Regional Meeting, the Africa group would reflect on the Office's promotional activities with a view to developing complementary strategies to achieve democracy in the Governing Body. His group proposed an amendment to the draft decision to add, after "results obtained", the words "including outcomes of visits to non-ratifying member States".

476. *A Government representative of Nigeria* said that it was regrettable that the Office's efforts to promote the ratification of the 1986 Instrument of Amendment had not led to a significant increase in the number of ratifications or acceptances. He urged the Office to facilitate the process for Georgia's consideration of ratification and to assist the national dialogue of the Islamic Republic of Iran with a view to their ultimate ratification. He expressed concern about the lack of replies to the Director-General's request to communicate the obstacles to ratification, and called on those member States who had not yet responded to do so without further delay. He encouraged member States to ratify the 1986 Instrument of Amendment in order to demonstrate goodwill towards the aim of building an all-inclusive ILO Governing Body in the spirit of the Centenary celebrations. Endorsing the draft decision alone would not be sufficient to bring the instrument into force in the near future. He therefore called for the ongoing promotional campaign by the Office to be complemented by a renewed mandate from the Governing Body, including high-level political consultations between the Office, led by the Director-General, and Members of chief industrial importance. Alternative

opportunities and options should also be explored with a view to achieving prompt ratifications.

477. *A Government representative of Namibia* said that the current structure of voting membership of the Governing Body was undemocratic and unjust, as the 54 member States of the Africa region did not have an equal or proportionate share of the Governing Body vote. The commitment of the 54 African States to the values of the ILO was demonstrated by the fact that 47 had ratified all eight fundamental Conventions, compared with only half of the ten member States of chief industrial importance. Yet those ten member States had a guaranteed vote in the Governing Body, while the remaining 177 purportedly less important States competed for the 18 elected voting seats. Ratification of the 1986 Instrument of Amendment remained the best way to overhaul the Governing Body membership to ensure that all members were elected and that decision-making was equitable for all regions. He encouraged the eight member States of chief industrial importance that had not ratified the 1986 Instrument of Amendment to initiate their national ratification processes. The entry into force of the instrument would be a major step towards ensuring that an ILO built on a common quest for equity and social justice would inspire constituents into the twenty-first century. He supported the draft decision as amended by the Africa group.

478. *A Government representative of Switzerland* said that it was important to know the reasons that prevented or delayed the ratification of the 1986 Instrument of Amendment by certain countries. Switzerland had ratified the instrument, which would ensure that the composition of the Governing Body was more geographically balanced. That was not only in the interests of small countries but would also strengthen the Governing Body's functioning. She commended those States that were considering ratifying the instrument and encouraged all those that had not yet ratified it to consider doing so. She supported the draft decision as amended by the Africa group.

479. *A Government representative of Panama* informed the Governing Body that her Government had ratified the 1986 Instrument for the Amendment of the Constitution of the ILO through Law No. 50 of 11 September 2018. She supported the draft decision as amended by the Africa group.

480. *A Government representative of Eswatini* thanked the Governing Body for deciding that the matter under discussion should permanently feature on the agenda of its March and November sessions until the 1986 Instrument of Amendment entered into force. Recalling that the amendment was an apt, well thought-out instrument that would prepare the Organization for its next century, he invited the States classified as Members of chief industrial importance to ratify it. The credibility of the ILO was called into question when it failed to obtain the signatures required for its decisions to enter into force. He appealed to the Governing Body to support the amendment to the draft decision proposed by the Africa group, which was fully in line with the decision adopted by the Governing Body at its 331st Session (October–November 2017).

481. *A Government representative of Lesotho* said that it would be highly desirable to achieve universal ratification of the 1986 Instrument of Amendment in time for the celebrations at the Centenary session of the Conference. She urged the Director-General to continue the promotional work and keep reporting back to the Governing Body on the progress and outcomes. She supported the draft decision as amended by the Africa group.

482. *A representative of the Director-General* (Legal Adviser), responding to the Employer spokesperson's query, confirmed that the information provided at the March 2018 session was correct: the total number of elected Governing Body members was currently 122, pursuant to the 1995 amendment to the Standing Orders of the International Labour Conference, which adopted interim amendments in order to move towards assimilating with the provisions of the 1986 Instrument of Amendment. If and when the 1986 instrument

entered into force, the total number of elected Governing Body members would be 132, broken down into 56 Government members (no longer distinguished between regular and deputy members), 28 regular Employer members plus ten deputy Employer members, and 28 regular Worker members plus ten deputy Worker members. It should be noted, in this connection, that whereas the instrument of constitutional amendments referred only to 112 members, the consequential amendments to the Standing Orders of the International Labour Conference, which were adopted at the same time as the instrument of constitutional amendment, provided for the election of ten deputy members by each of the two non-governmental electorate groups. The reasons for retaining the category of deputy members for the non-governmental groups dated back to negotiations held in the late 1970s and 1980s, when it had been agreed that contrary to Government representatives, Employer and Worker members served in their individual capacity, and therefore required deputy members who could replace them in the event of their absence or incapacity to vote. After lengthy discussions on the number of deputy members required, it had been decided to elect ten each for the Employers' and Workers' groups.

483. *The Employer spokesperson* said that, in the light of the explanation provided, his group supported the draft decision as amended.

484. *The Worker spokesperson* said that her group also supported the draft decision as amended.

Decision

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

(a) to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO; and

(b) to report at future Governing Body sessions on the results obtained, including outcomes of visits to non-ratifying member States, and the feedback from Members on the reasons that prevented or delayed ratification.

(GB.334/INS/13/2, paragraph 6, as amended by the Governing Body.)

Third Supplementary Report: Follow-up to Governing Body decisions (GB.334/INS/13/3)

486. *The Employer spokesperson* noted that some elements of the action plan to follow up on the resolution concerning SMEs and decent and productive employment creation adopted by the Conference at its 104th Session (2015) had not yet been implemented. He asked the Office to place the item on the agenda of the 335th Session of the Governing Body, as it was of particular importance to the Employers' group. He also asked the Office to provide further information on the ILO Programme on Migration and Skills resulting from the 2017 discussion of labour migration, including the resources that had been allocated to the programme.

487. *The Worker spokesperson* took note of the report.

488. *Speaking on behalf of the Africa group*, a Government representative of Cameroon inquired about the reasons for the delays in the implementation of certain Governing Body decisions, particularly those adopted at the 328th and 329th Sessions in relation to the formalization of the informal economy, the Green Initiative, the Enterprises Initiative and the status of

ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO. He commended the Office on the decisions that it had successfully implemented and encouraged it to pursue and complete the implementation of the decisions pending. His group supported the draft decision.

489. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that he could follow up on the questions raised after gathering the necessary information outside the Governing Body. The follow-up document was an annual report, but the Employers' group could bring its request for a report to the March 2019 session to the attention of the screening group when it met immediately after the current session of the Governing Body. In response to the Africa group's question, he explained that some Governing Body decisions necessarily took some time to implement because the related programmes were designed to span several years. As the annual report covered dozens of adopted decisions, he encouraged members in the future to communicate any queries in advance of the associated Governing Body session to enable the Office to provide more detailed responses.

Decision

490. ***The Governing Body requested the Office to prepare, for its 337th Session (October–November 2019), a supplementary report on the follow-up to the decisions adopted since November 2017.***

(GB.334/INS/13/3, paragraph 5.)

Fourth Supplementary Report: Documents submitted for information only (GB.334/INS/13/4)

Decision

491. ***The Governing Body took note of the information contained in the documents listed at the end of its agenda.***

(GB.334/INS/13/4, paragraph 3.)

Fifth Supplementary Report: Designation of the Employer and Worker representatives in the development and implementation of international safety standards on occupational radiation protection (GB.334/INS/13/5)

Decision

492. ***The Governing Body renewed the nominations of Mr Mike Gaunt and Mr Tasos Zodiates to represent the Employers and Workers respectively for the work of the Office at the Radiation Safety Standards Committee during its 2018–20 term.***

(GB.334/INS/13/5, paragraph 6.)

Sixth Supplementary Report: Composition of the Committee on Freedom of Association (GB.334/INS/13/6)

493. *The Chairperson* said that, in addition to the nomination of Mr Aurelio Linero Mendoza (Panama) to replace Ms Graciela Sosa (Argentina) as Government regular member of the Committee on Freedom of Association, the Employers' group had informed the Office that Mr Thomas Mackall (United States), Employer regular member of the Governing Body, would replace Ms Lidija Horvatić (Croatia) as Employer deputy member of the Committee on Freedom of Association.

494. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan thanked Ms Sosa for her contribution to the work of the Committee and offered his best wishes for the future. Written information on the professional experience and qualifications of Mr Linero Mendoza had been sent to the secretariat.

495. *Speaking on behalf of the Americas group*, a Government representative of Brazil expressed his appreciation for Ms Sosa's invaluable work for the Committee. His group fully supported the proposal to replace her by Mr Linero Mendoza, whose curriculum vitae had been submitted to the Office.

496. *A Government representative of Argentina*, speaking on behalf of Ms Sosa, said that she was grateful to have had the opportunity to work for the Committee and expressed her best wishes to Mr Linero Mendoza.

Decision

497. ***The Governing Body appointed Mr Thomas Mackall (United States), Employer regular member of the Governing Body, as Employer deputy member of the Committee on Freedom of Association with immediate effect, and Mr Aurelio Linero Mendoza (Panama) as Government regular member of the Committee on Freedom of Association with effect from 1 January 2019, in replacement, respectively, of Ms Lidija Horvatić (Croatia) and Ms Graciela Sosa (Argentina) for the remainder of the period of office of the Governing Body for 2017–20.***

(GB.334/INS/13/6, paragraph 4.)

Fourteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Arrangements for the 14th African Regional Meeting (GB.334/INS/14/1)

498. *The Chairperson* informed the Governing Body that, during the Working Party on the Functioning of the Governing Body and the International Labour Conference, there had been a clear request for Portuguese to be included as an additional working language of the 14th African Regional Meeting, and asked the Office to provide information on the estimated costs for translation and interpretation.

499. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that in order to add Portuguese as a working language at the 14th African Regional Meeting, the Office would need to contract interpreters and translators, since it did not have a dedicated Portuguese interpretation or translation service. Since there were certain limitations to the local recruitment of interpreters and translators for Regional Meetings, the Office might be required to cover their transportation costs, particularly in the case of interpreters. The total costs were therefore estimated to be up to US$95,000. The Office had proposed a corresponding amendment including the standard financing clause.

500. *The Employer spokesperson* took note of the Office's proposal with keen interest.

501. *The Worker spokesperson* said that her group supported the draft decision and continued to support the inclusion of Portuguese as a working language.

502. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that her group supported the diverse agenda proposed for the 14th African Regional Meeting, which would be a timely opportunity to revamp the Decent Work Agenda in the region for a better future of work, and would form part of the African region's Centenary celebrations. The support expressed by constituents for the addition of Portuguese to the working languages of ILO Regional Meetings was much appreciated. Her group supported the draft decision.

503. *Speaking on behalf of GRULAC*, a Government representative of Brazil reiterated GRULAC's support for the request made by the Africa group for Portuguese to be included as a working language at the 14th African Regional Meeting. Speaking also as a representative of the Community of Portuguese-speaking Countries, he thanked the Africa group for presenting the idea, and reiterated his support for including Portuguese as a working language at the African Regional Meeting, particularly during the ILO's Centenary year.

Decision

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

(a) approved the proposed dates, venue, agenda, composition and arrangements for the 14th African Regional Meeting proposed in document GB.334/INS/14/1; and

(b) decided that the cost of providing document translation and interpretation services in Portuguese for the 14th African Regional Meeting, estimated to cost up to US$95,000, would 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 that not prove possible, the Director-General would propose alternative methods of financing at a later stage in the 2018–19 biennium.

(GB.334/INS/14/1, paragraph 9, as amended by the Governing Body.)

Second report: Representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Single Central Organization of Chilean Workers (CUT)
(GB.334/INS/14/2)

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

Decision

505. ***In the light of the information contained in document GB.334/INS/14/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.***

(GB.334/INS/14/2, paragraph 5.)

Third report: Representation alleging non-observance by Sri Lanka of the Labour Inspection Convention, 1947 (No. 81), and the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the Flight Attendants' Union (FAU)
(GB.334/INS/14/3)

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

Decision

506. ***In the light of the information contained in document GB.334/INS/14/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.***

(GB.334/INS/14/3, paragraph 5.)

Fifteenth item on the agenda

Composition, agenda and programme of standing bodies and meetings (GB.334/INS/15(Rev.)) [3]

507. *Speaking on behalf of GRULAC*, a Government representative of Brazil suggested that appointments to the Committee of Experts on the Application of Conventions and Recommendations be considered as a separate agenda item. He also suggested that relevant documents be circulated well in advance with more detailed curricula vitae of candidates attached as an appendix. He asked for clarification on the criteria and procedure for the selection of members of the Committee, on the duration of their term of office and suggested that consideration be given to imposing a limit on renewals of terms of office and to establishing a tripartite selection committee to appoint experts.

508. Concerning the meeting on cross-border social dialogue, he recalled that the Governing Body had decided at its 328th Session (October–November 2016) to defer a final decision on its format. At that time, the Governing Body had been aware of the discussions on Standing Orders for technical meetings and meetings of experts. Paragraph 8 of the document contained a reference to the 2016 International Labour Conference conclusions concerning decent work in global supply chains, confirming that the meeting's scope had been widened. Under the new Standing Orders, the best format would be a technical meeting, in which all interested Governments could participate in their national capacity. He requested that the format of the meeting be adjusted accordingly and reflected in the programme of meetings.

509. *The Worker spokesperson* recalled that, during the lengthy discussion on the revision of the Standing Orders for technical meetings and meetings of experts, the Workers', Employers' and Government groups had reached an understanding that if new Standing Orders were agreed upon, the planned meeting on cross-border social dialogue would be a meeting of experts open to all interested Governments as observers. The revised Standing Orders had been adopted by the Governing Body, and a two-year trial period had begun. The issue of cross-border social dialogue was of enormous importance to all parties, but in particular the social partners, and the composition of the meeting must therefore be balanced. It was not appropriate to reopen the debate on the format of the meeting.

510. *The Employer spokesperson* said that his group agreed with holding the planned meeting on cross-border social dialogue from 12 to 15 February 2019 and confirmed that it had reached an understanding with the Workers' group that it should be a meeting of experts. However, concerning the proposed agenda as set out in paragraphs 7 and 8 of the document, he requested that paragraph 8 be deleted. The meeting should consider cross-border dialogue in all its forms, and not focus on cherry-picked elements from the conclusions of the 105th Session of the International Labour Conference concerning decent work in global supply chains, which implied that cross-border social dialogue related only to international framework agreements. He expressed great concern that the Office was planning the meeting with a narrow and biased scope. He recalled the Governing Body's decision on the programme, composition and agenda of standing bodies and meetings at its 333rd Session (June 2018) and the conclusions of the 102nd Session of the International Labour Conference, which highlighted the intention to hold a broad discussion "on cross-border

[3] The revised version of the document was issued immediately after the session. Many interventions refer to paras 7 and 8 of the original version considered by the Governing Body that were removed in the revised version.

social dialogue to analyse contemporary experiences, challenges and trends, as well as the role and value added of the ILO". [4]

511. *Speaking on behalf of the Africa group,* a Government representative of Uganda said that his group took note of the document, congratulated those who had been appointed and supported the draft decisions. However, the Office should conduct broader consultations in future to ensure consistency with respect to the agenda and format of meetings and that time was used more productively during meetings.

512. *Speaking on behalf of ASPAG*, a Government representative of China said that his group would prefer to have a technical meeting on cross-border social dialogue, as it had made clear during informal consultations. He sought clarification on whether the understanding of the Workers' and Employers' groups to use the format of a meeting of experts had been reached during informal consultations or was a Governing Body decision.

513. *Speaking on behalf of the EU and its Member States,* a Government representative of Romania stated that her group could support holding a meeting of experts on cross-border social dialogue, as envisaged in the plan of action and in line with the conclusions adopted by the 102nd Session of the Conference. She supported the draft decision recommending holding a meeting of experts on the dates proposed.

514. *Speaking on behalf of GRULAC,* a Government representative of Brazil emphasized that his group had not been part of any understanding that the meeting on cross-border social dialogue would be a meeting of experts. During informal discussions, GRULAC had understood that discussion on the revision of the Standing Orders for technical meetings and meetings of experts and the format of the meeting were interrelated issues. However, GRULAC had never agreed to accept the format of a meeting of experts in exchange for concluding negotiations on the new Standing Orders for tripartite technical meetings and meetings of experts.

515. *A Government representative of Panama* expressed concern that the draft decision stated that the meeting on cross-border social dialogue would be a meeting of experts, as the format had yet to be decided. His country had at no point agreed that it would be a meeting of experts. The meeting should be a technical meeting in order to be better able to address the very diverse cross-border situations in Latin America and the Caribbean. The two experts chosen to represent the region in a meeting of experts could not possibly have knowledge of the wide range of different situations, cultures, ethnicities and languages in its countries.

516. *The Employer spokesperson* said that agreeing on the composition, agenda and programme was the most critical task at hand. Together with the Workers' group, his group had agreed to the dates of 12–15 February 2019 and had supported a meeting of experts, as had the Africa group, and Member States of the European Union.

517. *The Worker spokesperson* confirmed that she agreed with the dates proposed and clarified that it had been her group's understanding when the new Standing Orders had been adopted in March 2018 that they would apply to the meeting of experts planned for February 2019, as they would allow the Governments an unlimited number of observers. She confirmed her support for the wording in paragraph 7, which was broad enough to include the numerous important issues that needed to be addressed, in view of which paragraph 8 was redundant and could be deleted.

[4] *Conclusions concerning the recurrent discussion on social dialogue*, International Labour Conference, 102nd Session (2013), para. 12(14).

518. *Speaking on behalf of ASPAG*, a Government representative of China said that his group was willing to support the meeting of experts' format if that was the majority preference.

519. *A representative of the Director-General* (Deputy Director-General for Policy) said that she agreed that the purpose of the meeting would be to analyse contemporary experiences, challenges and trends characterizing cross-border social dialogue initiatives and the role and added value of the ILO, and to seek guidance from constituents on the Organization's future work in that area, as reflected in paragraph 7. The Office had taken into account the comments it had received on its draft report, which sought to cover as many forms of cross-border social dialogue as possible.

520. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group continued to oppose the proposed format as it limited the participation of Governments who, more than anyone else, would be responsible for implementing the meeting's outcomes.

521. *A representative of the Director-General* (Director, NORMES) said that the CEACR had decided some years previously to limit the duration of the renewal of the terms of office of experts to a maximum of 15 years. That information had been published transparently in its report. The document and proposals for renewals and new appointments to the Committee of Experts came before the Governing Body in a tripartite manner through its Officers, who used the specific criteria established over the years by the Officers to evaluate and select candidates, on the basis of which they submitted their proposals to the Governing Body. She noted that decisions on the question as to whether such information could be the subject of a separate document and whether it could be broader were within the remit of the Officers.

Decisions

Committee of Experts on the Application of Conventions and Recommendations

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

(a) reappointed Mr Brudney (United States), Ms Machulskaya (Russian Federation), Ms Monaghan (United Kingdom) and Ms Owens (Australia) for a period of three years, as members of the Committee of Experts on the Application of Conventions and Recommendations; and

(b) appointed Professor Kamala Sankaran (India) as a member of the Committee for a period of three years, in order to fill the current vacancy.

(GB.334/INS/15(Rev.), paragraph 3.)

Meeting of experts on cross-border social dialogue
(Geneva, 12–15 February 2019)

523. ***The Governing Body, on the recommendation of its Officers, approved the holding of a meeting of experts on cross-border social dialogue on the dates proposed, as well as with the proposed composition in accordance with the Standing Orders for meetings of experts.***

(GB.334/INS/15(Rev.), paragraph 7.)

Appointment of Governing Body representatives on various bodies

Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers
(Geneva, 25 February–1 March 2019)

524. ***The Governing Body appointed as its representative and Chairperson to the Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers a member designated by the Employers' group.***

(GB.334/INS/15(Rev.), paragraph 9.)

Sectoral Meeting on Promoting Decent Work and Safety and Health in Forestry
(Geneva, 6–10 May 2019)

525. ***The Governing Body appointed as its representative and Chairperson to the Sectoral Meeting on Promoting Decent Work and Safety and Health in Forestry a member appointed by the Workers' group.***

(GB.334/INS/15(Rev.), paragraph 11.)

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

526. ***The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the organizations listed in paragraph 13 of GB.334/INS/15(Rev.) as observers to the meetings listed therein.***

(GB.334/INS/15(Rev.), paragraph 14.)

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

527. ***The Governing Body took note of the programme of meetings, as approved by the Officers of the Governing Body.***

(GB.334/INS/15(Rev.), paragraph 15.)

Closure of the session

528. *The Worker spokesperson* thanked the members of the Governing Body for their sustained efforts to find agreement where that had been possible.

529. *The Employer spokesperson* said that the exchanges during the session had been tough but rewarding and worthwhile and thanked the Office for its work to find agreement among members of the Governing Body.

530. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan thanked the Chairperson, the social partners and the Office for their hard work and constructive approach.

531. *The Chairperson* said that the past two weeks had demonstrated clearly the value of dialogue and tripartism and shown that consensus building was possible. Despite heated discussions and disagreement, the work of the Governing Body had been most successful. Nothing remained to carry over to the next session and he looked forward to continuing to seek consensus in the same spirit in March 2019.

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Follow-up discussion on the voluntary peer-review mechanisms of national employment policies (GB.334/POL/1)

532. *The Employer spokesperson* said that he was pleased to note that the concerns his group had raised at the March 2018 session were fully reflected in the document's main guiding principles. It was important to avoid duplication of work on national employment policies, ensure that volunteer countries were not ranked or judged, and guarantee that the proposed reviews added value to the existing international labour standards supervisory mechanism. He proposed the prior development of a guiding framework on modalities of discussions on the global synthesis report, as a safeguard to avoid subjective judgements. He asked who would pay for the reviews and follow-up activities. The Employers agreed that volunteer countries should contribute and wished to know whether funding would be taken from the Regular Budget Supplementary Account or from extra-budgetary technical cooperation resources, as adjustments would be required. He also asked whether there continued to be a strong interest in the reviews among Governments, in view of the new cost estimates of over US$2.8 million over the four-year cycle. The Employers had no objection to the draft decision, but would like further clarification from the Office on funding modalities.

533. *The Worker spokesperson*, thanking the Office for the inter-sessional consultations that had been held, said that his group attached great value to the peer-review mechanism and broadly agreed with the compromise proposal as presented in the document. He welcomed the proposal to prepare global synthesis reports and to organize global employment policy events, which would maximize mutual learning and exchange, and the proposed use of the findings in the preparation of the report for the recurrent discussion on employment at the International Labour Conference. He emphasized that the process should be truly tripartite throughout. Moreover, it should be based on and assess all elements of the comprehensive employment policy framework adopted by the Conference in 2014 and be guided by the Declaration of Philadelphia, the Employment Policy Convention, 1964 (No. 122), and Recommendation, 1964 (No. 122), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), the Global Employment Agenda and the Declaration on Social Justice for a Fair Globalization. Lastly, technical assistance should be provided to participating countries requesting such assistance in order to improve employment policies and national employment outcomes. The Workers endorsed the draft decision.

534. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Finland said that her group did not support the creation of a voluntary peer-review mechanism. While it supported the overall goals, guiding principles and voluntary nature of the proposed process, the associated costs and resources were significant. It was unclear why the Office would provide technical assistance in drafting country self-assessments or fund tripartite meetings at the national level, how the proposed global employment policy events would relate to the Conference's recurrent discussion on employment and whether the costs of those events were included in the estimate. She asked which ILO activities would have to be foregone in order to make available nearly US$3 million for the peer-review exercise, what added value the proposed mechanism would yield and how duplication of efforts with other relevant ILO processes and activities of international organizations would be avoided. An immense amount of information was already available that would serve the same purpose as the peer review and might have greater potential to promote long-term progress. In the current context of external and internal reforms, all new cost requirements for the ILO must be scrutinized. Her group had serious doubts about the added value of the proposed mechanism and concerns about the estimated costs and so did not support the draft decision.

535. *A Government representative of India* said that peer review should be truly voluntary, promote mutual learning and exchange and not lead to comparisons or ranking of countries in terms of performance. The ILO should provide technical support to volunteer countries. National tripartite self-assessment reports should aim to identify challenges and issues faced by individual countries and discussions at subregional peer-review workshops should be constructive. The exercise should trigger policy and institutional reforms, identify the capacity-building needs of Governments and social partners, develop proposals for technical assistance and contribute to the country's overall development process. India supported the draft decision.

536. *A Government representative of Nepal* said that the proposed mechanism was a positive initiative that deserved support, as it encouraged States to learn from one another and create a positive culture of decent work through sharing knowledge and experience. The proposed peer review could be a unique way to promote such communication and so promote social justice. His country supported the draft decision.

537. *Speaking on behalf of the Africa group*, a Government representative of Senegal said that while the proposed mechanism was relevant and should encourage mutual learning and exchange of good practices, questions remained about cost, implementation and frequency. Although sharing was important, the Office already had a detailed database that could serve the same purpose as the peer review and should make better use of existing resources before introducing new mechanisms, especially in view of potential overlaps. Peer review of national employment policy could only be fruitful if the countries concerned had well-developed employment policies in the first place; it would be preferable to step up technical assistance to countries. He urged the Office to think about how (sub)regional organizations could be better trained on follow-up to and monitoring of employment policy.

538. *A Government representative of China* said that, in 2017, some 192 million people worldwide were unemployed and 1.4 billion were in vulnerable employment. Against that backdrop, a peer-review mechanism of national employment policies would facilitate the exchange of information between countries and contribute to the analysis of long-term and structural challenges in the regions and subregions. That information would have a positive impact on employment and contribute to better understanding the impact of technologies on employment. The peer-review process should be entirely voluntary. Internal coordination should be strengthened within the Office, which should facilitate the sharing of experiences and good practices. China supported the draft decision.

539. *A Government representative of the Russian Federation* said that his country supported the proposal and wished to highlight its positive experience of a voluntary peer-review process. Between 2014 and 2017, his country had participated with the Commonwealth of Independent States (CIS) in such a process, looking at various aspects of youth employment in one CIS country. The tripartite process, known as "partner analysis", aimed to encourage regional cooperation and boost the effectiveness of employment-related policies and services. The guiding principles at the core of the ILO proposal had been at the heart of the partnership project, which his country had found helpful. The recommendations made at the conclusions of such reviews should be practical and easy to implement; if volunteer countries requested assistance to implement the findings, such assistance should be provided, with monitoring. Voluntary peer reviews of national employment policies could back up the efforts of the ILO to assist member States with the implementation of their employment policies and programmes.

540. *A representative of the Director-General* (Deputy Director-General for Policy (DDG/P)) said that she was pleased that the inter-sessional consultations had been helpful and that many of the questions raised in March 2018 had been answered. She noted, however, that some questions remained. She underscored that the proposal called for purely voluntary peer review; that the mechanism was designed to be tripartite at all stages; and that the ILO was committed to establishing a neutral and helpful peer-review process that did not draw comparisons and did not entail ranking in the global report. In reply to questions about costs, she said that the financial concerns that had been raised could be addressed in the new biennium, including whether to shift priorities. The cost estimate included many variables; the number of volunteer countries was a key component of annual costs and was as yet unknown. The cost of the global consultation was small and was included in the total estimate. Peer reviews would inform the work of the ILO and work at the country level and within a country. Not all countries would need support but the Office had built in the cost of support and mobilizing some resources in order to make reviews as meaningful as possible. It had also sought to put forward the value added in the document. The experience of the Russian Federation had indicated that peer review sharpened the knowledge of the countries involved and would be beneficial to the work of the ILO. Lastly, the aim of the voluntary peer-review mechanism was to build on, rather than duplicate, other mechanisms

541. *Another representative of the Director-General* (Director, Employment Policy Department (EMPLOYMENT)), replying to questions about the added value of the voluntary peer-review mechanism, said that the mechanism provided a comprehensive and powerful mechanism for the sharing of experience and good practice between countries. The information obtained through the mechanism would be critical to the work of the ILO and to that of the constituents and would help sharpen ILO policy messages in the rapidly evolving world of work. The exercise was also very important in the context of support for SDG 8 and the future of work. In response to concerns about duplication of processes, he said that the mechanism would be available to countries that were not part of existing regional or subregional processes. Also, it would create an opportunity for mutual learning between those processes and, as such, offer a more global picture of existing initiatives, on which there was often a lack of communication. Furthermore, many of the elements expected to be contained in the mechanism were already being undertaken by technical support specialists on the ground; their work would be neither duplicated nor sidelined by the adoption of the mechanism, but rather fine-tuned and strengthened. As the peer-review mechanism was voluntary, he anticipated a self-selection process in which the countries that would benefit the most would volunteer.

542. *Speaking on behalf of IMEC,* a Government representative of Finland reiterated his group's disagreement with the decision.

Decision

543. ***The Governing Body requested the Director-General to implement, taking into account its guidance, the proposed voluntary peer-review mechanism of national employment policies.***

(GB.334/POL/1, paragraph 11.)

Second item on the agenda

Follow-up to the Strategy for indigenous peoples' rights for inclusive and sustainable development
(GB.334/POL/2)

544. *The Worker spokesperson*, emphasizing the importance of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), said that the Office should promote the ratification of the Convention in all regions, especially in countries where such peoples lived. The collaboration within the United Nations (UN) system to promote the rights of indigenous and tribal peoples was welcome, including the support from the UN General Assembly and the Human Rights Council in the form of calls for ratification. Promoting freedom of association and collective bargaining as part of a global strategy was particularly important for the improvement of the working conditions of indigenous women and men. In particular, her group supported the ILO's action in recognition of the double discrimination faced by indigenous women.

545. Reiterating her group's support for the seven components of the ILO Strategy and thanking the Office for its implementation efforts, she said that, although some progress had been made, much remained to be accomplished. The ILO should give priority to: using Decent Work Country Programmes (DWCPs) to contribute towards the achievement of the Sustainable Development Goals (SDGs), especially Goals 10 and 12; promoting courses on labour rights and indigenous women; and, in relation to training, ensuring the recognition and understanding of Convention No. 169 in order to promote new approaches to its application in connection with other ILO instruments. Her group valued the training provided for judges, who played a key role in the application of Convention No. 169, and supported the country studies, particularly as they were being conducted not only in Latin America, but also in regions such as Asia and Central Africa. It welcomed the tripartite meeting that had been held Geneva in September 2018 to promote partnership and alliances for the implementation of Convention No. 169.

546. Referring to the importance of linking the labour rights protected under other ILO instruments to the Convention, she said that the inclusion of Convention No. 169 in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) could prove useful in ensuring a more inclusive decision-making process or influence the terms of access to remedy, and examination of grievances provided for, in paragraphs 64 and 68 of the Declaration. Freely elected workers' organizations would be key for making the voice of indigenous peoples heard.

547. The communication activities being prepared as part of the celebration of the 30th anniversary of the Convention in 2019 should showcase the added value of the Convention as a framework for designing public policy on inclusive sustainable development based on respect for the rights of indigenous and tribal peoples. The group welcomed the suggestion of holding a tripartite technical meeting to draft practical

recommendations on the application of the Convention. Such initiatives would support efforts towards its ratification. Moreover, it might be advisable to draft a Recommendation to supplement the Convention, as recommended by the Permanent Forum on Indigenous Issues. Her group supported the draft decision in paragraph 28.

548. *The Employer spokesperson* said that the lack of implementation and adequate promotion of Convention No. 169 had been a source of significant conflict in Latin America. As had been previously reiterated, protecting the rights of indigenous and tribal peoples and their involvement in decisions affecting them was an important subject for his group, not only because of the importance of protecting the rights of indigenous peoples but also in order to reduce potential conflicts when implementing development strategies in regions with a high density of indigenous peoples. The 2030 Agenda for Sustainable Development (2030 Agenda) offered a unique opportunity to tackle the problems in that regard in a holistic and balanced way.

