

Governing Body

341st Session, Geneva, March 2021

Minutes of the 341st Session of the Governing Body of the International Labour Office

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► Abbreviations

ACT/EMP	Bureau for Employers' Activities
ACTRAV	Bureau for Workers' Activities
ASEAN	Association of Southeast Asian Nations
ASPAG	Asia and Pacific group
CAS	Committee on the Application of Standards
CCA	common country analysis
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEB	UN System Chief Executives Board for Coordination
COVID-19	coronavirus disease
DWCP	Decent Work Country Programme
EU	European Union
GRULAC	group of Latin American and Caribbean countries
IAO	Office of Internal Audit and Oversight
ILO	International Labour Organization or International Labour Office
IMEC	group of industrialized market economy countries
IMF	International Monetary Fund
IOAC	Independent Oversight Advisory Committee
IOE	International Organisation of Employers
ITUC	International Trade Union Confederation
JIU	Joint Inspection Unit
MNE Declaration	Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
OECD	Organisation for Economic Co-operation and Development
OSH	occupational safety and health
PPPs	public-private partnerships
RBSA	Regular Budget Supplementary Account
SDG	Sustainable Development Goal
SME	small and medium-sized enterprise
SRM TWG	Standards Review Mechanism Tripartite Working Group

UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNSDCF	United Nations Sustainable Development Cooperation Framework
WHO	World Health Organization
WTO	World Trade Organization

► Introduction

1. The 341st Session of the Governing Body of the International Labour Office was held in Geneva, from 15 to 27 March 2021. Owing to the exceptional circumstances of the coronavirus (COVID-19) pandemic, the session was conducted online in accordance with the special arrangements described in document [GB.341/INS/1](#).
2. To ensure that members from different time zones could participate, only one sitting was held each day and not all items on the agenda were considered during the sittings. For a number of items, decisions were made by correspondence between 19 February and 13 May 2021.
3. This document contains the minutes of the 12 sittings held, alongside a description of the process that led to each decision adopted by correspondence, including summaries of the comments received from Governing Body members during that process.

Officers of the Governing Body

Chairperson:	Mr Apurva CHANDRA (Government, India) ¹
Employer Vice-Chairperson:	Mr Mthunzi MDWABA (South Africa)
Worker Vice-Chairperson:	Ms Catelene PASSCHIER (Netherlands)

Chairing and speaking responsibilities by Section

Institutional Section (INS)		
Chairperson:	Mr Apurva CHANDRA (Government, India)	
Item	Employer spokesperson	Worker spokesperson
	Mr Mthunzi MDWABA (South Africa)	Ms Catelene PASSCHIER (Netherlands)
3/1	Mr Harry KYRIAZIS (Greece)	
3/2	Mr Mthunzi MDWABA (South Africa)	
6	Ms Renate HORNUNG-DRAUS (Germany)	
9	Mr Fernando YLLANES (Mexico)	Ms Amal EL AMRI (Morocco)
10	Mr Alberto ECHAVARRÍA (Colombia)	
12	Mr Thomas MACKALL (United States)	Mr Magnús NORDDAHL (Iceland)
13/2	Ms Renate HORNUNG-DRAUS (Germany)	
15	Ms Renate HORNUNG-DRAUS (Germany)	
17	Mr Scott BARKLAMB (Australia)	Ms Catelene PASSCHIER (Netherlands)

¹ H.E. Mr Indra Mani Pandey (India) chaired the sittings on Wednesday, 17 and Friday, 19 March 2021.

Policy Development Section (POL)**Employment and Social Protection Segment****Chairperson:**² Ms Anousheh KARVAR (France)

Item	Employer spokesperson	Worker spokesperson
1	Mr Guido RICCI (Guatemala)	Ms Marie CLARKE WALKER (Canada)
2	Mr Mthunzi MDWABA (South Africa)	Ms Catelene PASSCHIER (Netherlands)

Development Cooperation Segment**Chairperson:** Mr Apurva CHANDRA (India)

Item	Employer spokesperson	Worker spokesperson
4	Ms Jacqueline MUGO (Kenya)	Mr Mody GUIRO (Senegal)

Multinational Enterprises Segment**Chairperson:**² Ms Anousheh KARVAR (France)

Item	Employer spokesperson	Worker spokesperson
5	Mr Thomas MACKALL (United States)	Mr Bheki NTSHALINTSHALI (South Africa)

Legal Issues and International Labour Standards Section (LILS)**International Labour Standards and Human Rights Segment****Chairperson:**² Ms Valérie Berset Bircher (Switzerland)

Item	Employer spokesperson	Worker spokesperson
5	Mr Juan MAILHOS (Uruguay)	Ms Catelene PASSCHIER (Netherlands)
6	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catelene PASSCHIER (Netherlands)

Programme, Financial and Administrative Section (PFA)**Chairperson:** Mr Apurva CHANDRA (India)**Programme, Financial and Administrative Segment**

Item	Employer spokesperson	Worker spokesperson
1	Ms Renate HORNUNG-DRAUS (Germany)	Ms Claudia MENNE (Germany)
2	Mr Blaise MATTHEY (Switzerland)	Ms Claudia MENNE (Germany)

Personnel Segment

16	Mr Mthunzi MDWABA (South Africa)	Ms Claudia MENNE (Germany)
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► Institutional Section**Opening remarks**

- The Chairperson** welcomed participants to the 341st Session of the Governing Body, which was being held remotely due to the COVID-19 pandemic. Of the 11 agenda items that had been put to a decision by correspondence in advance of the session, 10 had been approved by consensus; the relevant comments and decisions would be published online. He drew attention to document GB.341/INS/1, which detailed the special

² Delegation of authority from the Chairperson (see paragraph 2.2.5 of the Standing Orders of the Governing Body).

measures adopted for the session. While freedom of expression was vital to the Governing Body's discussions, unparliamentary language must be avoided. He urged participants to exercise caution when using social media so as to prevent outside influence on the Governing Body's discussions and negotiations.

5. **The Director-General** made an introductory statement to the Governing Body. The statement is reproduced in its entirety in [Appendix I](#).

1. Special arrangements for the 341st Session of the Governing Body of the ILO (March 2021) (GB.341/INS/1)

6. In preparation for the adoption of a decision by correspondence, the Office held tripartite consultations with Governing Body members on this item between 29 January and 12 February 2021.
7. As no consensus was reached on the adoption of the draft decision, the Officers of the Governing Body, after consulting the tripartite Screening Group, determined that the draft decision concerning special arrangements should be submitted to a ballot by only the regular members of the Governing Body on 12 February. At the close of that ballot at midnight on 18 February 2021, the Governing Body adopted the decision below with 43 votes in favour, 5 votes against and 5 abstentions.³

Decision

8. **The Governing Body decided, by correspondence, to hold its 341st Session under the special arrangements and rules of procedure set out in the appendix to document GB.341/INS/1 in order to facilitate the conduct of the session and to hold its plenary sittings from Monday 15 to Saturday 27 March 2021.**

(GB.341/INS/1, paragraph 5)

Summary of comments received during the consideration of the item by correspondence

9. **The Government of Morocco** noted that the voting arrangements should take account of potential technical difficulties that might impact the collection of electronic votes.
10. **The Government of the Russian Federation** did not support the draft decision, as there were insufficient legal and practical grounds for the introduction of a voting procedure at virtual sessions. Ballots by correspondence were appropriate only for routine, uncontroversial agenda items.

Summary of comments received during the ballot by regular Governing Body members

11. **The Government of Barbados** did not support the proposal, as a vote by correspondence, especially in controversial matters, might lead to the principles of dialogue and consensus being compromised. Furthermore, replies to decisions, particularly objections, should be recorded in summary form in the minutes.

³ The [detailed result of the ballot](#) and the complete text of the comments in the original language are available on the [Governing Body's web page](#), together with the decision.

12. **The Workers' group** considered that clear safeguards were required for voting. The ILO must continue to strive to make decisions by consensus, and voting must remain a last resort. When a discussion on an issue reached an impasse, all sides must be encouraged to make attempts, where possible and helpful with the support of the Office, to unblock the situation, and sufficient time must be allowed for proposals that could achieve consensus to be developed, discussed and adopted.
13. If the Chairperson of the Governing Body saw no options for achieving consensus, it was critical that he or she should consult the Vice-Chairpersons. If they too considered consensus to be impossible, the Chairperson could put the decision to a vote, preferably after consulting the Vice-Chairpersons on the arrangements.
14. In the event of a vote, sufficient time must be allowed to ensure that members were properly informed and organized, which in a virtual session would mean postponing the vote to the following day.

2. Approval of the minutes of the 340th Session of the Governing Body (GB.341/INS/2)

Decision

15. **The Governing Body approved, by correspondence, the minutes of its 340th Session, as amended.**

(GB.341/INS/2, paragraph 2)

3. Agenda of the International Labour Conference

3.1. Agenda of future sessions of the Conference (GB.341/INS/3/1(Rev.2))

16. The Governing Body had before it an amendment to the draft decision, which had been proposed by the Employers' group and circulated by the Office, which read:

The Governing Body decided:

- (a) to place on the agenda of the 110th Session (2022) of the Conference an item related to the role of sustainable enterprises as a principal source of full and productive employment and decent work (general discussion);
- (b) to place on the agenda of the 111th Session (2023) of the Conference an item on related to consolidation of instruments concerning occupational safety and health protection (biological hazards, chemical hazards, human factors/ergonomics and manual handling, guarding of machinery) (standard-setting);
- (c) to request the Office to take into account the guidance provided in preparing the paper for the 343rd Session (November 2021) of the Governing Body; and
- (d) in view of the deferral of the 109th Session of the International Labour Conference and its decision to confirm the inclusion of the recurrent discussion on social protection (social security) on the agenda of the Conference in 2021, to defer accordingly the remaining part of the five-year cycle for recurrent discussions adopted at its 328th Session, and confirm the following sequence:
 - (i) employment in 2022;
 - (ii) social protection (labour protection) in 2023;
 - (iii) fundamental principles and rights at work in 2024.

17. **The Worker spokesperson** emphasized the importance of identifying items for inclusion on future agendas of the International Labour Conference, and expressed the hope that the Conference could be held face-to-face again in 2022. The ILO Centenary Declaration for the Future of Work (2019) had reaffirmed that setting international labour standards was fundamental, and that should remain the focus for selecting future agenda items. The choice should be guided by recurrent discussions relating to the ILO Declaration on Social Justice for a Fair Globalization (2008) and General Surveys, and by the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG). However, the process of how those mechanisms informed agenda-setting discussions should be improved.
18. Her group supported holding a general discussion on the social and solidarity economy at the 109th Session (2021) of the Conference. The importance of that topic had been confirmed by the Centenary Declaration, and a Conference discussion would provide guidance for ILO constituents on promoting an enabling environment for this type of economy, allow for the examination of that economy's contribution to formalizing the informal economy, and encourage greater coherence in relevant legislation and programmes, while enhancing the ILO's leadership role. It would also provide an opportunity to take stock of the implementation of the Promotion of Cooperatives Recommendation, 2002 (No. 193), exchange good practices and reach a universal definition of the term "social and solidarity economy". A Conference discussion had assumed even greater importance in the light of the COVID-19 pandemic, during which the social and solidarity economy had emerged as an area for creating and sustaining jobs.
19. The Workers' group expected the 2022 Conference to declare occupational safety and health (OSH) as a fundamental right, considering the Governing Body was unfortunately not able to include it already this year on the Conference agenda. This agenda item should be discussed in the Selection Committee.
20. With regard to planned work, she expressed appreciation for the decision to hold a technical meeting on the protection of whistle-blowers in the public sector in the upcoming biennium, and noted the research undertaken on labour disputes, the results of which should guide the SRM TWG in its review of dispute resolution instruments.
21. It was time to hold a tripartite meeting of experts on decent work in the platform economy. The Centenary Declaration had called upon constituents to respond to the digital transformation of work, and the COVID-19 pandemic had demonstrated the relevance of platform businesses and workers. The *World Employment and Social Outlook 2021* report on the role of digital labour platforms in transforming the world of work further underlined the relevance of the topic. While the Office continued to conduct relevant research, an official discussion had become necessary. She called on the other constituents to support scheduling such a meeting in the first semester of 2022, rather than the second semester of 2021, in the hope that the meeting could take place in person.
22. She requested the Office to prepare proposals on the possible inclusion of the care economy as the subject of a general discussion at a future session of the Conference, with particular regard to improving work-life balance and decent work. The COVID-19 pandemic had exacerbated existing gender inequalities in terms of unofficial care responsibilities and had led to many women withdrawing from the labour market. It had also highlighted the central importance of the care economy to women's opportunities in the labour market, as workers and beneficiaries of care, as well as the need for transformative policies, social dialogue and the implementation of policies that were

focused on young women, women working in the informal economy and women affected by discrimination. In the context of the Centenary Declaration's call for a transformative agenda to achieve gender equality at work, a general discussion would be timely to take stock of those developments and provide guidance for the ILO and its Member States.

23. She noted that the SRM TWG's recommendations relating to OSH had not yet been followed up, despite the increasing urgency of that topic. Her group strongly supported the inclusion of a double standard-setting discussion on occupational safety and health protection against biological hazards on the agenda of the 111th Session (2023) of the Conference. That standard should address all biological hazards, including anthrax, which was currently addressed by the Anthrax Prevention Recommendation, 1919 (No. 3). Biological hazards had been the cause of devastating outcomes in the world of work in recent years, and the gaps identified by the SRM TWG had to be urgently addressed. Her group also supported the sequence set out in the draft decision to place double discussions of standard-setting items on chemical hazards, ergonomics and manual handling, and guarding of machinery on the agenda of future Conference sessions.
24. Turning to the amended draft decision proposed by the Employers' group, she expressed her surprise that the group had not selected subparagraphs (a) or (b) of the original draft decision, instead proposing a different discussion on the role of sustainable enterprises as a principal source of full and productive employment and decent work. Recalling that discussions had already taken place on that topic, her group could not support that proposal. Neither did her group support new subparagraph (b) proposed by the Employers. Her group opposed a single integrated instrument on OSH risks, which did not follow a thematic integration approach, had been rejected by the SRM TWG and other experts, and had not previously been supported by the Government group. Each area of OSH risk required a customized regulatory approach, and she therefore reiterated her group's preference to place a discussion on biological hazards on the agenda of the 111th Session of the Conference. That said, the Workers' group supported the draft decision as contained in the document, but with subparagraph (a) and not subparagraph (b).
25. **The Employer spokesperson**, reiterating the need for strategic coherence, tripartite engagement and flexibility in agenda setting, supported the deferral of the recurrent discussions on employment, social protection (labour protection) and fundamental principles and rights at work proposed in the document and noted the importance of having a clear, robust and up-to-date body of international labour standards. The ILO should focus on the consolidation and rationalization of instruments, and consider providing detailed guidance in non-normative instruments so that the level of detail contained in standards did not obstruct their implementation and ratification or reporting.
26. Input from General Surveys and recurrent discussions could be useful for the Standards Review Mechanism but should not define its agenda or limit or influence its recommendations. Agenda-setting discussions should remain independent from General Surveys and be guided by the work of the Standards Review Mechanism. The Governing Body was the only body that could decide on priorities for agenda setting.
27. Noting the current items on the agenda of the 110th Session (2022) of the Conference, he said that the proposed topic of "the social and solidarity economy for a human-centred future of work" was narrow in focus and did not reflect the priorities set out in the Centenary Declaration. Instead, his group proposed a general discussion on "the role

of sustainable enterprises as a principal source of full and productive employment and decent work". The COVID-19 pandemic had demonstrated the importance of the private sector but placed businesses of all sizes at risk, which threatened the private sector's role in immediate economic recovery and long-term prosperity. Such a discussion would provide long-term solutions and guarantee a sustainable business environment.

28. Concerning the proposed discussion on the just transition of the world of work, although related guidelines had been adopted in 2015 the topic was increasingly important. A general discussion would help constituents to identify best practices in promoting just transitions, especially in critical activities and sectors, and would guide the Organization's work in facing the industrial and economic transformations resulting from climate change.
29. Further work on individual labour disputes, decent work in the world of sport and the fight against corruption in the public service should be concluded before any Conference discussions took place. The issue of decent work in global supply chains had been discussed during the current Governing Body session and required no further comment.
30. He agreed with the importance of holding a tripartite meeting of experts on the role of digital labour platforms, in order to take advantage of the opportunities offered by the digital era and address its challenges. Such a meeting would inform constituents' policy actions; it must take into account the rapid evolution of technologies, consider the potential impact of policy and regulation on competition, innovation and the promotion of equal and inclusive access, and address the platform economy and the use of technology in the world of work beyond the COVID-19 pandemic. Highlighting the research reported in *World Employment and Social Outlook 2021*, he called on the Office to take a balanced approach to the benefits and challenges of the digital transformation and preserve the role of the constituents in determining the way forward. Such a complex discussion would be challenging at a virtual meeting and it would not be realistic to include another meeting of experts in the calendar of meetings for the second semester of 2021. He therefore proposed deferring that meeting until the constituents had been provided with a broader and more balanced assessment of the various aspects of labour platforms and until it could be held in person. Thus, his group could not support subparagraph (g) of the draft decision.
31. The topics proposed by his group in 2019 as suitable for future sessions of the Conference – harnessing the fullest potential of technological progress; ensuring that education and training systems were responsive to the labour market needs of today and tomorrow, with an emphasis on employability; expanding choices and optimizing opportunities for all workers; and supporting the role of the public sector as a significant employer and provider of quality public services – were even more relevant in the context of the COVID-19 pandemic. He called on the Office to prepare proposals for their inclusion in the future.
32. His group strongly supported a new integrated instrument on OSH risks in general, such as a protocol to the Occupational Safety and Health Convention, 1981 (No. 155). Such an instrument could be complemented by technical guidelines, codes of practice or other similar tools, which would consolidate, rationalize and simplify the 43 existing instruments in that area. Such an approach would enable the constituents to address OSH risks together in a timely and effective manner and allow time for discussions on other priorities identified in the Centenary Declaration. Furthermore, any recommendations on how to modernize instruments on OSH should be based on a thorough assessment of all options and approaches. He called on the Office to explore

non-binding options that complemented existing standards, rather than creating new ones.

33. Lastly, he urged the Governing Body to be cautious in its approach to agenda setting, as many uncertainties remained regarding the format and number of topics to be discussed at the 109th Session of the Conference. It was for that reason that his group had submitted an amended draft decision.
34. **Speaking on behalf of the Africa group**, a Government representative of Rwanda expressed concern that insufficient information on the proposed agenda of the 111th Session (2023) of the Conference had been provided for the Governing Body to pronounce itself on the matter at its current session. Regarding the draft decision and the choice of subject for general discussion at the 110th Session (2022), the Africa group preferred the option set out in subparagraph (a), an item related to decent work and the social and solidarity economy. While a tripartite meeting of experts on decent work in the platform economy would be useful, further research might be required and the meeting should therefore be held at a later date.
35. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia said, with respect to the choice of subject for general discussion at the 110th Session (2022) of the Conference, that while ASPAG also favoured that option it would be interested to hear the views of other groups. The discussion on proposals for including safe and healthy working conditions in the framework of fundamental principles and rights at work could impact future sessions of the Conference. Furthermore, in view of the revised procedural road map proposed in paragraph 44 of document GB.341/INS/6, there was a risk of a scheduling conflict with the discussion envisioned for the 343rd Session of the Governing Body in November 2021.
36. While a strategic and coherent approach to setting the Conference agenda was welcome, the Governing Body's decisions directing the Office to prepare proposals for standard-setting items for inclusion on the Conference agenda had been taken before the adoption of the Centenary Declaration and the accompanying resolution. Standard-setting should be a flexible process, especially given the disruption to the Conference agenda caused by the COVID-19 pandemic. While the draft decision as presented by the Office was acceptable, a degree of flexibility might be needed to accommodate any possible outcomes of other relevant discussions, including on OSH.
37. Given the ongoing work by many multilateral organizations to "build back better" after the pandemic and the lack of information about the size and scope of the platform economy, a tripartite meeting of experts on the subject would provide timely insights. While the proposed sequence of recurrent discussions was agreeable, it would be contingent on the outcome of consultations on the programme of the 109th Session (2021) of the Conference, as proposed in document GB.341/INS/3/2.
38. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Barbados noted the strategic and coherent approach to setting the Conference agenda, recognized the commitment of the constituents to creating a meaningful agenda and acknowledged the fundamental importance of standard-setting in the ILO's mandate as reaffirmed in the Centenary Declaration. The emphasis in the Centenary Declaration on the importance of a human-centred approach to the future of work was particularly important. The social and solidarity economy was central to South-South and triangular cooperation and had a key role in the human-centred approach to the future of work and in meeting the Sustainable

Development Goals (SDGs). The Office should maintain and enhance its emphasis on the social and solidarity economy as a powerful tool for local economic and social development. While a tripartite meeting of experts on decent work in the platform economy would be welcome, concerns regarding its proposed timing were legitimate.

39. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Greece said that a strategic and coherent approach to setting the agenda of the Conference, inspired by the Centenary Declaration, was all the more important in order to ensure a well-coordinated and sustainable response to the COVID-19 pandemic. The proposals for standard-setting items on matters related to OSH, in particular protection against biological hazards, were even more pertinent in the context of the pandemic. IMEC would welcome proposals from the Office as to how to proceed with the OSH standard-setting items in an innovative and efficient way in order to ensure the best of standard-setting results while maintaining the procedural road map as decided by Governing Body at its 337th Session.
40. She noted the possible impact that the discussion on proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work might have on the agenda of future sessions of the Conference. The consideration of process-related questions and the decision of the Conference, scheduled for November 2021, would be welcome. IMEC regretted the late submission of the proposed amendment from the Employers' group, which it was not in a position to support, and looked forward to further consultations with a view to reaching agreement on the draft decision.
41. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with her statement. Reiterating support for the strategic and coherent approach to setting the Conference agenda, she said that the EU had already expressed interest in the two proposed topics for general discussion, both of which would provide a positive impetus towards achieving decent work, productive employment, social fairness and sustainable economies and help build back better after the COVID-19 pandemic. Those discussions should be held in 2022 and 2023, in the order and form decided by the Governing Body. The EU supported the recognition of the right to safe and healthy working conditions as a fundamental principle and right at work, and therefore supported its inclusion on the agenda of the 110th Session (2022) of the Conference, subject to the results of the Governing Body's discussion in November 2021.
42. The proposed order for standard-setting was welcome. The timeline was ambitious; further explanations of the practical arrangements for its implementation would be appreciated, and the Office's views were sought on whether the planning could be evaluated and adjusted as results were achieved. The EU had a strong interest in decent work in the platform economy and would support the organization of a meeting of experts in the first half of 2022. The remaining part of the five-year cycle for recurrent discussions could be deferred; the sequence suggested in the draft decision as prepared by the Office was acceptable. The late submission of the amendment by the Employers' group was regrettable; the EU could not support the proposed amendment and wished to hear the comments of the Office and other governments before pronouncing on the draft decision.
43. **A Government representative of the United Kingdom of Great Britain and Northern Ireland** said that climate change and just transitions should be at the core of the ILO's plans. Building back better from the COVID-19 pandemic meant building back greener.

The United Kingdom therefore supported the proposal to hold a general discussion on a just transition of the world of work towards environmentally sustainable economies and societies for all at the 110th Session (2022) of the Conference. The remaining part of the five-year cycle for recurrent discussions should be deferred, due to the deferral of the 109th Session (2021) of the Conference. Further consideration should be given to the schedule of standard-setting items for future sessions of the Conference.

44. **A Government representative of Switzerland** said that while his Government preferred the option set out under subparagraph (a) of the draft decision for the general discussion, it could also support the amendment proposed by the Employers' group.
45. **A Government representative of the United States of America** said that his Government preferred option (b), a general discussion on a just transition. The proposed meeting of experts on decent work in the platform economy was welcome, with a view to the possible inclusion of that topic on a future Conference agenda. Decent work in the world of sport should be included on the Conference agenda as soon as possible. Sports events drew enormous revenue, little of which went to the workers or athletes involved.
46. **A representative of the Director-General** (Deputy Director-General for Management and Reform) expressed concern regarding the lack of consensus on the agenda for the 110th Session (2022) of the Conference. The matter was urgent and should be deferred for informal consultation, in the hope of finding a consensus and approving the draft decision later in the session. With regard to subparagraphs (c)–(f) of the draft decision, which were less urgent, the Office would take heed of the guidance received in preparing for the next Governing Body discussion on those items. The proposed meeting of experts on the platform economy had received broad support, albeit to be scheduled in the first half of 2022 rather than the latter half of 2021. Lastly, there appeared to be consensus on subparagraph (i) with regard to the cycle of recurrent discussions.
47. **The Worker spokesperson**, speaking on a point of order, said that subparagraph (c), concerning the decision on a standard-setting item for 2023, was indeed urgent. She had heard strong support from governments for subparagraph (c) of the draft decision on occupational safety and health and biological hazards.

(The Governing Body resumed consideration of the item after the Office circulated a revised draft decision following consultations.)

48. **The Worker spokesperson** expressed her group's satisfaction that consensus had been found and that a standard-setting item related to occupational safety and health protection against biological hazards would be placed on the agenda of the International Labour Conference. Further discussions would be necessary regarding the sequence of future standard-setting items.
49. **Speaking on behalf of ASPAG**, a Government representative of Australia confirmed her group's support for the revised draft decision.

Decision

50. **The Governing Body decided:**
 - (a) to place on the agenda of the 110th Session (2022) of the Conference an item related to decent work and the social and solidarity economy (general discussion);
 - (b) to place on the agenda of the 112th and 113th Sessions (2024–25) of the Conference an item related to occupational safety and health protection against biological hazards (standard-setting – double discussion);

- (c) to request the Office to convene a tripartite meeting of experts on the issue of “decent work in the platform economy” in the course of 2022;
- (d) to request the Office to take into account the guidance provided in preparing the paper for the 343rd Session (November 2021) of the Governing Body; and
- (e) in view of the deferral of the 109th Session of the International Labour Conference and its decision to confirm the inclusion of the recurrent discussion on social protection (social security) on the agenda of the Conference in 2021, to defer accordingly the remaining part of the five-year cycle for recurrent discussions adopted at its 328th Session, and confirm the following sequence:
 - (i) employment in 2022;
 - (ii) social protection (labour protection) in 2023;
 - (iii) fundamental principles and rights at work in 2024.

(GB.341/INS/3/1(Rev.2), paragraph 37, as amended by the Governing Body)

3.2. Arrangements for the 109th Session of the Conference (2021) (GB.341/INS/3/2)

51. The Governing Body had before it an amendment to the draft decision, which had been proposed by GRULAC and circulated by the Office, which read:

11. The Governing Body:

- (a) endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2;
- (b) decided to ~~retain~~/~~not retain~~ the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:
 - ~~IV. Inequalities and the world of work (general discussion);~~
 - V. Recurrent discussion on the strategic objective of social protection (social security);
 - ~~VI. Skills and lifelong learning (general discussion);~~
- (c) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures and arrangements applicable to the 109th Session of the Conference, including a detailed outline on the negotiation process of the COVID-19 response and its adoption during the ILC, for decision by correspondence no later than mid-April 2021~~for adoption by correspondence no later than end of April 2021~~; and
- (c bis) requested the Office to elaborate, as a matter of priority, through tripartite consultations, alternatives for considering the following items during the intersessional period 2021–22: Inequalities and the world of work, and Skills and lifelong learning; and
- (d) in light of the exceptional circumstances that impose the realization of a virtual session as the only possible format, and the constraints implied by that format, decided to invite the Committee on the Application of Standards to consider, in its next session (June 2021), a list comprised of up to 16 country cases~~requested the Office to elaborate as a matter of priority, through the informal tripartite consultations mechanism on the working methods of the Committee on the Application of Standards, proposals for adoption by the Committee regarding its work and working methods in June 2021.~~

- 52. The Worker spokesperson** said that, while a virtual session of the International Labour Conference would be necessary, it would be far from ideal and would pose many challenges. Her group agreed with the proposed duration and dates of the virtual session, as well as the suggested prior opening to constitute the Conference, elect the Officers and appoint the committees. The physical presence of the Conference and committee officers and group secretariats should be allowed if possible.
- 53.** Regarding participation in the Conference, the Office must find ways to support workers' organizations in need of assistance, in particular to ensure access to adequate and secure connectivity, and the privacy to join group meetings. Drafting committees should be set up alongside the technical committees to support the amendment procedure and secure constituents' ownership of conclusions, which must be drafted primarily through committee discussion; it was unlikely that the use of questionnaires for drafting would lead to consensus. Frontloading preparatory work would free time for in-session social dialogue and tripartite negotiations; more concrete proposals in that regard would be welcome.
- 54.** The work of the Committee on the Application of Standards (CAS) was serious and urgent, and a year of discussions had already been lost. The Committee would require plenary sittings of three hours every day to complete the usual consideration of 24 cases. Particular efforts would be needed to ensure the security of workers' delegates participating in the work of the Committee.
- 55.** Regarding the outcome document on a global response for a human-centred recovery from the COVID-19 crisis, while pre-Conference consultations would be useful, it was unlikely that any text prepared on that basis would achieve consensus; Conference delegates would need an opportunity to contribute to the discussion.
- 56.** Regarding the amendment to the draft decision proposed by GRULAC, the Workers' group strongly opposed the proposals to reduce the number of cases to be considered by the CAS and to eliminate two technical committees, leaving only the committee for the recurrent discussion on social protection. The issue of inequalities, which had been scheduled for committee discussion in 2020, had only become increasingly crucial in the context of the pandemic and must be discussed. The three technical committees should therefore be retained, as should the standing items on the Conference agenda and the discussion on the COVID-19 outcome document.
- 57.** Regarding the decision as drafted by the Office, the implication that items could be removed from the Conference agenda was surprising. The agenda had been set well in advance by the Governing Body in accordance with the requisite procedures. While the pandemic context might be considered force majeure, the legal framework in which the Conference was organized must not be undermined. Any adaptations of the agenda must be inevitable and caused by the virtual format of the Conference.
- 58. The Employer spokesperson** noted that, more than a year into the COVID-19 pandemic, it was up to the constituents of the ILO to demonstrate the value of their Organization, the significance of tripartism and social dialogue, and to deliver meaningful outcomes on the ground. It would therefore be key to ensure that delegates at the virtual 109th Session of the International Labour Conference from all constituencies and regions could effectively engage in and contribute to discussions and outcomes, given the need for ownership of the ILO by its constituents, as underlined by the Worker spokesperson. The Employers had agreed to several proposals put forward during preparatory discussions. Despite a preference for waiting until it was possible to hold a physical Conference, they accepted the fully virtual format of the session, in the interests

of organizational continuity, and supported the inclusion of all time-critical items set out in paragraph 4 of document GB.341/INS/3/2.

59. Nonetheless, agenda setting needed to be realistic, given that the Conference would have only three hours of plenary each day and bearing in mind the complexities of running such a large meeting in a virtual format. Problems included the issue of inclusivity and the digital divide – any country could suffer connectivity issues, which hampered the ability to participate and would discourage and exclude participants – and the issue of decent work and working hours. The Governing Body had observed the stress placed on participants in time zones where the meetings were taking place in the early hours of the morning. Such working hours were not sustainable; the quality of the Conference would suffer and it would become an event driven by full-time officials based in Geneva, thus jeopardizing Members' ownership of the event and the ILO's focus on the people on the ground around the world.

60. The 109th Session could not be business as usual; business continuity should not come at the expense of quality engagement or outcomes. Three technical committees could not be squeezed into one virtual session, in addition to the CAS, an item on the ILO's response to COVID-19, and the conduct of elections for the Governing Body. The proposals set out provided far fewer hours in which the technical committees could conduct their work compared to 2019 and the agenda as it stood was overloaded. Consequently, only one technical committee should be retained. The item to be retained should be the recurrent discussion on the strategic objective of social protection (social security), as that was the most relevant to the COVID-19 pandemic. Nonetheless, the discussions on inequalities and the world of work, and on skills and lifelong learning were important and necessary, and she therefore supported GRULAC's proposal to organize tripartite consultations on alternative proposals to allow those discussions to take place during the intersessional period. The CAS needed a prioritized programme of work with adjusted procedures and working methods. During the first week, there should be a general discussion, the General Survey and the consideration of automatically registered cases and four cases in which the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had asked governments to provide full information to the Conference, while during the second week, 12 individual cases should be discussed, making a total of 16. The Employers stood ready to consider all proposals to overcome the constraints of a virtual format that were faithful to the principles of social dialogue and ownership by the constituents. Reports and draft conclusions must reflect input from all constituents; time could be saved by ensuring the starting points for discussion were balanced and integrated the groups' different perspectives. The Employers supported the draft decision as amended by GRULAC.

61. **Speaking on behalf of ASPAG**, a Government representative of Australia acknowledged the efforts that had been made to ensure the ILO's adherence to its constitutional obligations and to adapt to the new global environment. The Office should continue to identify innovative adjustments to procedures and working methods to ensure the smooth running of the virtual session of the Conference. He emphasized the need for Office support for constituents to ensure adequate connectivity, for front-loading preparatory work prior to the session, and for strict time management that included shorter speaking times in plenary.

62. All possible steps should be taken to ensure that virtual participation was as equitable as possible. Differences in connectivity standards and time zones could compromise the ability of those from his region to participate fully in virtual sessions, and the Office should ensure that such factors were taken into consideration in all proposals for

procedural and logistical adjustments; in that regard, he called on participants to demonstrate flexibility in discussions on the customized programme of work. Test runs should be conducted of voting and other integral procedures of the Conference. The Office must prepare a draft outcome document on a global response for a human-centred recovery from the COVID-19 crisis as early as possible before the session. It should also put forward proposals on how the CAS could manage its work. Given the desire to make progress on all of the possible agenda items, alongside concerns about the workload required to achieve that, the Office should facilitate tripartite consultations so that the views of all groups could be heard prior to a decision being reached.

63. **Speaking on behalf of the Africa group**, a Government representative of Ethiopia highlighted the challenges associated with virtual meetings, particularly with regard to connectivity. Given the limited technical and logistical capacity of some countries to effectively participate in three parallel sittings of the technical committees, her group would prefer to retain only one technical item on the agenda for the upcoming session of the Conference: the item on a recurrent discussion on social protection (social security). While the number of cases to be examined by the CAS should be reduced to take into account the limitations of virtual discussions, that decision should be made by the Committee's officers; the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards, which would meet following the current Governing Body session, could advise the officers of the Committee in that regard. The Africa group supported the draft decision, provided that the references to the items on inequalities and on skills and lifelong learning were removed.
64. **Speaking on behalf of GRULAC**, a Government representative of Barbados recalled that consensus had already emerged on certain arrangements. Given that adequate time was needed to hold comprehensive discussions and that the number of plenary sittings would be limited, a pragmatic approach was called for when considering the remaining arrangements. The work of the CAS and the work of technical committees were of equal importance. GRULAC was therefore in favour of adjusting the Committee's agenda to include the discussion of up to 16 country cases. The proposal to retain one technical committee – on a recurrent discussion on social protection – would render the number of concurrent meetings that would be needed more manageable.
65. He reiterated the request that had been made previously for the Office to present a concrete proposal on the negotiation process for the draft COVID-19 outcome document before the session and on the process for its adoption during the session. His group was not in a position to accept that inputs from the technical committees would feed into that outcome document. In order to address its concerns, GRULAC had proposed an amendment to the draft decision. That proposal should not set any precedent for future sessions and was linked strictly to the constraints of a fully virtual session.
66. **Speaking on behalf of IMEC**, a Government representative of Greece said that IMEC appreciated the active engagement of the Office and the constituents in the consultations on the arrangements for the Conference and stood by the tripartite consensus that had already been reached on certain aspects. The Office should set the date of the formal opening sitting and the deadline for the submission of credentials without delay. The three technical committees should meet virtually during the two-and-a-half week session, in order to ensure business continuity.
67. Despite the difficulties of virtual technical discussions, all parties should remain flexible and maintain momentum in order to produce constructive conclusions that would complement the COVID-19 outcome document. She reiterated IMEC's concerns regarding accessibility and connectivity, and the difficulties presented by time zones,

welcomed the Office's plan to identify tripartite constituents in need of assistance, and underlined the essential role played by the Credentials Committee of the Conference in the present circumstances. The confidentiality and security of all communications must be ensured. Innovative proposals, such as the submission of written responses to targeted questionnaires for the technical committees, and constructive approaches to negotiating conclusions would enable fruitful discussions during the session. Innovative proposals could also contribute to finalizing the required special procedures and arrangements by the end of April 2021.

68. IMEC welcomed the discussion of necessary adjustments to the working methods of the CAS, including the earlier publication of the shortlist of cases and innovative proposals for dealing with the General Survey; the Office should provide, in advance, a detailed working document with a timeline for the consultation process. Sufficient time would be needed for the Committee to examine each case properly, taking into account the fact that the virtual format complicated substantive discussions. IMEC supported the draft decision with the retention on the agenda of all three technical items.
69. **Speaking on behalf of the Eastern European group**, a Government representative of Azerbaijan said that, given the obstacles posed by the pandemic, his group had supported the proposal to hold the 109th Session of the Conference in a virtual format over a two-and-a-half week period and with a full agenda, as an exceptional measure. His group supported the draft decision with the retention of the three technical committees on the agenda.
70. **Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Georgia aligned themselves with the statement. The EU and its Member States aligned themselves with IMEC's statement. The Office's commendable work to ensure business continuity must extend to the arrangements for the Conference, which was the ILO's main decision-making body, and its previous effective management of large-scale virtual events augured well for the upcoming session.
71. The items selected for the 2020 agenda, including skills, inequalities and social protection, had proven particularly relevant against the backdrop of the pandemic. The Conference's proposed duration of two and half weeks would facilitate a full agenda and sustain momentum on those crucial items. The Office's willingness to deliver a full agenda, with full participation by all constituents and across all geographical regions, was welcome, as were the innovative solutions proposed; her group looked forward to more detailed information in that connection. Concerns relating to security and confidentiality must be addressed, particularly in relation to meetings of the CAS. Her group joined the calls for the early publication of the shortlist of that Committee and supported the original draft decision, with the retention of the three technical committees.
72. **A Government representative of Cuba** highlighted the importance of enabling the Conference to conduct its work effectively and efficiently with arrangements adapted to the current context. She reiterated her Government's objection to the use of Zoom, access to which was restricted in Cuba owing to the blockade against the country by the United States. The restricted use of the Zoom platform did not affect Cuba alone, and a solution must be sought as a matter of priority to enable equal participation in the Conference by all Members of the Organization.
73. **A representative of the Director-General** (Deputy Director-General for Management and Reform), recalling that the question of arrangements for the Conference had been

the subject of very comprehensive consultations over the previous three months and the subject of three consultation papers prepared by the Office, said that the Office was keenly aware of the need for urgent decisions given the requirement to provide four months' notice of the Conference arrangements. Preliminary advice had already been sent out indicating that the final decisions would be taken by the Governing Body at its current session. The Office's first proposal had been for a two-week, virtual session that would not include any of the three technical committees, whose work would instead be completed through other mechanisms. In response to the feedback received, the Office had then proposed a three-week session that included all three technical committees. Lastly, in response to concerns, it had proposed a session lasting two and a half weeks, with a brief opening sitting at an earlier date, which would include any or all of the technical committees. Following consultation, agreement had been reached on almost all arrangements, with the exception of the number of technical items.

74. The Office had the capacity, technology and resources to conduct a full, virtual session of the Conference, although it recognized the challenges that such a session would pose for constituents. The issue of time zones could not be fully resolved, hence there would be a need to conduct proceedings within a restricted time frame to facilitate participation by those in the east and west. Internet connectivity also represented a challenge that could not be fully resolved by the Office, although it would certainly examine possible solutions, particularly for the social partners, including the use of ILO field offices and other United Nations (UN) offices. Nevertheless, potentially providing facilities for all Conference events for the Workers and the Employers could pose a significant challenge. The Office was able to cope with the increased workload created by the proposals, particularly if the proposed two-week preparatory period were to go ahead, and constituents should provide feedback regarding their own capacity. Should the Governing Body decide against retaining one or more of the technical committees, proposals for the completion of their work during the intersessional period could be made.
75. The format for discussing the outcome document on a global response for a human-centred recovery from the COVID-19 crisis would depend on the final Conference arrangements. While an initial proposal had been that the technical committees would contribute to the outcome document, consideration was now being given to presenting that outcome document to the committees so that they could refer to it in their conclusions. There seemed to be agreement that as much progress as possible must be made on the outcome document in advance of the session, and the Office had planned the necessary consultations. That work could also take place during the two-week preparatory period, if approved.
76. A meeting of the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards was planned, and only the Committee itself could make final decisions on its working methods. He noted that GRULAC's amendment was intended as an invitation to the Committee, rather than an instruction.
77. **The Worker spokesperson** observed that although different groups shared similar concerns, they would not automatically support the same outcome. Although her group shared the Employers' concerns regarding the issue of time zones, it was committed to ensuring that the ILO played its pivotal role in the response to the COVID-19 pandemic; it was therefore ready to commit to a full Conference agenda, and would not accept the removal of important items, including any of the three technical items or the work of the CAS.

- 78. The Employer spokesperson** reiterated her group's commitment to finding a working method that guaranteed the ILO's organizational continuity while upholding the principles of inclusiveness and ownership by the constituents. It was important to maintain the Organization's integrity to ensure its longevity. The Office must ensure that the technology used for sessions of the Conference was both accessible and acceptable to all constituents; some organizations, including her own, prohibited the use of Zoom for data protection reasons. The Office's proposal that some work be undertaken between sessions of the Conference and submitted to the next in-person session should be explored further.

(The Governing Body resumed consideration of the item at a later sitting.)

- 79.** The Governing Body had before it a revised draft decision, which had been prepared and circulated by the Office following consultations, and which read:

The Governing Body:

- (a) endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2, noting in particular the need to have, to the extent possible, similar and decent participation conditions, taking into account different connectivity standards and time zones;
- (b) decided to retain the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:
 - IV. Inequalities and the world of work (general discussion);
 - V. Recurrent discussion on the strategic objective of social protection (social security);
 - VI. Skills and lifelong learning (general discussion);
- (c) decided to convene the 109th Session of the Conference over three separate periods as follows:
 - (i) A one-day opening sitting will be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference.
 - (ii) The Conference will be reconvened from 3 to 19 June 2021 to deal with all agenda items except items IV and VI. During this period, the Conference will establish two working parties to deal with items IV and VI of the Conference agenda over a two and a half week period, on dates to be determined by a Governing Body ballot by correspondence;
 - (iii) The Conference shall be reconvened for a sitting of the plenary to adopt the reports and conclusions of the working parties responsible for items IV and VI and close the 109th Session.
- (d) noted that group meetings and preparatory committee meetings may be held between the opening of the Conference on 20 May 2021 and the formal commencement of its work on 3 June 2021;
- (e) decided that the 342nd Session of the Governing Body would be held on Friday, 25 June 2021, including for the election of the Governing Body officers for the period June 2021–June 2022, and to this effect decided to suspend the provisions of paragraph 2.1.3 of the Standing Orders of the Governing Body to the extent necessary to permit the election at the 342nd Session of the Officers of the Governing Body to take place before the close of the 109th Session of the Conference;

- (f) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures, programme and arrangements for the 109th Session of the Conference, including a detailed outline on the drafting process of the COVID-19 response and its adoption during the ILC, for adoption by correspondence by the Governing Body no later than April 2021; and
- (g) invited all parties concerned to examine as a matter of priority, through the informal tripartite consultations on the working methods of the Committee on the Application of Standards, for adoption by the Committee, the prioritization of its work and adjustments of its workload, taking into account the discussions that took place in the Governing Body.

- 80. Speaking on behalf of ASPAG**, a Government representative of Australia thanked the Office for its efforts to present the Governing Body with practical options that reflected the tripartite consultations over the course of the session, and expressed support for the revised draft decision.
- 81. A Government representative of Cuba** said that he was speaking also on behalf of the Plurinational State of Bolivia, Nicaragua and the Bolivarian Republic of Venezuela. He reiterated the need to use an inclusive digital platform to ensure that all participants were able to engage with each other on an equal footing at the virtual session of the Conference, given that certain platforms were not available in all countries. The Office should provide specific information without delay on the alternatives that were being considered to overcome that issue. He did not agree with the proposal to allow the Governing Body to include new items on the agenda of the Conference, particularly if those items were politically motivated and applied to specific countries. Decisions on Conference agenda items should be taken two years before the opening of the session, in accordance with due process. Specifically, any decision to include an item on the Bolivarian Republic of Venezuela on the agenda of the 109th Session of the Conference was unacceptable. Regrettably, therefore, he could not agree with the draft decision and was obliged to block consensus on it.
- 82. A Government representative of China** asked the Office to clarify the linkage between the proposed draft decision and the draft decision in respect of document GB.341/INS/10 on the Bolivarian Republic of Venezuela, and between the inclusion of the words “in addition to those listed in paragraph 4 of document GB.341/INS/3/2” in subparagraph (b) of the proposed draft decision and the reference in paragraph 4 of that document to item VIII, “Any additional item that the Governing Body may decide to place on the agenda of the Conference”.
- 83. A Government representative of the United States** requested the opinion of the Legal Adviser regarding the submission of items for the agenda of the Conference, and his guidance on how to proceed.
- 84. A Government representative of the Russian Federation** said that it was not advisable to place additional items on the Conference agenda, which was already considered too heavy by some of the social partners.
- 85. The representative of the Director-General** (Deputy Director-General for Management and Reform) said that he could not provide a definitive answer regarding the available alternative platforms for the Conference. However, the Office would address the issue as quickly as possible with the countries directly affected to ascertain what measures could be implemented to ensure connectivity and access. The document under discussion and the draft decision did not, in themselves, propose any additional items for the Conference agenda. The inclusion of the three items referred to in

subparagraph (b) of the draft decision (items IV, V and VI) and item VII had already been agreed on by the Governing Body, while item VIII was a facilitative clause, or placeholder, included to take into account the fact that the Governing Body had the authority to include additional items on the agenda.

- 86. A Government representative of Cuba** looked forward to hearing from the Office with a solution to the issue of connectivity. The facilitative clause in question was precisely the one that, if adopted, would open the door to a vote on the draft decision in respect of document GB.341/INS/10 and thereby the approval of placing an item on the Bolivarian Republic of Venezuela on the Conference agenda. Because of the inclusion of that clause, there could be no consensus on the draft decision as a whole.
- 87. The Chairperson** observed that, of the four countries on whose behalf the representative of Cuba had spoken in opposition of the draft decision, only Cuba was a Governing Body member. Accordingly, he took it that the Governing Body could proceed with the adoption of the draft decision, as amended.
- 88. A Government representative of Cuba** said that, according to paragraph 46 of the rules applicable to the Governing Body, consensus was characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question. Even though Cuba was only a deputy member of the Governing Body, its objection was sufficient to block the consensus. The Government representative of the Russian Federation had expressed support for Cuba's position and the question posed by the Government representative of China had not been answered. Therefore, there was no consensus and the draft decision could not be adopted. He asked for examples of other Governing Body documents that included similar clauses allowing the Governing Body to place additional items on the agenda in such circumstances.
- 89. A Government representative of the United States** asked whether the representative of the Director-General or the Legal Adviser could provide clarification on the rules applicable for the current Governing Body session for resolving questions relating to consensus. He reiterated his request for information on the submission of new items for the Conference agenda. His understanding was that the time limit was not two years for all items.
- 90. The Worker spokesperson**, emphasizing the importance of deciding on the agenda for the forthcoming session of the Conference, said that she supported the revised draft decision. However, it might be beneficial to conclude the discussion on document GB.341/INS/10 first, to determine whether there was an issue that still needed to be resolved in respect of the Bolivarian Republic of Venezuela, and then to come back to the present agenda item.
- 91. The representative of the Director-General** (Deputy Director-General for Management and Reform) said that, according to the special arrangements and rules of procedure applicable to the 341st Session of the Governing Body set out in paragraph 32(g) of document GB.341/INS/1, it was the role of the Chairperson to determine the existence of an agreement that was generally accepted, and in the absence of such an agreement, the Chairperson could ultimately put the decision to a vote by a show of hands, roll call or by correspondence after the final plenary sitting.
- 92. A Government representative of Cuba** expressed support for the Workers' proposal to conclude the discussions on document GB.341/INS/10 before proceeding further with the discussions on the current item.

- 93. A Government representative of Barbados** reiterated that his Government disagreed with the proposal to expand the Conference agenda. He strongly supported the Workers' proposal to conclude the discussion on document GB.341/INS/10 before proceeding any further with the discussion on the current item.
- 94. The Employer spokesperson** said that there was general language in the draft decision, which was a matter of regular governance, allowing for the inclusion of any additional items that the Governing Body might wish to place on the agenda of the Conference. The decision on the current item should be taken before moving any further through the agreed order of business. If consensus could not be reached, a vote must be held immediately.
- 95. The Worker spokesperson** acknowledged that the language used in the draft decision was a standard formulation. However, there was no reason to oppose a postponement of the discussion pending a decision in respect of document GB.341/INS/10. If still required, a vote on the revised draft decision currently under consideration could be taken after the conclusion of the discussions on the Bolivarian Republic of Venezuela.
- (The Governing Body resumed consideration of the item following a brief suspension of the sitting.)*
- 96. The Director-General** informed the Governing Body that the Employers' group had withdrawn its proposed subamendment to the draft decision in respect of document GB.341/INS/10; there was therefore no longer any possibility of adding an item to the agenda of the 109th Session of the Conference on the subject of the Bolivarian Republic of Venezuela.
- 97. A Government representative of Cuba** said that he remained concerned that the wording in the revised draft decision left open the possibility of a request for the inclusion of such an item on the Conference agenda.
- 98. The Worker spokesperson** said that there was a sufficiently clear understanding that a specific request for an additional agenda item on the Bolivarian Republic of Venezuela was no longer a possibility. A resolution could still be requested under article 17 of the Standing Orders of the Conference, but that would be a matter for the Officers of the Conference, not for the Governing Body.
- 99. The Employer spokesperson** confirmed that his group had withdrawn its proposal with regard to the request for an inclusion on the agenda of the 109th Session of the Conference of an item on the Bolivarian Republic of Venezuela.
- 100. The Legal Adviser of the ILO** explained that the possibility of tabling a resolution to the Conference remained open, in line with article 17, paragraph 2, of the Standing Orders of the Conference. In a programme and budget adoption year, such resolutions could relate only to urgent matters or matters of an entirely formal nature and would require permission by the President of the Conference and approval by the three Vice-Presidents.
- 101. A Government representative of Cuba** said that he would take the assurances of the social partners in good faith, despite having reservations about setting a negative precedent. On the understanding that there would be no request for the inclusion of an item on the Bolivarian Republic of Venezuela on the agenda of the 109th Session, he would not block consensus.

Decision

102. The Governing Body:

- (a) endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2, noting in particular the need to have, to the extent possible, similar and decent participation conditions, taking into account different connectivity standards and time zones;
- (b) decided to retain the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:
 - IV. Inequalities and the world of work (general discussion);
 - V. Recurrent discussion on the strategic objective of social protection (social security);
 - VI. Skills and lifelong learning (general discussion);
- (c) decided to convene the 109th Session of the Conference over three separate periods as follows:
 - (i) A one-day opening sitting will be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference;
 - (ii) The Conference will be reconvened from 3 to 19 June 2021 to deal with all agenda items except items IV and VI. During this period, the Conference will establish two working parties to deal with items IV and VI of the Conference agenda over a two- and-a-half week period, on dates to be determined by a Governing Body ballot by correspondence;
 - (iii) The Conference shall be reconvened for a sitting of the plenary to adopt the reports and conclusions of the working parties responsible for items IV and VI and close the 109th Session;
- (d) noted that group meetings and preparatory committee meetings may be held between the opening sitting of the Conference on 20 May 2021 and the formal commencement of its work on 3 June 2021;
- (e) decided that the 342nd Session of the Governing Body would be held on Friday, 25 June 2021, including for the election of the Governing Body officers for the period June 2021–June 2022, and to this effect decided to suspend the provisions of paragraph 2.1.3 of the Standing Orders of the Governing Body to the extent necessary to permit the election at the 342nd Session of the Officers of the Governing Body to take place before the close of the 109th Session of the Conference;
- (f) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures, programme and arrangements for the 109th Session of the Conference, including a detailed outline on the drafting process of the COVID-19 response and its adoption during the session, for adoption by correspondence by the Governing Body no later than April 2021; and

- (g) invited all parties concerned to examine as a matter of priority, through the informal tripartite consultations on the working methods of the Committee on the Application of Standards, for adoption by the Committee, the prioritization of its work and adjustments of its workload, taking into account the discussions that took place in the Governing Body.

(GB.341/INS/3/2, paragraph 11, as amended by the Governing Body)

Addendum: Special arrangements and rules of procedure for the 109th Session of the International Labour Conference (GB.341/INS/3/2(Add.1))

- 103.** Following intensive consultations between 25 March and 7 May, the Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 13 May 2021.

Decision

- 104.** The Governing Body decided by correspondence:

- (a) that the two working parties to deal with items IV and VI of the Conference agenda be held from Thursday, 25 November to Friday, 10 December 2021;
- (b) that the closing sitting of the Conference be held on Saturday, 11 December 2021; and
- (c) to propose to the Conference that it implement at its 109th Session the special arrangements and rules of procedures set out in the appendix to document GB.341/INS/3/2(Add.1) in order to facilitate the conduct of the session.

(GB.341/INS/3/2(Add.1), paragraph 5)

4. COVID-19 and the world of work: Elements of a potential International Labour Conference (109th Session) outcome document on a global response for a human-centred recovery from the COVID-19 crisis (GB.341/INS/4)

- 105.** The Worker spokesperson, recalling the views expressed by her group during the discussion on COVID-19 and the world of work at the 340th Session, reiterated that the agenda set by the ILO Centenary Declaration for the Future of Work (Centenary Declaration) was more relevant than ever. The commitment to universal social protection and decent work expressed in the Centenary Declaration must be put into action as a matter of urgency. The ILO's mandate for social justice and its normative framework would be essential in addressing the challenges posed by the COVID-19 pandemic, yet they did not feature prominently in the document prepared by the Office. A human-centred recovery, rooted in social justice, would be possible only with a rights-based approach, and the relevance of standards to such a recovery must therefore be recognized. The language on those matters contained in the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), should be reflected in the outcome document.
- 106.** The outcome document should be concise, avoiding the dilution of important concepts, and take the form of a call to action for all constituents and relevant actors in the

multilateral system and beyond. It should reflect several of the policy coherence matters addressed in GB.341/INS/8. The urgent action listed in building block C must involve the ILO and all groups of constituents, and reference must be made to the most important actions in the main body of the outcome document. The document should convey a sense of urgency and be couched in inspirational language. Her group was concerned that, by repeatedly mentioning the human-centred approach, it was becoming an empty concept.

- 107.** The call to action should build on the Centenary Declaration and be centred around ten key issues, the first, and most important, of which was employment, guided by the principle of decent work. The second was business continuity through sustainable enterprises, with government support linked to decent work and social and environmental responsibility as well as due diligence along supply chains. The third was investment in key sectors that had suffered most, with a recognition that strong public sectors were key to recovery, while those that had benefited during the pandemic must contribute to the recovery. The fourth was universal social protection.
- 108.** Fifth was labour protection, including the four elements of the labour protection floor addressed in the Centenary Declaration. The matter of living wages, and wages more broadly, was absent from the document. Workers' safety and health must be central to recovery policies, and the pandemic had highlighted the urgent need to declare OSH a fundamental right. Universal access to the COVID-19 vaccine was far from a reality, and wealthier countries should help poorer nations access properly tested vaccines, while vaccine licences should be suspended.
- 109.** The sixth key issue was gender inclusivity. Women had played a key role during the pandemic and must now be central to the recovery, with particular attention paid to the care economy. The seventh was a just transition, and the need to consider the environment in every stage of the recovery. Eighth was digitalization and technological evolution, given the urgent need to address the digital divide and to consider the matter in the context of a sustainable and green recovery. The increase in remote working had given rise to both concerns and opportunities. The ninth issue was the importance of social dialogue in designing and implementing the necessary policies, and the tenth key issue was coherence in the multilateral system.
- 110.** There were three particularly urgent issues. First, reversing inequality must be a key objective, and the outcome document must state clearly that a human-centred recovery must reverse the dramatic inequalities exposed and exacerbated by the pandemic. Those inequalities particularly affected workers in the informal economy and in precarious jobs, and women, who had been disproportionately affected by the pandemic and whose struggle for gender equality risked being set back many years. Her group was concerned that the item on inequality would not be included on the agenda of the 109th Session of the International Labour Conference and would therefore not feature in the outcome document. The necessary measures must span a range of policy areas, including minimum wages. The outcome document should include explicit and inspiring language on the importance of strong and coherent policies to reduce inequalities in the recovery.
- 111.** The second urgent issue was precarious work, which would lead to a precarious recovery if not addressed. The outcome document must clearly acknowledge the risks brought about by the proliferation of precarious jobs and highlight the importance of building back better with jobs that offered adequate protection for workers. The pandemic had exposed the extreme financial vulnerability of workers in precarious jobs, most of whom did not enjoy social protection, often lacked adequate protective equipment and could

not afford to stop working when sick. A human-centred recovery must entail adequate labour and social protection for all workers. The outcome document must recognize the pandemic's particular impact on certain categories of workers, including young people, migrants, ethnic minorities and indigenous peoples.

112. The third issue that should be prioritized was the need for a gender-inclusive recovery. The outcome document must call for the urgent implementation of the Centenary Declaration's provisions on the transformative agenda required for gender equality, while reflecting on how racism and other forms of discrimination, exacerbated by the pandemic, should be addressed. Her group supported the draft decision, although it objected to finalizing negotiations on the outcome document prior to the session of the Conference as, in order to get wide support, the outcome document had to be understood to reflect a joint effort, incorporating input from delegations at the Conference itself.
113. **The Employer spokesperson** repeated his group's call for strong leadership by the ILO towards a sustainable recovery from the pandemic, recalling that the accelerated, focused implementation of the Centenary Declaration as the path to recovery was the driver of the outcome document. Despite rich consultations, the document under discussion fell short of his group's expectations. It was long, and crucial language from the Centenary Declaration was missing or had been altered. It neither referred to the ILO's leadership and involvement in key areas of the recovery – such as skills, productivity and enabling enterprises – nor recognized the important role of the private sector and the social partners. The outcome document should go beyond setting out the commitments of Member States and focus instead on the crucial elements that the ILO should work on. It must not reinterpret or expand on the Centenary Declaration, which must form the basis for the recovery. While some of the aspects included in the document, such as the strengthening of social contracts, wage transparency and the categorization of workers, were interesting points for debate, they were not relevant to the desired outcome document.
114. Building block D, on the role of the ILO in the human-centred recovery, should include a specific reference to the need for enabling business environments and propose a comprehensive and coherent Office-wide strategy for the promotion of productivity growth. That strategy should encompass a range of aspects, including knowledge-sharing and research on drivers of productivity and growth for decent job creation. The section should include proposals on enhancing support for constituents in the areas of digital and other technologies, skills and lifelong learning. Specifically, it should propose a skills strategy that addressed key aspects of the recovery and, inter alia, ensured more equitable access to high-quality education, reduced skills gaps and fostered digital learning. Building block D should also request targeted and integrated capacity-building policy measures aimed at employers' and workers' organizations. The omission of social dialogue from that section was surprising given that it was a vital, distinguishing part of the ILO's work.
115. Building block D should express the need for a coherent approach to prioritizing and mainstreaming informality strategies, and address how such an approach would be taken; the ILO could make a significant contribution in that regard, including by partnering with other stakeholders. Lastly, the section should include a strategy to promote transitions to formality in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), including through an innovative ILO multi-stakeholder development cooperation initiative. The considerations and commitments set out in building blocks B and C should align with the Centenary

Declaration to produce an impactful outcome document that conveyed the leading role that the ILO should and would continue to play on the path to recovery, as set out in building block D.

- 116. Speaking on behalf of the Africa group,** a Government representative of Morocco noted that the COVID-19 pandemic had exposed existing shortcomings, raised questions regarding the resilience and inclusivity of public policies and systems of growth and highlighted inequality. It had revealed the need for a practical, operational road map that enabled national priorities to be defined and pandemic responses to be made sustainable. Greater emphasis on practical aspects was therefore required; some measures contained in the document exceeded the scope of the post-pandemic recovery.
- 117.** The outcome document would be rendered more relevant by the inclusion of the ILO's own data on the world of work. His group noted with interest the emphasis placed on cooperation in ensuring that all countries could access resources to assist them in their post-pandemic recoveries and in implementing the 2030 Agenda for Sustainable Development (2030 Agenda). He urged the ILO to provide assistance to countries whose economies had been particularly affected, including by incorporating in the outcome document specific, practical measures to develop social protection systems and promote jobs and the transition to the formal economy.
- 118.** His group called on the ILO to work with the relevant UN agencies, particularly the World Health Organization (WHO), to mitigate the impact of the pandemic on OSH and promote economic recovery. His group supported the draft decision.
- 119. Speaking on behalf of GRULAC,** a Government representative of Barbados called for a new shorter and more concise draft document. The list of impacts in section A of the annex could include the deepening of inequalities and social injustice, and the disproportionate effect on the most vulnerable, particularly women. Section B should be a brief synthesis about the centrality and relevance of the Centenary Declaration, while section C should be restructured as a concise and easy-to-communicate set of policies and actions based on the careful balance of the Declaration. It was of utmost importance for such actions to be relevant for the social partners as agents for recovery alongside governments. Section C should also contain an emphasis on international and regional cooperation, policy coherence, the need to address all dimensions of development, and a strong gender perspective. Section D should briefly describe the ILO's comparative advantages and its specific role in promoting a global response in the world of work through cooperation, support by the constituents and the promotion of policy coherence at the international level, based on the road map and the Centenary Declaration.
- 120. Speaking on behalf of ASPAG,** a Government representative of Bangladesh said that in order to move forward with a human-centred recovery from the COVID-19 crisis, it was necessary to: strengthen international collaboration to assist developing countries in pursuing their efforts of ensuring social justice; encourage governments and the private sector to safeguard employment-intensive industries, and ensure the protection of jobs of those most affected by the crisis and workers' rights; redouble efforts to facilitate cooperation among Member States to extend affordable technological support for productive employment, and close skills gaps; and tailor the ILO's efforts to address the socio-economic divergence, work culture and macroeconomic strength of countries for a swift recovery. All ILO constituents should make concerted efforts in the consultations on the draft outcome document to reach consensus before the 109th Session of the Conference. It would be interesting to hear the views of other groups on not only the

content of the document, but also on the specific modalities proposed for achieving consensus.

121. Regarding the document structure, a chapeau paragraph should be added before the first part as an introduction to the purpose and objective of the document and an umbrella for the four building blocks. It was essential to promote greater commitment through active roles by the social partners and to include local communities in the list of vulnerable workers in section C. A clearer reference to the ILO's role in supporting the social partners should be included in section D. He underscored the importance of multilateral work at the international, national and regional levels when discussing the ILO's role in the achievement of the 2030 Agenda. The outcome document should include clear and tangible actions, and guidance on how the ILO and Member States could carry them out. His group supported the draft decision.
122. **Speaking on behalf of IMEC**, a Government representative of the United States said that it was important for the introduction of the document to reflect the lessons learned from the pandemic and the opportunities for building back better. The document should be practical and add value. To ensure maximum impact, the Office needed to develop a clear and concise policy statement with an action-focused appendix, including a menu of specific policy options taking into consideration the language used in the Global Jobs Pact. Setting out the options in a response, recovery and resilience framework would help ensure that the document was relevant in the different responses to the pandemic. The policy options should be considered within the framework of the four pillars of the Decent Work Agenda. The elimination of child labour and forced labour, including in global supply chains, and the promotion of fundamental principles and rights at work should be explicitly referred to in the building blocks and policy options. Further work would be necessary to consider the impact of the arrangements for the upcoming session of the Conference on the adoption of the outcome document.
123. **Speaking on behalf of the Eastern European group**, a Government representative of Poland said that while her group welcomed the proposed structure of the document, clearer and more action-oriented policy messages that were understandable and applicable to all ILO constituents and to people outside the Organization were needed. The ILO should show robust leadership in the international community by providing policy guidance for a post-COVID-19 human-centred recovery. The document should include a stronger emphasis on and targeted actions relating to young people affected by the pandemic with limited access to the labour market, and on reskilling, upskilling and social security protection schemes. There should be stronger emphasis on job creation, including in the digital and the green economy, and on the protection of workers in emergent new forms of work, such as the platform economy. The promotion and maintenance of the physical, mental and social well-being of workers in all occupations and types of employment, preventive action, social dialogue and workers' rights regarding such matters should be prioritized both during and after the pandemic. Her group supported the draft decision.
124. **Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Norway and Georgia aligned themselves with her statement. The outcome document insufficiently addressed, or, in some cases, failed to address critical issues such as global supply chains, cross-border social dialogue, the digital transition and digital gaps, and the ILO's normative and supervisory role. The specific issues of forced labour, child labour, labour conditions in global supply chains, the precarity of jobs in the platform and informal economies and the disproportionate impact of the pandemic on women and youth in

the world of work required a tailored and timely response. It would be helpful to know how the Office and its constituents foresaw the links between the outcome document and the outcomes of the Conference technical committees, and how the ILO would engage globally and in the field with the UN system to promote the action-oriented agenda. It would be useful to know how the Office would ensure that the document gave the ILO the necessary visibility at the international level. Her group supported the draft decision.

- 125. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN),** a Government representative of Thailand said that regional responses were key to recovery, as Member States were attempting to reopen borders and reinvigorate global supply chains. His group therefore encouraged the ILO to advance its work at the regional level through the regional offices and through proactive engagement with regional organizations to move forward with responses to the crisis. The regional dimension mentioned in the elements of the potential outcome document, and in the building blocks, should be strengthened. He endorsed the draft decision.
- 126. Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden),** a Government representative of Finland emphasized the crucial role of gender equality in the different actions and policies implemented during the crisis and the recovery. The work to incorporate OSH as a fundamental principle and right at work was appreciated. Policy measures, including upskilling and reskilling would need to be targeted at young people, women, low-paid and low-skilled workers, workers in precarious and informal jobs and other vulnerable groups. Tripartite cooperation at the national level and social dialogue were useful tools when deciding and implementing policies aimed at addressing the repercussions of the pandemic. The implementation of the Centenary Declaration was as urgent as ever.
- 127. A Government representative of Ethiopia** welcomed the proposed outcome document, which would enable the ILO to harness the full potential of the Centenary Declaration. Measures taken by her Government in response to the COVID-19 pandemic included workplace protocols, wage subsidies and food banks and distribution of personal protective equipment. However, resources and institutional capacity in many countries were limited, which must be taken into account in the outcome document. The COVID-19 pandemic threatened gains made towards decent work and social justice and achieving the SDGs. The ILO must step up its collaboration with the multilateral system to mobilize resources for constituents' recovery efforts. She supported the draft decision.
- 128. A Government representative of Barbados** said that his country was experiencing higher unemployment, closing enterprises and growing informality, and increasing numbers of people were on the brink of poverty. Small island developing States had been particularly affected by the pandemic, and any global response must meet the needs of all countries. Social dialogue had been a key component of his Government's national response and recovery policies, and measures had been introduced to mitigate the impact of the pandemic, particularly in the tourism sector. Despite support provided by the national social protection system, the informal economy was growing, which could lead to decent work deficits. That must not be overlooked, and resources must be dedicated to formalization initiatives. He thanked the Office for including the priorities of small island developing States in the building blocks. He encouraged Member States to commit to the actions required to advance a human-centred recovery, based on the Centenary Declaration.
- 129. A Government representative of China** said that, in response to COVID-19, her Government had introduced measures, such as reducing taxes and fees, prioritizing

employment and increasing social protection, in order to maintain stable employment and protect workers' rights. She welcomed the *ILO Monitor: COVID-19 and the world of work* series and other elements of the ILO's response to COVID-19, which had helped her Government to develop appropriate policies. The Office should continue to play an important role in COVID-19 recovery, and she welcomed the proposed outcome document. The outcome document should focus equally on existing issues that had been exacerbated by the pandemic and on emergent issues, and should make actionable recommendations. It should take into account that recovery was not uniform across Member States and focus on sustainability to protect the future of work. It should emphasize the need for multilateral tripartite cooperation if recovery were to be successful. She encouraged the Office to take Member States' comments into account when preparing the draft outcome document. She supported the draft decision.

- 130. A Government representative of Chile** said that the ILO must continue to play a leading role in promoting coordination among international organizations and policy coherence on a human-centred future of work. Knowledge generation, such as the *ILO Monitor*, was particularly important in the context of the COVID-19 pandemic. The ILO's response must be succinct, inspirational and add value in the world of work; focus on a human-centred future of work; be well structured, based on the Centenary Declaration; include a clear and transparent consultation process; and ideally be agreed on prior to the 109th Session of the Conference.
- 131.** The world would potentially continue to be affected by pandemics in the future, affecting multiple aspects of society, including health, education and work. His Government was involved in the development of a global pandemic preparedness and response instrument, which aimed to strengthen multilateral collaboration among States in all elements of pandemic preparedness and response. At the national level, his Government had implemented measures to address the effects of COVID-19, which included legislation on employment protection, teleworking and employment subsidies.
- 132. A Government representative of the Republic of Korea** commended the *ILO Monitor* series, which had facilitated a systematic response to the unprecedented global employment crisis. The proposed outcome document should provide guidance for countries to overcome the crisis. Social dialogue was vital in implementing international guidance at the national level, and should thus be a key component of the outcome document. The COVID-19 response in the Republic of Korea had been developed through tripartite dialogue and agreement. The National Assembly had passed bills to ratify the fundamental Conventions on the right to organize and collective bargaining, which would continue to strengthen social dialogue. His country stood ready to share its experience and knowledge. He supported the draft decision.
- 133. A Government representative of the United Kingdom** highlighted the opportunity to work together to demonstrate ILO tripartite and multilateral leadership on the world stage. His Government would use its presidency of the G7 to develop an agenda for international recovery that delivered jobs, prosperity and well-being for all. It was critical to have a response, recovery and resilience framework in which policy actions could be categorized according to a country's stage of response to the pandemic. The outcome document must add value, and should contain a short declaratory statement of commitments, followed by an action-oriented annex. The document provided an opportunity for the ILO and constituents to work together and learn from each other in developing effective global economic responses to the pandemic.
- 134. A Government representative of Brazil** said that his Government was working hard to overcome the diverse impacts of the COVID-19 pandemic, including through emergency

cash transfer programmes, adopting a short-time work scheme to preserve jobs, easing teleworking rules, digital payment of unemployment insurance and disseminating guidance for employers and workers. He welcomed the proposed outcome document, in particular the references to addressing gender inequality, youth unemployment, informality and access to social protection systems. He emphasized the role of the private sector in promoting employment and economic recovery, and the need for support for small and medium-sized enterprises (SMEs). However, the outcome document must be more concise, and focused on the ILO's core mandate and comparative advantage to implement the Centenary Declaration.

- 135. A Government representative of Switzerland** welcomed the emphasis in the proposed outcome document on resilience, business continuity and income security, and the reference to global and domestic supply chains. However, some references concerning entrepreneurship, productivity, digitalization and the development of value chains were still missing. The global impact of COVID-19 required a global response, and the ILO had a leading role to play in building back better. However, collaboration with other international organizations was essential, and the ILO must identify synergies with other stakeholders. The Governing Body's discussion on coherence within the multilateral system could provide useful guidance and translate into concrete actions under block D. The document should be worded so as to rally support among other international organizations. The Office must rapidly define the process for consultations, as constituents would require preparation time to facilitate the adoption by the Conference of a robust and decisive joint response.
- 136. A representative of the Director-General** (Deputy Director-General for Policy) noted with appreciation the Governing Body's guidance on the building blocks for the outcome document and looked forward to working with constituents to meet their expectations and deliver a global response that was human-centred, sustainable, inclusive and resilient, in the framework of the Centenary Declaration.
- 137.** Consultations on the outcome document would continue so that the 109th Session of the Conference would be able to adopt a compelling document that was practical, concrete, succinct and action-oriented to galvanize global recovery efforts. She noted that the discussion reflected the importance the Governing Body attached to the issues of supply chains, child labour, forced labour, gender, productivity, skills, informality, OSH, social protection and transitions to digital and green economies, among others. The Office was committed to including as many priorities of the groups as possible, while ensuring that the outcome document remained concise and actionable. She recognized the need for specific action-oriented policy messages that were understandable and applicable also for people outside the ILO world. Collaboration with other international organizations to ensure policy coherence and promote the recovery agenda was critical, and linked to the discussion on coherence within the multilateral system. It was indeed important to highlight the role of the ILO and to support its constituents in meeting the challenges they faced.
- 138.** As to next steps, the Office would prepare a draft text to form the basis for tripartite consultations. Further informal consultations would be held during the current session to discuss how to achieve consensus and develop a process for the discussion of the document at the Conference. The Office stood ready to expedite work to create the time and space for meaningful consultations.
- 139. The Worker spokesperson** recognized that expectations regarding the outcome document were high, but the message of the meeting was hopeful. The support for a clearer recognition of social dialogue was particularly welcome. There was agreement

between the social partners on the need for a more ambitious agenda for the ILO to act. Her group was keen to cooperate with the Office and constituents to develop a very sound outcome document.

- 140. The Employer spokesperson** welcomed the rich discussion, which showed that much remained to be done to meet expectations. He reiterated the importance of including social dialogue, the role of the ILO, support for constituents and relevant action-oriented messages.

Decision

- 141. The Governing Body provided guidance on the building blocks for a potential outcome document on a global response for a human-centred recovery as detailed in the appendix of document GB.341/INS/4, and requested the Office to prepare a draft outcome document for consultations.**

(GB.341/INS/4, paragraph 12)

5. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.341/INS/5(Rev.2))

- 142.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 25 February 2021. The Office provided clarifications and additional information in response to the questions raised during the briefing session.
- 143. A representative of the Director-General** (Director, International Labour Standards Department), explained that the data included in the document had been updated as at 31 January 2021. Concerning the latest ratifications of fundamental Conventions, with Tonga's ratification, the Worst Forms of Child Labour Convention, 1999 (No. 182), had become the first ILO Convention to reach universal ratification.
- 144.** In response to a question from the Workers' group, she said that the Office was continuing its campaign to promote the ratification of all the fundamental Conventions. The reason for mentioning forced labour in the draft decision was that as the Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol), was the most recent instrument, it had fewer ratifications than other fundamental Conventions and there was a need to further promote it. However, that should not be understood as weakening the efforts to achieve ratification of the other fundamental Conventions. The Protocol had been ratified by 49 Member States and therefore only one ratification was missing to reach the target of the "50 For Freedom" campaign. That additional ratification might be reached before the next session of the International Labour Conference.
- 145.** To address the difficulties encountered by Member States when submitting annual reports and help them fulfil their reporting obligations, the Office was developing a new online reporting format and an information technology application, which would maximize the benefits of accessing information by Member States and sharing good practices. Requests for technical assistance by Member States should be more specific and provide the Office with sufficient information to be able to provide adequate follow-up.
- 146.** She indicated that a revised version of the document would be provided for the ballot vote.

- 147.** Replying to a question concerning the possible need to modify the text in subparagraph (b) of the draft decision to reflect the fact that the document had been updated since March 2020, she said that that was not necessary because the reporting period had not changed even if some updated information had been included.
- 148.** The Screening Group agreed to put the item forward for a decision by correspondence on the understanding that the Office would publish a revised version of the document in which an error in paragraph 56 concerning Belarus would be corrected and the draft decision reviewed to reflect the guidance provided by Governing Body members during the briefing session.
- 149.** The decision contained in document GB.341/INS/5(Rev.1) was adopted by consensus and announced to all Governing Body members by a communication of 14 April 2021.

Decision

150. The Governing Body, by correspondence:

- (a) took note of the information presented in the Annual Review under the follow up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January to December 2019;**
- (b) invited the Office to intensify its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to provide technical assistance to address obstacles to ratification; and**
- (c) reiterated its support for the mobilization of resources with regard to further assisting Member States in their efforts to respect, promote and realize fundamental principles and rights at work, including through universal ratification of all fundamental Conventions and of the Protocol of 2014 to the Forced Labour Convention, 1930.**

(GB.341/INS/5(Rev.2), paragraph 143)

Summary of the written comments received during the consideration of the item by correspondence ⁴

- 151. The Workers' group** noted with concern that the reporting rate had decreased by 31 per cent for the period under review in comparison with 2018 and urged the Office to redouble its efforts to improve the rate and provide technical assistance on the new online reporting system. The reporting rate for 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), had decreased by 16 per cent and 3 per cent, respectively, and the fact that those Conventions remained the least ratified of the fundamental Conventions, despite being enabling rights, should be urgently addressed. Governments were urged to submit their annual reports on all the fundamental Conventions and to overcome obstacles to ratification.
- 152.** The universal ratification of Convention No. 182, the 22 ratifications of the Protocol between 15 January 2019 and 31 January 2021, and the recent ratification by Sudan of the Protocol that achieved the initial target set by the "50 for Freedom" campaign

⁴ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

demonstrated that the ratification campaign could yield significant results. It was, however, a matter of concern that, apart from the Protocol, 114 ratifications covering 41 Member States would be needed to attain the goal of universal ratification of all fundamental Conventions. The commitment to achieving the universal ratification and implementation of the fundamental principles and rights at work made at the International Labour Conference in the conclusions concerning the second recurrent discussion on fundamental principles and rights at work (2017), the conclusions concerning the second recurrent discussion on social dialogue and tripartism (2018,) and the ILO Centenary Declaration for the Future of Work, 2019 (Centenary Declaration), should be taken seriously. Member States that had not yet ratified Conventions Nos 87 and 98, particularly those that had indicated that ratification was unlikely or that had not reported their intentions, were urged to respect their renewed commitment under the Centenary Declaration. The Office should intensify its support and technical assistance to realize the goal of universal ratification as soon as possible. The group supported the draft decision.

- 153. The Government of Italy** highlighted the essential relevance of Conventions Nos 87 and 98, both of which required specific attention by the ILO for effective action with regard to their ratification.
- 154. On behalf of Canada, New Zealand, the United States and the United Kingdom**, the Government of the United States noted that while the document captured government efforts to give effect to the fundamental principles and rights at work, it did not reflect information on persistent or systemic labour rights deficits globally. Information on serious failures to afford fundamental labour rights was equally critical to evaluating trends concerning the fundamental principles and rights at work.
- 155.** Forced labour was a serious issue everywhere. Certain ILO Member States currently engaged in systemic, state-sponsored forced labour, which represented a grave departure from the commitment of all ILO Member States to realize the elimination of all forms of forced labour.
- 156.** The ILO must continue to be a leader in addressing major labour rights issues around the world. The Office should identify ways to highlight and address serious and persistent labour rights deficits in situations not otherwise covered by the document or the ILO supervisory system, whether through the follow-up to the 1998 Declaration, joining forces with other organizations within the UN system, the work of Alliance 8.7, or another modality, and present options to the Governing Body for its consideration. The valuable contribution of the social partners was appreciated in that regard, and the Office was requested to assess the degree of reporting by social partner organizations on the implementation of the Declaration.
- 157.** State-sponsored forced labour of vulnerable groups and minorities, rural workers being particularly vulnerable, including in the agricultural and garment sectors, as well as mass transfers of forced labourers were matters for serious concern. The same was true for the link between forced labour and other human rights violations and abuses, including mass arbitrary detention in some regions.
- 158.** Forced labour required international attention and the ILO's leadership and expertise to eliminate it. Under the 1998 Declaration, it was incumbent on all Members to promote and to realize the elimination of forced and compulsory labour. That must be a priority for the ILO. Further discussions of that issue in the Governing Body, including specific cases, would be welcome.

- 159.** In the statement on behalf of **the EU and its Member States**, it was noted that the Republic of North Macedonia, Montenegro, Albania, Iceland, Norway and Japan aligned themselves with the statement. In view of the alarmingly slow progress of ratifications in the previous year, the ILO was encouraged to strengthen its efforts to achieve universal ratification and implementation of the fundamental Conventions, including with the aim of achieving the SDGs. In 2017, the region of Europe and Central Asia had been the first to achieve universal ratification. The EU supported increased ratification efforts in other regions, in line with commitments made under the Centenary Declaration, and looked forward to increased efforts to promote, respect and realize fundamental principles and rights at work in States that had not yet ratified some fundamental Conventions
- 160.** With 2021 being the International Year for the Elimination of Child Labour, the universal ratification of Convention No. 182 was timely and constituted a significant step forward, highlighting the crucial role of the ILO in global efforts to achieve the SDGs. It was imperative to work towards the full implementation of Convention No. 182 and the wider ratification of the Minimum Age Convention, 1973 (No. 138).
- 161.** Like child labour, forced labour remained an outstanding and grave concern, exacerbated further by the COVID-19 pandemic, in particular among vulnerable groups and minorities. The prevalence of forced labour constituted a grave violation of human rights. Eradicating that scourge required renewed mobilization and must be a priority for the ILO and its Member States, which had all committed to eliminating forced and compulsory labour under the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration). Supported by its normative, supervisory and development roles, the ILO must intensify its efforts to contribute to the eradication of forced labour by 2030, a major milestone towards implementing the 2030 Agenda, including through the promotion of universal ratification and full and effective implementation of fundamental Conventions Nos 29 and 105 (the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)), and the Protocol of 2014 to the Forced Labour Convention, 1930. The EU gave particular priority to the commitments made to implement those Conventions in the framework of its multilateral relations. While welcoming the achievement of the “50 for Freedom” campaign target, faster progress was needed. The goal should be set higher; all countries were called on to ratify and implement the Protocol and to join forces in the pursuit of a world free from forced labour.
- 162.** Partnerships of the ILO in support of fundamental principles and rights at work, such as actions undertaken by Alliance 8.7 to maximize results on the elimination of child labour and forced labour, were welcome. The EU expressed concern about Conventions Nos 87 and 98 continuing to be the least ratified fundamental Conventions and the resulting lack of meaningful and effective social dialogue. It welcomed the promotional activities and technical assistance provided to governments and social partners, and encouraged further activities to that end. Social dialogue was key to achieving a sustained, fair and resilient recovery from the COVID-19 crisis.
- 163.** The EU expressed regret about the 31 per cent decrease in the response rate reported by the Office; annual reports by the Member States constituted an essential tool to assess compliance with the obligation for ILO Members to promote, respect and realize fundamental principles and rights at work. It requested increased visibility for the information contained in the country baselines established on the basis of the annual reports, and would welcome an assessment by the Office of the degree of reporting by social partner organizations. It supported the draft decision.

6. Follow-up to the resolution on the ILO Centenary Declaration for the Future of Work: Proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work (GB.341/INS/6)

- 164.** The Governing Body had before it an amendment to subparagraph (a) of the draft decision, which had been proposed by the Employers' group and circulated by the Office, to add " – as a planning tool which can be reviewed and modified by the Governing Body based on the progress made –" after the words "revised procedural road map".
- 165. The Employer spokesperson**, recalling that her group had played an instrumental role in the development and establishment of the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration) and considered it to be a very important tool, said that she would not accept any suggestions that OSH was not an essential issue for employers or that they were not committed to providing safe and healthy workplaces. Her group took the issue very seriously and recognized that improving OSH was in the interests of governments, workers and employers.
- 166.** The deferral of the discussion on the road map owing to the cancellation of the 338th Session of the Governing Body and the decision not to discuss it at the 340th Session had not diminished the importance of the item. In the light of the COVID-19 pandemic, and given the complexity and significant implications of the road map within and outside the ILO, it was even more important to hold a comprehensive discussion to identify possible building blocks and to seek strong tripartite consensus on a way forward. In the document, the Office appeared to suggest that a broad consensus had been already reached, which was not the case.
- 167.** The document contained inaccurate information on the references to precedents in international, regional and national constitutional instruments. Although her group endorsed the references to the right to life and the right to health in such texts, they were different concepts from that of OSH. She noted that the document provided only two options and did not present a proper analysis of the opportunities and risks of those options. Furthermore, it focused on the proposal to consider OSH as a fundamental principle and right at work. She requested the Office to develop other alternative proposals in a future document, namely the consideration of OSH in the framework of fundamental principles and rights at work. Any consensus achieved on the matter would require express recognition that OSH entailed joint commitment and responsibility from all tripartite constituents.
- 168.** Her group considered that the formulation of a possible fundamental principle and right at work on safe and healthy working conditions was premature. The discussion should focus rather on clarifying substantive questions and obtaining a better understanding of the implications of the inclusion of safe and healthy working conditions in the existing framework or in any other proposal. She rejected the Office's argument that the Conventions on OSH could not be recognized as "priority Conventions" in the current institutional framework, as the term had been used specifically for "governance Conventions" in the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration). The possibility of identifying OSH or any other area as a priority governance Convention was not excluded by the Social Justice Declaration.
- 169. The Worker spokesperson** recalled the clear mandate provided by the Centenary Declaration and its accompanying resolution and said that, in the light of the pandemic, the Governing Body should have placed on the agenda of the 109th Session (2021) of the

International Labour Conference an item to include safe and healthy working conditions in the framework of fundamental principles and rights at work. It was deeply regrettable that the document ignored the urgency of the matter and merely proposed an adjustment of the road map, with a decision to be taken by the Conference in 2022. The right to safe and healthy working conditions had already been recognized as a fundamental right within and outside the ILO. It was also considered to be an enabling right. Her group supported an amendment to the 1998 Declaration by inserting an additional principle and right, to ensure that the new right would have the weight and influence of the 1998 Declaration behind it.

- 170.** Regarding a possible formulation of safe and healthy working conditions as a fundamental principle and right at work, her group preferred the wording “the right to a safe and healthy working environment”, which placed emphasis on the protection dimension contained in the ILO Constitution. However, priority should also be given to prevention. The participation and representation of workers and their representatives in the area of OSH at all relevant levels should be acknowledged as key to ensuring safe and healthy working conditions. The rights of workers and the responsibilities and duties of employers and governments also needed to be defined at the national and enterprise levels. Although those elements could not be integrated into a short formulation, they should be properly addressed. Consequently, there was a strong case for the consideration of Convention No. 155 as the key standard giving expression and content to the fundamental right. Her group also supported the Occupational Health Services Convention, 1985 (No. 161). Member States should avail themselves of the technical assistance that would be provided to help them implement the new fundamental right once its inclusion was complete. The integration of a revised 1998 Declaration into existing free trade agreements would depend on the States parties to those agreements. Similarly, countries offering generalized preference schemes including references to the fundamental principles and rights at work would also need to take specific action to include a new fundamental right.
- 171.** The road map should be reconsidered taking into account that decent work could be achieved only if work was safe and did not put the health of workers at risk. In that regard, she underscored the importance of addressing as soon as possible at the international level, including at the ILO, the need to ensure universal access to high-quality and tested vaccines as part of the fundamental right to OSH. At its 343rd Session (November 2021), the Governing Body should consider not only process-related questions, but also the elements of a possible draft outcome document on the item for consideration at the 110th Session (2022) of the Conference and arrangements for the Conference discussion. That would allow the preparatory work for the 110th Session of the Conference to be completed in 2021, in order to give effect to the commitments taken in 2019 and rendered more urgent by the impact of the COVID-19 pandemic.
- 172.** She noted with satisfaction that several global companies, the names of which she listed, had urged the Governing Body to implement the proposals for including safe and healthy working conditions in the framework of fundamental principles and rights at work in June 2021. She trusted that the Employers’ group saw the importance of such a message. Her group supported the draft decision prepared by the Office and rejected the amendment proposed by the Employers. Emphasizing the need to move towards a Conference decision in 2022, she said that the current discussion had been called not to determine whether or not to have a fundamental right, but to determine whether it could be given the same form as the other fundamental rights. The Employers had not provided any alternatives to the two pathways provided by the Office.

- 173. The Employer spokesperson**, speaking on a point of order, said that the Worker spokesperson had not respected the principle whereby the names of organizations allowing for the identification of individual companies in Governing Body discussions were not disclosed.
- 174. The Worker spokesperson** took note of the point of order.
- 175. Speaking on behalf of the Africa group**, a Government representative of Senegal recalled his group's support for the Centenary Declaration and the related resolution. His group welcomed the opportunity to make progress in terms of social justice and decent work and could support any proposal aimed at including safe and healthy working conditions in the fundamental principles and rights at work, provided it was coherent with key international and regional instruments. The issue of OSH was particularly pressing as workers faced increasing occupational risks and workplaces continued to suffer the impact of occupational accidents and diseases. The Africa group therefore requested the assistance of the Office for technical capacity-building for labour market institutions with regard to safety and health at work, including by supporting training institutes. The modalities for adopting a decision should be determined with respect to the principles of social dialogue and tripartism. Expressing a preference to amend the 1998 Declaration by a decision of the Conference, he said that the Africa group supported the draft decision as set out in the document.
- 176. Speaking on behalf of ASPAG**, a Government representative of Australia noted the need for work to advance without further delay and said that ASPAG was open to holding intersessional consultations and using other constructive and innovative ways of moving forward to achieve consensus. The revised procedural road map represented a sensible way forward. Given that the Conference could not consider the matter before 2022, the Office should clarify the implications for the agenda of the 110th Session (2022) of the Conference and the decision that the Governing Body would take in respect of the agenda of future sessions of the Conference (GB.341/INS/3/1).
- 177.** Careful consideration should be given to questions and issues raised by constituents, including the implications for free trade agreements and the identification of relevant labour standards. More details would be appreciated regarding the indication that formally recognizing OSH as a fundamental principle and right at work, if that option was approved, did not need to occur simultaneously with the identification of corresponding Conventions. Further information would also be appreciated on the available options and their implications. The Office should explain how the work of the Standards Review Mechanism could affect any future recognition of Conventions relating to OSH as fundamental. ASPAG stood ready to discuss issues of substance in more detail, and supported the draft decision.
- 178. Speaking on behalf of IMEC**, a Government representative of Ireland, noting that the discussion was still at an early stage, said that the most efficient and effective route to including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work was through an amendment to the 1998 Declaration, since that approach would highlight links to the four fundamental principles and lend the initiative added weight and coherence. IMEC agreed that there would be no need to formally recognize a fundamental principle or right and identify the corresponding Convention or Conventions simultaneously. The procedural road map should not affect implementation of the recommendations by the SRM TWG regarding the modernization and updating of OSH standards.

- 179.** In the light of the impact of the COVID-19 pandemic on the implementation of the road map, a good framework for the next steps was provided by the adjusted procedural road map and its revised timetable. IMEC supported the inclusion of the item on the agenda of the 110th Session (2022) of the Conference and looked forward to considering the process and options for the Conference decision at the 343rd Session of the Governing Body, cognizant of the possible impact on the agenda of future sessions of the Conference, as outlined in document GB.341/INS/3/1. IMEC supported the draft decision, as set out in the document.
- 180. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Georgia aligned themselves with her statement. The EU and its Member States supported the endeavour to recognize safe and healthy working conditions as a fundamental principle and right at work and would prefer to achieve that aim through a Conference decision to amend the 1998 Declaration, which would place all principles on an equal footing. The amendment should be limited to paragraph 2 of the Declaration. The Governing Body could then determine the corresponding fundamental Conventions.
- 181.** Given the wording used in the ILO Constitution and the Philadelphia Declaration, the phrase “safe and healthy working conditions” was preferred, as expressed in the Social Justice Declaration, the Centenary Declaration and the International Covenant on Economic, Social and Cultural Rights. Although no decision on the core Conventions needed to be taken at the current stage, the EU and its Member States considered the key Conventions to be Convention No. 155 and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
- 182.** The addition of a new principle would entail assisting Member States with its observance, promotion and realization. She expressed regret at the late submission of the proposed amendment by the Employers’ group. The EU and its Member States supported the adjusted procedural road map, and the draft decision as set out in the document.
- 183. Speaking on behalf of ASEAN,** a Government representative of Thailand, expressing support for the implementation of the resolution on the Centenary Declaration, noted with interest that the inclusion of safe and healthy working conditions in the framework fundamental principles and rights at work would not affect the scope or content of existing free trade agreements and generalized schemes of preferences. ASEAN acknowledged the impact of the COVID-19 pandemic on the implementation of the road map, and had no objection to the adjusted procedural road map. To assist substantive discussion at the 343rd Session, the Office should explicitly set out the positive and negative implications of the inclusion of safe and healthy working conditions in the 1998 Declaration, and of the adoption of a separate declaration. More details should be provided on the possible separate follow-up mechanism.
- 184. A Government representative of Barbados** noted that references in a number of international instruments, including the ILO Constitution, to OSH demonstrated that it was a matter of right. Elevating that right to the status of a fundamental principle and right at work would give additional impetus to efforts to achieve SDG target 8.8 on labour rights and safe working environments. Member States must ensure that trade agreements, trading activity and supply chains adhered to standards acknowledging the requirement for safe and healthy work environments.
- 185.** Any discussion of OSH should consider emerging challenges faced by workers in the light of teleworking, flexible working arrangements and transnational employment. The inextricable link between OSH and public health had been highlighted by the COVID-19

pandemic, and it was clear that OSH systems needed sufficient resilience to respond to current and future challenges. Not all Member States would be able to fully implement measures for safe and healthy working conditions; small island developing States would need access to technical and other assistance in that regard and the ILO must be in a position to facilitate that work. His Government supported the draft decision.

- 186. A Government representative of Bangladesh** noted the challenge to OSH presented by the COVID-19 pandemic and expressed support for the Centenary Declaration.
- 187. A Government representative of the United Kingdom** welcomed the focus on OSH, particularly in the context of the COVID-19 pandemic, and expressed support for the adjusted procedural road map. If agreed, OSH should be included in the Organization's framework of fundamental principles and rights at work through a revision to the 1998 Declaration. The corresponding Convention or Conventions would not need to be identified simultaneously. His Government supported the original draft decision.
- 188. A Government representative of Brazil**, after highlighting the great importance attached to OSH by his Government, noted that it must be promoted at all levels of the ILO in various ways, with the involvement of all constituents. The document did not fully reflect the current status of the debate within the Governing Body, which had yet to reach consensus. The inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work was not the only means of addressing the matter. The rate of ratification of the related Conventions was much lower than that of the current fundamental Conventions at the same point in the process, suggesting that the proposal was not the most effective course of action. Discussions of the proposal should continue, although a final decision would be premature. He would welcome more information on its ramifications and the exploration of alternatives. He supported the draft decision as amended by the Employers' group.
- 189. A Government representative of the United States** said that his Government strongly supported the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work; the urgent need for such action had been highlighted by the COVID-19 pandemic. All workers should enjoy the right to a safe and healthy workplace and be able to report hazards without fear of retaliation. He supported the option of amending paragraph 2 of the 1998 Declaration, which would ensure the equal treatment of OSH in the framework. He requested information on how the Office planned to ensure that it could respond to increased demands for technical support on OSH, including in terms of budget. He supported the original draft decision.
- 190. A Government representative of Mexico**, after reiterating her Government's commitment to OSH, said that the phased approach proposed by the Office would enable analysis of all the implications of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work, given its potentially significant implications for national normative frameworks and international trade and labour commitments. Future discussions should examine how that right could be realized beyond standards, as well as the relationship between the debate at hand and the process of reviewing and updating international OSH standards at future sessions of the International Labour Conference. She supported the draft decision in its original form.
- 191. A representative of the Director-General** (Deputy Director-General for Policy) said that the pandemic had reaffirmed the fundamental importance of OSH in protecting workers, but also in ensuring business continuity and country preparedness. The tripartite constituents had the authority to recognize OSH as a fundamental principle or right

through the International Labour Conference or the Governing Body. There was no requirement for corresponding Conventions to be identified simultaneously, a measure that, while important, was not the only means of realizing fundamental principles and rights.

192. Although determining whether existing standards should be declared fundamental fell outside the mandate of the SRM TWG, the Governing Body could request that it address any standard-setting or standards policy matter. If the Governing Body decided to amend the 1998 Declaration, Member States would be required to report annually on progress made towards the fundamental principle of OSH. A separate declaration on OSH would allow for its own follow-up mechanism, which, it appeared, should be annual. However, that would create differences among the fundamental principles. The OSH standard-setting road map proposed by the SRM TWG dealt with specific risks, and would be complemented by the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work, which would address Conventions that deal with OSH more broadly.
193. The Office could respond to the increased demand for technical support thanks to the Safety + Health For All Flagship Programme, which included the Vision Zero Fund. It would also work with the Governing Body to ensure appropriate resource allocation and was increasingly integrating action at the country and programmatic levels through the "One ILO" approach. The Universal Declaration of Human Rights provided for the right to life and integrity, and the International Covenant on Economic, Social and Cultural Rights provided specifically for the right to safe and healthy working conditions, and regional instruments also recognized the right to safety and health.
194. Turning to the question of whether OSH differed from the fundamental principles and rights at work because responsibility for it was shared between workers and employers, she noted that although the fundamental principles and rights required governments to establish legislation and mechanisms to render them effective, their realization depended on action by all constituents. The only two routes to including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work were those set out in the document.
195. **Another representative of the Director-General** (Chief, Labour Administration, Labour Inspection and Occupational Safety and Health Branch) said that the governance Conventions aimed to regulate State labour market governance. They did not relate to safety and health at work. Furthermore, the 1998 Declaration was not limited to Member States that had ratified the fundamental Conventions; and its follow-up mechanism required annual reports from non-ratifying Member States.
196. **The Employer spokesperson** reiterated that the fundamental principles and rights at work differed from OSH. The former must be addressed via legislation by States and guaranteed by employers, while the latter was a joint responsibility between all the constituents and depended to a large extent on action taken on the ground. The fundamental principles and rights were not merely recommendations; they informed many agreements and international instruments. The 1998 Declaration was therefore of great importance, and careful consideration must be given to how OSH was discussed in relation to the framework of fundamental principles and rights at work. Her group was willing to withdraw its amendment and adopt the original draft decision. The procedural road map must be adapted as discussions progressed.
197. **The Worker spokesperson** said that OSH was similar to some fundamental principles and rights, such as collective bargaining, in that they required the involvement of all

constituents. She welcomed the broad support for the issue by the governments and the Employers' group. The debate must take into account the increasing cooperation between the social partners and governments seen in many countries, and the social partners must be involved in work on the issue at all levels.

Decision

198. The Governing Body:

- (a) **decided to approve the revised procedural road map for the consideration of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work set out in paragraph 44 of document GB.341/INS/6; and**
- (b) **requested the Director-General to take into account the guidance provided during the discussion in preparing the paper for the 343rd Session (November 2021).**

(GB.341/INS/6, paragraph 45)

7. Update on United Nations reform (GB.341/INS/7)

- 199.** The Governing Body had before it a number of proposed amendments to the draft decision in paragraph 53 of document. The Employers' and Workers' groups had submitted a joint proposal to insert wording at the end of subparagraph (b) that would read: "and in supporting social partners to engage in UN Cooperation Frameworks and common country analysis; and". A new subparagraph (c) would be introduced, to read: "requested the Director-General to report on the UN reform process and the measures taken by the Office to the 346th Session of the Governing Body."
- 200.** ASPAG had presented a subamendment to subparagraph (b) to insert, after the phrase, "supporting social partners", the words "in close coordination with the Government". At the end of subparagraph (c), the addition of the words "and in November 2023" was proposed. The group had then further amended its subamendment, so that the words "tripartite constituents" were inserted after the word "supporting", and the words "social partners, in close coordination with the Government," were deleted.
- 201. The Employer spokesperson** noted that the COVID-19 pandemic had increased the need for cooperation within the UN and welcomed the ILO's role as a key player in the pandemic response and the UNDP-ILO Framework for Action. Cooperation with the Bretton Woods institutions was needed to ensure that support reached the real economy. Noting the importance of the UN Sustainable Development Cooperation Framework (Cooperation Framework) and common country analysis (CCA) processes, he said that ensuring the engagement of the social partners in those processes continued to pose a significant challenge. The time needed to transfer to resident coordinators the skills and knowledge to take into account the need for tripartism and social dialogue in their work should not be underestimated. Highlighting action taken by the International Organisation of Employers (IOE) to strengthen engagement between resident coordinators and employers' federations, he noted that more needed to be done to ensure that UN country planning processes were inclusive and consultative, and effectively addressed challenges at the national level. The update should have included detailed information on how the Office intended to address the insufficient engagement of employers in the country planning process. Furthermore, support from the Office and Governments to strengthen the social partners' role in the voluntary national review

process of the high-level political forum on sustainable development in New York would be appreciated.

202. The significant gap in funding for the resident coordinator system and the failure of efficiency savings to yield readily available funds had confirmed the Employers' concerns about its funding model; the Governing Body must be kept updated of any changes to the funding of that system. The ILO's contribution must be translated into more effective involvement in UN country teams and the meaningful engagement of ILO constituents in the country-level planning process. The increase in funding from UN sources in 2020 could probably be attributed to the establishment of funds to mitigate the impact of the COVID-19 pandemic. The Office should conduct an assessment of funds raised to date, with a view to strengthening resource mobilization and fully harnessing the potential of those funds, and should report its findings to the Governing Body.
203. The increased workload on ILO staff in the field resulting from participation in country team processes also confirmed the concerns previously raised by the Employers. The bureaucratic burden on staff should be reduced and double reporting requirements tackled; UN integration should not create multiple centres of power, nor reduce services provided to constituents.
204. The Employers agreed with the approach of deciding on a case-by-case basis whether using common UN premises made sense or not. It would be interesting to hear whether any concerns had been raised by ILO staff in the field in respect of difficulties of constituent access to ILO colleagues or meetings associated with using common UN premises. Efforts to advance UN integration, including the mutual recognition of rules and systems, must not undermine the role of the Governing Body to govern all matters related to the ILO, and the Office must fully inform the Governing Body of any decisions taken in that regard, and involve it as appropriate. The ongoing challenges of the UN reform process required enhanced, targeted and concerted action by the Office to support the social partners in engaging in Cooperation Frameworks and CCAs at the national level. The ILO regional offices should develop clear strategies to support constituents. The Office should provide the Governing Body with an update on the UN reform process and the measures taken to maximize the opportunities of the UN development system reform for the ILO and the tripartite constituents in November 2022. The Employers' and Workers' groups had therefore submitted a joint amendment to the draft decision.
205. **The Worker spokesperson** called for the ILO to take a proactive role in ensuring that its tripartite governance structure and normative mandate, including its supervisory system, was acknowledged as intrinsic to the UN reform process and partnerships with other UN organizations, and was adequately reflected in country-level activities. The Staff Union should be consulted on aspects of the UN reform that had an impact on the ILO staff, particularly in the field. Contrary to the information provided in the update, trade unions had been excluded from consultations on Cooperation Frameworks and CCAs in India and Indonesia, and the problem was not limited to those countries. Invitations to trade unions to provide comments on draft CCAs and Cooperation Frameworks were issued too late in the process and their priorities were not incorporated in the final document. The classification of trade unions as part of civil society led to an assumption that they were consulted alongside other civil society groups, whereas trade unions must be consulted in their own right, in keeping with the tripartite nature of the ILO. A lack of understanding of the ILO's tripartite governance structure among some resident coordinators and country team members had led to

total exclusion of unions from UN processes in certain countries. The consultation of workers must be improved.

- 206.** Her group appreciated the efforts of the Bureau for Workers' Activities (ACTRAV) to strengthen the capacities of trade unions to influence UN consultations at the country level. Such work should be continued, with the allocation of sufficient resources. She welcomed the training provided in that regard by regional offices and by the International Training Centre of the ILO (Turin Centre). Decent Work Country Programmes (DWCP) should remain the key accountability framework of the ILO and should influence the priorities identified in Cooperation Frameworks to ensure that they adequately incorporated the four strategic objectives of the Decent Work Agenda and international labour standards. The Office's efforts to build the capacity of the social partners were key and should be continued. Proposals for common UN premises should be addressed on a case-by-case basis, given the mixed experience in terms of cost savings. Trade unions must enjoy open access to UN buildings.
- 207.** The sustainability of the voluntary funding arrangements for the resident coordinator system was a cause of concern; it was not clear whether the ILO's contribution would increase if the levy and voluntary contributions remained insufficient. The Office should report to the Governing Body on the 2021 review of the system's hybrid funding model. Her group supported efforts to prepare ILO officials for the assessment centre for resident coordinators and ILO involvement in the development of induction training for resident coordinators. Future resident coordinator appointments should come from the ILO's ranks. Her group endorsed the proposed structured dialogues with funding partners to mobilize funding for ILO policy outcomes. The Workers' position on private sector and innovative financing within development cooperation and partnerships had not changed, and she referred the Office to the Workers' comments on those issues during discussion in the Development Cooperation Segment. Increased workloads for ILO field staff following the implementation of the UN reform should be monitored to avoid any negative impact on the support provided to constituents. Regarding a lack of ILO presence in several countries, clarification would be appreciated regarding the reference in paragraph 39 of the document to new ways of working that would enhance the ability to redeploy ILO expertise on demand to address constituent needs. A reliance on virtual means would not be appropriate in all countries due to the digital divide. The Office should explain how it envisaged addressing the challenge of competition between UN entities for scarce resources.
- 208.** Given the lack of progress on the UN Common Approach to Due Diligence for Private Sector Partnerships, she requested clarification of the rules followed by resident coordinators when engaging with the private sector. Any engagement with the private sector at the ILO and UN levels should entail due diligence on core labour standards and should discard partnerships with companies that had a poor labour and human rights record. Clarification would be welcome of whether a role was still envisaged for the Global Compact Local Networks in country-level engagement with the private sector; the Workers had opposed such a role in the past due to the voluntary nature of the Global Compact and its lack of accountability mechanisms. The joint amendment to the draft decision, submitted by the Workers' and Employers' groups, reflected the need to support the social partners in engaging in Cooperation Frameworks and CCAs. The Workers accepted the subamendments proposed by ASPAG.
- 209. Speaking on behalf of the Africa group,** a Government representative of Rwanda welcomed the update, highlighting the recent adoption of a new quadrennial comprehensive policy review (QCPR) resolution, early ILO experiences with the resident

coordinator system and the review of implementation of the action items in the Office Plan of Action 2019–20. His group commended the Office's engagement on all fronts of the UN reform process and the mechanisms devised to address the impact of the UN reform. Noting the importance of Cooperation Frameworks, the group called on the Office to develop further mechanisms for the effective participation of constituents in multilateral cooperation and engagement. The Africa group supported the draft decision.

- 210. Speaking on behalf of ASPAG**, a Government representative of Indonesia called for the ILO to enhance its contributions within the UN development system to providing coherent support for programme countries to achieve the 2030 Agenda. The ILO should also continue to support efforts to further simplify and harmonize the work of UN entities during and after the UN reform to tackle duplication, overlapping and increased workloads. It should play an active role in restructuring the work of the UN development system at the regional level through close coordination between ILO headquarters and ILO regional and country offices. Collaboration with the UN regional economic commissions and relevant regional organizations should be strengthened to complement, and avoid duplication of, work on regional priority issues. Support and resources should be provided for the UN multi-country office in the North Pacific, in coordination with other UN development system entities.
- 211.** The ILO should step up its efforts to build bridges between the tripartite constituents and the work of the UN development system, in consultation with governments. Social dialogue and tripartism should be promoted in the work of the UN development system through regular consultation between the ILO's constituents and UN resident coordinators, the further engagement of constituents in Cooperation Framework and CCA processes and capacity-building to help constituents engage effectively in development system work.
- 212.** Innovative ways should be found to address the challenges in implementing the UN reform, particularly the action items in the Office Plan of Action 2019–20, including by providing timely and appropriate expertise and through training and the revision of ILO staff job descriptions, while ensuring equal access to participation by all of the ILO's constituents. The potential impact of and lessons learned from the COVID-19 pandemic should be assessed to help evaluate the effectiveness of the UN development system in a crisis. ASPAG was in support of the Office continuing its work on the ongoing action items under Components 2 and 3 of the Office Plan of Action 2019–20; a progress update should be provided at the following session of the Governing Body.
- 213. Speaking on behalf of GRULAC**, a Government representative of Barbados expressed appreciation for the ILO's active involvement in the UN reform process to advance the Decent Work Agenda in the context of the SDGs, and for its timely response in producing innovative tools to assess the early socio-economic impacts of the COVID-19 pandemic. With reference to the QCPR, he noted that Cooperation Frameworks should be based on the priorities identified by each country, in consultation with the UN country team, governments and relevant stakeholders, and with the participation of the social partners where relevant. GRULAC welcomed efforts to build the capacities of the social partners for effective engagement in Cooperation Frameworks. The concerns of all relevant actors should be taken into account regarding the use of common back offices for location-dependent services and any adaptation must be in line with the high standards of the ILO Staff Regulations. He noted that the ILO had joined the International Aid Transparency Initiative and recognized active outreach by ILO field offices to help resident coordinators understand the Organization's tripartite structure. ILO officials

were well placed to be considered as resident coordinators thanks to their experience on the ground. GRULAC supported the draft decision, as amended by the Workers' and Employers' groups and subamended by ASPAG.

- 214. Speaking on behalf of IMEC**, a Government representative of France said that her group supported the UN reform, which must fully consider the ILO's tripartite governance, standard-setting mandate and programmatic priorities. Her group welcomed the ILO's central role in the reform and encouraged it to increase its participation in Cooperation Frameworks and processes relating to the SDGs. Predictable, stable funding of the resident coordinator system was vital to finance resident coordinator posts. IMEC remained concerned at the high transaction costs involved in improving UN coordination and the continued competition among UN agencies at the national level. UN agencies should coordinate more proactively and focus on their respective mandates and comparative advantages. Her group welcomed the central role of the resident coordinator system and growing involvement of employers and workers.
- 215.** The Office's strengthened cooperation with the United Nations Development Programme (UNDP) was commendable, and she requested clarification of the Programme's role with regard to policies. Thought should be given to how the reform could promote discussions with non-UN organizations. She encouraged the Office to continue to provide guidance for ILO staff on DWCPs by increasing the constituents' involvement. She also commended the development of the normative stocktaking tool for resident coordinators.
- 216.** The ILO's responses to resident coordinators' requests for short-term technical assistance must be improved, particularly where it was a non-resident agency. More than ever, the ILO must display internal coordination, agility, responsiveness and flexibility. There was a clear need for the ILO to play an active role in the UN common system. IMEC supported the draft decision as amended by the social partners and subamended by ASPAG.
- 217. A Government representative of Bangladesh** highlighted the need for ILO regional and country offices to participate actively in restructuring the UN development system. ILO resources must not be used to duplicate effort made elsewhere. He urged the Office to respond to the cross-cutting requirements of the 2030 Agenda and to play a proactive role in the UN reform, given that the least developed countries in particular would require increased support from the UN development system in the wake of the COVID-19 pandemic.
- 218. A Government representative of Indonesia** welcomed the ILO's cooperation with the UNDP on sustainable development in the world of work and encouraged it to assist in completing the reform. The ILO must focus on three key areas: including the SDGs in its strategic planning, work and reporting at all levels; increasing engagement within the UN development system at the country level on a possible joint programme to promote tripartism, respect for international labour standards and the Decent Work Agenda; and accelerating efforts to complete the Office Plan of Action 2019–20. Her Government supported the amendment to the draft decision proposed by the social partners, as subamended by ASPAG.
- 219. A representative of the Director-General** (Director, Multilateral Cooperation Department) said that priority would be given to further strengthening the constituents' capacities for participation in the Cooperation Frameworks, as reflected in the ILO Development Cooperation Strategy. The social partners must participate in the common country analysis that preceded UN Cooperation Frameworks in a given country to ensure

that their priorities were reflected. The Office had good early experiences to draw on. The considerable increase in workload at the regional and national levels was cause for concern and had been exacerbated by the COVID-19 pandemic. Its causes included an increase in ad hoc requests for cooperation and technical expertise, in response to which the Office had redeployed administrative resources to technical activities. Flexibility was central to the UN reform, and the ILO, and other agencies, must adapt to those increasing requests. Improvements had already been made in that regard by enhancing coordination between the expertise provided at headquarters and in the field.

- 220.** Shortfalls in funding for the resident coordinator system posed a major problem, leaving coordinators without full teams and obliging them to seek additional resources from UN agencies at country level. The Office had implemented a policy to contain the increasing numbers of ad hoc funding requests that ILO UNCT members received from resident coordinators. The ILO would participate in the UN General Assembly's examination of the resident coordinator system and the preceding consultations.
- 221.** There was a degree of flexibility in the UN Common Approach to Due Diligence for Private Sector Partnerships, which was not coordinated by the resident coordinator and merely supplemented the approaches taken by individual UN agencies. The Office continued to implement its own policy on public-private partnerships. The roles of resident coordinator and UNDP Resident Representative were separate, and the UNDP had repositioned itself during the pandemic as the lead technical agency on the socio-economic response. The ILO would pursue efforts to enter into a partnership with the UNDP.
- 222.** The pandemic had accelerated the UN reform, as reflected by the swift implementation of socio-economic plans in many countries and greater interaction among UN agencies. At the national level, the UN system was now centred on the resident coordinator, while the UNDP facilitated the content of national policies. The pandemic had positioned the ILO as a central player in the reform, with many issues that were central to its mandate also central to UN activities. The ILO would ensure that the reform addressed not only development, but also standards and policy by pursuing its objectives of promoting social dialogue and tripartism, promoting its standard-setting mandate and supporting constituents' participation in national processes.
- 223. The Worker spokesperson** reiterated her call for stronger commitment by the Office to the challenges faced by trade unions in terms of involvement at all levels.
- 224. The Employer spokesperson** said that his group looked forward to a better understanding of how matters in the field could be improved.

Decision

225. The Governing Body:

- (a) **took note of the current status of the reform of the United Nations development system and the implementation of the Office's Plan of Action 2019–20 to maximize the opportunities of the UN development system reform for the ILO and tripartite constituents;**
- (b) **invited the Director-General to take into consideration the views expressed by the Governing Body in the continued engagement in and implementation of the reform and in supporting tripartite constituents to engage in UN Cooperation Frameworks and common country analysis; and**

- (c) requested the Director-General to report on the UN reform process and the measures taken by the Office to the 346th Session (November 2022) and to the 349th Session (November 2023) of the Governing Body.