549. The Strategy sought to guide the discussion on indigenous peoples' rights for inclusive and sustainable development, with a balanced approach and with a focus on Convention No. 169 and of course the welfare of indigenous peoples. The Strategy, with its seven thematic components, was ambitious and required an Office with sufficient technical capacity that was proactive, strategic and willing to resume ownership of the topic and of the Convention, promoting a balanced approach that fostered the generation of productive employment for the benefit of indigenous peoples and society as a whole based on development. The Strategy required an Office that was confident in its work and that exercised positive leadership among its constituents and also with other international bodies and stakeholders, taking a leading role in defining what the Convention said and did not say, avoiding interpretations that were whimsical and contrary to its essence.

550. The document did not clearly present the real impact of actions undertaken, and the actions accomplished, while appreciated as a good start, were insufficient. If the cause was a lack of resources and capacity, that should be communicated to the Governing Body so that it was able to formulate suitable instructions to the Director-General.

551. The ILO seemed to be failing to address the main challenges presented by the application of the Convention, which were of two main types: (i) building institutional capacities, planning and designing regulatory and institutional frameworks related to consultation processes; and (ii) clear positioning at levels of relevance to assume leadership without external questioning about assistance to States in the application of the Convention. As a remedy, the ILO should branch out to other actors and debates, as the main problems to be faced largely lay beyond the traditional areas of work dealt with by the ILO. The group insisted on the need for a fuller, more ambitious approach. Specifically, the ILO needed to support the building of institutional capacities, design legal and institutional frameworks for consultations, and adopt a clear leadership role in assisting member States in the application of the Convention. It also needed to strengthen its own technical capacities, especially in Latin America.

552. After welcoming the tripartite workshop held in Geneva in September 2018 to promote partnership and alliances for the implementation of Convention No. 169, he outlined what he considered to be the main conclusions of the workshop: (i) there was limited knowledge of the Convention among different agencies of the States that had ratified it; (ii) there was a lack of coordination between federal, state, provincial and municipal governments and, in many cases, State responsibilities had been transferred to private companies (in a large number of Latin American countries, no regulations on prior consultation had been adopted, although the experience of countries that had adopted such regulations showed that doing so contributed to the application of the Convention by clarifying terms, establishing responsibilities and reducing conflicts); (iii) the framework of public institutions devoted to the implementation of prior consultation remained weak in Latin America; (iv) generally speaking, one of the main obstacles had been and still was the high level of distrust between

the parties, which hindered dialogue and the reaching of agreements, resulting from misinformation on the scope of the Convention and false expectations that stemmed from a lack of awareness; and (v) the representativeness of indigenous peoples was a challenge, as the representatives could on many occasions be questioned by their peers, among which there could be different interests.

553. He expressed concern about the systematic confusion between the Convention No. 169, which was legally binding, and the 2007 United Nations Declaration on the Rights of Indigenous Peoples, which was not. That confusion had been compounded by unbalanced statements that distorted the spirit of the Convention made by entities including the UN Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Peoples and the Inter-American Court of Human Rights. The Convention was legally binding and, as such, the ILO should, with strengthened technical capacity – especially in Latin America – assert itself as the leading authority in that regard. Accordingly, his group requested the Office to develop a strategy in coordination with the other relevant UN bodies and the Organization of American States. It urged the Office to arrange meetings – at which it would be accompanied by a tripartite delegation – with the entities mentioned above in order to clarify the scope and content of the Convention. His group also called on the Office to carry out an impact evaluation of the actions taken under the strategy, for discussion in November 2019.

554. The confusion and lack of clarity and balance in understanding that the protection of indigenous and tribal peoples was set against the backdrop of a need for the growth of and progress in society as a whole, through productive development, should be addressed as a matter of priority and without delay. As part of its leadership role, the ILO should develop and share lessons learned and good practice in certain areas, such as identifying and registering indigenous peoples and their representatives or the relations and dialogue between companies and indigenous peoples. Equally important was to conduct studies on the impact of the uncertainty caused by a lack of regulation on prior consultation and a lack of certainty on the legal status of judicial resolutions inconsistent with the spirit of the Convention. In that regard, his group supported the proposal in paragraph 26 of the document to hold a tripartite technical meeting to develop practical ILO guidance on key issues addressed in the Convention.

555. Regarding the draft decision, his group wished to amend subparagraph (b) to read: "requested the Director-General to take into consideration the strategy and the guidance given in the discussion in the preparation of future programme and budget proposals and in facilitating extra-budgetary resources in order not only to maintain but to strengthen the Office's technical capacities, especially in Latin America". His group also wished to add a subparagraph (c) to read: "requested the Director-General to develop, for discussion in March 2019, a clear strategy for relations with the rest of the UN system and the Organization of American States regarding the clear divergences in relation to consultation and participation".

556. *Speaking on behalf of a majority of countries from the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Brazil said that the largest number of States to have ratified the Convention were from Latin America and the Caribbean. The Convention was an indispensable normative framework which had given rise to the development of national case law. The Office should continue to promote the Convention and, in terms of strategy, work to promote ratification was very important, the Standards Review Mechanism Tripartite Working Group (SRM TWG) having considered it to be the most up-to-date instrument in that area. The Centenary and 30th anniversary of the Convention were a good opportunity for that. The seven basic components of the strategy had given the ILO access to funds to promote and raise awareness about the Convention. He supported the multilingual platform initiative and appreciated the work on thematic publications, in which all stakeholders should participate. The ILO should lead the

institutional work on the Convention to ensure better consistency with the UN and regional systems, as part of its constitutional mandate. Links between the rights of indigenous peoples, gender equality, decent work and economic empowerment should be highlighted to bridge the gaps. The ILO should collaborate with States to ensure technical excellence, research capacity and analysis of essential objectives in addressing challenges and decent work deficits.

557. However, it would be premature to prepare additional ILO standards, even if non-binding, until there had been more ratifications. Legal and administrative frameworks were still being strengthened in the countries that had ratified it. What would be useful would be information about the use of the *Handbook for ILO Tripartite Constituents*, as it could be understood from the Office paper that it was no longer suitable. Any guidelines should be based on an in-depth discussion in which all constituents had a say, which could not be achieved through technical meetings. More explanations were also essential on the proposal concerning a new standard-setting item, a Recommendation that would be limited to the few States that had ratified the Convention, failing which a mandate to prepare special rules for the participation in such meetings of indigenous peoples' representatives did not appear appropriate. Such considerations should be taken into account in the implementation of subparagraphs (a) and (b) of the draft decision. He supported the amendment proposed by the Employers' group.

558. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that the candidate countries Montenegro, Serbia and Albania, the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina and the European Free Trade Association (EFTA) country Norway, aligned themselves with the statement. The EU had a range of policies in place to support the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples. The new European Consensus for Development explicitly mentioned indigenous peoples and it was important to enhance opportunities for dialogue and consultation with indigenous peoples at all levels of EU cooperation, as done when developing the SDGs. The ILO's contribution to the UN system-wide action plan and active participation in the Inter-Agency Support Group were welcome, and the contribution of the Convention to the promotion and protection of indigenous peoples was recognized. Practical partnerships with the ILO, such as the Indigenous Navigator, were key instruments to gather data. The partnership with the ILO on responsible business conduct and the UN Guiding Principles on Business and Human Rights were important.

559. Despite the progress achieved, many challenges remained, including marginalization and exclusion. Efforts to implement the strategy were welcome, in particular to build national capacities tailored to the prevailing national conditions and needs of workers, employers and governments, and to include indigenous and tribal peoples as partners and beneficiaries. Training on the Convention required new and innovative approaches. The work on closing the knowledge gap was equally important, and the EU and its Member States welcomed the proposal to develop practical ILO support and organize a technical meeting, with appropriate participation of indigenous peoples. She supported ILO interventions to improve working conditions and for activities focusing on indigenous women, given that the EU was committed to the empowerment of girls and women, and welcomed progress in giving indigenous women a stronger voice. She supported the draft decision.

560. *A Government representative of India* said that the unique identity and traditional livelihood activities of indigenous people needed to be protected, and improvements made to their well-being and welfare were necessary, including to protect them from unacceptable forms of work and provide them with social protection. That called for positive discrimination. India was implementing various policies and programmes for such people, including a scheme for vulnerable tribal groups that had funding for various activities and another to create institutions for scheduled tribes to support marketing and the development of activities

they depended on for their livelihood. Education for tribal girls was a priority. Any ILO intervention should be country specific. Ratification of Convention No. 169 as the most up-to-date instrument on the subject should be encouraged and technical assistance provided to member States to identify any gaps in national legislation vis-à-vis the Convention. She supported the draft decision.

561. *A Government representative of Mexico* noted the relevance of the strategy of the ILO and that successful practices existed. One such initiative in Mexico created a brand of touristic sites of high natural, cultural and historical value, managed by indigenous communities sharing heritage and ancestral knowledge. ILO capacities should be strengthened and integrated approaches adopted in dealing with rights and the well-being of indigenous peoples. It was necessary to measure the scale, origin and destination of indigenous migrants to adapt public policies. In Mexico, 11.7 per cent of the population speaking indigenous languages were migrants. In terms of training, the use of technologies was in stark contrast to the lack of access to basic services. Lessons learnt through the National Institute for Adult Education could be useful for the learning platform. The intellectual property of indigenous communities could be an appropriate area in which to develop guidelines or recommendations, and a trademark for indigenous peoples had been registered in Mexico, which would help protect their culture and autonomy and economic development. Cooperation should be strengthened and lessons drawn from bilateral and regional activities. He supported the draft decision as amended by the Employers.

562. *A Government representative of Ecuador* said that there were 14 nationalities and 18 ancestral peoples officially recognized in the constitution of his country, which guaranteed their rights regarding customs, territory, language, social organization, access to State services and more. Seven per cent of the population was indigenous and another 7 per cent had self-identified themselves as people of African descent. Therefore, social equality and sustainable development were a priority. Intercultural public policies should be designed and implemented based on equality and non-discrimination, access to justice should be improved and rights guaranteed, through a cross-cutting dialogue to identify needs and reduce gaps. Ecuador welcomed actions and initiatives in that regard, in particular in the areas of decent work, gender equality, disability, training, health care and ancestral knowledge. In encouraging States to ratify the Convention, he noted that the International Decade for People of African Descent (2015–24) and the declaration of 2019 as the International Year of Indigenous Languages constituted an opportunity to launch initiatives in the context of the Centenary. He supported the draft decision as amended by the Employers.

563. *A Government representative of Nepal* expressed appreciation for the activities conducted by the International Training Centre of the ILO (Turin Centre) to promote implementation of the Convention, given that understanding and awareness about it and its scope in civil society and the media was a basic requirement for its successful implementation. He supported innovative territorial activities focused on the needs of women and on enhancing their say in decision-making, raising their economic empowerment and eliminating gender-based violence. Specific attention to indigenous peoples was key to achieving the SDGs and the inclusion of tribal and indigenous peoples would ensure that no one was left behind. Nepal welcomed the initiative to train legal professionals. As one of the 23 countries to have ratified Convention No. 169, Nepal had made progress in ensuring indigenous peoples' rights to inclusive and sustainable development. The Constitution of Nepal ensured the rights to employment and non-discrimination at work, the right to equality, and the right of every Nepali community to preserve and promote its language, culture, religion and heritage, and proportional representation in parliament and provincial and local assemblies for indigenous communities. It directed the Government to allow indigenous and local communities to participate in decision-making about their right to live in dignity, maintain their identity and promote traditional knowledge, skills, culture and more. The Labour Act provided for affirmative action for the recruitment of indigenous workers, non-discrimination, equal pay

for equal work, and freedom of association and trade union rights. The Civil Service Act had a special provision on affirmative action for indigenous peoples. He supported the draft decision.

564. *A representative of the Director-General* (Director, Conditions of Work and Equality Department (WORKQUALITY)) welcomed the tripartite consensus on the strategy's thrust and its seven components, as well as the relevance of the Convention in the context of the 2030 Agenda, and inclusive and sustainable growth. She noted the need for the ILO to enhance its leadership in the promotion of the Convention, ensuring proper understanding not only within the ILO's constituencies but also within the UN and beyond. Through the UN system-wide action plan, the ILO had engaged with other agencies and had been able to clarify the content, scope and implications of the obligations deriving from Convention No. 169, and had also regularly participated in the sessions of the various UN bodies on issues related to indigenous matters, the main purpose of which had been to clarify the content of the Convention and provide examples of how its provisions were being applied, something to which the Office was extremely attentive, and with a view to achieving greater consistency. When provisions of the Convention had been misrepresented, measures had been taken to remedy inconsistencies. Regarding the *Handbook*, it was being used by the Office in all its activities and was not outdated, but there had been a number of new insights on how to provide further applications of the obligations under the Convention. Consequently, the Office had proposed a tripartite meeting of experts to take stock of experiences in different countries and develop further guidance, including in particular regarding consultations. Any guidelines prepared could be relevant in dealing with other UN bodies, agencies and stakeholders. She said that the Employers' proposal regarding meetings of tripartite delegations with various international bodies before March 2019 was certainly ambitious given, among other things, the financial implications. However, the ILO could envisage holding an event in 2019, the year of the Centenary of the Organization and of the 30th anniversary of Convention No. 169, at which representatives of the other United Nations agencies, the Organization of American States and the Inter-American Court of Human Rights could discuss the Convention and related developments.

565. *The Chairperson* said that the SRM TWG considered Convention No. 169 to be the most up-to-date instrument regarding indigenous peoples' rights and that it must therefore be promoted.

566. *A Government representative of Brazil* said that, prior to any possible tripartite meeting of experts on guidelines, a significant amount of work remained to be done on the exchange of information on technical cooperation and transparency among the member States implementing Convention No. 169. The format of any such meeting depended on discussions on whether and when that event took place and should provide for the broadest possible participation. In all, 70 per cent of the member States having ratified the Convention were from the Latin American and Caribbean region and those countries had practical experience regarding its implementation.

567. *The Worker spokesperson* said that her group supported the Office's proposal to organize an event at which the Convention would be discussed with other UN agencies. However, her group did not endorse the proposal of the Employers' group concerning subparagraph (c). As to subparagraph (b), the phrase "so as not only to utilize, but to strengthen, the Office's technical capacities" should be maintained. The Convention must cover all the regions, not simply Latin America, and the countries in those regions must ratify the instrument.

568. *The Chairperson* said that the Workers proposed the deletion of the phrase "especially in Latin America".

569. *The Employer spokesperson* said that subparagraph (b) could be redrafted to read "so as not only to utilize, but to strengthen, the Office's technical capacities in all regions, with special emphasis on Latin America". Subparagraph (c) should remain unchanged.

570. *A Government representative of Mexico* said that he endorsed the latest proposal of the Employers' group. It was very important to strengthen capacities in Latin America and the Caribbean concerning the implementation of the Convention. However, in line with the 2016 recommendations of the SRM TWG, work to promote ratification of the instrument in all regions should continue. It was unclear why the Workers' group opposed subparagraph (c).

571. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that she endorsed the Workers' amendment and the proposal as it currently stood.

572. *A Government representative of Panama* said that there was a need for those countries that were implementing the Convention to share good practices and their experiences. Certain parts of the UN system had interpreted the Convention very differently from the ILO. It was important to make clear to those agencies what the roots of the Convention were and subparagraph (c) was vital in that regard. There was a need for special emphasis on Latin America, given that the region was home to more indigenous peoples than any other region. Latin American countries required guidance on the implementation of the Convention. His group endorsed the most recent amendment proposed by the Employers' group.

573. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of China said that, although his group preferred the original text proposed by the Office, it endorsed the proposed amended draft decision.

574. *The Employer spokesperson* said that the Office had clearly stated that other UN system agencies viewed the contents of the Convention differently from the ILO. That issue must be resolved: subparagraph (c) had been proposed for just that reason and enjoyed the support of a number of countries. He asked the Workers' group why it opposed his group's proposal.

575. *The Worker spokesperson* said that her group endorsed subparagraph (b) of the Employers' group's proposal. However, as the home of the Conventions, the ILO should carry out its functions in that regard. The Workers' group endorsed the Office's original proposed text.

576. *The Employer spokesperson* said that his group was not satisfied with the explanation given by his Worker counterpart. The Employers also supported the Office's text but were attempting to strengthen the Office's stance in the face of differing interpretations of the Convention.

577. *The Government representative of Guatemala* said that cooperation with the UN system and regional human rights protection systems was vital for GRULAC. Therefore, she endorsed subparagraph (c) of the Employers' proposal. The ILO must spearhead institutional work on the interpretation of Convention No. 169 at the national and international levels. It was not currently performing that task and that situation had led to confusion and duplication of effort in a number of countries. A clear strategy was required regarding links with other organizations and the leadership of the ILO concerning work on Convention No. 169.

578. *Speaking on behalf of the EU and its Member States*, the Government representative of Romania said that subparagraph (c) could be redrafted to read "encourage the Director-General to further engage with the rest of the UN system to promote ILO Convention No. 169 and ensure its understanding across the system".

579. *The Worker spokesperson* said that her group endorsed the proposal made by the Government representative of Romania on behalf of the EU and its Member States.

580. *The Employer spokesperson* said that his group maintained its proposal and that the Workers' group did not wish to empower the Office to carry out its leadership role.

581. *An Employer member from Colombia,* speaking also on behalf of Latin American employers, said that the ILO had historically dealt with both labour matters and issues regarding indigenous and tribal peoples, firstly through Indigenous and Tribal Populations Convention, 1957 (No. 107), and then, later on, through Convention No. 169. The proposal made by the Government representative of Romania on behalf of the EU and its Member States was incomplete in that it did not refer to the Organization of American States (OAS). Despite attempts by the international system to treat the United Nations Declaration on the Rights of Indigenous Peoples as legally binding and despite the recent issuing, by the OAS, of the American Declaration on the Rights of Indigenous Peoples, the only legally binding instrument concerning indigenous and tribal peoples was Convention No. 169. The Convention was overseen by a tripartite body, the ILO, which should provide other organizations, both inside and outside the UN system, with guidance regarding both the instrument and its ratification. However, the views of those organizations concerning the scope of the Convention differed greatly from that of the ILO. Therefore, subparagraph (c) must be maintained.

582. *Speaking on behalf of GRULAC*, the Government representative of Brazil said that his group supported the Employers' proposed text. By way of a compromise, subparagraph (c) could be redrafted to read "..., a clear strategy for links with the rest of the UN system and other relevant regional organizations, including the Organization of American States". There was no need to give the Director-General any further instructions in that regard.

583. *The Worker spokesperson* said that her group required more time to discuss the proposal made by the Government representative of Brazil on behalf of GRULAC.

584. *The Employer spokesperson* said that his group also required extra time to discuss the proposal.

585. *Speaking on behalf of the EU and its Member States*, the Government representative of Romania said that she endorsed the proposal made by the Government representative of Brazil on behalf of GRULAC.

586. *The Chairperson* reopened the discussion after a suspension, and noted that, during informal consultations, the three groups had agreed on a revised draft decision.

Decision

587. ***The Governing Body:***

(a) advised the Office with regard to the way forward in implementing the strategy for action concerning indigenous and tribal peoples;

(b) requested the Director-General to take into consideration the strategy and the guidance given in the discussion in the preparation of future programme and budget proposals and in facilitating extra-budgetary resources, so as not only to utilize, but to strengthen, the Office's technical capacities in all regions, with special emphasis on Latin America; and

(c) requested the Director-General to submit to the Governing Body at its 335th Session (March 2019) a strategic plan to ensure understanding of the scope and application of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), according to ILO criteria, among the other United Nations system bodies and the relevant regional organizations.

(GB.334/POL/2, paragraph 28, as amended by the Governing Body.)

588. *The Government representative of Romania* reiterated that the EU and its Member States recognized the prime importance of Convention No. 169 and the ILO's role in promoting it, and welcomed the ILO's contribution to the UN system-wide action plan for ensuring a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples, its active participation in the Inter-Agency Support Group on Indigenous Peoples' Issues, and its engagement with the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum on Indigenous Issues. The strategic plan proposed by the Director-General should therefore take into account the interrelatedness of Convention No. 169 and the UN Declaration, the work of the relevant UN mechanisms and relevant case law.

Social Dialogue Segment

Third item on the agenda

Sectoral meetings held in 2018 and proposals for sectoral work in 2019 (GB.334/POL/3)

589. *The Employer spokesperson* noted with satisfaction the two successful meetings of experts held in 2018, which had been highly productive and without contentious issues. The first had produced a comprehensive revised code of practice on safety and health in shipbuilding and ship repair, and the second had adopted guidelines on decent work in public emergency services. He endorsed the three proposed meetings to be held in 2019. His group supported the draft decision.

590. *The Worker spokesperson* said that the two successful meetings of experts demonstrated the relevance of such meetings in preparing practical sector-specific guidelines that filled normative gaps and promoted decent working conditions. Since the publication of the original Code of Practice on Safety and Health in Shipbuilding and Ship Repair in 1973, the shipbuilding and ship repair sector had experienced significant change in the areas of design and technology, and faced challenges concerning market competition and an increase in precarious employment. Health and safety were often neglected, leading to serious accidents. The revised code of practice provided minimum standards for all workers in the sector and ensured worker representation, access to health and safety information, and the right to stop performing dangerous tasks without repercussions. He hoped that it might also be used to improve the working conditions of shipbreakers. He also welcomed the guidelines on decent work in public emergency services, which strengthened the fundamental principles and rights at work and emphasized the public nature of those services. They also recognized the right to refuse to work in hazardous conditions and the right to training. The next step would be to develop guidelines concerning personal protection equipment. The outcomes of both meetings must be carefully implemented and monitored; he therefore called on the Office to make adequate provision in the budget for their promotion. His group welcomed the proposed meetings for 2019, and supported the draft decision.

591. *Speaking on behalf of IMEC*, a Government representative of Canada said that her group supported subparagraphs (a), (b) and (c) of the draft decision. Taking note of the appendices to document GB.334/POL/3, she asked whether the decision to be taken by the Governing Body on standing orders for meetings would have an impact on subparagraph (d) of the draft decision on sectoral meetings, and whether the decision on that paragraph should be postponed.

592. *A representative of the Director-General* (Director, Sectoral Policies Department (SECTOR)) clarified that there were in fact six meetings due to be held before the end of 2019, but one meeting on guidelines in the road transport sector had not been included on the list, as consultations were ongoing regarding the composition of that meeting. She saw no need to postpone the decision on subparagraph (d), as any standing orders adopted pursuant to a discussion on document GB.334/INS/7 would enter into force with immediate effect, replacing the Standing Orders for sectoral meetings. Any new standing orders would require only a change in the name of sectoral meetings, except for the meeting on the chemical and pharmaceutical industries to be held in December, as that report was to be published imminently.

593. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that the outcomes of the meetings of experts held in January and April 2018 enhanced and updated existing guidelines and proposed new ones, taking into account new international standards in the area of occupational safety and health, the SDGs, changes in the sectors concerned and improvements in living and working conditions. He took note of the list of meetings to be held in 2019. His group supported the draft decision.

594. *Speaking on behalf of IMEC*, the Government representative of Canada said that, following the explanation from the Office, her group supported the draft decision in its entirety.

Decision

595. ***The Governing Body:***

(a) took note of the reports of the meetings referred to in section I of document GB.334/POL/3;

(b) authorized the Director-General to publish the Code of practice on safety and health in shipbuilding and ship repair (revised edition) and the Guidelines on decent work in public emergency services;

(c) requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.334/POL/3;

(d) endorsed the proposals contained in the appended table relating to the dates, duration, official title, purpose and composition of the meetings listed therein.

(GB.334/POL/3, paragraph 10.)

Development Cooperation Segment

Fourth item on the agenda

Enhanced programme of development cooperation for the occupied Arab territories (GB.334/POL/4)

596. *The Employer spokesperson* said that the current economic situation in the occupied Arab territories was hindering job creation as the private sector remained fragile and the public sector, particularly in Gaza, had been subjected to pay cuts and early retirements. Moreover, women and young people were disproportionately disadvantaged when it came to accessing employment. The Employers' group shared the Director-General's view that the ILO and the international community as a whole must remain engaged in efforts to support dialogue and reach joint solutions to create decent work in the occupied Arab territories.

597. Her group welcomed the signing of the second Palestinian Decent Work Programme (2018–22). She urged the Office to allocate more resources to the ILO development cooperation programme, in view of the financial gap left by declining international aid. The Employers' group recognized the value and importance of continuous financial support from the international community, and supported the ILO's ongoing dialogue with all current and potential donors for the purpose of mobilizing the necessary resources.

598. It was regrettable that the document made no reference to technical assistance or specific capacity building for employers. Palestinian employers had an important role to play in providing substantive inputs on the development and implementation of employment policies that would create jobs, foster a business-friendly environment and build up the weak economy. She asked the Office to provide further information, in its next periodic report, on the action it was taking to build and foster an environment conducive to sustainable business.

599. Her group encouraged the ILO representative in Jerusalem to collect relevant empirical data on the labour market and systematically use it to provide employment policy guidance. Such data would also give guidance to the international community on what further support was required. Her group supported the continuation of partnerships with relevant institutions such as the Palestine Economic Policy Research Institute and welcomed the Occupied Palestinian Territory employment diagnostic study and the tripartite technical task force established to improve labour market governance and the employment situation of Palestinian men and women.

600. She encouraged the Office to continue supporting the labour law reform process through tripartite partnerships and consultations, and to provide technical support and advice on Palestinian workers' skills development. She proposed that a study should be conducted to identify business opportunities, perhaps in parallel to the next planned visit by an ILO delegation. Lastly, she called for a more coordinated international response and cooperation between the ILO and other UN agencies by means of a collaboration strategy. The Employers' group supported the next steps outlined in the document.

601. *Speaking on behalf of the Arab Employers' group,* an Employer member from the United Arab Emirates emphasized the importance of ILO assistance, which had led to the provision of social security for Palestinian private sector workers and the establishment of the Palestinian Social Security Corporation, which would enable workers and their families to receive decent social security protection. With respect to social security contributions made

by Palestinian workers to Israeli funds, he called on the Office to seek an agreement between the two parties to recover the withheld contributions.

602. He encouraged the ILO to get reports on any harassment and injuries suffered by employers and workers at checkpoints and the taxes imposed on Palestinian workers. He called on donors to support the Palestinian social security system, and requested the Director-General to devote a section of the periodic report to the Governing Body to a review of the ILO's activities in the territories.

603. *The Worker spokesperson* welcomed the progress made and planned ILO interventions within the programme of development cooperation for the occupied Arab territories. However, the worsening situation continued to be of grave concern. The Workers' group concurred with the Report of the Director-General on the need for the ILO and the international community as a whole to remain engaged in the efforts to support dialogue and reach a joint solution to promote decent work in the occupied Arab territories.

604. The Workers' group endorsed the three priorities from the first Decent Work Programme, and asked for more emphasis on strengthening social dialogue and freedom of association. The group acknowledged the ILO support to the Palestinian Fund for Employment and Social Protection in developing its strategic plan for 2018–22. In that regard, the Workers' group emphasized the need to solve the problems related to the transfer of social security contributions of Palestinian workers working in Israel to the social security fund in Palestine. The Workers' group appreciated the ILO's contribution to the drafting of the Trade Union Law through social dialogue. It welcomed the ILO technical assistance to the Tripartite Committee on Labour Law Reform as well as the assistance provided to increase women's participation in the labour market and to improve labour inspection.

605. Although the ILO was making major efforts to promote decent work, the Workers' group was deeply concerned about the critical situation of workers and their families in Gaza and in the West Bank, particularly with respect to their freedom of movement. Palestinians working in Israel were required to use special passes, which was a clear example of discrimination. Some Palestinian workers had resorted to abusive labour brokers to obtain a work permit in Israel. In such a context, the Workers' group supported the ILO in further promoting the Decent Work Agenda in the Occupied Palestinian Territory.

606. Noting that the document referred to the need for extended and diversified partnerships to support the full implementation of the second Decent Work Programme, he asked the Office which partnerships it envisaged, and sought assurance that no partnerships would weaken tripartism or rights-based approaches.

607. *Speaking on behalf of the Africa group*, a Government representative of Morocco noted with satisfaction that the second Palestinian Decent Work Programme followed a tripartite approach that was in keeping with local priorities and relevant UN programmes. Her group welcomed the fact that the three priority areas defined in the Programme addressed the main decent work deficits in terms of the labour market, working conditions and social security. She commended the Office on its efforts to explore new sources of funding, deploy supplementary funds and attract new partners. ILO efforts to support legislative reform, improve labour market mechanisms, strengthen social dialogue and promote fundamental labour rights would also help Palestinians to access decent working conditions as defined in the SDGs.

608. The Africa group invited the ILO to ground its interventions more firmly in capacity building for tripartite constituents, who should be encouraged to hold consultations on how to make progress with respect to employment, social security and the promotion of workers' rights. Her group fully supported the enhanced programme of development cooperation for the occupied Arab territories and the implementation of the Palestinian social security system.

609. *Speaking on behalf of the Arab group*, a Government representative of Bahrain called on international organizations, in particular the ILO and other organizations concerned with human rights, to intervene to stop the crimes being committed against the Palestinian people and workers. On the basis of the tripartite consensus reached at the Arab Labour Conference in April 2018, the group emphasized that the Appendix to the Report of the Director-General to the 107th Session of the International Labour Conference (2018) should be amended and discussed as a separate agenda item on Palestinian workers' rights. He called on the ILO to reaffirm its commitment to providing financial support to revive the Palestinian Fund for Employment and Social Protection and develop a plan of action to mobilize the required financial support in cooperation with regional and international donors in order to revitalize the economy and improve living standards. He also urged the Governing Body to increase support for the enhanced programme of development cooperation for the occupied Arab territories. The ILO should intervene actively to restore the rights of Palestinian workers and take the necessary measures to ensure the payment of the wages and entitlements of Palestinian workers.

610. He expressed the Arab group's appreciation for the ILO's provision of financial and technical support to establish the Palestinian Social Security Corporation and hoped that it would continue to provide support to strengthen the social security programmes. The ILO should play an active part in recovering withheld contributions. The group requested the Director-General to report on efforts undertaken on that matter in his periodic report to the Governing Body in March 2019. Lastly, the Arab group called on the ILO to intervene with the Israeli authorities to stop the exploitation of Palestinian workers by brokers or intermediaries through the sale of work permits at exorbitant cost and to stop the prosecution of workers in the informal economy.

611. *The Government representative of Indonesia* welcomed the achievements of the first Palestinian Decent Work Programme 2013–16, but was deeply concerned at the persistent barriers to improvements for workers in the Occupied Palestinian Territory. Given the scarcity of job opportunities, stagnant economic growth and the high unemployment rate, the second Decent Work Programme should continue to focus on empowerment projects to support livelihoods and encourage entrepreneurship, in particular among young people, women and persons with disabilities. It should also focus on efforts to combat possible exploitation of Palestinian workers who had to find work in Israel and the settlements. To mitigate the effects of declining donor aid, the ILO should continue to extend and diversify partnerships and resource mobilization beyond traditional development partners to support entities such as the Palestinian Fund for Employment and Social Protection. The Office should also continue to strengthen labour market analysis capacities and labour market development in the Occupied Palestinian Territory. He fully endorsed the focus on supporting the fulfilment of all SDGs, including decent work for all. He reiterated that his Government fully supported towards the achievement of economic growth, decent work and social justice in the Occupied Palestinian Territory and stood ready to work with the ILO to further promote the Decent Work Agenda for Palestinian workers.

612. *The Government representative of Iraq* said that the blockade had worsened labour market conditions and the humanitarian situation in the territories. The ILO should intervene to bring an end to the wrongdoings perpetrated against Palestinians, in particular workers. He called for the implementation of the decisions of the 45th session of the Arab Labour Conference, which reiterated the importance of tripartism in the Arab region. The Appendix to the Report of the Director-General should be amended and discussed as a separate agenda item of the International Labour Conference, to ensure the protection of Palestinian workers' rights. He applauded the ILO's efforts to enhance access to social security assistance among Palestinians and urged the Office to continue providing support.

613. *The Government representative of Bangladesh* said that, despite the commitment of the 2030 Agenda to leave no one behind, the continuing situation in the Occupied Palestinian

Territory was devastating the livelihoods of Palestinians and limiting their access to economic opportunities and decent work. The overall and youth unemployment rates in the Occupied Palestinian Territory were alarming, and Palestinian women faced serious obstacles and inequalities in accessing employment. The funding gap would add another challenge to the already troubling situation in the labour market and daily life. However, it was heartening to see that the ILO was taking steps to address the employment situation among Palestinians, in particular by improving labour market governance, reforming labour legislation and launching a social security system for private sector workers and their families. She commended the Office for providing technical assistance in the Occupied Palestinian Territory, in particular in the drafting of legislation and the integration of cross-cutting issues such as gender equality, youth and workers with disabilities, and expressed her appreciation for the support extended to tripartite constituents in the development and review of the rules and regulations of the Palestinian social security system.