(GB.341/INS/7, paragraph 53, as amended by the Governing Body)

8. Follow-up to the resolution on the ILO Centenary Declaration for the Future of Work: Proposals aimed at promoting greater coherence within the multilateral system (GB.341/INS/8)

- 226. The Worker spokesperson** said that a more inclusive multilateral system, in line with the Centenary Declaration, must have social justice, inclusive and sustainable growth and decent work at its centre. Trade unions remained particularly concerned that International Monetary Fund (IMF) country-level policy advice and lending undermined international labour standards. The Strategy for IMF Engagement on Social Spending afforded an opportunity to align with the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Social Protection Floors Recommendation, 2012 (No. 202).
- 227.** The IMF needed to stop opposing centralized and coordinated collective bargaining in emerging countries, which was key to fighting inequalities. The ILO should engage with the IMF on this and to promote labour market regulation, particularly employment protection for post-COVID-19 recovery. Employment had become increasingly precarious in the COVID-19 context; promoting labour market flexibility based on false promises of growth and employment would be devastating to post-pandemic recovery and the future of work. The Organisation for Economic Co-operation and Development (OECD) had already changed course on this issue several years ago. While some progress had been made with regard to the advice issued by the IMF under Article IV of its Articles of Agreement, such as on fiscal redistribution and criticism of flat tax systems, the IMF should not only support social protection floors but should also recognize the importance of maintaining and strengthening social protection systems.
- 228.** The ILO's leading role in the United Nations Initiative on Financing for Development in the Era of COVID-19 and Beyond was welcome; information would be appreciated on how ILO constituents would be involved and international labour standards promoted. The G7 Social Tripartite Declaration's call for closer collaboration between international organizations to reduce inequalities was also welcome; the ILO's follow-up to the three key areas of action should be elaborated. The ILO should be involved in the World Bank's Jobs and Economic Transformation agenda, and should use its observer status at the World Bank Development Committee to help shape the agenda, shifting the focus away from productivity increases. Labour market institutions and comprehensive policies for informal economy transitions should be strengthened.
- 229.** Her group was concerned that the World Bank 2021 *Global Economic Prospects* report promoted labour market flexibility as a tool for recovery. The earlier guide for World Bank Staff, *Balancing Regulations to Promote Jobs* represented a consensus with the ILO, but its implementation had been limited and subsequent publications contradicted it. Greater collaboration between the ILO and the World Trade Organization (WTO) was needed to enforce the labour rights enshrined in the Singapore Ministerial Declaration and ensure that corporations complied with human rights due diligence. The ILO should receive reciprocal observer status at the WTO General Council and Ministerial Conference.

- 230.** The ILO's cooperation with the Asian Development Bank (ADB) on core labour standards, social protection, decent work and other priority areas should be replicated with other multilateral development banks regionally and globally. ILO involvement with the ADB in the 2021–22 review of its lending safeguards will be important. Multilateral development banks should integrate employment into results measurement. The joint publication, *Jobs in a net-zero emissions future in Latin America and the Caribbean* by the ILO and Inter-American Development Bank was welcome, and the ILO should seek involvement in the joint multilateral development banks working group on alignment with the goals of the Paris Agreement.
- 231.** The Workers' group endorsed the Office's priority issues identified in the document and underscored that policies for full and productive employment and further work with international financial institutions must be accompanied by comprehensive macroeconomic policies for good quality employment and decent work. The ILO's social protection role should be expanded and due attention paid to the differences between the ILO and World Bank approaches to achieving universal social protection. Discussions should be held with the World Bank to shape its next social protection and labour strategy.
- 232.** As the lead institution for promoting international labour standards in the multilateral system, the ILO should foster a closer working relationship with the UN and its human rights treaty bodies. The broader discussion on trade policy and its impact on living standards, and the social dimensions of trade liberalization was welcome. The ILO could coordinate with the WTO and the United Nations Conference on Trade and Development (UNCTAD) on ensuring coherence between trade policy and the Decent Work Agenda, promoting a more inclusive and balanced trading system that enabled developing countries to move up global value chains. Social dialogue was critical to policy coherence; the social partners should be involved at all levels.
- 233.** Serious consideration was ongoing in the UN on the role of the multilateral system in building a new social contract, including discussions on core issues of the ILO mandate. The ILO had a lead role in ensuring that social justice and decent work remained at the centre of the multilateral system. A major policy forum with the participation of multilateral organizations should therefore be convened at the end of 2021 to discuss joint initiatives to ensure a fairer, more sustainable, inclusive and resilient world of work in the post-COVID-19 era. Lastly, the outcome document on a global response for a human-centred recovery from the COVID-19 crisis should incorporate some of the aspects of policy coherence addressed in the current document on multilateralism.
- 234.** **The Employer spokesperson** said that the Centenary Declaration's call on the ILO to take an important role in the multilateral system, reinforcing cooperation and developing institutional arrangements to promote policy coherence in pursuit of a human-centred approach to the future of work was even more urgent in the light of the COVID-19 crisis. The multidimensional impact of the pandemic required comprehensive responses. While the ILO had been a key player in the pandemic response, and its products had been important for assessing the impact of the crisis and supporting the response to it, pre-existing flaws exposed by COVID remained to be addressed.
- 235.** A comprehensive, coherent Office-wide strategy was required to promote productivity growth as a driver for employment and decent job creation. COVID-19 had highlighted the need for greater resilience in companies. Productivity was crucial in that regard. Social protection must also be a priority; the lack of adequate social protection for millions of workers had turned a health crisis into an economic and employment crisis.

The ILO must take the lead in multilateral efforts, particularly the discussions on establishing a global social protection fund.

- 236.** The ILO must strengthen collaboration with international finance institutions to fully tap into their potential for enhancing social protection. That work must be linked with efforts to address informality, which was the primary cause of many decent work deficits, including income inequality, child and forced labour, and unemployment. Informality should be a priority issue in its own right. Innovative approaches would be crucial; those affected by informality must be consulted. Conducive business environments must be established to bolster job creation in the formal economy and thereby boost growth and development. Stronger and targeted collaboration with UNCTAD and the UNDP was essential in that regard.
- 237.** Regarding international labour standards, dramatic changes in the world of work meant that the ILO must listen to its constituents to understand their needs in specific national contexts, and provide effective support. Social dialogue and tripartism were the key to the future of work. The Office must adopt a balanced and contextual approach to promoting ratification, effective implementation and oversight of ILO standards.
- 238.** Building a better future must mean building forward greener. Innovative and better reconstruction were needed, taking heed of the collective failures of the past and making the necessary adjustments to overcome them. With that in mind, the Office should focus on the ILO's core mandate on labour and social issues related to climate action and environmental measures. COVID-19 had also underscored the importance of international trade, not only for employment but also for securing access to important personal protective equipment. The ILO had an important role in strengthening policy coherence with regard to the impacts of trade policy on improving living standards, and should tap into the expertise of the WTO, for example in its work on decent work in supply chains.
- 239.** COVID-19 would have a profound impact on the way companies engaged with customers, the organization of work and social interaction. Variants of the virus were emerging around the world, making exit strategies from lockdown situations more complex. Social distancing, hand hygiene and mask wearing were difficult for the majority of people living in poverty and working in informality, who were often forced to be in crowded conditions and lacked access to clean water and basic hygiene. The ILO must take the lead with regard to OSH from a COVID-19 perspective when developing strategies for the return to the workplace.
- 240.** The focus on skills and lifelong learning in the ILO's engagement with other agencies was particularly welcome. COVID-19 had highlighted the need for continued access to skills to fulfil key positions during the peak of the pandemic. The ILO, together with other international organizations, had a key role in aligning training and education systems with current and future labour market needs. Skills gaps could be reduced by improving skills mobility and integrating more women into the labour market. In that regard, the Global Skills Partnership was an excellent example of collaboration between UN agencies and social partners.
- 241.** Greater policy coherence and policy advice at all levels were needed to help constituents respond to the pandemic and address employment and social challenges. Alliance 8.7, in which the ILO played a key role, was an innovative way to bring all actors together and ensure coherence between the global and local levels. The close involvement of local actors in the Alliance showed how the UN could serve the needs of people, societies and economies, and underlined the need to engage social partners in the multilateral

system. The ILO was best placed within the UN system to ensure that employer and worker voices of the private sector were heard in the UN. Companies could contribute to implementing the 2030 Agenda and could promote workers' rights and human rights.

- 242.** The Employers' group noted the proposal to convene a major policy forum on a resilient and sustainable human-centred recovery from the COVID-19 crisis. While such a forum could afford an opportunity to steer further intra-agency collaboration and highlight the role of social partners, more information on its scope and purpose was needed. The group supported the draft decision.
- 243. Speaking on behalf of the Africa group,** a Government representative of Uganda welcomed the analysis of the ILO's role in the multilateral system, and underscored the importance of bringing the Decent Work Agenda to the fore in the UN and international financial institutions. The Office's continued efforts to make the multilateral system work for all, including the marginalized and especially those in the developing world, were more crucial than ever in the context of the COVID-19 pandemic. A human-centred agenda in the multilateral system required strengthening the capacity of the constituents. Historically, global policies had been shaped predominantly by powerful State and non-State actors with the capacity to marshal the necessary technical and human resources in multilateral engagement.
- 244.** The Africa group noted that the section of the report on prioritizing strategic policy coherence efforts did not address the need for measures to support the effective participation of constituents in multilateral settings, in particular in developing countries. The Office should take measures, including policy research aimed at supporting the effective participation of constituents, in that regard. The continued prioritization of strategic coherence efforts, and steps to build partnerships on areas of concern to Africa and strengthen institutional arrangements, were welcome. The Africa group supported the draft decision.
- 245. Speaking on behalf of GRULAC,** a Government representative of Barbados said that the ILO should maintain its lead role in coordinating international policies consistent with the Centenary Declaration, and promoting a people-centred approach to the future of work. That role had become even more important in the context of the COVID-19 pandemic. The ILO's leadership in organizing the ILO Global Summit on COVID-19 and the World of Work had been particularly commendable, as had its publication of specialized knowledge and data, through the *ILO Monitor*, policy briefs, regional briefs and labour market impact assessments. GRULAC welcomed the ILO's participation in multilateral initiatives, such as Alliance 8.7 to eradicate forced labour, the Global Initiative on Decent Jobs for Youth, the Equal Pay International Coalition, the Climate Action for Jobs Initiative and the Global Coalition for Safety and Health at Work.
- 246.** The ILO must try to strengthen existing collaborative alliances and develop new ones in areas such as full and productive employment, social protection, international labour standards, just transition to environmentally sustainable economies, skills development and lifelong learning. More information would be appreciated on how the proposal to organize a global policy forum on a human-centred recovery from the COVID-19 crisis by the end of 2021 would be linked to the outcome document on a global response for a human-centred recovery from the COVID-19 crisis proposed for the 109th Session of the International Labour Conference, and what would be the objectives, resources involved and deliverables proposed. In the context of the recovery from COVID-19, the ILO should strive to continue promoting multilateral collaboration and coherence, with the aim of rebuilding a post-pandemic world that was fairer, more inclusive, more

sustainable and able to implement the 2030 Agenda. GRULAC supported the draft decision.

- 247. Speaking on behalf of IMEC**, a Government representative of the United States said that, with regard to enhancing coherence in the multilateral system, clear priorities and objectives for collaboration must be established in line with the strategic directions of the potential outcome document on a global response for a human-centred recovery from the COVID-19 crisis, to be adopted at the 109th Session of the Conference. Recovery from the COVID-19 pandemic required integrated approaches, policy coherence and enhanced cooperation at all levels. Cooperation must be human-centred, gender-transformative, and deliver greater equality and security around the world.
- 248.** Despite their shared goals, the major regional and global multilateral organizations did not pursue their common interests in the same way or at the same pace. While the Office had provided detail on its existing relationships with various leading multilateral organizations, it would be interesting to know why the strength of those relationships varied and why the multilateral system had been relatively incoherent. Formalizing cooperation at the global level between organizations could be an important step towards greater coherence. More specific information on how the ILO wished to cooperate with the international financial institutions and the WTO would be useful, and whether an institutional collaborative arrangement would be concluded with the WTO.
- 249.** Coherence at regional, national and local levels, where the impacts of multilateral organizations' policies were felt, was also essential. Efforts to step up collaboration with the World Bank at the country level were therefore appreciated. The ILO should also take part in the Generation Equality Forum, organized by UN Women. Further information would be appreciated on how the Office intended to develop the capacity of its constituents to engage with multilateral organizations at the local level. The ILO's efforts to build multilateral cooperation and coherence in response to the COVID-19 crisis, and its role in the Initiative on Financing for Development in the Era of COVID-19 and Beyond were welcome. More information on how the proposed policy forum on a human-centred recovery from the COVID-19 crisis would be appreciated. IMEC supported the draft decision.
- 250. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with her statement. The objectives of the Centenary Declaration were more relevant than ever in the context of inclusive and sustainable recovery from the COVID-19 pandemic. The ILO must strengthen its role in the multilateral system through reinforced cooperation and new institutional arrangements within and beyond the UN system to promote social justice across economic, financial, trade, social and environmental policies. The implementation of the UN development system reform was strategically important; the ILO should engage with that process to promote its mandate, tripartite structure and regulatory role. Noting cooperation with a number of multilateral institutions, she encouraged the ILO to participate in innovative multi-stakeholder partnerships, such as the Equal Pay International Coalition and Alliance 8.7, to achieve the 2030 Agenda. Further information should be provided on the reasons for different degrees of cooperation with different organizations.
- 251.** The priority issues for partnerships that were of particular importance were the reduction of inequalities, the promotion of quality employment – including in global supply chains – and a just transition and climate action for decent jobs. More should be done to promote worldwide ratification and implementation of ILO standards, including core labour standards. Recommendation No. 202 remained an important instrument for

inclusive recovery. The prospect of new cooperation between the ILO and the IMF, and enhanced activities through the Social Protection Inter-agency Cooperation Board and the Global Partnership for Universal Social Protection to Achieve the Sustainable Development Goals (USP2030) were welcome. Global coordination must lead to significant joint actions on the ground to foster domestic ownership and make a real difference.

- 252.** A revised list of strategic priorities should be provided, clarifying how the ILO would seize opportunities and meet challenges to reinforce its role in the multilateral system when building back better. She supported the proposal to convene a major policy forum on a human-centred recovery from the COVID-19 crisis. It could help shape the foundations of a comprehensive multilateral partnership strategy and support an effective and inclusive multilateralism. The Office should prepare proposals for the organization, envisaged outcomes and anticipated follow-up of such a forum. The EU supported the draft decision.
- 253. A Government representative of Bangladesh** noted the need for policy coherence and the renewal of multilateralism, and to find the ILO's role in that process. The present economic context called for the best possible use of public funds and the finding of common cause. Calling for strong institutions and partnerships in the multilateral process, she noted that harmony among global multilateral processes would achieve better outcomes. The Office should support countries to achieve the objectives of the Centenary Declaration.
- 254. A Government representative of Barbados** lauded efforts to forge collaborative relationships with the UN and the wider multilateral system. The COVID-19 pandemic had exposed the need for greater collaboration to build a better future and a world economy that was fairer, more inclusive and sustainable. The call for greater coherence within the multilateral system must go beyond mere words. Small island developing States often found that the finish line moved while the race was in progress. Given the need to diversify and seek opportunities in the blue and green economies, the institutions of the multilateral system must take a holistic approach to such States. The organizations of the UN and other international development organizations must work in the best interests of all countries and remain aware that people, particularly workers, were at the core of discussions on social, trade, financial and environmental issues. Institutions with a global impact like the IMF, WTO, EU and OECD should not impose policies that hindered the development of small island developing States. Policy coherence must be based on social justice. Communication, social dialogue and collaboration at the domestic, regional and international levels based on fairness, equity and justice would be key to long-lasting gains for populations and economies.
- 255. A Government representative of Switzerland** said that a strategic approach was needed to implement the Centenary Declaration, which would require an understanding of the activities of other international organizations. The reprioritizing of investment in people was the most important element of the Declaration and a modern way of expressing the ILO's message. His Government supported the priority issues for partnerships identified in the document. In addition he stressed the importance of the humanitarian-development nexus and that a clearer vision was needed of how this would be addressed.
- 256.** Paragraphs 24–30 of the document were insufficient. He asked what proposals there were to extend cooperation on issues such as social protection, given the influence of the IMF and the World Bank on national investment policies; whether the ILO was willing to engage in strategic partnerships on areas essential to its mandate; and whether a

common agenda could be agreed upon at the global and national levels, and how teams could work together to strengthen the impact on beneficiary countries.

257. The ILO could play a decisive role in achieving greater policy coherence in respect of the contribution that trade policies could make to improving living standards. Priorities for multilateral coordination should be set, together with clear objectives on specific issues, in keeping with a global human-centred response. The Office should present a strategy to the Governing Body as soon as possible.
258. **A representative of the Director-General** (Deputy Director-General for Policy) noted that the key objective was to engage with other multilateral organizations in key areas where the Office could advance the ILO's agenda at the global and country levels. The priority issues identified in the document had been selected by mapping current engagements, based on the principles that: work should relate to a key aspect of the Centenary Declaration within the context of programme and budget outcomes; the ILO must have the expertise and resources to commit to the work, avoiding additional responsibilities that were not funded; work should be significant at the global and country levels, preferably including joint work on the ground; and the work should be measurable and have a near-term impact.
259. The Centenary Declaration required the Office to set clear priorities and rely less on opportunities that presented themselves. The transition from the informal to the formal economy was included in the identified priorities under the heading "Economic policies for full and productive employment" and would also be pursued under other priority issues as a cross-cutting theme, which was the approach taken in the programme and budget. The Office was looking into furthering collaboration on that issue with other international bodies, including the World Bank and the IMF. Greater engagement through reinforced cooperation and the development of institutional arrangements should aim to reduce inequalities and develop sustained, sustainable and inclusive growth. It would also help to build back better from the COVID-19 crisis by placing people and planet at the centre of recovery, with an emphasis on the role of social dialogue and of the social partners. Comments on the proposals for cooperation with other international organizations – presented in document GB.341/INS/4 – had been noted.
260. Work on social protection had gained traction over the past year and was focused on building social protection systems, financing social protection and preparing for future shocks and transitions. In addition, the ILO work as part of the Social Protection Inter-agency Cooperation Board and the Global Partnership for Universal Social Protection contributes to achievement of the SDGs. Discussions under way with the IMF and the World Bank were focused on how to enhance joint engagement in those areas, including at the country level. The encouraging words from the Governing Body about deepening the engagement with the WTO were noted.
261. **Another representative of the Director-General** (Director, Multilateral Cooperation Department) clarified that the document presented a snapshot of current collaboration with other international and multilateral organizations and was neither a mapping nor a strategy with regard to future work. There had been an increase in the convergence of multilateral organizations' mandates and interests in recent years, particularly since the outset of the COVID-19 crisis. That convergence was being examined within the UN system and a number of partnership agreements were in place between the ILO and other organizations, including multilateral financial institutions. Strengthening the capacities of the constituents was key and was addressed in the ILO Development Cooperation Strategy 2020–25. Recalling that the ILO was leading the socio-economic response cluster of the multi-stakeholder Initiative on Financing for Development in the

Era of COVID-19 and Beyond, he reassured the Governing Body that support for employers and workers at the national level was a key objective. Regarding safeguards of development banks, there has been a progressive improvement; for example, the Inter-American Development Bank had consulted the Office when revising its internal safeguards, which now reflected the ILO labour standards. On collaboration with financial institutions, the ILO had previously had a road map for collaboration with the World Bank but had moved towards a more ad hoc approach. The Office would be happy to explore possibilities for more structured collaboration. The issue of surveillance under Article IV of the IMF's Articles of Agreement was a matter for discussion between the IMF and its Members, although the possibility of ILO involvement in that work could be explored. There were indications that, under its new Director-General, the WTO was more open to engagement with the ILO than before, which was an avenue that should be explored.

- 262.** The UN Secretary-General's initiative to reflect on a new social contract and a new global deal provided an opportunity to promote the human-centred approach and the Centenary Declaration. The decision to hold a major policy forum on human-centred recovery from the COVID-19 crisis would depend on the outcome of consultations on the global response to COVID-19 and on the interest of and consultations with constituents on format, participation and financing.
- 263. The Director-General** said that, while the issue of multilateral policy coherence was far from new to the Governing Body, the discussion had underlined the extent of current interest in the issue. That increased interest could be attributed to the mandate derived from the Centenary Declaration, the experience of the COVID-19 pandemic, and the tensions and challenges in the multilateral system that made it more important than ever to deliver better together. Those factors, against a backdrop of UN reform, in the final decade of delivery on the 2030 Agenda, and in view of the forthcoming report by the Secretary-General outlining the future direction of the United Nations, meant that it was perhaps an opportune moment to return to the issue of multilateral policy coherence.
- 264.** Regarding the uneven engagement of the ILO in different policy areas and with different multilateral bodies, he said that the variation was due, in part, to differences of perspective among organizations on common policy areas, political sensitivities and the receptiveness encountered when the Office reached out to other organizations.
- 265.** Noting the interest in the proposal to hold a major policy forum on human-centred recovery from the COVID-19 crisis, he said that the intention was for the forum to mark a step change and to provide an opportunity to take stock and draw on the tripartite perspectives unique to the ILO in order to move forward with greater momentum. Observing that it would be remiss not to seize the moment of opportunity that had been presented, but that it may be desirable to wait to hold the forum until it was possible to ensure the physical presence of participants, he said that the Governing Body would be consulted on how to proceed.
- 266. The Worker spokesperson** welcoming the clarifications provided by the Office and the commitment to take on board the concerns expressed, said that the ILO should continue to focus on mainstreaming standards in the multilateral system and to stress the importance of ratification alongside implementation. The COVID-19 crisis had demonstrated the relevance of many international labour standards. She agreed that there was a window of opportunity to move towards stronger cooperation in the multilateral system and that the ILO had an important role to play in that system.

- 267. The Employer spokesperson** said that it had been useful to learn of the principles used to identify the priority issues. The transition from the informal to the formal economy was not proving successful. A wide array of innovative tools should be considered and focused attention was needed to find solutions; the informal economy must not be treated as a mere cross-cutting theme. People and planet were, of course, central to recovery from the COVID-19 crisis, and he welcomed confirmation that consultations would be held on the proposed policy forum on the topic.

Decision

- 268. The Governing Body requested the Director-General to take the necessary action in accordance with its guidance to enhance the ILO's role in the multilateral system by reinforcing its cooperation and developing institutional arrangements with other organizations to promote policy coherence in pursuit of its human-centred approach to the future of work.**

(GB.341/INS/8, paragraph 57)

9. Report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration (GB.341/INS/9)

- 269. The Chairperson** said that the draft resolution included in the appendix to document GB.341/INS/9 would be amended to reflect the two further ratifications of the 1986 Instrument for the Amendment of the Constitution of the International Labour Organisation (1986 Amendment) registered since the discussion by the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance.
- 270. The Co-Chairperson of the tripartite working group** said that the group had enjoyed rich, if challenging, discussions during its two meetings, at which it had adopted its terms of reference, reviewed the ratification status of the 1986 Amendment and collated views on the scope and limits of the democratization of ILO governance. It had agreed that its discussions should focus on the functioning of the Governing Body and the entry into force of the 1986 Amendment, recently also ratified by Somalia, which therefore required a further nine ratifications, including three by Member States of chief industrial importance. Since the adoption of the Centenary Declaration, which recognized the need for constituents' full, equal and democratic participation in ILO tripartite governance, the 1986 Amendment had been ratified by six Member States, demonstrating momentum for the Amendment.
- 271. The other Co-Chairperson of the tripartite working group** said that the group had examined a draft Conference resolution on the principle of equality among ILO Member States and the fair representation of all regions in the ILO's tripartite governance, which aimed to remove obstacles to ratification of the 1986 Amendment. Twelve amendments had been submitted, and although the resolution had enjoyed majority support, three governments had objected and considered addressing alternative ways to achieving fair representation of all regions in ILO governance. The tripartite working group had recommended to the Governing Body that its duration be extended for one year. The group's establishment was testament to the constituents' commitment to following up on the recognition in the Centenary Declaration that social justice in all regions could only be achieved through their full, equal and democratic participation in the tripartite governance of the Organization.

- 272. The Employer spokesperson** noted that the questionnaire used by the group had given rise to proposals not directly linked to its mandate. While the discussions on improving democratic participation in the ILO's tripartite governance were interesting, they went beyond the need for improved representation within the Governing Body through the ratification of the 1986 Amendment. That said, the proposals discussed by the group had led to a proposed resolution for submission to the 109th Session (2021) of the International Labour Conference that called for renewed efforts towards ratification of the 1986 Amendment and sought to remove barriers thereto, in particular the reference to "socialist" States of Eastern Europe. His group supported that resolution. The tripartite working group should not become a permanent body, but its duration should be extended for one year to enable it meet its original goals of developing proposals to facilitate the ratification and entry into force of the 1986 Amendment. His group supported the draft decision contained in paragraph 8 of document GB.341/INS/9.
- 273. The Worker spokesperson** said that her group supported the tripartite working group's decision to focus on the functioning of the Governing Body and the entry into force of the 1986 Amendment. It also fully supported the proposed Conference resolution and took particular note that the reference to "socialist" States of Eastern Europe in article 7(3)(b)(i) of the 1986 Amendment had been declared obsolete, which it hoped would enable more States to ratify that instrument. She welcomed the provisions aimed at encouraging ratification, in particular by States of chief industrial importance, and urged the Office to intensify its promotional activities in that regard. She agreed that the tripartite working group should not be turned into a permanent body but could still develop relevant proposals to complete its work. Thus, she supported the draft decision. Lastly, she noted that the ratifications of the 1986 Amendment by the Republic of Moldova, Spain and Somalia had been registered; that several States had initiated the ratification process; and that the ratification of the Islamic Republic of Iran had been approved by the Iranian Cabinet and would be considered by the Parliament.
- 274. Speaking on behalf of the Africa group**, a Government representative of Ethiopia said that the work of the tripartite working group had just begun, as the ILO was far from realizing full, equal and democratic participation in its tripartite governance. She welcomed the proposed Conference resolution, which enjoyed majority support. She noted with regret that the Director-General had received no further replies to his letter of 14 January 2020, but welcomed the ratification of the 1986 Amendment by the Republic of Moldova, Spain and Somalia and the progress made by the Government of the Islamic Republic of Iran and requested the Office to update the third preambular paragraph of the proposed resolution accordingly, prior to its submission to the Conference. She urged the tripartite working group to continue to focus on finding solutions to improve democratic participation in governance, and called on the Director-General to intensify the Office's activities to promote ratification of the 1986 Amendment. Her group supported the draft decision.
- 275. Speaking on behalf of ASPAG**, a Government representative of Indonesia said that despite good progress, including the development of a proposed Conference resolution, the tripartite working group had not been able to complete its work. Her group had a particular interest in the outcome of that work, as it was under-represented in the ILO's tripartite governance. Thus, she supported extending the duration of the tripartite working group, in order to complete a full and unhindered examination of representation and equality in the ILO and propose next steps. Alongside that work, the Office should continue to promote the ratification of the 1986 Amendment, recognizing that the reference to the "socialist" States of Eastern Europe was obsolete. She supported the draft decision.

- 276. Speaking on behalf of the Eastern European group**, a Government representative of Poland said that she welcomed the consensus reached with regard to the obsolescence of the notion of “socialist” States of Eastern Europe, which would remove a legal obstacle to ratification for many members of her group. She supported the proposal to extend the duration of the tripartite working group by 12 months, in order to conduct a broader examination of how to improve democratic participation in the ILO’s tripartite governance and to develop relevant proposals in that regard. She supported the draft decision.
- 277. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with her statement. She expressed support for the tripartite working group and its mandate, which would require further reflection, proposals and discussion. The EU comprised States that had adopted different approaches to the ratification of the 1986 Amendment, but all EU Member States were committed to democratic participation in the ILO’s tripartite governance. However, the question of democratization went beyond the ratification of that instrument. That said, her group supported subparagraphs (b) and (c) of the draft decision. EU Member States would express their individual views with regard to subparagraph (a).
- 278. Speaking on behalf of a group of countries, consisting of France, Germany, the United Kingdom and the United States**, a Government representative of France said that the group of countries remained committed to the work of the tripartite working group as it sought innovative consensus solutions to reform the ILO’s tripartite governance. He recognized that the notion of “socialist” States of Eastern Europe was considered obsolete, and saw value in the Conference recognizing that fact. However, it was regrettable that the proposed Conference resolution focused solely on the ratification of the 1986 Amendment, without indicating openness to other measures that could achieve the objectives of the tripartite working group. He supported extending the duration of the tripartite working group, but consensus proposals should be reached within that group before a resolution was submitted to the Conference. He was therefore prepared to support subparagraphs (b) and (c) of the draft decision but could not support subparagraph (a) without, however, blocking consensus.
- 279. Speaking on behalf of a group of countries, consisting of Austria, Belgium, Finland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Turkey**, a Government representative of Finland expressed support for the draft decision, including the extension of the duration of the tripartite working group.
- 280. A Government representative of Nigeria** said that the submission of the resolution for consideration at the 109th Session of the International Labour Conference would be a clear sign of the collective resolve to turn words into action by building an inclusive, world-class work assembly for all Member States. He noted with appreciation the ratification of the 1986 Amendment by the Governments of the Republic of Moldova, Spain and Somalia, and appealed to the remaining Members, including the Members of chief industrial importance, to follow suit. He encouraged the Office to continue to promote ratification of the instrument and called on all Member States and the social partners to make full, equal and democratic participation in the ILO’s tripartite governance a reality in the twenty-first century. His Government endorsed the draft decision.
- 281. A Government representative of Japan** said that the continuity of the Governments’ work in the Governing Body should be taken into account when discussing ILO

governance. The added value of the working group would be the pursuit of solutions through broader discussions. He looked forward to further work by the working group, which would lead to an outcome conducive to good governance.

282. A Government representative of Bulgaria welcomed the fact that the proposed Conference resolution declared that the notion of “socialist” States of Eastern Europe did not correspond to the current geopolitical situation and should be deemed as obsolete. He reiterated his Government’s opposition to the establishment of a review mechanism, which would result in an additional administrative burden for Member States and for the ILO.

283. A Government representative of Brazil said that since before the adoption of the Centenary Declaration, his Government, together with GRULAC and other partners, had been calling for genuine tripartite governance across the entire Organization. The discussion of meaningful measures to enhance democratic governance, effective regional balance and legitimacy in the ILO’s decision-making was a matter of paramount importance. His Government endorsed the draft decision and had resumed the process leading to the ratification of the 1986 Amendment.

284. The Employer spokesperson underscored the importance of social dialogue and the need to reach consensus on key issues such as the one under discussion.

Decision

285. The Governing Body took note of the report of the tripartite working group on full, equal and democratic participation in the ILO’s tripartite governance and decided to:

- (a) **transmit the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO’s tripartite governance contained in the appendix of document GB.341/INS/9 to the 109th Session of the Conference for possible adoption;**
- (b) **extend the duration of the tripartite working group for a period of 12 months;**
- (c) **request the tripartite working group to present a progress report and a final report for its consideration at the 343rd (November 2021) and 344th (March 2022) Sessions, respectively.**

(GB.341/INS/9, paragraph 8)

10. Reply of the Government of the Bolivarian Republic of Venezuela to the report of the Commission of Inquiry appointed to consider the complaint alleging the non-observance of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (GB.341/INS/10(Rev.2))

286. The Governing Body had before it three draft decisions, which had been proposed by the Employers’ and Workers’ groups, and by a group of countries consisting of Australia, Brazil, Canada, Chile, Colombia, Guatemala, Honduras, Paraguay, Peru and Uruguay. They had been circulated by the Office to all groups.

287. The text proposed by the Employers' group read:

10. The Governing Body:

- (a) deplored the Government's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry; expressed profound concern about the lack of progress and called on the authorities to respect the will of the people, the genuine tripartite social dialogue based on the independence of social partners and called on the full respect of fundamental rights at work, and in particular those relating to justice and democratic institutions in line with the ILO Declaration of Fundamental Principles and Rights at Work and the ILO Centenary Declaration for the Future of Work;
- (b) decided to include an item on the agenda of the 109th Session of the International Labour Conference entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Government's compliance with the recommendations of the Commission of Inquiry within the required timeframe";
- (c) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country by June 2021, and to present an interim report on progress made to the 109th Session of the International Labour Conference;
- (d) urged the Government to establish and convene, with the support of the Office, before June 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (e) requested the Director-General to present a report to its 343rd Session (November 2021) on actions taken by the Director-General, measures referred to in paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry, including any progress made by the Government in implementing those recommendations.

288. The proposal by the Workers' group read:

10. The Governing Body:

- (a) deplored the Government's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Government's compliance with the recommendations of the Commission of Inquiry";
- (c) requested the Director-General to engage with the Government in the full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country by November 2021, including by discussing a possible agreement on establishing a special representative of the Director-General;
- (d) welcomed recent steps taken by the Government to start a dialogue with social partners and requested the Government to further develop this, before November 2021 into a social dialogue forum, with the support of the Office, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (e) requested the Director-General to present a report to its 343rd Session (November 2021) on actions taken by the Director-General, measures referred to in paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry, including any progress made by the Government in implementing those recommendations.

289. The draft decision proposed by the group of countries, based partially on the text proposed by the Workers' group read:

10. The Governing Body:

- (a) deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry and the Bolivarian Republic of Venezuela's failure to implement the recommendations contained in point 497 of the report of the Commission of Inquiry, as the deadline expired 1st September 2020;
- (b) decided to include an item on the agenda of the 109th International Labour Conference entitled "Consideration of all possible measures, including those foreseen in article 33 of the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry";
- (c) requested the Director-General to present a report to the 109th International Labour Conference on actions taken by the Director-General, and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

290. A Government representative of the Bolivarian Republic of Venezuela (Minister of Popular Power for the Social Process of Labour) was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning his Government. He said that his Government had undertaken a number of actions in order to fulfil its commitment to improving compliance with the Conventions covered by the complaint, including the establishment of bipartite round tables, which were set up with the voluntary agreement of both workers' and employers' organizations and which had progressed on certain aspects, such as the transmission to the National Assembly of the comments and suggestions made by the CEACR and approved by the Commission of Inquiry relating to legislative review. The creation of a joint round table had been planned, at which all representative and autonomous employers' and workers' organizations would be represented. A meeting between workers' and employers' organizations and the new leadership of the National Assembly had been held. His Government had also requested the Director-General to provide technical assistance regarding the representativeness of workers' and employers' organizations. He reiterated his Government's willingness to continue to cooperate with the ILO's supervisory machinery, provided that its actions were objective, impartial, transparent, lawful and independent of political interests that ran counter to his Government. He left open the possibility of making further progress related to the recommendations of the Commission of Inquiry, as long as the recommendations did not conflict with the Venezuelan Constitution, the separation of powers or the country's sovereignty and national independence.

291. He welcomed and accepted the text proposed by the Workers, with a view to achieving a consensus that would enable further progress. However, his Government strongly opposed the text put forward by the Employers, which had not been submitted within the time limit set out in the special arrangements for the current session of the Governing Body, and which covertly sought to apply article 33 of the ILO Constitution at the next session of the International Labour Conference. It likewise rejected the senseless and incoherent proposal by the group of countries, which overtly intended to apply article 33 of the ILO Constitution and to undermine the Venezuelan Government. His Government would not accept any implicit or explicit attempt to apply article 33, which it did not consider to be in the country's interest. He reiterated that, although his

Government had rejected the Commission of Inquiry's recommendations, progress had not been impeded in the application of the Conventions related to the complaint. The veiled intentions regarding the application of measures under article 33 could not be overlooked as their harmful implications were similar to the painful consequences of the unilateral and coercive measures imposed on his country by the United States and the European Union. Such measures would have a major adverse impact on Venezuelan workers and employers alike. The UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had recently visited his country and had called for the lifting of the unilateral sanctions against the Venezuelan Government. He urged the other members of the Governing Body to support the draft decision proposed by the Workers' group in order to enable his Government to make progress on the basis of dialogue and consensus.

- 292. The Employer spokesperson** said that the rejection by the Venezuelan Government of the recommendations of the Commission of Inquiry, the establishment of which the Government had agreed to, was an extremely serious matter. The Venezuelan Government had been given a choice and had decided not to accept the recommendations. The Commission's report highlighted very serious infringements of civil and political rights and their effect on democratic institutions and decisions, and of the most fundamental labour rights of employers and workers. It was deeply regrettable that, despite the extensive discussions held at the previous session of the Governing Body, the Venezuelan Government continued to refuse to accept the Commission's recommendations, thus openly defying and disrespecting the Commission and the ILO supervisory system.
- 293.** The draft decision put forward at the previous Governing Body session following major tripartite efforts had proposed a series of measures to enable the recognition and acceptance of the Commission's recommendations by the Venezuelan Government, and to put an end to the infringement of employers' and workers' labour rights in the country. However, consensus had been prevented by a small number of members that had defended the Venezuelan regime, and serious violations of the relevant Conventions had continued. He recalled the latest observations of the Committee of Experts, which called for the situation in the country to be given the full and continuing attention of the ILO and its supervisory system to obtain robust and effective measures to ensure compliance with the Conventions concerned.
- 294. A Government representative of Cuba**, raising a point of order, said that the mention of the word "regime" in reference to the Venezuelan Government was unacceptable, and asked the Employer spokesperson to use the appropriate term for referring to a Member State.
- 295. The Chairperson** requested the Employer spokesperson to use parliamentary language.
- 296. The Employer spokesperson** referred to the recent report of the Committee on Freedom of Association, which stated that urgent measures were necessary in response to the serious allegations of freedom of association violations in the country. The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela had recently reported to the UN Human Rights Council that the police forces in the country had killed over 200 people so far in 2021, and that the repression of individuals seen as domestic enemies or government opponents continued. Furthermore, the UN High Commissioner for Human Rights had recently provided an oral update to the Human Rights Council in which she reported retaliation by the Venezuelan Government against those cooperating with international bodies. The so-called initiatives on tripartite social dialogue indicated by the Venezuelan Government were not true, were not

authentic and were not in good faith, and only sought to give a false impression of progress in social dialogue and to delay the Governing Body's decisions. The Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) had attested to the false nature of such progress claims in a recent letter to the Director-General, which had provoked a strong reaction from the Venezuelan Government, and had reported new acts of intimidation. For many years, those who thought differently or exercised their rights in accordance with ILO Conventions had been harassed or detained.

- 297.** The ILO Constitution was clear in its establishment of a time limit for accepting the recommendations of the Commission of Inquiry and of the consequences of the failure to do so. He therefore urged the members of the Governing Body to support the draft decision as amended by his group. The Workers' group should demonstrate coherence and solidarity in order to truly defend the ILO's values and the interests of free and independent workers in the Bolivarian Republic of Venezuela and across the world. It was surprising and worrying that the Workers had reneged on the agreement reached at the previous Governing Body session on the inclusion of an agenda item at the next session of the International Labour Conference if the Venezuelan Government continued to reject the Commission of Inquiry's recommendations. The Workers' conduct undermined the credibility of the ILO supervisory system. The Employers welcomed and supported the revised proposal submitted by the group of countries and trusted that the EU would once again support the position of the majority. He called for the unity of the Governing Body and for the Commission of Inquiry's recommendations to be implemented by the Venezuelan Government without delay.
- 298. The Worker spokesperson** said that while the ILO Constitution provided for action to be taken under article 33, that should be a last resort. The Venezuelan Government had taken the first steps towards improving social dialogue, in line with the Commission of Inquiry's recommendations. She underlined her group's full respect for the supervisory system and, in that regard, she felt it important to mention the past decisions not to appoint commissions of inquiry in serious cases of great importance to the Workers, for example relating to Colombia and Guatemala. In that context, her group had proposed a constructive draft decision.
- 299.** The proposed text reflected the compromise draft decision tabled in November and would enable the Governing Body to move forward with broad tripartite agreement, which would uphold the credibility of the ILO and its supervisory system. It was not a small step for the Venezuelan Government to indicate that it would accept her group's draft decision, which she hoped would lead to genuine social dialogue. The ILO should accompany that decision with a commitment to provide technical assistance to the Government, and should consider appointing a special representative of the Director-General for the case. The Government should be given more time to engage with its social partners to implement the Commission of Inquiry's recommendations.
- 300.** Any draft decision that referred directly or indirectly to taking action under article 33 of the ILO Constitution was disproportionate and unacceptable. Discussing the case at the International Labour Conference would not add value; moreover, it would add to the burden of tackling an already full agenda in a virtual format.
- 301. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that Albania and Montenegro aligned themselves with the statement. Highlighting the importance of labour rights, including freedom of association and collective bargaining, and expressing full support for the role of the ILO and its supervisory system, he expressed his group's disappointment regarding the

unwillingness of the Venezuelan Government to accept and implement the Commission of Inquiry's conclusions and recommendations. He strongly urged the Government to take concrete actions towards inclusive and effective tripartite social dialogue, beyond the limited and insufficient bilateral dialogue forums that had been established thus far. He expressed concern that employers and workers continued to face criminalization, intimidation and retaliation on political grounds.

- 302.** He called for the full and continuous attention of the ILO and its supervisory system to the case, and supported the inclusion of the case on the agenda of the 343rd Session of the Governing Body to discuss all available options to ensure the Venezuelan Government's compliance with the Commission of Inquiry's recommendations. The Director-General should issue an interim report on the implementation of those recommendations in May 2021. He urged the Government to establish and convene, with the support of the Office, before June 2021, a social dialogue forum in line with point 4, paragraph 497, of the Commission of Inquiry's report.
- 303. Speaking on behalf of the group of countries,** a Government representative of Peru said that it was deeply regrettable that the Maduro regime had still not accepted or implemented the Commission of Inquiry's recommendations, openly defying the supervisory system and failing to comply with article 29 of the ILO Constitution. The group of countries had therefore tabled a proposal using part of the Workers' text. She requested the Director-General to submit a report to the 109th Session of the International Labour Conference on the actions taken by the Office, including all relevant information on possible measures that could be taken to ensure compliance with the Commission of Inquiry's recommendations. Referring the case to the Conference would be of benefit to the people of the Bolivarian Republic of Venezuela and would strengthen the credibility of the ILO's supervisory system.
- 304. A Government representative of Cuba** noted that the Venezuelan Government had taken steps in line with the Commission of Inquiry's recommendations and had requested technical assistance from the ILO to consolidate progress towards the application of ILO Conventions. Cuba rejected the manipulation of multilateral organizations for political purposes. The Venezuelan Government had repeatedly stated that the Commission of Inquiry contravened the principles of sovereignty and self-determination. Article 33 of the ILO Constitution was not applicable to the current case, and the Governing Body must be consistent in its application of the supervisory system. The draft decision proposed by the group of countries introduced unnecessary political elements into the draft decision and should not be supported. The proposal by the Employers' group had not been submitted within the 48-hour time limit prior to the current discussion. He expressed support for the text proposed by the Workers' group, which was also supported by the Venezuelan Government. He urged the Governing Body to seek consensus.
- 305. A Government representative of Azerbaijan** noted that the Venezuelan Government had expressed its commitment to inclusive social dialogue and compliance with ILO Conventions and had taken steps in that regard. The ILO should continue to provide technical assistance towards implementation of the Commission of Inquiry's recommendations. All options should be explored, and the Government should be given time to work with all stakeholders to facilitate social dialogue and address outstanding issues.
- 306. A Government representative of the United States** said that the Venezuelan Government's failure to make meaningful progress in implementing the Commission of Inquiry's recommendations was consistent with the broader deterioration of human

rights and the rule of law in the country. Recent efforts fell short of meeting the recommendations, and he reiterated his call for the immediate acceptance and implementation of all of them. The Governing Body must consider all options available to it to ensure meaningful progress, including action under article 33 of the ILO Constitution. He supported the draft decision proposed by the group of countries and said that he could also accept the text proposed by the Employers' group.

- 307. A Government representative of Brazil** reiterated her support for the independent work of the Commission of Inquiry and deplored the failure of the Maduro regime to implement its recommendations. It was regrettable that the Governing Body had not yet issued a firm and unequivocal response to the current situation, as its failure to do so undermined the credibility and legitimacy of the supervisory system. The criteria for applying article 33 of the ILO Constitution were clear, and applicable in the current case. Workers and employers in the Bolivarian Republic of Venezuela could no longer wait for the ILO to act. She urged the Governing Body to accept the text proposed by the group of countries.
- 308. A Government representative of Namibia** noted that the Venezuelan Government had implemented some of the Commission of Inquiry's recommendations and had requested technical assistance for the implementation of others. The application of article 33 of the ILO Constitution was not justifiable. Furthermore, the ILO must discourage any political or economic coercion and focus on increasing technical assistance to its Member States. She expressed support for the text proposed by the Workers' group.
- 309. A Government representative of Barbados** said that his Government believed strongly in dialogue rather than confrontation, a principle that should guide the current case. Member States must recognize the ordinary people affected by the situation and build on progress achieved. His Government requested the Director-General and the Office to continue to engage with the Venezuelan Government in order to resolve the case.
- 310. A Government representative of the Islamic Republic of Iran** welcomed the progress made by the Venezuelan Government since the previous session of the Governing Body to comply with the Commission of Inquiry's recommendations. The ILO must support that progress and provide technical assistance where required. The unlawful unilateral sanctions against the Bolivarian Republic of Venezuela had been a prime cause of its hardships and economic problems and could not be taken lightly. He expressed support for the draft decision proposed by the Workers' group.
- 311. A Government representative of China** recognized the progress made by the Venezuelan Government in line with the Commission of Inquiry's recommendations, with particular regard to re-establishing social dialogue with national employers' and workers' organizations and complying with ILO Conventions. The information provided by the Government demonstrated its constructive approach, which should be recognized by Member States. He asked the ILO to act on requests for technical assistance from the Venezuelan authorities. The supervisory system should be relied upon as the mechanism for resolving disputes through consultation and negotiation, without interfering in a Member State's sovereignty. He encouraged the Governing Body to take a constructive approach to seeking a consensus decision. He expressed support for the text proposed by the Workers' group and said that he did not support the other proposals.
- 312. A Government representative of Iraq** urged the ILO to continue providing technical support to States, at their request or on its own initiative, to assist them in achieving their objectives. The politicization of technical issues should be avoided.

- 313. A Government representative of Cameroon** noted with satisfaction the considerable progress made by the Venezuelan Government in its cooperation with the ILO. He urged the Governing Body to allow the Venezuelan Government to continue the reforms under way by considering its response to the report of the Commission of Inquiry. His delegation supported the proposal by the Workers' group.
- 314. A Government representative of Turkey** welcomed the Venezuelan Government's willingness to continue engaging in broad and inclusive social dialogue, improve its compliance with ILO Conventions and benefit from the ILO's technical assistance. Noting the Venezuelan Government's recent improvements to the implementation of legislation and practical measures, he encouraged it to continue working closely with the ILO and to increase efforts to improve working conditions. The benefits of doing so would be seen with time, as would the results of the Government's actions in relation to the Commission's recommendations.
- 315. A Government representative of Myanmar** commended the Venezuelan Government for its implementation of some of the Commission's key recommendations and encouraged it to continue its constructive engagement with the social partners. The ILO should grant the Venezuelan Government's request for technical assistance to determine the representativeness of employers' and workers' organizations; only through closer cooperation and technical assistance between the ILO and the Venezuelan Government could further progress be made in implementing the Commission's remaining recommendations.
- 316. A Government representative of the Russian Federation** said that the question of further action in the case in point went to the heart of the ILO's activities and therefore required careful deliberation to reach consensus. His Government did not share the view that no progress had been made in the Venezuelan Government's compliance with the Organization's decisions; it had not been afforded sufficient opportunity to improve its social dialogue mechanisms, and unilateral coercive measures impeded its implementation of ILO standards. The Venezuelan Government had cooperated with the Commission of Inquiry and made significant efforts to take into account its views. The Russian Federation supported its ongoing work to implement the Commission's recommendations, in which respect the ILO's technical assistance would be key. It would be excessive to refer the case to the International Labour Conference. Noting that the draft text under discussion had not been circulated in a timely manner, he rejected the proposals submitted by the Employers' group and by the group of countries. In the spirit of consensus, his Government could support, on an exceptional basis, the text proposed by the Workers' group.
- 317. A Government representative of Saudi Arabia** welcomed the clarifications made by the representative of the Bolivarian Republic of Venezuela and expressed his Government's support for all decisions taken by multilateral forums in relation to the matter at hand, including the Governing Body. Consensus was vital if the goals behind those decisions were to be met, and he requested further time for discussion of the case in order to achieve it.
- 318. A Government representative of Chad**, highlighting the importance of compliance with standards, noted the willingness of the Venezuelan Government to improve its respect for the Conventions. The Venezuelan Government's request for technical assistance should therefore be granted. Constructive dialogue should be encouraged while consensus was sought, without adopting unilateral measures.

- 319. A Government representative of the Bolivarian Republic of Venezuela** welcomed the constructive statements made during the debate, and the draft decision proposed by the Workers' group, which his Government accepted. He thanked the representative of the Government of Cuba for raising the point of order calling for respectful treatment of his country.
- 320.** Others had made statements that once again aimed to discredit his Government and politicize the debate. His Government did not intend to cause provocation, which would not add value to the discussion. He urged those countries that had spoken against his country to focus instead on defending the rights of their own populations, many of which suffered hunger, poverty and misery. His Government had been battling for the previous five years against a range of unilateral coercive measures, the devastating effects of which had impeded the enjoyment of human rights, including the right to work, of the entire Venezuelan population. The COVID-19 pandemic had only increased those challenges. Nevertheless, his Government had built strategies and mechanisms to assist Venezuelans in overcoming the crisis.
- 321.** His Government did not accept lessons on morality from a country that had, for example, recently demonstrated the obsolescence of its electoral system and reiterated the imposition on his country of unilateral coercive measures that contradicted the Charter of the United Nations, with harmful consequences for the Venezuelan people. That same country was the global epicentre of the COVID-19 pandemic and, furthermore, refused to ratify fundamental ILO Conventions in order to avoid being called before its supervisory bodies because of its extremely poor performance in the world of work.
- 322.** Another Government that had spoken against his country was in the midst of an ongoing political crisis, during which presidential candidates had used xenophobia to win votes and had failed to control the COVID-19 pandemic; a further South American Government that had criticized his Government had failed to control the COVID-19 pandemic, leading to more than 2,000 deaths per day and the near collapse of its health system.
- 323.** His Government would not accept lessons from another Government whose only response to year-long protests by students and workers had been brutal repression, nor from the Government of a neighbouring country that was witnessing increasing violence against trade union members, xenophobic discourse leading to violence against migrants, mass emigration, drug-related violence and poor management of the COVID-19 pandemic. That country was also a serial violator of Conventions Nos 87 and 98, and the murder of trade unionists appeared to form part of its past and current world of work.
- 324.** He invited all those Governments to develop social, labour and economic policies that would benefit their populations, which were disappointed in their leaders and in the corruption and poverty that they faced.
- 325.** Turning to the comments of the Employers' group, he highlighted the significant effort towards dialogue and reconciliation made by his Government, which had sat down with that group's affiliated Venezuelan organization to seek solutions and improvements in all sectors. However, those efforts had been frustrated when members of that organization reported losing all control over the complaint in the face of international pressure to restate differences and resist all attempts at dialogue. He repeated his Government's call to Venezuelan and international employers' organizations for dialogue at the round tables that it had recently established.
- 326.** While Governing Body sessions lasted just a few days, the problems caused by the unilateral coercive measures imposed on his country were felt every day. New measures,

such as those relating to article 33 of the ILO Constitution, would not benefit employers, workers or the population in general. There was no legal basis for the case to be added to the agenda of the 109th Session of the International Labour Conference (June 2021). Paragraph 54 of the Introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office stated that decisions on items to be placed on the agenda must be taken two years prior to the opening of the session of the Conference in question, and article 15(1) of the Constitution of the ILO provided that the Director-General must transmit the agenda so as to reach the Members four months before the meeting of Conference; those deadlines had already passed. The Venezuelan Government would continue to provide information to the Governing Body on the progress made in complying with the Conventions that it had ratified.

327. The Worker spokesperson concurred with the Government representative of Barbados that continued productive engagement was required. That had been the intention behind her group's proposed draft decision. There appeared to be support for the approach proposed in that draft, rather than for a discussion at the International Labour Conference in 2021.

328. The Employer spokesperson, noting that the case affected both employers and workers in the Bolivarian Republic of Venezuela, said that his group would have welcomed a more substantive discussion, particularly of the existing allegations set out in Appendix V of the document, such as violence against members of employers' organizations, and of new allegations, including of attempts to mislead the Governing Body by means of meetings that were neither legitimate nor genuine and the detention of members of workers' organizations. In particular, his group was surprised at the lack of reference by Governing Body members to workers' production boards, which were being used to undermine the trade union movement and influence electoral processes. The representative of the Venezuelan Government had spoken only to criticize other governments and on matters unrelated to the case at hand. He rejected the Worker spokesperson's comparison of the case to others subject to article 26 complaints in order to justify a course of action; each case must be analysed on its own merits.

329. Representatives of several Governments had referred to the question of violations of the Venezuelan Constitution. However, under article 23 of that Constitution, international instruments ratified by the Bolivarian Republic of Venezuela took priority over domestic legislation if their human rights standards were more favourable. The Venezuelan Government was incorrect in calling into question the ILO supervisory bodies by referring to its cooperation, to the extent that those bodies were objective, impartial, transparent, consistent with the law and unconnected with political interests counter to the Venezuelan Government; the ILO's supervisory bodies were all those things.

330. The Venezuelan Government had requested technical assistance, the ILO's simplest method of ensuring a Member State's compliance with the voluntary commitments it had entered into by ratifying a Convention; a commission of inquiry was its most serious method. In view of the seriousness of the matter, technical assistance was not an appropriate remedy. Given the complexity of the situation and the difficulty in finding common ground, further deliberations were required. Lastly, he emphasized the need for solidarity with both workers and employers in the Bolivarian Republic of Venezuela.

(The Governing Body resumed its discussion of the item at a later sitting.)

331. The Governing Body had before it a revised version of the draft decision proposed by the group of countries (except Uruguay) and also supported by the United States and the

EU and its Member States. The revised draft decision, which replaced the previous proposal, read:

10. The Governing Body:

- (a) deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) noted recent developments and urged the Bolivarian Republic of Venezuela to establish and convene, by May 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (c) requested the Office to work with the Bolivarian Republic of Venezuela on recognition and full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country;
- (d) requested the Director-General to inform the members of the Governing Body, by means of a written report, on or before 3 May 2021, regarding measures which the Bolivarian Republic of Venezuela has taken to comply with the recommendations of the Commission of Inquiry, together with details of any technical assistance requested or provided;
- (e) acknowledged the possibility of a resolution at the 109th International Labour Conference on the developments mentioned in points (b) (c) and (d) if there is a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry;
- (f) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required timeframe";
- (g) requested the Director-General to present an updated report to its 343rd Session (November 2021) on relevant actions taken by the Director-General, measures referred to in paragraphs (b) and (c), and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

332. The Employer spokesperson informed the Governing Body that FEDECAMARAS and its president had been stigmatized, which had made it difficult for the organization to act and to exercise its right to freedom of association. Given the need for a serious response, as in other cases before the Governing Body, his group sought a clear decision to take up an article 33 case of the Bolivarian Republic of Venezuela at the 109th Session of the Conference, pursuant to article 29 of the ILO Constitution. The non-observance of the Commission of Inquiry's findings meant that drastic action was required, including continuing to insist that the Venezuelan Government respected freedom of association and other freedoms and showed evidence of demonstrable changes in the situation.

333. His group proposed a subamendment to subparagraph (e) of the revised proposal by a group of countries, to read "decided to include an item at the 109th International Labour Conference to discuss a resolution", and sought the support of the Governments and the Workers for the proposal. That would enable the ILO to continue to exert pressure on the Venezuelan Government to take the actions commensurate with the recommendations of the Commission of Inquiry. The legal points made by the representative of the Venezuelan Government should not be interpreted as hindering the Governing Body's decision-making ability; given the need for clarity, his group wished to seek counsel from the Legal Adviser.

- 334. The Worker spokesperson** maintained that her group's proposed text offered the best combination of incentives and deterrents to ensure that the Government would take the recommendations of the Commission of Inquiry seriously, including through establishing freedom of association and genuine social dialogue.
- 335.** It appeared that the Employers' group wished in its subamendment to add another item to the Conference agenda, while in the discussion on the agenda it was seeking to reduce the length of the session as it would be held online. The revised proposal by the group of countries included some rephrasing that did not necessarily improve the text. It also included a request for a written progress report by 3 May 2021, which was barely feasible in the short time frame. Furthermore, the report was apparently intended to provide a basis for the Governing Body to decide whether to submit a resolution to the Conference, yet the Governing Body would not meet in May. In addition, under the Conference Standing Orders there was always a possibility of submitting a resolution. Confirming a decision on next steps based on whether a progress report was sufficiently positive was not an appropriate way of working within the supervisory system.
- 336. Speaking on behalf of the group of countries consisting of Australia, Brazil, Canada, Chile, Colombia, Guatemala, Honduras, Paraguay, Peru, the United States and the EU and its Member States,** a Government representative of the United States explained that the urgency of the case had led to the group of countries tabling a revised proposal. It called for the Director-General to issue a progress report by 3 May 2021 and for the proposed social dialogue forum to be held in May 2021, removed the call for a special representative, and referred explicitly to the possibility of submitting a resolution to the forthcoming session of the Conference.
- 337. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that Montenegro and Albania aligned themselves with the statement. Given the urgency and importance of the current case, the EU and its Member States had joined the group of countries in proposing the revised proposal calling for the establishment of a social dialogue forum, the submission of a progress report and the possibility of submitting a resolution to the Conference.
- 338. Speaking on behalf of the group of countries,** a Government representative of Peru said that their revised proposal, which replaced the group's previous proposal, was the result of intense discussions aiming to achieve consensus on a way forward. The proposal sought to contribute to improving the situation in the Bolivarian Republic of Venezuela, to end labour rights violations and to ensure that the Commission of Inquiry's recommendations were fully implemented. The proposal set out the minimum measures that the Governing Body must adopt in such an urgent and serious case so as to protect the Venezuelan people's rights and the ILO supervisory system. The group also reserved the possibility of proposing new measures if the Venezuelan Government's labour violations and non-observation of ILO Conventions continued.
- 339. A Government representative of China** supported the text proposed by the Workers' group, which was reasonable and pragmatic. He was opposed to invoking article 33 of the ILO Constitution, and did not support the other draft decisions that had been proposed. The case could be resolved within the framework of the Governing Body.
- 340. A Government representative of the Russian Federation** reiterated that taking further action against the Venezuelan Government would be premature, given the advances it had made, despite the impact of the COVID-19 pandemic and the ongoing coercive measures in the country. He did not support the draft decision proposed by the

Employers' group or that proposed by the group of countries. His Government could support the proposal by the Workers' group, as it was the most balanced.

- 341. A Government representative of Cuba** expressed support for the text proposed by the Workers' group. The revised proposal by the group of countries and the Employers' subamendment to it sought to apply excessive measures against a Government that had demonstrated its will to continue to fulfil its obligations and commitments to the ILO to safeguard and advance labour rights and freedom of association. Deciding to include the case on the agenda of the forthcoming session of the Conference would contravene paragraph 54 of the Introductory note to the Compendium of rules applicable to the Governing Body and article 15 of the ILO Constitution, under which the agenda must reach the Members four months before the Conference session. Furthermore, the agenda for the forthcoming session had been finalized in February 2021 and could not be changed, particularly as the proceedings would be held online.
- 342. A Government representative of Cameroon** reaffirmed his support for the draft decision proposed by the Workers' group, and rejected the revised proposal by the group of countries and the Employers' proposal.
- 343. A Government representative of the Islamic Republic of Iran** urged the Governing Body to recognize the progress made by the Venezuelan Government and to encourage future achievements. He supported the text proposed by the Workers' group, which was an efficient way forward.
- 344. A Government representative of Switzerland** noted the commitment of the Venezuelan Government to improve the application of ILO Conventions and to accept technical assistance from the ILO. However, it was deeply concerning that the Government had not accepted the Commission of Inquiry's recommendations, nor had it decided to refer the complaint to the International Court of Justice. It was also regrettable that, in its 2020 observations, the Committee of Experts had reported continuing serious violations of labour rights, the Government's systematic non-observance of its obligations under Conventions Nos 26, 87 and 144 and its gross failure to cooperate with the ILO. In order to preserve the credibility of the ILO supervisory mechanism and to facilitate consensus among the tripartite partners, he supported the revised proposal by the group of countries.
- 345. A Government representative of Japan** said that it was imperative for all Members of the ILO to engage constructively with the article 26 process and comply with the recommendations of the Commission of Inquiry. That is the very basis of the Organization's rule of law, without which its constitutional mandate would be greatly jeopardized. The ILO must closely monitor the situation and consider all possible measures to ensure compliance with the Commission of Inquiry's recommendations. He supported the revised proposal by the group of countries.
- 346. A Government representative of Turkey** said that the ILO should provide technical assistance to all parties in order to settle the dispute and to enable the Venezuelan Government to make further progress. The Government should be given time to work with all stakeholders to facilitate social dialogue and resolve the issues raised in the complaint.
- 347. A Government representative of Iraq** emphasized that the case should not be politicized and should not be included on the agenda of the forthcoming session of the Conference.

- 348. A Government representative of Brazil** emphasized the good-faith efforts that had been made to reach a consensus on the way forward. The revised proposal by the group of countries was balanced and constructive and would enable the Governing Body to make progress towards the implementation of the Commission of Inquiry's recommendations. It also provided for a discussion at the forthcoming session of the Conference if the labour rights violations and the non-observance of the recommendations continued. He urged all members of the Governing Body to support that proposal in a spirit of consensus and unity.
- 349. A Government representative of Chad** wished to hear the position of the Government of the Bolivarian Republic of Venezuela. He supported the text proposed by the Workers' group, and urged the Employers' group to support a dialogue-based approach. Coercive measures were counterproductive, and the Governing Body should trust in the good faith of the Venezuelan Government.
- 350. A Government representative of Bahrain** said that the ILO should play a supportive role and recognize the efforts made by the Venezuelan Government. He urged the Government to cooperate fully with the ILO and commit to tripartite social dialogue. The Government must be given time to fulfil its agreements with the ILO. He supported the balanced proposal of the Workers' group.
- 351. A Government representative of Mauritania** took note of the efforts made by the Venezuelan Government and its willingness to cooperate with the ILO. He urged the Governing Body to recognize that progress and to reach consensus. He supported the text proposed by the Workers' group, as a positive outcome could only be achieved through social dialogue and mutual understanding.
- 352. A Government representative of Barbados** said that his country supported principles, rather than particular countries, and ILO standards and principles must be respected. The current case required social dialogue, the offering and acceptance of technical assistance, and an acknowledgement of the progress made, however small. He called on the Venezuelan Government to intensify its efforts to implement the recommendations of the Commission of Inquiry. Further discussion of the case should take place at sessions of the Governing Body, not of the International Labour Conference. He supported the approach of the Workers' group.
- 353. A Government representative of the Bolivarian Republic of Venezuela** rejected the revised proposal by the group of countries and the subamendment to it by the Employers' group, which had not been submitted 24 hours prior to the sitting as established under the special arrangements for the current session of the Governing Body. He requested that the Governing Body should achieve consensus by joining his Government in supporting the draft decision proposed by the Workers' group.
- 354.** He emphatically rejected any attempt to apply article 33 of the ILO Constitution. The progress made in his country should not be undervalued. The Governing Body should decide on his Government's repeated requests for technical assistance concerning the representativeness of employers' and workers' organizations, which had been made in response to one of the Commission of Inquiry's recommendations. He drew attention to the recent adoption by the Non-Aligned Movement of a resolution on the negative impact that unilateral coercive measures had had on the enjoyment of human rights. A return to diplomacy was needed, without the imposition of sanctions that did nothing to resolve problems.
- 355. A Government representative of the United States** clarified that the revised proposal by the group of countries no longer included a reference to article 33, merely "the

possibility of a resolution” being submitted to the Conference. He disagreed that the proposal had been submitted in an untimely manner, as the resumed discussion had yet to be scheduled at the time. As to the question of the four-month notice period for placing a resolution on the agenda of the Conference, he noted that, in the past, similar items had been placed on the agenda less than four months in advance, and he sought clarification from the Legal Adviser on the relevant rules.

- 356. The Chairperson** saw no issue with the timeframe in which the revised proposal had been circulated. Noting that there was no clear consensus, he proposed deferring the discussion to allow the Officers to propose a way forward.

(The Governing Body resumed its discussion of the item at a later sitting.)

- 357. The Chairperson** announced that the Employers’ group had withdrawn their proposed draft decision; there was therefore no longer any possibility of adding an item to the agenda of the 109th Session of the Conference on the subject of the reply by the Bolivarian Republic of Venezuela to the recommendations of the Commission of Inquiry. Consequently, the Governing Body had before it two options for the draft decision: the proposal submitted by the Workers’ group and the revised proposal submitted by the group of countries.

- 358. The Legal Adviser of the ILO** explained that the possibility of tabling a resolution to the Conference remained open under article 17, paragraph 2, of the Standing Orders of the Conference. In a programme and budget adoption year, such resolutions could relate only to urgent matters or matters of an entirely formal nature. They must be submitted by a Conference delegate at least 15 days before the opening of the session and a decision on whether they would be taken up would be at the discretion of the Officers of the Conference.

- 359. The Worker spokesperson** recalled the sentiment expressed by the Government representative of Barbados, that the ILO should support principles and not countries, and reiterated her earlier comments. Concerning the provision in the revised proposal by the group of countries to request the Director-General to prepare a progress report by 3 May 2021, that timeline did not allow for either party to make significant progress, and seemed designed to lead to a resolution being discussed at the International Labour Conference. She reiterated her call for the Governing Body to support the text proposed by her group, which was more likely to lead to positive developments in the Bolivarian Republic of Venezuela.

- 360. The Employer spokesperson** said that his group had withdrawn their proposed draft decision in order to facilitate a way forward. While the Venezuelan Government could choose to implement measures quickly, it had only taken small steps. Furthermore, the fact that the National Assembly had discussed the potential negative outcome of the Governing Body within the previous week indicated that the Government could move equally quickly to put an end to its hostile actions and restore freedoms, particularly as all public power was concentrated within a so-called democracy. The international community must come together to protect workers’ and employers’ freedoms, which was also in the interest of the Workers’ group. The Governing Body must unite to bring about a change in attitude in the Venezuelan Government. He called on the Workers’ representatives of the Bolivarian Republic of Venezuela, the Workers’ representatives on the Committee on Freedom of Association, and those with first-hand knowledge of the situation in the Bolivarian Republic of Venezuela to demonstrate their support, and also called for the solidarity of governments. Waiting until the November 2021 Governing

Body session to make further decisions could be extremely harmful for the people of the Bolivarian Republic of Venezuela.

- 361.** The Governing Body should not politicize its work or decision-making. It was regrettable that some speakers had called the operation of the supervisory system into question by invoking paragraph 54 of the Introductory note to the Compendium of rules applicable to the Governing Body and article 15.1 of the ILO Constitution. He highlighted article 29 of the Constitution, under which governments must respond to a Commission of Inquiry's report within three months, and noted that the Venezuelan Government had taken seven months to reply and had also not complied with the timeline for implementing the recommendations. The consequences of such action were clearly set out in article 33 of the Constitution. While the ILO preferred to prioritize encouragement and guidance over punishment, the Governing Body had to act decisively to bring about change. He therefore asked the Legal Adviser to clarify whether article 15.1 of the Constitution or paragraph 54 of the Introductory note to the Compendium had been violated in the current case.
- 362. The Worker spokesperson** recognized the urgency of the case, but said that that did not necessarily mean that the solution proposed by the group of countries was the right one. Her group was not suggesting that nothing should be done until November 2021, but rather that the progress of the Venezuelan Government should be monitored through the appointment of a special representative of the Director-General and supported by the provision of technical assistance. The Venezuelan Government should not be punished, but rather incentivized, which had been the preferred approach of the Employers' group in other cases.
- 363. A Government representative of Cuba** reiterated that the revised proposal by the group of countries was excessive and that any progress report produced by 3 May 2021 could not be rigorous or contain verified information. He reiterated his support for the draft decision proposed by the Workers' group.
- 364. A Government representative of the Russian Federation** reiterated that measures under article 33 of the ILO Constitution were not warranted. The Governing Body had to choose the way forward that would produce the most positive outcome. He reaffirmed his support for the proposal by the Workers' group.
- 365. A Government representative of the United States**, recalling the steps that had led to the current discussion, emphasized the urgency of the case and expressed regret that the Governing Body seemed unable to take the decisive measures required. He reiterated his support for the revised proposal by the group of countries.
- 366. A Government representative of the Bolivarian Republic of Venezuela**, reiterating the need to seek consensus, reaffirmed his support for the text proposed by the Workers' group, which would enable his Government to make progress within a framework of dialogue. He rejected the comments made by the Employer spokesperson concerning the level of democracy in the country, with particular regard to the separation of powers. The Employer spokesperson had particular interests regarding the Bolivarian Republic of Venezuela, and the Employers' group had sought to prevent a consensus from being reached within the Governing Body. His Government had taken steps to implement those recommendations of the Commission of Inquiry that did not contradict the country's Constitution, fundamental principles of democracy, or sovereignty. That progress should not be undermined by politicized arguments.
- 367. The Employer spokesperson**, responding to the Government representative of the Bolivarian Republic of Venezuela, said that he had no personal interest in the case,

beyond a desire to overcome the difficulties in that country. He had visited the Bolivarian Republic of Venezuela in the past, and had experienced first-hand the intimidation of members of FEDECAMARAS, as well as of visitors such as himself. The Venezuelan regime had long been moving to undermine worker and employer freedoms. However, freedoms were only freedoms if they were enjoyed by all citizens, not just those perceived to be in support of the Government. It was clear that a small number of Government representatives were trying to prevent measures being taken against a State that was not complying with ILO Conventions. The current case was not new, as it had first been considered by the Committee on Freedom of Association in 2004. Despite that, no significant progress had been made since the Commission of Inquiry had conducted its work. He recalled several instances of intimidation, violence and exile that had taken place over many years, which demonstrated the need for the Governing Body to finally take decisive action. Such action would not weaken the ILO Constitution or the Governing Body. Therefore, he sought clarity regarding how a vote could take place in order for the Governing Body to move forward, including the determination of which Governments were in good standing and were able to vote, and who would be entitled to cast votes.

- 368. A Government representative of Cuba**, noting that it was not unusual for Governments to form coalitions to support each other, said that the Venezuelan Government was defending itself and making it clear that it would not welcome a punitive approach. Under the Standing Orders, Cuba, as a deputy member of the Governing Body, would not be able to vote. The position of the Employers' group had an excessive focus on sanctions. That group was attempting to put pressure on the Government, an approach that, in Cuba's long experience of such matters, did not work. The punitive approach did not work in any international forum; the resolutions adopted by the UN Human Rights Council were evidence of that. Priority should instead be given to respectful, frank and sincere dialogue in order to reach consensus, which was the core of the Organization.
- 369. A Government representative of Barbados** called for a level-headed and realistic approach. Barbados had a strong system of democratic governance and fully respected the rights of workers, entrepreneurs and employers, underpinned by a strong sense of social justice. If his Government were of the view that no progress had been made and that the process was a method of stalling for time on the part of the Venezuelan Government, it would not support the draft decision proposed by the Workers' group. His Government continued to stand by its position on the matter and called for the ILO to work to ensure that the rights of workers and employers, and of the whole population, were maintained. The proposal by the Workers' group struck the appropriate tone, particularly by deploring the non-acceptance of the report of the Commission of Inquiry. Signs of genuine progress should be built upon and the Office should make haste to provide the necessary technical assistance. If no progress was achieved following the provision of that technical assistance, his Government would reconsider its position.
- 370. The Government representative of the Bolivarian Republic of Venezuela** recalled that the situation had its roots in the 2002 coup against the constitutional Government, in which the president of the Venezuelan employers' organization had declared himself President of the country. The current discussion at the Governing Body was regrettable and undeniably politicized, and a series of steps had been taken against the Government. Decisions of the Governing Body were usually adopted by consensus, in accordance with its Standing Orders, not by vote. The Venezuelan Government remained committed to the Workers' group's proposed text, and was grateful to the Governments that had supported it. The Venezuelan Government disassociated itself from, and would not commit itself to, any decision that contained any other proposal. It was to be hoped

that the questionable mechanism of a vote would result in the adoption of the Workers' proposal.

- 371. The Chairperson** recalled that there were currently two options under discussion and no apparent consensus. In accordance with the special arrangements and rules of procedure applicable to the current session, as chairing officer he had concluded that a vote on the current agenda item was inevitable. The Officers had considered that the vote should be taken electronically by a show of hands. Members entitled to vote should indicate whether they were in favour of the draft decision proposed by the Workers' group or the revised proposal by the group of countries, or could abstain.
- 372. The Clerk of the Governing Body** explained that the vote would be taken under paragraph 5.7.3(b) of the Standing Orders of the Governing Body: "amendments may be decided upon either individually or against other amendments, as the person chairing the sitting may decide, but if amendments are decided upon against other amendments the motion or resolution shall be deemed to be amended only after the amendment receiving the largest support has been adopted individually".
- 373.** Regarding the members entitled to vote, he indicated that in the case of the Employers' and Workers' groups, it would be the 14 regular members or their substitutes, as communicated to the Secretariat that morning. All regular Government members of the Governing Body whose Government was in good standing with the payment of its contributions were entitled to vote. The Africa group had appointed two deputy members (Nigeria and Namibia) to vote in lieu of two of its group's regular members that were in arrears, in accordance with the procedure under article 1.5.3 of the Standing Orders of the Governing Body.
- 374.** With respect to the possibility of voting by electronic means by a show of hands, it was provided for in paragraph 32 of the special arrangements and rules of procedure approved for the current session. The Chairperson would announce the outcome of the vote by indicating only the number of votes in favour of each option and the number of abstentions.
- 375.** *The Governing Body proceeded to a vote by a show of hands by electronic means.* The results of the vote were:
- In favour of the draft decision proposed by the Workers' group: 22
- In favour of the revised proposal by the group of countries: 27
- Abstentions: 3
- 376.** Noting the support in favour of the revised proposal by the group of countries, **the Chairperson** proceeded to its adoption.
- 377. The Government representative of Cuba**, speaking on a point of order, asked on what basis the votes had not been made public. Unlike votes held in the Governing Body meeting room, the electronic system had not shown how each member had voted, therefore he could not accept the result. Voting procedures in virtual meetings in other organizations permitted everyone to see how each country was voting. Very few ballots at the ILO were secret, and the current vote should not have been one of them.
- 378. The Chairperson** noted that the usual way of voting in the Governing Body was by a show of hands. Under that procedure, which had been conducted electronically in the current circumstances in accordance with the special procedures approved by the Governing Body, only the final voting figures were announced by the Chairperson and reflected in the minutes of the session. The other possibility was a roll call, for which a

list showing how each member voted was published; however, the Officers of the Governing Body had opted for a show of hands.

- 379. The Government representative of Cuba** said that the special arrangements for the current session did not indicate that voting would be conducted by secret ballot. The members of the Governing Body, not just the Officers, should have been consulted on the means of voting.
- 380. The Chairperson** noted that the special arrangements and rules of procedure authorized the chairing officer to put a decision to a vote by either of the methods. No consultation of the Governing Body was required.
- 381. The Employer spokesperson** said that the decision adopted sent a message from the Governing Body to the Venezuelan Government that it must make the necessary changes and ensure that any potentially vulnerable individuals received protection. The Government should facilitate monitoring of the situation by the ILO and the UN to ensure that those who had called for freedoms were not threatened or stigmatized. He invited the Workers' group and the Venezuelan Government to support the majority decision of the Governing Body.
- 382. The Worker spokesperson** said that, in her group's view, the outcome was regrettable and did not represent the best way forward. However, a decision had been made and the Governing Body should proceed on the basis of it.
- 383. Speaking on behalf of the EU and its Member States**, a Government representative of Germany noted with satisfaction that the revised proposal submitted by the group of countries had gained majority support. The Governing Body would consider at its 343rd Session all possible measures to ensure that the Venezuelan Government complied with the recommendations of the Commission of Inquiry. In the meantime, the EU and its Member States would carefully evaluate the action taken by the Venezuelan Government and the forthcoming interim progress report of the Director-General, and would consider the best way forward on that basis.
- 384. Speaking on behalf of the group of countries**, a Government representative of Peru noted with concern that the Governing Body had been unable to reach consensus through dialogue, which undermined tripartism. The supervisory system had been weakened considerably by one Member State's explicit rejection of the recommendations of a Commission of Inquiry, and had not suffered any major consequences. The Governing Body had been obliged to vote to reach a decision on a matter of great urgency. It was critical to improve the living conditions of millions of Venezuelans, call the attention of the international community to the labour rights violations occurring in the country and ensure that the President's representatives did not enjoy impunity. The group of countries reserved the right to continue to propose measures to promote compliance with the Venezuelan Government's obligations under the ILO Constitution if it failed to implement fully the recommendations of the Commission of Inquiry. The outcome of the vote showed that the majority of Governing Body members believed that the Governing Body should continue its efforts to secure full recognition and implementation of the recommendations.
- 385. A Government representative of the Russian Federation** expressed regret at the failure to reach consensus through productive dialogue and at the fact that a country had been put under pressure. He did not dispute the results of the vote but agreed that, in practice, it had constituted a secret ballot. He requested the Office to share how the Member States had voted, if possible.

386. The Chairperson reiterated that it was not possible to see how each Member State had voted.

387. The Government representative of the Bolivarian Republic of Venezuela said that the inability to see how each Member State had voted was evidence that the ballot had indeed been secret, which violated article 6.1 of the Standing Orders of the Governing Body and was profoundly questionable. Furthermore, the number of proposals meant that it was unclear which decision had been adopted. The atmosphere within the Governing Body was hostile, small-minded and plagued with political interests against his Government, which considered the events deeply regrettable. The adoption of such a decision by a secret ballot rather than by the Governing Body's usual method of consensus set a poor precedent.

388. He thanked the Workers' group for its firm position on its proposal, which had sought to achieve consensus. His Government had accepted the Workers' proposal from the outset and it was regrettable that it had not found sufficient support. Had it been adopted, the future of the world of work in his country would have been different, owing to his Government's commitment. He also thanked the Governments that had shown their support in constructive statements and had voted for the Workers' proposal. His Government reaffirmed its willingness to continue working with the ILO's supervisory mechanisms, as long as their actions were objective, impartial, transparent, lawful and unconnected with political interests that were counter to the Government of the Bolivarian Republic of Venezuela. He emphasized that his Government categorically rejected, and refused to commit itself to, the decision that had just been adopted.

Decision

389. The Governing Body:

- (a) **deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;**
- (b) **noted recent developments and urged the Bolivarian Republic of Venezuela to establish and convene, by May 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;**
- (c) **requested the Office to work with the Bolivarian Republic of Venezuela on recognition and full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country;**
- (d) **requested the Director-General to inform the members of the Governing Body, by means of a written report, on or before 3 May 2021, regarding measures which the Bolivarian Republic of Venezuela has taken to comply with the recommendations of the Commission of Inquiry, together with details of any technical assistance requested or provided;**
- (e) **acknowledged the possibility of a resolution at the 109th Session of the International Labour Conference on the developments mentioned in points (b), (c) and (d) if there is a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry;**
- (f) **decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's**

compliance with the recommendations of the Commission of Inquiry within the required timeframe”;

- (g) requested the Director-General to present an updated report to its 343rd Session (November 2021) on relevant actions taken, measures referred to in paragraphs (b) and (c), and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela’s compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

(GB.341/INS/10(Rev.2), paragraph 10, as amended by the Governing Body)

11. Complaint concerning non-observance by Bangladesh of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Labour Inspection Convention, 1947 (No. 81) (GB.341/INS/11(Rev.1))

- 390. A Government representative of Bangladesh** said that in the light of the decision adopted by the Governing Body at its 340th Session, his Government’s time-bound work plan on labour sector reform had been revised into a draft road map of actions, in close consultation with the social partners and other relevant stakeholders. The draft had been presented to the ILO and feedback had been received from the Office and from the International Trade Union Confederation (ITUC), which was being given due consideration in the finalization of the road map. The road map spanned a six-year period, in line with his country’s time frame for graduation from least developed country status.
- 391.** His Government, in consultation with the social partners, had already taken a series of measures to strengthen labour rights and workplace safety in pursuance of the relevant ILO standards. Reform could only be meaningful when it came from within; his Government remained committed to steady, incremental progress towards labour reforms owned by the social partners in his country. The Labour Act had been subject to two revisions and the subsequent amendment of the Labour Rules was ongoing. Those changes should be given sufficient time to be put to the test and their impacts and shortcomings assessed.
- 392.** Efforts were under way to strengthen the labour inspectorate with enhanced human and financial resources. The recruitment of inspectors remained a priority and would be stepped up, despite the impacts of the COVID-19 pandemic. Various labour inspection department functions were being enhanced and strengthened, and the backlog of cases was being tackled. New labour courts were being established and measures were being taken to strengthen the Labour Appellate Tribunal.
- 393.** A new website for public information on trade union registration had been launched. Standard operating procedures had been adopted on union registration and anti-union discrimination, which precluded the arbitrary refusal of applications and were being promoted through awareness-raising for labour officials, inspectors, employers, trade union leaders and workers, resulting in a marked increase in successful registrations. Training and awareness-raising measures were in place to encourage compliance with those procedures. Allegations of anti-union discrimination, unfair labour practices and violence against workers were not compatible with his Government’s commitment to build a just, inclusive and peaceful society.

- 394.** Minimum wages remained under constant review; in the garment sector, the minimum wage had increased exponentially since 2006. There had been an extensive roll-out of social security measures, which had been strengthened to mitigate the impacts of the COVID-19 pandemic. Measures were being taken to establish grievance procedures and ensure redress for workers. Labour helplines were in place to receive complaints. Fines were being reconsidered for employers found to have committed discriminatory acts, and options for arbitration were being considered for dispute resolution. There would be continued training and awareness-raising on trade union rights and civil liberties for the law enforcement agencies.
- 395.** His Government remained sensitized to the comments of the CEACR with regard to compliance with ILO Conventions Nos 87, 98 and 81. The CEACR had requested further information on situations of labour unrest from several years previously. His Government had no new information on those cases and would expect the ILO supervisory bodies to show faith in the judicial and administrative system of a functional State. Case proceedings would continue to be monitored.
- 396.** His Government would share the final version of the road map before the next session of the International Labour Conference. The complaint lodged against Bangladesh by worker representatives at the International Labour Conference in 2019 without consulting their local counterparts was disappointing and had served as a reminder that some parties would always continue to undermine his country's growth, competitive strength and international standing. Bangladesh had overcome many challenges; there was every reason to be hopeful for the future.
- 397. The Worker spokesperson** thanked the Office for its report and welcomed the progress made with regard to developing the road map. Despite that progress, concerns persisted regarding compliance with obligations on freedom of association and the right to collective bargaining, as contained in the complaint. In a recent decision by the High Court in Bangladesh, the workers of the Rural Electrification Board had been denied their right to form or join a trade union. This decision was contrary to comments made by the CEACR as far back as 1991. Workers also continued to face charges following the Ashulia events, despite the absence of any evidence of criminality. Their right to work was being denied, in some cases due to alleged collusion between the police, prosecutors and some businesses. The backlog of labour cases in the courts and the lack of arbitration and dispute resolution systems gave cause for concern, as did anti-union tendencies among the security and police forces, anti-union discrimination by factories without investigation and dissuasive sanctions, as well as the absence of a comprehensive wage determination mechanism, social protection and a transparent system of employment contact registration.
- 398.** Grievances and violations raised in the complaint under article 26 of the ILO Constitution remained serious and persistent. In its latest report, the CEACR had stressed the lack of progress in relation to the application of Conventions Nos 87, 98 and 81. The Government should take immediate and urgent steps to address the Committee's concerns, including by continuing to develop the road map in good faith and ensuring that it was finalized and submitted to the Governing Body in June 2021. It was expected that the Government would continue to collaborate in good faith with the Office, and the Workers' and Employers' secretariats, and national social partners, to ensure completion of the road map by June 2021, with appropriate timelines adopted in line with the November 2020 decision of the Governing Body. A progress report should be submitted to the Governing Body subsequently, in November 2021. Lastly, it was regrettable that brands and buyers were taking advantage of the COVID-19 situation to bargain down

prices for work done to unconscionably low levels. An end must be brought to corporate impunity and every effort made to ensure ethical and responsible business conduct in global supply chains. Her group supported the draft decision.

- 399. The Employer spokesperson** highlighted that Bangladesh was in a vulnerable situation, exacerbated by the COVID-19 pandemic. The health and social impact of the crisis had revealed many challenges in its labour and employment institutions as well as the need for more mature social dialogue. The country had made some promising progress in several respects and the Government had demonstrated its willingness to take problems seriously and seek urgent immediate and medium-term solutions. In the recovery from the COVID-19 crisis, business continuity would be vital; the Governing Body should be mindful to avoid undermining the country's overall economic momentum. His group was pleased to note the Government's efforts to prepare a draft road map, as requested previously by the Governing Body. The draft was detailed, forward-looking and action-oriented, with specific actions and timelines but would require further alignment with the long-standing recommendations of the ILO's supervisory bodies concerning the application of Conventions Nos 87, 98 and 81, and complaints on infringements of freedom of association and collective bargaining rights.
- 400.** Since April 2020, the IOE, ITUC, IndustriALL Global Union, the Bangladesh Employers' Federation, as well as the major brands and retailers, had been working with the ILO to take action to support manufacturers to survive the economic disruption caused by the COVID-19 pandemic, and to protect garment workers' income, health and employment. Sustainable systems of social protection must be developed for a more just and resilient garment industry. The IOE continued to work closely with the Bangladesh Employers' Federation. Bangladesh had achieved great success through Better Work, a partnership between the ILO and the International Finance Corporation aimed at improving the lives of workers and their families and increasing the competitiveness of the ready-made garment sector.
- 401.** The Office's guidance for the finalization of the road map of actions was correctly framed. The four priority areas were well chosen and the objectives realistic. Further exchanges between the Government, national social partners, the Office, and the Secretariat of the Employers' and Workers' groups were needed to better plan tangible outputs in the short and medium term. His group supported the draft decision.
- 402. Speaking on behalf of the EU and its Member States**, a Government representative of Germany indicated that North Macedonia, Montenegro, Albania and Norway aligned themselves with his statement. The concerns raised by the CEACR on the insufficient compliance in law and practice with ILO Conventions must be addressed without delay. In response to the decision issued by the Governing Body at its 340th Session, a time-bound road map of actions was expected, with tangible outcomes to address all outstanding issues, including the amendments to the Labour Act, the Labour Rules and the Export Processing Zone Labour Act, measures to combat violence against workers, steps to address low levels of trade union registration and to strengthen labour inspection capacity and enforcement.
- 403.** The EU and Bangladesh had a close relationship, fostering cooperation on labour standards over many years. The EU remained committed to working with the Government of Bangladesh, in partnership with the ILO, to support sustainable and resilient recovery from the COVID-19 crisis. The Government's commitment to working with the EU to develop a labour rights road map with clear timelines was particularly welcome. That road map should be presented without delay and implemented in law and in practice, with the support of the ILO. Strong deliverables were needed for

Bangladesh to benefit from tariff-free exports to the EU. The EU road map and that developed by the Government of Bangladesh in response to the decision of the Governing Body at its 340th Session would be mutually reinforcing. Lastly, the EU had a zero-tolerance policy on child labour; urgent action was required from the Government of Bangladesh to ensure the elimination of child labour and forced labour. The EU supported the draft decision.

- 404. A Government representative of China** welcomed the measures taken by the Government of Bangladesh to improve compliance with the Conventions covered in the complaint, and noted with appreciation the proposed stimulus plan in response to the pandemic. Given the real progress made, the case should be closed as soon as possible. The ILO should continue to provide the country with the necessary support and assistance in the development and implementation of the road map. He expressed the hope that the Government of Bangladesh would maintain its close cooperation with the Office, further finalize its road map and timelines, and take effective action to improve compliance consistently.
- 405. A Government representative of the Russian Federation** commended the consistent commitment demonstrated by the Government of Bangladesh to engage with the ILO to improve labour relations, and its work to resolve the obstacles it faced and implement the relevant changes. The Government of Bangladesh had understood that further labour reforms should be carried out in accordance with the needs of the national economy and society as a whole. He therefore concurred that further consideration of the agenda item by the Governing Body was inadvisable.
- 406. A Government representative of the United States** expressed concern that the key issues raised in the complaint and by the Committee of Experts had not yet been addressed. He urged the Government of Bangladesh to amend and improve enforcement of its labour legislation, particularly regarding the penalties for labour law violations by employers, which were insufficiently dissuasive, and to step up labour inspection. While the Government had provided details of simplifications in the registration process, workers' groups continued to report the arbitrary denial of applications from disfavoured unions, and the routine imposition by Government officials of conditions not based on the law or regulations. The persistent reports of anti-union discrimination, including unfair dismissal, blacklisting and violence against workers, were deeply disturbing. The effective measures indicated in the draft road map should be adopted as soon as possible. The case merited serious and continuing consideration by the Governing Body. The Government of Bangladesh should develop a final, comprehensive road map addressing all of the outstanding issues in a timely manner, in full, good-faith consultation with the social partners at both the national and international level, and submit it to the Governing Body in June 2021. He encouraged the Government to avail itself of ILO assistance, and endorsed the draft decision.
- 407. A Government representative of Switzerland** said that, despite the progress made in Bangladesh, his Government continued to have concerns about the legislative restrictions on the exercise of freedom of association and collective bargaining rights, and insufficient protection against anti-union discrimination. The effective application in law and in practice of Conventions Nos 87 and 98 and respect for the social partners and freedom of association in general must be ensured as a matter of urgency. He encouraged the Government of Bangladesh to continue to cooperate with the ILO and the social partners, and expressed support for the draft decision.
- 408. A Government representative of Mexico** said that her Government hoped that the measures contained in the draft road map would be included in the final version,

together with tangible outcomes and specific time limits. She supported the draft decision.

- 409. A Government representative of Azerbaijan** said that the road map demonstrated the commitment and willingness of the Government of Bangladesh to address the concerns raised in the complaint, on the basis of tripartite consultations and with the active engagement of the ILO and the country office. The ILO should continue to support the Government in its effort to strengthen employment and labour market policies, particularly to address the complex challenges related to the pandemic.
- 410. A Government representative of Cuba** reiterated that her country favoured granting governments the time and space necessary to work with other relevant stakeholders, within national legislative frameworks, in order to comply with their obligations and commitments under ILO Conventions. The willingness of Member States to uphold their commitments despite the difficulties created by the pandemic should be taken into account in the examination of any matter.
- 411. A Government representative of Turkey** said that the establishment of an inter-ministerial committee was evidence that the Government of Bangladesh was committed to further improving working life in the country. The Governing Body should take into consideration the Government's efforts in consultation with the social and economic partners and close the procedure under article 26.
- 412. A Government representative of India** said that in view of the comprehensive steps taken by the Government of Bangladesh to address the issues raised in the complaint, early closure of the case was recommended.
- 413. A Government representative of Canada** said that it was regrettable that a detailed road map had not been presented at the current Governing Body session, although he acknowledged the challenges associated with undertaking such work in the context of the pandemic. Close cooperation with the Office and the social partners was essential to move forward with the road map and obtain the full support of all stakeholders that would ensure its effective implementation. The continued observations of serious violations of the fundamental right to freedom of association and the right to organize in Bangladesh gave cause for concern. He expressed support for the draft decision.
- 414. A Government representative of Iraq** expressed support for the efforts made by the Government of Bangladesh to address the complaint and underscored the need to provide it with the resources required to overcome the challenges that it faced.
- 415. A Government representative of Morocco** acknowledged the legal and administrative reforms undertaken in relation to freedom of association and the right to organize, and encouraged the Government of Bangladesh in its efforts to implement the activities set out in the road map, in consultation with the social partners.
- 416. A Government representative of Bahrain** expressed support for any solution found to assist the Government of Bangladesh and the ILO in closing the case, while preserving the possibility of future cooperation.
- 417. A Government representative of Bangladesh** expressed appreciation for the comments made and emphasized that they would be taken into consideration. His Government was confident that it would be able to overcome the challenges posed by the pandemic and proceed with its plans to finalize and implement the road map within the stipulated time frame. His Government could not interfere with the ruling referred to of the high court division relating to a request for registration, as the judiciary was completely independent. There were no grounds for the harassment, blacklisting or

persecution of workers. His Government maintained a zero-tolerance approach to forced labour and was working in alignment with SDG target 8.7 to eliminate child labour. The vulnerabilities exacerbated by the pandemic were not unique to Bangladesh and his Government was taking determined steps to address the scourges of corruption and inequality. With regard to the cases concerning freedom of association, his Government had remained engaged with the Governing Body by providing all available information, and did not see any particular reason for an extraneous inquiry beyond its national processes. It expected the Governing Body to defer the case for at least several years to enable it to proceed with implementation in a sustained manner. His Government would continue to closely engage with its social partners and consult the Office as appropriate. He echoed the comments on responsible business conduct by the international brands and buyers of Bangladesh's main export products, and said that his country's hard-earned development gains could only be recovered through acts of solidarity involving all international stakeholders.

- 418. The Worker spokesperson** said that, while the road map was important, its implementation was even more so. Her group looked forward to seeing a finalized version in June 2021 and information on its clear and timely implementation by November 2021. She agreed that more needed to be done by brands and buyers to engage with suppliers and ensure decent wages for workers as part of their duty to ensure ethical and responsible business conduct in global supply chains.
- 419. The Employer spokesperson** welcomed the Government's willingness to engage with the social partners and the Office in finalizing the road map and reiterated his group's commitment to fully support the Government in that process. Although wage policy had never been the subject of the complaint, there had been a clear understanding that wage policy was to be one of the issues addressed in the road map, which demonstrated that the road map provided an opportunity to address many other issues and improve the situation for workers in Bangladesh and across the world.

Decision

- 420. Noting the progress made by the Government with regard to the development of a time-bound road map of actions with tangible outcomes to address all the outstanding issues mentioned in the complaint, with the support of the Office and of the secretariats of the Workers' and Employers' groups, and in full consultation with the social partners concerned, the Governing Body, on the recommendation of its Officers:**
- (a) requested the Government to submit the final road map for the information of the Governing Body in June 2021;
 - (b) requested the Government to report to the Governing Body on progress made with the timely implementation of the road map at its 343rd Session (November 2021); and
 - (c) deferred the decision on further action in respect of the complaint to its 343rd Session (November 2021).

(GB.341/INS/11(Rev.1), paragraph 9)

12. Reports of the Committee on Freedom of Association

393rd Report of the Committee on Freedom of Association (GB.341/INS/12/1)

394th Report of the Committee on Freedom of Association – Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry (GB.341/INS/12/2)

Addendum: Presentation of the Committee on Freedom of Association annual report for the year 2020 (GB.341/INS/12/1(Add.1))

- 421. The Chairperson of the Committee on Freedom of Association** noted that the Committee had before it 152 cases, 22 of which had been examined on their merits. Government efforts for effective cooperation with the Committee's procedures had continued to improve its work, enabling it to examine cases in full knowledge of the facts. The Committee had issued an urgent appeal to the Governments of the Democratic Republic of the Congo and Afghanistan for their observations. Three new cases had been received that raised serious and urgent matters and would be examined at the following meeting in May–June 2021, concerning El Salvador, Myanmar and Hong Kong Special Administrative Region, China. Since 2004, the Committee had been examining Case No. 2254 (Bolivarian Republic of Venezuela), but had suspended its examination pending the conclusion of the Commission of Inquiry. In order to pursue its examination of that case in full knowledge of the facts, the Committee requested the Government to send its observations in relation to the Committee's previous recommendations and in the light of the relevant recommendations of the Commission of Inquiry. The Governments concerned should submit their observations by 7 May 2021. The Committee had also examined the follow-up given to its recommendations in seven cases, four of which had been closed.
- 422.** The Committee drew the attention of the Governing Body to three cases, owing to the seriousness and urgency of the matters dealt with therein. Cases Nos 2761 and 3074 (Colombia) concerned allegations of murders, attempted murders and death threats against trade union members. The Committee welcomed the efforts of the authorities dealing with those matters and urged the Government to strengthen efforts to ensure that all acts of anti-union violence, homicides and threats reported were addressed, and adequate protection was afforded to trade union members at risk.
- 423.** Case No. 2923 (El Salvador) concerned the murder of a trade union leader in January 2010. The Committee urged the Government and all competent authorities to make every effort to speed up the investigations under way and ensure they had the required human and financial resources, in order to identify and punish the perpetrators of that crime.
- 424.** The Committee had worked to streamline its procedures and working methods to render them more transparent and accessible to constituents. Those efforts had resulted in the first application of the rule on closing cases for which no information had been received for a period of 18 months since last examination, and the clear indication in definitive cases that conclusions did not call for further examination. It was notable that engagement with Governments had increased. At its last meeting, the Committee had

agreed on admissibility criteria to assess whether the Committee should examine a complaint, and had adopted, on a trial basis, an optional voluntary conciliation approach similar to that adopted with respect to representations under article 24 of the ILO Constitution. The modernization of case management was being pursued. The Committee recommended streamlining its membership by allowing the Governing Body to appoint members without any distinction as to their status, by simply referring to the nomination of six Government, six Worker and six Employer members, since all Committee members contributed equally to its work. That recommendation could be applied in 2021, since a new Governing Body would be elected in May–June 2021.

- 425.** Turning to the 394th Report of the Committee, concerning the measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry, he recalled that, at its last meeting, the Committee had pursued its examination of that matter for the eleventh time. The Committee urged the Government to take all necessary measures to prevent human rights violations and ensure full respect for workers' rights and freedoms; it was a cause of serious concern that recent developments in the country appeared to indicate a regression in progress on implementing the Commission of Inquiry's recommendations. The Committee urged the Government to take the required steps, with the assistance of the ILO and in consultation with the social partners, to fully implement all outstanding recommendations without further delay.
- 426.** Given the cancellation of the Committee's March and May meetings in 2020, due to the COVID-19 pandemic, the Committee had issued only one report that year, which was covered in the fourth annual report of the Committee. He expressed the hope that the annual report would help members of the Governing Body and constituents to better understand the functioning of the Committee and the challenges to freedom of association in the world of work. Despite the challenging circumstances, it was to be hoped that the Governing Body would be able to mark the 70th anniversary of the establishment of the Committee in 2021.
- 427. A Worker member of the Committee** recalled that, in its report, the Committee had highlighted Cases Nos 2761 and 3074 (Colombia) and Case No. 2923 (El Salvador), all of which concerned the murder of trade unionists. With respect to Colombia, the Committee had noted a reduction in cases of homicides of trade unionists since 2001. Nevertheless, over a dozen murders annually were noted in recent years and one murder was too many as trade unions and workers could not enjoy their rights to freedom of association while a culture of violence persisted.
- 428.** He drew attention to several of the cases considered by the Committee, including the situation in Belarus, which was far from one of full respect for freedom of association. Case No. 3323 (Romania) concerned the legislative restriction of collective bargaining and trade union establishment and membership through excessive legislative requirements and the imposition of a collective bargaining mechanism that vested the power of initiation exclusively in the employers. Case No. 3337 (Jordan) concerned severe restrictions on the right of migrant and domestic workers to organize and the limitation of freedom of association to one trade union organization per sector or industry. With regard to Case No. 3371 (Republic of Korea), the Committee welcomed the fact that workers on fixed-term contracts could now join trade unions and noted the ratification of Conventions Nos 87 and 98 by the National Assembly.
- 429.** Case No. 3271 (Cuba) concerned allegations of the serious infringement of fundamental rights. It was regrettable, however, that the reply provided by the Government of Cuba included the claim that the Committee's recommendations in its previous examination

of the case were a reflection of the persistence of selective practices and political manipulation in the ILO's working methods and supervisory bodies against developing countries. The Committee had proven its importance over 70 years as a defender of the fundamental rights of all working people, irrespective of their location or system of government.

- 430.** The Committee's annual report included two new graphics, presented in figures 17 and 18, which showed cases of progress and cases of progress by region, respectively.
- 431. An Employer member of the Committee** said that the Committee had held a successful session, despite the challenges it had faced. Noting achievements with regard to the Committee's working methods, he said that the Employers commended advances that would ensure that the Committee could focus on relevant cases with sufficient evidence for proper examination. The timely delivery of documents was discussed, as was the digitalization of files. The circumstances of the COVID-19 pandemic had led to the first application of the rule on closing cases that had not received input from either party for 18 months.
- 432.** The Committee had engaged in constructive debates on the need to consider the national context when drafting its observations and recommendations. Two cases concerning essential services had demonstrated that limitations on the right to strike, compulsory conciliation and the establishment of minimum service requirements could be justified when the duration and impact of a strike endangered the life, safety or health of all or part of the population. The Committee had acknowledged the need for government to determine the situation based on the particular circumstances it faced. Case No. 3320 (Argentina) concerned allegations of violations of freedom of association and the right to collective bargaining in the public education sector. The Committee had considered education essential and therefore concluded that the limited period for compulsory conciliation between the parties before the strike put forward by the administrative authority was reasonable. Case No. 3316 (Colombia) concerned the right to strike in the airline industry. The Committee had concluded that, while the air transport sector as a whole was not an essential public service, its importance could justify the establishment of minimum service levels to meet basic needs without calling into question the right to strike for a majority of workers in the sector.
- 433.** With respect to Case No. 3271 (Cuba), he expressed concern at the lack of progress on freedom of association and the lack of Government recognition of trade union federations. The situation in Belarus was a cause of particular concern, since fresh allegations of violations of trade union and human rights had been received from the complainant in December 2020, and given the lack of progress in implementing the Commission of Inquiry's recommendations from 2004. Note had been taken of new cases and withdrawals of complaints, particularly the three new cases concerning serious and urgent matters that should be examined as a priority at the Committee's next session. With respect to the article 26 complaint concerning the Bolivarian Republic of Venezuela, the report referred to the previous examination of the complaint, as Case No. 2254, before referral to a Commission of Inquiry, and he noted the Governing Body's discussion on that issue at its current session. The Employers' group supported the adoption of the Committee's reports.
- 434. Speaking on behalf of the Government group of the Committee**, which consisted of members appointed by the Governments of Iraq, Japan, Nigeria, Panama and Switzerland, a Government member from Switzerland said that the Committee had analysed 22 individual cases and discussed its working methods, notably introducing criteria to filter out complaints in relation to which the Committee could not provide

relevant recommendations. They included the time elapsed since the alleged events and the follow-up given to a case at the national level, and would not apply to serious or urgent cases. They had been introduced following tripartite dialogue and would enable the Committee to focus on the most important cases and ensure balance in its work.

- 435. Speaking on behalf of GRULAC**, a Government representative of Barbados welcomed the changes to the Committee's working methods. There should be greater clarity in the Committee's terminology, with cases being declared closed in a timely manner to avoid ambiguity. He recalled that cases could be closed if a government or complainant failed to provide information within 18 months of their last examination. He expressed concern that a large and increasing proportion of the Committee's work related to countries in his region, painting a misleading picture of respect for freedom of association at the global level. The Committee should ensure regional balance in its examination of cases, and be mindful that recommendations were sometimes issued before a government had been given a reasonable opportunity to respond, or did not reflect those responses.
- 436. A Government representative of Mexico** welcomed the Committee's review of its admissibility criteria, which should provide certainty for organizations and governments. She called on the Committee to analyse why such a high proportion of cases came from her region so as to support governments in promoting and respecting freedom of association. To that end, direct dialogue with governments and complainants should be strengthened, taking into consideration each country's circumstances and legal system. She welcomed the report's reference to complementarity between the Committee and other ILO standards supervisory bodies, which would avoid duplication in the examination of cases. The delay between receiving governments' comments and their review by the Committee should be decreased to ensure that the Committee's analysis was based on up-to-date information. She supported the call for clarity when declaring cases closed and welcomed the comments made by the Chairperson of the Committee on the 18-month rule.
- 437. A Government representative of Cuba** said that the Committee should declare inadmissible all cases of a political nature. The allegations made against her Government in Case No. 3271 were false and pursued political aims promoted by foreign powers, discrediting her Government's promotion and protection of workers' rights. Such actions damaged the Organization. The complainant could not be deemed a trade union organization under Article 10 of Convention No. 87, and comprised individuals who lacked an employment relationship and were funded by foreign powers to subvert the social and political order in Cuba. In the light of the comprehensive and timely information provided by her Government, the Committee should dismiss and close the case. The complainants sought to legitimize mercenary activities and manipulate international mechanisms; the ILO's supervisory mechanisms should not be subjected to actions that compromised their objectivity, impartiality and non-selectiveness. The Government of Cuba did not accept the Committee's recommendations as reflected in its report.

Decisions

- 438. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–53, and adopted the recommendations made in paragraphs: 79 (Case No. 3320: Argentina); 123 (Cases Nos 2761 and 3074: Colombia); 157 (Case No. 3112: Colombia); 266 (Case No. 3316: Colombia); 286 (Case No. 3371: Republic of Korea); 317 (Case No. 3312: Costa Rica); 354 (Case No. 3271: Cuba); 366 (Case No. 2923: El Salvador); 374 (Case No. 3258: El Salvador); 391 (Case No. 3330:**

El Salvador); 415 (Case No. 3350: El Salvador); 433 (Case No. 3347: Ecuador); 454 (Case No. 3367: Ecuador); 477 (Cases Nos 2967 and 3089: Guatemala); 501 (Case No. 3179: Guatemala); 512 (Case No. 3249: Haiti); 571 (Case No. 3337: Jordan); 580 (Case No. 3275: Madagascar); 599 (Case No. 3018: Pakistan); 640 (Case No. 3323: Romania); and adopted the 393rd Report of its Committee on Freedom of Association as a whole.

(GB.341/INS/12/1)

- 439. The Governing Body took note of the fourth annual report which covers the year 2020.**

(GB.341/INS/12/1(Add.1), paragraph 4)

- 440. A Government representative of Belarus** said that his Government had shown consistent goodwill and cooperation with the Commission of Inquiry, had adhered closely to agreements and plans made jointly with the ILO, and took the recommendations contained in the 394th Report of the Committee on Freedom of Association very seriously. It was, however, deeply concerned by the attempts to include in the Commission's recommendations matters relating to the events that had followed the presidential elections in August 2020. The protests had been conducted illegally, with the intention to destabilize, and had involved numerous acts of aggression and violence against law enforcement officers. The protests had been of a political nature, and had violated the legal order regulating mass gatherings and strikes. The Government of Belarus had upheld its obligations to prevent chaos and destabilization, and to protect the security of its citizens. The inclusion of a political matter in the recommendations of the Commission of Inquiry seriously undermined the dialogue on their implementation. The Government of Belarus was counting on the Committee on Freedom of Association to take heed of its concerns.

Decision

- 441. The Governing Body approved the Committee's recommendations of the Committee as set out in paragraph 60 of document GB.341/INS/12/2.**

(GB.341/INS/12/2)

13. Report of the Director-General

13.1. Regular report (GB.341/INS/13/1)

- 442. The Chairperson** presented the document and proposed that the Governing Body observe a minute of silence in memory of the former Governing Body members whose obituaries were included in the document. He then invited Governing Body members wishing to pay tribute to the memory of the deceased to do so in writing.
- 443. The Employer Vice-Chairperson** said that while some agenda items benefited from the efficiency of virtual meetings, others required face-to-face exchanges, particularly where social dialogue was necessary to reach consensus. The COVID-19 pandemic had exposed pre-existing structural socio-economic flaws, and the need for the ILO's social dialogue and tripartism was greater than ever. Action must be decisive and go beyond bold rhetoric, and there must be an awareness that Geneva-based solutions were not appropriate in many contexts around the world, particularly with regard to issues such as mental health, which had been put under great strain by unprecedented unemployment, especially among the young. The Governing Body therefore had a

collective responsibility to be truly globally inclusive. His group noted with sadness the obituaries of the former Governing Body members included in the document.

- 444.** He stressed the importance of implementing Conventions effectively once they had been ratified. While the ratification by Spain of the 1986 Amendment was welcome, he urged governments to take the steps necessary to bring about its entry into force as soon as possible; ratification by more Member States was required, including by three Members of chief industrial importance.
- 445.** After noting the appointments of Mr Shinichi Akiyama and Mr Philippe Vanhuynegem to roles within the Office, he turned to the recent publications mentioned in the document. In particular, his group would have appreciated a more balanced approach in the publication entitled *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*, with more attention paid to the significant opportunities offered to individuals and workers by digital transformation. Furthermore, the Office must consider the role of the constituents before it advocated so strongly for measures such as those set out in that publication, which included the taxation of digital platforms and collective bargaining for the self-employed. The constituents must receive balanced information that allowed them to enter into discussions and take appropriate decisions.
- 446.** The current Governing Body session would be his last as Employer Vice-Chairperson, and he reflected on the significant work undertaken during his time in the role, including the historic ILO Centenary Declaration.
- 447. The Worker spokesperson** said that although it was preferable to meet in person, every effort should be made to ensure proper outcomes at the current virtual Governing Body session. While workers and unions continued to suffer the effects of the pandemic, they were taking action to alleviate the situation, and they expected the ILO to assume a leading role not only in the midst of the crisis, but also during the recovery and beyond. She conveyed her group's condolences to the colleagues and families of those whose obituaries were included in the document. Additionally, the death of Mr Adjia François Djondang, a former Governing Body member from Chad, had recently been reported.
- 448.** Her group welcomed the ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930; the ratification by Namibia of the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190); and the ratification by Spain of the 1986 Amendment. Lastly, she welcomed Mr Shinichi Akiyama and Mr Philippe Vanhuynegem to their new posts.
- 449. Speaking on behalf of the Government group**, a Government representative of Chile said that it was necessary to demonstrate flexibility and innovation in the way the challenges caused by the COVID-19 crisis were addressed. Social dialogue, multilateralism and international cooperation were and would be essential to build back better and achieve a more inclusive and sustainable world. Consensus was fundamental to making progress towards overcoming the economic and health crisis resulting from the pandemic.
- 450. Speaking on behalf of the Africa group**, a Government representative of Mauritania welcomed the seven ratifications of international labour Conventions and four ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, received since the 340th Session. He noted with appreciation the ratification of the 1986 Amendment by the Government of Spain. However, the delayed ratification of the Instrument, in particular by three States of chief industrial importance, had continued to undermine the entry into force of the amended Constitution for the past three decades.

The Office should pursue its work with Member States to promote the implementation of the Instrument.

Decision

451. The Governing Body:

- (a) took note of the information contained in document GB.341/INS/13/1 regarding obituaries, membership of the Organization, progress in international labour legislation, internal administration and publications and documents;
- (b) paid tribute to the memory of Mr Peter Tomek and invited the Director-General to convey its condolences to the family of Mr Tomek, to the Federation of Austrian Industries, and to the International Organisation of Employers (IOE);
- (c) paid tribute to the memory of Mr Kjeld Jakobsen and invited the Director-General to convey its condolences to the family of Mr Jakobsen, to the Central Única dos Trabalhadores of Brazil, and to the International Trade Union Confederation (ITUC);
- (d) paid tribute to the memory of Mr Makhosi C. Vilakati and invited the Director-General to convey its condolences to the family of Mr Vilakati and to the Government of the Kingdom of Eswatini;
- (e) paid tribute to the memory of Mr Julio Roberto Gomez Esguerra and invited the Director-General to convey its condolences to the family of Mr Gomez Esguerra and to the General Confederation of Labour of Colombia.

(GB.341/INS/13/1, paragraph 32)

Summary of written statements concerning obituaries ⁵

Mr Peter Tomek

452. The Employers' group paid tribute to the memory of Peter Tomek, who had served as the Austrian Employers' delegate to the International Labour Conference on several occasions and as a member of the ILO Governing Body from 2002 to 2008. During that time, he had been a regular member of a number of Governing Body committees. In 2005, he had served as Vice-Chairperson of the ILO's Seventh European Regional Meeting, held in Budapest. His support had been instrumental to the Employers' group and he had been highly regarded at the international level by employers, workers and ILO colleagues alike. Due to his friendly and charming personality and great competence and wisdom, he had been appreciated by all those who had had the privilege to work with him in the context of the ILO.

Mr Makhosi C. Vilakati

453. The Africa group paid tribute to Makhosi C. Vilakati, former Minister of Labour and Social Security of the Kingdom of Eswatini, who had made his mark in the administration despite spending only just over two years in office. His wisdom and foresight had been appreciated by many of his colleagues. He had been very active at the 14th African

⁵ The complete text of each statement in the original language has been published on the Governing Body's [website](#).

Regional Meeting, held in Abidjan in 2019, at which the African tripartite constituents had adopted the Abidjan Declaration *Advancing Social Justice: Shaping the Future of Work in Africa*. He had been planning to host, in 2021, the mid-term review of the implementation plan for that Declaration in the margins of the 4th Session of the African Union's Specialized Technical Committee on Social Development, Labour and Employment. The Africa group extended its heartfelt condolences to Mr Vilakati's family and to the people and the Government of Eswatini.

Mr Julio Roberto Gómez Esquerro

454. The National Employers' Association of Colombia (ANDI) paid tribute to Julio Roberto Gómez Esquerro, who would be remembered for his innate ability to lead organized workers and for his tireless work in the trade union movement in Colombia, Latin America and worldwide. His intellectual talent and determination to promote workers' interests had led in him to take leadership positions in the General Confederation of Labour of Colombia for more than 25 years; in the Latin American Confederation of Workers; and in the Democratic Trade Union Alternative for the Americas, an organization that, surprisingly, had not yet been recognized by the ILO. At the international level, he had been a regular member of the Governing Body, a role in which he had reinforced the value of peaceful understanding.

455. Julio Roberto could have occupied the highest ranking role in Government on world of work matters, but he preferred with dignity to devote all his efforts to strengthening the trade union movement along the lines of the social doctrine of the Catholic Church, and had been recognized for that by Pope John Paul II.

456. He had been known for his good nature, sense of reason and good manners, which had opened the door for agreements and had also shone through when conveying disagreement to others. The clarity and transparency of his actions had inspired trust and could be summed up by a phrase that he had often used: "Clear accounts preserve friendships". He had left behind a legacy that inspired workers to emulate his achievements.

13.2. First Supplementary Report: Report of the Technical Meeting on Achieving Decent Work in Global Supply Chains (Geneva, 25–28 February 2020) (GB.341/INS/13/2)

457. The Governing Body had before it a joint amendment to the draft decision proposed by the Employers' and Workers' groups and a subamendment to it submitted by IMEC. The amendment and subamendment had been circulated by the Office to all groups.

458. The amendment proposed by the Employers' and Workers' groups read:

28. The Governing Body, in seeking the implementation of the 2016 International Labour Conference resolution concerning decent work in global supply chains and the ILO programme of action on decent work in global supply chains, adopted the two-step process outlined below.

- (1) The Office will be tasked to conduct an in-depth review to clearly identify if there are any gaps in the current body of normative and non-normative measures, including means of implementation and other measures, to facilitate a discussion on options to ensure decent work in supply chains, including at sectoral level, where appropriate. The review to be delivered by November 2021 should provide the basis for a review by a tripartite working group of a manageable size and observing regional balance, to be established by November 2021.

- (2) This working group will further develop, with the support of the Office, the building blocks for a comprehensive strategy on achieving decent work in supply chains, taking into account the 2019 ILO Centenary Declaration for the Future of Work, the One-ILO approach and relevant outcomes of the 109th Session (2021) of the Conference, and will present its report to the Governing Body for discussion at its 344th Session (March 2022) with a view to deciding on appropriate follow-up action.
- (3) Decisions of the working group shall be taken by consensus. Representatives shall make every effort to reach an agreement that is generally accepted, so that a decision can be adopted without formal objections. Where it is not possible to reach consensus on a specific issue, the divergent views shall be set out in its report to the Governing Body.

459. The subamendment submitted by IMEC proposed adding the phrase “and shared with the constituents” after “The review to be delivered” in the second sentence of subparagraph (1).