614. *The Government representative of Israel* said that her Government supported ILO technical assistance and development programmes, including in the Palestinian territories. The Government of Israel had continuously worked to improve employment conditions of the overall working population, including among Palestinian workers granted access to the Israeli labour market, who by law were given the same protections as Israeli workers. However, the policy was sometimes exploited, and her Government was re-evaluating opportunities for improved collaboration in the light of recent attacks on Israeli citizens. The politicization of the present discussion was regrettable, especially since the issue was already addressed through an annual mission and report. Her Government would continue to fully engage and align with ILO goals and work.

615. *A representative of the Director-General* (Regional Director for the Arab States) said that, despite the challenging circumstances, the ILO would continue to expand and diversify resource mobilization efforts in the Occupied Palestinian Territory. In addition to resources from its regular budget and Regular Budget Supplementary Account (RBSA), the Office continued to rely on the support of development partners, in particular the Government of Kuwait, which was continuing to support the Decent Work Programme through an annual contribution of US$500,000 for the Decent Work Agenda; the Governments of Qatar and Italy, which had pledged US$1 million and US$2.5 million, respectively, towards the establishment and development of the Palestinian Social Security Corporation; and discussions were ongoing regarding additional support from the European Union and the Government of Spain. The ILO would soon sign a cooperative development partnership agreement with an Italian non-governmental organization and had already submitted a proposal to the Government of Italy to support a new cooperative work agency. The Office was working with the Food and Agriculture Organization of the United Nations to promote and strengthen agricultural cooperatives, as well as with UN Women to promote gender equality in the world of work, with funding from the Government of Italy, and to address structural barriers to the participation of women in the labour market, with funding from the Swedish International Development Cooperation Agency.

616. In addition to the initiatives described in the document, the Office was using internal resources and RBSA funding to build capacities among both employers and trade unions, and it supported developing and incorporating entrepreneurship skills into the Palestinian education system and implementing activities on occupational safety and health. The Director-General's Report to the International Labour Conference in 2018 had described efforts to strengthen labour market analysis capacities, sustainable employment creation and labour market development in the Occupied Palestinian Territory. The Office was currently supporting the development of a national action plan for employment; helping the Palestinian Fund for Employment and Social Protection to develop a strategic plan for 2018–22; and working in partnership with the Palestinian Economic Policy Research Institute to strengthen the capacity of the Palestinian Central Bureau of Statistics to produce statistical data to better inform labour policy development and planning. Those efforts would

provide data in the context of the achievement of SDG 8 and other goals related to decent work. To support Palestinians working in Israel, the Office was working to build up the Palestinian Social Security Corporation to extend coverage also to Palestinians working in Israel and complete the requirement to fulfil the related commitments under the Paris Protocol.

617. *The Government representative of the United States* said that the politicization of the agenda item on technical assistance under the ILO's second Palestinian Decent Work Programme was regrettable, since the Governing Body was not the proper forum, and discussion of broader political issues only detracted from, and risked undermining, the ILO's work in the area. He applauded the positive role of the ILO in working constructively with the Government of Israel and the Palestinian Authority to implement decent work initiatives for Palestinian workers, but was discouraged by statements that appeared to call for unilateral action, as opposed to engaging constructively towards achieving lasting and comprehensive peace.

618. *The Chairperson* allowed a request from the representative of Palestine to speak on the agenda item. Prior to giving the floor, he recalled that the Standing Orders of the Governing Body, contrary to the Standing Orders of the Conference, did not provide for speaking rights of representatives of liberation movements. However, under article 2.2 of the Standing Orders, it was the prerogative of the Chairperson to accord the right to address the Governing Body. The Officers of the Governing Body had considered this matter and had decided that should a representative of Palestine ask for the floor, they were prepared to respond favourably. Their decision was made on the understanding that the intervention would be strictly limited to the matter under discussion.

619. *The representative of Palestine* emphasized that his Administration was no longer a liberation movement but a State, established on the basis of an agreement with Israel. Other international organizations had recognized the Palestinian National Authority as a State, and some had admitted it as an observer State. He thanked the Office, and particularly the Regional Office for the Arab States and the representative in Jerusalem, for their efforts to support Palestinians.

Outcome

620. ***The Governing Body took note of the information provided in document GB.334/POL/4.***

Fifth item on the agenda

An integrated ILO strategy to address decent work deficits in the tobacco sector
(GB.334/POL/5)

621. *The Worker spokesperson* said that her group supported the shift towards an integrated strategy that addressed all decent work deficits, and the need to develop national employment plans to support diversification and address decent work deficits in the sector through social dialogue. It would welcome clarification of the document's reference to "reducing dependence on child labour"; the ultimate aim should be its eradication. The implementation of the integrated strategy should indeed focus initially on countries where public–private partnerships (PPPs) were in operation.

622. The country consultations had revealed a range of issues, including the sector's lack of respect for fundamental rights, low wages and limited access to social protection. Farmers and workers in the countries where the consultations had taken place had expressed serious concerns regarding access to other employment if the tobacco industry were to disappear, while also highlighting the importance of an integrated strategy in addressing the socio-economic causes of child labour, which required long-term collaborative efforts. In order to ensure the sustainability of those efforts, further clarity was required on the availability of funds.

623. Problems with occupational safety and health had been reported in all countries where the consultations had taken place, and efforts to promote the ratification and implementation of the Safety and Health in Agriculture Convention, 2001 (No. 184), as well as the dissemination of the *Safety and health in agriculture: ILO Code of practice*, should therefore be redoubled. The Office should identify the mechanisms that were successful in delivering fairer prices to growers, without which tobacco-growing communities would continue to rely on child labour. In Malawi, the ILO should prioritize legislation to strengthen tenant farmers' rights. The document's reference to freedom of association was welcome, given its role in driving positive change.

624. Successful implementation of the integrated strategy would require political will and increased financial resources. With regard to funding, the ILO must ensure coherence within the United Nations (UN) system, including by aligning itself with the Model Policy for agencies of the UN system on preventing tobacco industry interference (the Model Policy), and its efforts should be consistent with member States' obligations under the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC). The current PPPs ran counter to key provisions of the Model Policy and should not be renewed.

625. Although standards had been set for donors to the proposed agricultural development fund, her group was concerned that some member States would be unable to contribute to it owing to their obligations under the FCTC. The tobacco sector's willingness to contribute to such a fund was doubtful, and there were concerns surrounding reputational risks for the ILO if it continued to accept funding from the industry at a time when the UN system was changing its stance towards it.

626. She asked whether the RBSA funding made available for implementation of the integrated strategy and the anticipated additional contributions were long-term solutions that would enable efforts on child labour to continue. She also asked whether further funding for the integrated strategy would be found and, if so, from where and how much would be required. She saw no need for a specific fund because it would detract from the aim of securing additional funding.

627. The Workers supported the draft decision, provided that the reference to "alternative sources of funding" in subparagraph (c) referred to development partners, rather than the tobacco industry.

628. *The Employer spokesperson* said that her group agreed that the ILO must be able to engage with all legal sectors, including the tobacco sector, and that the integrated strategy did not interfere with the public health policies of the States parties to the FCTC, the WHO's Global Action Plan for the Prevention and Control of Non-communicable Diseases 2013–2020 or the terms of reference of the UN Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases.

629. In her group's view, the Model Policy did not restrict the ILO and PPPs did not run counter to it. The proposed agricultural development fund would be consistent with the Model Policy, although the provisions for it set out in the document were too narrow and unnecessary for compliance. The fund would be entirely compliant with the FCTC,

particularly because it would prevent the perception of interference from the industry. Although some States parties might decide that the fund violated their own policies if contributions were accepted from the tobacco industry, the industry must play a role in the integrated strategy, and policies adopted by individual governments should not be imposed on the rest of the Governing Body. Moreover, to exclude the principle of the fund from the draft decision solely on the basis that some governments might object to the use of such a fund negated the very purpose of tripartite dialogue; any objections to the fund should be raised during the Governing Body discussions. Her group would support a compromise involving a fund that prevented the perception of interference by the tobacco industry, but whose provisions were less restrictive than those set out in the document.

630. She asked what evidence existed that PPPs interfered with tobacco control measures; no claims to that effect had ever been made, and PPPs had been implemented in accordance with ILO policies and principles. Moreover, the work of the ILO focused on social policy, rather than public health policy. The tobacco industry provided work for more than 60 million people, whose need for employment should not be forgotten.

631. Her group welcomed the country consultations, although the document omitted two of their most important findings: the absence of a viable alternative to tobacco for farmers and the challenge of transitioning to other crops owing to a lack of market access and lower prices. Those factors, combined with recent dramatic falls in prices for other crops, meant that the transition to alternative sources of income would be a long-term process.

632. Her group supported the adoption of a programmatic approach to the ILO's work in the tobacco sector, particularly with regard to the eradication of child labour, driven by national sustainable development policies. However, the current approach should also continue, particularly given the proven effectiveness of PPPs in reducing child labour.

633. The Governing Body was increasingly required to make decisions imposed on it by other institutions, and the campaign recently launched by the Framework Convention Alliance for Tobacco Control represented unacceptable interference in the ILO's decision-making process. She urged the Director-General to convey a strong message to the WHO, calling on it to use the existing channels for cooperation between UN agencies.

634. Turning to the draft decision, her group proposed adding the words "relevant stakeholders and" after "participation of" in subparagraph (a), and replacing "alternative" by "other" in subparagraph (c). It also proposed the addition of a subparagraph (d), to read: "to establish and administer a tripartite fund in support of the integrated strategy in accordance with its financial rules and practices, to which private enterprises, including from the tobacco sector, would be eligible to contribute". With regard to the use of RBSA funding mentioned in subparagraph (b), she asked whether it was appropriate for that funding to be earmarked through Governing Body decisions and whether the integrated strategy met the selection criteria, given that tobacco growing and child labour were not among the thematic focus areas for the latest round of RBSA allocations.

635. *Speaking on behalf of the Africa group*, a Government representative of Uganda noted that the Organization continued to receive criticism for accepting direct funding from tobacco companies. It was therefore vital, during the current Governing Body session, that the tripartite constituents provide the Office with guidance on measures to prevent interference by the tobacco industry and organizations, as had initially been requested during the 329th Session. The subject remained controversial, not due to the question of whether or not the Model Policy was binding on the ILO, but because certain member States held negative views of tobacco due to its health risks.

636. Efforts to eliminate child labour in the tobacco industry needed to continue, but that required funding from legitimate sources. Although the document covered the Office's plans to

terminate its PPPs with the tobacco industry and proposals to use RBSA funds to ensure the continuity of existing projects, it did not provide details on the amount of funding available.

637. The Office had suggested during informal discussions that the implementation of the proposed integrated strategy would require US$11.6 million over four years to cover projects in Malawi, the United Republic of Tanzania, Uganda and Zambia. Of that, $2 million had already been allocated from the RBSA, while an additional $10.8 million had been secured from a public development partner and provisionally earmarked for Malawi and Uganda under a broader partnership to combat child labour. Two other development partners were in discussions regarding the United Republic of Tanzania and Zambia, and the Office would hold strategic planning meetings in each country to identify national priorities for the integrated strategy. She asked why the $2 million was not mentioned in the paper, when that RBSA allocation had been approved, and why the $10 million had been earmarked for only Uganda and Malawi, when the United Republic of Tanzania and Zambia had been included throughout the discussions. She also asked why the Office had volunteered to initiate loan negotiations with the World Bank without the consent of the member States, which was required.

638. It was clear that there was no concrete alternative to the funding received from the tobacco industry; indeed, the PPP with the Eliminating Child Labour in Tobacco Growing Foundation had been extended as no other funding was available. Her group was concerned that ending the partnership without an alternative would disrupt ongoing efforts to eliminate child labour in the tobacco industry, contrary to the principle of the best interests of the child, as stated in the UN Convention on the Rights of the Child.

639. The Africa group proposed a new draft decision to replace the draft decision contained in paragraph 46 of document GB.334/POL/5:

> The Governing Body provides the following guidance to the Office:
>
> (a) that the efforts to eliminate child labour in the tobacco industry should continue with funding from any legitimate source, including the tobacco industry and ILO constituents;
>
> (b) where the tobacco industry is willing to continue cooperation, the Office should not stop receiving funds, unless:
>
> (i) there is a concrete alternative source of funds; or
>
> (ii) a framework is established where the tobacco industry channels the funds for elimination of child labour directly to social partners or willing governments, and this framework should include ILO technical assistance on the elimination of child labour;
>
> (c) the Office should engage other United Nations agencies with a view to mainstreaming efforts to eliminate child labour in the tobacco industry. To this end, the Office should report to the 336th Session of the Governing Body on progress in this regard; and
>
> (d) while engaging other UN agencies, the Office should not act as if the ILO is an inferior member of the UN system.

640. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the following countries aligned themselves with the statement: Montenegro, Albania, Bosnia and Herzegovina, Norway and Georgia. She expressed support for the integrated strategy and welcomed the country consultations. It was encouraging that the majority of constituents consulted supported the three broad areas for action under the strategy. The reorientation of the ILO's work in the sector to take a broader programme approach would require the participation of a wide range of institutions, including national governments and a coalition of development partners for support and resourcing.

641. The allocation of RBSA funds was the prerogative of the Office, but on an exceptional, short-term basis it would be acceptable for the Governing Body to request that the Office

start implementation of the integrated strategy using those funds, in addition to other public funding. In the longer term, her group was committed to setting up sustainable solutions to support the strategy by 2020; EU Member States were already working closely with the Office to pursue the necessary partnerships with international agencies, international development banks and domestic development agencies. However, while some dialogue was required with the tobacco industry, it was unacceptable for the ILO to receive funding from the industry in any form whatsoever; indeed, there should be a coherent effort across the UN system to ensure an effective separation between its policy and interference from the tobacco industry. Her group supported the original draft decision.

642. *A Government representative of Australia*, also speaking on behalf of Bahrain, Bangladesh, China, Ecuador, India, Islamic Republic of Iran, Israel, Myanmar, Nepal, New Zealand, Qatar, Singapore, Thailand, Turkey and Uruguay, welcomed the Office's efforts to facilitate resource mobilization for the integrated strategy, and the consultations held in tobacco-growing communities. The fact that the Office had spoken directly to tobacco farmers, district farmers, social partners, employers, children and other stakeholders meant that the strategy reflected the priorities in target countries and the views of constituents at a national level.

643. The member States she was representing were strongly committed to achieving tripartite consensus on the issue, and supported the Office's proposals to organize a tripartite meeting to exchange knowledge regarding the strategy and use existing resources to fund the programmes until new donors were found. She encouraged the Office to build a broad coalition of development partners and continue consultations to identify synergies for long-term funding. Coherence in the UN system was an important principle, and the ILO's efforts to promote decent work in tobacco-growing communities must be consistent with member States' obligations regarding the FCTC. She supported the original draft decision.

644. *A Government representative of Japan* said that the ILO had unique capacities and responsibilities when it came to eradicating child labour and must develop a workable, sustainable plan in that respect. Although the Model Policy was not binding on the ILO, her Government understood that the Organization, as a UN agency, should give it consideration when implementing its policies. All governments and social partners who were committed to eradicating child labour would be able to contribute, under the conditions agreed at the current session of the Governing Body, to the new policy proposals. The approach was compatible with the ILO Declaration on Fundamental Principles and Rights at Work, 1998, which stipulated the mobilization of external resources to eliminate child labour. With those comments taken into account, her country would support the draft decision.

645. *A Government representative of the United States* expressed support for an integrated approach to addressing decent work in the tobacco sector more broadly, covering not only child and forced labour, but also efforts to improve skills training and support for alternative livelihoods, occupational health and safety, wages, educational infrastructure and enhanced social dialogue. Those efforts would require strong support from and necessarily include all the constituents of the uniquely tripartite ILO.

646. While PPPs should remain transparent, the ILO's partnerships with the tobacco industry did not conflict with its role in the UN system. She emphasized that the UN Model Policy was non-binding and recalled that the resolution adopted by the United Nations Economic and Social Council (ECOSOC) encouraged members of the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF) to develop and implement their own policies as appropriate and in line with their own mandates. Recalling that the ILO's mandate was the pursuit of decent work, it would not be in conflict with the Model Policy if it accepted funding from the tobacco industry. Furthermore, prohibiting ILO partnerships within that legal industry would not advance the ILO's fulfilment of that mandate; rather, recalling the example of successful ILO partnerships in

the cocoa industry, it was important and appropriate for an industry to be part of the solution to issues in that area. Failing to accept funding from legal sources could even hamper the Task Force's goal of preventing the spread of non-communicable diseases. Her country therefore supported the establishment of a fund, with appropriate safeguards, with contributions from private enterprises, including the tobacco industry, and called upon the Office to reconsider that option.

647. She could support the proposal to hold a tripartite meeting and use the RBSA to fund the strategy over the short term, and welcomed the fact that public funding had become available; she therefore supported subparagraphs (a) and (b) of the draft decision. Regarding subparagraph (c), her country wished to express the strong view that willing donors from the tobacco industry, a legal industry, should have the possibility of being included in any broad coalition of development partners, and expected that the Office would take that into account. She generally supported the proposed amendment to add subparagraph (d), but sought clarification from the Employers' group on how the proposed fund would be "tripartite", and asked the Office for guidance on the potential for a tripartite fund management structure. Her country could also support elements of the amendment proposed by the Africa group if the Governing Body decided to work from that text.

648. *A Government representative of Switzerland*, welcoming the proposed integrated strategy, said that it was important to find a pragmatic solution to ensure that the ILO could continue to run its already high-quality programmes in that area. To that end, his country supported the creation of a fund for the long-term financing of those programmes that complied with the requirements of the Model Policy and the FCTC. It was positive news that no disruption of technical assistance was expected, and that the Office would seek synergies with the World Bank and other public partners. However, he would welcome further details regarding figures and timelines in relation to alternative funding. The role of the tobacco industry, as the principal employer in the sector, also required further clarification; full integration of the private sector was the best way to influence the value chain. He supported the draft decision, especially subparagraphs (b) and (c).

649. *A Government representative of Ecuador* expressed support for ECOSOC resolution E/RES/2017/8 and decisions 6, 18 and 19 taken at the Eighth Conference of the Parties (COP8), which called upon the Parties to promote tobacco control policy coherence and implement policies on preventing tobacco industry interference. She welcomed the proposals for funding projects in the short term and mobilizing additional resources to strengthen the Decent Work Agenda. The ILO's efforts in that area should be consistent with those of the UN system, and would require the establishment of a coalition of development partners to secure the necessary financing for current projects to continue fighting for the eradication of child labour and forced labour. Her country supported the original draft decision.

650. *A Government representative of Canada* said that Canada aligned itself with the statement of Australia. She stated that the issues surrounding the tobacco industry were unique, as no other sector had a framework convention; there was therefore no risk of setting a precedent for other sectors. The integrated strategy for decent work in the tobacco sector did not compromise either the FCTC or the Model Policy.

651. She agreed that countries should have primary responsibility for their own funding and that the integrated strategy should drive resource mobilization efforts, and praised the ILO for recognizing the relevance of the UN reform and the need for policy coherence. Creating any type of fund to which the tobacco industry would contribute would run contrary to the spirit of the FCTC and the Model Policy; the industry could continue to improve labour standards for its workers without directly or indirectly funding the ILO.

652. The ILO should continue its technical assistance within the wider objectives of the integrated strategy and international development efforts, with a focus on alternative livelihoods and children, women and girls, and continue to work with other UN agencies. She requested further details on the objectives and location of the proposed tripartite meeting; it would have more impact if it took place in one of the countries receiving funding.

653. In the spirit of compromise, she supported the draft decision, although she would have strongly preferred an express commitment from the Office not to accept tobacco industry funding, and a clear reference to the Model Policy.

654. *A Government representative of Uruguay* welcomed the contribution of the Workers' group and the Office's visits to countries with PPPs. The concerns raised by workers in the tobacco sector were shared by other workers in vulnerable employment, and were related to the application of the fundamental principles and rights at work. She supported the Office's integrated strategy and its three central goals. The ILO and other UN agencies had sufficient experience to support countries in the implementation of that strategy, using traditional, South–South and triangular cooperation to identify ways to strengthen national capacity and promote alternative sustainable livelihoods. There was no need for any participation of the tobacco industry.

655. Expressing her full support for tripartism, she said it must not be used by the ILO as a reason to operate outside the guidelines and commitments accepted within the UN system. While the ILO was not bound by the FCTC, that Convention was binding for its 181 States parties. The Model Policy should therefore be applied by all UN agencies in order to prevent tobacco industry interference. She welcomed the ILO's efforts to seek alternative sources of funding for programmes to address decent work deficits in the tobacco sector, including child labour, and to ensure technical assistance was not disrupted. She supported the original draft decision, as long as the integrated strategy would not receive any funding from the tobacco industry.

656. *A Government representative of Panama* expressed support for the integrated strategy, the ILO's efforts to promote decent work in the tobacco sector, and the decision not to renew PPPs with that sector. The ILO's efforts must remain consistent with the reform of the UN system, including Members' obligations under the FCTC. He supported the original draft decision.

657. *A Government representative of Peru* supported the integrated strategy and steps to promote decent work in the tobacco sector. He supported the draft decision, on the understanding that the tripartite meeting referred to in subparagraph (a) would be open to all governments and other stakeholders wishing to participate.

658. *A Government representative of Brazil* supported the areas of agreement set out in the document, particularly regarding promoting the best interests of the child. The three central goals of the integrated strategy would actively engage all constituents, strengthen capacity building and promote due diligence in supply chains. The ILO's convening and facilitating role would help member States to create new paths for economic and social development. The ILO should liaise with governments to implement the integrated strategy, taking into account decision FCTC/COP8(19) on the implementation of articles 17 and 18 of the FCTC.

659. He welcomed the differentiation between short- and long-term approaches to implementation, and the proposed use of RBSA funds to cover the immediate needs of existing programmes in tobacco-growing areas. In the long term, he supported the proposed broad coalition of development partners, drawing on the work of other UN agencies and international economic institutions. Such a coalition may facilitate the design of innovative financial tools that benefited from private resources while safeguarding ILO programmes from undue interference; the fund referred to in paragraphs 38–41 of the integrated strategy

was one example. However, the development of any such financial tool should be fully explored by the Office to address the concerns of constituents and take into account the international obligations of member States, particularly under article 5.3 of the FCTC.

660. He noted the draft decision, but said that the organization "as a matter of urgency" of a tripartite meeting referred to in subparagraph (a) may raise more questions than solutions. The Office should clarify the intent, scope and composition of that meeting. However, more information sessions would be welcome, provided that they did not have a decision-making mandate. Furthermore, consensus may be reached by deleting "alternative" from the reference to sources of funding in subparagraph (c) of the draft decision, and a reference to eliminating child labour and promoting decent work in the tobacco sector could be included.

661. *A representative of the World Health Organization (WHO)* recalled that the Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases recognized the fundamental conflict of interest between the tobacco industry and public health. COP8 had called for the promotion of tobacco control coherence in the governing bodies of relevant intergovernmental organizations; the adoption of policies to prevent tobacco industry interference; and support for, and strengthened implementation of, articles 17 and 18 of the FCTC as a means to safeguard the livelihoods and health of tobacco growers. Any policy should take into account the FCTC, including article 5.3. The FCTC recommended rejecting any partnership with the tobacco industry. The ILO's proposal to end PPPs with tobacco companies was in line with existing recommendations. However, the proposal to create a fund with contributions from such companies would be inconsistent, even if safeguards were put in place.

662. *A representative of the Director-General* (DDG/P) thanked the Governments and social partners of Zambia, the United Republic of Tanzania, Malawi and Uganda for their help in providing access to a range of stakeholders during consultative missions in those countries. The missions had granted the Office a greater understanding of decent work deficits in the sector and reinforced the view that the ILO had a key role to play in addressing those deficits.

663. The resolution adopted by ECOSOC on the UN Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases encouraged members of the Task Force, including the ILO, to develop and implement their own policies on preventing tobacco industry interference, bearing in mind the Model Policy, in order to ensure a consistent and effective separation between the activities of the UN system and those of the tobacco industry. Although the ILO was not bound by the FCTC, that resolution had been a call to the entire UN system, not just those organizations involved in public health matters. The purpose of the Model Policy was to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry were comprehensive, effective and consistent across the UN system, including the ILO, in line with the system's guiding principles. It was therefore pertinent for the Governing Body to discuss the Office's adoption of a model policy in line with its mandate. The Model Policy stated that UN organizations should reject partnerships, joint programmes, non-binding or non-enforceable agreements and any other voluntary arrangements with the tobacco industry. The ILO would not cease working with the tobacco sector and had reaffirmed its commitment to address decent work deficits in the industry. However, the question of sourcing funding for that work remained. The ILO did not and would not be required to fund its work in a particular area through contributions by that sector. Having observed the situation on the ground, the Office considered that tobacco workers would have difficulty finding employment in alternative crop-growing industries and recognized that a long-term strategy was needed to address decent work deficits in the sector. It was not a question of choosing whether to continue working with the tobacco industry or abandoning work with the sector altogether.

664. In response to concerns about the stringency of the safeguards proposed by the Office in regard to the establishment of a fund, she reminded constituents that the guidelines for the

implementation of article 5.3 of the FCTC were designed to prevent the promotion of the tobacco industry in ways that could be perceived as socially responsible. The Office had no opinions on the purpose behind contributions to PPPs, but did believe that it should not give the industry any opportunity for promotion. Therefore, the adoption of sufficient safeguards would prevent the industry from publicizing its contributions beyond any disclosure required by law or other obligations. However, an anonymous fund, as proposed by the Office, would prevent the industry from publicizing its involvement in any case. The Office would need to explore different options for the management structure of the fund. One possible option would be a fund administered by the ILO in accordance with its own financial rules and regulations and a set of safeguards. Another would be a fund not managed or controlled by the ILO but which could receive some guidance from the Office.

665. Work would continue in the four countries with which the Office had agreed PPPs until the end of 2019 in support of the integrated strategy in those countries. Funding for that technical support had been secured through several sources, including RBSA, and would follow the allocation criteria applied in line with the programme and budget and agreed with the eight development partners that supported the RBSA. The allocation of RBSA each biennium was the prerogative of the Director-General. The Office procedures in that regard were aligned with guidance in agreements and discussions with the eight RBSA donors. The Office had not intended to request the Governing Body to allocate RBSA but to indicate that an allocation of such funds was to be included in the resources devoted to the integrated strategy in 2019. That strategy met the criteria of the current round of RBSA on an exceptional basis, since the ILO had been asked to focus on areas in which the capacity of constituents could be strengthened, including in the development of national socio-economic policy and in the scope of the UN Development Assistance Frameworks. The PPPs were due to expire in December 2018. One PPP had been extended for six months as it had been deemed cost-effective to complete the work in progress. However, the continuation of PPPs would be inconsistent with the Model Policy's provisions.

666. As regards funding secured from a public donor that had been earmarked for two countries, the Office had taken steps to identify alternative sources of funding, including through national consultations. Such efforts were already delivering positive results, including discussions with the donor on a new initiative on child labour in agriculture in Africa. Although that funding had been earmarked for Malawi and Uganda, the ILO was discussing providing similar levels of support to the United Republic of Tanzania and Zambia with other development partners. The Office was exploring options to develop an integrated funding strategy, including sourcing funding from the World Bank, in its efforts to build a broad funding base. The Office's goal was indeed to eradicate child labour in line with the SDGs. Since the Office needed to keep all actors at the table, it was seeking to hold a tripartite meeting to promote knowledge exchange in relation to the different elements of the integrated strategy and explore the roles of social partners and all other stakeholders. The meeting could be held in one of the affected countries if so desired.

667. *The Worker spokesperson* thanked the Government representative of Canada for clarifying that the tobacco sector was unique in having a framework convention; that justified the specific discussion under way, which had been queried in the past by the Employers' group.

668. Regarding the amendment proposed by the Employers' group, she asked what was meant by the term "relevant stakeholders" inserted in subparagraph (a), other than social partners and affected countries. She also queried the ambiguity of the word "alternative", which the amendment proposed replacing with "other" in subparagraph (c), and which appeared to be inconsistent in the French and Spanish versions of the text. In relation to the proposed addition of subparagraph (d) on the establishment of a tripartite fund, she understood that the Employers' group was in favour of a fund, but not the safeguards mentioned in document GB.334/POL/5. Did the Employers' group therefore disagree with the interpretation that safeguards were needed for the fund to be consistent with the FCTC and Model Policy?

Secondly, did the Employers think that tobacco industry members would be prepared to contribute considerable sums of money to the fund on an anonymous basis? Thirdly, did the Employers think that the fund was still a viable way forward, given the number of governments that had expressed concerns, rightly or wrongly, about contributing to a fund that also received funding from the tobacco industry, and given that most potential donors financing an integrated strategy would have to come from those countries?

669. While the Africa group's concerns were understandable, it should be noted that there were other tobacco-producing regions in the world that had not raised those concerns. She asked why the group had deleted all references to the integrated strategy in its proposed amendment; did it believe that the integrated strategy was of no use to the workers, employers and governments in the region? In addition, given the apparently useful tripartite exchanges held recently in many of its countries, why did it wish to delete the elements relating to a future tripartite meeting?

670. She sought clarification on why the Africa group was against the proposal to use RBSA funds to finance projects for the elimination of child labour. Concerns about finding sources of funding other than those from the tobacco industry were legitimate, but that money was currently limited and only benefited a few countries. While the integrated strategy would be broader, potentially requiring more money, there was considerable commitment from the Office and certain member States to securing financing over both the short and longer term. The Africa group should not therefore be too pessimistic regarding funding. In addition, given that 50 African countries had ratified the FCTC, how did they square their associated obligations with asking for support to continue accepting direct funding from the tobacco industry?

671. Any fund, even one consistent with member States' obligations regarding financing from the tobacco industry, would be useless if it remained empty, which could happen if an anonymity clause discouraged donors from the tobacco sector, or if other donors refused to contribute alongside those tobacco industry donors. The Africa region needed an integrated policy, and sufficient funding to address their concerns on that matter, as well as those of workers and trade unions in the sector. In recent years, the tobacco industry had shown a lack of interest in promoting decent work; stronger social dialogue was needed. The tripartite meeting proposed in the draft decision was therefore key to further developing the integrated strategy, establishing the responsibilities of the social partners, and working on associated legal elements such as freedom of association and collective bargaining. Lastly, she asked the governments that were in favour of the proposed fund whether they were ready to contribute to that fund if other governments refused to do so.

672. *The Employer spokesperson* said that the instruments which had been outlined by the Office, and which served as the subjects of discussion, were non-binding. Despite that, the Office's argument was that the ILO had the responsibility to align itself with the Model Policy for UN agencies. Expressing the view of the Employers' group, she said that the integrated strategy outlined by the Office and the consultations held in four African countries were inconsistent with that Model Policy, which required disengagement from all forms of interactions, not just funding. The Employers' position was for the Office not to align with the Model Policy, because it must continue working towards advancing programmes of priority to the ILO. Sufficient grounds were needed to disengage from PPPs and the Governing Body should not select partnerships based solely on the UN's viewpoint. Tobacco was a legal sector, but also one which should not be treated differently because no precedents had been set in that respect. A reasoned decision should be made about the fund, and the guidelines and restrictions which made it inoperative reduced.

673. It was clear from the statements by the Africa group and the United States that there was support for the fund. There should simply be reasonable safeguards. The fund must be governed by a tripartite board, which was not external to the ILO, involving foundations and

the tobacco sector itself. Fortunately, there was convergence between the amendments proposed by the Employers and the Africa group.

674. *Speaking on behalf of the Africa group*, a Government representative of Uganda recalled that the decision should deal with the real issue of whether the ILO should accept funding from tobacco. There were obviously strong views against such funding, but tobacco was a legal industry. The FCTC sought to regulate the tobacco sector with respect to public health and did not refer to child labour. There were workers in that sector who made payments to their trade unions, and that money subsequently ended up with the International Trade Union Confederation (ITUC). In that regard, was there a mechanism to separate the money that came from tobacco and from other sources? It was unfair to label the Africa group as inconsistent for having accepted funding from the tobacco sector.