460. The Worker spokesperson recalled that the 105th Session of the International Labour Conference had produced detailed conclusions on decent work in global supply chains, informing a programme of action that had entailed two expert meetings and one technical meeting. While the latter had failed to adopt any conclusions, the COVID-19 pandemic had only increased the urgency of the issue by demonstrating the importance of global supply chains and exacerbating decent work deficits within them. Other international actors were already taking action, while increasingly excluding the ILO because of its lack of progress.

461. Expressing her group’s frustration at that course of events, she drew attention to the need for the ILO to resume its leading role in the world of work, including with regard to decent work in global supply chains. She therefore welcomed the recent developments that had allowed the Employers’ and Workers’ groups to propose a joint amendment to the draft decision, which must lead to the full implementation of the conclusions of the 105th Session of the Conference. Her group would accept the subamendment submitted by IMEC.

462. The Employer spokesperson said that the COVID-19 pandemic had revealed the acute importance of global supply chains, international trade and investment. The measures implemented to contain the virus had broken down supply and value chains at the global level, causing the impoverishment of millions of workers. However, global trade had allowed countries to source urgently needed personal protective equipment, and the global market represented the best hope for recovery.

463. Her group agreed that the ILO had an important role in increasing policy coherence with regard to the potential contribution of trade policies to progress in living standards. It had significant potential to address the root causes of many challenges to human and workers’ rights, particularly informality. She disagreed that the ILO was being marginalized in work on supply chains. Indeed, it led the global fight against child and forced labour, supported companies and constituents through awareness-raising and capacity-building and had facilitated a call to action for the garment industry to mitigate the impact of the pandemic.

464. Nevertheless, a review of the ILO’s decent work interventions in global supply chains had also highlighted a number of concerns, including its failure to define global and domestic supply chains, the lack of an overarching strategy, and insufficient coordination between departments. Those concerns must be addressed urgently. Her group welcomed the joint proposed amendment, which built on the discussions of the expert meeting held in

February 2020. It was heartening to see agreement on an approach to developing a comprehensive strategy on achieving decent work in global supply chains that took into account, inter alia, the Centenary Declaration. Her group would accept the subamendment proposed by IMEC.

- 465. Speaking on behalf of the Government group,** a Government representative of Chile expressed regret that the technical meeting had not agreed conclusions to guide the work of the Office, particularly in light of the ILO's central role in promoting decent work in global supply chains and the urgency of that work in the context of the COVID-19 pandemic. His group supported the consensus reached by the social partners on the draft decision, which would allow the Office to implement the 2016 International Labour Conference resolution and the ILO programme of action on decent work in global supply chains. His group also supported the subamendment to the draft decision proposed by IMEC. The Office should allocate the resources required to ensure a high-quality review of normative and non-normative measures prior to the establishment of the proposed tripartite working group in November 2021.
- 466. Speaking on behalf of the Africa group,** a Government representative of Côte d'Ivoire recognized the important role of global supply chains in the growth of international trade. A policy on the sustainability of global supply chains would enable enterprises to have a positive impact on society by promoting decent work and good governance. Global supply chains should create work environments that encouraged productivity and required the application of international and national labour standards. The group agreed that the Office needed a comprehensive strategy, especially given the impact of the COVID-19 pandemic on supply and demand, productivity and employment. Reiterating his group's concerns regarding the decent work deficit in Africa, he said that a strategy would facilitate efforts to combat corruption and child labour, and would protect vulnerable workers. While it was regrettable that a consensus had not been reached during the technical meeting, he welcomed the consensus reached on the draft decision, with the amendment proposed by the Workers' and Employers' groups and the subamendment submitted by IMEC, which his group supported.
- 467. Speaking on behalf of IMEC,** a Government representative of France expressed regret that the technical meeting had been unable to reach consensus conclusions, but welcomed the fact that the social partners had since reached agreement on a draft decision. The proposed timeline was acceptable, and would enable the Governing Body to make informed decisions on follow-up action in March 2022. Her group had proposed a subamendment in order to further emphasize the need for transparency in the work of the Office and its relationships with constituents. The ILO should continue to play a central role in the promotion of decent work in global supply chains, and the Office should allocate sufficient resources to complete that work.
- 468. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with the statement. She expressed deep regret that the technical meeting had not adopted conclusions and therefore welcomed and supported the draft decision, the proposed amendment that had been agreed by the Workers' and Employers' groups and the subamendment proposed by IMEC. As the only tripartite international organization, the ILO must take a leading role in promoting decent work in global supply chains. Noting the proposed timeline for the next steps, she emphasized the importance of continuing work to realize the programme of action to implement the conclusions of the 2016 session of the International Labour Conference.

- 469. A Government representative of Japan** expressed support for the joint proposal from the Workers' and Employers' groups, which exemplified the spirit of the ILO by seeking consensus and proposing a scope of the review that would be broad and open. Her Government would like to continue to engage in this significant issue whose importance had been made more apparent by the COVID-19 pandemic.
- 470. A Government representative of the United Kingdom** outlined efforts taken by her Government to promote socially sustainable business and to combat modern slavery by introducing legislation and an online registry for modern slavery statements and by publishing reports from businesses and public bodies on steps taken to address modern slavery in supply chains. More needed to be done to prevent, investigate and punish exploitative employment practices in supply chains. She welcomed the agreement reached by the social partners on the way forward and expressed support for the proposed review and development of a comprehensive strategy on achieving decent work in global supply chains.
- 471. A Government representative of the United States** said that the ILO's tripartite structure, expertise and role in the supervision of international labour standards meant that it had a central role to play in realizing decent work in global supply chains. He welcomed the agreement that had been reached to move that work forward. Global supply chains made important contributions to economic growth and development, but it was regrettable that instances of abuse of labour rights occurred in those chains. An in-depth review was required to determine whether the ILO's standards were fit for purpose and to identify how gaps should be filled; that would ultimately lead to a proposed strategy to be considered by the Governing Body. He supported the sector-oriented data-driven approach to developing replicable and scalable interventions to promote decent work in global supply chains and enhance transparency. The Office should allocate sufficient resources for that work. He supported the draft decision.
- 472. A Government representative of Mexico** highlighted the importance of decent work and economic development through global supply chains, which brought with it a need for strengthened cross-border social dialogue. In that regard, her Government had recently adopted reforms to its labour relations system to ensure that all persons participating in national or international supply chains were able to exercise their fundamental rights. She emphasized the connectedness resulting from international trade and global supply chains, many of which began in low- and middle-income countries. In the current context of the COVID-19 pandemic, that gave rise to additional challenges, including the need for equitable access to vaccines. Finally, she supported the draft decision, and the amendment and subamendment proposed by the social partners and IMEC, respectively.
- 473. A Government representative of Bangladesh** welcomed the proposed review of the gaps in the ILO's standards. However, he reiterated the need to take into account the work culture, macroeconomic strength and socio-economic profile of each Member State when evaluating efforts concerning the transition to decent work and decent work in global supply chains. The constructive contribution of the social partners would be crucial. The COVID-19 pandemic had highlighted the need to address the issues in global supply chains, and to seek the compliance of all parties. He urged the Office to redouble its efforts to enable the Governing Body to make further decisions in March 2022.
- 474. A representative of the Director-General** (Deputy Director-General for Policy) thanked constituents for their valuable comments and assured the Governing Body that the Office would act promptly to implement the steps proposed in the draft decision. She recognized the unique role of the ILO as the only tripartite international organization,

and said that the Office would ensure policy coherence, internally and externally, continuing to promote the “One ILO” approach when developing and implementing programmes and projects. The COVID-19 crisis had deeply affected the world of work, including decent work in global supply chains. She looked forward to working on the proposed in-depth review, which was to be submitted to the Governing Body in November 2021, and to supporting the work of the proposed tripartite working group to develop building blocks for a comprehensive strategy on achieving decent work in global supply chains, which would support the ILO’s work in that regard.

475. The Employer spokesperson thanked all governments for their important contributions. She reiterated the ILO’s key role in achieving decent work in global supply chains, and agreed that it was time to review the ILO’s actions to ensure coherence and improve the situation on the ground in global supply chains. She emphasized that the process must be inclusive and it must address the issue of informality. The principles set out in the Centenary Declaration should guide the work of the proposed tripartite working group.

476. The Worker spokesperson welcomed the joint support for the ILO’s work to address the issue of decent work in global supply chains, and emphasized that while the draft decision would lead to the implementation of the 2016 International Labour Conference conclusions and the ILO programme of action on decent work in global supply chains, other work under that programme of action must still continue. She thanked the Deputy Director-General for her commitment to implementing the draft decision and initiating the proposed “gaps analysis”.

Decision

477. The Governing Body, in seeking the implementation of the 2016 International Labour Conference resolution concerning decent work in global supply chains and the ILO programme of action on decent work in global supply chains, adopted the two-step process outlined below:

- (1) The Office will be tasked to conduct an in-depth review to clearly identify if there are any gaps in the current body of normative and non-normative measures, including means of implementation and other measures, to facilitate a discussion on options to ensure decent work in supply chains, including at sectoral level, where appropriate. The review to be delivered and shared with the constituents by November 2021 should provide the basis for a review by a tripartite working group of a manageable size and observing regional balance, to be established by November 2021.**
- (2) This working group will further develop, with the support of the Office, the building blocks for a comprehensive strategy on achieving decent work in supply chains, taking into account the 2019 ILO Centenary Declaration for the Future of Work, the One-ILO approach, and relevant outcomes of the 109th Session (2021) of the Conference, and will present its report to the Governing Body for discussion at its 344th Session (March 2022) with a view to deciding on appropriate follow-up action.**
- (3) Decisions of the working group shall be taken by consensus. Representatives shall make every effort to reach an agreement that is generally accepted, so that a decision can be adopted without formal objections. Where it is not possible to reach consensus on a specific issue, the divergent views shall be set out in its report to the Governing Body.**

(GB.341/INS/13/2, paragraph 28, as amended by the Governing Body)

13.3. Second Supplementary Report: Documents submitted for information only

Decision

478. The Governing Body took note, by correspondence, of the information contained in the following documents:

- Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty and information on other action points in the work plan ([GB.341/INS/INF/1](#))
- Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 25 November–12 December 2020) ([GB.341/INS/INF/3](#))
- Report on the status of pending representations submitted under article 24 of the ILO Constitution ([GB.341/INS/INF/4\(Rev.1\)](#))
- Approved symposia, seminars, workshops and similar meetings ([GB.341/INS/INF/5](#))
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO ([GB.341/INS/INF/6\(Rev.1\)](#))
- Progress on coordinated action taken by United Nations organizations and the social partners to follow-up on the Resolution concerning maritime labour issues and the COVID-19 pandemic ([GB.341/INS/INF/7](#))
- Preparations for the V Global Conference on Child Labour ([GB.341/POL/INF/1](#))
- Programme and Budget for 2020–21:
 - Position of accounts as at 31 December 2020 ([GB.341/PFA/INF/1/1](#))
 - Collection of contributions from 1 January 2021 to date ([GB.341/PFA/INF/1/2](#))
- Progress report on the implementation of the Information Technology Strategy 2018–21 ([GB.341/PFA/INF/2](#))
- Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2019 ([GB.341/PFA/INF/3](#))
- External audit plan ([GB.341/PFA/INF/4](#))
- Composition and structure of the staff at 31 December 2020 ([GB.341/PFA/INF/5](#))
- Decisions of the United Nations General Assembly on the report of the International Civil Service Commission ([GB.341/PFA/INF/6](#))
- Decisions of the United Nations General Assembly on the report of the 67th Session of the United Nations Joint Staff Pension Board (2020) ([GB.341/PFA/INF/7](#))
- Matters relating to the Administrative Tribunal of the ILO: Report of the United Nations Secretary-General on the jurisdictional set-up of the United Nations common system ([GB.341/PFA/INF/8](#))

([GB.341/INS/13/3](#), paragraph 3)

13.4. Third Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.341/INS/13/4)

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

Decision

479. The Governing Body declared that the representation had been withdrawn and closed the case.

(GB.341/INS/13/4, paragraph 9)

13.5. Fourth Supplementary Report: Reports of the two Committees set up to examine the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158) (GB.341/INS/13/5)

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

Decision

480. The Governing Body:

- (a) on the recommendation of the Committee set up to examine the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87):
 - (i) approved the report of the Committee in Appendix I of document GB.341/INS/13/5;
 - (ii) requested the Government to take into account in the context of the application of Convention No. 87, the observations made in paragraphs 17–31 of the Committee's conclusions and in particular, in paragraph 31, wherein the Committee urged the Government that a full, independent and impartial review be made with regard to all those workers who suffered from reprisals and retaliatory acts for their membership in the dissolved unions;
 - (iii) invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations (CEACR); and
 - (iv) made the report publicly available and closed the representation procedure.
- (b) on the recommendation of the Committee set up to examine the representation alleging non-observance by Turkey of the Termination of Employment Convention, 1982 (No. 158):
 - (i) approved the report of the Committee in Appendix II of document GB.341/INS/13/5;

- (ii) requested the Government to take into account, in the context of the application of Convention No. 158, the observations made in paragraphs 34 and 35 of the Committee's conclusions;
- (iii) invited the Government to provide information in that respect for examination and further monitoring, as appropriate, by the CEACR; and
- (iv) made the report publicly available and closed the representation procedure.

(GB.341/INS/13/5, paragraph 9)

14. Reports of the Officers of the Governing Body

14.1. First report: Follow-up to the representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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

Decision

481. Noting that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had welcomed the information communicated by the Government as well as the measures taken to give effect to the recommendations made in the context of the representation presented by the College of Teachers of Chile AG, and trusting that the Government would continue to provide the information requested by the CEACR on the application of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) in the context of the regular reporting cycle, the Governing Body, on the recommendation of its Officers, decided:

- (a) that the establishment of a tripartite committee was not necessary; and
- (b) to close the representation procedure.

(GB.341/INS/14/1, paragraph 9)

14.2. Second report: Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

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

Decision

482. In the light of the information contained in document GB.341/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.341/INS/14/2, paragraph 5)

14.3. Third report: Representation alleging non-observance by Uruguay of the Protection of Wages Convention, 1949 (No. 95), and the Social Security (Minimum Standards) Convention, 1952 (No. 102)

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

Decision

483. In the light of the information contained in document GB.341/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.341/INS/14/3, paragraph 5)

14.4. Fourth report: Representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

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

Decision

484. In the light of the information contained in document GB.341/INS/14/4, 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.341/INS/14/4, paragraph 5)

14.5. Fifth report: Representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Collective Bargaining Convention, 1981 (No. 154)

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

Decision

485. In the light of the information contained in document GB.341/INS/14/5, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable with regard to Conventions Nos 87 and 98 and, as it relates to Conventions dealing with trade union rights, to refer it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution of the ILO.

(GB.341/INS/14/5, paragraph 5)

14.6. Sixth report: Representation alleging non-observance by Guinea of the Labour Inspection Convention, 1947 (No. 81), the Protection of Wages Convention, 1949 (No. 95), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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

Decision

486. In the light of the information contained in document GB.341/INS/14/6, 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.341/INS/14/6, paragraph 5)

14.7. Seventh report: Representation alleging non-observance by Peru of the Hours of Work (Industry) Convention, 1919 (No. 1)

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

Decision

487. In the light of the information contained in document GB.341/INS/14/7, and taking into consideration the recommendations of its Officers, the Governing Body decided that the representation was receivable and that it would be examined by the tripartite committee set up to examine the representation alleging non-observance by Peru of Convention No. 1 declared receivable in November 2020.

(GB.341/INS/14/7, paragraph 6)

15. Calendar of actions to be taken regarding the election of the Director-General (GB.341/INS/15)

488. The Governing Body had before it an amendment to the draft decision, which had been proposed by IMEC and circulated by the Office to all groups, which read:

The Governing Body decided the following timetable for the appointment of the Director-General:

- (a) The Chairperson of the Governing Body calls for candidatures on 21 June 2021.
- (b) Last date for the reception of candidatures: 1 October 2021.
- (c) Asks the Office to prepare for its 342nd Session (June 2021) a set of options for potential amendments to paragraph 12 of the rules governing the appointment of the Director-General to provide for additional opportunities for interaction with candidates [before the regular hearings in private sitting].
- (d) The Governing Body conducts the regular candidates' hearings at the 344th Session (March 2022) of the Governing Body.
- (e) The Governing Body conducts the ballot for the election of the Director-General at the 344th Session (March 2022) of the Governing Body.
- (f) 1 October 2022: The term of office of the Director-General commences.

- 489. The Worker spokesperson** agreed that there needed to be an appropriate interval between the ballot and the taking up of office of the Director-General elect in October 2022, and between the candidates' hearings and the ballot. It was also important for there to be an appropriate period during which candidates could be nominated and at least two months between the closure of the call for candidatures and the date of the ballot. The call for candidatures should take place after the 109th Session (June 2021) of the International Labour Conference, once the new Chairperson of the Governing Body had been elected. The deadline for the reception of candidatures could be fixed at mid-October 2021 so that the Office could inform the Governing Body at its 343rd Session (November 2021) of the candidatures received. However, her group could accept setting that deadline at 1 October 2021, in line with IMEC's proposal.
- 490.** Her group would prefer the hearings of candidates to be conducted at a dedicated sitting at the end of the 343rd Session (November 2021), and not at the 344th Session (March 2022) as proposed by IMEC, but agreed with IMEC that the ballot for the election of the Director-General should take place at the 344th Session (March 2022). Such a calendar would allow enough time for a transitional period. She had reservations about the new subparagraph (c) proposed by IMEC on potential amendments to the rules governing the appointment of the Director-General to allow for additional opportunities for interaction with candidates. The Governing Body should hold a discussion at its 342nd Session (June 2021) on whether such additional opportunities were necessary and desirable. Her group would only agree to such opportunities if they were in full respect of the ILO's tripartite nature.
- 491. The Employer spokesperson** noted that past practice had varied greatly when determining the election calendar. In order to ensure a fair and transparent process, the ballot should be conducted no later than the 344th Session (March 2022) of the Governing Body, which would provide for a six-month handover period before the Director-General elect assumed office. She disagreed with the Workers' proposal that hearings should be held at the 343rd Session (November 2021), as it was still unclear which format that session would take and furthermore the ballot should not take place several months after the hearings. It was critical to maximize the chances to hear from all candidates and for Governing Body members to ask questions and receive the candidates' responses, without being confronted by the inherent limitations of virtual participation. It would therefore seem most appropriate both to initiate the hearings and to conclude the process for the appointment of the Director-General during the 344th Session (March 2022). That approach would also accommodate practical and financial implications, as Governing Body members would not have to come to Geneva for a special session. Three months seemed a reasonable deadline for the nomination of candidates, as had been the case in 2016. The Employers took a positive stance towards the proposal to increase possibilities for interaction with the candidates, assuming that all three groups of constituents would be involved. They therefore supported the draft decision as amended by IMEC, but wished to have more information about the rationale and objective of the proposal contained in the new subparagraph (c).
- 492. Speaking on behalf of the Government group,** a Government representative of Chile said that it was essential for Governing Body members to have meaningful opportunities to know the Director-General candidates, hear their views and understand their visions and proposals. Transparency, openness and equality were critical for the good governance of the ILO. Additional opportunities to interact with the candidates on a level playing field would be beneficial to all. Noting that the election was taking place in a context that was very different than in the past, he said that providing live-streamed forums for candidates would allow greater opportunities for all constituents, and the

broader international community, to learn about the strategic direction proposed by the candidates. Further details on the options that could be considered in that regard would be welcome.

- 493. Speaking on behalf of the Africa group**, a Government representative of Nigeria said that, in line with paragraphs 1–7 of the rules governing the appointment of the Director-General of the ILO, the call for candidatures should open on 1 August 2021, with a closing date of 1 October 2021, giving more than the requisite two months for submission of candidatures and thereby accommodating any delays arising from the COVID-19 pandemic. The hearing of the candidates in a private sitting should be conducted at the 343rd Session (November 2021) of the Governing Body. The ballot for the election should be held during the Governing Body's subsequent session in March 2022. June–September 2022 should be sufficient for the transition period. The election process should be transparent, open and equal for all. In the event of a staff member wishing to stand, under no circumstances should the Organization's resources be used for campaign purposes; any internal candidate should go on special leave without pay during the process.
- 494. Speaking on behalf of GRULAC**, a Government representative of Barbados said that the COVID-19 pandemic posed additional challenges in the process of electing the next Director-General. Given the uncertainties regarding the format of future Governing Body sessions, every effort must be made to ensure a democratic, transparent, open and inclusive process, with equal conditions for all candidates. GRULAC supported the draft decision as amended by IMEC.
- 495. Speaking on behalf of IMEC**, a Government representative of Canada said that IMEC looked forward to a transparent, open and competitive election process, held to the highest standards with full respect for the rules governing the appointment of the Director-General of the ILO, with regard to ethics and conduct. Recalling the Joint Inspection Unit report on Selection and Conditions of Service of Executive Heads in the UN System Organizations, which recommended that hearings and meetings with candidates should be more inclusive of all Member States, IMEC believed that all ILO constituents would benefit from additional opportunities to interact with candidates, and not just with Governing Body members in a private sitting. In its proposed amendments to the draft decision, IMEC suggested a call for candidatures to be launched on the Monday following the closure of the 109th Session of the Conference, with a closing date of 1 October 2021. The Office should propose options for further interaction with candidates, and potential dates for those additional forums; the private hearings with Governing Body members and the election itself should take place in March 2022.
- 496. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with her statement. The Director-General of the ILO was a position of high authority and great responsibility, particularly at a time when the ILO had such a crucial role in the post-pandemic recovery. The election was therefore a particularly serious matter. There was no rule that stipulated a certain sequence in Director-General appointments, either from the perspective of geographical regions or from the perspective of a rotation of constituents. Every effort should be made to encourage female candidates, with a view to redressing the gender balance in senior decision-making positions. Consideration must be given to allowing ample time for the transition of the Director-General elect into his or her new role. With that in mind, the call for candidatures should be issued in June 2021, the deadline for submission should be in

October, and the additional interaction could take place in an appropriate format between the November 2021 and March 2022 sessions of the Governing Body. The hearings and election could take place during the March 2022 session of the Governing Body, which would give the Director-General elect sufficient time to prepare for his or her new role. The EU supported the draft decision, as amended by IMEC.

497. The Director-General said that there was obvious consensus on some elements of the calendar before the Governing Body: the ballot should take place at the Governing Body session in March 2022; and the call for candidatures should be launched by the incoming Chairperson of the Governing Body after the 109th Session of the Conference, with the exact date to be determined in line with the dates of the Governing Body session, which remained to be decided. It also seemed clear that the closing date for receipt of candidatures should be in October 2021. The timing of the formal hearings, in closed session of the Governing Body, remained under discussion: opinion was divided between November 2021 and March 2022. Waiting until March 2022 would allow more time for face-to-face meetings to become a possibility, although holding the hearings and the election itself at the same session of the Governing Body might be too tight a time frame. The amendment proposed by IMEC called for, in addition to the statutory hearings, other opportunities for a wider audience among the membership to interact with candidates, thereby allowing Member States of the Organization that were not members of the Governing Body, as well as constituents from the other groups, to participate. Further consideration would need to be given to the practicalities of how and when such additional interaction might be achieved and whether any amendments to the rules would be required. Such interaction would indeed be in the interests of openness, transparency and democracy. In the event of an internal candidate from the Office, the necessary provisions would be put in place to ensure that ILO resources were not used for any electoral purpose. While consensus seemed to be within reach, he suggested suspending the discussion for further consultations before a decision was passed.

498. The Worker spokesperson said that her group appreciated the efforts to ensure a process of full integrity, through which a candidate would be sought to uphold the ILO's tripartite and normative mandate. While her group would prefer in-person hearings, the circumstances were such that it was unclear when face-to-face meetings would be possible. The hearings should be held in November 2021; combining them with the election itself in March 2022 would not allow sufficient time for Governing Body members to assimilate the information from the candidates. While the proposal from IMEC to broaden the scope for interaction was welcome, she would welcome further insights into what that interaction might entail. It would be more appropriate to hold those exchanges after the private hearings with Governing Body members.

499. The Employer spokesperson said that, in her experience, it was best to hold hearings immediately before elections, so that those who were voting had information from the candidates fresh in their minds when casting their ballots. With regard to additional opportunities for interaction with candidates, perhaps non-members of the Governing Body could be invited to attend the hearings as observers. Such an approach would save time and would be fully inclusive. She agreed that a short suspension in the discussion could be used to seek consensus.

(The Governing Body resumed consideration of the item at a later sitting.)

500. The Governing Body had before it a revised draft decision, which had been prepared and circulated by the Office following consultations, and which read:

The Governing Body:

- (a) approved ~~decided~~ the following timetable for the appointment of the Director-General:
 - ~~(a)~~ 1 July 2021: The Chairperson of the Governing Body calls for candidatures;
 - ~~(b)~~ 1 October 2021: Last date for the reception of candidatures;
 - ~~(c)~~ 14–15 March 2022 (344th Session of the Governing Body): The Governing Body conducts candidate(s) hearings ~~(xxth Session of the Governing Body)~~;
 - ~~(d)~~ 25 March 2022 (344th Session of the Governing Body): The Governing Body conducts the ballot for the election of the Director-General ~~(xxth Session of the Governing Body)~~;
 - ~~(e)~~ 1 October 2022: The term of office of the Director-General commences; and
- (b) requested the Office to prepare for its 342nd Session (June 2021) options to provide for additional opportunities for interaction with candidates before the regular hearings in private sitting.

501. The Worker spokesperson supported the revised draft decision. During consultations, her group had said that they wished to see, under subparagraph (b), additional opportunities for interaction that took place sufficiently in advance of the formal hearing before the Governing Body.

502. The Employer spokesperson agreed to the proposed wording. Her group considered it important to have a compact process, without much time between the informal interactions, the hearings and the election. A pragmatic approach would be to open up the hearings to observers from the three groups who were not members or deputy members of the Governing Body, as had been done during negotiations on the Centenary Declaration.

Decision

503. The Governing Body:

- (a) **approved the following timetable for the appointment of the Director-General:**
 - 1 July 2021: The Chairperson of the Governing Body calls for candidatures;**
 - 1 October 2021: Last date for the reception of candidatures;**
 - 14–15 March 2022 (344th Session of the Governing Body): The Governing Body conducts candidate(s) hearings;**
 - 25 March 2022 (344th Session of the Governing Body): The Governing Body conducts the ballot for the election of the Director-General;**
 - 1 October 2022: The term of office of the Director-General commences; and**
- (b) **requested the Office to prepare for its 342nd Session (June 2021) options to provide for additional opportunities for interaction with candidates before the regular hearings in private sitting.**

(GB.341/INS/15, paragraph 9, as amended by the Governing Body)

16. Composition, agenda and programme of standing bodies and meetings (GB.341/INS/16(Rev.1))

504. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 31 March 2021.

505. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 14 April 2021.

Decision

506. The Governing Body, upon the recommendation of its Officers, decided by correspondence:

- (a) to approve the appointment of Dr Bakuza (United Republic of Tanzania) and Dr Howe (Barbados), and the renewal of the appointments of Ms Chisholm (South Africa), Ms Vaillant (Uruguay) and Ms Vavrus (United States) to the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART);
- (b) to authorize the Director-General to invite the International Council of Nurses and the World Council of Churches to participate as observers at the 109th Session of the International Labour Conference and to endorse the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as observers to the following official meetings listed in Appendix II to document GB.341/INS/16(Rev.1): Technical meeting on the impact of digitalization in the finance sector; Meeting of experts to revise the 1992 code of practice on safety and health in construction; and Meeting of experts to discuss and adopt a code of practice on safety and health in textiles, clothing, leather and footwear;
- (c) to approve the holding of the Workers' Symposium on the date proposed, with the format and composition to be determined at the 342nd Session (June 2021) of the Governing Body;
- (d) to approve the establishment of a tripartite committee to consider further improvements to the approved methodology of SDG indicator 8.8.2 on labour rights, and the date and composition of its meeting;
- (e) to approve the holding of a meeting of experts for the tripartite validation of the technical guidelines on general principles of labour inspection on the dates proposed;
- (f) to renew the nominations of Mr Mike Gaunt and Mr Tasos Zodiates to represent the Employers and Workers respectively for the work of the Office in the Radiation Safety Standards Committee during its term 2021–23;
- (g) to take note of the programme of meetings as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.341/INS/16(Rev.1), paragraph 31)

Summary of the written comments received during the consideration of the item by correspondence ⁶

- 507. The Government of India** noted that extending an invitation to the World Council of Churches to participate as an observer at the 109th Session of the International Labour Conference could result in requests from other similarly placed religious organizations.
- 508. IMEC** stated that the ILO must ensure that its work continued to contribute to the global recovery from the COVID-19 crisis. Adjustments to innovative meeting arrangements should ensure effective participation of all constituents on an equal footing, including consideration of different time zones, with high priority given to maintaining business continuity. The future resumption of face-to-face meetings would require careful consideration of differing national circumstances.
- 509.** IMEC expected the first meeting of the Tripartite Working Group on options to ensure decent work in supply chains to be held as soon as possible after the November 2021 session of the Governing Body. The two items on inequalities and the world of work, and skills and life-long learning would be held under the auspices of the 109th Session of the International Labour Conference. IMEC expressed the hope that those outcomes would be adopted as soon as possible and noted that it would constructively engage in consultations with other groups regarding feasible timing. It would welcome the tripartite meeting of experts on decent work in the platform economy being held in the first half of 2022.
- 510.** It was critically important to the world of work that the ILO's standards were up to date, robust and relevant. IMEC regretted the postponement of the Sixth Meeting of the Standards Review Mechanism Tripartite Working Group to September 2021. It urged the Office to proceed with its work and all SRM TWG constituents to be innovative and flexible in their approach.

17. Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) (GB.341/INS/17 and GB.341/INS/17(Add.1))

- 511.** The Governing Body had before it a proposal by the Employers' group to amend the draft decision by deleting subparagraph (a), removing the word "complete" from original subparagraph (e), and amending original subparagraph (b) to read:

~~(b)~~(a) expressed profound concern about developments since 1 February and ~~called on the military authorities to respect the will of the people, respect democratic norms and restore the democratically elected Government~~ supported the call of the United Nations Secretary-General on the military authorities to stop deadly violence and the unacceptable use of lethal force, intimidation and harassment against peaceful demonstrators and called on the full respect of fundamental rights at work, and in particular those relating to justice and democratic institutions in line with the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Centenary Declaration for the Future of Work;

⁶ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

512. The Governing Body also had before it a further proposal to amend the draft decision, which had been made and subsequently subamended by the Government of United States, which read:

38. The Governing Body:

- (a) endorsed the statements of the Director-General on 10 and 23 February 2021 calling for the restoration of democratic order and civilian rule in Myanmar, and for workers, including civil servants, and employers to be able to ~~peacefully~~ exercise their right to ~~protest~~ peaceful assembly, and for a halt to the intimidation of workers;
- (b) expressed profound concern about developments particularly since 1 February and called on the military authorities to respect the will of the people, respect democratic ~~norms~~ institutions and processes, and restore the democratically elected Government;
- (c) expressed its grave concern about the arrest, intimidation, ~~and~~ threats and acts of violence against trade unionists, as well as the declaration that 16 labour organizations were illegal, and called on the military authorities to immediately cease such activities, and to release from detention and drop any charges against trade unionists who have peacefully participated in protest activities;
- (d) expressed its grave concern about measures or orders issued ~~since 4 February 2021~~ curtailing freedom of ~~speech-expression~~ peaceful assembly, recalling that freedom of peaceful assembly and freedom of opinion and expression are essential for the exercise of freedom of association. It called for the immediate repeal of such measures or orders and for guarantees of the freedom of the social partners to undertake their functions without threat of intimidation or harm;
- (e) reaffirmed that all Member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified and that Myanmar therefore has an obligation to comply fully with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It urged Myanmar to uphold ~~commitments~~ its obligations under Convention No. 87 and to ensure that workers and employers are able to exercise their freedom of association rights in a climate of ~~complete~~ freedom and security, free from violence, arbitrary arrest, and detention;
- (f) called for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, ~~once the democratically elected government has been restored~~, consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and through appropriate tripartite consultation;
- (g) urged Myanmar to respect and protect the status of the ILO Liaison Office in Myanmar (ILO-Yangon) and all ILO staff in Myanmar and to refrain from undue interference in its operations ~~consistent with~~ in keeping with the principles of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
- (h) requested the Office to report to the Governing Body on what additional measures the ILO can take to promote a restoration of worker rights;
- ~~(h)~~(i) requested the Director-General to report to the 342nd Session (June 2021) of the Governing Body on developments in Myanmar.

513. The Chairperson noted that the amendments and subamendments presented by the United States would only receive further consideration if they received the support of another group or member of the Governing Body.

- 514. A representative of the Director-General** (Deputy Director-General for Management and Reform), providing an update to the addendum that covered the period up to 8 March 2021, said that the UN had since reported that 211 people had been killed, including children as young as 14. At least 2,400 people had been arrested while taking part in peaceful demonstrations, and there were increasing reports of sexual violence against women. Media reports indicated that protests and resistance were continuing, while the UN reported that tens of thousands had fled the Yangon area. Six townships, where a number of ILO staff members resided, had been placed under martial law. Reports further indicated that the public health system had collapsed, COVID-19 assistance had halted and the security forces were occupying a number of hospitals. An ongoing banking crisis that had left the ILO's bank accounts frozen had disrupted supply chains and logistics nationwide, and the World Food Programme had indicated that there was an emerging food crisis.
- 515.** It was reported that 23 categories of crime were subject to court martial, and severe penalties were being imposed on civilians involved in demonstrations. Media reports stated that a number of factories in Yangon had been burned down. The ILO had received reports that workers had been arrested and loaded into trucks when trying to collect their pay, and union officials had been forced into hiding for fear of arrest for their involvement in the protests. ILO constituents, particularly trade unions, were reporting high levels of incidents of arrest or intimidation of their members. Therefore, the situation had worsened since the issuance of the addendum. The ILO would continue to monitor developments and was in daily contact with colleagues and frequent contact with its constituents in the country, who would be looking for indications of support from the Governing Body.
- 516. The Worker spokesperson**, speaking on a point of order, said that the person who was due to speak on behalf of the Government of Myanmar was not recognized by the Workers as a representative of the legitimate Government of Myanmar, which had been freely elected in November 2020.
- 517. A Government representative of Myanmar** drew attention to Myanmar's cooperation with the ILO on labour-related issues concerning its nationals working in the country and overseas. The DWCP, signed in September 2018, had led to the establishment in February 2020 of the National Committee on Implementation of the National Complaint Mechanism on Forced Labour. Reform of labour law, with the assistance of the social partners and development partners, including the ILO, was an ongoing process, and tripartite discussion was taking place on the draft Labour and Employer Organization Law.
- 518.** The ILO statement on Myanmar issued on 23 February 2021 was one-sided and based on unreliable allegations without evidence. The request for protection of employees who were not involved in the civil disobedience movement and wished to work peacefully should be respected. The ILO Liaison Office in Myanmar could communicate with the Ministry of Labour, Immigration and Population about allegations of door-to-door searches for trade unionists conducted by the police and military.
- 519.** As to the content of the Office's progress report, she said that the Tatmadaw (military) had assumed state responsibilities on 1 February 2021 in accordance with sections 417 and 418(a) of the 2008 Constitution due to the failure of the Union Election Commission to address irregularities in the process of the multiparty general election held on 8 November 2020. The State Administration Council had expressed its commitment to restoring the democratic system and maintaining the democratic transition in accordance with the Constitution. Peaceful demonstrations had turned into riots and

mobs attempting to further the civil disobedience movement through coercion and intimidation. Section 144 of the Criminal Code had been imposed in some cities on 8 February; the authorities were addressing the disturbances in keeping with domestic law and practice. Some civil servants had been threatened and had therefore been absent from their duties, despite the requirement for the civil service to carry out the tasks of successive governments. Those who did not respect peace and stability were threatening administrative officials and legal action was being taken in response.

- 520.** Under the Labour Organization Law of 2011, employees had to register to form workers' organizations; 16 organizations that were not registered had therefore been identified as illegal organizations in February 2021.
- 521.** With regard to the temporary suspension of the ILO's bank account in Myanmar, the Central Bank of Myanmar was enhancing its electronic payment system. UN bodies could transfer their funds via bank transfer or cheque to provide humanitarian or development assistance, and the Government would coordinate with the bank to facilitate the process.
- 522.** By the end of 2020, more than 8,000 Myanmar national seafarers had been returned by relief or charter flights, and a further 45 national seafarers from abandoned ships had managed to return to Myanmar with the cooperation of the Government and other relevant organizations. In February 2021, more than 1,000 Myanmar migrant workers had been returned from Malaysia by ship, while 70 fishery workers who were stranded on the Andaman Islands had been returned by ship in March 2021.
- 523.** Myanmar faced complex challenges and needed understanding and constructive support to promote and protect human rights, including labour rights. Myanmar remained committed to continuing its engagement with the ILO, in line with existing laws and national priorities and needs. She urged the ILO Liaison Office in Myanmar to cooperate more closely with the Ministry of Labour, Immigration and Population to avoid misunderstandings and work for the betterment of Myanmar workers and employers.
- 524. The Worker spokesperson** expressed her group's shock that the military had overturned ten years of progress towards democratic governance in Myanmar. She commended the Director-General's urgent and appropriate action in February calling for the restoration of democratic order and civilian rule, and for workers to be able to exercise their right to protest peacefully. In a democracy, electoral fraud should be addressed through the courts or a civil dispute resolution process. The Confederation of Trade Unions of Myanmar (CTUM), the most representative workers' organization in Myanmar, had immediately denounced the military coup d'état, withdrawn from all tripartite mechanisms and joined the civil disobedience movement, calling for comprehensive sanctions against the military if it refused to return the country to democracy. She called for the Committee Representing Pyidaungsu Hluttaw (CRPH), which represented elected members of Parliament, to be returned to power immediately.
- 525.** Hundreds of people participating in the civil disobedience movement had been arrested and detained. On 14 March, the military had occupied the Hlain Tharyar industrial zone, which was a union stronghold, and opened fire on protesters. Two trade union leaders were among those killed at protests across the country. Furthermore, trade union offices and the homes of union leaders had been raided, resulting in a number of murders. The military had declared at least 16 unions illegal and had retaliated against striking workers, and private sector employees had been dismissed. Information just received indicated that, between 14 and 18 March, at least ten unionized factories had been set

on fire and 223 workers shot dead. Her group was also concerned at the prospect of an increase in forced labour as a result of the increased military control and conflict.

- 526.** Governments must act immediately and must not indirectly finance the coup. They must redouble efforts to restore a civilian government based on the results of the 2020 national election and support protesters working to that end. The call by the Myanmar people for comprehensive economic sanctions should be heeded.
- 527.** Employers needed to go beyond statements of concern and refusals to meet with the military authorities, and must not retaliate against workers. It seemed that only one multinational company had suspended its operations in the country. In compliance with their due diligence obligations, foreign companies must make it clear that their continued business and investment in the country was dependent on respect for human and labour rights and the rapid restoration of civilian government.
- 528.** Myanmar must ensure that seafarers affected by the ongoing crisis could be safely repatriated, in accordance with the provisions of the Maritime Labour Convention, 2006, as amended (MLC, 2006). The Workers supported the UN country team guidance on engagement with Myanmar in the present context and agreed that the ILO should follow that guidance and only continue activities that met one or more of the criteria listed in paragraph 29 of the addendum to the progress report. Expressing solidarity with the ILO staff in Myanmar, she called for every effort to ensure the safety of all staff. The freezing of the Office's bank accounts was alarming, and she called on Myanmar to protect the status of the ILO under the Convention on the Privileges and Immunities of the Specialized Agencies. In view of the deteriorating human and labour rights situation in Myanmar, the treatment of the ILO and the heightened risk of forced labour in the country, there was no prospect of progress on decent work in Myanmar and no opportunity for meaningful and equal dialogue. The military must stop the violence and the shooting of protesters. The bloodshed and terror must end. The military junta must step aside. Neither the workers of Myanmar, nor the Workers' group at the ILO, recognized the military government.
- 529.** The Workers supported the draft decision as amended and subamended by the United States, with the exception of the subamendment to subparagraph (f). In that regard, while she agreed that the laws should be amended through tripartite consultations, it was worth recalling that unions had withdrawn from all tripartite bodies and several union leaders were in hiding. Thus, a genuine process of consultation would not be possible until the democratically elected government had been restored. Her group therefore preferred the initial amendment to subparagraph (f) proposed by the United States.
- 530.** The Workers could not support the amendments proposed by the Employers' group. It was extremely worrying that the Employers' group would challenge the concept of democracy as a basic principle of the ILO. Indeed, as noted in the Centenary Declaration, the experience of the past century had confirmed that continuous and concerted action by governments and representatives of employers and workers was essential to the achievement of social justice and democracy and the promotion of universal and lasting peace. The Employers should rather have focused on strengthening support for a role for business in addressing the terrible situation in Myanmar.
- 531. The Employer spokesperson** said that his group shared the concern expressed by the international community for the people of Myanmar. The findings of the progress report, particularly paragraphs 15–31, were of concern, and the Employers wished to express their appreciation of the ILO staff on the ground. Despite the progress that had

previously been achieved in Myanmar, including on the elimination of forced labour, the implementation of the complaints procedure and the DWCP, and the attention paid to the issue by the Governing Body, the present situation in the country threatened the core ILO value of freedom of association. The right to organize and form employers' and workers' organizations was a prerequisite for social peace and an essential element of freedom of speech. The Employers strongly supported the core principles and rights of the ILO and urged the Government of Myanmar to fully respect freedom of association. The worsening situation in the country also had an impact on private sector activities and direct investment. Careful action was also needed to preserve livelihoods and the foundation provided by employment for sound government and sound participation in the international system.

- 532.** Referring to his group's proposed amendments to the draft decision, he said, with respect to the proposed deletion of subparagraph (a), that the Employers had not been consulted with regard to the two statements issued by the Director-General in February 2021. Language taken from the ILO Declaration on Fundamental Principles and Rights at Work and the Centenary Declaration had provided the basis for the proposed amendments to subparagraph (b). The reference in both of those subparagraphs to restoring the democratically elected government went beyond the purview of the ILO's mandate. His group did not object to including references to the importance of democracy for freedom of association, where that approach was coherent with article 26 of the ILO Constitution or the cases or other decisions of the Committee on Freedom of Association. That was not the case for the draft decision. His group understood that the UN Secretary-General and the UN Special Rapporteur on the situation of human rights in Myanmar were taking serious action on the matter and applying pressure with regard to the democratic control of the country, and the Employers supported that approach.
- 533.** His group proposed the deletion of the word "complete" from subparagraph (e) because even the commercial trading and property rights of representative organizations were subject to the wider law and therefore never enjoyed completely unfettered freedom. With those points in mind, the Employers were able to accept the remaining text of the draft decision.
- 534. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that Albania and Norway aligned themselves with his statement. Expressing solidarity with the people of Myanmar, he condemned the military coup, and called for the de-escalation of the crisis and an immediate end to the state of emergency. The legitimate civilian government should be restored, and the newly elected parliament opened, with the immediate and unconditional release of all political leaders. Military and police repression of peaceful demonstrators, and the use of lethal violence, were unacceptable. The shooting of unarmed civilians and medics constituted flagrant breaches of international law. Any violation of freedom of association should be condemned. Trade unions and workers' organizations had been declared illegal, leaving many vulnerable workers unrepresented. The National Stakeholder Forum on Decent Work and Labour Law Reform had been suspended and with it, tripartite cooperation and relations.
- 535.** The EU and its Member States condemned any attacks or acts of intimidation against ILO staff in Myanmar. The EU was ready to work with partners to restore democracy, the rule of law and good governance in Myanmar and lent its full support to the continued efforts in that regard of the Special Envoy of the UN Secretary-General on Myanmar. It was ready to adopt restrictive measures targeting those directly responsible, while avoiding measures that could adversely affect the people of Myanmar, especially the most

vulnerable. Workers' rights – in particular freedom of association – must be upheld; progress in that regard was being undermined. Humanitarian access must be unhindered and the protected status of international missions in Yangon guaranteed. The EU supported the draft decision as amended, and subsequently subamended, by the United States.

- 536. Speaking on behalf of Canada and the United Kingdom**, a Government representative of Canada welcomed the update on recent developments in Myanmar, in particular regarding the impact of the military coup on the ILO's constituents and its work in the country. She condemned the arrests of political opposition figures and deplored the escalating use of force on workers seeking to hold peaceful protests, as well as the harassment and intimidation against trade unionists, workers and employers exercising their freedom of association. Such actions were fundamentally incompatible with democracy.
- 537.** The Governments of Canada and the United Kingdom, which had announced targeted sanctions against nine Myanmar military officials, expressed solidarity with the people of Myanmar, and called on the military to exercise restraint, release those in arbitrary detention and uphold democratic processes. Crises provided fertile ground for unscrupulous recruiters, forced labour and trafficking in persons. The military must refrain from undue interference in ILO operations and allow the Office and the social partners to undertake their work without threat of intimidation or harm. Canada and the United Kingdom supported the draft decision as amended and subsequently subamended by the United States, but did not support the amendments proposed by the Employers' group.
- 538. Speaking on behalf of Australia and New Zealand**, a Government representative of Australia expressed grave concern regarding the escalating violence and rising death toll in Myanmar, and condemned the use of lethal force and violence against civilians. She urged the security forces to exercise restraint and refrain from violence in response to peaceful protests and to engage in dialogue to return to civilian rule. The ILO's fundamental values of freedom of association and the right to organize must be upheld and Myanmar must meet its obligations under ILO Conventions and cease practices of violence, arbitrary arrest and detention. Thanking the Office for its ongoing monitoring and reporting of the situation, she expressed support for the draft decision as amended and subsequently subamended by the United States.
- 539. A Government representative of Japan** expressed deep concern about the situation in Myanmar. The military must cease violence against civilians immediately, release all those detained, including State Counsellor Daw Aung San Suu Kyi, and restore democracy swiftly. Workers and employers must be allowed to perform their functions without threat of intimidation or harm, and to exercise their freedom of association in a climate free from violence, arbitrary arrest and detention. The Governing Body must closely follow the developments in Myanmar. The Office must report to the Governing Body at its next session. Japan supported the original draft decision.
- 540. A Government representative of the United States** said that an assault on democracy was an assault on the core values of the ILO. The situation in Myanmar was preventing the exercise of fundamental human and workers' rights. The military must relinquish power and respect the will of the people. The impact that the coup was having on workers and unions was of serious concern. Attacks against protesters, union leaders and workers, including civil servants, were unacceptable. He applauded the workers who were engaging in peaceful protests and the employers who were taking action to safeguard their rights. The Office's statements issued in February 2021 were welcome;

more information would be appreciated on measures the Office could take to support the restoration of workers' rights.

- 541.** Regarding the draft decision as proposed by the Office, his Government had submitted several amendments and subsequent subamendments, which generally aimed to give a broader resonance to the decision, including by using terminology that was widely understood and accepted across the UN system. With that in mind, several of the proposals brought the wording into line with that of the International Covenant on Civil and Political Rights. Those changes aligned closely with language in a resolution on Myanmar due to be presented to the United Nations Human Rights Council at its next session. Several more of the proposals were related to legal accuracy. The addition, in subparagraph (c), of the words “condemns acts of violence against trade unionists and calls for the release of detained trade unionists” ought to be self-explanatory. In subparagraph (f), his Government’s primary concern was that labour organizations had withdrawn from the National Tripartite Dialogue Forum, thereby precluding the possibility of tripartite consultation. Calling for the amendment of legislation “without delay” suggested that the military government was being encouraged to act without the participation of the unions; the proposed subamendment clarified that labour laws should be amended only with tripartite consultation. In subparagraph (g), the proposed subamendment retained the reference to the Convention on the Privileges and Immunities of the Specialized Agencies, but removed any reference to Myanmar’s obligations under the Convention, since it was not a State party. Regarding the addition of new subparagraph (h) requesting the Office to report to the Governing Body on additional measures that the ILO could take to promote the restoration of workers’ rights, suggestions for specific measures would be welcome.
- 542. A Government representative of Switzerland** said that his Government was deeply concerned by recent events in Myanmar, and condemned the military coup and the use of violence by security forces. Dialogue and democratic processes should be restored immediately. The Special Envoy of the UN Secretary-General on Myanmar could play a key role in that regard. The recent developments were seriously undermining progress made over recent years, particularly with respect to fundamental labour rights. All parties should refrain from violence and intimidation, and should respect fundamental rights, including freedom of expression and the right to peaceful assembly, which were closely linked to the right to freedom of association and the right to unionize. Employers and workers should be able to exercise those rights in full safety and security. Union rights had been violated, and freedom of communication had been curtailed, with the targeting of internet access. The ILO team in Myanmar had a key role to play in promoting Myanmar’s socio-economic development, following the guidance of the UN country team, and the military must therefore allow it the full freedom to fulfil its mandate without interference. Switzerland stood by the people of Myanmar on the road to restoring peace, and was convinced that international cooperation had a key role to play in that regard. His Government supported the draft decision as amended, and subsequently subamended, by the United States.
- 543. A Government representative of China** noted that Myanmar had continued to deepen its cooperation with the ILO under the framework of the DWCP on areas such as OSH, social protection, the COVID-19 response, job creation, skills training and the elimination of child labour. Good progress had been made: the ILO Liaison Office in Yangon had received fewer complaints of forced labour in 2020 than in preceding years, and under-age recruitment by the military had reduced. Technical meetings had been organized to discuss the labour law reform. The authorities in Myanmar must take due account of the

remarks and recommendations made by the Office and the social partners, to advance that reform, with support from the ILO.

- 544. A Government representative of the Russian Federation** said that the aim of the discussion was to evaluate Myanmar's upholding of its obligations to the ILO, not to discuss its internal political situation. The authorities in Myanmar had been making consistent efforts to improve the social and labour relations system; clear progress had been made in respect of the implementation of the DWCP and towards the elimination of forced labour. It was worth noting that, despite the challenges posed by the COVID-19 pandemic, the labour law reform in Myanmar was still ongoing, and Convention No. 138 had been ratified. The establishment of a national grievance mechanism was also commendable. The ILO's contribution to those achievements was appreciated. The problems noted in the report would take time to overcome, but the authorities had taken practical steps to reaffirm their commitment to cooperate with the ILO. The international community should recognize the progress made, and provide the necessary support. The Governing Body should not consider the matter any further.
- 545. The Director-General**, responding to comments made in support of the amendments proposed by the Employers' group, said, with regard to the two statements he had issued in February 2021, that he had exercised the prerogatives and authority conferred on the Director-General in response to a situation that required an urgent reaction, and he considered the statements to have been appropriate to the circumstances. The suggestion that those statements and some aspects of the original draft decision, in reference to matters of democratic process, went beyond the purview of the ILO were both surprising and concerning. Several resolutions of the International Labour Conference and language in the decisions of ILO's supervisory bodies made it abundantly clear that the mandate and work of the ILO related closely to matters of democracy and required engagement in that regard. The Report of the Director-General to the 79th Session (1992) of the Conference entitled *Democratisation and the ILO* made that case at length. Over the years, statements to the Conference made by high-level government representatives, including President Mandela in 1990, Aung San Suu Kyi in 2012 and President Santos of Colombia in 2018, had also shown clearly that the ILO's responsibilities encompassed the areas addressed in the draft decision currently before the Governing Body. To depart from that principle and the ILO's history of achievement would be worrying, and he therefore hoped that the Employers' group might rethink the repudiation of the principles and practices that the ILO had followed for 100 years.
- 546. A Government representative of Myanmar** thanked the participants in the discussion for their encouragement and continued support, and for their expressions of concern regarding the current situation in Myanmar. She also thanked the Director-General for his comments. The understanding and constructive cooperation of the international community, and the joint efforts of the Ministry of Labour, Immigration and Population with the ILO Liaison Office in Yangon, would contribute significantly to improving the situation currently faced by workers and employers in Myanmar. Every effort would be made to continue to cooperate with the ILO.
- 547. The Worker spokesperson** requested that the Employers withdraw their amendment, which no other constituent had endorsed. It was very worrying that the Employers were proposing to remove support for the clear and perfectly appropriate position taken by the Director-General concerning the restoration of democratic order and civilian rule. The use of even stronger language by the Director-General would be welcome. Concerning the Employers' comment on the ILO's limited purview, she recalled that the Committee on Freedom of Association had considered that a system of democracy was

fundamental for the free exercise of trade union rights. Furthermore, it was undisputable that the current situation in Myanmar was one of military rule with no possibility for trade unions or enterprises to exercise freedom of association. Regarding the references made to the progress made on the DWCP in Myanmar and other key issues, it was impossible to know whether the progress achieved before the coup would continue, particularly given the recent reports of trade union rights violations and increased probability of forced labour. She reiterated her group's support for the draft decision as amended by the Government of the United States, with a preference for the original amendment to subparagraph (f) proposed by that Government.

- 548. A Government representative of the United States** noted the support expressed for the amendments proposed by his Government, and accepted the Workers' preference for the original amendment to subparagraph (f) of the draft decision.
- 549. The Chairperson** said that given the support expressed by a large number of speakers for the amendments proposed by the Government of the United States, and the critical situation prevailing in Myanmar, the Governing Body could adopt the draft decision.
- 550. A Government representative of Japan** said that, although what was referred to in his statement was support for the original draft decision, it was not intended to oppose developments in the discussions.
- 551. The Employer spokesperson** said that there had been an understanding among the Officers that they would attempt to reach consensus, and that the Employers therefore wished to pursue the discussions rather than decide by majority.
- 552. The Worker spokesperson** said that the Governing Body generally tried to forge consensus, but the Employers were challenging the exact point on which the other constituents agreed.

(The Governing Body resumed consideration of the item at a later sitting.)

- 553. The Employer spokesperson**, after commending the Chairperson for his coherent adherence to the rules applicable to the Governing Body, according to which every effort should be made to reach a consensus, said that the tense debate, in particular the tone and accusatory approach of the Worker spokesperson towards the Employers' group, had distracted attention from the serious and urgent matters at hand. The Employers would not accept attempts to assert moral superiority when it came to democracy, having suffered the effects of other groups' weak positions when democracy had been oppressed in the past.
- 554.** It was regrettable that the Director-General had accused the Employers' group of disengaging from democratic principles, when the group's nuanced position clearly related to good governance with regard to the statements he had issued. As leader of the house, the Director-General should attempt to reach consensus rather than deepen division. The Employers' group had a rich history at the ILO of defending democratic principles, including in the Committee on Freedom of Association and the Conference Committee on the Application of Standards, in some cases without the backing of the Workers' group. He urged the Governing Body not to misinterpret his group's position, which centred mainly on the fact that the Governing Body had never before referred to the concept of restoring democracy in its decisions. The Employers had therefore proposed amendments that referred instead to democratic institutions and principles, drawing on language used in the ILO Declaration on Fundamental Principles and Rights at Work and the Centenary Declaration. The amendments were also intended to express strong support for the statement by the UN Secretary-General that sought an end to the

violence. It was vitally important that the Governing Body should aim to provide effective support for employers, workers, free trade unions and employers' organizations in Myanmar, where freedom of association was being challenged. In that respect, he reiterated his group's support for the significant efforts being undertaken by the ILO Liaison Office in Myanmar.

- 555.** Given the critical nature of the situation and the need for a united effort, his group could support the draft decision as amended by the United States. The Governing Body's actions in the case at hand would set a precedent, and a coherent and consistent approach should be applied to similar cases in future.
- 556. The Worker spokesperson** welcomed the Employers' group's acknowledgement of the importance of speaking with a united, strong voice when pronouncing on the situation in Myanmar and appreciated its acceptance of the proposals before the Governing Body. The fact that something had not been done in the past did not mean that it could never be done; unique situations required unique responses. In the particular context of Myanmar, it was important for the Governing Body to refer to the restoration of democratic order. In the future, she and her Employer counterpart would continue to hold each other to account with respect to consistency and principles. Her thoughts, and those of her group, were with the President of the CTUM, and 25 trade union leaders, who were "wanted" by the military regime, and with all the other trade union colleagues who were being pursued for their trade union activity. The Workers' group stood with them and wanted to reassure them that the ILO would act together, unanimously.
- 557. A Government representative of the United States** expressed appreciation for the Employers' comments, and said that since there seemed to be a general preference for the original wording of his delegation's amendment to subparagraph (f), he wished to withdraw the subamendment and reinstate the proposed amendment: "once the democratically elected Government has been restored".
- 558. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that Montenegro, Albania and Norway aligned themselves with her statement. The EU, condemning the military coup in Myanmar and calling for an immediate de-escalation of the crisis, stood ready to work with all those willing to support democracy, the rule of law and good governance, and to ensure respect for human rights, including labour rights, and fundamental freedoms. The EU supported the draft decision as amended, and subsequently subamended, by the United States.
- 559. A Government representative of the Russian Federation** said that, while obstacles were slowing the pace of change in Myanmar, there was no lack of political will; the authorities were striving to overcome the obstacles they faced and bring about the necessary labour reforms in a continuous, evolutionary process reflecting the needs of the national economy and society. The international community should recognize that progress and provide the necessary support, particularly in the light of the challenges posed by the COVID-19 pandemic.
- 560. A Government representative of Myanmar** expressed her gratitude to the delegation of the Russian Federation for its support. She expressed her sincere hope that the situation in Myanmar would improve swiftly. The continued and constructive cooperation of the ILO and the international community would be of the utmost importance for Myanmar's workers and employers. Her Government was committed to continuing to cooperate with the ILO in promoting and protecting labour rights in Myanmar.

Decision

561. The Governing Body:

- (a) endorsed the statements of the Director-General on 10 and 23 February 2021 calling for the restoration of democratic order and civilian rule in Myanmar, for workers, including civil servants, and employers to be able to exercise their right to peaceful assembly, and for a halt to the intimidation of workers;
- (b) expressed profound concern about developments particularly since 1 February and called on the military authorities to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected Government;
- (c) expressed its grave concern about the arrest, intimidation, threats, and acts of violence against trade unionists, as well as the declaration that 16 labour organizations were illegal, and called on the military authorities to immediately cease such activities, and to release from detention and drop any charges against trade unionists who have peacefully participated in protest activities;
- (d) expressed its grave concern about measures or orders issued curtailing freedom of expression and freedom of peaceful assembly, recalling that freedom of peaceful assembly and freedom of opinion and expression are essential for the exercise of freedom of association. It called for the immediate repeal of such measures or orders and for guarantees of the freedom of the social partners to undertake their functions without threat of intimidation or harm;
- (e) reaffirmed that all Member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified and that Myanmar therefore has an obligation to comply fully with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It urged Myanmar to uphold its obligations under Convention No. 87 and to ensure that workers and employers are able to exercise their freedom of association rights in a climate of freedom and security, free from violence, arbitrary arrest, and detention;
- (f) called for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, once the democratically elected government has been restored, consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (g) urged Myanmar to respect and protect the status of the ILO Liaison Office in Myanmar (ILO–Yangon) and all ILO staff in Myanmar and to refrain from undue interference in its operations in keeping with the principles of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
- (h) requested the Office to report to the Governing Body on what additional measures the ILO can take to promote a restoration of worker rights; and
- (i) requested the Director-General to report to the 342nd Session (June 2021) of the Governing Body on developments in Myanmar.

(GB.341/INS/17(Add.1), paragraph 38, as amended by the Governing Body)

Other business

Tribute to the outgoing Employer Vice-Chairperson of the Governing Body

- 562. The Employer spokesperson** expressed sincere and profound gratitude for the time, energy and creativity that Mr Mdwaba had devoted to the group and to the ILO, and for standing by his principles of proper governance, integrity and coherence when defending the Employers' positions. She commended his dedication to reinvigorating and transforming the Organization and the wider international multilateral system, and the contribution of his experience and values gained from his participation in reconstructing post-apartheid South Africa. He had demonstrated courage in the ILO plenary and in the Employers' group on countless occasions, as well as a capacity to bring people together to work towards a common cause. He had also united the constituents to promote tripartism as the best way to resolve conflicts and differences. The Employers had been deeply honoured to have Mr Mdwaba as their first spokesperson from Africa. She highlighted his efforts to harness the Centenary Declaration and the related resolution for the modernization of the ILO, to contribute to the Organization's response to the COVID-19 crisis, and to ensure the continued functioning of ILO governance despite the limitations of a virtual environment. He had also been a pioneer in the business and human rights arena. The ILO would always be grateful for his strong leadership and inspiration, and his contributions would influence its work and collaborations for decades to come.
- 563. The Worker Vice-Chairperson** said that the Workers had very much welcomed Mr Mdwaba's election as the first chairperson of colour in the Employers' group, which had been a sign that the world was changing. However, many in her group looked back on the previous four years as a period of frustration and lack of progress. The Employers and Workers had not managed to resolve the issue of the right to strike, which the Employers still refused to recognize as the corollary of the fundamental rights of freedom of association and collective bargaining. The Employers had made the issue of precarious employment a taboo, which had paralysed the ILO's necessary work on the matter and had prevented the Organization from pursuing its constitutional mandate and the Decent Work Agenda. The Employers' group had also been in total denial about the key issue of global supply chains and their impact on the ILO agenda, for several years. The world of work was in crisis and needed the ILO's tripartite leadership to guide it forwards, which meant overcoming their differences and finding common ground and solutions together. She wished Mr Mdwaba well in his personal life and wisdom in the further pursuit of his career.
- 564. Speaking on behalf of the Government group**, a Government representative of Chile thanked Mr Mdwaba for his active participation in the Organization, and in particular for sharing his knowledge, and demonstrating his capacity for dialogue and leadership. He had been a key driver of social dialogue and collaboration with the social partners.
- 565. A Government representative of Lesotho** said that it had been an honour to work with Mr Mdwaba, whose dedication, passion and work ethic were qualities to which many aspired. His humour and wisdom would always be remembered.
- 566. A Government representative of Peru** said that Mr Mdwaba had represented the interests not only of the Employers but also of Africa, and had raised the level of tripartite dialogue in the Organization. She thanked him for his excellent work, and in particular for the support that he had provided when her Government had chaired the Governing Body.

- 567. A Government representative of Brazil** said that his Government wished to express the recognition, appreciation and admiration that it had developed over the years for the work, energy and wisdom of Mr Mdwaba. His Government had had the pleasure of working together with the Employers on many issues but it had also had moments of disagreement with the group, during which Mr Mdwaba had deployed his much-feared rhetorical arsenal. He thanked him for the camaraderie that they had developed in the Governing Body room and wished him all the best in his future endeavours.
- 568. An employer member from Bangladesh** expressed praise for the qualities and values demonstrated by Mr Mdwaba within his group. He had taught many of his colleagues what it meant to be a team player and how to put the group and collective interest first. He had made a great difference in the Employers' group through his matchless contributions.
- 569. An employer member from the Americas** commended the work carried out by Mr Mdwaba and recognized in particular the links established between his region and Africa in the Employers' group.
- 570. An employer member from the Africa region** said that he had greatly appreciated Mr Mdwaba's commitment and attention to detail. He was convinced that Mr Mdwaba's replacement, Ms Hornung-Draus, would be equal to the task.
- 571. An employer member from Asia and the Pacific** said that the Employers' group had been fortunate to have effective and worthy spokespersons who had pursued their cause with dignity and distinction, and that Mr Mdwaba had continued that legacy. He had delivered the group's message on many major labour and social policy issues faithfully, honestly and with remarkable intensity. He had had very strong opinions but had demonstrated great patience and respect for the opinions of others in order to reach consensus.
- 572. The Director-General** said that it would take a long time to list all of the qualities that Mr Mdwaba had brought to the task that he had performed. All of the Governing Body members, without exception, had been witness to the energy, dynamism and eloquence that he had displayed in representing the interests of his group. The Director-General had had the opportunity to work with Mr Mdwaba at the G20, where he had often led for the Business 20 constituency, in the UN and in his home country, South Africa. His ability to provide a linkage between the realities of local and national working life and the international arena was of particular note. Regarding the ILO's Centenary work, he had played a very particular role in ensuring that the Global Commission on the Future of Work had had the necessary leadership for it to produce the results achieved. Mr Mdwaba's passage at the ILO would certainly be remembered.
- 573. The Chairperson**, speaking in a personal capacity, said that he had found Mr Mdwaba to be well prepared and forceful in putting forward his views. He expressed appreciation for Mr Mdwaba's use of humour to help resolve issues, even during tense sittings of the Governing Body, and for the spirit of compromise he had shown. Although some issues remained unresolved, that was the nature of tripartite consultations at the ILO. The fundamental issues between Workers, Employers and Governments would always require much debate.
- 574. The outgoing Employer Vice-Chairperson** said that he wished to thank everyone for their comments. Expressing gratitude for the time spent with colleagues and peers, he said that where he came from there was a saying, that those who met for a reason would definitely meet again. Tripartism required deep respect; disrespect sullied everything and came in many forms, not only via manipulation, bullying or violence, but also from

the demonstration of a feeling of deserved superiority over a person. Having lived half his life in apartheid South Africa and the other half in the new South Africa, he had an intuitive feel for such things. It was in such moments, when he sensed from another that feeling of superiority, that he struggled to remain calm. Recalling his experiences as a young man, raised in the midst of great adversity, he highlighted that many members of the Governing Body travelled between the luxury microcosm of ILO headquarters in Geneva and those parts of the world where people struggled to access clean water. To borrow a phrase, the Governing Body members were in the same storm, but on different boats. Finally, he highlighted the traditional three-legged pot as a symbol of tripartism; the pot cooked slowly, but made the best meal.

575. The Chairperson wished Mr Mthunzi Mdwaba well in his future endeavours.

Closing remarks

576. The Worker spokesperson stated that her group condemned, in the strongest terms, the coup d'état by the military authorities of Myanmar on 1 February 2021. The situation in Myanmar was worsening by the day, and had already seen the deaths of hundreds of citizens, including children, and workers who had been exercising their right to freedom of association and peaceful protest; thousands more had been arrested. The President of the Confederation of Trade Unions of Myanmar, who was a former member of the Governing Body, and 25 of his fellow union leaders appeared on a list of those wanted by the military; other trade union leaders were under surveillance and many remained in hiding. Commending the States and businesses that had suspended their association with the military in Myanmar, she called on others to do the same. The military must cease the killing and repression of citizens and immediately release those imprisoned for participating in the civil disobedience movement. Her group fully supported the call by the country's labour movement for a return to constitutional democracy and respect for the results of the November 2020 elections. The Workers' group welcomed the Governing Body's call on the military authorities to respect the will of the people, respect democratic norms and restore the democratically elected Government. Her group stood in solidarity with the trade union members, workers and people of Myanmar.

577. Another pressing issue globally was the need for equal access to vaccines as a precondition for a sustainable and socially just recovery from the COVID-19 pandemic. The Workers' group called on ILO constituents and the Office to join efforts to safeguard the inalienable human right to life and health, including in the development and implementation of recovery plans. Vaccines and other vital measures to save lives in the pandemic constituted a common good, and significant public money had been invested in their development. Universal, free and immediate access to safe and tested vaccines for all must be a priority, alongside fair distribution across all levels of society. The Workers' group opposed vaccine nationalism. Governments must clearly signal their commitment to SDG Goal 3 by immediately suspending patents on COVID-19 vaccines, tests, treatments and other public health tools; indeed, the Director-General of the WHO had called for the waiver of patents in the current public health emergency. The necessary technology and inputs should be transferred to all regions so that more countries could begin their own vaccine production. There must be universal access to all medicines, tests, personal protective equipment, software and other equipment necessary for prevention and for the treatment of patients. Failure to act immediately would mean that unequal access to vaccines would exacerbate inequalities in the world of work and between countries and regions, threatening decades of progress on reducing poverty and achieving decent work for all.

- 578. The Employer spokesperson** expressed absolute solidarity with the Workers' group in the face of the disgraceful situation in Myanmar. Freedom of association must be protected at all costs.
- 579.** He agreed that the COVID-19 pandemic risked widening inequalities between countries owing to unequal access to preventive measures. To date, more than three quarters of vaccine doses had been administered in just ten countries. The WHO had called on countries to work together to accelerate the vaccination of health workers and older adults. However, vaccination was not the only problem. Measures such as social distancing, hand hygiene and masks were critical, but poor conditions meant that they were impossible in some places, causing the pandemic to become a human catastrophe. The Employers' group called for global solidarity and fully supported the observation of the WHO Director-General that the fight against COVID-19 could be won only with global effort. The IOE had been very engaged from the outset of the pandemic. The Governing Body had also called for more pronounced leadership by the ILO.
- 580. Speaking on behalf of the Government group,** a Government representative of Chile thanked the Chairperson and all those who had made the session possible in such challenging circumstances. In the face of legitimate differences in opinion between Governing Body members, social dialogue had continued and had allowed the Governing Body to reach decisions. Working together would allow the ILO to continue its leadership role in the world of work to bring about a better recovery.
- 581. The Chairperson** commended the participants for achieving results on all items on the agenda, including deciding on a way forward for one long-standing item. He thanked all those who had made the session possible, including those who had shared the chairing responsibilities.

► Policy Development Section

Employment and Social Protection Segment

- 1. Follow-up to the Strategy on indigenous peoples' rights for inclusive and sustainable development, including implementation of the strategic plan for engagement with the United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (GB.341/POL/1(Rev.1))**
 - 582. The Employer spokesperson,** noting the importance of taking into account indigenous peoples' rights in development and post-pandemic recovery strategies, highlighted the need for the ILO to systematize information on good practices for prior consultation and intercultural dialogue and develop tools to improve those processes; assist governments in systematizing and validating information on indigenous peoples at the national level, including through inclusive processes; and strengthen the collection of labour market data, disaggregated by ethnicity and gender, to create solid public policies.
 - 583.** The ILO must continue to actively promote coherence and balance in the application of Convention No. 169, in law and in practice, particularly by clarifying diverging interpretations. The International Training Centre of the ILO (Turin Centre) had an

important role to play in that regard, and should develop online training programmes on the Convention. In particular, training should be provided for court officials and parliamentarians, and training for the judiciary should aim to prevent court decisions that contradicted Convention No. 169. Employer organizations must be consulted on legislation concerning prior consultation, which must be consistent with Convention No. 169. Calls to align such legislation solely with the United Nations Declaration on the Rights of Indigenous Peoples must be resisted.

- 584.** Significant efforts needed to be made through training, awareness-raising and information to build capacities for effective tripartite dialogue and intercultural negotiation. The ILO should consider an ongoing capacity-building plan for stakeholders, including business organizations and indigenous leaders. Similarly, indigenous institutions and their representatives needed to be in a stronger position to participate effectively in consultation processes.
- 585.** Noting the need to eradicate practices that violated human rights, such as child labour in indigenous communities, he expressed concern that, in paragraph 23 of the document, no mention was made of the enormous potential of partnerships with employers' organizations in that connection, and he encouraged the Office to revise the document with a view to highlighting the importance of such partnerships in promoting entrepreneurship in indigenous communities. Furthermore, the Office should increase its initiatives to support entrepreneurship among indigenous women, also in cooperation with employers' organizations. Given the correlation between a lack of social protection for indigenous and tribal communities, informality and inadequate infrastructure, the ILO should seek innovative means of boosting formalization through public policies and programmes that involved the private sector.
- 586.** Noting that the document did not report on the impact of partnership activities, he said that the ILO must strengthen its leadership role and promote partnerships and dialogue with other international organizations within the United Nations (UN) system to clarify standards and expectations, reach consensus and build coordinated mechanisms that strengthened countries' knowledge and capacities to implement Convention No. 169 and undertake prior consultation correctly.
- 587.** The ILO must strengthen its leadership in respect of Convention No. 169 and in respect of providing technical assistance for the constituents, which must enhance the positive role played by sustainable enterprises in creating employment and development opportunities for indigenous communities.
- 588.** In the short term, the Office must increase its technical and operational capacities for work on indigenous matters, and its ability to mobilize development cooperation funds. The ILO Regional Office for Latin America and the Caribbean should appoint a regional specialist to promote the balanced application of Convention No. 169. The Office must also undertake research on lessons learned. Member States, particularly those that had ratified Convention No. 169, should strive to implement the provisions of the Convention rather than limiting themselves to undertaking consultation as understood under the 2030 Agenda for Sustainable Development (2030 Agenda). Lastly, the Governing Body should review the strategy's implementation in November 2022, and the Office should provide an activity report and an impact analysis. His group supported the draft decision.
- 589. The Worker spokesperson** said that the historical inequities that had plagued indigenous peoples had become more visible during the coronavirus disease (COVID-19) pandemic, with a devastating impact. In many countries, indigenous communities had suffered abandonment, a lack of healthcare and increased violence and killings. Her

group condemned that situation, stood in solidarity with the victims and called for an immediate end to the violence. In other countries, statements of goodwill towards indigenous communities did not extend to policies. The ILO had a role to play in ensuring that debts owed to indigenous communities were paid, and Convention No. 169 represented a useful tool for including indigenous communities in decision-making and policymaking.

- 590.** Her group welcomed the global and regional estimates of population, employment and poverty in indigenous communities, which revealed that one third of indigenous and tribal peoples lived in Asia and the Pacific. Nevertheless, in that region, just two countries had ratified Convention No. 169. Increased effort was therefore required to promote understanding of the Convention, and thus its ratification, in that region; that could be done, for example, at the upcoming Asia and the Pacific Regional Meeting. Her group called on developed countries in Europe and North America to ratify and promote the Convention. Member States should not remain silent in the face of human rights violations perpetrated by multinational companies, particularly those in extractive industries.
- 591.** It would be pertinent to translate the new tools on Convention No. 169 into the three official ILO languages and into other languages, including indigenous ones. The ILO should take active steps towards providing technical support to Member States that requested it, to close institutional and regulatory gaps. It was crucial to promote the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), and pay special attention to Convention No. 169 when Member States wished to establish national focal points under that Declaration. Although the designation of 2021 as the International Year for the Elimination of Child Labour provided a good opportunity to tackle child labour in indigenous and tribal communities, it was important to find other opportunities to explore that issue as well. The Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, should be taken into account in the implementation of the strategy. Further efforts should be made to support the relationships between indigenous and tribal organizations and the social partners and to promote exchanges between trade unions and indigenous organizations on Convention No. 169. The Convention should be included in the design and implementation of the ILO's just transition agenda, in line with the discussions held at the previous Governing Body session, in particular when addressing the impact of environmental degradation on indigenous peoples' livelihoods. She highlighted the importance of supporting indigenous organizations and trade unions in the social and solidarity economy, and in the formalization of informal employment. Further clarification on the global and regional estimated employment rates for indigenous peoples in paragraph 6 would be welcome, as they gave the impression of a high level of employment, which did not reflect the reality of poverty and marginalization of indigenous peoples. Follow-up on the recommendations of the ILO's supervisory bodies was essential to promote the effective implementation of the Convention in law and in practice. Her group supported the draft decision.
- 592. Speaking on behalf of the Africa group,** a Government representative of Ethiopia called on the Office to continue working with the ILO constituents and other stakeholders to address the socio-economic challenges faced by indigenous and tribal peoples, particularly in the context of the COVID-19 pandemic. Her group supported the draft decision.
- 593. Speaking on behalf of the group of Latin America and Caribbean countries (GRULAC),** a Government representative of Barbados noted that the challenges faced in

his region in terms of eradicating poverty, reducing inequality and promoting social inclusion had been exacerbated by the COVID-19 pandemic. Emphasis should be placed on policies to create employment, stimulate investment and promote growth with equity and social inclusion, in order to provide the sound social policy framework that was needed to ensure that indigenous communities could enjoy full labour protection and exercise their rights. It was important to continue to address the vulnerabilities of indigenous and tribal women in the light of the pandemic by fostering economic empowerment through access to decent work. It was also important to reinforce support provided to entrepreneurs and cooperatives in indigenous and tribal communities, while including indigenous peoples with disabilities. Recalling that representatives of several countries in his region had participated in the Global Dialogue on Convention No. 169 that had been held in July 2019, he invited the Office to share its experiences on good practices regarding the establishment of mechanisms and procedures for the participation and consultation of indigenous peoples. His group appreciated the Office's efforts to promote the ratification and implementation of Convention No. 169 and supported the proposal to design an initiative to promote the Convention as a framework for advancing inclusive and sustainable development in regions where it was less visible. The implementation of Convention No. 169 was the responsibility of the Member States that had ratified it, within the scope of their respective national constitutions and legislation, and in accordance with their own legal interpretation of the Convention. Further information on the proposed interregional training and global dialogue on Convention No. 169 would be welcome. Within the framework of the Convention, the participation of indigenous peoples in activities relevant to advancing their rights should always be facilitated.

594. Speaking on behalf of the European Union (EU) and its Member States, a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with her statement. Noting that the COVID-19 pandemic had had a disproportionate effect on indigenous peoples and had exacerbated existing vulnerabilities, she said that the measures implemented in response to the pandemic must respect the rights of indigenous peoples and take into account their specific needs. Furthermore, any measures that might affect them should be taken with their full participation and consultation. Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples were complementary and mutually reinforcing, and were essential for achieving the Sustainable Development Goals (SDGs). It was therefore vital for the ILO to continue to actively engage with UN system bodies and entities, including in the follow-up to the United Nations System Chief Executives Board for Coordination's call to action on building an inclusive, sustainable and resilient future with indigenous peoples, and with interested regional organizations. She encouraged the ILO to enhance the visibility and broaden the implementation of the Convention, including by scaling up country-level capacity-building and designing an initiative to promote it as a framework for advancing inclusive and sustainable development in regions where it was less visible. Reaffirming the commitment of her group to promoting indigenous peoples' rights, she expressed concern about the income inequality, heightened vulnerability to labour rights abuses and risk of extreme poverty faced by indigenous peoples, aggravated by the insufficient protection of their territories, and expressed support for measures to improve the situation of indigenous peoples, including through the empowerment of indigenous women and girls. She supported the draft decision.

595. A Government representative of the United States of America said that the Office should take into account the needs of Member States in terms of labour market systems

in its plans to implement the strategy. It should also take into account not only the abolition of child labour, but also the other fundamental principles and rights at work. Furthermore, it should strengthen the proposals for future action by describing the manner in which it would work to address the barriers to indigenous women's participation in decision-making and consider how its efforts could improve social protection systems for indigenous peoples and close gaps in coverage and protection. He supported the draft decision.

- 596. A Government representative of Canada** said that her Government's commitment to ensuring that the principles of equality, consultation, participation and cooperation as expressed in Convention No. 169 were complemented by its current focus on the implementation of the UN Declaration. She outlined the action taken in her country to protect and support indigenous families and communities, including in the context of the COVID-19 crisis, and urged all bodies and organizations throughout the UN system to work to enable the participation of indigenous peoples' representatives and institutions in meetings on issues affecting them. Her Government endorsed the draft decision.
- 597. A Government representative of Brazil** reaffirmed his Government's commitment to protecting and promoting the rights of indigenous and tribal peoples and provided detailed information on the measures being implemented in Brazil to support indigenous peoples during the pandemic. He reiterated his Government's concerns that the implementation of the strategic plan was unbalanced and selective, and that undue focus was placed on the few countries that had ratified Convention No. 169, most of which were in Latin America. The Office had not demonstrated the same level of efforts to actively promote the ratification of the Convention outside of his region, and in the past decade, only one country had been added to the list of ratifications.
- 598. A Government representative of Mexico** noted with appreciation the strategy's focus on job creation and the promotion of growth with equity and social inclusion. His Government had carried out a number of initiatives in line with Convention No. 169 and was committed to leave no one behind.
- 599. A representative of the Director-General** (Deputy Director-General for Policy) said that the seemingly high level of employment among indigenous and tribal peoples demonstrated in the recently published data could be explained by the fact that the statistical definition of employment had been used and the figures included all those of working age who, during a short reference period, were engaged in any activity to produce goods or provide services for pay or profit. They therefore included those in informal employment, in which many indigenous peoples were engaged, with poor working conditions and no social protection. As for why a reference had been made to trade unions but not to employers' organizations in paragraph 23, she underscored that alliances between trade unions and indigenous peoples' organizations were one specific way of reducing the vulnerability of workers to labour rights violations. However, employers' organizations and the private sector also played an important role in creating decent work opportunities and supporting indigenous entrepreneurs, to which an overarching reference was made in paragraph 13 of the document.
- 600.** A standards specialist had recently been recruited in Lima who would have regional responsibilities relating to the application of Convention No. 169. The envisaged interregional training would be developed in digital format and implemented in collaboration with the Turin Centre, and would focus on the scope of the Convention and challenges and opportunities related to its implementation. During the Global Dialogue on Convention No. 169 in July 2019, several participants had called for further such

opportunities for dialogue and the Office would develop a more specific proposal in that regard for consideration by the groups, should support be demonstrated. Under the current circumstances, a virtual conference to discuss the use of the Convention as a framework for an inclusive and sustainable COVID-19 response, with a small number of participants from the three groups of constituents, seemed feasible.

- 601.** She noted the calls for the Office to continue to support constituents on the ground in Latin America and the Caribbean where the Convention had been widely ratified and where support for its better application was needed, including by engaging with indigenous and tribal peoples, judges, parliamentarians and other relevant groups. She also acknowledged the need for the Office to promote ratification in other regions. In addition, she acknowledged the need to include indigenous and tribal peoples across ILO policy outcomes as appropriate, especially in respect of productive and decent work and social protection. It was clear that the Office should continue to engage proactively in discussions on the Convention as a member of the UN family, and should continue to create opportunities for the constituents to engage directly in such discussions.
- 602. The Employer spokesperson**, noting that the recruitment of a standards specialist in Lima was very welcome, said that a specialist specifically focusing on Convention No. 169 was needed. He reiterated that it was important to develop innovative strategies with a focus on indigenous entrepreneurship and the breaking down of stereotypes and expressed appreciation of all those who had contributed to ensuring the ILO's leadership in the areas covered by the Convention.
- 603. The Worker spokesperson** asked the Government representative of Brazil to share the documentation relating to the information contained in his statement. The Office might consider amending the wording of paragraph 6 to avoid confusion over the estimated employment rates for indigenous peoples.
- 604. The Government representative of Brazil** said that his Government would be pleased to share a copy of his statement and the sources of the information provided.

Decision

605. The Governing Body:

- (a) **advised the Office with regard to the way forward in implementing the strategy for action concerning indigenous and tribal peoples; and**
- (b) **requested the Director-General to take into consideration the strategy and the guidance given in the discussion in the implementation of the programme and budget and in facilitating extrabudgetary resources.**

(GB.341/POL/1(Rev.1), paragraph 36)

2. Decent work and productivity (GB.341/POL/2)

- 606. The Employer spokesperson** said that productivity could not be ignored as a driver of employment and decent job creation, particularly in the light of the COVID-19 pandemic. Productivity gains would benefit all constituents and contribute to addressing inequality and the transition to a formal economy. The ILO should act urgently to develop a culture of productivity with tripartite engagement. The Pan-African Productivity Association could be used as a model for other regions.
- 607.** Highlighting the references to productivity in the Centenary Declaration, he emphasized that a comprehensive strategy was required, including a research component.

Digitalization could be better harnessed to reverse the slowing of productivity growth observed in recent years. Productivity growth would lead to wage growth, development of sustainable enterprises and quality employment creation and required an evidence-based, integrated strategy. Any effective strategy should take into account the role of employers' organizations in macroeconomic policy development and implementation as agents of change in the business community that could bridge skills gaps. The recommendations in the document to create incentives, improve access to finance and simplify registration procedures, among other measures to increase productivity of informal businesses and accelerate the transition to a formal economy, should only be implemented as part of a framework that improved the quality of the business environment for all.

- 608.** It was important to distinguish between labour productivity and total factor productivity, which was linked to a country's economic efficiency and governance, as well as social justice and decent work. Productivity growth was not a pro-employer measure, but a pro-employee measure that promoted equity. Therefore, any ILO strategy to promote productivity growth should focus at the macroeconomic level on promoting knowledge sharing, undertaking evidence-based research on micro and macro drivers of productivity growth for decent job creation; supporting capacity-building by leveraging the potential of the Turin Centre; and strengthening collaboration with other international organizations to ensure policy coherence across the multilateral system. Productivity enhancement should be included as a recurring theme in the annual *World Employment and Social Outlook* analyses, and partnerships should be developed with institutions, such as the World Economic Forum, that produced relevant research on an annual basis.
- 609.** In order for the ILO to facilitate real change, a strategy on decent work and productivity must be developed and the programme and budget aligned with it. He therefore proposed that the draft decision should be amended to replace "in the implementation of the ILO's programme and" with "to develop a comprehensive and coherent Office-wide strategy on decent work and productivity" and to add a subparagraph: "(b) adjust activities as required in the implementation of the ILO's Programme and Budget during the biennium to address the evolving requirements of the strategy on decent work and productivity."
- 610. The Worker spokesperson** said that the issue of productivity and decent work had been part of the ILO's work since the negotiations to adopt the Hours of Work (Industry) Convention, 1919 (No. 1). The context of the current discussion – unprecedented inequalities, climate change and global economic shock resulting from the COVID-19 pandemic – meant that efforts to enhance productivity were inseparable from those to address social justice and environmental resilience. The benefits of technological progress at the global level were not available to all and the expanding poverty gap had a negative impact on labour productivity. Research demonstrated a downward trend in all four pillars of decent work in recent decades, which had led to an inevitable decline in productivity. Constituents must reconsider their policy approaches to address these issues. The productivity ecosystem approach outlined in the document focused on a linear progression, in which productivity gains led to the distribution of economic gains, but did not consider how decent work might boost productivity and innovation. Both should be considered as part of the integrated policy framework proposed in paragraph 28 of the document.
- 611.** The ILO could make a major contribution to structural transformation at the macro level. However, the document did not sufficiently address the need for comprehensive

industrial and trade policies to protect and foster industrial growth while respecting environmental boundaries and delivering decent jobs. The integrated policy framework should include the productivity factors outlined in the ILO's Global Employment Agenda, on which agreement had already been reached.

- 612.** The productivity ecosystem should also better address the pillars of decent work. That included minimum wages, incentivized productivity and the reallocation of workers to more productive companies. Lack of productivity growth was not an acceptable reason for poverty wages; the right to a living wage was a principle of social justice. Productivity gains should be shared with workers and the reallocation of workers should not have a negative impact on the stability of existing jobs. Furthermore, the negative impact of non-standard forms of employment and precarious employment when discussing productivity must be taken into account. Striving for full employment would encourage employers to utilize labour more efficiently; however, it was simplistic to suppose that technological innovation would translate directly to employment gains. The ILO must address how to protect job creation and retention while developing productivity. She agreed that labour institutions and social protection systems were key to an inclusive structural transformation. Collective bargaining, whether centralized or sectoral, and global framework agreements were the instruments best placed to facilitate productivity enhancement; any framework must therefore reflect the need for social dialogue, freedom of association and collective bargaining at all levels.
- 613.** Future discussions on productivity should more clearly consider issues relating to: how to formalize the informal economy, with particular focus on the poverty gap in developing countries where agriculture and the informal economy were significant; investment in social protection; investment in public education and skills training; the need for research into public sector productivity; ensuring that investment in key sectors such as infrastructure and the care industry translated into better living standards and working conditions; and ensuring that productivity gains were not made to the detriment of workers' health and safety.
- 614.** She asked the Office to clarify the discussion in the document of the meso and micro levels of the productivity ecosystem. While she agreed that the different levels of the ecosystem interacted with one another and that the collective representation of workers and adequate social protection could contribute to a productive workforce, those ideas could be more clearly expressed.
- 615.** The role of the ILO was to demonstrate that productivity and decent work were mutually reinforcing, ensure that productivity gains were more equally shared and fairly distributed through labour institutions, and create or strengthen industrial policies at the macro level, collaborating with other UN agencies and institutions at the global and regional level and with all relevant actors at the national level.
- 616.** Lastly, she expressed support for the draft decision as proposed by the Office. The Employers' proposed amendment was premature and not supported; the issue was important, but not ripe to require an Office-wide strategy or the adjustment of activities under the programme and budget.
- 617. Speaking on behalf of the Africa group,** a Government representative of Côte d'Ivoire recalled the important history of the issue of productivity and decent work in the ILO. There was indeed a need to reduce the productivity gap in order to fight poverty and stimulate growth and decent employment. However, insufficient progress had been made thus far; slowing productivity, reductions in wage levels and living standards and lack of social justice had had an impact on the global and national economies.

- 618.** He expressed concern about the lack of quality employment creation in the Africa region, especially as the growth achieved had not resulted in real gains in living standards. Productivity policies should support growth by removing structural barriers. Strengthening the African Continental Free Trade Area would contribute to the region's productivity growth by boosting competition and efficiency.
- 619.** Reaffirming the need to continue efforts to attain SDG targets 8.2 and 8.3, he said that the Office should develop a strategy that incorporated the elements listed in paragraph 28 of the document, with a focus on innovation and skills development. That strategy should be clear and detailed, and outline specific initiatives that would provide tailored technical assistance to African Member States. Lastly, he called on the Office to encourage constituents to better regulate the working and employment conditions of the most vulnerable workers.
- 620. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of Bangladesh noted the delineation of the relationship between productivity growth and distribution of productivity gains in the document. Productivity growth was crucial for sustaining economic growth and creating employment, and the dividends of productivity growth must be shared with employees to ensure social justice and promote decent work. Prior to the COVID-19 pandemic, the introduction of new technologies and skills enhancement programmes had resulted in productivity growth in some developing economies. However, their informal sectors had not grown, owing to a lack of research to guide policy. The COVID-19 pandemic had increased unemployment and destabilized recruitment. Employment opportunities were unpredictable and access to employment was shrinking; a shift in policy and approaches was required in order to preserve decent work.
- 621.** The introduction of new technologies, the development of workers' skills, and capacity-building were crucial for productivity growth. However, it was unclear how new technological development would affect productivity levels in the wake of the pandemic. Research was required to facilitate the progression to a higher stage of productivity, but pre-pandemic productivity levels must first be regained. In that regard, constituents should share knowledge and technology at an affordable cost to enhance production efficiencies and develop workers' skills. Businesses should practice responsible conduct, apply the MNE Declaration and the UN *Guiding Principles on Business and Human Rights* and facilitate application of the fundamental principles and rights at work. Productivity gains must be shared with employees and constituents should uphold the principles of equity and social justice. Constituents should continue efforts to implement the Paris Agreement on Climate Change and the 2030 Agenda. Labour standards should not be used as protectionist trade measures, nor should the violation of fundamental labour rights be used as a means of comparative advantage. In that regard, ILO regional and country offices should continue to address country-specific needs. His group supported the original draft decision proposed by the Office.
- 622. Speaking on behalf of GRULAC,** a Government representative of Barbados said that the document promoted an important discussion of productivity growth and its implications, noting that it acknowledged that decent work and productivity were mutually reinforcing in terms of implementing the ILO's programme and follow-up to the Centenary Declaration. They were also essential aspects of sustainable development and helped to reduce inequalities and poverty and empower vulnerable groups. His group supported the draft decision as amended by the Employers' group.
- 623. Speaking on behalf of the group of industrialized market economy countries (IMEC),** a Government representative of Finland said that full, productive and freely

chosen employment was central to the future of work, as enshrined in the Centenary Declaration. Increased productivity, as the most sustainable way out of poverty and the key to competitiveness in global markets, must be accompanied by skills development, collective representation of workers, safe and healthy working conditions and social dialogue. Worryingly, in many countries, wage growth had not kept pace with growth in labour productivity. Given the interconnectedness of productivity, employment and sustainable development, a coordinated approach was essential.

- 624.** While the analysis presented in the document was welcome, proposals for action and initiatives to stimulate productivity growth and implement the Decent Work Agenda would also be useful. The Office should develop an integrated policy framework, anchored in the Decent Work Agenda and its human-centred approach to the future of work, to address internal and external drivers of productivity, equitable growth and social and labour protection. The proposed productivity ecosystem was welcome. The growing gig and platform economies, while offering opportunities for workers, employers and society, posed challenges in respect of working conditions.
- 625.** The Office should look into the productivity implications of digital labour platforms and leverage them for decent work. Cross-divisional cooperation should be encouraged, including with the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP) and other organizations, to leverage expertise on productivity and decent work. The Office should also work with constituents to build their capacities to improve productivity and promote decent work. IMEC supported the draft decision as presented by the Office.
- 626. Speaking on behalf of the EU and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with her statement, and supported the IMEC statement. The COVID-19 pandemic had increased the productivity gap between large firms and micro, small and medium-sized enterprises, with informal enterprises lagging even further behind. Temporary and targeted support for sustainable and productive companies must be continued, in order to safeguard employment during the crisis. Corporate governance and management practices must take account of social and environmental sustainability. Workers' health had a direct and measurable impact on productivity and the sustainability of social protection systems. Public and private investments would stimulate productivity and mitigate the effects of the pandemic.
- 627.** Productivity growth required investment in lifelong learning and skills development, a conducive business environment and efficient management, strong workers' representation and social dialogue, as well as trade openness, appropriate taxation, better regulation, access to market, fair competition and the participation of small and medium-sized enterprises (SMEs) in global supply chains. New technologies and innovation were also crucial, in particular artificial intelligence and electronics.
- 628.** In line with the Centenary Declaration, labour policies must promote full and productive employment and decent work for all and ensure healthy and productive working conditions. The ILO should encourage social dialogue as a contributor to equitable productivity distribution, better working conditions and wages and a reduction in wage gaps between low- and high-paid jobs. Measures to improve productivity and promote investment in education and lifelong learning must remain within the framework of the Programme and Budget for 2022–23. The Office's efforts to measure the relationship between decent work and productivity should be strengthened, in the context of implementing the Centenary Declaration and the Decent Work Agenda. The EU and its Member States supported the draft decision as proposed by the Office.

- 629. A Government representative of Azerbaijan** said that, given the decrease in productivity in many countries over the previous decade and the impacts of the COVID-19 pandemic, innovative approaches were needed to bolster business and increase wages. His Government supported policies for innovation in micro, small and medium-sized enterprises, and for strengthening social dialogue, professional development and training, and increasing productivity by improving workers' well-being. Innovative policies in various economic sectors would be needed to recover from the COVID-19 pandemic and to safeguard progress towards poverty eradication and improving living standards.
- 630.** Productivity would be improved through decent work, including by establishing trade unions to defend workers' interests; strengthening occupational safety and health (OSH); eliminating abuse and sexual harassment in the workplace; and eliminating discrimination. Structural economic transformation did not always improve productivity: in rural areas, interest in agriculture was declining, while in urban areas the number of informal workers was increasing. The productivity ecosystem would contribute significantly to the implementation of the Centenary Declaration and ensuring decent work.
- 631. A Government representative of the United States of America** said that much of the material in the document merited further research, including: the role of labour institutions in achieving parity between productivity and wage gains; the need for evidence-based strategies to rekindle productivity growth and foster sustainable enterprise development; and the positive effects on productivity of workplace cooperation, better safety and health and addressing workplace violence and harassment. His Government would welcome further work and the launch of a research agenda to further explore the relationship between productivity and decent work. With regard to the draft decision, his Government aligned itself with IMEC.
- 632. A Government representative of the United Kingdom of Great Britain and Northern Ireland** agreed that addressing the skills mismatch across sectors would improve productivity and overall quality of work. Increased job security would increase productivity, which would improve standards of living. A keener analysis of productivity was needed, with an evidence-based, integrated, long-term strategy that put productivity growth at the forefront of societal and economic goals. Measures to formalize informal enterprises must also be informed by evidence.
- 633.** With regard to the reference to climate change as a driver of productivity growth, mention could be made of climate policy and the targets under the Paris Agreement. Many high-carbon industries relied on subcontracting, which should be taken into consideration in collective agreements. The proposed productivity ecosystem was particularly welcome; priorities should now be set to establish a coherent and targeted policy framework, focusing on the aspects of decent work most closely tied to increased growth and productivity.
- 634. A Government representative of Switzerland** said that productivity and working conditions went hand in hand. While much was being done to boost productivity at the enterprise level, interventions at the sectoral and macroeconomic levels were lacking. Productivity was crucial for economic growth and job creation, and could be boosted by better cooperation in the workplace, effective representation of workers, green production, and protection of OSH. Experience had shown that a strategic, coherent approach was essential to create a virtuous circle between productivity and decent work. The ILO should strengthen cooperation between its various departments and thereby become a lead organization.

- 635.** Together with the Government of Norway, Switzerland was working with the Office to develop the new productivity ecosystem, and pilot projects would be launched as soon as possible. Other donor governments were urged to join the initiative. Her Government supported the draft decision.
- 636. A Government representative of Ethiopia** noted that productivity was a key driver of economic growth, employment creation and the advancement of social justice, and consideration must be given to how it could translate into decent work for all in a situation where the digital divide, demographic challenges, climate change and the COVID-19 pandemic were all seriously affecting the world of work. Well-informed and responsible policies were needed. Social dialogue and collective bargaining were crucial to enhancing productivity and building sustainable enterprises. OSH and labour inspection services should be strengthened to ensure full respect for the fundamental principles and rights at work. In a changing world of work and facing the impacts of the COVID-19 pandemic, her Government looked forward the ILO's continued support for national endeavours to enhance productivity, decent work and social justice.
- 637. A representative of the Director-General** (Deputy Director-General for Policy) expressed appreciation for the Governing Body's comments, in particular the acknowledgement of the symbiotic relationship between productivity and decent work, and the distinction that should be made between productivity growth and wage growth. Productivity was integral to the strategic framework on sustainable enterprises, which was being developed in a broad consultative process. The proposed approach was holistic, including support to enterprises and workers, and would cut across several ILO departments. Cooperation with other organizations would also be essential. The importance of social dialogue and the role of employers' and workers' organizations were well recognized in the strategies.
- 638.** Emerging challenges, in particular the COVID-19 pandemic, in the context of a rapidly changing world of work were injecting a renewed sense of urgency. Research and collection of data on their impacts needed to be stepped up. A systemic approach underpinned the ecosystem and would not only allow governments to address productivity at the policy and strategic levels, but would also facilitate job creation, improved working conditions and economic growth.
- 639.** The Office recognized the concerns with regard to non-standard forms of employment and formalization; social dialogue and the involvement of the social partners were crucial at all levels of the debate, but in particular in discussions on macro-level policy formulation. Strengthening industrial policies was part of a holistic approach and would be included in the productivity ecosystem model at the macro level. Digitalization and innovation should be promoted as drivers of productivity growth, but it must be recognized that the benefits of digitalization were not shared equally, particularly for SMEs.
- 640. Another representative of the Director-General** (Director, Enterprises Department) said that the productivity ecosystem model addressed productivity through policy-setting, while recognizing sectoral and enterprise-specific needs, and workers' needs. The Office had held discussions with the Japan Productivity Centre and the Organisation for Economic Co-operation and Development (OECD), and intended to maintain those partnerships and build new ones. While some areas, such as SMEs and the informal economy, required targeted focus, the strategy would need to encompass all enterprises and should not be compartmentalized.

- 641.** The Office's productivity research included an analysis of the activities of national productivity organizations in Africa, with assistance from Productivity South Africa and the Pan-African Productivity Association, and in the Caribbean. The ecosystem model had been tested in Europe, where it had been well received. A recent ILO report ⁷ showed the latest trends and policy responses with regard to facilitating economic diversification, efficient labour reallocation to productive sectors, and in-sector productivity growth. The ILO's Skills for Trade and Economic Diversification programme provided sectoral-level technical assistance for identifying the skills development strategies required for future successes in international trade and economic development. The Sustaining Competitive and Responsible Enterprises (SCORE) programme was based on the Kaizen methodology of continuous improvement and was operating in 23 countries. ACT/EMP and ACTRAV had produced guides on productivity for employers' organizations and trade unions, respectively.
- 642.** Regarding the productivity ecosystem, a pilot project would be launched imminently in South Africa. The Enterprises Department was due to publish a report addressing the knowledge gap with regard to SMEs and their ability to use digital technologies to increase productivity by presenting two models: one for capabilities and one for external influences. The Office was exploring strategic partnerships with like-minded organizations to address digitalization more comprehensively. Potential areas for development had been identified with the United Nations Conference on Trade and Development (UNCTAD), including e-commerce and e-trade for women's programmes.
- 643.** In terms of process, the Office continually promoted the use of social dialogue in reaching a win-win situation. Regarding the meso level, the root causes of poor productivity and working conditions in certain sectors would be addressed, and support would be provided at the sectoral level. The micro level looked at enterprises, from a perspective of consulting, training, management practices and capacity, worker skills and workplace performance. The research agenda was rich. To build back better and greener, productive enterprises and decent employment were key, fostered through strategic thinking, collaboration and partnerships.
- 644. The Employer spokesperson** said that ACT/EMP and ACTRAV should be included in the work being done on productivity by other ILO departments. The partnerships between the ILO and productivity organizations in Africa and with Switzerland and Norway were particularly positive. A holistic approach to productivity was essential; productivity should not be viewed simply as a way of increasing output and reducing costs.
- 645.** The intention behind his group's proposed addition to the draft decision was to ensure that the productivity strategy was aligned with the programme and budget, as there was broad agreement on the impact of productivity on the ground. He requested that the proposed amendment be given due consideration.
- 646. The Worker spokesperson** said that her group supported the original draft decision, as had the majority of Government group representatives.
- 647. Speaking on behalf of the Africa group**, a Government representative of Côte d'Ivoire said that, given the Office's explanation, his group supported the initial draft decision, and asked the Office to pay particular attention to Africa in the implementation of the strategy.

⁷ ILO, *Global Employment Policy Review 2020: Employment Policies for Inclusive Structural Transformation*, December 2020.

- 648. The Employer spokesperson** said that it was not clear how attention could be paid to productivity anywhere without financial backing. However, as there was little support for his group's view, he would join the consensus on the draft decision.

Decision

- 649. The Governing Body requested the Office to take into account the guidance provided during the discussion on decent work and productivity at its 341st Session (March 2021), in the implementation of the ILO's programme and in the follow-up to the ILO Centenary Declaration for the Future of Work.**

(GB.341/POL/2, paragraph 60)

3. Sectoral meetings in 2021 and proposals for sectoral work in 2022–23 (GB.341/POL/3(Rev.1))

- 650.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 25 February 2021.
- 651.** The Screening Group agreed to put the item forward for a decision by correspondence on the understanding that the Office would publish a revised version of the document in which the draft decision would be reviewed to reflect the guidance provided by Governing Body members during the briefing session.
- 652.** The decision contained in document GB.341/POL/3(Rev.1), was adopted by consensus and announced to all Governing Body members on 15 March 2021.

Decision

- 653. The Governing Body, by correspondence:**

- (a) **endorsed the proposals contained in Appendices I and II to document GB.341/POL/3(Rev.1) relating to the dates, official title and composition of the global sectoral meetings in 2021;**
- (b) **decided, for the forthcoming technical meeting on education listed in Appendix II to document GB.341/POL/3(Rev.1), to request the Office to select as Chairperson an independent person with expertise on the matters covered by the agenda and to notify the meeting accordingly, and for the meetings on urban transport services and aquaculture, to appoint one of its members as Chairperson;**
- (c) **authorized the publication on the ILO website of the updated versions of the Guidelines for flag State inspections under the Maritime Labour Convention, 2006, as amended, and the Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006, as amended, referred to in section II of document GB.341/POL/3(Rev.1); and**
- (d) **endorsed the programme of global sectoral meetings and other sectoral work for the biennium 2022–23 set out in Appendix III to document GB.341/POL/3(Rev.1), as recommended by the sectoral advisory bodies, subject to the approval by the International Labour Conference at its 109th Session (June 2021) of the corresponding allocations in the Programme and Budget for 2022–23.**

(GB.341/POL/3(Rev.1), paragraph 22)

Summary of written comments received during the consideration of the item by correspondence ⁸

- 654. The Workers' group** reaffirmed its support for the ILO's sectoral approach to the promotion of decent work. It welcomed the work done by the subsidiary body of the Special Tripartite Committee to produce consolidated versions of the updated ILO flag State inspection and port State control guidelines.
- 655.** In relation to recurrent sectoral work, the group highlighted the importance of promoting the ratification and implementation of sectoral Conventions and Recommendations, and the implementation of sector-specific codes of practice, guidelines and tools. Conclusions and recommendations adopted at sectoral meetings should be prioritized, and sector-specific instruments and tools should subsequently be developed to improve working conditions and labour relations. In light of decent work deficits, exacerbated by digitalization and automation, particular attention should be given to sectoral global supply chains, taking into account the conclusions of the 105th Session of the International Labour Conference (2016) in that regard. The Office should continue to work in partnership with other UN agencies to further the labour agenda. Furthermore, it should develop its work to promote decent work in global supply chains, with particular regard to their national and international regulation.
- 656.** The group welcomed the recommendations of the sectoral advisory bodies, and emphasized that when the final titles of meetings were being decided, the discussions of those bodies should be taken into account. The title of the technical meeting on COVID-19 and sustainable recovery in the tourism sector should include a reference to labour and the meeting should address OSH, social protection and updating skills. The title of the technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector should include a reference to labour and should address working conditions. The main focus of the technical meeting on the future of work in the oil and gas industry should be on just transition. The group recommended that an additional meeting should be dedicated to the manufacturing sector, as the proposals presented on green technology and the changing patterns in the steel industry had garnered tripartite interest. The Office should allocate sufficient funds to implement the recommendations of the sectoral advisory bodies regarding the organization of tripartite regional and national meetings in the sectors of road transport, artisanal and small-scale mining, forestry and railways.
- 657.** The group welcomed the proposed programme of global sectoral meetings for 2021, which included those postponed from 2020, and encouraged the tripartite engagement to achieve substantive results. The group agreed with the dates proposed in Appendix II, including for the Meeting of Experts to revise the 1992 *Code of practice on safety and health in construction*. Finally, the group invited the Office to request the Governing Body to allocate sufficient funds to hold the technical meeting on the impact of digitalization in the finance sector in 2022.
- 658. The Government of Italy** highlighted that there was no reference in the draft decision to the manufacturing sector, a sector of particular importance for the Italian and world economies, which had been severely hit by the pandemic. Sectoral meetings should be planned to study that impact in depth.

⁸ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

- 659. IMEC** supported the ILO's sectoral approach to the promotion of decent work, which included addressing issues of gender equality and non-discrimination, through the development of sectoral policies that promoted decent work and enhanced productivity. The Office should continue to strengthen strategic partnerships across the UN system to promote policy coherence and leverage support for decent work. The group welcomed the Office's ongoing contribution of sector-specific knowledge on the impact of the COVID-19 pandemic, providing guidance and tools to assist in protecting workers, sustaining enterprises and developing strategies for resilience. The group took note of the proposed list of global sectoral meetings for 2022–23, contained in Appendix III to document GB.341/POL/3(Rev.1). Thanking the members of the sectoral advisory bodies for their work, the group supported the draft decision contained in paragraph 22 of document GB.341/POL/3(Rev.1).
- 660.** In the statement on behalf of the **EU and its Member States**, it was noted that Turkey, North Macedonia, Montenegro, Serbia, Albania, Norway, the Republic of Moldova and Georgia aligned themselves with the statement. The ILO's sectoral work was of great value as a means to achieve the goal of decent work for all, particularly in the context of the COVID-19 pandemic. The EU and its Member States supported the ILO's approach to sectoral work and implementing sectoral policies.
- 661.** The dissemination of revised ILO guidelines for inspections under the Maritime Labour Convention, 2006, as amended, was welcome, and the EU and its Member States thanked the Office for its excellent organization of the sectoral advisory bodies in January 2021; a broad range of topics for sectoral meetings had been selected and would lead to fruitful debates and outcomes. In particular, they thanked the constituents for their unanimous support for the proposed technical meeting on COVID-19 and sustainable recovery in the tourism sector, which should, preferably, be organized for early 2022 and explore how the COVID-19 crisis could be used as an opportunity to improve sustainability and resilience in tourism.
- 662.** The EU and its Member States reiterated their call for the transition to formality to be integrated into ILO sectoral work and for a tripartite meeting of experts on ensuring decent work in the platform economy to be organized during the second half of 2021, as proposed by the Office in document GB.341/INS/3/1.

Development Cooperation Segment

4. ILO Development Cooperation Strategy 2020–25: Implementation Plan (GB.341/POL/4)

- 663. The Employer spokesperson**, recalling the extensive discussions held and the decision adopted on the item at the 340th Session, said that the implementation plan should address the gaps identified during those discussions and must include Organization-wide strategies to ensure internal policy and programmatic coherence with the priorities set out in the ILO's Strategic Plan for 2020–25 and the Programme and Budget proposals for 2022–23. She recalled the importance of development cooperation in advancing the ILO's mandate and in strengthening the ILO's comparative advantage of tripartism and social dialogue. The social partners should participate in the setting of development cooperation priorities and resources should be mobilized to strengthen social dialogue and institutions at the national level to facilitate such activities. That was of particular importance in the context of the recovery from the COVID-19 pandemic, which would require more dialogue-based solutions.

- 664.** The 2023 mid-term review should demonstrate that the constituents were better able to contribute to, operate and make use of their dialogue mechanisms, as a result of development cooperation. There should also be clear evidence that the constituents had been consulted on and agreed with the design and implementation of projects within the framework of the Decent Work Country Programmes (DWCPs). It was important to know how the ILO's development cooperation activities were making a difference, especially in terms of addressing immediate challenges and strengthening the institutional foundations of social dialogue. It was regrettable that, although paragraph 13 of the document referred to the learning that would emerge from the implementation of the Strategy, it did not elaborate on what those lessons might be or on how the Office would use them to improve. In that connection, the implementation plan should build on relevant lessons from evaluations and analyses that had already been carried out.
- 665.** Turning to proposed action 2.4 on collaboration with the private sector and other non-State actors, she said that, while such collaboration could be beneficial, it must not undermine the role of the social partners, and should be conditional on contributions to the DWCPs and on agreement of the social partners. She noted the explanation of the monitoring framework provided in paragraph 11, and expected that framework to be assessed as part of the mid-term review. She also acknowledged the planned development of an internal management plan outlining responsibilities and timelines. The "whole-of-ILO" approach should be applied to development cooperation at the conceptualization and planning stages as well as at the implementation stage, to avoid duplication of work and silos and promote coherence across policy and programmes. She looked forward to the 2023 mid-term review and supported the draft decision.
- 666. The Worker spokesperson** welcomed the implementation plan, which took account of concerns raised at the Governing Body's previous session. His group would support and participate in coordination efforts through consultations. It was hoped that the process for evaluating and approving public-private partnerships (PPPs) would be fluid and simple, as highlighted during a previous session on the high-level evaluation on PPPs. Regarding focus area 1, the social partners, rather than non-governmental organizations, must be the main beneficiaries of the ILO's development cooperation. While it was indeed useful to build partnerships and engage as many parties as possible in the implementation of the Decent Work Agenda, the Office should always consult with the social partners before beginning any project.
- 667.** On monitoring and evaluation, he asked how the long-term impacts of the ILO's development cooperation on workers' rights would be evaluated beyond the next biennium. Evaluations based primarily on impact assessments could lose sight of or underestimate long-term impacts; seemingly minor progress could in fact have a major impact on decent work over the long term. The Workers' group supported the implementation plan and urged the Director-General to take account of the Governing Body's guidance when putting the plan into practice.
- 668. Speaking on behalf of the Africa group**, a Government representative of Senegal said that development cooperation would be critical to a sustainable development-based recovery from the social and economic crises caused by the COVID-19 pandemic, and to ensure decent work for all, with no one left behind. Those principles were central to the Decent Work Agenda and the DWCPs in place in many African countries. Cooperation must also target the millions of workers in the informal economy, while strengthening labour market institutions.

- 669.** The implementation plan would only be effective in Africa if due account was taken of the region's priorities, lack of resources and the significant challenges it faced with regard to decent work. The ILO should take into account the specific nature of African countries, and its cooperation with African institutions must be dynamic and well-structured, optimizing the knowledge and experience which could be used for large-scale development programmes. Focus area 4 on results and transparency was particularly important. The Africa group supported the draft decision.
- 670. Speaking on behalf of ASPAG,** a Government representative of China said that development cooperation was critical to the ILO's efforts to implement the Centenary Declaration and realize the SDGs, while providing essential field services to constituents through DWCPs. Furthermore, development cooperation would be key to ensuring a sustainable recovery from the COVID-19 pandemic. The implementation plan must therefore be used to continuously enhance the quality of the ILO's development cooperation activities at the global, regional and country levels. The deliverables presented in the plan were appropriate, and had been well combined with qualified and quantified targets. South-South and triangular cooperation and the cooperation with the Turin Centre were particularly appreciated.
- 671.** Clear links had been made between the proposed actions and corresponding outputs under the policy and enabling outcomes of the Programme and Budget proposals for 2022-23. Constituents' needs should be at the heart of the ILO's development cooperation, with the provision of agile and adapted field services. The Governing Body's guidance on other relevant agenda items should also be taken into account. The Office should step up efforts to mobilize voluntary funding, including from international financial institutions, other UN agencies and the private sector. Progress and specific outcomes under the Development Cooperation Strategy should be monitored and reported to the Governing Body in a mid-term review in 2023 with a reflection on experience gained and the lessons learned. ASPAG wished to endorse the draft decision.
- 672. Speaking on behalf of GRULAC,** a Government representative of Barbados commended the alignment of the implementation plan with the Centenary Declaration, the programme and budget and the SDGs. The principles established by the High-level United Nations Conference on South-South Cooperation, BAPA+40, should guide the cooperation conducted with the ILO. GRULAC noted with appreciation the progress monitoring system, in which the key deliverables referred to the outputs and indicators contained in the Programme and Budget proposals for 2022-23. That alignment would ensure strategic cohesion and avoid duplication of work when reporting progress.
- 673.** The ILO as a whole should be involved in implementing the Development Cooperation Strategy, through continuous cooperation between headquarters and field offices. Countries should be actively involved to ensure that development cooperation was demand-driven and in line with national priorities. Funding sources for partnerships should be expanded and diversified. Proposed action 1.4 was especially positive, highlighting the potential of South-South and triangular cooperation modalities for achieving decent work, productive employment and sustainable development. GRULAC supported the draft decision.
- 674. Speaking on behalf of IMEC,** a Government representative of Ireland said that that development cooperation was key to ensuring a human-centred recovery from the COVID-19 pandemic. The implementation plan's links to the Centenary Declaration and the SDGs were welcome. The plan's sections on strategic partnerships for policy coherence and funding were robust, and its attention to deliverables on labour standards and social dialogue were commendable, as was its emphasis on national

ownership, transparency, efficiency and mutual accountability. The acknowledgement of the importance of cooperation between field offices and ILO headquarters was also welcome. Communication, coordination and oversight across the Organization must be enhanced. Proposed action 4.1 was crucial; development cooperation could only be successful with specific and measurable results, and targets set in advance. The review of results must assess progress, impact and effectiveness.