675. While the ILO was party to the FCTC, it was also party to the UN Convention on the Rights of the Child. Therefore, if tobacco funding were to be cut, it should be done so as to ensure a smooth transition and the availability of funding from another concrete source. If PPPs were terminated, ongoing activities would be disrupted. The Africa group's position was one of consensus and middle ground should be found.

676. *The Employer spokesperson* echoed the sentiments expressed by the Africa group, in particular the fact that the entire UN system, including the ILO, received funding from governments which was not separate from the tobacco industry. For that reason, the Governing Body was being insincere by criticizing the acceptance of tobacco money through government funding. In addition, if funding were diverted from the RBSA to support the programmes which were previously funded by tobacco, which existing projects or programmes would be affected if the Office followed through on its current proposals?

677. In response, *a representative of the Director-General* (DDG/P) said that the Office was not reallocating the RBSA funds to tobacco, but that those funds were being used for a number of purposes.

678. *A Government representative of Uganda* said that the strategy that had been raised by the Workers lacked a clear roadmap, with clear performance indicators and resources. The Office should clearly demonstrate the availability of funds by means of a written commitment. It was important to adopt the stance taken by the Africa group, with the support of the Employers, in order to move forward.

679. *The Worker spokesperson* said that she had asked why the Africa group wished to remove the reference to the integrated strategy and the tripartite meeting from the draft decision in order to ascertain whether tripartite agreement on the strategy and on the usefulness of RBSA funding in ensuring that work to address child labour continued was possible. She agreed that consideration should be given to how the strategy would be developed in future.

680. *A Government representative of Uganda* said that the draft decision should refer to funding and provide assurances that the financial resources required to continue the ILO's activities would be available.

681. *The Chairperson* said that the document presented by the Office was well balanced and proposed a long-term solution to the problem. Although it appeared to enjoy broad support, he wished to take a decision that was satisfactory to a greater proportion of the Governing Body.

682. *A Government representative of Uganda*, noting that Rule 5.5.1 of the Governing Body provided that decisions on proposals involving expenditure must consider the estimated cost and make provision for necessary expenditure, said that it would be difficult to take a

decision on the integrated strategy unless the Office set out how much it would cost and what funding sources would be used.

683. *The Employer spokesperson* said that, despite the Chairperson's assertion, there was no majority opinion on the draft decision and further discussion would be required to overcome clear divisions.

684. *A Government representative of the United States* said that while there seemed to be several representatives that supported the draft decision proposed by the Office, there were several different interpretations of that text and conditions that representatives had placed on its adoption. It was important not just to adopt the text, but also to have a clear understanding of the guidance given to the Office by the Governing Body for its implementation.

685. *The Director-General* thanked the Governing Body for its courteous discussion of the item and agreed that it would serve no purpose to postpone the decision to a future session of the Governing Body. While there was no consensus yet, there were majority positions emerging, and it was right to explore the nuances of the discussion. Concerning the financial implications, the rule quoted did not apply in the current circumstance, and thus did not prevent a decision from being taken.

686. *The Chairperson* clarified that his impression had been one of emerging consensus, but that he was not seeking to bias one side or the other of the discussion. He proposed giving the constituents more time to address some of the points of divergence and reach a consensus decision.

687. *A Government representative of Uganda* asked the Director-General to explain why Rule 5.5.1 was irrelevant.

688. *A representative of the Director-General* (Treasurer and Financial Comptroller) said that Rule 5.5.1 stated that the Governing Body should make no decision regarding any proposal involving expenditure without considering its estimated cost and making provision for that expenditure. As the draft decision proposed by the Office did not include any expenditure, the Rule did not apply.

689. *A Government representative of Uganda* said that no strategy could be implemented without activities and a workplan and that would cost money. Therefore, the integrated strategy outlined in the document would require a budget.

690. *The Chairperson* recalled that he had agreed to the formal request of the Employers' group to postpone the discussion for a few days for further consultations in order to try to reach a consensus on the details of the draft decision, a request that had been supported by a number of member States and groups. He also recalled that the Workers' group had strongly objected to the postponement, supported by the representative of Romania speaking on behalf of the European Union, on the grounds that there had been a clear indication of a majority view on how to move forward with broader agreement. The Employers' spokesperson indicated that her group had asked for additional time to try and reach consensus and to seek a way forward which would take into account the voices of the most affected region. The Chair invited the Governing Body to resume its discussion of the item.

691. *Speaking on behalf of the Africa group*, a Government representative of Uganda said that, during consultations, it had become clear that it would be necessary to accept a compromise solution and that no single group would have their interest without looking at the interest of others and also accommodating them. With this spirit, he recalled the previous discussion and proposed a position that would guarantee the interests of all, by consensus and not by vote. He proposed the following amended version of the draft decision:

"The Governing Body welcomed the Integrated Strategy 2019–22 but noted that it requires further development. Accordingly, the Governing Body directed the Director-General:

(a) to organize a tripartite meeting as a matter of urgency, to promote an exchange of views on the further development and the implementation of the strategy, with, among others, the participation of the directly affected countries and social partners in the tobacco sector;

(b) to present an update on the costed and time-bound integrated strategy to the Governing Body at its 337th Session in November 2019;

(c) to continue the ongoing project-based efforts to eliminate child labour using Regular Budget Supplementary Account funds and other public funds in the short term; and

(d) to continue efforts to mobilize various sustainable sources of funding from the public and private sector with appropriate safeguards."

692. *The Worker spokesperson* said that the issue at hand was a long-standing one and it had been important to take the time to understand both the text and the concerns of others. She noted that it had been a difficult discussion for the Africa group and appreciated very much that everyone had worked with all to find a solution. Adoption of the draft decision, as amended, would allow the Office to move ahead with its work and for efforts to eradicate child labour to progress in a number of countries. Her group supported the draft decision, as amended.

693. *The Employer spokesperson* said that Africa was the region that would be the most affected by the draft decision. If the integrated strategy and the tripartite meeting were to succeed, a common understanding of the issues was crucial. The aim was to make a positive impact on the lives of the 60 million people involved in the tobacco sector. The draft decision, as amended, would allow the private sector to contribute to that aim and would give the Office clear guidance on the further development and implementation of the strategy. The Employers were looking forward to being part of that process. The decision would ensure that there was no interruption in current activities and provided a longer-term vision to support future wide-reaching activities and initiatives. The tripartite meeting would have an important role to play in the development of those activities, supported by sustainable sources of funding from both the public and the private sectors. Her group supported the draft decision, as amended by the Africa group.

694. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania welcomed the efforts to reach consensus and said that the integrated strategy constituted a practical solution to developing and delivering a holistic and long-term approach to addressing decent work deficits in the tobacco sector. She supported the draft decision, as amended, in a spirit of compromise, but sought further clarification about the appropriate safeguards to prevent interference from the tobacco industry mentioned in subparagraph (d) of the proposed text.

695. *Speaking on behalf of ASPAG*, a Government representative of China said that his group supported the draft decision, as amended.

696. *A Government representative of Ecuador* said that the Governing Body's approach must be consistent with the decisions taken within the United Nations system and the other specialized agencies. The reference to private sector funding contained in subparagraph (d) gave cause for concern. However, her country supported the draft decision, as amended.

697. *A Government representative of Lesotho* said that the decent work deficits in the sector could not be overlooked. Work to eliminate child labour needed to continue. As the ILO could not stop its cooperation with the tobacco industry, the clear strategy advanced by the Africa

group should be supported. All countries must understand the strategy in order to implement it successfully, which would require meaningful contributions from all parties concerned and facilitate the establishment of a monitoring and evaluation framework by the ILO.

698. *A Government representative of Uruguay* said that while the proposed text was not ideal, in particular subparagraph (d), her country would support it in the interests of consensus.

699. *A Government representative of the United States* said that the amended text was reasonable, viable and tripartite and his country supported it fully. He commended and thanked all delegates, in particular the delegate from Uganda, the social partners – the Employers and the Workers – very much for their great efforts.

700. *A Government representative of Brazil* said that the issue was not simple and the discussions had revealed a wealth of legitimate views and opinions. The efforts of all – especially the Africa group – to attain a compromise text were truly commendable. Brazil supported the draft decision, as amended.

701. *A representative of the Director-General* (DDG/P) said, with regard to subparagraph (d), that the Office would take all of the Governing Body's comments into account when developing the integrated strategy and when moving forward with its implementation, and would continue to consult with all of the affected governments and the social partners in that regard. The first step was to organize the tripartite meeting; careful consideration would be given to all of the views raised at that meeting.

702. *The Chairperson* said he wished to commend the Africa group for its perseverance and efforts to reach an acceptable text that the Governing Body could adopt by consensus.

Decision

703. ***The Governing Body welcomed the Integrated Strategy 2019–22 but noted that it requires further development. Accordingly, the Governing Body directed the Director-General:***

(a) to organize a tripartite meeting as a matter of urgency, to promote an exchange of views on the further development and the implementation of the strategy, with among, others the participation of the directly affected countries and social partners in the tobacco sector;

(b) to present an update on the costed and time-bound integrated strategy to the Governing Body at its 337th Session in November 2019;

(c) to continue the ongoing project-based efforts to eliminate child labour using Regular Budget Supplementary Account funds and other public funds in the short term; and

(d) to continue efforts to mobilize various sustainable sources of funding from the public and private sector with appropriate safeguards.

(GB.334/POL/5, paragraph 46, as amended by the Governing Body.)

Legal Issues and International Labour Standards Section

Legal Issues segment

First item on the agenda

Follow-up to the discussion on the protection of Employers' and Workers' delegates to the International Labour Conference and Regional Meetings and members of the Governing Body in relation to the authorities of a State of which they are a national or representative
(GB.334/LILS/1)

704. *The Worker spokesperson* recalling that the item had been placed on the agenda of the Governing Body several times before, welcomed the documentation and clarifications provided by the Office at the tripartite consultation meetings held on the item in July and September 2018. She noted with regret that only four governments had commented on the document submitted for the 332nd Session (March 2018) since its recirculation following the session. She drew attention to point 3 of Appendix II to the document, which clarified the importance of bridging the protection gap that existed under the 1947 Convention on the Privileges and Immunities of the Specialized Agencies and its Annex I with respect to affording legal protection to Employers' and Workers' delegates and Governing Body members. The proposed protections, including against retaliatory actions, were key to ensuring meaningful social dialogue and effective tripartism at the ILO. They would also allow the ILO's key governance organs and the social partners to fulfil their mandates in conditions of enhanced independence, integrity and transparency. As such, her group appealed to governments to move forward on that very important matter.

705. *The Employer spokesperson* said that he welcomed the clarification in the document of the fundamental regulatory and legal principles of the draft resolution in a question-and-answer format in Appendix II and the outline of possible elements of a procedure for waiving immunity in Appendix III. He recalled that the draft resolution had been presented to the Governing Body many times already over the past three years and that, at the request of the Government group, a series of informal consultations had been held to identify the main reservations preventing governments from approving the resolution. Three out of the four governments that had expressed their views in writing had indicated that the draft resolution was acceptable, and his group expressed the hope that the silence from the others signified approval. Building on the resolution concerning freedom of speech of non-governmental delegates to ILO meetings, adopted by the Conference in 1970, the proposed resolution would strengthen social democracy within a regulatory and legal framework in line with ILO principles. His group expressed the hope that it would be adopted by the International Labour Conference in June 2019 and then broadly accepted by ILO member States.

706. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United States reaffirmed her group's commitment to the full protection of the freedom of speech of Workers' and Employers' delegates and thanked the social partners for giving the member States time to review the proposal. Her group particularly appreciated the question-and-answer section of the document. In keeping with

their March 2018 commitment, IMEC members had vetted the proposal at the national level and supported it. The group welcomed the opportunity to reaffirm the ILO's commitment to the full exercise of free speech in furtherance of tripartism at the Centenary session of the Conference. IMEC supported the draft decision.

707. Speaking on behalf of the Africa group, the Asia and Pacific group (ASPAG) and of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Brazil said that the regional groups, in line with the commitments they had made at the 332nd Session (March 2018), had undertaken the necessary consultations at the national level to vet the proposal to extend immunities and privileges to Workers' and Employers' delegates. While fully committed to strengthening protection for those delegates, and appreciative of the Office's efforts in that regard, the groups had concluded that the proposed resolution was not the ideal mechanism to achieve that goal. Some governments had legitimate concerns, such as the limited impact of the mechanism arising from the need to ratify the amendment to Annex I. The groups requested the Office to develop previously unexplored alternatives, such as the establishment of a special committee that had been mentioned during consultations, for presentation to the Governing Body.

708. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that her group was in full support of the freedom of speech of the social partners, free movement and tripartism and recognized the importance of ensuring compliance with article 40 of the ILO Constitution. However, the proposed revision to Annex I to the 1947 Convention presented difficulties, as identified during consultations, including those related to the jurisdiction of sovereign countries and member States that had not acceded to the 1947 Convention. Her group asked the Office to consider alternative mechanisms, such as strengthening the existing ILO mechanisms or establishing a new internal process. Her group did not support the draft decision.

709. *Speaking on behalf of GRULAC*, a Government representative of Brazil recalled that his group had consistently expressed its views on immunities to the Governing Body. For example, at the 328th Session (October–November 2016), it had agreed with the assertion made in the Office document (GB.328/LILS/1) that privileges and immunities were increasingly criticized as unjustified privileges that were too often abused. GRULAC observed that the immunity from legal process provided for in the proposed resolution was based on article 40, paragraph 2, of the ILO Constitution and the 1970 Conference resolution concerning freedom of speech of non-governmental delegates to ILO meetings, which the group respected and valued, and which covered only Employers' and Workers' Conference delegates and Governing Body members. Extending the scope of the proposed immunity to include Employers' and Workers' delegates and advisers to the ILO Regional Meetings exceeded the scope of those instruments and therefore had no legal basis. Advisers were allowed to speak at meetings only in the circumstances defined in article 3 of the Constitution and in the relevant provisions of the Standing Orders of the Conference and the *Rules for Regional Meetings*. The lack of understanding of such a limitation was a source of concern to his group, especially as an unlimited number of advisers could be accredited to national tripartite delegations. Such an extensive scope was of particular concern given that the constitutions of GRULAC member States had a restrictive approach to privileges and immunities. The group was also wary of the lax approach to the process of waiving immunity, which would be insufficiently expedient in an emergency, taking up to five months to complete. Nevertheless, his group reiterated its respect for the right of freedom of speech of Workers' and Employers' delegates to the Conference, Governing Body and Regional Meetings, who required independence and integrity when discharging their functions at ILO meetings and as part of their freedom of movement to attend those meetings, always under the jurisdiction of the host country. The group was unable to support the draft decision and called on the Office to find possible alternatives.

710. *The Worker spokesperson* said that there seemed to be broad agreement on the importance of freedom of speech. However, while high ideals were admirable, they could have no effect without suitable protection. There had been several instances in the 100-year history of the ILO where protection had been needed. The counter-argument on the limitations caused by the need to ratify was weak since many other ILO instruments also required ratification. Although lack of support from significant government groups would engender difficulties when presenting the draft resolution to the International Labour Conference, there was a majority in favour of it in the Governing Body and it was time to move forward on a principle that everyone agreed on. Her group did not support the suggestion to establish a committee or search for alternatives, as it was legal protection that was needed. Of course, legal protection would not be sufficient if not implemented in practice, but at least it would serve to guide member States and the Office could provide technical assistance if required. The Office had adequately explained that the only legally sound way to close the "protection gap" was by amending Annex I to the 1947 Convention. She called on the Governing Body to move forward.

711. *The Employer spokesperson* said that Governments, Employers and Workers were all committed to protecting freedom of speech by virtue of the resolution adopted by the Conference in 1970 and article 40 of the ILO Constitution. The draft resolution under discussion was framed by clear and transparent procedures and obstacles arising from the ratification requirement could be overcome. It was imperative to move forwards with the resolution as the ILO's existing mechanisms, such as the Credentials Committee and the Committee on Freedom of Association, were not reactive enough to provide effective protection in that regard, especially in urgent or unforeseeable situations. No alternative to the proposed amendment of Annex I to the 1947 Convention had so far been identified ensuring legal certainty and the same level of protection. It was hoped that the resolution would be adopted at the 2019 session of the International Labour Conference. Its acceptance and ratification by member States would follow in due course.

712. *Speaking on behalf of GRULAC*, a Government representative of Brazil asked that the carefully considered arguments raised in his statements on behalf of a very representative group of governments, which had a common interest in the principle of freedom of speech, be given full consideration. Although the principle was not being brought into question, the option under consideration was not the most viable or effective one. The legal arguments that GRULAC had put forward had not been addressed. Noting that the 1947 Convention, 71 years on, had still not been ratified by all the member States of the UN and other agencies, he said that the proposal on a resolution calling for the amendment of Annex I as a solution to the protection of freedom of speech raised questions. Alternatives had been considered during the consultations which, in addition to upholding the principle, would be more effective and easier to implement in the short term. He was not convinced that there was only one option and he asked the Office to make further proposals.

713. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that the Africa group was not convinced that there were no viable alternatives. She requested the Office to consider alternatives to protect ILO constituents.

714. *The Worker spokesperson* asked how many States had ratified the Convention. The arguments being raised were difficult to assess and would have to be considered by the Office, which had already answered many questions in its document. Regarding the argument that ratification was a hurdle and that there were faster alternatives, she said that if a decision was taken by the Conference to revise Annex I, States would be free to ratify it or not. What was important was first for the principle to be clear, and only thereafter to move towards ratification, for which the Office could provide technical assistance if necessary. If further measures could be taken to provide protection, they should be discussed, but the Workers firmly believed that those would not replace the legal protection that must be provided at the international level.

715. *A representative of the Director-General* (Legal Adviser) said that to date, the ratification status of the 1947 Convention stood at 129 ratifications, including three from Members that had not accepted Annex I relating to the ILO. Regarding GRULAC's comment on the purported lack of legal basis for the extension of the scope of the proposed immunities to advisers, he recalled that, in his response on that same point at the 328th Session (October–November 2016) of the Governing Body, he had referred to section 1(v) of the 1947 Convention which expressly stated that: "For the purposes of articles V and VII, the expression 'representatives of members' shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations."

716. The "protection gap" had been created by section 17 of the 1947 Convention, under which the privileges and immunities did not apply to Employer and Worker representatives vis-à-vis the authorities of their own home States. As this was black-letter law, the optimal way to address the protection gap by legal means would thus be to amend Annex I, which adapted the standard clauses of the Convention to the specific needs of the ILO. Section 17 created a problem specific to the ILO as it was the only agency with a tripartite structure. From the beginning of the discussion of this item, the Office had explained that consideration could be given to a new Conference resolution similar to the 1970 resolution on the freedom of speech, which could go even further than that resolution by listing specific privileges and immunities that member States would be called upon to accord to Employer and Worker members. However, this would still be in the context of a non-binding resolution and one could question its added value and long-term impact, which was why after the second discussion of the item, no further consideration had been given to that option. The Office believed that the only clear-cut solution and legally sound way to fill the protection gap was by amending Annex I. However, it was willing to analyse any other viable options submitted to it.

717. *The Employer spokesperson* said that neither the Workers nor Employers wanted to destabilize a State. What was requested was sound and should be seen in the context of strengthening social democracy. Should there be a need for further debate, he suggested that such debate should take place in March 2019, but it was important in any case that the resolution should be presented at the next session of the Conference.

718. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that he was grateful for all the documents submitted by the Office, which the members of his group had read very carefully. The fact that a question was repeated meant that further clarification would be helpful. He observed that paragraph 3 of article 40 of the Constitution, the most important legal text for the Organization, under which the privileges and immunities were to be defined in a separate agreement, mentioned only delegates, which was why he did not see how other categories could be included. Any considerations should be based on that concept and on the meaning of that concept in the Constitution, which was the basis of GRULAC's legal reasoning. He reiterated that consideration should be given to how a more effective alternative could be found with short-term results based on a consensus. The Legal Adviser had referred to a Conference resolution, and during the consultations reference had been made to a special committee. He asked if those alternatives could be considered. GRULAC was not in a position to adopt the draft decision as presented.

719. *The Worker spokesperson* said again that there had not yet been any mention of a legally sound option that would provide the kind of protection that was very much necessary for non-governmental delegates and their advisers. In Appendix II to its document, the Office explained that only a limited number of people were concerned, six on average per member State at the Conference. Given that the Workers, Employers and IMEC considered it to be the best way forward, she did not think that a decision should be postponed. She proposed that the resolution should be submitted to the Conference and that the discussions should continue up until then. There would be time to see whether more countries would ratify. It was necessary for the principles that they all agreed on to be reflected in the next steps

forward, as that was how the ILO had always worked. Principles were followed by standards that were adopted gradually and then implemented, with Office support, to move in a chosen direction.

720. *The Chairperson* asked whether the proposal to postpone the discussion on the draft resolution until March 2019 was acceptable.

721. *The Worker spokesperson* said that the debate had been going on for several years and that neither the Legal Adviser nor anyone else had found any legally sound alternatives that would provide the same level of protection. If groups could not support the decision at the current session, she did not see how they would be in a position to support it in March.

722. *Speaking on behalf of IMEC*, a Government representative of the United States reiterated that IMEC looked forward to adopting the draft resolution at the June 2019 session of the Conference.

723. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that, if a decision was to be adopted, countries would have to amend their laws. She therefore agreed that the matter should be deferred to the next session.

724. *The Employer spokesperson* said that in his view that matter would have to be referred to the Conference, but he wished to consult with the Workers on whether to postpone the decision until March 2019.

725. *The Worker spokesperson* said that it was important to seek a consensus, which did not mean unanimity. If it was still be possible to put the item on the agenda of the Conference in June 2019 if the decision were to be taken in March 2019, the Workers were prepared to postpone the decision until the March session to give the Governments an opportunity to further study the Office proposal and request any additional clarifications they might need from the Office of the Legal Adviser so as to be able to envisage supporting the draft decision. The Workers' group would be prepared to consider possible alternatives only if they gave protection equivalent to that proposed. Otherwise, the draft decision should be taken at the March 2019 session. In reply to Lesotho's remark, she said that issues of compatibility with domestic legislation generally arose at the ratification stage, but not at the time the resolution was adopted. She trusted that the Employers agreed with her points and hoped that IMEC could too.

726. *Speaking on behalf of IMEC*, a Government representative of the United States noted that IMEC had been prepared to take a definitive decision on the matter that day, but acknowledged the Workers' and Employers' flexibility with a view to reaching a broader consensus. As long as the resolution could be on the Conference agenda in June 2019, she could support the proposal to postpone the decision until March 2019.

727. *A Government representative of Brazil* said that a consensus, understood as being the absence of clear and explicit dissent, had not been reached regarding the draft decision, which, in the eyes of many governments, was neither viable nor the most effective option. The Office had the capacity to come up with alternatives that offered the necessary and adequate level of protection even if they were not the ones preferred by other groups. Thanking the Employers and Workers for their flexibility, he suggested that discussions on the draft decision could be resumed at the March 2019 session of the Governing Body, which could be preceded by consultations undertaken with a view to coming up with alternatives. Any final decision must have the support of all the governments to ensure that the ratification process would not turn into a major hurdle.

728. *The Director-General* said that the Office was not in a position to identify any alternative that would provide the same legal certainty as the draft resolution currently before the

Governing Body. Those governments suggesting that alternatives might exist should present them but they should not be of a procedural nature, such as establishing a committee, but be substantive. Whether the final decision was taken at the current time or in March 2019, it would have equal effect in that the final destination was the International Labour Conference in June 2019. On that basis the Governing Body might be in a position to postpone a decision on this item in March 2019, subject to the clear understanding that any alternative constituents might identify in the meantime should be forwarded to the Office for proper review.

729. *The Employer spokesperson* said that the consultation process had been completed and that most of the limited number of governments that had responded had indicated that the resolution was perfectly acceptable. Any clearly defined alternative proposals providing equivalent protection should be submitted and could be discussed in March 2019.

730. *The Worker spokesperson* said that her group's definition of the term "consensus" differed from that of the Government of Brazil. The Workers endorsed the statement made by the Employer spokesperson.

731. *The Chairperson* said that the adoption of the draft decision would be deferred until the March 2019 session of the Governing Body.

Decision

732. ***Taking into account the information provided in document GB.334/LILS/1 and the views expressed in the ensuing discussion, the Governing Body deferred the adoption of the draft decision set forth in paragraph 9 of the document to its 335th Session (March 2019).***

(GB.334/LILS/1, paragraph 9, as amended by the Governing Body.)

International Labour Standards and Human Rights Segment

Second item on the agenda

Report of the third meeting of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended
(Geneva, 23–27 April 2018)
(GB.334/LILS/2(Rev.))

Report of the Chairperson to the Governing Body, in accordance with article 16 of the Standing Orders of the Special Tripartite Committee

733. *The Employer spokesperson* said that his group suggested adding a subparagraph to the draft decision to the effect that the Governing Body "noted the STC's recommendations to review the situation of 5 outdated Conventions, i.e. C. 58, C. 22, C. 146, C. 23 and C. 166, at the next meeting of the STC, in 2021". During the third meeting of the Special Tripartite

Committee (STC), the shipowners had: argued that the Maritime Labour Convention, 2006, as amended (MLC, 2006), did not provide for concentrated inspection campaigns even if they might be considered as a good tool for some; expressed concern that the Committee of Experts' interpretation of "maximum period of service on board" was not in line with the Convention (an issue with regard to which they had sent a communication to the Committee that should be addressed by means of a response in its next report); and stated that they were not in a position to form an opinion on the issue of inland waterways, as that sector was not covered by them. The Employers' group supported the draft decision.

734. *The Worker spokesperson* said that her group welcomed the adoption, at the 107th Session (2018) of the International Labour Conference, of the amendments to the Code of the MLC, 2006, on the protection of seafarers' wages in the event of piracy and armed robbery against ships. Currently, around 88 member States had ratified the Convention and it was hoped that the figure of 100 ratifications would be reached in time for the Centenary of the Organization. The STC had worked in a very efficient manner. Her group trusted that, at its next meeting, the Standards Review Mechanism Tripartite Working Group (SRM TWG) would effectively address the issues brought to its attention by the STC. The draft decision did not contain any explicit reference to the need to promote the ratification of the MLC, 2006, regarding countries currently bound by outdated instruments and to extend the application of the Convention to the non-metropolitan territories in which the outdated Conventions were applicable. The Workers' group had submitted an amendment to the draft decision in order to stress the importance of the Office actively promoting the MLC, 2006. Although her group supported the Employers' group's proposed amendment to the draft decision, it shared the Committee of Experts' interpretation of "maximum duration of service periods on board". That issue should be addressed at the STC level. The Workers supported both the work of the Committee of Experts to supervise the implementation of the Convention and the crucial role of port State control authorities in that regard. It was important to be clear about and strengthen the complementary relationship between the work of those authorities and that of the ILO supervisory bodies.

735. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that his group supported the proposed amendments to Regulations 2.1, 2.2 and 2.5 of the MLC, 2006, the draft decision and the amendments put forward by the Employers' and Workers' groups.

736. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that the candidate countries Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina aligned themselves with her statement. All non-landlocked EU Member States had ratified the MLC, 2006. The relevant provisions and amendments of the Convention were implemented into EU legislation on the basis of agreements between EU social partners and enforcement of the instrument was secured through EU legislation on flag State and port State control. The EU and its Member States were committed to addressing the issues of decent working conditions for seafarers and a level playing field for shipowners. The adoption of amendments related to seafarer victims of piracy or armed robbery against ships was welcome, as was the exchange of information on the implementation of the Convention. The functioning of recruitment and placement services, capacity building and compliance and enforcement issues merited particular attention and could be discussed at the Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers in February 2019. She supported the draft decision and the amendments put forward by the Employers' and Workers' groups.

737. *A Government representative of the United States* said that her Government supported the substantive assessment of the STC with respect to the Conventions reviewed to which the United States was a party. She asked what impact the abrogation of Convention No. 53 would have on the obligation of States parties to Convention No. 147 to continue to report on efforts to give effect to Articles 3 and 4 of Convention No. 53. Irrespective of any

Governing Body recommendations or International Labour Conference votes regarding the abrogation or withdrawal of Conventions, her Government would continue to consider itself bound by those instruments until such time as it might denounce them. A vote of the Conference to abrogate a Convention could not alter the treaty obligations of States parties thereto vis-à-vis other States parties to the same instrument. Office campaigns for denunciation of outdated Conventions and for consideration of ratification of up-to-date standards were critical to the success of the standards review process. Denunciation was the appropriate mechanism for extinguishing outdated treaty obligations in a manner consistent with international law.

738. *A Government representative of Mexico* said that his country had been working towards ratification of the MLC, 2006. However, obstacles existed in that regard in the form of provisions of the Convention that either contradicted, or were not reflected in, domestic legislation. Thus, the recommendation of the STC concerning promotion of the ratification of the MLC, 2006, among countries still bound by Convention No. 9 and other related Conventions, and the provision of technical assistance by the Office in that regard, was especially relevant. Such assistance would help Mexico overcome existing barriers to ratification of the MLC, 2006. Mexico supported the draft decision, in particular subparagraph (c), and the amendments submitted at the current meeting.

739. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) said that a number of member States had notified the Office of their decision to ratify the MLC, 2006, and a number of others were actively considering ratification, bringing the target of 100 ratifications by the ILO Centenary within reach. Regarding the impact of abrogation of Convention No. 53, she advised that member States would have no responsibility to the ILO for a Convention included in the annex to Convention No. 147 that had been abrogated and would not be subject to supervision by ILO bodies; a ratifying State may choose to continue to apply its national legislation in accordance with an abrogated Convention.

740. *The Worker spokesperson* and *the Employer spokesperson* said that they supported the amendments to the point for decision and the proposed order and were pleased to note that the amendments proposed by both groups had enjoyed unanimous support.

Decision

741. ***The Governing Body took note of the report of the Chair of the STC concerning its third meeting and:***

(a) welcomed the work conducted by the STC in relation to the review of 34 maritime-related international labour standards and the consensual recommendations thereon;

(b) decided that the 34 maritime-related instruments reviewed by the STC should be classified as outdated, and requested the Office to take the necessary follow-up action in that regard;

(c) noted the STC's recommendations concerning the withdrawal of Recommendations Nos 27, 49, 107, 137, 139, 153, 154, 174, 186 and 187 as well as of Conventions Nos 7, 54, 57, 72, 76, 93, 109, 179 and 180, in relation to which it would consider placing an item on the agenda of the 109th Session (2020) of the International Labour Conference (see GB.334/INS/2/1);

(d) took note of the juridical replacement of Recommendation No. 109 by Recommendation No. 187, and of Recommendation No. 77 by Recommendation No. 137, and requested the Office to take the necessary follow-up action;

(e) noted the STC's recommendations concerning the abrogation of Conventions Nos 8, 9, 16, 53, 73, 74, 91 and 145, in relation to which it would consider placing an item on the agenda of the 109th Session (2020) of the International Labour Conference (see GB.334/INS/2/1) and drew the attention of the SRM TWG to any issues that may arise from the abrogation of Convention No. 145;

(f) noted as well the STC's recommendations to review the situation of five outdated Conventions, that is Conventions Nos 22, 23, 58, 146 and 166, at the next meeting of the STC in 2021;

(g) requested the Office to encourage countries bound by outdated Conventions to ratify the MLC, 2006, and to encourage countries having ratified the MLC, 2006, and still bound by outdated Conventions in respect of non-metropolitan territories to extend the application of the MLC, 2006, to those territories;

(h) endorsed the establishment of a subsidiary body of the STC with the mandate described in paragraph 20 of document GB.334/LILS/2(Rev.);

(i) appointed Ms Julie Carlton (United Kingdom) for a second term as the Chairperson of the STC for a three-year term (2019–21); and

(j) decided to convene the fourth meeting of the STC in 2021 (18–22 April), and requested the Director-General to include a provision for that purpose in the Programme and Budget proposals for 2020–21.

(GB.334/LILS/2(Rev.), paragraph 22, as amended by the Governing Body.)