- 675.** The ILO should continue to build strategic partnerships for development cooperation in the world of work, including through the UN development system. Adequate human and financial resources would be needed to implement the Strategy. Collaboration with international financial institutions and other multilateral partners was welcome, particularly to bolster COVID-19 recovery. IMEC therefore wished to see explicit mention of the World Bank in the implementation plan. The 2023 mid-term review should assess progress made and the impact of COVID-19, with a view to strengthening the implementation plan and taking account of the Programme and Budget proposals for 2024–25. Lastly, IMEC encouraged the Office to improve the procedures for and quality of reporting in anticipation of that review. On that basis IMEC supported the implementation plan.
- 676. A Government representative of Bangladesh** said that development cooperation was crucial to implementing the Centenary Declaration and attaining the SDGs. South–South and triangular cooperation were particularly appreciated, as was the work of the Turin Centre to promote decent work among constituents and other partners. Enhanced effectiveness of the Office’s development cooperation would benefit the tripartite constituents in Member States.
- 677.** The outcomes of deliverables under the four focus areas should be regularly monitored to facilitate reporting. Country-specific needs must inform the Office’s priorities. The world of work was facing extreme challenges, with a record number of people jobless, unprecedented disruption in employment, and a shrinking economy. A human-centred recovery from the pandemic was therefore essential, and could only be achieved with development cooperation.
- 678. A representative of the Director-General** (Deputy Director-General for Field Operations and Partnerships) welcomed the Governing Body’s guidance and said that the Office had taken due note of the comments made, in particular with regard to results-based management, building partnerships, and the importance of ensuring national ownership of development cooperation. The primacy of international labour standards must be respected, along with the principles of tripartism and social dialogue.
- 679. Another representative of the Director-General** (Director, Partnerships and Field Support Department) also thanked the Governing Body for its strong support and guidance, and underscored that the primary objective of the Development Cooperation Strategy was to support tripartite partners and achieve decent work outcomes. Development cooperation would be constantly assessed and adjusted to meet countries’ needs. The Office wished to thank all funding and development partners for their support and in particular for granting a significant degree of flexibility, which had allowed the Office to be agile, innovative and adaptive in 2020. The ILO would continue to be guided in its cooperation with the private sector by PPPs and the implementation of the relevant recommendations of the high-level evaluation of PPPs.
- 680.** The ILO’s normative work was indeed a long-term investment. While individual projects and programmes had their own time frames for implementation, their contribution to the achievement of the programme and budget’s policy outcomes was reflected in

programme implementation reports and in target-setting for future programme and budget proposals. Lastly, the Governing Body's advice with regard to the mid-term review and the adjustment of the implementation plan in line with the Programme and Budget proposals for 2024–25 was particularly welcome. An internal management work plan would be developed, involving all levels of the Office, to put the implementation plan into practice.

Decision

681. The Governing Body endorsed the implementation plan proposed in document GB.341/POL/4 and requested the Director-General to consider the Governing Body's guidance when carrying out the plan.

(GB.341/POL/4, paragraph 15)

Multinational Enterprises Segment

5. Promotional activities with regard to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and related developments outside the ILO (GB.341/POL/5)

682. The Employer spokesperson confirmed the strong support of the Employers' group for the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). Increasing the number of governments, workers' and employers' organizations, and multinational and national enterprises that were implementing the principles of the MNE Declaration would drive the Declaration's impact, regardless of whether direct reference was made to the instrument.

683. National focal points would be most effective if efforts to establish them were driven by national tripartite constituents. The equal weight given in the Declaration to using similar tools and processes where they existed, rather than setting up separate focal points, meant that the Office should not favour one approach over the other.

684. At the country level, the Office must ensure the full engagement of the tripartite constituents in ILO projects with other organizations, and those projects must coordinate in that regard with the relevant Decent Work Teams. Stronger collaboration with other ILO programmes and projects, such as the Vision Zero Fund, should be the norm. The "One ILO" approach required each project or programme to focus on its core mandate and avoid engaging in multiple issues.

685. The Employers' group strongly supported the ILO Helpdesk for Business and requested that sufficient resources be made available to respond to the increasing number of queries received. Tools for enterprises should respond to constituents' needs, which should be assessed and incorporated through adequate consultation at the design stage. The joint EU–ILO–UN Women "WE Empower" project for example had provided little of the intended practical support to employers' organizations and enterprises on women's economic empowerment through responsible business conduct as the national employers' organizations in the three target countries had decided not to engage in the project because of the lack of consultation in the design phase of the project.

686. The process of drafting a legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises remained controversial and there was evidence of diminishing support for it. The Employers' group appreciated the concerns expressed by the Office with regard to the

proposed establishment of an ISO technical committee on social responsibility, since that work could create divergence from or even undermine international labour standards.

- 687.** Given that the ILO and its constituents already participated in the annual UN Forum on Business and Human Rights and the annual OECD Global Forum on Responsible Business Conduct, instead of creating an ILO forum on the decent work aspects of responsible business practices, the Organization's resources could be more efficiently deployed by driving continued participation in those forums. Similarly, since the Office already cooperated and coordinated with the other multilateral bodies concerned through the annual forums mentioned, Alliance 8.7 and the Global Business Network on Forced Labour, it should assess how to strengthen existing collaborations and the understanding of the principles articulated in the MNE Declaration, rather than focusing on an alliance on business and decent work. The Office should avoid engagements that could diffuse resources and dilute the impact of the Declaration in the core area of the world of work. It should focus on promoting the principles set out in the Declaration and using them to bring tripartite constituents together to organize collective action at the national level to address challenges on the ground. The Employers supported the draft decision.
- 688. The Worker spokesperson** welcomed efforts to promote the MNE Declaration, in particular through the web portal and the expanded training portfolio of the Turin Centre, and noted widespread use of the guide to the Declaration. Noting work done with other organizations to highlight the Declaration in relevant global debates, the Workers welcomed the proposal to establish an ILO forum on the Declaration to allow constituents to discuss steps taken, opportunities and challenges, and to prepare regional and subregional activities. Every ILO regional meeting should have a formal session to exchange views on the promotion and application of the Declaration at the regional, subregional and national levels; such a session would also provide an opportunity to promote follow-up mechanisms for the national focal point, the company–union dialogue and similar processes. The Office should therefore make timely preparations to include a formal session at the Asia and the Pacific Regional Meeting. The Workers supported the proposal to launch the follow-up process for the European region ahead of the 11th European Regional Meeting.
- 689.** With regard to promotional work at the national level, the Workers called on the Office to continue providing assistance to Member States to appoint national focal points on a tripartite basis, and called for Member States to step up their efforts in that regard. He welcomed forums for exchange between the home and host countries of multinational enterprises, ongoing development cooperation projects to address decent work challenges in supply chains and design policies based on the guidance of the MNE Declaration, and noted the relevance of the ILO Helpdesk for Business and the receipt of six requests for company–union dialogue. He requested that workers' organizations should be included in the pilot of the self-assessment tool for enterprises, underlining the responsibility of companies to respect human rights.
- 690.** Remarking that several global framework agreements referred to the MNE Declaration, the Workers welcomed the continued high-level engagement of the ILO on business and human rights. Work on the second revised draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises was evolving positively. With further global coordination, major steps could be taken to place people and the planet before profit.

- 691.** The Workers supported the proposal to establish an ILO forum to promote the MNE Declaration, which should be accompanied by the formalization of agreements with other international organizations and provide an opportunity to explore social policy scope and the potential to promote decent work and align business operation with national development priorities. That would establish the Declaration more firmly as a key element in promoting respect for labour rights and decent work. The Workers supported the draft decision.
- 692. Speaking on behalf of the Africa group,** a Government representative of Cameroon, expressing appreciation for the Office's efforts to promote the MNE Declaration, noted that it was cited in the Abidjan Declaration of December 2019 as a key element of the Decent Work Agenda for Africa 2020–2030, and called for support from the Office in that regard. The Office should monitor the follow-up to the MNE Declaration in all regions. Congratulating those who had already appointed national focal points for the Declaration, the group encouraged the Office to introduce a platform for the exchange of good practices to help Member States make the most of that operational tool.
- 693.** With regard to development cooperation, the Office should strengthen collaboration with all development partners and national, regional and global institutions to follow up on and raise awareness of the opportunities offered by the MNE Declaration. Tripartite constituents should formulate development projects and the Office should continue lobbying regional and international specialized institutions to assist the countries most affected by the COVID-19 pandemic, particularly through capacity-building programmes for the affected SMEs and local businesses. The Africa group supported the draft decision.
- 694. Speaking on behalf of ASPAG,** a Government representative of Thailand welcomed the various and sustained activities to promote the MNE Declaration among governments, social partners and enterprises. The meaningful observance of the Declaration was essential to realizing the objective of decent work for all. The facilitation, rather than just promotion, of dialogues between the host and home countries of multinational enterprises on issues of mutual concern promoted the shared responsibility for business operations and investments and advanced the realization of a human-centred approach to the future of work. Some countries considered that, while foreign direct investment was essential to the progress of developing countries, the role of multinational enterprises in the economy diminished the capacity of Member States with developing economies to fully protect their worker constituents and could impact their ability to respond to old and new challenges. The Office, by facilitating such home–host country dialogues was therefore making a meaningful contribution to easing the challenges of advancing social justice through decent work, even while relying, in part, on foreign direct investment to do so. The Office should pay particular attention in its work to the observance by home and host countries of multinational enterprises of the imperatives of social justice through decent work. ASPAG supported the draft decision.
- 695. Speaking on behalf of a large majority of countries of Latin America and the Caribbean,** a Government representative of Barbados said that the context of high unemployment and major challenges following the COVID-19 pandemic called for continued efforts by the ILO to provide technical assistance and cooperation to its tripartite constituents. He highlighted the ILO's efforts to create partnerships and its fundamental role in promoting responsible business conduct, noting the Responsible Business Conduct in Latin America and the Caribbean project. GRULAC took note of the reference in the document to the sixth meeting of the open-ended intergovernmental working group on transnational corporations and other business enterprises with

respect to human rights that had been tasked with drafting a legally binding instrument in that area. The group welcomed the tools developed to promote women's economic empowerment. Additional information would be appreciated on the proposed ILO forum on the decent work aspects of responsible business practices. GRULAC supported the draft decision.

- 696. Speaking on behalf of IMEC**, a Government representative of the United States of America emphasized the importance of the operational tools used to promote implementation of the MNE Declaration, including the company-union dialogue, and welcomed efforts to support and expand the use of national focal points. The Office should continue to promote the MNE Declaration web portal and the ILO Helpdesk for Business, the online training provided by the Turin Centre, and the tools developed for enterprises. Work to link the Declaration to Better Work and the Vision Zero Fund was appreciated, as were efforts to centre the principles of the Declaration in the definition of responsible business conduct and initiatives to build back better following the COVID-19 pandemic, as well as to link UN work on business and human rights to ILO standards. IMEC encouraged the Office to cooperate with the OECD on the stocktaking exercise of its *Guidelines for Multinational Enterprises*.
- 697.** The Office should further emphasize the central roles of freedom of association and collective bargaining, industrial relations and social dialogue in human rights due diligence, and, given that it was the International Year for the Elimination of Child Labour, should strengthen the role of the Declaration in that work. The ILO's contribution to the development of due diligence guidance by the OECD was welcome. The ILO should enhance its profile in the multilateral system in the area of business and human rights and establish the MNE Declaration more firmly as a lead international instrument.
- 698.** The ideas discussed in Part C of the document as the way forward in promoting the MNE Declaration should be further elaborated in a specific, measurable, realistic and time-bound format for presentation to the Governing Body in November 2021. The Office should research the specific institutional gap that could be filled by an ILO forum on the decent work aspects of responsible business practices and that forum's intended outcome, and share its findings with the Governing Body. IMEC supported the draft decision.
- 699. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Thailand, noting efforts made by the Office to promote the MNE Declaration, highlighted activities in the Member States of ASEAN under the EU-ILO-OECD Responsible Supply Chains in Asia programme, and encouraged the Office to carry out further promotional activities on the request of ASEAN Member States. The ILO Helpdesk for Business and the translation of the training guide on *Labour standards in global supply chains* into several languages were appreciated, and he encouraged the provision of such services in all official languages of ASEAN Member States to better equip beneficiaries to claim their rights and recognize their obligations. To better promote the Declaration, the Office should take into account: the needs of different economic sectors due to the COVID-19 crisis; the transfer of technology and knowledge from home countries to host countries; the role of multinational enterprises in developing and improving the skills of workers in host countries and in promoting compliance with international labour standards in domestic supply chains; and the opportunities for dialogue between worker representatives in host countries and multinational enterprise owners in home countries to peacefully resolve labour disputes.
- 700. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned

themselves with the statement. She reiterated her group's support for the MNE Declaration and for the ILO's promotional activities including through development cooperation projects supported by the EU and its Member States. The EU and its Member States welcomed the strengthening of the ILO Helpdesk for Business and stressed the importance of promoting the MNE Declaration at the country level by adapting tools and capacity-building to local contexts. The EU and its Member States actively promoted national and international efforts to implement responsible business standards and therefore welcomed the alliance between UN agencies and the OECD, urging a cooperative approach.

- 701.** The EU and its Member States promoted human rights and decent work in global supply chains. As the number of mandatory due diligence regulations increased, so too would the MNE Declaration's relevance. National focal points, supported by the constituents, should be appointed where similar tools and processes linked to the MNE Declaration's principles were lacking. Her group supported the approach taken to promote the Declaration and its implementation by ILO Member States, international organizations and enterprises, and it welcomed the Office's planned activities, as set out in Part C of the document. She requested more information on those plans and invited the Office to provide an update to the Governing Body in November 2021.
- 702. A Government representative of Japan**, noting the MNE Declaration's particular importance in the context of the COVID-19 pandemic and the drive to build back better, observed that development cooperation projects, to which Japan contributed in various areas including global supply chains, especially in Viet Nam and Pakistan, were vital in promoting the Declaration's principles. He commended the ILO's efforts to implement those projects and expressed his Government's support for its continued efforts to achieve decent work for all.
- 703. A Government representative of Panama**, after summarizing the progress made in his country in relation to the MNE Declaration, which included legislation to ensure decent work for global supply chain workers and the creation of free trade zones, said that some of the Declaration's principles were applicable to both multinational and national enterprises, which must be held to the same standards. His Government's efforts, for example with regard to employability and living standards, aligned with the Declaration's principles, and he commended the Office, the Organization and its Member States for their commitment to the issues addressed therein.
- 704. A Government representative of Ecuador** welcomed the document's reference to the Responsible Business Conduct in Latin America and the Caribbean project, which had contributed to his country's national action plan on business and human rights and to training for SMEs and employers' organizations, as well as its mention of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights. That working group was chaired by his Government, and its work to draft a legally binding instrument on human rights and transnational corporations had enjoyed broad participation and prioritized access to justice for victims of human rights violations, while aligning with the MNE Declaration and other instruments. He urged the Office and all constituents to participate in that drafting process. His Government supported the draft decision.
- 705. A Government representative of Chile** urged the ILO to maintain its technical assistance for the constituents given the challenges posed by the COVID-19 pandemic, and highlighted the Organization's important role in creating partnerships and promoting responsible business. He welcomed the document's reference to the Responsible Business Conduct in Latin America and the Caribbean project. His

Government had worked with the social partners on work and responsible business, and his country's progress in that area was thanks in particular to the OECD National Contact Point for Responsible Business Conduct. His Government would welcome specific information on other countries' experiences of appointing national focal points for the promotion of the MNE Declaration, and it supported the draft decision.

- 706. A Government representative of Thailand** commended the Office for its continued efforts to promote the MNE Declaration, particularly the provision of information in the Thai language through the website of the ILO Helpdesk for Business. The MNE Declaration was central to promoting decent work for all and building back better following the COVID-19 pandemic. His country had well-established labour standards and good practices for multinational enterprises, and the Ministry of Labour had engaged actively with the Responsible Supply Chains in Asia programme; he thanked the ILO, EU and OECD for their support in implementing the programme. The Office should continue its promotional activities, particularly its support for dialogue between home and host countries.
- 707. A representative of the Director-General** (Deputy Director-General for Policy) thanked all speakers for the strong support expressed for the promotional activities of the MNE Declaration. She said that policy coherence was an important aim of the ILO's engagement with other organizations, and the Office would continue to support the governments and social partners in their awareness of the expectations set out in the MNE Declaration, and in accessing tools and engagement opportunities to assist them in bringing about lasting change.
- 708.** Although the ILO's participation in international forums hosted by other organizations allowed it to promote the Decent Work Agenda, international labour standards and social dialogue, its main effect was to increase the visibility of other organizations' agendas. An ILO forum on business and decent work, as proposed in the document, would raise the profile of the MNE Declaration and ILO programmes. The target audience would be the parties addressed in the MNE Declaration, namely governments, employers' and workers' organizations, enterprises and multi-stakeholder partnerships, and the forum could be organized for the first time in 2022. Should the Governing Body express support for such a forum, the Office would begin consultations on its format and, as requested, report back to the Governing Body. (Given the limited time, the Office was not able to elaborate on some of the points raised.)
- 709. The Employer spokesperson** called for careful examination of whether investment in a new forum would meet the stated goals, or whether resources could be used more efficiently to raise the profile of the ILO and the MNE Declaration through existing forums. Investment in a new forum may dissipate resources and fragment efforts. His group did not believe that an additional forum was a necessary or viable means to promote the MNE Declaration, and he requested that viewpoint be taken into consideration fully.
- 710. The Worker spokesperson** agreed that all investment by the ILO must bear fruit, and that a cautious approach must be taken. However, his group believed that investment in work on multinational enterprises would produce long-term results, and it supported the Office's efforts in that domain unequivocally.

Decision

- 711. The Governing Body requested the Director-General to take into account the guidance provided when exploring options to further strengthen the visibility of**

the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and its implementation by ILO Member States, regional and international organizations and enterprises, and to provide an update on these promotional activities at a future session of the Governing Body.

(GB.341/POL/5, paragraph 44)

► Legal Issues and International Labour Standards Section

Legal Issues Segment

1. Comprehensive review of the Standing Orders of the Conference: Draft consolidated text (GB.341/LILS/1)

712. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 31 March 2021.

713. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 13 April 2021.

Decision

714. The Governing Body decided, by correspondence, to transmit to the Conference the consolidated text of the amended Standing Orders of the International Labour Conference in the appendix of document GB.341/LILS/1 for adoption at its 109th Session (June 2021).

(GB.341/LILS/1, paragraph 22)

Summary of the written comments received during the consideration of the item by correspondence ⁹

715. The group of industrialized market economy countries (IMEC) commended the Office for its excellent work since 2013 involving numerous questionnaires, proposals and consultations in order to ensure a quality outcome that was supported by all groups, and thanked the tripartite partners for their dedication and input over the years. All sides had shown a sense of compromise in the final negotiations and together they had achieved a good consolidated, streamlined and updated text that was adapted to long-standing practices and recent requirements to facilitate the work of the Conference in its two-week format. The group looked forward to testing the amended Standing Orders at an in-person session of the Conference in 2022.

716. Cuba considered that there were no precedents for article 10(2). While the intention was to align the practice with the Standing Orders, clarification was required on which reports could be transmitted by the Governing Body for the consideration of the Committee on the Application of Standards. As that Committee was an ILO supervisory body, the Governing Body's authority to transmit reports to it must comply with the

⁹ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

provisions of the ILO Constitution and the Compendium of rules applicable to the Governing Body.

International Labour Standards and Human Rights Segment

2. Proposed form for reports to be requested under articles 19(5)(e) and 19(6)(d) of the ILO Constitution in 2022 on the instruments concerning equality of opportunity and treatment (GB.341/LILS/2(Rev.1))

717. The document prepared by the Office for this item was published on the Governing Body website on 22 February 2021 and Governing Body members had the possibility to send comments on the proposed forms until 25 March.

718. On the basis of the comments received, the Office issued a revised version of the document and the Screening Group agreed to put the item forward for a decision by correspondence. The decision was approved by consensus and announced to all Governing Body members by a communication of 13 May 2021.

Decision

719. The Governing Body, by correspondence:

- (a) requested governments to submit reports for 2022, under article 19 of the ILO Constitution, on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183), and Recommendation (No. 191); and
- (b) approved the report form concerning these instruments set out in the appendix to document GB.341/LILS/2(Rev.1).

(GB.341/LILS/2(Rev.1), paragraph 4)

Summary of the written comment received during the consideration of the item by correspondence ¹⁰

720. IMEC thanked the Office for preparing and facilitating the process for finalizing the article 19 report, and expressed appreciation for the social partners' engagement and spirit of compromise throughout. Concise, focused questionnaires helped to ensure replies that were accurate, clear and responsive to the issues, and IMEC had submitted several corresponding proposals that had been endorsed by all constituents. The Office's efforts to take into account the various views expressed at previous sessions of the Governing Body, including by hosting consultations and making available a virtual platform for submitting written comments, had facilitated the discussions and helped to reach agreement.

721. IMEC was open to discussions on how to further improve the process for finalizing article 19 questionnaires and had several suggestions. In particular, it would be helpful

¹⁰ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

if the Office organized an informal consultation prior to the March 2022 session of the Governing Body to exchange preliminary views. The consultation could also include a tutorial on how to navigate the virtual platform to ensure that it was effective, transparent and inclusive. That could help prevent some of the challenges constituents had experienced and make the process smoother for finalizing future questionnaires.

3. Proposed form for reports on the application of ratified Conventions (article 22 of the Constitution): The Violence and Harassment Convention, 2019 (No. 190) (GB.341/LILS/3(Rev.1))

722. The document prepared by the Office for this item was published on the Governing Body website on 22 February 2021 and Governing Body members had the possibility to send comments on the proposed forms until 25 March.

723. On the basis of the comments received, the Office issued a revised version of the document and the Screening Group agreed to put the item forward for a decision by correspondence. The decision was approved by consensus and announced to all Governing Body members by a communication of 13 May 2021.

Decision

724. The Governing Body, by correspondence, approved the report form for the Violence and Harassment Convention, 2019 (No. 190), set out in the appendix to document GB.341/LILS/3(Rev.1).

(GB.341/LILS/3(Rev.1), paragraph 2)

4. Proposed amendments to the form for reports to be requested under article 22 of the ILO Constitution in relation to the Maritime Labour Convention, 2006, as amended (MLC, 2006) (GB.341/LILS/4)

725. The document prepared by the Office for this item was published on the Governing Body website on 22 February 2021 and Governing Body members had the possibility to send comments on the proposed forms until 25 March. The Office did not receive any comments on the document.

726. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 13 April 2021.

Decision

727. The Governing Body approved, by correspondence, the proposed changes to be inserted in the report form for the Maritime Labour Convention, 2006, as amended (MLC, 2006), to be used as the basis for the preparation of reports due under article 22 of the ILO Constitution.

(GB.341/LILS/4, paragraph 9)

5. Second evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (GB.341/LILS/5)

728. The Governing Body had before it an amendment to subparagraph (c) of the draft decision proposed by the Employers' group and a subamendment proposed by IMEC. The amendment and subamendment had been circulated by the Office.

729. The amendment proposed by the Employers' group read as follows:

- (c) requested the SRM TWG to take its guidance into account in continuing its work and that it continue to be kept informed of the functioning of the SRM TWG on the basis of a detailed and thorough analysis of lessons learned, challenges and areas of opportunity for improvement, so as to allow it to undertake a further evaluation no later than March 2022.

730. The subamendment proposed by IMEC read as follows:

- (c) requested the SRM TWG to take its guidance into account in continuing its work and that it continue to be kept informed of the functioning of the SRM TWG, including on the basis of a detailed and thorough analysis of lessons learned, challenges and areas of opportunity for improvement, prepared by the Office, in consultation with the Officers, so as to allow it to undertake a further evaluation no later than March 2022.

731. The Chairperson invited Governing Body members to indicate their support for either subparagraph (b1) or (b2) of the draft decision.

732. The Worker spokesperson said that her group would assess the success of, and its continued engagement in, the Standards Review Mechanism Tripartite Working Group (SRM TWG) based on its capacity to place new standards on the agenda of the International Labour Conference and rates of ratification of up-to-date standards. The length of the lapse between the SRM TWG's recommendations and the Organization's response meant that gaps in protection for workers persisted in law and in practice. The SRM TWG's follow-up activities constituted a high institutional priority, and the elaboration of new standards must be placed on the Conference's agenda at the earliest opportunity.

733. While she welcomed the information on ratification numbers contained in the report of the Officers of the SRM TWG, she requested that in future the Office include a list of the Conventions ratified. She invited Member States to follow the example of those that had ratified Conventions and requested confirmation that the SRM TWG's recommendations were included in Decent Work Country Programmes (DWCPs) and development cooperation activities. In order to prevent gaps in legal protection, Member States must consider ratifying up-to-date instruments relating to the six outdated standards proposed for abrogation and withdrawal. She requested additional information on the promotion of up-to-date standards relating to those outdated standards.

734. Discussions relating to the SRM TWG were not easy. Without effective follow-up, supported by the necessary resources and attention, doubts would remain as to the ILO's commitment to ensuring that the SRM TWG fulfilled its mandate. While the broad support of governments for the implementation of the SRM TWG's recommendations was commendable, the persistent lack of support from the Employers' group was of grave concern.

735. Her group supported the original text of subparagraphs (a), (b1) and (c) of the draft decision. The amendment proposed by the Employers' group was not only unacceptable to her group, but also directly undermined the SRM TWG's key role in providing a robust,

up-to-date body of international labour standards. The commitment of all constituents was necessary if its recommendations on the abrogation and withdrawal of outdated instruments were to be implemented and the consequent gaps addressed in new standards. The Employers' group had stated that the role of the SRM TWG was limited to making recommendations, that not all of its Officers were Governing Body members and that it was the Governing Body that decided whether to implement its recommendations. It was unclear why the Employers wished to downplay the weight of the SRM TWG's recommendations when the Employers' group had appointed to serve on the SRM TWG highly esteemed Employer spokespersons on the Conference Committee on the Application of Standards and the Committee on Freedom of Association. However, she concurred that the final decisions on the SRM TWG's recommendations rested with the Governing Body, as had already been illustrated on several occasions.

- 736.** The Employers' preference for subparagraph (b2), whereby the Governing Body simply noted the information provided in the report on lessons learned and possible future directions, contradicted previous Governing Body decisions that called for follow-up action to the SRM TWG's recommendations. The SRM TWG's very existence was called into question by the Employers' refusal to take its recommendations seriously. She urgently requested that the Employers' group reconsider its position and express clear support for subparagraph (b1); if not, her group would be forced to consider its continued commitment to the work of the SRM TWG.
- 737.** She welcomed the consistent support of IMEC and other government groups for the SRM TWG, which she hoped to see translated into support for the standard-setting agenda on the four occupational safety and health (OSH) regulatory gaps. Her group would support IMEC's subamendment to the Employers' amendment to subparagraph (c) of the draft decision, which she understood as asking the SRM TWG to address more explicitly the lessons learned, challenges and areas for improvement.
- 738. The Employer spokesperson** said that his group would have welcomed more detailed information on the work of the SRM TWG, including differences of opinion expressed in it. The reinstatement of the practice followed by the Cartier Working Party, namely, the inclusion of constituents' differences of opinion and disagreements, in the SRM TWG's reports would improve the Governing Body's understanding, evaluations and decision-making and strengthen the functioning of the SRM TWG, which was increasingly finding difficulty in reaching consensus. The recognition of mechanisms and tools other than standards would create a more efficient, coherent system.
- 739.** There were misconceptions surrounding the SRM TWG's role. The expectation of some that the information it submitted to the Governing Body would include recommendations for the creation of standards, without the opportunity for further discussion, caused a range of problems, including in relation to the Governing Body's exclusive competence to place items on the agenda of the International Labour Conference and to identify standard-setting priorities. The SRM TWG should consider the situation of individual Member States when promoting Conventions; it should not be assumed that Conventions would be ratified simply because they were the most up to date. More cautious language was required when referring to potential gaps in legal protection following the withdrawal or abrogation of a standard, in order to make it clear that such action would not automatically create gaps in all Member States.
- 740.** His group supported subparagraph (b2) because the SRM TWG's recommendations must not restrict the Governing Body's capacity to define priorities for the agenda of the International Labour Conference. However, his group did not support the

subamendment proposed by IMEC because the analysis should be carried out by the SRM TWG, not the Office. The work of the SRM TWG was essential to ensuring that the body of standards was up-to-date and reflected the world of work, the need to protect workers and the realities of sustainable businesses. He objected to the Workers' representation of his group's views, which were entirely consistent with its past approach to the SRM TWG's reports. He urged governments to support subparagraph (b2) and his group's proposed amendments.

741. Speaking on behalf of the Africa group, a Government representative of Namibia expressed support for the continued role and work of the SRM TWG. The coronavirus disease (COVID-19) pandemic had prevented the SRM TWG from meeting since September 2019, and she expressed concern that 68 of the 235 instruments included in its programme of work had yet to be reviewed. Her group therefore recommended that the SRM TWG continue its work. The Office should continue to send letters to Member States regarding the Governing Body's decisions on follow-up action as part of the Centenary Ratification Campaign. Her group supported subparagraph (b2) of the draft decision and proposed an amendment to subparagraph (c), which was not seconded and therefore fell.

742. Speaking on behalf of the Asia and Pacific group (ASPAG), a Government representative of Saudi Arabia said that his group reaffirmed the overall objective of the SRM TWG and noted with appreciation its efforts and significant role in the consolidation and modernization of ILO labour standards. While the SRM TWG's recommendations were welcome, the limited frequency of its meetings could affect progress in the scheduled review of the remaining instruments. Follow-up activities must continue to be funded with existing resources, and the implementation of the SRM TWG's recommendations should be viewed as a package of interconnected, complementary and mutually reinforcing elements. His group supported the original draft decision and subparagraph (b2).

743. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Barbados welcomed the ongoing work of the SRM TWG, which was of particular importance to his group, given the high number of ratifications of international labour standards by Member States in the region. The ratification of any new Convention entailed complex decisions at the national level to implement or strengthen legislation and a burden for ministries of labour; the Standards Review Mechanism provided clarity to address barriers to the ratification of new instruments. His group was not yet ready to express its position on subparagraph (b) of the draft decision.

744. Speaking on behalf of IMEC, a Government representative of the United States of America expressed her group's full support for the SRM TWG, particularly given the importance of standards during COVID-19 recovery. Noting the progress made by the SRM TWG in its first five meetings and its recommendations on approaches to future standard-setting activity, she observed that social dialogue had led to consensus recommendations being issued annually. However, much remained to be done; 68 instruments awaited review. She encouraged the SRM TWG to be ambitious when scheduling discussions in order to accelerate its work and welcomed the involvement of Government advisers in the review of highly technical instruments. The SRM TWG had repeatedly emphasized the need for practical and time-bound follow-up to its recommendations; she asked the Office to provide information on the progress of follow-up actions planned for 2020 or 2021 that had been affected by the COVID-19 pandemic and encouraged Member States and social partners to implement such

actions swiftly. She expressed support for subparagraphs (a) and (b1) of the original draft decision. In respect of subparagraph (c), her group had proposed a subamendment to the amendment proposed by the Employers' group.

- 745. Speaking on behalf of the European Union (EU) and its Member States,** a Government representative of Germany said that Montenegro, Albania and Norway aligned themselves with her statement. Emphasizing the importance of the SRM, she noted the far-reaching impact of the first five meetings of the SRM TWG. However, 68 instruments were pending review and follow-up actions to the recommendations remained to be implemented. She underscored the need for the participation of Government advisers when discussing technical instruments. Standard-setting should be considered an institutional priority, particularly in light of the COVID-19 pandemic and the need for a sustainable, equitable and inclusive recovery from that crisis.
- 746.** It was regrettable that the pandemic had delayed the work of the SRM TWG and the Office's follow-up actions. She expressed support for the thematic integration approach to OSH standards and the need for preparatory activities to implement it, as well as for the implementation of measures to ensure timely follow-up to all of the SRM TWG's previous recommendations. She looked forward to the next evaluation, to take place no later than March 2022. The EU and its Member States expressed support for subparagraphs (a) and (b1) of the original draft decision, and for subparagraph (c) as subamended by IMEC.
- 747. A Government representative of Cuba** recognized the importance of the SRM TWG and encouraged it to continue its work. He noted that the COVID-19 pandemic had delayed the second evaluation of the SRM TWG. He expressed support for subparagraph (b2) of the draft decision.
- 748. A Government representative of Brazil** stated his Government's support for the mandate of the SRM TWG, welcomed its recommendations and acknowledged the need for follow-up action. However, the Governing Body should not merely rubber-stamp the recommendations; instead, it should be able to have a real discussion of the recommendations and how best to implement them. He therefore supported the Employers' proposed amendment.
- 749. The Worker spokesperson** said that the minutes of the SRM TWG, which were made available to all groups, did indeed reflect the differences in the groups' positions, and that decisions were made by consensus, in accordance with the terms of reference. There was no suggestion that the Governing Body should merely rubber-stamp the recommendations of the SRM TWG. However, those recommendations had been made in good faith, and must be taken seriously. The Governing Body had taken sovereign decisions to confirm previous recommendations of the SRM TWG and those decisions must be implemented. The Standards Review Mechanism was part of a very difficult and carefully reached tripartite agreement, and executing that agreement in good faith meant that the activity of the SRM TWG must lead to results. The Governing Body had the authority to decide how and when to follow up on the recommendations of the SRM TWG.
- 750. The Employer spokesperson** said that his group took the discussion and analyses of the SRM TWG very seriously, and had always acted in good faith. When the first report of the SRM TWG was submitted in March 2017, the Governing Body had merely noted the report and asked to be kept informed of the functioning of the Group. However, the current draft decision wrongly anticipated the reaction of Governing Body members and included elements that were part of the reports of the SRM TWG. There should be a clear

separation of the technical discussions of the subject-matter experts and the Governing Body's discussion of the practical and policy implications of the recommendations. That is why the Employers were proposing that the Governing Body should receive a detailed and thorough analysis of lessons learned, challenges and areas of opportunity for improvement.

- 751. The Chairperson** noted that neither option for subparagraph (b) of the draft decision enjoyed a clear majority, and proposed that the social partners and interested Governments should meet separately to agree on new wording with a view to achieving consensus.
- 752. A representative of the Director-General** (Director, International Labour Standards Department), responding to questions of the Governing Body, explained that the status of ratifications of updated Conventions registered since the launch of the Centenary Ratification Campaign was indicated in table 3 of the appendix to GB.341/LILS/5; since the publication of that document, eight further ratifications had been registered, and other States were also considering ratifying the instruments listed. The Office had noted the request to include in future reports information on the Conventions and countries to which ratifications referred.
- 753.** The Office had continued its activities related to the work of the Standards Review Mechanism during the pandemic. It had followed up on the personalized letters regarding recommendations emerging from the Standards Review Mechanism evaluation by offering technical assistance to national governments where it was considered necessary or helpful. Standards specialists on the ground had finalized 30 action plans, and 28 further action plans were close to being finished, to encourage follow-up to the Governing Body's decisions. The Office had also continued with actions not directly related to standards, which included preparing tools such as technical guidelines and studies to promote standards.
- 754.** Follow-up of recommendations in the context of DWCPs was ongoing, and the Office was considering how best to mainstream the follow-up in DWCPs.
- 755. The Worker spokesperson** emphasized that in order to reach a consensus on the draft decision, it was crucial to ensure that agreements were given effect. There was a need to follow up not only on the recommendations of the SRM TWG, including on standard-setting, but also the decisions of the Governing Body.
- 756.** Following informal discussions led by the chairing officer for the item, the Governing Body considered a revised draft decision.
- 757. The Worker spokesperson** expressed her group's gratitude to the chairing officer for the efforts to build consensus. Her group supported the revised draft decision.

Decision

- 758. In undertaking its second evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (SRM TWG), the Governing Body noted the information provided by the Officers of the SRM TWG and:**
- (a) expressed its gratitude to the SRM TWG for its ongoing work to ensure a clear, robust and up-to-date body of international labour standards;
 - (b) reiterated the importance of the SRM TWG and accordingly stressed the need for follow-up by Member States, social partners as well as by the Office to its recommendations as adopted by the Governing Body; and

- (c) requested the SRM TWG to take its guidance into account in continuing its work and that it continue to be kept informed of the functioning of the SRM TWG so as to allow it to undertake a further evaluation no later than March 2022.

(GB.341/LILS/5, paragraph 3, as amended by the Governing Body)

6. Procedure for the appointment of members of the Committee of Experts on the Application of Conventions and Recommendations (GB.341/LILS/6)

- 759.** The Governing Body had before it an amendment to the draft decision which had been proposed by GRULAC, which read:

The Governing Body, in the interest of a continuous improvement and strengthening of the ILO supervisory system towards full transparency, tripartism and geographical balance, decided to adopt henceforth the following procedure for the appointment of future members to the Committee of Experts on the Application of Conventions and Recommendations (CEACR):

- I. The CEACR shall be composed of 20 independent members, comprising five members per geographical region and covering a broad range of legal systems;
- II. Each member shall be elected for a six-year term, which can be renewed only once, unless there is tripartite agreement on not to renew it;
- III. In the period of six months before one of the CEACR members ends his or her term, the Governing Body shall establish an “ad hoc” tripartite committee tasked with making recommendations on the appointment of a new expert, or on the renewal of the term of the expert who has ended his or her tenure. The tripartite committee shall be composed of two members from each group and shall conduct its work under the following terms:
 - (a) the vacancy should be communicated as widely as possible within the relevant geographical region, in order to ensure the broadest possible pool of qualified applicants;
 - (b) suitable candidates from different countries within the geographical region concerned should be identified and interviewed by the tripartite committee;
 - (c) when deliberating on potential names to be recommended to the Governing Body, the tripartite committee shall give due consideration to the need to ensure proper balance among countries within the geographical region concerned;
 - (d) if the tripartite committee fails to reach consensus on a single name, it can submit a list comprising of up to three names to the Governing Body.

- 760.** The Governing Body also had before it a subamendment proposed by the Employers’ group, which read:

The Governing Body, in the interest of a continuous improvement and strengthening of the ILO supervisory system towards full transparency, tripartism and geographical balance, decided to adopt henceforth the following procedure for the appointment of future members to the Committee of Experts on the Application of Conventions and Recommendations (CEACR):

- ~~I. The CEACR shall be composed of 20 independent members, comprising five members per geographical region and covering a broad range of legal systems;~~

- III. Each member shall be elected for a ~~three~~ six-year term, which can be renewed ~~twice only once, unless there is tripartite agreement on not to renew it;~~
- IIII. ~~In the period of six months before one of the CEACR members ends his or her term, the~~ The Governing Body shall establish an “ad hoc” tripartite committee ~~tasked~~ mandated with identifying and making recommendations on the appointment of a new experts, or on the renewal of the term of the experts ~~who has ended his or her tenure~~. The tripartite committee shall be composed of two members from each group and shall conduct ~~its work under~~ the following ~~term~~tasks:
- (a) to review the existing criteria for the selection of new Experts;
 - (~~a~~b) ~~the vacancy should be~~ to communicated vacancies as widely as possible within the relevant geographical regions, ~~in order to ensure the broadest possible pool of qualified applicants;~~
 - (~~b~~c) to identify and interview suitable candidates ~~from different countries within the geographical region concerned should be identified and interviewed by the tripartite committee;~~
 - (~~e~~d) to give proposals for nomination of new Experts or renewal of the term of experts ~~when deliberating on potential names to be recommended to the Officers of the Governing Body, the tripartite committee shall give due consideration to the need to ensure proper balance among countries within the geographical region concerned;~~
 - (~~d~~) ~~if the tripartite committee fails to reach consensus on a single name, it can submit a list comprising of up to three names to the Governing Body.~~

761. The Employer spokesperson said that while the division of competence between the Committee of Experts and the Conference Committee on the Application of Standards remained formally valid, in reality the balance had shifted significantly towards the Committee of Experts over time. Its report was no longer just a preparatory report for the work of the Conference, but had become a self-contained document considered by many as the ILO’s official view on compliance with ratified Conventions, on the basis of which far-reaching decisions were now made. Tripartite influence on the supervision of ILO standards had diminished, as the Committee on the Application of Standards could only discuss a fraction of the assessments made by the Committee of Experts.

762. The Employers’ group therefore considered it necessary to review the process for appointing members of the Committee of Experts to ensure that it met the needs of tripartite governance in the supervision of ILO standards. The current criteria for the selection and appointment of experts addressed various required competencies but not the need for impartiality and independence. The identification of potential new experts was currently left to the Office, which supported the experts in preparing their assessments and therefore had considerable influence over them. From a governance and transparency point of view, it did not seem appropriate for those involved in shaping the work of the experts to also be the ones to identify them. Concerning the length of the experts’ mandate, the present maximum of 15 years was too long; it should only be possible to renew the three-year term twice. The resulting maximum of nine years would mean that, on average, two vacancies would have to be filled per year, which was administratively feasible. The Employers’ group proposed that an ad hoc tripartite committee should be created to review the professional profile of the experts, identify new candidates and collect proposals from the tripartite constituents, shortlist and interview candidates, and make proposals for new experts for approval by the Governing Body. After almost 100 years, the process of appointing members of the Committee of Experts warranted a review to ensure sound tripartite governance and transparency. The group’s proposed subamendment aimed to pave the way for such a process.

- 763. The Worker spokesperson** welcomed the fact that the Committee of Experts had almost reached gender parity and that geographical balance had been achieved. In addition to the experts' technical expertise, the principles of independence, objectivity and impartiality had been consistently upheld by the Conference and the Governing Body as the cornerstone of the Committee of Experts, and the Office must continue to play a central role in the identification of suitable candidates. The 15-year term limit for the Committee of Experts should be maintained, as it allowed experts to transition into the role, and ensured continuity and stability in the Committee and the development of the necessary expertise on the ILO standards for which the experts were responsible.
- 764.** The proposed amendment and subamendment intended to drastically change the current procedures and practices, which was inappropriate and unacceptable. The Workers could not accept the GRULAC amendment, as it politicized the whole selection procedure, would lead to the loss of the experts' impartiality, independence and technical expertise, and would undermine the credibility of the supervisory system. The Governing Body already had a role in deciding on the appointment of the experts, as its Officers made recommendations based on proposals from the Office. It should not be more involved in the process by appointing an ad hoc tripartite committee, as proposed in the amendment; the selection process should remain with the Office. If tripartite constituents organized interviews, experts would be subject to pressure from groups that were dissatisfied with the Committee's observations. There would also be a risk that technical expertise, impartiality and independence would no longer be the primary selection criteria. It was unacceptable that the amendment envisaged no role for the Office in the identification of experts.
- 765.** For the same reasons, the Workers' group could not support the Employers' proposed subamendment. The group was satisfied with the current selection process and criteria. The only change to which her group could agree would be for the Office to publicize vacancies in the Committee of Experts based on the current criteria to have the broadest possible pool of qualified applicants. It could also support the proposal for the Office to provide further details on candidates when submitting their names for appointment and renewal to the Governing Body. She therefore supported the original draft decision.
- 766. Speaking on behalf of the Africa group,** a Government representative of Lesotho said that to ensure that longstanding concerns regarding the appointment of experts were addressed, the Governing Body should be involved from the very early stages. The geographical diversity aspect was problematic for the subregions of Africa in view of the continent's geographical spread. The current selection and appointment procedures were subjective and therefore presented several bottlenecks in recruiting from a wide range of experts globally. Some selection criteria lacked transparency and clarity and should therefore be reviewed, namely "ability to accept the essentially administrative nature of the work combined with intellectual incisiveness", "sensitivity and openness to the views of ILO tripartite constituents" and "ability to influence or add a dimension to ILO work in the country in which the experts live". To increase transparency and inclusivity, vacancies should be communicated to the relevant bureaus of the regions as well as ILO regional offices. The Africa group did not support the draft decision proposed by the Office but would work with the proponents of the amendments to formulate a new draft decision aimed at achieving consensus. The Office should develop a new draft incorporating the subamendments by other groups to submit to the 343rd Session of the Governing Body.
- 767. Speaking on behalf of a large majority of countries of Latin America and the Caribbean,** a Government representative of Barbados said that the current selection

process should be revised and strengthened by increasing transparency, accountability, effectiveness and efficiency, with tripartite engagement and with a view to avoiding undue delays in recruitment. It had recently taken more than a year to complete the selection of one expert. Such shortcomings needed to be addressed to improve and strengthen the supervisory system. It was vital to give concrete meaning to the commitment in the Centenary Declaration to ensure the full, equal and democratic participation of constituents in the ILO's governance. That was why his group had proposed amending the draft decision to seek consensus among all tripartite partners. It was still considering the subamendment put forward by the Employers.

- 768. Speaking on behalf of IMEC**, a Government representative of Australia said that her group agreed that the characteristics of members being recognized experts, impartial, technically competent and independent were of vital importance to ensure that the Committee of Experts continued to enjoy the highest levels of authority and credibility in the ILO's supervisory system. The group supported the existing competitive and transparent appointment process ensuring that experts were chosen on the basis of their qualifications alone. Appointments were already based on tripartism, as they were made according to criteria developed by the Officers of the Governing Body and the final decision was always made by the Governing Body itself, not on proposals of countries of which candidates were nationals. IMEC endorsed the current selection methods, but was also in favour of a wider and more transparent outreach process when vacancies arose. The Committee itself had set the maximum term of 15 years, which enabled experts to fully understand the issues over time and engage in dialogue with constituents sometimes over many years. IMEC supported the Office in continuing to coordinate the recruitment process in accordance with the existing protocols so that appointments and reappointments were made in a timely manner. The group therefore supported the original draft decision.
- 769. Speaking on behalf of the EU and its Member States**, a Government representative of Germany said that North Macedonia, Montenegro, Albania and Norway aligned themselves with the statement. The EU and its Member States aligned themselves with the IMEC statement. Her group considered that the current selection process adequately safeguarded the need to ensure an outcome in which the impartiality and independence of new experts could not be questioned. She underscored the importance of filling the recent and upcoming vacancies in a timely manner in accordance with the principles outlined in the document and engaging in a more active and inclusive outreach, to enable the Committee of Experts' work to continue unimpeded. As the EU did not see any need to change the system, it supported the draft decision proposed by the Office.
- 770. A Government representative of India** said that the selection process should involve a public outreach programme with the publication of a call for expressions of interest in reputable international magazines and newspapers, and online. The ILO could send information on vacancies to relevant Member States to circulate to suitably qualified and experienced individuals, and consult relevant Member States before finalizing the selection of candidates for interview. The terms of reference of the Committee of Experts, where they existed, should be amended to make the selection process more inclusive and transparent.
- 771. A Government representative of Cuba** supported the amendment proposed by a large majority of countries of Latin America and the Caribbean, and expressed particular agreement with the criterion on equal geographical distribution for the selection of experts. She also highlighted the importance of respecting the principles of independence, objectivity and impartiality in the process for the selection of the

Committee's experts, which would help to ensure their authority and credibility. While her Government acknowledged the reluctance of some constituents to change the selection process, the door to discussions on the matter should not be closed.

- 772. A Government representative of Brazil** said that the current selection procedure was out of tune with the principles of transparency, efficiency, accountability, regional balance and tripartism, and differed greatly from the best practices and rules adopted in similar procedures in other international organizations. It was high time for the ILO to engage in a serious and open debate on improving the selection process. The proposed amendment and subamendment, and the views expressed by several Member States, attested to the legitimate concerns and expectations of constituents, and a constructive interest in discussing a new procedure. His Government did not accept the draft decision proposed by the Office; it fully supported the amendment proposed by a large majority of countries of Latin America and the Caribbean, and the subamendment tabled by the Employers. He suggested that the item be suspended in order for informal consultations to be held and the best tripartite solution to be found.
- 773. The Director-General** noted that the discussion showed the importance of the issue to all and the key role of the Committee in the life of the Organization. In his time as Director-General, the Committee's mandate had been attended by a degree of controversy over a wide range of issues. It was evident from the documents dating from the founding of the Committee, in 1926, that there had always been a clear distinction between the technical role performed by its experts, and the clear political role of bodies with a tripartite composition, such as the Committee on the Application of Standards. That division of responsibilities was fundamental to the way in which the Organization and its supervisory system operated and the manner in which experts were selected. Since the beginning – with a degree of evolution to address improvements such as the Committee of Expert's gender and geographical composition – the Office had initiated and presented recommendations to the Governing Body, which had final authority over appointments.
- 774.** He neither understood nor accepted the argument that the Office's involvement in that manner, alongside its responsibility for servicing the work of the Committee, was in some way improper or incongruous. The Director-General and the secretariat were held to certain standards of behaviour, including impartiality and independence of any constituent, in keeping with the preservation of the integrity and competence of the Office. In the case of the Committee that had been the case for a period of just under 100 years. The same was not true of the tripartite constituents, whose job was to represent political interests.
- 775.** The proposed amendments to the draft decision, which would transfer responsibility from the Director-General and the Office to constituents, were not compatible with the best way of preserving the independence and integrity of the experts. At the very least, that fundamental proposal, unmatched in the recent history of the Organization, required careful consideration.
- 776.** Nonetheless, improvements could always be made and there had been a number of proposals to improve the identification and selection processes, including interesting ideas about broader, more open processes. It would be sensible to explore those ideas to the fullest extent compatible with the preservation of the experts' integrity and independence and their protection from politicization. The Governing Body could examine the issue further in November 2021. It should be noted, however, that the Committee would require the renewal of the terms of eight members and the selection of two new members prior to November 2021, in order to maintain its critical function.

- 777. The Employer spokesperson** clarified that her group's proposal implied no criticism of the Office. It had been outlined in the Centenary Declaration that the Organization gained its strength from involving its tripartite constituents and from them having ownership of the Organization. Current good practice at other organizations of the UN system was to identify experts through a consultative group, which in an ILO context should be a tripartite consultative group. Her group's proposal was reasonable and timely. Noting that both colleagues and the Director-General had agreed that the issue would benefit from further discussion, her group was willing to work towards a consensus-based decision, and to continue the discussion in November to find a more modern, inclusive and transparent selection process.
- 778. The Worker spokesperson** reiterated that such an important issue should not be introduced without notice. An extensive debate had already taken place on the supervisory system, including the functioning of the Committee of Experts and the Committee on the Application of Standards and other areas, and no call to discuss the criteria for selecting experts had been made at that time. The discussion under way pitted transparency against independence. The Workers would not engage in any exercise that endangered the necessary integrity and independence of the experts, nor the integrity and independence that underpinned the credibility of the ILO's supervisory system, which was among the best in the world.
- 779.** Recalling the need to renew and appoint a number of experts in 2021, she called for the Office to act on the suggestion to communicate vacancies as widely as possible, set out in subparagraph iii(a) of the amendment proposed by GRULAC. As for the rest of the proposed amendments, the issue was too complicated, too sensitive and had not been fully discussed. Her group would not agree to adopt a decision that would prejudice further discussion on the issue. The Workers supported the proposal by the Director-General to consider how to improve current practice, rather than enter into consequential and detrimental changes to the selection process.
- 780. A Government representative of Brazil** said that, while he did not agree with all of the comments made by the Director-General, he welcomed the proposal that the Governing Body should give further consideration to the issue. He disagreed that there had been inadequate time to prepare for the discussion, as the current session covered a period of two weeks and some agenda items would inevitably be discussed at the end of that time period.
- 781.** With respect to the argument that changing the selection process could infringe upon the experts' impartiality or independence, it should be noted that the tripartite Governing Body was responsible for selecting the Director-General, yet no one would argue that his impartiality, objectivity or independence was affected by that process. The proposal by GRULAC was firmly grounded in the safeguards that any selection process should have in place to ensure, beyond any doubt, the impartiality, objectivity and independence of any expert. The process used by the UN Human Rights Council to select its independent experts involved Member States, and he challenged anyone to state that that process had resulted in the selection of dependent, partial and non-objective experts. His group's proposals were intended to improve the system, which was almost 100 years old, because things changed and were reformed, and the discussion was taking place in a context of attention to increased coherence at the multilateral level. His Government was willing to engage in a conversation about how to move forward on the issue for the benefit of all.
- 782. The Chairperson** recalled that the document provided was intended to inform the Governing Body about the existing selection process. There appeared to be broad

consensus on the need to communicate posts more widely in future. It did not appear to be possible to enter into discussion on changes to systems and procedures at the current time. She therefore suggested that the draft decision should be amended by inserting the following phrase at the end of the sentence: “and requested the Office to prepare a document for its 343rd Session (November 2021) taking into account the discussion held”.

783. The Worker spokesperson said that, while her group could accept the amended draft decision read out by the Chairperson as a way forward, that would be on the understanding that the further discussion which would take place in November would not be used to block the renewal of terms and filling of vacancies of Committee experts, and that the groups that had proposed amendments, GRULAC and the Employers, would provide clear reassurances on that matter, in order for the Governing Body to work together in full confidence and good faith.

784. Speaking on behalf of GRULAC, a Government representative of Barbados agreed that further discussion on the issue was needed. His group proposed a subamendment to the amended draft decision read out by the Chairperson: following the words “to prepare” the words “in consultation with the tripartite constituents” should be inserted.

785. The Employer spokesperson supported the proposal by GRULAC to subamend the amended draft decision. It seemed self-evident that the preparation of the document should be undertaken in consultation with the tripartite constituents.

786. The Worker spokesperson said that she was not in favour of extensive consultations with the tripartite constituents; what had to be prepared was clear. The amended draft decision should be adopted as read out by the Chairperson.

Decision

787. The Governing Body took note of the information provided by the Office in document GB.341/LILS/6 and requested the Office to prepare a document for its 343rd Session (November 2021) taking into account the discussion held.

(GB.341/LILS/6, paragraph 21, as amended by the Governing Body)

► Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

1. The Director-General’s Programme and Budget proposals for 2022–23 (GB.341/PFA/1)

788. The Director-General presented his programme and budget proposals in his opening remarks to the Governing Body. The statement is reproduced in its entirety in Appendix I.

Executive overview, enabling outcomes and draft budget

789. The Employer spokesperson said that the current Programme and Budget proposals for 2022–23 failed to meet her group’s expectations in both shape and form. Despite the Employers’ requests made at the previous session of the Governing Body, the current proposals did not indicate any intention to develop a comprehensive strategy for

productivity growth. The reference to decent work and productivity, tabled for discussion under another agenda item at the current session, was insufficient and did not reflect the emphasis placed on that matter in the ILO Centenary Declaration for the Future of Work (Centenary Declaration). Furthermore, the proposals did not take into account her group's request for a stand-alone outcome for social partner organizations. The Employers' primary concern regarding the current draft related to programming and the reflection of the importance of tripartism in the ILO, rather than the level of resources. As the ILO is the only multilateral organization in which the social partners are constituents, its budget should respond to and reflect constituents' priorities, requests and real needs. It was therefore disappointing that the structure of the current draft had changed little from that for the previous biennium, prior to the coronavirus disease (COVID-19) crisis.

- 790.** Regarding planned budget reallocations, it was unclear whether the proposed creation of eight new technical positions was based on a gap analysis in relation to constituents' needs and the provision of existing human resources. She reiterated the Employers' request for productivity specialist positions to be created both at headquarters and in decent work teams. Since the proposed new unit to drive innovation and knowledge across the Organization could overlap with the functions of the knowledge management coordination team, it would be more effective to update the role of the existing team than to establish a new unit. As an alternative, the Employers would propose the creation of a productivity unit, reiterating the need for clear commitment in discussions on the matter. The Employers also wished to renew their appeal to increase the budget for output 1.1 on increased institutional capacity of employer and business membership organizations.
- 791.** The current proposals failed to address her group's calls for transparent budgets at the output level as well as the outcome level; consequently, it was impossible to appreciate the adequacy of the proposed budgets for each policy area. Table 2 of the document presented the strategic budget at the outcome level only, and it was unclear how much of the estimated extrabudgetary expenditure for outcome 1 employers' activities would receive. While the regular operational budget for employers' activities was available in Annex 1, there was no information regarding the extrabudgetary expenditure for each output. She asked the Office to confirm whether output 1.1 would benefit from the significant increase in estimated extrabudgetary expenditure forecast for outcomes 1, 2, 5, 7 and 8. The information in Annex 4 on regular budget source attribution to policy outcomes also remained solely at the outcome level and was not insightful. Regarding the results framework, it was highly regrettable that the Office had still not proposed an indicator for outcome 1. Lastly, Governing Body decisions relating to productivity, global supply chains and OSH could fundamentally change the way in which the Office approached such issues in order to provide support to constituents, requiring possibly a revision of the results framework and an expansion of the political and operational ambition for change.
- 792. The Worker spokesperson** said that the recovery from the COVID-19 crisis must address both the direct consequences of the pandemic and the flaws of the current development model. The ILO must support its constituents in recovering from the pandemic and building resilience, in line with the provisions of the Centenary Declaration. The promotion of the ratification and application of standards was rightly embedded in all outcomes. Freedom of association and collective bargaining should be a priority in all regions; the paragraphs of the document that set out regional priorities should be updated accordingly. She welcomed output indicators 3.1.3 and 6.3.1 which established targets relating to standard-setting. It was regrettable that, with the exception of those

under outcome 1, only three output indicators referred to policies developed in cooperation with social partners. The results framework should refer to the need for social dialogue when developing policies, as should the detailed technical notes referred to in paragraph 22.