Third item on the agenda

The Standards Initiative: Report of the fourth meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 17–21 September 2018)

Report of the Officers, in accordance with paragraph 17 of the terms of reference of the Standards Review Mechanism Tripartite Working Group (GB.334/LILS/3)

742. *The Chairperson of the SRM TWG* reported that the SRM TWG had made recommendations classifying the nine standards reviewed, according to the simplified classification system adopted in 2017, and concerning the follow-up taken to two instruments previously

classified as outdated. Emphasizing recommendations proposing practical and time-bound follow-up actions, he drew attention to the need for the Organization to take the appropriate measures to guarantee the time-bound elements of all recommendations of the SRM TWG, including withdrawal and abrogation of outdated standards, promotion of up-to-date standards and standard-setting activities. Ensuring that the ILO had a clear, robust and up-to-date body of international labour standards that responded to the changing patterns of the world of work for the purpose of the protection of workers and taking into account the needs of sustainable enterprises was a complex task, relying on a constructive tripartite process. The members of the SRM TWG were fully committed to fulfilling the role entrusted to them by the Governing Body.

743. *The Worker spokesperson* was pleased that the SRM TWG was successful in reaching consensual recommendations, in the sense of parties having accepted the outcome of the discussion but not necessarily agreeing on every detail. She noted that no gaps in ILO regulation had been identified at the fourth meeting of the Working Group, but some previously identified gaps had not received adequate follow-up action. Her group expected the ILO to attach equal importance to the SRM TWG's recommendations, whether they pertained to the setting, review or abrogation of standards. Effective implementation of the practical and time-bound follow-up actions recommended by the SRM TWG was essential for the success of its work and a lack of tripartite commitment to implementing the recommendations risked endangering the support of the Workers' group for the exercise. Each of the recommendations for follow-up action should be viewed as part of a complementary and interrelated package.

744. The Workers' group agreed very reluctantly to attach an abrogation date to the instruments recommended for abrogation in 2022 and 2024 when some member States that were bound by those outdated instruments had not yet ratified the relevant up-to-date Conventions. That was particularly true for outdated instruments that continued to offer a certain level of protection to workers, such as the Safety Provisions (Building) Convention, 1937 (No. 62), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85). Her group saw a need first to transition from ratification of old instruments to new instruments before the old ones were abrogated. It would therefore consider the recommendations to first abrogate or withdraw outdated instruments as being a test of whether that led to results in terms of the ratification of up-to-date instruments, thus preventing any gaps in protection. If it did not, the Workers' group would be unable to support a similar approach in the future in relation to the abrogation or withdrawal of instruments, or even agree to the inclusion of the item on the agenda of the International Labour Conference.

745. The fourth meeting of the SRM TWG had provided members with a first opportunity to voice their preferences and concerns with respect to institutional arrangements concerning the standard-setting follow-up to its 2017 recommendations in the area of occupational safety and health (OSH), as well as the impact of its recommendations on the Conference agenda and the Office. The Office would elaborate further preparatory documents on that basis, to be discussed during the fifth meeting of the SRM TWG, in September 2019. In the expectation that the Governing Body would commit to the implementation of the recommendations, and noting the group's concerns regarding those recommendations, the Workers' group could support the draft decision.

746. *The Employer spokesperson* said that his group considered the outcomes of the third substantive review of the SRM TWG to be satisfactory. Despite some initially diverging positions, the SRM TWG adopted consensual recommendations regarding classification and follow-up of the standards. His group wished to see three issues addressed at future meetings. First, more information on the relevance of reviewed standards to the trends in the real world of work was needed, including the views of constituents using the standards in member States. Second, there should be more discussion in the preparatory

technical notes of the options for classification and follow-up action, identifying possible alternatives and their advantages and disadvantages. Third, the ILO web page should present information in a more transparent and clear manner. Titles of documents and the provisional programme could more clearly indicate the instruments being reviewed, and a table could display the total number of international labour standards reviewed, their classification and follow-up.

747. In terms of achievements so far, while it had been relatively easy to classify OSH standards as "requiring further action to ensure continued and future relevance", it was less easy to define that action; the meeting had discussed three options but there could be more. One lesson learned seemed to be that the adoption of new standards went hand in hand with their regular modernization. He considered that there was presently a major modernization backlog, where many standards needed to be discarded or revised. Practical ways to avoid this in the future should be explored. One option would be to limit content susceptible to becoming outdated and transfer it to forms of regulation such as guidelines or codes of practice, which were easier to update. In addition, information pointing to a need for revision could be more systematically collected and ways to simplify and accelerate procedures for the updating of standards could be identified.

748. A further lesson learned was that there was a limit both to what member States could manage with respect to the ratification of Conventions and to what the Office and the supervisory bodies could do to improve their application. The increasing number of reports required from ratifying States increased the burden on Governments as well as on the Office to assist the supervisory bodies. Lengthening reporting intervals called into question the effectiveness of supervision and did not address the root problem: the high and increasing number of ratifiable Conventions. One possible solution would be to reduce the number of standards through consolidation, as had been very effectively done with the Maritime Labour Convention, 2006 (MLC, 2006), which had shown that consolidation of a large number of instruments was possible without compromising the protection of workers. Standards pertaining to OSH could perhaps be consolidated into a few framework instruments accompanied by more detailed recommendations, technical guidelines, codes of practice and other non-normative ILO action; a broad and thorough discussion of all existing options would allow the most suitable options to be identified.

749. The Employers' group considered that the current SRM TWG review and the follow-up to its recommendations presented a unique opportunity for the ILO to place its standards system on a firmer and more sustainable footing, starting with the OSH standards. It was important that reports of the SRM TWG meetings contained comprehensive records of what had been said, so that the considerations underlying the decisions could be understood and different points of view could be reflected. His group supported the draft decision.

750. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan highlighted the report's recommendations on the classification of the instruments under review as outdated or up to date, supported the placing of items on the agenda of the Conference for the abrogation or withdrawal of outdated instruments, and took note of the various follow-up actions to be implemented. In that regard, member States and the Office would need to implement practical and time-bound actions, including promotional campaigns and technical advice aiming at the ratification of up-to-date Conventions. His group welcomed the decision that the SRM TWG would examine instruments concerning employment policy at its fifth meeting, in September 2019. With regard to organizing the SRM TWG meeting, he requested that the spokesperson of the Government group should be invited to the SRM TWG Officers' meetings. Since Governments were ultimately responsible for implementing international labour standards at the national level, Government members should be closely engaged in all activities of the SRM TWG meetings. He requested the Office to hold an information session for Governments before the

fifth meeting, to enable his group to prepare for and to understand the work of the SRM TWG. His group supported the draft decision.

751. *Speaking on behalf of the Africa group*, a Government representative of Cameroon took note of the report of the fourth meeting of the SRM TWG, its recommendations and the dates of its fifth meeting. She welcomed the fact that instruments on employment policy would be addressed at the SRM TWG's next meeting, given the key role played by employment policy in ensuring global economic stability. By focusing on employment policy instruments during its Centenary, the ILO would demonstrate its commitment in that area. Her group supported the draft decision.

752. *Speaking on behalf of ASPAG*, a Government representative of the Republic of Korea reiterated the importance of the SRM TWG in ensuring a clear, robust and up-to-date body of standards in a rapidly changing world of work. He stressed the importance of the timely distribution of the reports of the SRM TWG to allow sufficient time for members of the Governing Body to review the content, especially as the recommendations approved by the Governing Body – including the follow-up actions and the proposed future abrogation or withdrawal of outdated instruments – would significantly affect all constituents. His group supported the draft decision.

753. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that the report clearly and accurately reflected the outcomes of the fourth meeting of the SRM TWG. His group supported the decision on the classification of the instruments. He noted with interest the recommendations on follow-up measures involving promotion, technical assistance and non-normative activities, in particular the recommendations to undertake a study on gender equality in the mining sector; the regular review of the Code of practice on safety and health in construction; and the development of guidelines on general principles in the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). The agreements reached on the timelines for implementation of the follow-up measures should be taken into account by the Governing Body to ensure the effectiveness and impact of the recommendations. The outcomes of the SRM TWG continued to contribute to the clear, robust and up-to-date body of international labour standards, and his group welcomed the decision to review the instruments on employment policy at its following meeting. He reiterated his group's appreciation for the participation of technical advisers in the meeting, as the support they provided to Government members had permitted a more informed and inclusive discussion. He also echoed the call for Governments to be included in the SRM TWG Officers' meetings to contribute to more effective, flexible and transparent functioning of the Group. His group supported the draft decision.

754. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Montenegro, Serbia, Albania, Bosnia and Herzegovina, and Georgia aligned themselves with her statement. She underlined the importance of the outcomes of the SRM TWG's fourth meeting regarding the classification of instruments and the accompanying series of follow-up actions. There had been considerable discussion on the implementation of follow-up to its work. One option contemplated was the partial consolidation of OSH instruments, including the use of protocols and mechanisms to more easily update instruments to reflect scientific advances and changes in the world of work. The SRM TWG also began discussing options to expedite standard-setting items, including prioritizing SRM TWG related standard-setting items on the agenda of the International Labour Conference and the convening of tripartite meetings; that discussion would continue at the fifth meeting. She reiterated that the abrogation or withdrawal of outdated instruments and the adoption of new instruments were equally important in terms of follow-up.

755. To ensure the ILO's body of standards was up to date, gaps in coverage identified by the SRM TWG should be addressed effectively. To ensure the effectiveness of the review

process, the momentum of follow-up activities must be maintained, and proposals on the planning of standard setting should be developed to accelerate the process. The form and content of revised or new Conventions and Recommendations would be particularly significant in terms of the level of protection, the capacity to adapt and the reporting process. The ILO could consider adopting standards that were less prescriptive, but still with ambitious and binding goals, to allow countries more flexibility in the means to achieve those goals. The EU could share experience of its own OSH legislation in that regard. She looked forward to receiving the Office's further proposals for ensuring coherence and consistency in relation to OSH instruments, considering the consolidation of OSH instruments as one possible option. Turning to outdated instruments, she supported the Office having time to implement ratification campaigns and to provide technical assistance and guidance so as to maintain or enhance worker protection. However, she did not support maintaining outdated Conventions indefinitely, and welcomed the inclusion of dates for the abrogation and withdrawal of instruments.

756. The EU and its Member States attached great importance to international labour standards and their effective supervision, and several EU policies and instruments contained references to the promotion and respect of international labour standards. The Office should fully integrate the outcomes of the fourth meeting of the SRM TWG into its activities and align them with other ILO activities as a matter of priority, including in setting the agenda of the International Labour Conference. She requested the Office to continue to explore options to ensure concrete and timely follow-up to the recommendations on standard-setting. She supported the draft decision.

757. *A Government representative of the Islamic Republic of Iran* said that his Government had participated with great interest in the fourth meeting of the SRM TWG. He attached great importance to its mandate, which contributed to the advancement of the Standards Initiative. He requested the Office to take appropriate steps to follow up on the recommendations of the fourth meeting. It was crucial to undertake regular assessments of the SRM TWG and its work performed to date. He stressed the necessity of having advisers attend meetings of the SRM TWG. He supported the draft decision.

758. *The Worker and Employer spokespersons* apologized to the Government group on behalf of the SRM TWG for the delay in distribution of the report, which had resulted from the complexity of the discussions.

759. *The Chairperson of the SRM TWG* noted that the SRM TWG did not work in isolation, but depended on effective outreach to constituents to ensure that its recommendations, which were sometimes the result of compromise, were implemented. The SRM TWG went beyond review and classification to consider the practical follow-up and implementation of its recommendations. He noted the requests for information sessions and acknowledged the need to avoid future delays in the submission of the meeting report. He concluded by stating that the SRM TWG had made significant progress and expressed optimism concerning its future work.

760. *In recognition of his many years of dedicated service to the ILO, the Director-General and the Governing Body paid tribute to Mr Gerardo Corres, Chairperson of the Legal Issues and International Labour Standards Section, concluding in a round of applause.*

Decision

761. ***The Governing Body took note of the report of the Officers concerning the fourth meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and, in approving its recommendations:***

(a) welcomed the commencement, by the SRM TWG, of the crucially important discussion of its institutional implications with the aim of ensuring the sustainability of its process, and looks forward to continuing to receive updates from the SRM TWG in relation to its ongoing consideration of how to ensure follow-up to the SRM TWG is implemented as a matter of institutional priority, and how to ensure coherence and consistency in the standards policy framework in relation to occupational safety and health (OSH) instruments;

(b) decided that the nine instruments concerning OSH (general provisions and specific risks) reviewed by the SRM TWG should be considered to have the classifications it has recommended, and requests the Office to take the necessary follow-up action in that regard;

(c) called upon the Organization and its tripartite constituents to take appropriate measures to follow up on its recommendations relating to standard setting as well as to the time-bound element of all recommendations resulting from its review of standards, including follow-up action involving abrogation and withdrawal of outdated standards, giving due consideration to the availability of technical assistance to encourage ratification of up-to-date instruments;

(d) requested the Office to commence work on a study on gender equality in the mining sector, a revision of the 1992 Code of practice on safety and health in construction, the development of guidelines on the general principles in the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and requested the International Conference of Labour Statisticians (ICLS) to call on member States currently bound by the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), to consider ratification of the Labour Statistics Convention, 1985 (No. 160);

(e) noted the SRM TWG's intention to monitor the implementation of its recommendations to promote ratification of certain instruments at its own future meetings, as well as to monitor progress in relation to the ratification of the Safety and Health in Mines Convention, 1995 (No. 176), and the study concerning gender equality in the mining sector within the context of the labour protection recurrent discussion that would take place in 2022;

(f) noted the SRM TWG's recommendations concerning the abrogation and withdrawal of certain instruments, in relation to which it will consider (see GB.334/INS/2/1):

(i) placing on the agenda of the 111th Session (2022) of the International Labour Conference an item concerning the withdrawal of the Labour Inspection Recommendation, 1923 (No. 20); and

(ii) placing on the agenda of the 113th Session (2024) of the International Labour Conference an item concerning the abrogation of the Underground Work (Women) Convention, 1935 (No. 45), the Safety Provisions (Building) Convention, 1937 (No. 62), Convention No. 63, and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85);

(g) noted the work undertaken by the Office in follow-up to the recommendations of the SRM TWG at its second and third meetings and requested the Office to continue this follow-up as planned;

(h) decided that the SRM TWG would examine the nine instruments concerning employment policy (eight instruments and one outdated instrument), within sets of instruments 1 and 4 of the revised initial programme of work, in its fifth meeting; and

(i) decided to convene the fifth meeting of the SRM TWG from 23 to 27 September 2019.

(GB.334/LILS/3, paragraph 5.)

Fourth item on the agenda

Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d) of the ILO Constitution in 2020
(GB.334/LILS/4)

762. *The Worker spokesperson* said that her group supported the first option. Care work entailed many decent work deficits and was mostly performed by women and girls, often migrant workers, under poor conditions and for low pay or no pay. Investment in the care sector could create jobs and narrow gender pay gaps, reduce overall inequality and help redress the exclusion of women from decent jobs. Demand for care work was likely to increase; a General Survey on the care economy would contribute to the design of strategies to ensure the creation of decent jobs and the identification of gaps in the ILO normative framework. Ten years after their adoption, it was time to assess how the Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201), were being implemented and what obstacles remained to the ratification of Convention No. 189. While the Indigenous and Tribal Peoples Convention, 1989 (No. 169), was important, it contained few provisions on labour protection so might not be the best choice for a General Survey that should inform the recurrent discussion on labour protection in 2022. Furthermore, the focus on one instrument would not reflect the holistic view sought by the Social Justice Declaration. Priority should be given to the development of a code of practice on participation and previous consultation, an area in which many member States faced challenges and sought further advice from the ILO, in order to address the key challenges and encourage more countries to ratify the Convention.

763. *The Employer spokesperson* said that the General Survey was a valuable instrument that ensured appropriate links were established between the recurrent discussions and the outcomes of the Standards Initiative, in particular to make better use of article 19, paragraphs 5(e) and 6(d) of the Constitution without increasing the obligations of member States. It also contributed to the related discussions of the Committee on the Application of Standards, which fed into the recurrent discussion. The reporting requirements under article 19, paragraph (5)(e) allowed the General Survey to make a comprehensive evaluation of all provisions of the selected instruments. None of the proposed instruments had been the subject of a General Survey. His group favoured the second option on indigenous and tribal peoples, having understood during discussion of document GB.334/POL/2 that ratifying States had difficulties implementing Convention No. 169, especially regarding the right of consultation and participation. The General Survey could contribute to clarifying the

consultation process and help States build regulatory frameworks and balanced institutions, which would lead to progress and better employment. The Employers urged the Governing Body to support the second option but were also ready to support the first.

764. *Speaking on behalf of IMEC*, a Government representative of the United States asked the Office to ensure that the questionnaire was concise, focused and grounded in the provisions of the instruments. Consultations on the report form in advance of its discussion at the March 2019 session would ensure that the Governing Body was able to adopt the form during that session. IMEC supported the draft decision.

765. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that while both options were pertinent, the first covered workers whose efforts had multiple socio-economic impacts at national and global levels. The instruments listed covered a large proportion of the workforce, characterized by numerous decent work deficits. A General Survey report on the first option would unfold strategies to improve the ratification and implementation of the Nursing Personnel Convention, 1977 (No. 149), and Convention No. 189 and the national application of their Recommendations, and lead to a comprehensive consideration of care work. Furthermore, it would benefit the review and development of policies and legislation to promote decent work for all. Her group supported the first option.

766. *A Government representative of Uruguay*, speaking also on behalf of the Government representatives of Argentina, Brazil and Peru, said that in view of the projected increase in demand for care workers and the economic potential and range of that sector, the Office should prepare the report form on the first option; its broader perspective would facilitate policy design and optimize compliance. Workers in the care and domestic sectors were often women and migrant workers, who suffered particular vulnerability and inequality, often worked long hours without social protection and were poorly paid or unpaid. Much remained to be done to improve their working conditions. It was high time to examine Conventions Nos 149 and 189 and to make an honest appraisal of the sector, based on reliable and exhaustive data, to find realistic solutions. In an increasingly unstable global economy, there was a need to find tools to support care workers in the years to come.

767. *A Government representative of India* said that the burden of child and elder care and domestic work fell disproportionately on women, particularly from disadvantaged groups, affecting their work participation rates and typical occupations. Domestic work was common in the developing countries and was an important source of employment for migrant workers, although largely unregulated working conditions led to decent work deficits. The nursing profession was similarly dominated by women and migrants, who were vulnerable to exploitation. The examination of the first option would give an insight into the labour protection policies, laws and practices followed by member States in the care economy. The aim of the General Survey should be to understand the current situation in member States in respect of the instruments concerned; existing laws and practices should be examined from a gender perspective and potential gaps in international labour standards in that sphere identified.

768. *A Government representative of Mexico* reiterated the importance that his Government attached to indigenous peoples and expressed its support for the second option, which would contribute to fostering the strategy for ILO action concerning indigenous and tribal peoples for inclusive and sustainable development. The choice of that option would be in line with the recommendation of the Standards Review Mechanism at its second meeting.

769. *A Government representative of Nigeria* emphasized the inestimable need to promote and protect decent work. Bearing in mind the interest generated by discussion of the informal and formal sectors and gender and social security matters in the recent past and the need to adapt, her country favoured the promotion of decent work in the care economy. Care workers were often vulnerable, underpaid and exploited; it was timely and proper for member States

to consider and discuss the relevant instruments and evaluate compliance. Ideally, the Survey would generate positive responses and analysis that would ensure dignity at work, encourage participation and allow societies built on respect for human rights, elements central to the promotion of decent work opportunities for all in conditions of freedom, equality, security and dignity.

770. *The Worker spokesperson* said that the first option, which her group supported, appeared to be leading in the room.

771. *The Employer spokesperson* said that while he regretted that the majority did not share his group's concerns, the Employers would support the first option to achieve consensus. He supported the request of the United States for a concise, focused and grounded questionnaire and emphasized the need for a sensitive approach to the area covered by the first option and to identify who the workers in that sector were and what were their actual working conditions.

Decision

772. ***The Governing Body requested the Office to prepare, for its consideration at its next session in March 2019, the article 19 report form on the instruments related to "Decent work for care economy workers in a changing economy" (Nursing Personnel Convention, 1977 (No. 149), Nursing Personnel Recommendation, 1977 (No. 157), Domestic Workers Convention, 2011 (No. 189) and Domestic Workers Recommendation, 2011 (No. 201)) for the General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2020 for discussion by the Conference Committee on the Application of Standards in 2021.***

(GB.334/LILS/4, paragraph 20.)

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

Preliminary overview of the Programme and Budget proposals for 2020–21 (GB.334/PFA/1)

773. *The Worker spokesperson* said that the United Nations (UN) reform process and the 2030 Agenda for Sustainable Development (2030 Agenda) would influence the country-level implementation of the Programme and Budget for 2020–21, the ILO's service delivery and how the social partners would be involved in the design and implementation of the priorities identified. The ILO should assume an active role in UN reform and the implementation of the 2030 Agenda ensuring that it delivers on its mandate to realize decent work and social justice with the full involvement of the tripartite constituents. The programme and budget proposals should address the widening global income inequality and

should include a comprehensive analysis of the situation of women at work. The focus on the right to organize and collective bargaining as a prerequisite for social dialogue was welcome, but clearer analysis of current threats to workers' and trade unions' rights was required. Efforts to improve respect for international labour standards should go beyond the fundamental Conventions.

774. Greater emphasis should be placed on the challenges posed by UN reform, which should not be underestimated. The reform process should acknowledge the ILO's unique tripartite governance structure and normative mandate, ensure the continuation of specific funding and programmes on labour rights, including through development cooperation, and support the ILO's ability to exercise its mandate through its country and regional offices. Changes to the field structure brought about by UN reform would have an impact on ILO staff, who had already been affected by changes following the ILO's own field structure review. The staff union must be consulted on any modifications to the terms and conditions of employment brought about by the UN reform.

775. In terms of the ILO's mandate, labour rights must be enshrined not only in the implementation of the 2030 Agenda and UN reform, but also in the ILO's advocacy work with international financial institutions, the World Trade Organization and regional organizations. The normative function of the ILO must be a central element of the Programme and Budget for 2020–21, which should set clear targets for the ratification and implementation of Conventions relating to all outcomes. In particular, more should be done to ensure universal respect for the right to freedom of association and collective bargaining through increased ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and the Collective Bargaining Convention, 1949 (No. 98). Social dialogue and tripartism would bring added value at country level in the context of the United Nations Development Assistance Frameworks (UNDAFs) and the Decent Work Country Programmes (DWCPs). However, trade unions were often disregarded in UNDAFs, an issue that required urgent attention.

776. The increasing role of some stakeholders in partnerships established in the framework of UN reform and the 2030 Agenda, often to the detriment of the social partners, posed a growing challenge for the ILO. The ILO must ensure that the social partners were adequately involved in identifying, implementing and evaluating activities and that partnerships promoted the ratification and implementation of international labour standards. The development of strong employers' and workers' organizations should continue to be an area of focus for the ILO and sufficient resources allocated to that end, both at headquarters and in the field. The Programme and Budget for 2020–21 should include a policy outcome on the role of the social partners in shaping socio-economic policies through social dialogue, with a strong focus on collective bargaining and industrial relations, to address growing concerns regarding income inequality.

777. As to the target groups, the ILO should not limit its interventions to the most vulnerable and disadvantaged, but address the needs of all workers, particularly in the face of globalization and technological change. Workers in digital production processes should also be targeted by a strategy to address decent work deficits based on the four pillars of the Decent Work Agenda. Global economic growth had been achieved at the expense of the environment. The Programme and Budget for 2020–21 should place the same importance on environmental and social policies as on economic policies, and should continue to include a just transition to environmental sustainability as a priority.

778. In terms of capacity to deliver, the Workers' group supported the first objective of the ILO's Strategic Plan for 2018–21 on the need to attract, develop, engage and retain staff with the right skills and direct experience of the world of work, as a means to increase the ILO's influence on policy agendas. The group supported efforts to enhance the ILO's role as a knowledge leader on decent work issues. It requested that the Programme and Budget for

2020–21 allocate resources to following up on the important outcomes of the 20th International Conference of Labour Statisticians; the priorities of the Workers' group included work on Sustainable Development Goal (SDG) indicator 8.8.2 on labour rights, informal employment and the International Standard Classification of Occupations.

779. Care should be taken to ensure that the Business Process Review (BPR) did not undervalue the role of ILO staff in the delivery of the programme and budget. Furthermore, there was a limit to how many administrative staff members could be reallocated to front-line roles, as administrative support would always be necessary to maintain the delivery capacity of the ILO. The ILO should continue to engage with the staff union on those matters. The lack of a dedicated strategy for capacity building among constituents, which had been identified by a recent independent evaluation, should be addressed in the Programme and Budget for 2020–21, drawing on the evaluation's recommendations.

780. *The Employer spokesperson* emphasized that the development of the Programme and Budget proposals for 2020–21 would be heavily influenced by internal and external factors in the changing landscape of the world of work, including ongoing UN reform, the outcome of the Future of Work Initiative, and volatility in economies and political systems. The ILO must capitalize on tripartism as its comparative advantage and the Organization's key strength by continuing to build constituents' capacities to face the challenges and leverage the opportunities of the changing world of work. The reference in the document to the possible considerable changes in substantive policy priorities and the institutional framework, as well as the possibility of substantial resource reallocations indicated that the Governing Body would need to fundamentally change the way in which it operated. However, there had been shortcomings in addressing constituents' needs in planning and implementing capacity-development plans and interventions, with varying degrees of engagement of departments and regions with constituents; therefore, to ensure the continued relevance of the ILO, the Office should engage more extensively with constituents so as to deliver on their needs. Employers' and workers' organizations would also require technical support to enhance their governance systems, develop services to meet the changing needs of their members and provide evidence-based advocacy. Constituents needed to be equipped with the right capacities to ensure that tripartism remained sustainable and provided even more added value in the protection of human rights, promotion of sustainable development and achievement of social justice.

781. He commended the reference in the document to the development of an enabling environment to nurture the creation and growth of new enterprises and the sustainability of existing ones, and requested more information on the implications of the UN reform and the Future of Work Initiative on the ILO and its constituents. Since the Programme and Budget for 2020–21 might require revisions of ILO procedures in areas such as country programming, financing strategies and policy priorities, he requested the Office to carry out a thorough analysis of factors influencing such changes so that the Governing Body could guide the Office on resource reallocation to policy areas and regions. There should be no misalignment between the Programme and Budget for 2020–21 and its implementation. Clarity would be needed on the costs and benefits to the ILO of the anticipated changes, including implications for the Office's identity and mandate.

782. In relation to the Strategic Plan for 2018–21, the Office should reaffirm its commitment in attaining diversity in recruitment and promotion, which should take into account professional experience and backgrounds in addition to geographical and gender considerations. Future Governing Body documents on the composition of the ILO staff should provide statistics on staff members' professional backgrounds.

783. The ILO's research agenda must be based on constituents' needs, upholding the highest levels of independence and technical and analytical excellence, to enable constituents to make well-informed policy decisions; research must cease to be driven by donor influence

or intellectual curiosity. The update on the Knowledge Strategy 2018–21 provided in document GB.334/PFA/INF/2 stated that the Office had collaboratively developed research agendas involving constituents in the different phases of research; however, that had not been the experience of the Employers' group. Moreover, the Office-wide approach to research seemed to be uncoordinated, ad hoc and fragmented. As a result of limited internal consultations, particularly at the design stage, the Bureau for Employers' Activities (ACT/EMP) was unable to facilitate colleagues' access to the knowledge of employers. He requested a further update on the Knowledge Strategy at the March 2019 session of the Governing Body.

784. As to the priorities for the Programme and Budget for 2020–21, he emphasized the need to sharpen the focus on a limited number of policy priorities and stressed three areas for focus: the changing nature of work; skills and employment for the future; and the governance of work and strengthening the relevance and impact of social dialogue. In that regard, there should be coordinated support across the Office to strengthen the capacities of the social partners, led by ACT/EMP and the Bureau for Workers' Activities (ACTRAV), both of which required adequate resources in the new programme and budget. ACT/EMP also played a key role in building or rebuilding organizations in developing economies or crisis-affected countries without functioning labour market institutions; its work with the Union of Myanmar Federation of Chambers of Commerce and Industry to build and diversify its capacity was one such example.

785. His group requested that its concerns be taken into account in the preparation of the Programme and Budget proposals for 2020–21. The proposals should also include a coordinated response to the discussions on the future of work, SDGs, UN reform, the development cooperation strategy for 2020–23 and the plan of action on social dialogue and tripartism for 2018–23. Finally, the Employers' group called for a deeper focus on the policy outcome related to workers and employers, an Office-wide strategy on capacity development for the social partners, the strengthening of ACT/EMP and ACTRAV and for capacity development to be measured under all policy outcomes. It proposed amending the draft decision by adding "with a particular focus on strengthening the institutional capacities of social partners" after "'ILO 2021' vision".

786. *Speaking on behalf of the Africa group*, a Government representative of Eswatini requested the Office to take account of the comments made by his group on the Programme Implementation Report for 2016–17 at the March 2018 session of the Governing Body in preparing the Programme and Budget proposals for 2020–21. The adoption of the SDGs, particularly Goal 8, and the mainstreaming of elements of the Decent Work Agenda throughout the 2030 Agenda meant that it was crucial for the ILO to build constituents' capacity to implement the Goals at the national level. The development and implementation of a new generation of DWCPs, with provisions for the implementation of the Goals, should be a priority, particularly in member States with higher decent work deficits. In the context of UN reform, the ILO must remain focused on its core mandate of protecting workers' rights, including ensuring that the rights of ILO staff were protected during the reform process. The ideals of the ILO Declaration on Social Justice for a Fair Globalization should also be reflected in the programme and budget proposals.

787. The Organization's work would continue to change as the world of work changed, and the Programme and Budget for 2020–21 and beyond must address challenges including unemployment; informal work; unacceptable forms of work and practices bordering on casualization of labour; child and forced labour; weakening labour markets; inadequate social security; climate change; and women empowerment and gender parity. He therefore urged the Office to consider the issues raised, identify complementary deliverables in the Strategic Plan for 2018–21 and enhance policy coherence. The Africa group supported the draft decision.

788. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Brazil acknowledged that the Centenary celebrations and the Conference discussion on the future of work would have a direct impact on the substantive elements of the ILO's programme for 2020–21. The 2030 Agenda provided an opportunity for constituents to recommit to formulating policies that would adapt to the changing circumstances of the future of work while attaining visible short-term results. Moreover, the UN reform would have an impact on the application of the programme and budget; the ILO should take advantage of the opportunity to focus on priorities agreed by governments and the social partners at national and regional levels, such as those agreed during the 19th American Regional Meeting. He asked the Office to keep the Governing Body informed of progress in developing a new generation of DWCPs. He expressed concern regarding the revision of criteria for determining country presence and the role of regional structures in the context of the UN reform, and the potential impact on the ILO's field structure, and enquired about the alternative options to ensure continued provision of technical support to constituents that needed it. He requested the Office to evaluate potential savings resulting from the UN reform concerning the management of administrative and local services at the country level. Any additional funding obtained through new partnerships resulting from the UN reform must be utilized taking into account the priorities of the tripartite constituents. However, the potential decrease in earmarked contributions was a concern and he asked the Office to explore mechanisms for ensuring that such resources continued to be received.

789. Concerning the reinforced normative function, the implementation of the SDGs would facilitate targeted promotion of the ratification and application of standards. The ongoing work of the Standards Review Mechanism on the promotion of certain standards and specific normative activities should also be taken into account. With respect to the Knowledge Strategy 2018–21, he encouraged the Office to continue providing quality products to constituents, and emphasized the importance of the ILO's role as convenor in forging close partnerships with other organizations undertaking research in areas of common interest, such as the future of work. As the custodian of several SDG indicators, the ILO should assign resources to strengthening the statistical capacity of member States to ensure the appropriate measurement and monitoring of labour market variables and provide targeted technical assistance to facilitate reporting on and monitoring of progress. His group supported the original draft decision, but could accept the amendment proposed by the Employers' group as long as all constituents were included in efforts to strengthen institutional capacities.

790. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Japan said that, following the adoption of UN General Assembly resolution 72/279, the ILO must take the opportunity to improve its operations efficiently and effectively through increased cooperation for UN reform. She noted that the plan of action for the preparation of a development cooperation strategy would also be pertinent to the preparation of the Programme and Budget for 2020–21. In terms of the ILO 2021 vision, the Office must reinforce its capacity to deliver quality services to constituents in realizing social justice through decent work. Emphasizing the need to address under-representation of ASPAG countries, she urged the Office to set a timetable to attain the geographical diversity target, including for Asia and the Pacific and Arab states, in implementing the Human Resources Strategy 2018–21. In terms of the Knowledge Strategy 2018–21, the ILO's strengthened role as a knowledge leader was welcome, but it was essential to differentiate its role and responsibilities from those of other organizations to avoid duplication of work. The 2030 Agenda placed decent work at the centre of sustainable development, which the Office must support through the implementation of the resolution concerning effective development cooperation adopted by the Conference. The further reallocation of resources from back offices to front-line roles to achieve the provisions of the 2030 Agenda related to the ILO was welcome. The Office should deliver value-for-money services to member States, and she emphasized the importance of the language service provided during the sessions of the International Labour Conference and the Governing Body. The programme and budget

should seek results in terms of value for money, verify regularly implementation performance and pursue further efficiency. She asked the Office to provide easily comprehensible and timely information on the differences between the policy areas in the Programme and Budget for 2018–19 and in the proposals for 2020–21, and to provide details for each department in the 2020–21 budget proposals. She requested that the Office improve the transparency, accountability and management of financial resources as part of the wider UN reform. Her group supported the original draft decision, but not the Employers' proposed amendment.

791. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United Kingdom agreed that the ILO should continue to focus efforts towards the delivery of the aims of the 2030 Agenda relating to decent work and widespread and sustainable growth, and welcomed the Office's efforts to address changes in the world of work and the opportunity to explore the issue more fully through the Future of Work Initiative. She supported the idea of incorporating measures to follow up on the Centenary Initiatives into the Programme and Budget for 2020–21, since an important outcome document including a follow-up mechanism would be adopted at the Centenary session of the Conference.

792. She welcomed the Office's acknowledgement of resolution 72/279 on the repositioning of the UN development system and the Office's constructive and cooperative engagement in UN reform. She strongly agreed that any fundamental changes to the ILO's current focus required for the purpose of reform should be implemented through resource reallocation rather than increased assessed contributions. Increased contributions directed to the reformed resident coordinator system should, as far as possible, come from the redeployment of resources from back-office functions, notwithstanding pressing matters requiring resources, such as information technology improvements. Regarding the costs and benefits of increasing common systems, back offices and co-location in countries to improve efficiency, she stressed that such reforms were intended to increase cohesion and collaboration across the UN system in support of the delivery of the 2030 Agenda at the country level and to bring cost efficiencies; it was to be hoped that the ILO would embrace those proposals. Her group supported the strategic direction set out in the ILO's Strategic Plan for 2018–21 and the ideas proposed for the second biennium, noting that important decisions on the ILO's future direction would be taken at the 2019 session of the International Labour Conference.

793. The normative function would remain the cornerstone of the Organization. The ILO's important role as a knowledge leader could be strengthened further, including through multilateral partnerships. She commended the Office's substantial progress in its efforts to increase efficiency and effectiveness and deliver value for money to member States. Given the importance of results-based management (RBM) and accountability, she particularly welcomed the emphasis on the need to continue to improve RBM and the establishment of an RBM Task Force, the results of which should be included in the programme and budget. It was crucial to be able to see the added value of regular and extra-budgetary contributions, and the ILO's reputation and international standing also required it to be able to demonstrate its value clearly; to that end, progress in the areas of RBM and monitoring and evaluation would be essential. IMEC would welcome the opportunity to work with the Office on the draft programme and results framework, as well as on the proposed approach and methodology for an improved results framework, in advance of the 335th Session of the Governing Body (March 2019). Given the potential for substantial resource reallocations in the Programme and Budget for 2020–21 and the significance of identifying efficiency savings, her group would be interested in the establishment of an expenditure review committee and would welcome the Office's views in that regard. As to the Employers' proposed amendment, although increasing the institutional capacity of social partners was an important part of the Office's work and should be included in the Programme and Budget for 2020–21, the proposed addition would unbalance the decision by introducing one area

of focus. Discussion of such matters was premature, given the discussions due to take place at the upcoming Centenary session of the Conference. Her group therefore supported the original draft decision.

794. *The representative of Bangladesh* said that the effective functioning of the new UN development system would be crucial in coping with the future major transformation in the world of work. In the process of finalizing the programme and budget, therefore, the Office should: build partnerships in research and development in order to create new, job-rich enterprises to protect jobs in the coming wave of automation; strengthen efforts to develop, implement and replicate low-cost social protection schemes, given the resource limitations in many developing countries; be actively involved in global and regional partnerships, in line with Goal 17 of the SDGs and the provisions of the special funds set up under the United Nations Framework Convention on Climate Change to minimize the impact of climate change and pressures on livelihoods arising from conflicts; intensify the Office's skill-development activities in regions with a high population density and high unemployment, underemployment and youth unemployment, particularly in developing countries; and promote universally accepted forms of apprenticeships and skills recognition to provide a better response to demographic transformation challenges. Lastly, she emphasized that the changes under the UN development system reform should be made gradually, with improved efficiency in the Office's service delivery, in order to avoid any negative impacts.

795. *A representative of the Director-General* (Deputy Director-General for Management and Reform) clarified that the financial envelope for policy outcomes would be determined at the March 2019 Governing Body session and approved by the Conference at its June 2019 session. Discussions regarding allocations by outcome would continue until the policy priorities were set.

796. In response to the proposal made by IMEC on setting up an expenditure review committee, he noted that a robust, high-value internal expenditure review system already existed and an extra layer was therefore, in the Office's view, unnecessary. An ongoing monthly review was performed by senior management to examine expenditure and check delivery rates, which covered spending on individual items. At the macro level, back-office operations had been closely scrutinized through the reform process and BPR, with opportunities being identified for savings and reallocations. As a result, approximately US$58 million had been redeployed from the back office to front-line and technical work over the past three biennia. Opportunities for further reallocations and redeployments would continue to grow as the reviews associated with the BPR were implemented.

797. Regarding the UN reform and the associated shift towards increasing shared services, the ILO needed to balance the efficiencies it had already achieved through its own efforts with the potential business case for shared services, which could provide further efficiencies. It would continue to work collaboratively at the UN level and examine the issue in further detail over the coming year.

798. *A representative of the Director-General* (Director for Strategic Programming and Management Department (PROGRAM)) reiterated that the Office would continue to hold in-depth consultations with the various groups and members of the Governing Body. Welcoming IMEC's offer to work with the Office in the area of RBM, which would be followed up, he emphasized that the Office would also continue to work closely with the other groups.

799. In response to the comments from GRULAC, he confirmed that maintaining efficiency was a central concern for the Office, which continued to play an active role in the various UN system results groups. The issues surrounding the UNDAFs and the DWCPs, and changes to the ILO's field structure, were extremely important and work had already begun

on the next generation of DWCPs. Discussions would continue on that subject during the current session under the item on the UN reform.

800. *The Worker spokesperson*, agreeing that there should be a special focus on capacity building, said that her group supported the amendment proposed by the Employers' group.

801. *Speaking on behalf of the Africa group*, a Government representative of Eswatini expressed support for the amendment proposed by the Employers' group, but put forward a subamendment replacing "social partners" by "ILO constituent members".

802. *The Chairperson* proposed a further subamendment using the term "tripartite constituents" rather than "constituent members".

803. *The Employer spokesperson* said that either term would be acceptable.

804. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom, proposed a further subamendment to replace "with a particular focus on" by "including", as it was not the right time to decide on the focus of the following programme and budget.

805. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that, while his group supported the original draft decision, it could agree to the amendment proposed by the Employers' group, provided all constituents were included in the wording, as proposed in the subamendment put forward by the Africa group.

806. *The Worker spokesperson* expressed support for the amendments proposed by both the Employers' group and the Africa group.

807. *The Employer spokesperson* said that he could not support the further subamendment put forward by IMEC, but agreed to the subamendments proposed by the Africa group and the Chairperson.

808. *Speaking on behalf of ASPAG*, a Government representative of Japan supported the subamendment proposed by IMEC.

Decision

809. ***The Governing Body requested the Director-General to take into account its guidance on responding to the contextual challenges and on action to realize the objectives of the "ILO 2021" vision, with a particular focus on strengthening the institutional capacities of ILO tripartite constituents when preparing the Programme and Budget proposals for 2020–21 to be submitted to the 335th Session (March 2019) of the Governing Body.***

(GB.334/PFA/1, paragraph 33, as amended by the Governing Body.)

Second item on the agenda

Update on the headquarters building renovation project
(GB.334/PFA/2)

810. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that discussions on the potential development or sale of ILO land to fund the second phase of the renovation works had been ongoing. The Swiss authorities had questioned the land valuations provided by consultants for the various stages of development, and had also suggested that it would be premature to launch the planning process, which could take around five years. The Canton of Geneva had expressed an interest in purchasing the land, giving an indication of their estimate of the value of the land, as a means to provide some funding in a shorter time period and had commented on some of the Office's planning proposals. Meanwhile, the ILO had received seven unsolicited expressions of interest, which had indicated that the values presented to the March 2018 Governing Body session were consistent with the views of local developers, and had confirmed that there was significant interest in the development of the land. The Canton of Geneva had been informed that the value it had indicated as a potential offer fell significantly short of the other expressions of interest received and could not therefore be pursued.

811. An agreement in principle had been established with the host country to re-establish a mechanism involving the host country, the cantonal authorities and the ILO to facilitate the process of determining the development potential in full compliance with cantonal requirements.

812. It was important to maintain continuity from phase 1 to phase 2 of the renovation, as any break in continuity would incur significant costs and result in the loss of the project team and their valuable expertise. The matter was urgent, as delays in phase 2 of the renovation project would lead to increased maintenance costs and critical safety issues, not least concerning fire safety. He therefore urged the Governing Body to support the Office in its efforts to work with the host country, the authorities and potentially a third party, to maximize the value of the land, within the current zoning restrictions.

813. *The Employer spokesperson* noted with satisfaction that the renovation of the middle third of the building had been completed on schedule and that the total budget for the work remained within the financial plan's limits.

814. With respect to the key issue of the unfunded work for the renovation of the lower floors of the building, he noted that any loss of project continuity would increase costs to higher than the budgeted 125 million Swiss francs (CHF). Avoiding delays and ensuring the continuity of the project should therefore be a priority. He urged the Office not to postpone the financing of phase 2 of the renovations, particularly when preparing the next programme and budget. He considered that the sale of plot 4057 was the most realistic solution. He requested the Office to carefully consider the possible adverse effects of the proposed supplementary provisions on the ILO's technical activities.

815. He requested more detailed information on the estimated CHF25 million cost of the proposed secure perimeter for the headquarters building to meet United Nations Department of Safety and Security requirements, in particular how the new system would be funded, what human resources would be required to operate it, and whether it would be run internally or externally. His group supported the draft decision.

816. *The Worker spokesperson* noted with satisfaction that the renovation of the middle third of the building had been completed on schedule, and that site safety had remained high.

However, she sought clarification on the union rationale for limiting the number of agency-hired personnel on the worksite. Her group wished to be kept informed on the outcome of the current discussions on that topic.

817. She noted with concern that zoning approval from the Swiss authorities for the ILO land would take around five years, with no hope of fast-tracking the process, as her group had previously expressed the view that project continuity should not be lost. She requested further clarification on the restrictions placed on the land by the Geneva Parliament.

818. She also requested further details on the claim referred to in paragraph 18(c) of document GB.334/PFA/2 from a development consultant for an amount of approximately CHF500,000. Lastly, she noted the proposal for a supplementary provision to be included in the coming three biennial budgets to ensure completion of the project without further delay or cost escalation. Her group expressed the hope that such a provision would be considered as bridging finance, with the net proceeds realized from any future land developments being used to offset future regular budget assessments, as that would encourage member States to view a supplementary provision positively.

819. *Speaking on behalf of ASPAG, GRULAC, IMEC and the Eastern European group*, a Government representative of Azerbaijan welcomed the fact that the funds earmarked for financing the first phase of the project remained within the budgeted limits. Regarding the renovation of the lower floors, he noted with concern the urgent need to remedy non-compliance with health and safety standards and secure funding in that area. In that regard, he encouraged the Office to redouble its efforts to finance the sale of plot 4057 as soon as possible, and expressed appreciation for the host country's efforts to facilitate the sale. His group would accept subparagraphs (b) and (c) of the draft decision, but proposed postponing a decision on subparagraph (a) until more information on financing options was available.

820. *Speaking on behalf of the Africa group*, a Government representative of Cameroon welcomed the successful completion of phase 1 of the renovations and the fact that site safety had remained high. The main problem regarding phase 2 of the renovations was how to mobilize the necessary resources without placing a heavier financial burden on the constituents. She recalled that her group was not in favour of selling ILO land and supported exploring other options to raise the necessary capital. Her group expressed the wish that the Governing Body postpone the decision to its March 2019 session.

821. *Speaking on behalf of GRULAC*, a Government representative of Brazil requested the Office to carry out an assessment of the impact and opportunities arising from the implementation of the UN reform in 2019 before taking a decision on any additional contribution being made by member States.

822. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom commended the Office for ensuring continuity of business throughout the period of the renovation works and expressed satisfaction that the work on floors one to 11 remained on target for completion by the end of 2019. She requested further details on the expected value of the savings referred to in paragraph 5 of the document.

823. While her group was grateful to the Office for arranging an informal meeting with members of the Governing Body on 15 May 2018, she was concerned that it had not followed up requests made by IMEC members at that meeting for further consultations on financing options in advance of the Governing Body's 334th Session, for a summary of Governing Body decisions showing that the full scope of the work, including the unfunded elements, had already been endorsed, and for a more detailed costing of the individual elements of the unfunded works.

824. She reiterated her group's request for a detailed, certified and costed project proposal that would capture applicable occupational health and safety considerations, as well as elements such as information technology, security measures, legal obligations, temporary office relocation and other fit-up costs.

825. While welcoming efforts to continue exploring ways to generate additional revenue through the possible sale of plot 4057, her group expressed regret that the time needed for zoning approval had not been foreseen. It remained unwilling for additional costs to be financed through increased assessed contributions. She asked whether the Office had discussed financing options with the host country, noting that it had already secured a loan at a preferential rate.

826. She encouraged the Office to continue to seek efficiencies across existing programmes in order to finance renovations from current resources. She asked when a decision would need to be finalized on the financing of the unfunded parts of the headquarters renovation project in order to prevent extra costs arising.

827. Due to insufficient consultations and a lack of previously requested information, the IMEC group could not agree to subparagraph (a) of the draft decision, but supported the adoption of subparagraphs (b) and (c).

828. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office was obtaining further advice on lower cost options for the perimeter fence and would come back to the Governing Body once the final cost was known. It was envisaged that current arrangements, whereby security was assured by a mixture of ILO full-time permanent security personnel and temporary staff provided by a private firm, would continue in the future. The Office was also looking into upgrading the CCTV surveillance of the property because the current system was inadequate.

829. The union campaign referenced in the document was to limit the number of agency staff to 10 per cent on any worksite. Significant progress had been made by subcontractors to reduce the number of agency workers on site, and the issue would be specifically taken into account when issuing future contracts.

830. ILO land was designated for international use in a broad sense. The Office's consultants were confident that the proposals put forward at the Governing Body's March 2018 session, which included sporting facilities, office accommodation and residential accommodation for diplomats, would fall within the scope permitted by the international zoning requirements in place. However, certain issues remained to be discussed with the authorities.

831. Although he could not give specific details of the claim referred to in paragraph 18(c), as the case had been referred to the courts, it related to the sale of ILO land where a consultant, acting on behalf of another party, had claimed payment of a commission from the Organization. Legal advice obtained by the Office indicated that it was not liable, and the matter would be appearing before the courts in early 2019.

832. Approximately CHF5 million of savings had been identified, around CHF2 million of which had already been invested back into the building, primarily for unforeseen costs. In accordance with the terms of the contract, the remaining CHF3 million would be split equally between the ILO and its principal contractor, meaning that CHF1.5 million could be available either for further unforeseen costs or to the Building and Accommodation Fund to contribute towards the cost of phase 2.

833. The scope of the work approved by the Governing Body had been detailed in previous papers. Full costings and schedules of the project had been provided in 2010 and a report on priority works had been provided in 2015. If the Governing Body so wished, the Office could

produce another compilation of those details, and it would continue to provide such information on the second phase.

834. The Office was aware of other projects involving similar zoning restrictions that had taken two years to be approved instead of five, and that was what it had requested of the authorities. Although it had previously been made clear that there would only be one opportunity to obtain loan finance from the host country, the Office still had the option of approaching commercial partners for short-term funds. Any additional loan financing ultimately would have to be repaid and provisions would be required in future programme and budgets for this purpose.

835. The Governing Body would need to reach a decision on how to finance the unfunded part of the renovation project by March 2019 so as to avoid additional costs arising from a break in continuity between phase 1 and phase 2. In the meantime, the Office would continue to work with the host country authorities to evaluate the expressions of interest put forward.

Decision

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

(a) pursue discussions with the local authorities and other interested parties on the possible sale of plot 4057;

(b) provide the Governing Body with a progress report on both the ongoing construction work and the possibilities for development and sale of plot 4057 at its next session.

(GB.334/PFA/2, paragraph 19, as amended by the Governing Body.)

Third item on the agenda

Progress report on the implementation of the Information Technology Strategy 2018–21 (GB.334/PFA/3)

837. *The Worker spokesperson* said that her group welcomed the efforts taken to strengthen the ILO's efficiency and the emphasis placed on improving the accessibility and reliability of information technology (IT) services in the field. However, more data should be provided on topics linked to the world of work, such as freedom of association, collective bargaining, social dialogue and tripartism. The awareness and engagement of constituents regarding the discussions on the Future of Work Initiative and the implementation of the SDGs must be strengthened, and efforts to minimize the risks identified in the Strategy should continue. It would have been useful to include an annex listing the completed IT projects and proposed initiatives. Additional details would also be welcome regarding whether the IT Strategy might require adjustment in the light of the level of funding available. The Office should engage with the Staff Union with regard to IT-related changes that had an impact on staff working conditions and data protection.

838. *The Employer spokesperson*, noting with satisfaction the progress that had been made, said that the Strategy should further enhance collaboration and information sharing, particularly between headquarters and the field, and the Office must provide staff and IT users with effective training. It would be useful to have statistics on ILO staff knowledge and practice

regarding information security. The BPR recommendations had led to notable improvements in the IT governance process.

839. *Speaking on behalf of the Africa group,* a Government representative of Côte d'Ivoire welcomed the progress made, which enabled the Organization to focus on the future of work, including activities such as teleworking and applications designed to improve the performance and work–life balance of staff. However, the Strategy could not be fully implemented unless the necessary funds were made available. The Office should submit a draft decision specifying its requirements in that regard.

840. *Speaking on behalf of IMEC,* a Government representative of Turkey commended the Office for its efforts in delivering the Strategy, in particular with regard to improving staff productivity, morale and work–life balance. It was unclear whether the 82 IT projects referred to in the document had already been completed. In future reports, the Strategy's outcomes, outputs and indicators should be presented in a tabular format. Noting with satisfaction that the risks identified in the Strategy had been assessed as being manageable, he called on the Office to continue such assessments and report on the results. The November 2019 progress report should contain detailed information on cost-saving measures and on measures to ensure sufficient funding for crucial projects.

841. *A Government representative of Nepal* commended the Office for its efforts and encouraged it to keep up the momentum. He welcomed in particular the initiatives to cut costs and enhance the effectiveness of the ILO's day-to-day operations. Advances in technology facilitated the free exchange of ideas and work in virtual teams, enabling executives and stakeholders to collaborate and communicate effectively.

842. *A Government representative of the Russian Federation* said that the Organization's online resources should be made available in all its official languages. He asked whether the funding for the developments referred to in the document came from the Information Technology Systems Fund (IT Fund) or from the IT management baseline of the Programme and Budget for the biennium 2018–19. Information would be welcome on future plans regarding the Strategy's implementation, including a detailed business case and cost–benefit analysis. It would be interesting to hear about the Office's plans regarding further efficiency measures and the delivery of IT services from less expensive locations. In that regard, it was very important to avoid functional duplication. It would also be useful to know whether any operational, programmatic or financing difficulties had been encountered when implementing the Strategy.

843. *A representative of the Director-General* (Director, Information and Technology Management Department (INFOTEC)), responding to the comments made, said that consideration would be given to the possibility of including annexes on IT projects and initiatives in future updates, instead of having that information only available through links on the ILO website. A new comprehensive trilingual information security awareness programme would shortly be available on the Office's learning platform. The current programme had to be completed by all staff members who used an ILO mobile device and the Office, in consultation with the Staff Union, was looking into making such training mandatory for all staff. Three campaigns had recently been run to raise staff awareness of phishing. There had been a significant decrease in information-security related incidents over the past year. In all, 80 per cent of staff members had taken up an offer of a programme allowing them to use McAfee Internet security software on multiple devices at home. Nevertheless, much remained to be done to further reduce the risks posed by the human aspect of information security.

844. In response to the request to submit a draft decision on the item, he recalled that all large-scale initiatives and associated funding levels had been included in the Strategy. At its October–November2017 session, the Governing Body had approved a decision to reactivate the IT Fund and to determine the biennial contribution thereto in future programme and budget discussions. Therefore, any funding proposals for such initiatives would be contained

in the Programme and Budget proposals for 2020–21 for the Director-General's consideration.

845. Over 70 of the 82 projects referred to in the document had been completed, with the remainder, with the exception of one, on schedule for completion by the end of 2018. In the future, the Strategy's outputs, indicators and targets could certainly be presented in a tabular format. He clarified that the IT Fund had not been resourced for 2018–19 and the 82 projects in question had been funded directly from the baseline budget allocation. Noting that the technology platform supporting the ILO's public website and SharePoint-based intranet sites supported all the official languages of the Organization, he highlighted that the various ILO departments who own these sites were responsible for providing content in the three languages. Steps had also been taken to ensure that those websites were accessible to persons with disabilities.

846. The Strategy had been formulated taking into account all of the associated costs, benefits and outcomes and each proposed deliverable. Funding requirements had been identified for those deliverables and had been vetted by the IT Governance Committee. The 2019 work plan should be completed by the end of 2018. Over the past few years, savings had been made in 26 areas, and these savings been redeployed to deliver on value-added solutions. Some areas of saving included the renegotiation of licences, the outsourcing and offshoring of services, using the cloud, leasing rather than purchasing equipment, the decommissioning of legacy applications and participation in UN system-wide competitive bidding exercises.

847. With regards to delivery of IT services from less expensive locations, approximately 40 per cent of all ILO IT staff were currently located in the field and many services were managed at lower-cost locations than Geneva. External partners and vendors were selected based on respect for the ILO's principles and values, as well as on financial considerations. When using external service providers, great care was taken to ensure that ILO IT staff affected by the move to cloud services and offshoring were retrained and reskilled.

848. In response to concerns raised about functional duplication, the number of ILO applications had been reduced from 250 to 150 over the past couple of biennia. All requests for new applications were carefully vetted to check for existing solutions and many IT services and functions had been rationalized, streamlined and consolidated. The services now provided to the field were essentially the same as those being provided to headquarters.

849. In noting challenges, the primary challenge facing the Office is the need to ensure that the IT function remained agile and responsive in the face of constantly changing shifts in demand. To manage risk, a risk register was maintained and a number of remedial actions had taken place to mitigate these risks. Many UN reform initiatives had an IT component, the scope and impact of which required analysis. Consequently, INFOTEC had to constantly reprioritize work and, in order to be able to do so, had to leverage contracts in place with strategic partners which allowed INFOTEC to ramp up or scale down resources accordingly. Regrettably, external forces and unplanned requests meant that resources sometimes had to be diverted away from planned work, leading to delays in the delivery of some strategy outputs.

Outcome

850. ***The Governing Body took note of the report contained in document GB.334/PFA/3 and provided guidance to the Office.***

(GB.334/PFA/3.)

Fourth item on the agenda

Other financial questions

Appointments to the Investments Committee of the International Labour Organization (GB.334/PFA/4)

851. *The Employer and the Worker spokespersons* expressed support for the draft decision.

852. *Speaking on behalf of IMEC*, a Government representative of Canada noted that the ILO Staff Pension Fund had only one remaining beneficiary. He asked why that beneficiary had not been transferred to the United Nations Joint Staff Pension Fund (UNJSPF), why the separate fund was maintained and whether there were associated costs. IMEC supported the draft decision.

853. *A representative of the Director-General* (Treasurer and Financial Comptroller), said that the remaining beneficiary was the widow of a previous Director-General, Wilfrid Jenks, who had contributed to the ILO Fund but not to the UNJSPF, which therefore had no liability in respect of his survivors. Since 1998, pensions payable from the then exhausted ILO Pension fund were paid through provisions made within the regular budget of the Office. The administrative costs for administering the one beneficiary were zero, being absorbed by the Office unit responsible for supporting all other UNJSPF pensioners.

Decision

854. ***The Governing Body renewed the appointment of Mr René Zagolin, Mr Xavier Guillon and Mr Max Bärtsch as members of the Investments Committee for a further period of three years, expiring on 31 December 2021.***

(GB.334/PFA/4, paragraph 3.)

Audit and Oversight Segment

Fifth item on the agenda

Independent Oversight Advisory Committee: Appointments (GB.334/PFA/5)

855. *The Worker spokesperson* said that her group supported the draft decision on appointments to the Independent Oversight Advisory Committee (IOAC) but shared the selection panel's concerns about the lack of geographical diversity and balance between developed and developing countries, noting that GRULAC and the Africa group had not been represented in the shortlist of candidates. The Workers hoped that the use of the field structure outlined in subparagraph (c) of the draft decision would allow the candidate pool to be expanded while respecting the criterion of professional competence.

856. *The Employer spokesperson* said that the engagement of an external consultant to the selection process had greatly facilitated the panel's work in screening and shortlisting

candidates. While the criteria of competence, experience and integrity had been met, private sector experience was not sufficiently represented. His group shared the Workers' concerns about lack of geographical diversity and balance and supported the proposed use of the ILO's field structure to expand the selection pool. The Employers supported the draft decision.

857. *Speaking on behalf of ASPAG*, a Government representative of Saudi Arabia recalled the efforts of the Governing Body at its 331st Session to streamline the work of the Committee and update its terms of reference, in particular with regard to selection, appointment and term. He reiterated that consideration of geographical diversity and distribution, gender balance and balance between developed and developing countries should be maintained in the selection process and agreed that search information should be further disseminated among the social partners. ASPAG supported the draft decision.

858. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that although the selection process complied with the Committee's terms of reference in respect of consideration of professional competence, integrity and experience, the shortlist of candidates did not fully reflect all the required criteria. The apparent lack of geographical diversity and balance between developed and developing countries did not reflect the inclusiveness desired by the Organization. His group supported the adoption of subparagraphs (a) and (b) of the draft decision but proposed that subparagraph (c) should be amended to delete the words "beyond the requirements of the IOAC terms of reference" and that the requirement for inclusiveness be incorporated in the terms of reference.

859. *Speaking on behalf of GRULAC*, a Government representative of Brazil thanked the outgoing members for their contribution to the work of the IOAC and wished every success to the selected candidates. It was of crucial importance to improve regional and geographic distribution and diversity in order to ensure the continued legitimacy of the system. The Organization should always seek out the best talent, wherever that might be found, including in developing countries. His group supported the points raised by the Africa group and concurred with the Workers and Employers concerning the use of the Organization's field structure for outreach to achieve better balance. GRULAC supported the draft decision.

860. *Speaking on behalf of IMEC,* a Government representative of the United Kingdom said that her group fully endorsed the benefits, value and importance of the IOAC and considered it as complementary to other oversight bodies. IMEC acknowledged the successful selection process applied, thanked the outgoing members for their valuable contributions and welcomed the appointment of the three new members and four reserve candidates as proposed. IMEC endorsed the proposal to use the field structure to disseminate search information in order to further diversify and expand the candidate pool, as that was fully consistent with paragraph 19 of the terms of reference and did not see any need to modify the terms of reference in this regard. Her group supported the draft decision, with the amendment proposed by the Africa group.

Decision

861. ***The Governing Body decided:***

(a) to convey its appreciation to Ms Bushra Naz Malik and Mr Luis Chinchilla for the valuable contributions they have made to the work of the Independent Oversight Advisory Committee (IOAC) during the periods 2013–15 and 2016–18;

(b) to appoint Mr Frank Harnischfeger and Mr N.R. Rayalu as continuing members, Ms Malika Aït-Mohamed Parent, Mr Verasak Liengsririwat and

Ms Marian McMahon as new members of the IOAC for a term of three years commencing on 1 January 2019, and to retain the candidatures of Mr Rohil Hafeez, Ms Lynn Haight, Mr Igors Ludborzs and Mr Ciaran Spillane on a reserve list; and

(c) to request the Director-General to use the Office field structure to further disseminate the search information to member States and social partners and to ensure sufficient time is foreseen for this process in an effort to further diversify and expand the pool of candidates.

(GB.334/PFA/5, paragraph 9, as amended by the Governing Body.)

Sixth item on the agenda

Annual evaluation report 2017–18
(GB.334/PFA/6)

862. *The Employer spokesperson* said that the Office appeared to be on track to implement the new Evaluation Strategy for 2018–21 and achieve the three outcomes defined therein. With regard to outcome 1, submissions of independent evaluations were seen as being positive. The scant submissions for self-evaluations and internal evaluations could reflect low awareness, lack of accountability or other constraints. Recommendation 1 could well increase the submission rate, and the new training provided by the Evaluation Office (EVAL) on the Internal Evaluation Certification Programme supported the capacity-building of staff in that regard. The Office should ensure that the training was provided to those responsible for projects, including those in non-regular budget posts. His group supported the themes of the high-level evaluation, in particular the institutional evaluation of research and knowledge management in 2020. In respect of outcome 2, cluster evaluations should be tested and expanded rapidly to achieve efficiency and impact. The Office might consider conducting cluster evaluations of flagship programmes. The independence of EVAL staff was a matter of paramount importance. The Employers favoured expediting the implementation of the recommendation made in the 2016 independent evaluation of the ILO's evaluation function concerning enhanced structural independence for regional evaluation officers. Concerning outcome 3, his group appreciated the greater visibility and accessibility of knowledge and information on results. He requested the Office to maintain the quality of its responses and to ensure that the recommendations made in evaluations were closely monitored. Lastly, evaluation findings and recommendations must be used to inform strategic guidance and the Office must remain flexible in order to improve the link between the work of the Strategic Programming and Management Department (PROGRAM), the Partnerships and Field Support Department (PARDEV) and EVAL. The steps taken to connect the three dashboards and to make them more user-friendly were in the right direction. The conclusions and recommendations resulting from institutional evaluations should inform programming and project design. The Employers' group supported the three recommendations and the draft decision.

863. *The Worker spokesperson*, in respect of outcome 1, noted with satisfaction that all independent evaluations had been completed on schedule but also noted that the completion rate of self- and internal evaluations was low. The Workers agreed with recommendation 1 and with the topics for high-level evaluations presented in table 1 and took note of continued efforts to upgrade the evaluation capacity of ILO staff. There was a need to strengthen incentive structures and to ensure that evaluation work was recognized in job descriptions and performance appraisals. Her group welcomed the progress made in strengthening constituents' capacities in respect of evaluations and highlighted the need to strengthen their capacity to engage in reviews on DWCPs and national SDG reviews. The recently developed

training programme on evaluation capacity in that regard should be implemented in countries where new generations of DWCPs were being developed. The Workers welcomed the idea of expanding the collaborative network of training programmes for national training institutions to build national evaluation capacities.

864. Emphasizing the importance of reaching agreement with donors on how to reflect clustering in donor agreements, she said that the studies on cluster evaluations and normative work were welcome. She noted the importance of EVAL's SDG evaluability diagnostic instrument. The group supported the review of reporting lines of regional evaluation officers. However, the lack of gender mainstreaming into evaluations was a concern. Similarly, constituents were not always sufficiently involved in project formulation or implementation. The Annual Evaluation Report 2018–19 pointed to the need for methodological review, which was important for the monitoring, evaluation and reporting on SDGs. She noted the progress made on *i*-eval Discovery and encouraged EVAL to continue enhancing the automated system for the management follow-up to evaluation recommendations. The Workers' group supported the draft decision.

865. *Speaking on behalf of IMEC*, a Government representative of Finland, while pleased with the progress accomplished, asked the Office for a technical reference document defining the end targets and indicators. IMEC urged the ILO to intensify efforts to fulfil evaluation obligations and welcomed the launch of the Evaluation Managers and Internal Evaluation Certification Programmes to that end. In that connection, IMEC expressed interest in the distance-learning training module and curriculum and appreciated that it was considered a best practice in the UN system. It supported the inclusion of evaluation responsibilities in job descriptions and performance appraisals. Stressing the importance of systematic reporting on evaluation-related initiatives, IMEC expected to see the first results of sub-outcome 1.5 in the Annual Evaluation Report 2018–19. Also, gender mainstreaming in evaluation needed to improve. In contrast, the proposed evaluation of the ILO's work to promote fair and effective labour migration policies went beyond what the International Labour Conference had called for in 2017 and, as such, should be redressed. IMEC welcomed clustered evaluations in the right conditions and not only for efficiency reasons. IMEC also welcomed the revision of evaluation models and guidance putting greater emphasis on integrating gender, disability and the ILO's specific mandate and context, including SDGs.

866. She asked the Office whether a procedure was planned for constituents to contribute to a framework for mandatory quality reviews of impact evaluations. She also asked the Office to clarify whether it had made provisions to include results of externally managed evaluations of ILO projects and links to non-ILO evaluation clearing houses covering related thematic topics in *i*-eval Discovery, as IMEC had advocated. In commenting on Part II, IMEC supported recommendation 2 noting that it should keep in mind donor accountability requirements. The proposed focus on enhanced approaches to measuring higher level effectiveness was appreciated with a more comprehensive and informative approach applied to planning and managing evaluations. In supporting recommendation 3 it was noted that this should, as proposed, cover both global and country level. IMEC supported the draft decision and, with the substitution of "promoting fair recruitment" for "promoting fair and effective labour migration policies," foreseen for evaluation in 2021, supported the priorities identified in the report for the 2019–21 programme of work for evaluations.

867. *Speaking on behalf of the Africa group*, a Government representative of Chad lauded the teamwork behind the ILO's new results-based strategy for the period 2018–21, which had been recommended across the UN system. The document accurately reflected the changes expected in the implementation of programmes, activities and projects with a focus on results rather than processes. He supported the draft decision and the priorities for the 2019–21 programme of work for evaluations.

868. *A Government representative of Nepal* attached importance to its partnership and collaboration with the ILO and the norms and standards it advocated. He commended the decision to adopt the new results-based evaluation strategy and wished to see a cost-benefit analysis annexed to the report. The regular evaluation of partners was vital for results. He supported the draft decision.

869. *A representative of the Director-General* (Director of the Evaluation Office (EVAL)) said that the progress report in Part I showed that good progress had been made on the three strategy outcomes, with almost 80 per cent of the 19 biennial indicators on track or completed. Despite progress, there was still a need for improvement. One area of particular focus was internal and consisted of self-evaluations despite EVAL's efforts to ensure compliance by managers. He welcomed the endorsement of the recommendation to incorporate self-evaluation for projects under US$500,000 in final reports which would reduce the burden. In response to questions from IMEC, he said that end targets and means of verification for achievements had not been included in the report due to word limitations, and that the requested information was available in the evaluation strategy. He confirmed the accessibility of the distance-learning module and training materials for evaluation managers and internal evaluation but emphasized that they would be most useful in combination with face-to-face training and the practicum. Regarding the recognition of the evaluation managers' extra work, EVAL was engaged in discussions with the Human Resources Development Department on how this could best be included in their performance appraisals. Similarly a review was ongoing on the reporting lines for regional evaluation officers. He also confirmed the possibility of including external evaluations of ILO projects in the database. Regarding training for constituents, the purpose was not to train them in evaluation but rather to improve their skills to engage in evaluations, including in the process of voluntary national reviews as part of implementing the SDGs and to show them the links between those Goals and the Decent Work Agenda. Evaluation fatigue was one of the reasons for the initiative of cluster evaluations. The new policy aimed to do fewer but better evaluations and if there was interest in evaluations that were more strategic and more informative on impact there should also be more latitude to pool funding across projects and focus more on learning instead of just accountability. He highlighted EVAL's efforts, such as joint evaluations, to reconcile donors' accountability requirements. Addressing the issue of quality of evaluations, especially in relation to gender, he said that despite that fact that 90 per cent of them met international quality standards, there was scope for improvements in order to better capture gender and ILO-specific mandates that were currently not systematically provided for in the design of projects and programmes. Turning to impact evaluations, ex post quality control would be conducted in order to ensure that any impact evaluations done by the ILO as part of learning were in line with international standards, as ILO credibility must be preserved. Regarding the follow-up to recommendations, the automated system was already in place and proved to be effective in improving the response rate and quality. He had taken note of comments made on the selection of upcoming high-level evaluations included in the report, in particular on migration, and would review the document to redress that focus.

Decision

870. ***The Governing Body took note of the report contained in document GB.334/PFA/6 and endorsed the recommendations (paragraphs 17, 77 and 88) for implementation by the ILO, to be reported on in subsequent annual evaluation reports. It also confirmed the priorities identified in the report for the 2019–21 programme of work for evaluations.***

(GB.334/PFA/6, paragraph 89.)

Seventh item on the agenda

High-level evaluations of strategies and Decent Work Country Programmes
(GB.334/PFA/7)

871. *The Worker spokesperson* supported the recommendation for the ILO to promote holistic solutions to youth employment rather than piecemeal approaches. It was important to create a better balance between supply-side measures and demand-side initiatives – even ILO staff believed that the area where the ILO had made the smallest impact was young workers' rights. Urgent remedial action was required. She agreed with the recommendations, in particular the focus on employment quality and equity, and on the engagement of tripartite constituents in programme design and implementation. Ensuring access for young people to decent work was also important; more resources should be allocated to that issue in future.

872. Referring to Part II, she welcomed the evaluation's recommendations regarding capacity development and asked the Office to take them into account when developing the next programme and budget and the capacity-development strategy to be submitted to the Governing Body in March 2020. To make the capacity of constituents to engage in social dialogue more visible, there should be a dedicated outcome on social dialogue and collective bargaining in the next programme and budget. The proposal on the need to enhance the involvement of ACTRAV and ACT/EMP in the various stages of the capacity development strategy was welcome. It was crucial to assess whether ILO training participants were putting what they had learnt to good use, and whether it had made a difference or contributed to a wider programme of capacity development in their organizations. Capacity development should be built into programmes and projects and constituents should be sufficiently engaged to allow their own capacity to be strengthened as part of a broader strategy of organizational development. She requested clarification concerning the wording of paragraph 53, and under paragraph 57 regarding the role of the International Training Centre of the ILO (Turin Centre) she asked whether there were additional training centres providing services or whether there would be country-level capacity building.

873. She noted the progress made on employment and social protection for Syrian refugees in Jordan and Lebanon but expressed concern about other areas such as rights, working conditions and social dialogue, and expected the Office to work on all decent work deficits, including freedom of association, and on a greater involvement of national stakeholders. The integrated strategy would ensure the interventions were not just temporary remedies. She welcomed the support provided by the Office to the Founding Congress of Domestic Workers' Union, regretting that it was limited to a year. She supported the recommendations, but did not understand why the Office had only partially accepted recommendation 6. The humanitarian plight of the Syrian people called for a more concerted intervention in close cooperation with all concerned bodies, also to address labour conditions in both countries. She supported the draft decision.

874. *The Employer spokesperson*, referring to the findings of the independent evaluation of the ILO's strategy and actions for improved youth employment prospects, 2012–17, set out in Part I, said that the ILO's work with employers' and workers' organizations had not sufficiently been taken into account in the evaluation. Employers' organizations and their member enterprises played a critical role in advancing youth employment, and the global impact and sustainability of their work with the ILO should be evaluated in the future. Future evaluations should also consider how the concerns and demands of employers had been taken into account in the ILO's youth employment programmes and projects. As there was no one-size-fits-all approach to youth employment, a comprehensive evaluation on what did not work should be carried out, with the participation of employers' organizations, in order to identify obstacles to youth employment growth at the country level and to develop

country-specific policy interventions. The Enabling Environment for Sustainable Enterprises programme would be a valuable tool in that regard. ILO programmes and projects should anticipate change and ensure timely interventions to create employment opportunities for young people.

875. Turning to Part II, he expressed deep concern about the findings of the evaluation, especially as previous evaluations such as the high-level evaluation of the ILO's field operations and structure had highlighted similar shortcomings. The Office should adapt rapidly to ensure that capacity-development efforts were relevant in the current context of change. The evaluation had not taken into account the impact of the changes on constituents in the world of work, the SDGs or the reform of the UN development system, which would affect the comparative advantages of the ILO. The constituent-driven programmes offered by the Turin Centre provided valuable services for field offices with challenges in making it a priority for donor funding but their financial and technical sustainability must be a priority. It was regrettable that, although the criterion of sustainability had received the lowest rating (unsatisfactory) in the evaluation, nothing had been said on how to improve the situation. Noting that the evaluation recommended a consolidated capacity-development strategy which should include the required instruments and tools, he said that although the ILO's programme and budget should provide a coherent and comprehensive overview of capacity-development activities, very few of the measurement criteria for the outcome indicators were specifically linked to capacity development. Even if a capacity-development element was built into the measurement criteria, there would be no guarantee that the necessary resources would be channelled to capacity development. The strategy should therefore be integrated in such a way that would allow all the policy outcomes to make capacity development a central responsibility.

876. Noting that a better understanding was needed of the linkages between all ILO activities involving employers' organizations and the work of ACT/EMP, he said that ACT/EMP should be consulted in respect of all capacity-development work carried out in the field offices, from the design stage, in order to improve coherence, impact and sustainability. In order to move forward, and prior to the March 2019 session when the new capacity-development strategy would be presented, the Office should work in coordination with both ACT/EMP and ACTRAV to refocus capacity development on the needs of constituents.

877. Referring to Part III, he said that the evaluation appeared to adopt a low-risk approach towards the Syrian refugee crisis, rather than propose a more ambitious path for the ILO. The ILO footprint in the region would increase in the future. Unfortunately, the recommendations did not provide guidance on how to strengthen its leadership role in helping governments overcome their practical problems and change mentalities. The ILO, in partnership with other UN agencies, must support constituents in responses on refugee access to the labour market. He supported the draft decision.

878. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that the group supported the recommendations of the independent evaluation of the ILO's strategy and actions for improved youth employment prospects, 2012–17. The ILO should build on what had been achieved and better use the existing expertise. Addressing youth employment was an absolute priority and essential for economic development and social stability. Despite numerous initiatives, youth unemployment remained a reality in many countries and efforts to counter it were essential, particularly in African countries, where the informal sector and subcontracting played key roles. Regarding the ILO's capacity-development efforts (all constituents) – 2010–17, the results were not satisfactory, and the strengthening of constituents' capacities would contribute to achieving the ILO's strategic objectives and required a consolidated strategy that should also be evaluated. He supported the proposed recommendations, saying that capacity development should remain a means of action to achieve all the objectives, rather than a results area in its own right. The speaker remarked on the comprehensiveness of the evaluation of the ILO's programme of work in

Lebanon and Jordan. He noted the contribution of essential factors such as gender and discrimination to the Decent Work Agenda. DWCPs were seen as being strategic tools that had greatly contributed to advancing decent work in numerous countries and that had frequently provided assistance in emergencies in Jordan and Lebanon. He endorsed the draft decision, subject to his observation on the recommendation on ILO action regarding the capacity development of its constituents.

879. *Speaking on behalf of IMEC*, a Government representative of Australia thanked EVAL for its work, especially on the three evaluations for discussion on this agenda item. He stressed that input from country visits was valuable for establishing effective DWCPs, ensuring the best outcomes, achieving long-term sustainability and attracting donor funding. Regarding the youth employment prospects evaluation, gender considerations should be included in all project delivery. Regarding recommendation 3, IMEC welcomed the undertaking of new targeted research for more informed decision-making. More infographics and digestible communications products, including online tools, checklists and fact sheets, should be used to widely share the ILO's significant research and help constituents to avoid replicating mistakes. Regarding the evaluation of the ILO's capacity-development efforts, IMEC supported the initiatives to develop the capacity of the tripartite constituents and the promotion of women in leadership roles. He encouraged constituents to share training within organizations to improve institutional memory. On the ILO's programme of work in Lebanon and Jordan, he noted the complexity of the object of evaluation and the difficulty in conducting the evaluation because of information gaps. Decisive action at an early stage was important to determine the right response level. IMEC supported the draft decision.

880. *A Government representative of Bangladesh* said that youth unemployment rates remained high and were worse in developing countries due to high population density, overall unemployment and vulnerability, and lower access to education and skills. The recommendations from the independent evaluation of the ILO's strategy and actions for improved youth employment prospects, 2012–17, were very important for the country. Bangladesh had a huge demographic potential and had adopted a "National Skill Development Policy 2011", established a "National Skill Development Authority", and was working with the ILO to develop a national job strategy. Intensive job-oriented training programmes were being carried out, with a particular emphasis on girls, as many rural young people were unable to access vocational and skills development training. Youth constituted a major part of international migration, not just increasing remittance earnings but also bridging the supply gap in developed destination countries. Demand-based skills development training, universal recognition of skills and prior learning were crucially needed, both to increase employability and productivity, and to ensure decent working conditions in developing countries. Global partnerships were needed for the development and implementation of flagship programmes for vulnerable youth. They had a capacity for innovation that could be used in generating green jobs and new technologies to address the negative effects of automation in production processes. She supported the draft decision.

881. *A Government representative of India* said that youth employment could be directly linked to upward mobility. Young people were likely to be at the forefront of changes in the world of work and it was important to create an ecosystem of appropriate policies and programmes to promote their health, education and employment, and to provide them with skills and training. The ILO's results-based management (RBM) system should provide a comprehensive overview of its work on youth employment. She noted the recommendations, supporting those on exploring the opportunities and risks for young people posed by new developments in the world of work, and youth engagement, especially at the country level, in policy and programme development. In India, all stakeholders, including beneficiaries, were involved in formulating legislative amendment policies. She stressed the importance of the overarching development objective of India's DWCP and its priority of promoting employment skills in sustainable enterprises, welcomed the recommendations on state sectoral-level sustainable job strategies, and looked forward to ILO technical advice in new

areas of work and youth employment. The development of effective employment-generation programmes, particularly for youth not in employment, education or training, was a challenge for the Asian region, and the ILO should help by formulating tailor-made programmes. She welcomed recommendation 9 and expected enhanced technical relations between the Turin Centre and the National Labour Institute of India. In reframing a policy for providing employment opportunities to refugees, a distinction should be made between the international migratory workforce and refugees, with different policy responses to be decided independently by countries. To be effective and enable the institution and person concerned to grow, capacity-development activities should be systematically followed by an assessment and strategic response.

882. *A Government representative of China* said that he welcomed the timely evaluation of the relevant strategies and actions to promote youth employment, which identified the need to improve project coordination and to strengthen plans and budgets to ensure sufficient resources for projects. As youth employment was an issue that involved many departments, internal coordination should be strengthened to improve efficiency. The evaluation of the project's impact should be consolidated, with the activities of the projects being summarized and their medium- to long-term influence assessed. The ILO's professional planning strength should be leveraged to play an active leading role in the global initiative on decent jobs for youth. Entrepreneurship training and high-quality apprenticeships were important tools to boost youth employment. He hoped that the secretariat could design and develop more country-based projects according to national conditions, and provide more technical assistance to constituents. Research on entrepreneurship training and apprenticeships should be improved and more research reports should be published to impart experience to tripartite constituents. For the evaluation of the ILO's capacity development efforts, he noted that the evaluation results were important for constituents. The evaluation did not give the secretariat high ratings for capacity development, and suggested drafting strategic capacity-development plans, setting out clear evaluation standards, strengthening communication and coordination at country level, and effectively optimizing the projects with better planning and budget arrangements based on the circumstances of member States and their development priorities. The Turin Centre should play a greater role in capacity development, with training being innovated and upgraded, and more training resources leveraged through South–South and tripartite cooperation. He noted the progress made in Lebanon and Jordan and supported the secretariat's continued work to help those Governments better cope with the crisis and better protect the labour rights of refugees. He requested further clarification on the resource implications of the recommendations and supported the draft decision.

883. *A Government representative of the Syrian Arab Republic* highlighted the improvements in the Syrian Arab Republic and said that a safe return had been possible for the displaced. He looked forward to more cooperation with the ILO to ensure the safe return of all internally displaced persons.

884. *A representative of the Director-General* (Deputy Director-General for Policy) said that the evaluation identified the rights-based approach as one of the weakest areas; it was now being addressed, including through the recent reviews of policies for youth employment, the *Global Employment Trends for Youth* series, the *Guide to international labour standards and rights at work concerning young people*, the module at the Turin Centre, and the next global initiative for youth employment. On gender, she said that every *Global Employment Trends for Youth* publication provided gender-disaggregated data and analysis, and that the principal focus of youth NEETs (not in employment, education or training) was on young women, who invariably constituted that group. In the Middle East and North Africa (MENA) region, the Taqeem project and the Global Initiative on Decent Jobs for Youth had a strong gender focus. Efforts had been made to involve constituents in the design and frequently in the implementation of all-country action plans. A balance was sought between supply and demand needs, promoted in the Youth Guarantee programmes in Europe and in the public works programme in Africa, and the apprenticeships emphasis was used as a link between

supply and demand. Concerning the involvement of employers at country level, the School to Work Transition carried out surveys of employers along with the MasterCard Foundation. New research was being conducted on youth aspirations and the Global Initiative meeting in 2018 had included young representatives from both workers' and employers' organizations. The ILO was focused on preparing the workforce for jobs of the future. Concerning the resource implications of the recommendations, they would require some refocusing and rebalancing.

885. *A representative of the Director-General* (Director, EVAL) explained that in line with common practice his interventions for this paper were only focused on methodology and factual mistakes. He confirmed that there was indeed a mistake in paragraph 53 which should read: "gender equality and non-discrimination are mainstreamed …". Regarding the Turin Centre, the evaluation had indicated that it was not the sole provider as many projects provided capacity-building. Demand clearly outstripped supply and the evaluation had identified the use of local training institutions as an important element to strengthen the response. Regarding the consultation process on the youth employment evaluation, evaluations were evidence-based using data collected from reports, but also from surveys and face-to-face interviews in the country case studies with all constituents. The International Organisation of Employers (IOE) had been consulted on the scoping before the evaluation. While improvements were still possible, efforts had been made to ensure all constituents were involved.

886. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) noted the concerns voiced about ACTRAV and ACT/EMP being involved from the outset in the capacity-development strategy. He reported that ACTRAV and ACT/EMP were already involved in the capacity-development strategy group.

887. *A representative of the Director-General* (Regional Director for the Arab States), responding to the concerns raised, stressed that the Syrian crisis response had given the Regional Office a stronger voice and wider opportunities. The resources had strengthened the ILO capacity to empower and further build the capacities of its constituents, with construction sector permits, capacity-building, job creation, employment programmes and support to the private sector. The Founding Congress of Domestic Workers' Union received continued support and work was being done to improve policies. The recommendation on gender had indeed been partially accepted: she went on to note the achievements in Jordan with support for teachers, almost all of whom were women; BetterWork Jordan had just conducted a gender analysis of its programme and its next phase would include a greater gender focus; even in infrastructure projects, 13 per cent of workers were women. The Regional Office was going to conduct a gender audit that would serve as a stocktaking exercise and guideline in moving forward. There had been good coordination and practices in Jordan through the skills specialist, and the agreement of some staff members to become focal points and thematic coordinators for projects other than their own.

Decision

888. ***The Governing Body requested the Director-General to take into consideration the recommendations of the three high-level independent evaluations presented in document GB.334/PFA/7 (paragraphs 33–39, 71–79 and 120–126) and to ensure their appropriate implementation.***

(GB.334/PFA/7, paragraph 136.)

Eighth item on the agenda

Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU
(GB.334/PFA/8)

889. *The Employer spokesperson* took note of the fact that the ILO had implemented most of the Joint Inspection Unit's (JIU) recommendations. The JIU had recognized the ILO's long-standing, comprehensive experience in knowledge management, while acknowledging that the ILO could also learn from best practices in other organizations that had tested other knowledge management systems. The Office should respond to the JIU's call to ensure a more consultative approach to conducting donor assessments and should seek to improve in the unsatisfactory areas identified by the Multilateral Organization Performance Assessment Network in 2016.

890. *The Worker spokesperson* said that overall her group supported the Office's position regarding the JIU recommendations. The recommendations related to support for small island developing States were relevant for the ongoing support of the specific needs of those countries, therefore the Office should take them into account when preparing the Programme and Budget for 2020–21 and in the follow-up to the resolution concerning effective ILO development cooperation in support of the SDGs. She shared the concerns of the UN System Chief Executives Board for Coordination (CEB) and the ILO regarding the time and resources that would be required to give effect to recommendation 1 on safety and security in the UN system. Among the accepted recommendations, she welcomed the UN system-wide road safety strategy and the forthcoming appointment of an internal focal point on road safety. She noted that the recommendation on online booking tools for air travel had not been accepted; further work related to efficiencies in air travel which would have an impact on staff should be consulted with the Staff Union.

891. Standardization and streamlining of the donor review processes throughout the UN system was welcome, but it was also important to leave space for agencies' specific assessments and dialogue with donors. She asked why the Office had not commented on the review of the UN system–private sector partnership arrangements in the context of the 2030 Agenda and requested that the Office share its position on the related recommendations, as it would inform the Governing Body's discussion on UN reform. In relation to the follow-up to JIU reports and recommendations, she expressed concern regarding the JIU's one-size-fits-all approach to legislative bodies across the UN system, as well as the time and resources required to implement some of the recommendations. She therefore supported the fact that the CEB had partially accepted some recommendations or noted them with observations.

892. *Speaking on behalf of IMEC*, a Government representative of Canada said that the work of the JIU was particularly relevant to the implementation of the 2030 Agenda and the UN reform, and the overall work of the ILO. She expressed concern that not all JIU reports issued in 2017 had been included in document GB.334/PFA/8, especially as some were particularly pertinent to the ILO's work. She requested that future reports identify which recommendations were directed to the Governing Body as opposed to the Director-General, in order to facilitate decision-making. She encouraged the Office to ensure that it remained current in tracking its implementation actions in the web-based system of the JIU, as it seemed that it had fallen materially behind. It was pleasing that the JIU's conclusions on the work of the ILO were generally positive; for example, the ILO had been the only agency with a formal, holistic and stand-alone RBM strategy. She requested that the reports on whistle-blowers and investigation functions be included in the next update to the Governing Body, and looked forward to future reporting on improving administrative support services through enhanced interagency cooperation and on the UN System-Wide Action Plan on Gender Equality and the Empowerment of Women.

893. Noting that the Office generally responded to all recommendations and accepted most, or provided appropriate reasons why they had not been accepted, she sought clarification on why recommendation 6 on air travel policies had not been accepted, as having one centralized online booking system seemed to be more cost-effective, and requested information about the cost–benefit analysis that had been used. Regarding recommendations 4 and 5 on follow-up to JIU reports, she asked whether the Office provided regular updates to the JIU on the implementation status of accepted recommendations. She also asked why recommendation 6 on knowledge management had not been accepted. Finally, she encouraged the ILO to rate the relevance of the topics envisaged for future JIU reviews in line with its priorities.

894. *A representative of the Director-General* (Director, PROGRAM), responding to the representative of IMEC, confirmed that the ILO responded to all of the JIU's recommendations, most of which were either accepted, under consideration or already implemented. The JIU's reports were submitted to the Governing Body with comments from the CEB. The electronic version of the Office document contained links to those comments in footnotes. Where there had been a delay in receiving comments from the CEB, the corresponding reports were not included in the present Governing Body document, and would be included in the next update.

895. In response to the Worker spokesperson's comment on support for small island developing States, he noted the Office's participation in the Samoa Pathway processes and its efforts to actively support those member States, including in the development of DWCPs and UNDAFs. Turning to safety and security in the UN system, the Office had accepted recommendation 2 on road safety and had appointed a road safety focal point. The Office welcomed the JIU's review on donor-led assessments. Given the importance of the recommendations resulting from such assessments, the Office had made the majority of those reports public.

896. Responding to the question from the IMEC representative on online booking tools for travel, he noted that the Office had been constantly refining its system over the years and would continue to do so to ensure that it was as efficient as possible. He recalled that the JIU had noted that economic fares were not necessarily linked to the shortest routes. Some complex travel arrangements often required a number of derogations, which in turn could make the implementation of the JIU's recommendation counterproductive in terms of efficiency. As to reporting on the implementation of recommendations, the Office provided regular updates using the JIU's online tracking system, and had been commended by the JIU for its good practices in this respect. The Office would pursue efforts to ensure compliance with reporting requirements.

Outcome

897. ***The Governing Body noted the information contained in the report (GB.334/PFA/8) and provided guidance to the Office.***

(GB.334/PFA/8.)

Ninth item on the agenda

Appointment of the External Auditor
(GB.334/PFA/9)

898. *The Worker spokesperson* expressed support for the draft decision, agreeing that the Chairperson of the Commission on Audit, Republic of the Philippines, should be reappointed as External Auditor in order for the ILO to benefit from the experience acquired during his first mandate.

899. *The Employer spokesperson* also agreed with the draft decision, but asked why the name of the External Auditor had not been included in the paper.

900. *Speaking on behalf of the Government group,* a representative of the Government of Azerbaijan expressed appreciation for the External Auditor's past work and welcomed the draft decision.

901. *A representative of the Director-General* (Treasurer and Financial Comptroller) explained that the appointment was of the person holding the position of Chairperson of the Commission on Audit as it was possible, and had previously occurred, that the individual could change during the mandate. The name of the current Chairperson was, Mr Michael G. Aguinaldo.

Decision

902. ***The Governing Body decided to reappoint the Commissioner of the Commission on Audit, Republic of the Philippines as External Auditor for a period of four years from 1 April 2020, covering the 77th and 78th financial periods.***

(GB.334/PFA/9, paragraph 6.)

Personnel Segment

Tenth item on the agenda

Statement by the staff representative

903. The statement by the staff representative is reproduced in the appendix.

Eleventh item on the agenda

Amendments to the Staff Regulations

904. There was no document under this agenda item.

Twelfth item on the agenda

Matters relating to the Administrative Tribunal of the ILO

Proposed amendments to the Statute of the Tribunal (GB.334/PFA/12/1)

905. *The Chairperson* informed the Governing Body that the Office had received in the previous days, a communication signed by eight organizations that had recognized the jurisdiction of the Tribunal, followed by five separate letters from other organizations, all indicating their opposition to the proposed amendments to the Statute of the Tribunal.

906. *Speaking on behalf of IMEC*, a Government representative of the United States said that his group supported the proposed amendments to the Statute of the Tribunal in relation to unilateral withdrawal of member organizations, but would appreciate more information about the withdrawal process, if any, for the UN Dispute and Appeals Tribunals, whether that process had been considered when developing the amendments, and whether those tribunals had faced similar issues regarding membership. The Director-General should perform an in-depth comparative analysis, using those two tribunals as a UN system comparator, to discover why international organizations were leaving the ILO Administrative Tribunal and gain ideas on how to strengthen its membership. His group appreciated the efforts already made to address the backlog of cases from the European Patent Office, which had affected the efficiency of the Tribunal.

907. *A Government representative of Switzerland* explained that under host country agreements, and given Switzerland's obligations under the European Convention on Human Rights, international organizations were required to make provision for dispute resolution in order to guarantee the right to a fair trial. Organizations could choose the UN or the ILO Administrative Tribunal, or an equivalent tribunal, as long as it gave staff members access to a dispute resolution system. Given the ILO's historic role as a forum for labour issues, it should ensure the longevity of the Administrative Tribunal in order to retain its influence within the UN system. She therefore supported IMEC's proposal of an in-depth study to establish why members were leaving and draw up potential solutions. As the ILO's core role was to guarantee that the rights of all parties to a labour dispute were respected, it had a greater responsibility than other international organizations in that respect.

Decision

908. ***The Governing Body decided to defer consideration of this item to its 335th Session (March 2019).***

(GB.334/PFA/12/1.)

Withdrawal of the Tribunal's jurisdiction by the Technical Centre for Agricultural and Rural Cooperation (GB.334/PFA/12/2(Rev.))

909. *The Worker spokesperson* said that it was difficult to avoid the impression that the decision of the Technical Centre for Agricultural and Rural Cooperation (CTA) in March 2018 to

discontinue its recognition of the jurisdiction of the ILO Administrative Tribunal was linked to its dissatisfaction with recent judgments of the Tribunal that were unfavourable to the CTA. While the CTA's decision was regrettable, her group supported the draft decision. She hoped that the amendments to the Statute of the Tribunal would prevent similar situations from occurring in the future.

910. *The Employer spokesperson* noted that the CTA would no longer be subject to the jurisdiction of the Tribunal. His group supported the draft decision and was confident that the Office would follow up on any outstanding costs with the CTA.

Decision

911. ***The Governing Body:***

(a) took note of the intention of the Technical Centre for Agricultural and Rural Cooperation (CTA) to discontinue its recognition of the jurisdiction of the Administrative Tribunal;

(b) confirmed that the CTA will no longer be subject to the competence of the Tribunal with effect from the date of this decision except as regards the complaint currently pending before the Tribunal;

(c) requested the Director-General to follow up with the CTA regarding the payment of any outstanding costs.

(GB.334/PFA/12/2(Rev.), paragraph 6.)

Status of the judges of the Administrative Tribunal of the ILO
(GB.334/PFA/12/3(Rev.))

912. *The Employer spokesperson* said that his group agreed with the recommendation of the Officers of the Governing Body and therefore supported the draft decision.

913. *The Worker spokesperson* agreed that, given their independence and standing, the judges of the ILO Administrative Tribunal should enjoy the same status as that of their peers in the UN justice system. Her group therefore supported the draft decision and the resolution to be put forward at the Conference.

914. *Speaking on behalf of IMEC,* a Government representative of the United States asked whether an ILC resolution was sufficient to modify the status of the judges of the ILO Administrative Tribunal; his group believed that Annex I to the UN Convention on the Privileges and Immunities of the Specialized Agencies would also need to be amended. He therefore reserved judgement on the draft decision until his query had been clarified.

915. *A representative of the Director-General* (Legal Adviser) explained that the 1947 Convention on the Privileges and Immunities of the Specialized Agencies provided for privileges and immunities for three categories of persons: representatives of member States, officials and experts. As a matter of long-standing practice, the judges of the ILO Administrative Tribunal had so far been considered "experts on mission", and enjoyed the privileges and immunities set out in paragraph 3 of Annex I to the Convention. As recommended by the Officers, they would henceforth be considered "officials other than staff" in order to align with the status of the judges of the United Nations Dispute Tribunal

(UNDT) and the United Nations Appeals Tribunal (UNAT). Under section 18 of the Convention, each specialized agency should specify the categories of "officials" to which the corresponding privileges and immunities would apply and should communicate the information to the Governments of all States parties to the Convention and the UN Secretary-General. Reverting to the question of the Government representative of the United States, he indicated that the ILC resolution would specify a new category of "officials", other than Office staff members, to whom the privileges and immunities set out in section 19 of the Convention would apply. This would be the first time that the ILO would introduce that category, but "officials other than Secretariat officials" had been in use at the UN for many years. Introducing the new category through an ILC resolution was the most transparent and legally sound way of aligning the status of the judges with that of the judges of the UNDT and UNAT. Finally, he recalled that the judges would be considered "officials other than staff" for the purposes of the 1947 Convention, which meant that the change in their status would be binding on member States parties to that Convention.

916. *Speaking on behalf of IMEC,* a Government representative of the United States confirmed that his concerns had been addressed.

917. *Speaking on behalf of the Africa group,* a Government representative of Uganda noted that the proposed modification of the status of the judges was based on developments in the UN, and agreed that the proposal served the best interests of the ILO, notably improved service delivery. His group therefore supported the draft decision.

Decision

918. ***The Governing Body recommended that the International Labour Conference adopt the following resolution granting the status of "officials other than Office officials" to the judges of the ILO Administrative Tribunal and that this status be also reflected in the Statute of the ILO Administrative Tribunal.***

Resolution concerning the status of the judges of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization, meeting in its 108th Session, June 2019,

Considering it desirable to extend the privileges and immunities contained in Article VI, Section 19 of the Convention on the Privileges and Immunities of the Specialized Agencies to the judges of the Administrative Tribunal of the International Labour Organization;

Noting that United Nations General Assembly resolution A/RES/70/112 has harmonized the privileges and immunities of the judges of the United Nations Dispute and Appeals Tribunals so that the judges of both Tribunals are considered officials other than Secretariat officials;

Considering it appropriate to align the status of the judges of the Administrative Tribunal of the International Labour Organization with that of the judges of the United Nations Dispute and Appeals Tribunals;

Decides that the judges of the Administrative Tribunal of the International Labour Organization shall be considered as officials other than Office officials

and thereby benefit from the privileges and immunities specified in Article VI, Section 19 of the Convention on the Privileges and Immunities of the Specialized Agencies;

Decides to amend the Statute of the Administrative Tribunal by inserting a second sentence in paragraph 1 of Article III as follows:

"The judges shall be considered officials of the International Labour Organization other than officials of the International Labour Office under the Convention on the Privileges and Immunities of the Specialized Agencies."

(GB.334/PFA/12/3(Rev.), paragraph 5.)

Thirteenth item on the agenda

Other personnel questions

Update on matters relating to the review of the post adjustment system by the International Civil Service Commission (ICSC) and the implementation of the revised post adjustment index for Geneva (GB.334/PFA/13(Rev.))

919. *A representative of the Director-General* (Deputy Director-General for Management and Reform) explained that the revised document was based on recent discussions between five representatives of the International Civil Service Commission (ICSC), five representatives of the UN System High-Level Committee on Management (HLCM) and representatives of the three staff federations, which together formed the contact group that would review the consultative process and working arrangements of the ICSC. The Deputy Director-General for Management and Reform was one of the five HLCM representatives. All parties had accepted the need for a review of ICSC processes building on earlier decisions to reform the post adjustment system. In accordance with the Governing Body's decision at its 332nd Session (March 2018), the Office would continue to actively pursue the subject with a view to restoring confidence in the ICSC and its systems.

920. *The Worker spokesperson* said that the way the ILO proceeded into the next century depended on its people, including during the difficult UN reform process. It was important that the Organization practised what it preached: namely, tripartism, genuine social dialogue, and the importance of freedom of association and collective bargaining. In that respect, the Chairperson of the Staff Union Committee had made a pertinent contribution illustrating the continuing concerns of ILO staff.

921. The Workers' group noted that implementation of the revised post adjustment multiplier resulting in a reduction of about 5.2 per cent of salaries as of June 2018 had led to the submission of more than 1,000 legal appeals across the UN common system, including from some 300 ILO officials, and that other officials had refrained from filing a formal complaint only in the light of the Office's assurance, on 9 May 2018, that the application of any decision taken by the Administrative Tribunal of the International Labour Organization on the matter would be extended in good faith to all colleagues in the same situation. The Workers expected the Administration to respect that important commitment.

922. Her group acknowledged that there could be considerable costs resulting from any successful appeals before the Tribunal, and therefore supported the decision taken by the Office not to redeploy savings accruing from the implementation of the ICSC decision. The Workers' group accorded the highest priority to the reform of the ICSC's consultative processes and working arrangements, seeing such reform as part of the overall process of instituting a system of strengthened labour relations within the wider context of UN reform.

923. She expressed satisfaction that two meetings had been scheduled to pursue the review of the consultative process and working arrangements of the ICSC based on the items identified at the October 2018 meeting held between representatives of the ICSC, the organizations and staff federations. However, it remained to be seen whether those meetings would achieve the expected outcomes. She requested the Office to continue to engage in the process and take a proactive and leading role in the discussions on the basis of ILO standards and principles related to tripartism and social dialogue. As ICSC reform also required the firm backing and genuine commitment of member States, her group was keen to hear about the actions that Governments planned to take. She expected support from the Employers' group in promoting a reform that was consistent with freedom of association, the right to organize and the right to bargain collectively.

924. With respect to the ILO's ongoing review of the post adjustment methodology, she expected that the commitment of senior management and the technical work of a senior statistician would positively influence the content of the report that would be submitted to the Advisory Committee on Post Adjustment Questions (ACPAQ) in the spring of 2019. In order to reiterate the commitment expressed by the Governing Body in March 2018, she proposed amending the draft decision by adding, at the end of subparagraph (b), the phrase "ensuring that the reform process guarantees the full involvement of the UN workers' federations and respects the basic principles of social dialogue". Moreover, as it was essential to keep the issue alive in the Governing Body, she proposed adding a third subparagraph to the draft decision that read, "requested the Office to report on developments related to the ICSC review of its consultative process and working arrangements as well as of the comprehensive review of the post adjustment methodology at its 335th (March 2019) Session".

925. *The Employer spokesperson* said that his group remained deeply concerned by the decision taken at the March 2018 Governing Body session, the distress and distraction it had caused among staff, and the formal complaints that had been filed. Moreover, very little appeared to have been accomplished since March 2018, and the revised document did not give it full confidence that the review would lead to actual reform, namely a change in the ICSC process.

926. The Employers' group requested further information on whether the nomination of a senior statistician to participate in a task force established to review the conceptual framework of the post adjustment index had been accepted by the ICSC, on the composition of the task force and its specific mandate, and on whether the recommendations of the task force would be binding or at least sufficiently authoritative to generate the required effect.

927. The group sought clarity on the ongoing review in relation to the Governing Body decision of March 2018. Specifically, it wondered whether the review would map out a process to reform how the ICSC operated, and when to expect the ICSC to apply the new methodology.

928. In view of the high number of ongoing and anticipated appeals, the Governing Body must exercise financial prudence. A rough estimate of the financial liability associated with the complaints currently submitted would be appreciated.

929. The overall position of the Employers' group was that the revised document did not offer the clarity and detail required to demonstrate the reform of the post adjustment and other salary survey methodologies, the reform of the working arrangements of the ICSC and the

ultimate reform of the ICSC itself. It was not keen to support an incremental accommodation of any positive outcome on the review process, and did not wish to see an outcome that equalized treatment of staff at the lower level. The Office should expedite the process and continue to apply the necessary pressure to ensure a fair outcome. The end goal should be to improve staff morale and show that the Governing Body could preserve an institution that safeguarded its values, principles and people.

930. The Employers' group urged the Workers' and Government groups to unite behind it, as the ILO was the only UN agency with a tripartite governance structure. All constituents must make a collective effort to keep the promises made to staff, and the deliberations and decisions made by the Governing Body must be respected by the UN common system.

931. Regarding the draft decision, the Employers were concerned that the word "reform" had been replaced by the less binding word "review". They proposed that subparagraph (b) should be amended to read, "instructed the Director-General to continue to actively engage with the International Civil Service Commission (ICSC) with the objective of reforming the post adjustment and other salary survey methodologies, and in the review of the consultative process and working arrangements of the ICSC and in the comprehensive review of the post adjustment methodology". However, in a spirit of consensus, it could accept retaining the word "requested" instead of "instructed", provided it encompassed the meaning conveyed in article 8 of the ILO Constitution.

932. *Speaking on behalf of ASPAG, the Eastern European group, GRULAC and IMEC*, a Government representative of Azerbaijan said that the ICSC's mandate came from the UN General Assembly, and its decisions applied to the entire UN system. While changes in the working methods of the ICSC were within the remit of the UN General Assembly, he would encourage ongoing dialogue, constructive engagement and consultation between the ICSC and all UN agencies and staff organizations within their mandates. His group therefore proposed amending subparagraph (b) of the draft decision to read, "noted the Director-General's plans to constructively engage in the review of the consultative process and working arrangements of the International Civil Service Commission (ICSC) and in the review of the post adjustment methodology".

933. *Speaking on behalf of the Africa group*, a Government representative of Eswatini recalled that his group had been reluctant to support the March 2018 Governing Body decision, given that the problems arising from the cost-of-living survey methodology had remained unresolved. The Governing Body could have done much more to mitigate the huge risks and financial implications associated with the decision, and his group would appreciate having figures on the financial implications resulting from the ensuing formal legal challenges to date. It would also appreciate guidance from the Office on the availability of the funds needed to meet the ILO's responsibilities with respect to legal challenges and damages.

934. The Africa group supported the adoption of the draft decision contained in paragraph 10, but with the addition of a subparagraph (c) to request the Office to provide the Governing Body with a progress report on the matter at its 335th Session.

935. *Speaking on behalf of IMEC,* a Government representative of the United Kingdom pointed out that the decision taken by the Governing Body at its 332nd Session had been misquoted in the revised document, omitting reference to consultations on the results of the 2016 cost-of-living survey carried out by the ICSC in respect of the duty station Geneva. She also pointed out that, since the ICSC derived its mandate from the UN General Assembly, the Governing Body did not have the power to instruct the Office to review or reform the working methods of the ICSC, which could be interpreted as interference in the UN process. However, she welcomed and encouraged ongoing dialogue, constructive engagement and consultation between the ICSC and all UN agencies and staff organizations within their mandates.

936. Her group supported the amendments proposed by the spokesperson of the Government group made on behalf of ASPAG, the Eastern European group, GRULAC and IMEC.

937. Lastly, she noted with concern the increasing number of operational issues coming before the Governing Body, which were managerial decisions that should be taken by the Office.

938. *A Government representative of the Russian Federation* welcomed the measures to increase the accuracy, predictability and stability of the post adjustment system throughout the UN system and the fact that they were being developed and implemented by the ICSC in close cooperation with UN staff, organizations and staff federations. He emphasized that the measures would apply in the future and that decisions already adopted on the matter could not be changed.

939. In light of the number of claims filed by staff at the ILO and in other UN organizations challenging the lawfulness of the decisions to implement the reduced post adjustment multipliers, some of the UN organization secretariats in Geneva had continued to implement the reduced post adjustment while waiving the requirement for an internal administrative review decision. He wondered whether similar action had been taken by the Office.

940. He requested the Office to provide information on the savings accruing from the implementation of the ICSC decision, in particular the amounts saved, which financial rules and regulations governed the use of those savings, and the extent to which any budget surplus could be used to reduce member State contributions.

941. *A representative of the Director-General* (Deputy Director-General, Management and Reform) acknowledged that the decision taken by the Governing Body at its 332nd Session had been misquoted, but that it had not had a material impact on the document. He pointed out that no decision had been adopted on the reform of the ICSC itself, but rather on reform of the post adjustment and other salary survey methodologies.

942. Following the Governing Body decision, two stages of consultations on reform had been held with the support and agreement of the ICSC. First, the 87th Session of the ICSC held in July 2018 at which the ICSC itself had determined that its working arrangements were within its remit and did not require referral to the UN General Assembly. Second, the meeting of the above-mentioned contact group which had been held in October 2018.

943. The task force to review the post adjustment methodology included representatives from ACPAQ, the administrations, including a senior ILO statistician, and staff federations. A second working group would deal with ACPAQ procedures. Both groups would report to ACPAQ, which in turn would report to the ICSC, which had the power to make certain decisions and would refer other issues to the UN General Assembly. The operational aspects and the working methods currently under discussion were therefore within the ICSC's remit and the focus would remain on those issues in the short term.

944. It was impossible to ascertain the financial burden on the ILO of claims filed by staff, as none had yet been filed with the Tribunal. The administrative cost to the Office associated with each claim would be around CHF20,000, although the Office expected that claims would be submitted in groups, with each group claim counting as a single claim. It was equally difficult to anticipate what, if any, award could be made by the Tribunal for moral damages.

945. With regard to some UN organization secretariats in Geneva continuing to implement the reduced post adjustment while waiving the requirement for an internal administrative review decision, the Office had indeed taken similar action in that regard. There was a two-step process being applied – the first stage where employees who wish to do so lodge a grievance

to the Director-General was now complete; the second stage of lodging claims with the Tribunal was expected.

946. *A representative of the Director-General* (Treasurer and Financial Comptroller) said that there would be around US$7–8 million in potential direct savings in the current biennium as a result of the implementation of the post adjustment methodology, depending on the final number and grade of staff based in Geneva during the months in which the reduced post adjustment rate would apply. The relevant articles of the Financial Regulations governing the use of the budget and savings were article 3, on the preparation and division of expenditure estimates; article 13, which authorized the Director-General to incur expenditure for the purpose for which the money had been appropriated, up to the amounts appropriated; and article 18 on the treatment of surplus. Due to the risk of claims being upheld by the Tribunal, the Director-General had not allocated any additional funds to units due to the anticipated savings. With respect to the treatment of any surplus, any savings would contribute to the calculation of the surplus at the end of the current financial period, which after adjusting for variances in contributions received from member States would then determine the final surplus to be applied against future contributions due from member States.

947. *The Worker spokesperson* expressed her appreciation for the progress towards consensus with the Employers' group, but asked for the word "instructed" in its amendment to be replaced by "urged" or changed back to "requested". If amended as such, her group would accept the amendment to subparagraph (b) on the understanding that the Employers' group would accept her group's amendment to subparagraphs (b) and (c). She emphasized the importance of explicitly mentioning that the reform process should guarantee the full involvement of all stakeholders, as well as reporting back on progress. The original wording of subparagraph (b) as proposed by the Office should be used.

948. She did not agree with the deletion of the word "comprehensive" in the amendment proposed by ASPAG, the Eastern European group, GRULAC and IMEC, since that wording had been used by the ICSC itself in its discussions. Furthermore, the use of the word "constructively" was ambiguous at a time when clarity and commitment were needed. She expressed her disappointment at the undertone of the amendment and did not support the proposed wording.

949. She expressed her appreciation of the Africa group's acceptance of her group's proposed amendment of subparagraph (c) and asked it to agree to the amendments proposed by the Workers' and Employers' groups once they had been aligned.

950. *The Employer spokesperson* agreed to the amendment to subparagraphs (b) and (c) proposed by the Workers' group, but asked for the wording "reforming the post adjustment and other salary-survey methodologies" to be added to subparagraph (b).

951. *Speaking on behalf of IMEC,* a Government representative of the United Kingdom said that her group opposed the addition of a subparagraph (c), given its concern at the increasing number of operational issues coming before the Governing Body that should be managerial decisions taken by the Office.

952. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the draft decision was proposing the continued active engagement in activities established by the ICSC itself, and the Office would therefore not be interfering in the roles and responsibilities of the UN General Assembly.

953. *Speaking on behalf of the Africa group,* a Government representative of Eswatini said that his group supported subparagraph (b) as amended by the Workers' group.

954. *A Government representative of Panama* said that the matter represented an opportunity for the ILO to demonstrate the importance of tripartism to the UN system, given that the voices of workers often went unheard in other organizations, and in light of the ILO's role as a defender of workers, particularly those working in the UN system. He therefore did not oppose the amended draft decision, although he was concerned that the wording of the text put pressure on the Director-General to persuade other organizations of the benefits of tripartism.

955. *Speaking on behalf of IMEC,* a Government representative of the United Kingdom said that her group's proposed amendments had not been added to the version of the draft decision on display in the meeting room. Furthermore, the phrase "reform process" in the last sentence of amended subparagraph (b) should be replaced by "review process" to be consistent with the language used in document GB.334/PFA/13(Rev.).

956. *Speaking on behalf of ASPAG, the Eastern European group, GRULAC and IMEC*, a Government representative of Azerbaijan said that the discussion should move away from conceptual issues and focus on the text of the draft decision. The amendments that he had proposed earlier should be added to the version of the draft decision on display in the meeting room.

957. *The Chairperson* said that those proposals had already been displayed. A formulation should be found that included not only the proposals of the Employers' and Workers' groups, but also the views of the Government group.

958. *The Employer spokesperson* said that the Employers' group and the Workers' group had agreed on wording that was supported by the Africa group. They would not, therefore, accept any effort to integrate other versions, and they had earlier rejected the amendments proposed by the other groups.

959. *The Chairperson* emphasized that all members of the Governing Body should contribute to its decisions.

960. *A Government representative of Australia* said that if the ILO's tripartism was to be respected, consensus between all groups should be sought.

961. *The Worker spokesperson, fully supported by the Employer spokesperson*, said that, following the heated debate on the topic at the Governing Body's March 2018 session, it was important to find a solution that would not further damage relations between the groups. The Workers' group and the Employers' group had therefore drafted a proposal that addressed the concerns of both, and if no agreement among the groups could be reached, a majority decision should be taken.

962. Turning to the amended draft decision drawn up jointly by the two groups, she clarified that, while no amendments were proposed for subparagraph (a), subparagraph (b) should read, "urged the Director-General to continue to actively engage with the International Civil Service Commission (ICSC) with the objective of reforming the post adjustment and other salary survey methodologies, and in the comprehensive review of the consultative process and working arrangements of the ICSC, ensuring that the reform process guarantees the full involvement of the UN workers' federations and respects the basic principles of social dialogue". The word "reform" had been used in the March 2018 decision and should not be changed. Similarly, the word "comprehensive" should be retained. Subparagraph (c) should therefore also use the word "comprehensive" and "reform" for consistency, and would read, "requested the Office to report on developments related to the ICSC review of its consultative process and working arrangements as well as of the comprehensive reform of the post adjustment methodology at its 335th (March 2019) Session".

963. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that her group had expressed the wish to defer the discussion to a later date to allow time for consensus to be sought among the three groups.

964. *Speaking on behalf of ASPAG, the Eastern European group, GRULAC and IMEC*, a Government representative of Azerbaijan said that, until they had been formally accepted or rejected, all amendments were merely proposals. Therefore, all the proposed amendments should be displayed in the meeting room and an effort made to integrate them.

965. *The Employer spokesperson* said that his group disagreed with that argument; many of the proposals made appeared to be a step backwards, making significant changes to the text that had been agreed by the Employers', the Workers' and the Africa groups. The decision should be drafted in correct English and should be constructive, setting out specific outcomes.

966. *A Government representative of Brazil* said that he supported the proposed deferral of the discussion. The Government representative of Azerbaijan had followed procedure when proposing amendments on behalf of his own and three other regional groups, and should be reflected in the version of the draft decision on display in the meeting room if a consensus was to be reached.

967. *The Worker spokesperson* said that the amendments from those regional groups had already been reflected in the version on display in the meeting room, but had not been supported by the Employers' group or the Workers' group. It had then been decided to seek sufficiently broad agreement that would allow a decision to be taken, and suitable wording had been found. If the Governments were in agreement with the substance of that version they could propose minor amendments, but they should not propose amendments that had already been rejected or that altered the substance of the draft. Although a unanimous decision seemed unlikely, the debate should be deferred so as to seek the broadest possible agreement.

968. *The Chairperson* said that, while the draft decisions initially proposed by those regional groups had varied greatly in terms of content, emphasis and scope, the consultations that had taken place over the course of the day had aligned them significantly. However, the concerns of some parties had not been duly reflected, and his role as Chairperson was to prevent decisions from being taken that excluded a significant proportion of the Governing Body. He therefore supported the deferral of the discussion to allow those groups to address any concerns, based on the text proposed by the Employers', Workers' and Africa groups. Good progress had been made in reaching an agreement between the groups, and further efforts should be made to draw up a final text that was satisfactory to all parties.

969. *The Chairperson* reopened the discussion after a suspension, and noted that consultations among the three groups had produced a revised draft decision.

970. *Speaking on behalf of IMEC*, a Government representative of Canada noted the need to preserve the integrity and independence of the ICSC, but emphasized that the Commission must communicate effectively and consult with all UN agencies and staff organizations within their mandates. She reiterated her group's concern at the increasing number of operational issues brought before the Governing Body for decision that should be addressed by the Office itself. IMEC supported the revised draft decision.

971. *The Employer spokesperson and the Worker spokesperson* commented that, after difficult negotiations, their groups supported the revised draft decision.

972. *A Government representative of the Russian Federation* said that while his country was prepared to approve the original draft decision, it could not endorse the revised version. Only the General Assembly was able to change the post adjustment methodology; the Governing Body could merely influence the elements used in its calculations. The ICSC had offered to

provide statistical input to ensure greater clarity in the process for establishing the post adjustment index. The revised draft decision appeared to promote a general salary survey and reforms to the post adjustment index system; however, there was no need to refer to the calculation method and the decision should reflect the assumption that the ICSC's methods were sound. If other members agreed, an amendment could be proposed to that effect.

973. *Speaking on behalf of the Africa group*, a Government representative of Eswatini confirmed that his group participated in the consultations and supported the revised draft decision.

974. *The Chairperson noted* that there was a majority in favour of the revised draft decision.

Decision

975. ***The Governing Body:***

(a) took note of the information presented in document GB.334/PFA/13(Rev.);

(b) requested the Director-General to continue to actively engage with the International Civil Service Commission (ICSC) with the objective of reforming the post adjustment and other salary survey methodologies, and in the comprehensive review of the consultative process and working arrangements of the ICSC, ensuring the full involvement of the UN workers' federations and respect for the basic principles of social dialogue in those processes; and

(c) requested the Office to report on developments related to the ICSC review of its consultative process and working arrangements as well as of the reform of the post adjustment methodology at its 335th Session (March 2019).

(GB.334/PFA/13(Rev.), paragraph 10, as amended by the Governing Body.)

Appendix

Statement by the Chairperson of the Staff Union Committee to the Programme, Financial and Administrative Section of the Governing Body

(334th Session – 30 October 2018)

Mr Chairperson,

Mr Director-General,

Ladies and gentlemen, members of the Governing Body,

Dear colleagues,

It is an honour to address you today as the elected Chairperson of the Committee of the ILO Staff Union, which represents approximately 70 per cent of staff at headquarters and in the field. This is, as always, a valuable opportunity for me to share some observations on industrial relations in the Office, the morale of staff and their position on items featured on the Governing Body's agenda.

The last time I addressed you, in March 2018, my statement, which I have reread, was ultimately imbued with the staff's great hope and faith. They hoped – and were even convinced – that the ILO would be true to its almost century-long commitments, values and principles and would overcome the obstacles and challenges that it then faced. Thanks to the Organization's unique tripartite structure, the staff had no doubt that it would remain the spearhead, the model, the final bulwark against the unceasing attacks against the international civil service within the United Nations common system. It seemed evident that the ILO would be able to breathe into the massive reform taking place within the United Nations system the very special breeze of social justice and dialogue, which only our Organization has been able to promote down the decades.

Instead of that refreshing breeze, which could have been synonymous with new inspiration, clouds gathered until the storm broke. More than seven months on, the staff still cannot understand those decisions, which have had both internal and external repercussions. Of course, the ILO Staff Union leaves it to the Governing Body and its members to deal with the external consequences. It has enough to do internally since the damage has been significant. The dispute has not been resolved and so there has been an aftermath. The motivation and morale of the troops are not at their highest, as the saying goes, but the work is being done because the staff continue to be professional, despite the challenges. Neither are they really in the mood for festivities. What do the ILO staff have to celebrate? The continual deterioration of their working and employment conditions despite their unwavering commitment and that of their predecessors down the years? The attack on their status as international civil servants? Their increasing precariousness? A future of work that to them seems dangerously like the past? We can only repeat, time and time again, that an organization cannot function without its staff, but the staff also need to receive all the care that they deserve so that their motivation and commitment can best serve the aims and activities for which they were recruited, even in highly difficult international circumstances where multilateralism is keeping a low profile.

The staff never light-heartedly enter into a dispute, confront their management head-on during unpleasant public meetings and decide to go on strike. They do it to defend their most basic rights when they consider these to have been flouted. The staff is currently in a phase where anger has given way to a relatively neutral, temporary state of waiting. I challenge anyone in this assembly who wants to criticize my colleagues in the Professional category at headquarters for their lack of enthusiasm when they have just lost one tenth of their salary on the basis of calculations that are, let us recall for the umpteenth time, biased.

I challenge anyone who wants to criticize for the same reasons my colleagues in Bangkok, New Delhi or Santiago who have had double or triple salary scales imposed even though they are performing precisely the same duties and work. The calculated indifference of the United Nations Office of Human Resources Management coupled with the arrogance of the International Civil Service Commission (ICSC) regarding these salary-related issues continue to be unacceptable to the staff. The dispute is now in the judges' hands, and I will enter into more detail on this matter later in my statement.

Industrial relations have, of course, changed. This has been characterized by the lack of a formal framework for social dialogue between the Office and staff representatives; when dialogue has taken place, it has tended to be informal. Without doubt, staff representatives and our colleagues from human resources, to whom we pay tribute, have demonstrated pragmatism and commitment in ensuring that routine questions are settled and that staff employment and working conditions do not deteriorate further. However, informality and ad hoc agreements to resolve problems will never be a substitute for meetings of the Joint Negotiating Committee, a formal framework in which the social partners' principles and positions are discussed and collective agreements are signed, and which is the natural forum for collective bargaining to achieve its full potential. The absence of formal dialogue has also sometimes been reflected in the rather eccentric initiatives emanating from some departments, of which certain results and recommendations feature in the documents submitted to you for information this morning, without any real formal consultation of staff representatives in advance. One of the most significant consequences has been the notable standstill or slowdown in negotiations on crucial matters such as contract policy, the classification of jobs in the field and the reopening of discussions on amending certain collective agreements.

Let us now come to the essence of the matters which you are discussing during this session, ladies and gentlemen, members of the Governing Body. I will dwell specifically on the paper on the United Nations reform (document GB.334/INS/4), and in that connection on the preliminary overview of the Programme and Budget proposals for 2020–21 (document GB.334/PFA/1), on the proposed amendments to the Statute of the ILO Administrative Tribunal (document GB.334/PFA/12/1) and, lastly, as you might expect, on the update on matters relating to the ICSC (document GB.334/PFA/13(Rev.)).

In respect of the reform of the United Nations system, the staff, and especially those working most closely with the constituents, have high hopes that this session of the Governing Body will at last deliver a clear vision of their future and the substance of their work. My colleagues are very concerned for various reasons.

First, these two papers, the one on the programme and budget proposals and the one on the reform, contain such massive contradictions and blatant uncertainties, with all the potential ramifications for the staff that on reading them the staff representatives wondered whether they were becoming schizophrenic. It would seem that in this matter theory is colliding with practice: many colleagues in the field have told us that UN directives aiming to implement the reform quickly at their duty stations are already on the point of being applied while they at the ILO are still waiting for guidance from the Governing Body on what position to take concerning the reform. This is by no means an easy situation for them. It was only last week that one of our colleagues, a programme officer working in the field, asked me the following question: "What we'd like to know, and soon, is if and when we're going to take the reform train. And if we do take the train, what class will we be in? First class or the freight wagon?"

The staff representatives wonder whether the ILO, for the second time this year, will fly in the face of its century-old values and principles in its response to demands that, in their view, have perhaps more to do with economic and financial matters than a real pooling of the diverse competencies of the specialized agencies with a view to achieving the Sustainable Development Goals by 2030.

Second, the staff seem to be almost absent from the considerations arising from document GB.334/INS/4. They appear to be an insignificant commodity that can be moved about depending on what decisions, if any, are taken. But I ask you, ladies and gentlemen, members of the Governing Body: is yet another review of the ILO's external structure and staffing arrangements insignificant for the staff? Is the prospect of a dual hierarchy that adds Resident Coordinators to Regional Directors insignificant for the staff? Are the sharing of premises in the field, the radical transformation of administrative departments and the uncertainty over the status of national coordinators really insignificant for the staff? Don't all the implications of this reform for ILO staff, who still don't know if, when and how it will take place in practice, deserve deeper and more carefully weighed consideration that is a shade more respectful of the men and women who strive daily to ensure that the Organization functions effectively?

For the record, the ILO staff recall that "work is not a commodity"; this applies equally within the ILO, even in documents submitted to the Governing Body. They call for all the appropriate consultation and negotiation mechanisms to be used sufficiently in advance and for these to be clearly indicated in documents submitted to the Governing Body.

I will now touch on the paper on the ILO Administrative Tribunal (document GB.334/PFA/12/1). The staff representatives are surprised that the proposed amendments affect only the Statute and are, accordingly, incomplete. While recognizing the vital importance of maintaining the Tribunal's independence by all means and the imperative need to consult the staff representatives of organizations that no longer wish to recognize the Tribunal's jurisdiction, the Staff Union is surprised at the absence of the other proposed amendments submitted, at the request of the ILO Office of the Legal Adviser, by all the staff of the organizations and their representative federations, especially in the current situation where 800 salary-related complaints are going to be examined.

I come lastly to document GB.334/PFA/13(Rev.), which provides an update on matters relating to the review of the post adjustment system by the ICSC and the implementation of the revised post adjustment index for Geneva.

The staff representatives wish to say firstly that they consider that these questions have still not received an adequate response. The dispute is therefore continuing through legal action before the ILO Administrative Tribunal since more than half of staff members concerned have lodged a complaint against the illegal decision taken by the Governing Body in March 2018, jointly with their colleagues from other specialized agencies which belong to the ILO Administrative Tribunal and those who have lodged appeals with the United Nations Dispute Tribunal. In this respect, hearings have recently taken place before that United Nations Tribunal, during which the highly instructive testimony of witnesses has shown yet again how deeply dysfunctional and partial the ICSC is, which could seriously damage the reputation of the United Nations common system.

The dispute will also continue through political and administrative action since the ILO staff, through their union, will do everything to ensure that the governance and operating arrangements of the ICSC can be improved as soon as possible.

In a point for decision in March 2018, the Governing Body requested the Office to actively engage with the ICSC with the objective of reforming salary survey methodologies, with the full involvement of the representatives of United Nations workers' federations. The Union confirms that progress has been made on the purely technical point of revising salary methodologies and that meetings, of which the terms of reference were decided in consultation with staff representatives, will take place soon. If everything goes well, the findings of these meetings will be submitted to the next session of the Advisory Committee on Administrative and Budgetary Questions. The associations and unions of the United Nations system appreciate the joint efforts made by the administrations in this highly technical and statistical area.

In contrast, the ILO Staff Union is much more doubtful about the commitment of the administrations, and especially of the ICSC, to the review of the Commission's consultative

process and working arrangements, a process which should in the medium term lead to a real social dialogue mechanism within the United Nations. It is obvious why the staff representatives are requesting that this aspect be treated as a matter of priority: any technical improvements in salary-setting methodology will be futile if the consultation mechanism remains the same and if the ICSC retains the authority to make a decision alone in splendid isolation when the parties disagree, as has been the case over recent years. Can the ILO and the United Nations afford the luxury of being in permanent dispute with their staff, especially against a backdrop of reform and difficult international circumstances? How long will they continue to support a commission that does not comply with the elementary criteria of ethical conduct, independence and diversity? The same goes for the Organization's credibility: the ILO cannot, on the one hand, pride itself on its uniqueness, values and principles when it debates the reform of the United Nations system and the future of work in the context of its Centenary celebrations and, on the other, disregard those same principles when it comes to social dialogue and justice for the staff within the United Nations system itself.

In respect of the point for decision of document GB.334/PFA/13(Rev.), the Union notes that there have been several amendments since this morning, which demonstrates that there is definite interest in this topic. It is important for the staff that this question is followed up by the Governing Body. The Union therefore requests the Governing Body that this issue be placed on the agenda for the March 2019 session – I would even say as a matter of priority.

The ILO staff representatives, like those of other organizations in the United Nations system, are undoubtedly pragmatic and constructive, but they are not completely stupid. They consider that the meetings mentioned in paragraph 9, which should take place between the ICSC, administrations and staff representatives before the end of December 2018, are the last chance and a review is needed if a stalemate is reached. Moreover, you, ladies and gentlemen, members of the Governing Body, need to know the eventual number of complaints lodged with the Tribunal.

The staff representatives are certain that if no tangible improvement ensues from these meetings, the staff federations, including the ILO Staff Union, will have to take every measure necessary to ensure their demands are met and that employment conditions are set by a credible, responsible and accountable body, in accordance with the fundamental principles of social dialogue.

In conclusion, ladies and gentlemen, members of the Governing Body, this time which should have been a moment of grace for the Organization, a shared moment of intense celebration, has been considerably tarnished by significant worries and many uncertainties faced by my colleagues.

The staff have always shown deep commitment and, let's not be afraid to say it, love for this unique institution in the world whose aims remain not only as noble but, above all, just as relevant 100 years after its creation. This Organization is also 100 years multiplied by all the years worked by men and women in the service of those aims. They deserve your respect and care. I am convinced that the staff, whom I represent, will be determined in 2019 to ensure that our Organization shines its light from its rightful place, despite all the difficulties encountered this year, because sometimes it is necessary to exceed our own limits for a greater cause. The staff simply hope that all the stakeholders in this Organization will do the same.

Thank you for your attention.

Catherine Comte-Tiberghien

30 October 2018