- 793.** She welcomed the reference to capacity-building for social partners under each outcome, and supported the central role of the International Training Centre of the ILO (Turin Centre), which should be safeguarded. The Office should seek an appropriate balance between digital and face-to-face activities. The list of priorities in all regions, not just Europe and Central Asia, should include the development of pro-employment and macroeconomic policies in light of the impact of global supply chains on decent work. She noted the increasing number of references to innovation in recent programme and budgets, including specific innovation facilities and tools. However, she asked how the proposed new unit to drive knowledge and innovation would add value to existing facilities. She reiterated the importance of addressing the digital divide and considering digitalization from a user perspective. It was positive that platform work and teleworking were increasingly regulated in Latin America. Furthermore, the growing reliance on digital tools had an environmental impact that could not be ignored.
- 794.** Her group recognized the zero-real growth in the budget, which was welcome in view of the financial constraints on Member States caused by the COVID-19 pandemic. She welcomed the increased budgetary allocation for policy outcomes and regional programmes, the redeployment of funds resulting from cost reductions and the proposal of eight new technical positions. UN resident coordinators should effectively engage with workers' and employers' organizations to ensure that their priorities and international labour standards were taken into account in UN Sustainable Development Cooperation Frameworks (Cooperation Frameworks) and country priorities. She agreed with the establishment of a full-time ethics officer position and supported investments in the Office's information technology systems. Noting differences in regional resource attribution to the eight policy outcomes, she sought an explanation as to why outcome 5 had the highest percentage of regional attribution whereas outcome 2 had the lowest, which seemed counter to the objective of mainstreaming standards in the ILO's work.
- 795.** Her group supported the three revised enabling outcomes. Digital tools should be used alongside policies relating to privacy and workplace surveillance. However, it would be important to consult the Staff Union when developing effective human resources policies and mechanisms in that regard. She asked whether the virtual outposting of technical experts referred to in paragraph 233 would entail the recruitment of new staff members, or whether current staff would be temporarily redeployed. Recognizing the ongoing work of the Chief Executives Board for Coordination Task Force on the Future of the United Nations System Workforce, she emphasized that the ILO would have to continue granting permanent contracts to some staff and secure decent working conditions for its short-term employees. Lastly, she asked how the Security Operation Centre referred to in paragraph 236 would be operated, by whom and from where.
- 796. Speaking on behalf of the Africa group,** a Government representative of Eswatini agreed that the Programme and Budget proposals for 2022–23 should be aligned with the Centenary Declaration and operationalize the ILO's Strategic Plan for 2022–25. Noting that the revised enabling outcomes took into account regional and national contexts and constituents' needs, she highlighted that the activities to be undertaken in Africa should be implemented in the context of the Abidjan Declaration on shaping the future of work in Africa. Greater cooperation was required between the ILO and

constituents at country level. Cooperation Frameworks would foster synergies between sustainable development programmes and Decent Work Country Programmes (DWCPs).

- 797.** She welcomed the redeployment of funds towards the increased use of information technology, and encouraged the Office to continue efforts to reduce the digital divide and maintain social dialogue for those affected by restrictions on meetings and travel owing to COVID-19. She asked how the proposed unit to drive innovation and knowledge would add value to the existing framework, how many staff members it would include and whether the eight new technical positions mentioned in the document included those staff members. Lastly, she supported the creation of a full-time ethics officer position and of five positions to support the delivery of regional programmes.
- 798. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC),** a Government representative of Barbados noted the links between the Programme and Budget proposals for 2022–23 and the ILO’s Strategic Plan for 2022–25, and the centrality of the Centenary Declaration in the ILO’s work on COVID-19 recovery.
- 799.** There was a good balance in the eight policy outcomes between continuing to implement the Centenary Declaration and adapting activities to meet the challenges of the COVID-19 crisis. The section in each policy outcome related to persisting challenges, emerging needs and opportunities was a useful tool to achieve such balance. The policy outcomes should continue to reflect a people-centred, gender-responsive and inclusive approach.
- 800.** He welcomed the recognition of the need to tailor ILO support and cooperation to regional and national needs and realities and highlighted the priorities for his region set out in paragraph 30. Furthermore, the ILO should continue to participate actively in the UN reform process. The redeployment of resources under the draft budget for the biennium would equip the Office to better tackle issues related to occupational health and safety at work, social protection, statistics and innovation. He welcomed the planned recruitment of a full-time ethics officer, who must be independent and follow UN guidelines. The ILO should be an example of constant improvement in the well-being of its workers and a healthy work culture.
- 801.** Despite the efforts to achieve a zero-real-growth budget and gain efficiencies and savings, the nominal increase of 1.6 per cent would be challenging for several Member States. He asked the Office to confirm whether the increase would be covered by voluntary contributions, or whether proposals to avoid or reduce it would be presented. He asked whether the lessons learned from the new ways of working due to the pandemic had been taken into account, and whether the budget proposals included the flexibility to adapt to possible future changes, such as those required by the COVID-19 pandemic. He asked the Office to clarify the process for the redeployment of resources and priorities, which had generated more than US\$10 million in savings. Lastly, he welcomed the information provided in the annexes to the document relating to the monitoring of outcomes and the linkages established with targets of the Sustainable Development Goals (SDGs).
- 802. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of China expressed appreciation for the Office’s efforts to improve the document, including through informal intersessional consultations. He noted with satisfaction that the overall structure of the Programme and Budget proposals for 2022–23 was consistent with that of the Programme and Budget proposals for 2020–21, which would allow the constituents to track progress and reveal lessons learned. He thanked the Office for including the comparison of resource allocations between the

current and next biennia. Welcoming the supplementary information provided, and the fact that the impact of the COVID-19 pandemic was reflected in the document, he said that the Programme and Budget proposals for 2022–23 must facilitate the constituents' efforts towards a sustainable recovery from the COVID-19 crisis. The Office should follow any guidance issued by the Governing Body during its discussion on a potential outcome document to be adopted by the International Labour Conference on a global response for a human-centred recovery from the crisis (GB.341/INS/4), and ensure that budgetary resources were available to achieve the goals set out in that document, including to address country-specific needs.

- 803.** He commended the creation of eight new technical positions and a new full-time ethics officer position and noted with appreciation the proposed new unit to drive knowledge and innovation and the proposed redeployment of more resources from the back office to the frontline to strengthen support in the field. While he welcomed the inclusion of references to regional contexts in the executive overview, it was regrettable that skills and lifelong learning were not on the list of priorities for his region. Further attention should also be given to new forms of employment, such as the platform and digital economies. He also noted that that his region had been allocated only 34.7 per cent of the total resources for programmes and field operations and partnerships, despite accounting for 61 per cent of the world's working population. That should be taken into account when allocating resources in the next programme and budget. In the light of the financial difficulties being faced by many Member States as a result of the COVID-19 pandemic, he noted the trajectory towards a zero-real-growth budget and asked the Office to continue to maximize efficiency and effectiveness and ensure value for money across the Organization.
- 804.** Concerning the enabling outcomes, his group was in favour of the ILO providing more cutting-edge research products driven by the needs of Member States and regions under outcome A, in collaboration with relevant partners at the global level. He highlighted the targets relating to enhanced partnerships (output A.4) and called on the Office to step up its efforts to achieve the fundraising targets outlined in the results framework. Expressing support for outcome B, he emphasized that the Office must continue to learn from experience and support the Governing Body in fulfilling its mandate, particularly in the context of virtual meetings. He recognized the benefit of a reinforced oversight and evaluation function. Expressing his group's support for outcome C, particularly the goal of workforce diversity (output C.3), he highlighted the importance of addressing geographical diversity and representation.
- 805. Speaking on behalf of the group of industrialized market economy countries (IMEC),** a Government representative of the United Kingdom of Great Britain and Northern Ireland thanked the Office for once again issuing the document well in advance of the session and reaffirmed IMEC's unwavering support for the work of the Office. She welcomed the Programme and Budget proposals for 2022–23 and commended the Office's continued commitment to the pursuit of efficiency gains and improvements in organizational performance. IMEC strongly supported the objectives of strengthening the ILO's research capacity and knowledge base. Further information would therefore be appreciated on the proposed new unit for innovation and knowledge management, including on its location and staffing, and on how the participation of appropriate policy experts across the Office would be ensured. Efforts made to contain costs and direct resources to organizational priorities were appreciated; the acknowledgement that resources for important infrastructural investments would be found within the proposed zero-growth budget was also welcome.

- 806.** IMEC commended the revision of the three enabling outcomes. Outcome A was critical to the work of the ILO, and the *ILO Monitor: COVID-19 and the World of Work* demonstrated that the ILO could provide valuable, timely and reliable research and data to constituents to inform policymaking. Indeed, the outcome of collaboration was often greater than the sum of its parts. On outcome B, she said that a COVID-19 outcome document to be adopted by the International Labour Conference would demonstrate the ILO's leadership. The application by the ILO of the "three lines of defence" model for risk management and internal control, adopted by the United Nations High Level Committee on Management, was welcome, in particular the focus on the major risks posed by the COVID-19 pandemic on decent work financing, as well as risks of cyberattacks and cybercrime. Outcome C was particularly critical given the tremendous financial pressure on the global economy in the light of the impacts of the COVID-19 pandemic. Those outcomes, together with the strengthening of knowledge management, were appropriate core institutional priorities, which would optimize the implementation of the Centenary Declaration.
- 807. Speaking on behalf of the European Union (EU) and its Member States,** a Government representative of Germany said that North Macedonia, Montenegro, Albania and Norway aligned themselves with her statement and the IMEC statement. She welcomed the integrated proposal combining regular and extrabudgetary expenses, and commended the continuity in the presentation of the results framework. The consistent application of zero-real growth was also welcome. The EU encouraged the Office to seek funds from extrabudgetary resources. Recovery from the COVID-19 pandemic required evidence-based policies. The ILO's work in the area of research, statistics and knowledge management was crucial to promote integrated policy approaches for inclusive and sustainable economic and social recovery. Despite the need for business continuity, the adaptation of the budget in response to the pandemic was particularly commendable. Further clarity would be welcome on how the proposals would respond to the impacts of the pandemic. Overall, the programme and budget, as proposed, would provide guidance needed by the Office while also allowing for a degree of flexibility. With respect to enabling outcome A, the Office should issue multilingual publications where appropriate. In a spirit of transparency and accountability, information about studies should be released simultaneously to all parties, rather than to journalists first and then to governments.
- 808. A Government representative of Bangladesh** expressed support for the ASPAG statement. He welcomed the proposals and said that the pre-sessional informal consultations had been particularly useful. The Office's efforts to make efficiency gains, reprofile existing posts and move resources to frontline technical services were much appreciated. The Office should continue to improve performance using existing financial and human resources. The human-centred approach to recovery from the COVID-19 pandemic was well reflected in the policy outcomes. Due account must be taken of the fact that the pandemic was affecting developing countries, in particular least developed countries, disproportionately. Information would be welcome on measures taken by the Office to safeguard the rights of migrant workers and other vulnerable groups of workers, especially those in conflict-stricken areas, during the pandemic.
- 809.** The establishment of new posts was welcome; the policy of fair and equitable geographic distribution must be upheld in the workforce at the global and regional levels. Further information would be appreciated on how the new unit for innovation and knowledge management would be funded. Consideration should be given to establishing linkages between the state of a country's labour rights and its socio-economic profile, macroeconomic health and culture of work, in the context of the implementation of the

Centenary Declaration, with a view to bridging the gaps in labour standards' application between Member States.

- 810. A Government representative of the United States of America** said that the flexibility and innovation that had kept the work of the ILO going during a very difficult year were particularly commendable. The proposals acknowledged the relevance of the ILO's mandate, mission and work as the world struggled to recover from the COVID-19 pandemic. With regard to the proposed zero-real growth budget, her Government appreciated the Director-General's mindfulness of the fiscal constraints countries were facing, particularly as a result of COVID-19 response measures. While her Government was a strong advocate of the Decent Work Agenda, it supported zero-nominal growth across the UN system and therefore urged the Office to cover any potential budget increase from efficiency savings. Member States should be provided with a zero-nominal-growth scenario, identifying areas where further efficiencies could be made.
- 811. A Government representative of the Russian Federation** welcomed the focus on the implementation of the Centenary Declaration, the achievement of the SDGs and the recovery from the COVID-19 pandemic. While the proposals were based on zero-real growth, they did not take account of the current exchange rate between the United States dollar and the Swiss franc, which could skew the figures and result in an actual budget value of some US\$50 million more than projected. He asked why the actual exchange rate had not been used. He welcomed the establishment of the new unit for innovation and knowledge management and requested further information on its staffing, terms of reference and funding sources. The creation of new posts was also positive. Clear information should also be provided on the Office's approved staffing levels, in particular with regard to the number of posts, the reclassification of existing posts, and the approval of new posts. Funding for UN resident coordinators should come from efficiency gains or voluntary sources. Further justification should be given of the grounds for investment in information technology for the Office. Adequate resources must be allocated to multilingualism, including ensuring appropriate staffing of the translation sections to guarantee the necessary quality of work.
- 812. A Government representative of China** expressed support for the ASPAG statement and appreciation for the Office's efforts to take account of the impact of the COVID-19 pandemic in all the outcomes. The background analysis for each region would facilitate the provision of targeted services to the constituents. Despite being based on zero-nominal growth, the proposals would result in an increase in the nominal dollar budget of 1.63 per cent, or US\$12.9 million, which would translate into a de facto increase in Member States' contributions. Given that the COVID-19 pandemic was leaving public finances so overstretched, the proposal for a zero-real-growth budget was of particular concern. Internal management must be enhanced, and efficiency in the use of funds increased. Savings made during the pandemic must be put to optimum use to serve the constituents.
- 813.** Further information on the proposed new structures and posts would be appreciated. The Human Resources Strategy 2018–21 must be taken fully into account in staffing the new unit on innovation and knowledge management, and in filling new posts: priority should be given to candidates from under-represented States. Lastly, in view of the impact of the COVID-19 pandemic on employment and gender equality, he hoped that the Office would increase its efforts to mobilize resources and work towards increasing extrabudgetary funding for policy outcomes 3 and 6.
- 814. A Government representative of Brazil** expressed support for the GRULAC statement and for the general framework of outcomes and outputs, which were aligned with the

objectives of the Centenary Declaration. He highlighted the efforts to address some of the urgent issues in his region, such as the focus on facilitating transitions from the informal to the formal economy, and the importance of developing workers' skills to tap opportunities created by technological change and digitalization. In view of the current fiscal constraints worldwide that had been aggravated by the COVID-19 response, however, the nominal budget increase of 1.6 per cent or any other increase in assessed contributions was neither realistic nor advisable. He urged the Office to consider possible adjustments to expenditure or to use saved resources to avoid any increase.

- 815. A Government representative of Germany** expressed support for the IMEC and the EU statements. She said that her country supported a zero-nominal-growth budget in international organizations, including the ILO, and whether an exception could be granted had yet to be decided.
- 816. The Employer spokesperson** expressed her appreciation for the comments from Governments, including those concerning levels of contributions. The Organization's work in all regions needed to adapt to the current economic crisis. Its strength in the UN system lay in its unique tripartite structure, which made it close to employers and workers in the real economy, who needed to be supported and strengthened. The ILO could make a real difference on the ground through its strategy for strengthening both capacity-building and productivity, which would contribute to coming out of the crisis, and would be judged in terms of that difference. The budget should reflect that the ILO was taking up those challenges.
- 817. The Worker spokesperson** said that the devastating impact of the COVID-19 pandemic would be difficult to address with a zero-growth budget. Her group understood the concerns expressed by Governments, however.

Policy outcomes

- 818. The Worker spokesperson** said with regard to policy outcome 1 that her group was pleased that the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), were mentioned under output 1.4, but would have liked to see them mentioned explicitly in paragraph 67. She expressed surprise that output 1.4 no longer referred to improving access to labour justice, which was an element of SDG 16 and particularly target 16.3. She sought assurances from the Office that it would continue to provide technical assistance to enhance access to justice in labour dispute resolution. The wording on collective bargaining and workplace cooperation had been improved, but indicator 1.4.2 should be divided into two separate indicators. The Office should strive to publish the second edition of the flagship report on the strategic objective of social dialogue and tripartism in 2023, including an update on collective bargaining, and develop outcome indicators to measure progress and trends as soon as possible.
- 819.** Under outcome 2, her group welcomed the focus on standards and supported the new output aimed at strengthening capacity to apply sectoral standards, guidelines and codes of practice, particularly given the impact of the COVID-19 crisis on specific sectors and the urgent need to ensure decent work across sectors as a part of an inclusive recovery, including in global supply chains. However, the list of sectors in paragraph 88 omitted elements such as the follow-up work agreed in forestry and transport. She asked who the new partners in paragraph 87 were. The Office should increase the target under indicator 2.1.1, which was low in view of the goal of universal ratification of the fundamental Conventions, and the target under indicator 2.2.2, which represented a key

aspect of the added value that the ILO brought to the UN system. She asked why Europe was omitted under indicator 2.4.1.

- 820.** The Workers' group supported the focus of outcome 3. Further information on the updated methods and more effective approaches to policy advice and data collection would be helpful. Output 3.3 should be stronger on international labour standards; the Office should actively promote those contained in the annex to the ILO Guidelines for a just transition. The reference to "*client-centred services*" in paragraph 118 implied a commercial aspect that did not reflect the role of the ILO; the link with decent wages should also be made.
- 821.** Outcome 4 should refer specifically to collective bargaining as the key tool for improving working conditions. The reference in paragraph 128 to regulatory constraints should not undermine the regulatory role of States. The Office should take account of the debate under GB.341/POL/2 to guide the ILO's work on productivity enhancement and ensure tripartite involvement. Output 4.3 made no reference to standards; the guidance contained in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), on the need to adopt a rights-based approach to formalization should be taken into account in the Office's work. Her group fully supported the work envisaged under output 4.4, but the target for indicator 4.4.1 should be increased.
- 822.** Under outcome 5, the greater focus on lifelong learning was welcome, but should be linked with free, public and quality education. Further information on the "big data tools" and "innovative financing models" referred to in paragraphs 146 and 148, respectively, would be helpful. There was a need to involve workers' organizations in the development, implementation and monitoring of skills policies. Discussion of the revision of laws and systems to modernize apprenticeships in paragraph 152 should refer to the proposed standard on apprenticeships. The focus on promoting science, technology, engineering and mathematics (STEM) skills for women should be balanced by concern for students' holistic development and their own interests. With regard to output 5.4, her group welcomed the acknowledgement of the digital divide and the prospect of partnership with the International Telecommunication Union (ITU). She asked why Europe and Central Asia were not included in some target indicators under outputs 5.1, 5.2 and 5.3.
- 823.** Her group welcomed the focus of outcome 6 on addressing gender inequality in the world of work by promoting investment in the care economy, decent jobs and fairer sharing of family responsibilities, and on the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, and equal pay for work of equal value. There was also a need to address wages for care economy workers. The references to ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and disability inclusion were welcome. She asked why the Arab States were omitted from some target indicators under outputs 6.1, 6.2 and 6.3 and noted that two regions were omitted from indicator 6.2.2. The four targets under indicator 6.2.2 and the target for Asia and the Pacific under indicator 6.3.1 should be increased.
- 824.** Her group welcomed outcome 7, specifically on preventing the informalization of jobs and addressing regulatory gaps concerning digital platform work, worker privacy and personal data protection. The new ratification campaign for occupational safety and health (OSH) Conventions was also important. Partnerships with the private sector should be concluded only with companies that respected fundamental rights and principles at work. The promotion of the ratification of fundamental Conventions with a focus on Conventions Nos 87 and 98 was welcome, but the ILO should set more ambitious ratification targets; the targets under indicator 7.1.1 should also be increased.

Work on wages was a priority for her group, which expected the ILO to continue to support the evidence base for adequate wages as well as the social partners' involvement in statutory wage-setting processes. She asked why some target indicators under outputs 7.1 and 7.3 did not include the Arab States.

- 825.** Outcome 8 was important for recovery from the COVID-19 crisis and building resilience. Paragraph 198 should be expanded to refer to universal access to social protection. Furthermore, paragraph 204 should also refer to promoting the social partners' involvement in the governance of social security, such as through participation in national social security councils. She requested additional information on the use of big data to enhance the statistical capacities referred to in paragraph 205.
- 826. The Employer spokesperson** noted that the ILO Declaration on Fundamental Principles and Rights at Work was addressed to Member States and therefore it was governments, not companies, which made commitments to it.
- 827.** With regard to the policy outcomes, her group acknowledged the appropriate descriptions and the relevance of a number of activities for several policy outcomes, particularly outcome 5 on skills. The group's extensive comments on policy outcomes at the November 2020 session of the Governing Body largely remained valid.
- 828.** Regarding outcome 1, the Employers' group maintained its insistence on having a stand-alone outcome for employers' and workers' organizations. Limiting the existence of social partner organizations to social dialogue alone would lower their standing and send an inaccurate political signal. Strengthening their capacities should not be mixed with support to public institutions and social dialogue processes, as diluting their nature, mandate and mission could render their budgets opaque. Employers' organizations were solid business organizations that offered a range of services to the private sector, including but not limited to social dialogue. Tripartism depended on the existence of strong, independent social partner organizations, and ILO programming should reflect that separately from a policy perspective. In the wake of the COVID-19 crisis, substantial, targeted attention would be needed to rebuild the institutional capacities of employers' and workers' organizations. Employers' organizations anticipated declining income and membership challenges, despite their strong leadership role in maintaining business continuity and combating informality during the crisis.
- 829.** The mandate of the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) was inaccurately reflected in paragraph 21 of Information Annex 1, which not only failed to recognize their core foundational work of building strong and effective social partner organizations but also made it appear that the promotion of social dialogue was their responsibility alone, when it should be a cross-cutting objective across all outcomes.
- 830. Speaking on behalf of ASPAG,** a Government representative of Japan welcomed the continuity and policy coherence of the current programme and budget and the balanced approach to the COVID-19 response. Regarding outcomes 1 and 2, he commended the Office for supporting the institutional capacity and resilience of labour administrations and the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG) in promoting a clear, robust and up-to-date body of international labour standards. The Office should explore more effective measures to simplify and streamline the reporting obligations of governments. He reiterated his group's request for a more inclusive and balanced indicator for outcome 2 that reflected all outputs, with a view to ensuring an objective and comprehensive representation of the situation faced by Member States. Regarding outcome 3, it is important to increase capacity of Member States to formulate

and implement national employment policies in response to the COVID-19 crisis and addressing transitions to decent work over the life course, with particular focus on young and older persons is of great value. The proposed capacity-building activities under outcome 4 were welcome and should take into account the practical needs and national circumstances of Member States. Regarding outcome 5, while strengthening inclusive skills and lifelong learning policies with strong emphasis on gender equality is strongly supported, it was vital to increase the resources allocated to programmes in Asia and the Pacific, which were lower than for other regions. Outcome 6 was particularly important as COVID-19 had increased the burden of unpaid care work, which was a driver of gender inequalities. In respect of outcomes 7 and 8, the ILO should strengthen its efforts and play a leadership role with regard to ensuring adequate and effective protection at work and comprehensive and sustainable protection for all. The Office should develop a fit-for-purpose means of monitoring any progress, including anecdotal evidence and good practices relating to the recovery from the COVID-19 crisis, when implementing programme and budgets for the current and next biennium. It should also provide detailed information on the matter in programme and budget implementation reports for the current and next biennium for consideration by the Governing Body. He encouraged the Office to pursue the discussion with constituents on the need to develop a specific indicator for the evaluation of COVID-19-related responses in future biennia.

831. Speaking on behalf of IMEC, a Government representative of the United States welcomed the eight proposed policy outcomes and outputs and the aim of the Programme and Budget proposals for 2022–23 to scale up the Better Work flagship programme. However, with regard to outcome 3, just transitions should be included as a priority for all regions to ensure that no one was left behind. It would be useful to have further information on the new Just Transition Innovation facility. Her group appreciated and encouraged the planned work on global supply chains under outcome 4 and welcomed the fact that the issue of gender equality was not limited to outcome 6. However, it noted with concern the decline in the estimated extrabudgetary expenditure under outcome 6. Regarding the proposed policy output indicators, a clearer reflection of the ILO's role in the completion of actions by Member States was needed in order to assess the Organization's performance. She requested more information on the qualitative criteria specified in the Office-drafted technical notes that would form the basis for measurement, monitoring of progress and reporting of results at the output level, with a view to strengthening the targets and indicators, as well as details of how they might be improved.

832. Speaking on behalf of the Africa group, a Government representative of Eswatini said that the proposed work to be carried out at the country level under the eight policy outcomes must be prioritized and emphasis placed on streamlined national activities aimed at providing support for businesses to increase employment opportunities as part of the response to the COVID-19 crisis. The programme and budget should pay special attention to vulnerable groups, particularly young people, who were most affected by unemployment in many countries. The proposed work to increase the capacity of Member States to formulate and implement labour market programmes and employment services for transitions to decent work over the life course was commendable. However, the projected impact of the interventions indicated in the results framework, in which only seven of the 22 target Member States were from Africa, was unsatisfactory. She requested the Office to include the Africa-based labour administration centres in the envisaged training partnerships with the Turin Centre referred to in the document.

833. Speaking on behalf of EU and its Member States, a Government representative of Germany said that the Candidate Countries North Macedonia, Montenegro and Albania and EFTA country Norway, member of the European Economic Area, aligned themselves with her statement and the IMEC statement. Noting the willingness to strengthen human resources at the ILO, she expressed the hope that future recruitment based on the skills of candidates would take into account gender and regional balance, as well as appropriate language skills. Further clarification on the motivation behind the initiative to establish a new unit to drive innovation and knowledge across the Organization would be appreciated. It would be useful to receive feedback on the plans to improve productivity and on the conceptual framework for productivity ecosystems presented under outcome 4. Information on how results would be achieved in the informal and care economy, and in data protection, would be welcome. Further details on the proposed global programme on skills and lifelong learning under outcome 5 would also be appreciated. She asked the Office to consider how links with future International Labour Conferences could be established, and how the programme and budget could still take into account the issues that needed to be discussed at the upcoming International Labour Conference. Regarding outcome 6, it was important for the issue of gender equality and equal opportunities and treatment for all in the world of work to be addressed holistically across all sectors. More robust action was necessary with respect to encouraging the ratification of ILO instruments. The non-attachment of platform economies to national environments posed a significant risk and should be added to the ILO Strategic Risk Register.

834. A Government representative of the United Kingdom of Great Britain and Northern Ireland expressed support for the IMEC statement. He encouraged greater emphasis in the programme and budget proposals on inclusive strategies, particularly gender-responsive and disability-inclusive strategies. It was important to improve constituents' capacity to provide disaggregated data in order to facilitate inclusive policymaking. There was an urgent need to close gaps in social protection coverage and for greater integration and coordination between social protection, employment, economic and fiscal policies. Information on the Office's work on the informal economy, which constituted the largest part of the global labour market, would be of interest. He encouraged the ILO to develop work on gender-responsive social protection in collaboration with the Social Protection Inter-agency Cooperation Board, ideally to develop shared guidance and a common set of priorities. It would have been helpful to have more detail in the document on the research that the Office planned to carry out and the policy guidance that the ILO intended to deliver. The proposed programme of work should focus more on climate change and just transitions, as those were important cross-cutting issues for employment, both in terms of opportunity and impact. In terms of the Office's overall budget proposal, his Government advocated zero-nominal growth in all UN budgets. As the pandemic had had a significant impact on government spending, his Government hoped that the Office would have sought to avoid an increase through additional efficiencies.

835. The Employer spokesperson reiterated that there was no clear rationale for the development of output 2.4 on sectoral international labour standards, codes of practice and guidelines. Her group was strongly against the development of sectoral strategies, which would result in the duplication of unrelated strategies, coordination difficulties and stretched resources. On the contrary, more synergies were needed as resources were limited. The output should therefore be deleted and its content integrated into other relevant outcomes and outputs. She also reiterated her group's request for output 4.4 to be deleted, as its language was inconsistent with that of the ILO Centenary

Declaration and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and not in line with accepted references. It was important to recall that ILO standards applied to States and not to companies, as the current wording of the output suggested.

- 836. The Worker spokesperson** said that contrary to the Employers, her group was strongly in favour of sector-specific approaches, particularly in light of the impact of the pandemic on certain sectors, and therefore opposed the deletion of output 2.4. The Workers also wished to keep output 4.4 and maintain the wording of the title. However, further discussions could be held on the MNE Declaration and the ILO should examine the role of companies in that regard.

Office response

- 837. The Director-General** presented his replies to the discussion on the Programme and Budget proposals for 2022–23 (his statement is reproduced in [Appendix II](#)).
- 838. A representative of the Director-General** (Director, Strategic Programming and Management Department) thanked the Governing Body for its guidance, which he said would be taken into account in the implementation of the Programme and Budget for 2022–23. On outcome 1, the term “labour justice”, included under output 1.4 in the preview document, had been removed in the light of comments made during informal consultations in an effort to align the language with that of the resolution emanating from the second recurrent discussion on social dialogue and tripartism, adopted by the International Labour Conference at its 107th Session (2018). He assured the Governing Body that work to support access to labour justice, including capacity development, would continue under that output. The absence of indicators under outcome 1 indeed required urgent attention; informal consultations had been held on the matter with no consensus achieved. Efforts in that regard would continue. The wording of indicator 1.4.2 covered both collective bargaining and workplace cooperation. Results would be reported in both areas, with the implementation report distinguishing clearly between them.
- 839.** With regard to outcome 2, the “new partners” would be stakeholders who, within their own remit, could help the Office to support constituents, such as UN entities, regional development banks and international financial institutions. The limited regular budget allocations to outcome 2 from some regions were in part a reflection of how the ILO operated with respect to international labour standards, with a significant amount of resources available in headquarters departments that supported the work of the supervisory bodies and also work at the country level; the International Labour Standards Department was thus the biggest “contributor” to the budget for outcome 2. Significant resources for promoting the ratification and application of standards were also included under other outcomes. Given the lack of agreement between the Employers’ and Workers’ groups on the inclusion of the new output 2.4, he wished to clarify that the purpose of the output was not to develop sectoral strategies, but rather to build constituents’ capacities to apply sectoral standards and tools in the global recovery from the COVID-19 pandemic.
- 840.** Turning to outcome 3, he said that “updated methods ... to deliver policy advice” referred to online training and peer learning, with an emphasis on employment recovery, especially for hard-hit groups, job creation and transitions in the labour market. “Innovative data collection” in the area of employment policies meant that the Office would draw on insights gained during the COVID-19 crisis to revise the framework for

employment diagnostics, and would continue to roll out non-traditional approaches, including rapid surveys and high-frequency data.

- 841.** With regard to outcome 4 and the clarification requested by the EU in respect of productivity plans and ecosystems, he referred to document GB.341/POL/2 on decent work and productivity and the discussion on that item. Regarding the reservations expressed with regard to output 4.4, he recalled that that output was consistent with the Centenary Declaration. The text had been amended in view of the concerns already expressed by the Employers' group on the preview document, to align it with the MNE Declaration.
- 842.** Under outcome 5, the fast-changing requirements of the labour market made skills anticipation and skills matching "moving targets", which were difficult to capture using traditional survey methods. Machine learning and big data analytics of job vacancies posted online could be a source of cost-effective, real-time information. The Office was working with LinkedIn to explore using its data to identify changing skill requirements and job profiles in labour markets, including in the digital and green economies. "Innovations in financing skills systems" referred to new ways of ensuring that appropriate funds were allocated to skills systems, including performance-based funding, sectoral funds, levy-based funding and training vouchers. The ILO would help Member States identify which of those mechanisms could be adapted to their specific needs. The Global Programme on Skills and Lifelong Learning would accelerate the Office's delivery of outcome 5 and facilitate knowledge management and innovation in that area by disseminating and sharing knowledge and operational experiences, and mobilizing additional resources.
- 843.** Regarding the use of "big data" referred to under outcome 8, information on social protection measures and statistics available online would be tracked to gather and classify qualitative data on government announcements regarding social protection measures being taken.
- 844.** On matters arising with regard to outcome C, the outposting of technical experts to provide technical advice in countries where the ILO was a non-resident agency referred to the temporary redeployment of current staff and did not involve new recruitment. The Security Operations Centre was operated by an external service provider, a company based in Switzerland that provided full-time connectivity management for ILO field and headquarters computer networks, and for other UN agencies as well. A dedicated unit at headquarters coordinated support in the event of security incidents and undertook security analysis, jointly with the service provider.
- 845.** The Office had prepared internal technical notes on output indicators to support the planning, monitoring and measurement of results. Those notes had already been in use in 2020–21 and had been updated for 2022–23, taking into account the new outputs and the need to fully integrate the effects of COVID-19. They listed the observable changes that each indicator was intended to measure and the accompanying qualitative criteria to plan, monitor and report on results. All reportable results required a significant ILO contribution, adherence to international labour standards and the engagement of the social partners. The Office would finalize the notes after the adoption of the programme and budget and make them available in April 2021.
- 846.** On the potential inclusion of a specific indicator in relation to the COVID-19 pandemic, given the focus on a human-centred recovery from the crisis, all outcomes and outputs of the results framework for 2022–23 included COVID-related dimensions, which were also reflected in the technical notes for each output indicator. The Office would monitor

implementation of the programme and budget closely, and review how well the indicators captured information on COVID-19 responses.

- 847.** The targets for the output indicators, which were presented by region, had been set taking account of the results expected within the estimated resource level, as well as priorities identified in DWCPs. The output indicators did not attempt to measure everything to be delivered or produced during the biennium. The targets had been set to measure significant and additional potential progress and results, which could be reported under specific outputs for specific regions. Even without a target for a given region, work could still take place at the country level to consolidate and scale-up results achieved in previous biennia. The target for ratifications under indicator 2.1.1 was based on the average number of ratifications over the past ten years, and bearing in mind that the higher the number of existing ratifications, the harder it was to obtain new ones. It referred only to ratifications achieved with ILO support.
- 848. The Worker spokesperson**, thanking the Director-General for his replies to the comments raised, reiterated the importance of including references to labour standards in all the output indicators, and ensuring that indicators measuring policy development and adoption were based on social dialogue; that should be reflected in the technical notes to be developed by the Office. Productivity and decent work should be seen as mutually reinforcing. The Workers' group hoped that the new unit for innovation and knowledge management would work closely with existing innovation facilities and with other departments at headquarters and in the field. It welcomed the Office's intention to use unearmarked Regular Budget Supplementary Account (RBSA) resources strategically to meet key and emerging needs where possible, and the assurances that work on access to labour justice would continue under outcome 1. The concern regarding indicator 1.4.2 had been regarding the use of "and/or", which appeared to make the inclusion of collective bargaining optional. Such an approach was inconsistent with the status of collective bargaining as a fundamental right. Her group welcomed the Office's commitment to exceed targets where possible.
- 849. The Employer spokesperson** welcomed the Office's responses, in particular the Director-General's acknowledgement that employers' activities were not limited to their role in social dialogue, and that more must be done to represent their interests. Measures to strengthen the capacities of the social partners should not be combined with support to public institutions and social dialogue processes in general; the mandate, mission and nature of social partner organizations would be diluted and their budgets would become opaque. There should be a stand-alone outcome, or at least sufficient transparency safeguarding a separate approach on the matter.
- 850.** Regarding outcome 1, more needed to be done to integrate the social partners into UN processes. On productivity, the Employers would like to see a strategy that offered a real and comprehensive view of how the Office would address productivity beyond singular department perspectives. The group attached particular importance to the productivity ecosystem model. Regarding budget transparency, the Director-General's candidness had been greatly appreciated; efforts to present the budget in such a way as to enable constituents to see exactly where resources were being used would be welcome. Lastly, on the matter of a proportionate budget for Employers' activities, her group understood that the use of extrabudgetary funds was not at the Office's full discretion, and commended efforts to use unearmarked funds to meet key and emerging needs. She urged the Office to ensure that Employers' activities benefited appropriately from those extrabudgetary allocations, noting that efforts to bolster the world of work in the post-pandemic era would require targeted and substantial attention to rebuilding the

institutional capacities of the social partners. On the understanding that the Office's commitments would be implemented with the close involvement of its secretariat, the Employers' group would not oppose the approval of the Programme and Budget for 2022–23.

- 851. Speaking on behalf of the Africa group**, a Government representative of Eswatini said that while the Africa group welcomed the Office's comments, it had not received answers to some of the questions raised. For example, he wished to know whether the partnerships envisaged between the Turin Centre and the Inter-American Centre for Knowledge Development in Vocational Training would include Africa-based labour administration centres. Clarification had been requested on whether the eight new technical posts to be created included the five positions proposed for staffing the new unit for innovation and knowledge management. The information provided by the Office on the envisaged unit was appreciated; the Africa group would support the proposal to establish it. The group would also support the creation of a full-time Ethics Officer position, as well as the five regional positions to support the delivery of strategic regional programmes. The renewed Plan of Action on Youth Employment 2020–30 to address the impacts on young people of the COVID-19 pandemic was welcome, as were the establishment of the Employment Policy Action Facility to streamline country assistance for recovery from the pandemic, and partnerships with the UN and the Global Initiative on Decent Jobs for Youth. The Africa group supported the draft decision.
- 852. Speaking on behalf of ASPAG**, a Government representative of Japan expressed appreciation for the responses provided by the Office, in particular regarding the proposed new unit for innovation and knowledge management, the establishment of which would afford an opportunity to ensure better service delivery to the constituents. The commitment to stepping up resource mobilization efforts and harnessing the strategic use of resources from the RBSA for the next biennium was welcome. Regarding the COVID-19-related indicators, the Office should monitor progress closely, and identify potential areas for improvement through the programme and budget review. The Office should also take account of the Governing Body's guidance with regard to improving the implementation of the programme and budget, with a view to optimizing results in the coming biennium. In the light of the foregoing, ASPAG could join the consensus to endorse the proposed Programme and Budget for 2022–23.
- 853. Speaking on behalf of GRULAC**, a Government representative of Barbados asked whether the Governing Body's approval would be needed to authorize the use of underspent resources from 2020–21 to cover the increase in the nominal budget for 2022–23. Information in that regard could be usefully incorporated into document GB.341/PFA/1 to enable the Governing Body to make an informed decision on the matter.
- 854. Speaking on behalf of IMEC**, a Government representative of the United Kingdom welcomed the clarification that outcome 1 would retain the tripartite focus that embodied the unique nature of the ILO, and thanked the Office for its replies to the questions raised by IMEC. With regard to the proposed new unit for innovation and knowledge management, while IMEC supported the objective of providing ILO staff and management with a resource for improving operations and for policy advice, knowledge products and services, questions remained regarding the placement and staffing of the unit and the effects it would have on other areas of the Office dealing with knowledge and innovation. The integration of policy, innovation and knowledge matters should be taken into account when considering those questions. IMEC looked forward to seeing the updated internal technical notes on the qualitative criteria for the output indicators.

Furthermore, IMEC had been pleased to hear about efforts to generate additional extrabudgetary contributions for outcomes where resources were scarce and that, if necessary, RBSA funds could also be used in those areas. Lastly, IMEC did not consider that the solution to late payment of contributions by Member States was to increase the Working Capital Fund and, therefore, did not support the draft decision in document GB.341/PFA/5. As to the draft decision in document GB.341/PFA/1, individual IMEC members would give their views on the matter.

- 855. Speaking on behalf of the EU and its Member States**, a Government representative of Germany expressed support for the IMEC statement. The EU appreciated the information provided by the Office and the recognition that climate change and environmental degradation posed significant challenges to economic growth and employment. Unfortunately, the issue of gender equality and equal opportunities had not received the attention it deserved. Relevant financial resources should be allocated to tackling challenges in that regard and more attention should be paid to addressing the root causes of discrimination and inequality. Assurances that efforts to generate extrabudgetary contributions in areas where budget was scarce, and to strategically use RBSA funding when necessary, were welcome. Lastly, on the proposed unit for and innovation and knowledge management, the EU was concerned that such an approach was not optimal, and wondered what its impact would be on existing policy and research portfolios. The establishment of the unit should be reconsidered.
- 856. A Government representative of the United States**, expressing appreciation for the Office's responses, said that the focus on COVID-19 response and recovery was particularly welcome, as was the expression of commitment to greater efficiency and effectiveness. It was regrettable, however, that the budget presented was not lower than the zero-real-growth figure proposed initially. Despite her Government's unwavering support for the ILO, it also supported zero-nominal growth across the UN system. While not wishing to block consensus, her delegation could not support the draft decision.
- 857. A Government representative of Japan** said that his Government welcomed the responses provided by the Office. While his Government's stance was in support of a zero-nominal-growth budget for maximizing efficient management, it commended the redeployment of resources, the cost-saving efforts and the allocation of more resources for the field by the Office. In response to the increasing demand for the ILO's work in the context of the COVID-19 crisis, Japan had significantly increased its voluntary contributions for the Asia and Africa regions. The regular budget should, however, maintain business continuity by implementing the same policy outcomes as for the current biennium. In the light of the global financial challenges caused by the pandemic, all constituents should act in a spirit of solidarity. His Government strongly supported policy outcome 5, promoting active ageing for older workers, which was particularly relevant in the context of demographic change in many Asian countries. With due account taken of the foregoing, the Government of Japan supported the draft decision.
- 858. A Government representative of Brazil** said that his Government was unable to support the proposed increase in nominal budget. While at the outset the increase could be offset by unused funds from the current biennium, it would have a continued, long-term impact beyond the expiry of those resources. His Government would continue to hold that position, including when the matter came before the International Labour Conference.
- 859. The Director-General** said that the staff allocated to the proposed new unit for innovation and knowledge management would be in addition to the eight technical posts presented elsewhere in the budget proposals. The unit was intended to service the

Organization in all its dimensions, in a cross-cutting manner. It would be placed in the Management and Reform Portfolio, as part of the long-term efforts to improve efficiency and effectiveness in the Organization. Its success would depend on it interacting in a positive way with existing research and policy functions.

- 860.** Noting that the Employers' group had made its expectations very clear, he confirmed that dialogue would continue to ensure that outcome 1 functioned as intended, and that the Office responded to the needs of employers' organizations, understanding that their role had more facets than merely as a partner in social dialogue. Regarding budgetary allocations, he said that further discussions would be held with the Employers to provide additional information and reassurance when needed. Where there was resource scarcity, the mobilization efforts and potential use of RBSA would come into play.
- 861.** On productivity, while the Governing Body had already taken a decision on the new strategy, further dialogue on the matter would always be welcome. Activities foreseen under the partnerships between the Turin Centre and the Inter-American Centre for Knowledge Development in Vocational Training would indeed include the African labour administration centres.
- 862.** The nominal budget increase requested for the forthcoming biennium would, in all likelihood, be less than the underspend in the current biennium. Those savings would make a material financial difference in favour of the Member States; a surplus at the end of a biennium, in line with the Financial Regulations, would be reimbursed.
- 863.** Gender equality and equal opportunity issues were, in conformity with the Centenary Declaration, foremost among the priorities of the Organization. He gave his assurances that the budget proposals were not made lightly; it was clearly understood that the level of the budget proposed, which was a zero-real-growth proposal, called for serious financial efforts from the Member States and that every member of the ILO staff bore the responsibility to ensure that the resources committed were spent with the best possible effect. He commended the proposed programme and budget for approval and forwarding to the 109th Session of the International Labour Conference.

Decision

864. The Governing Body recommended to the International Labour Conference at its 109th Session (June 2021):

- (a) to approve a provisional programme level of US\$803,548,920 estimated at the 2020–21 budget rate of exchange of CHF1 to the US dollar, the final exchange rate and the corresponding US dollar level of the budget and Swiss franc assessment to be determined by the Conference; and**
- (b) to adopt the following resolution:**

The General Conference of the International Labour Organization,

In virtue of the Financial Regulations, adopts for the 78th financial period, ending 31 December 2023, the budget of expenditure of the International Labour Organization amounting to US\$ and the budget of income amounting to US\$ which, at the budget rate of exchange of CHF to the US dollar, amounts to CHF , and resolves that the budget of income, denominated in Swiss francs, shall be allocated among Member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.

(GB.341/PFA/1, paragraph 248)

2. Implications of COVID-19 for delivery of the Programme and Budget for 2020–21 (GB.341/PFA/2)

- 865. The Employer spokesperson**, while acknowledging the significant estimated savings made within the 2020 budget due to the deferral or cancellation of meetings and travel restrictions, deplored the fact that the document did not specify how the amount would be used until the end of the biennium. He requested the Office to present a plan on how the savings would be meaningfully spent for the benefit of constituents. Regarding progress on committed deliverables at the global and country level, greater attention should be paid to certain outcome indicators that were not visible in the numbers, including indicators 4.1.1 and 4.3.1. The Office should step up its activity on certain issues, such as integrated formalization strategies and youth employment, which were of utmost importance, particularly in the context of the pandemic. In view of the uncertainty surrounding the recovery from the COVID-19 crisis, the Office should continue to make efficient use of resources in its response, by avoiding duplication and maintaining a coordinated and correlated approach between ILO departments and outcomes, and between headquarters and field offices, and ensure that ILO support respected the realities of each country. The challenges created by the pandemic should not prevent the Office from responding to constituents' needs and requests for services.
- 866. The Worker spokesperson** commended the actions taken by the ILO in response to the pandemic, including the use of a significant proportion of the savings made in 2020 and the dialogue conducted with development partners to repurpose numerous projects and resources to fulfil constituents' needs. Regarding programme delivery, it was encouraging to see that the expected results for a large number of indicators were on or above target. However, she expressed concern that three of the six indicators with anticipated results below target were related to gender equality, given that women had been disproportionately affected by the pandemic. She expressed the hope that progress would be made with those indicators during 2021. The Office should make all necessary efforts to resume as quickly as possible its support for constituents regarding the protection of workers in diverse forms of work arrangements, including digital platforms, which had been hampered by the restrictions. While the Office's use of information technology to maintain virtual contact with ILO constituents was commendable, it was important to rebalance activities with face-to-face interaction as soon as the situation permitted, particularly with regard to capacity-building initiatives. Continued efforts to bridge the digital divide would be essential to avoid growing inequalities in access to training. She supported the draft decision.
- 867. Speaking on behalf of GRULAC**, a Government representative of Barbados congratulated the Director-General and his team for the timely response to the COVID-19 pandemic, which had allowed for the continuity of activities despite the cancellation of the March 2020 session of the Governing Body and the deferral of the June 2020 session of the International Labour Conference. Noting the financial impact of the pandemic on the work of the ILO, he looked forward to receiving the final savings and expenditure figures in 2022. He asked whether the Office had already identified lessons learned and good practices in terms of its working methods, which could be replicated in the future to ensure efficiency.
- 868. Speaking on behalf of ASPAG**, a Government representative of Australia thanked the Office for having prepared the document at the Governing Body's request, noting that details regarding the impact of the pandemic on the delivery of the programme and budget in the next biennium should be provided in due course. Her group acknowledged the ILO's rapid response to the constituents' changing needs throughout the pandemic.

Tripartite engagement at the global, regional and country levels remained key, and she commended the Office for facilitating virtual collaboration and for maintaining efforts towards the delivery of outputs and services under the Programme and Budget for 2020–21. She noted with satisfaction that 82 per cent of the ILO's COVID-19-related expenditure had been on programmatic activities that directly supported constituents; any future savings arising from the pandemic should also be redirected to that purpose. Recognizing that US\$14.3 million of US\$17.82 million in identified savings had been repurposed, she asked how the remaining savings were to be spent.

869. While commending the COVID-19 response to date, the ILO must also address other acute challenges identified in the context of the future of work. It was important to meet immediate needs and facilitate longer-term planning to address structural challenges. She asked how lessons learned from the successful repurposing of budgetary savings were being harnessed to ensure greater efficiencies. The Office should report to the Governing Body in March 2022 on the final status of savings and on how they were spent and continue to seek improvements in performance against all output indicators. Her group supported the draft decision.

870. Speaking on behalf of IMEC, a Government representative of France welcomed the role played by the Office in the COVID-19 response, emphasizing the importance of efficiency and adaptability. She welcomed the progress towards global targets and deliverables in that regard, mentioning in particular the *Global Wage Report* and the *ILO Monitor: COVID-19 and the world of work* series. Noting the positive analysis of many output indicators in the Programme and Budget for 2020–21, she encouraged the Office to continue its efforts to achieve the unmet targets. She asked what lessons had been learned from implementing the programme and budget in a crisis context and whether any changes to working methods would be retained. Noting that US\$14.3 million of the US\$17.82 million in identified savings had been reallocated, she asked how the remaining US\$3.5 million were to be spent. She asked whether the repurposing of resources would have normally required a decision by the Governing Body under article 16 of the Financial Regulations. Noting with satisfaction that the ILO had become an active player in “most” country-level UN assessments, she asked whether resistance had been encountered in some cases. She also requested information concerning the extent of the ILO's access to the United Nations COVID-19 Response and Recovery Fund, and what those funds had been used for. Her group supported the draft decision.

871. Speaking on behalf of the EU and its Member States, a Government representative of Germany said that Montenegro, Albania and Norway aligned themselves with the statement and with the IMEC statement. Acknowledging the budgetary impact of the COVID-19 pandemic, she expressed support for the decisions taken to repurpose savings from costs not incurred to programmatic and operational activities related to the impact of COVID-19. However, it would have been appreciated if the Governing Body could have been involved in those decisions. Going forward, she hoped that the redeployment of resources would target the population groups most affected by the crisis. She acknowledged the Office's COVID-19 response efforts, including through the provision of tools and information – the *ILO Monitor*, policy briefs, online courses and webinars, for example – and appreciated the organization of virtual sessions of the supervisory bodies and other virtual meetings, ensuring the continuity of the ILO's work at the global and country levels. The Office should continue to provide support to Member States and to engage with the multilateral system in the ongoing recovery process to build a better future of work.

- 872.** Regarding the delivery of the Programme and Budget for 2020–21, she noted with satisfaction that many indicators had exceeded the set targets. Nevertheless, the COVID-19 pandemic had had a negative impact on others, such as gender equality and strategies towards formalization, and she encouraged the Office to address those deficits. The lessons learned from the crisis should be applied to the Programme and Budget for 2022–23 to ensure that the Office's future work was efficient, streamlined and environmentally friendly. The Office must continue to work to deliver the outputs set out in the Programme and Budget for 2020–21 and support constituents in tackling the challenges caused by the pandemic. She requested the Office to provide to the Governing Body in March 2022 a similarly detailed breakdown of allocations for outcomes and outputs relating to the impact of the pandemic and the savings identified. She supported the draft decision.
- 873. A Government representative of the Russian Federation** welcomed the steps taken by the Office both in response to the COVID-19 pandemic and to implement the Centenary Declaration. He noted the positive evaluation of most indicators of the Programme and Budget for 2020–21, and encouraged the Office to maintain its momentum to achieve the remaining targets. He asked for more detailed information on the ILO's efforts to increase effectiveness. Noting the information provided on expenditure and savings connected to the COVID-19 pandemic, he asked why the savings generated by the slowing down of recruitment were not included in the overall savings mentioned in paragraph 10 of the document. He also asked which provisions of the ILO's Financial Regulations had allowed the savings to be repurposed. He supported the draft decision.
- 874. A Government representative of Bangladesh** welcomed the repurposing of savings towards the Office's COVID-19 response activities, and highlighted the need to prioritize activities that addressed country-specific needs and to ensure organizational efficiency. While the use of virtual platforms had benefited many people, those in the informal economy, especially in lower income countries, were being pushed to the margins of existence. As a result, the digital divide was widening and inequality among Member States was on the rise. He urged the Office to support the constituents in developing countries through skills enhancement programmes, and to undertake research on the post-pandemic labour market with a view to implementing the Centenary Declaration.
- 875. A representative of the Director-General** (Deputy Director-General for Management and Reform), responding to questions raised, said that savings realized were from specific earmarked allocations, such as official meeting costs, while savings from departmental budgets as a result of costs not incurred, such as missions and travel, had been repurposed within their particular budget lines. Such repurposing could be carried out under the authority of the Director-General; the authorization of the Governing Body was required only if resources were to be allocated to a different budget line. Of the US\$17.82 million referred to in paragraph 10, US\$9.27 million was from earmarked allocations. It was still unclear how much would be spent on meetings in 2021, so the final savings figure was still very uncertain. Any surplus would be reported to the Governing Body at the end of the budget period, and a decision could then be taken on how it would be used. The US\$8.55 million of savings from departmental budgets could be repurposed within the same budget lines for activities that reflected the outputs and outcomes concerned; priority would continue to be given to activities to meet the outstanding targets in the programme and budget, in the context of the COVID-19 pandemic.

- 876.** The Office had learned many lessons over the previous year, many of which were reflected in the policy and enabling outcomes set out in the Programme and Budget proposals for 2022–23. Permanent changes to service delivery modalities were likely, in particular with regard to reducing travel and increasing the use of digital technologies, which had been upgraded within the Organization. Lessons would continue to be learned over the remainder of the biennium, which would be applied to internal practices in the future.
- 877.** The ILO was actively engaged in the work of the United Nations COVID-19 Response and Recovery Fund – including as a member of its Advisory Committee – and in the work of the UN country teams, towards which most of the funds had been channelled with a view to ensuring coordinated action, which included the priorities of the ILO. In that regard, funding had been secured for a diverse range of projects related to, inter alia, women's access to jobs and livelihoods in Latin America, Indonesia and Jordan; the formalization of the economy; the achievement of SDG 8 in Africa; and education and vocational training for marginalized young people. The Office would report on results achieved in its programme implementation reports and in other reports to the Governing Body. He would be happy to provide further clarifications as required.

Decision

- 878.** The Governing Body took note of the information provided in document GB.341/PFA/2 and requested the Director-General to:
- (a) take into account the guidance provided in steering the Office's work and response to the ongoing COVID-19 crisis; and
 - (b) communicate further information regarding the implications of COVID-19 for delivery of the Programme and Budget for 2020–21 through the programme implementation report to be presented at its 344th Session (March 2022).
- (GB.341/PFA/2, paragraph 25)

3. Update on the headquarters building renovation project (GB.341/PFA/3(Rev.1) and GB.341/PFA/3(Add.1))

- 879.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 31 March 2021.
- 880.** The Screening Group agreed to put the item forward for a decision by correspondence. The decision contained in document GB.341/PFA/3(Rev.1) was approved by consensus and announced to all Governing Body members by a communication of 14 April 2021.

Decision

- 881.** The Governing Body, by correspondence:
- (a) approved the proposed final scope and took note that the estimated budget of phase 2 of the project will be in line with the resources available from the sale of the land;
 - (b) requested the Office to present the final budget of phase 2 during the next Governing Body session; and
 - (c) authorized the Director-General to finalize an agreement with a main contractor for the phase 2 works within the funds available from the sale of the land.
- (GB.341/PFA/3(Rev.1), paragraph 21)

Summary of the written comment received during the consideration of the item by correspondence ¹¹

- 882.** The Workers' group noted that the total expenditure for phase 1 of the renovation project remained within the agreed budget of CHF205 million. It welcomed the fact that additional savings of some CHF200,000 would cover part of phase 2 architectural and engineering costs, and that sufficient funding was available to include items previously deferred due to uncertainty of funding, thus ensuring the full renovation of the entire building. The group supported the option to erect a temporary building on the east lawn.
- 883.** Regarding the security perimeter, it was understandable that work on a revised comprehensive plan had been delayed by the COVID-19 pandemic. The group noted that the ongoing study had been reviewed to take various developments into account, and supported the Office's efforts to develop a comprehensive security plan that offered a compliant, appropriate and aesthetical solution to the security challenges of the ILO premises. Noting the need for the addition of some US\$700,000 to the budget in order to have the required visitor security screening function, the group reiterated the importance for ILO constituents to continue to have access to the ILO building without major obstacles. It welcomed the Office's expectation that renovation works would start in mid-2021.

4. Delegation of authority under article 18 of the Standing Orders of the International Labour Conference (GB.341/PFA/4)

Decision

- 884.** The Governing Body, by correspondence, decided to delegate to its Officers, for the period of the 109th Session of the International Labour Conference (June 2021), the authority to carry out its responsibilities under article 18 of the Standing Orders of the Conference in relation to proposals involving expenditure in the 77th financial period ending 31 December 2021.

(GB.341/PFA/4, paragraph 3)

5. Programme and Budget for 2018–19: Regular budget account and Working Capital Fund as at 31 December 2019 (GB.341/PFA/5)

(The consideration of this item was deferred to the 341st bis Session (21 May 2021).)

6. Programme and Budget for 2018–19: Financial report and audited consolidated financial statements for the year ended 31 December 2019 (GB.341/PFA/6)

Decision

- 885.** The Governing Body, by correspondence, took note of the External Auditor's report and forwarded the consolidated financial statements for the year ended

¹¹ The complete text of the comment in the original language is available on the [Governing Body's web page](#), together with the decision.

31 December 2019 and the External Auditor's report thereon to the International Labour Conference for consideration and adoption at its 109th Session.

(GB.341/PFA/6, paragraph 4)

Summary of written comments received during the consideration of the item by correspondence ¹²

886. The Employers' group noted the effectiveness of the ILO's operating environment and risk management framework. Workforce planning and skills development, including improved ILO workplace diversity, required further work and monitoring.

7. Scale of assessments of contributions to the budget for 2022 (GB.341/PFA/7)

Decision

887. The Governing Body, in accordance with the established practice of harmonizing the rates of assessment of ILO Member States with their rates of assessment in the United Nations, and on the recommendation of the Government group, decided by correspondence:

- (a) to base the ILO scale of assessment for 2022 on the UN scale for 2019–21; and
- (b) to propose to the International Labour Conference the adoption of the draft scale of assessment for 2022 as set out in the appendix to document GB.341/PFA/7, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.

(GB.341/PFA/7, paragraph 4)

Summary of written comments received during the consideration of the item by correspondence ¹³

888. The Government of Cuba noted that the economic, commercial and financial blockade imposed by the United States on Cuba had been intensified, despite worldwide calls to end it. The significant efforts to honour its annual payments to the international organizations to which it belonged, despite the necessary resources being available, were hindered by certain banks refusing transactions with Cuba's payment. An international organization of such relevance and history as the ILO should not be affected by unilateral coercive measures.

¹² The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

¹³ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

Audit and Oversight Segment

8. Report of the Independent Oversight Advisory Committee (GB.341/PFA/8)

- 889.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 3 March 2021. The Chairperson of the Independent Oversight Advisory Committee (IOAC) and the Office provided the following clarifications and additional information in response to the questions raised during the briefing session.
- 890. The Chairperson of the IOAC** introduced the Committee's annual report. The Committee had been able to address all the key areas of its mandate during the reporting period. It acknowledged the success of the business continuity and crisis management plan, which had enabled the ILO to continue its operations during the COVID-19 pandemic. The report detailed the Committee's oversight activities and advice provided on internal processes and business units, as well as the internal and external oversight functions, and contained recommendations for improvement by the Office in those areas. With regard to the Committee's own activities, it proposed to the Governing Body the necessary amendments to its terms of reference, in reference to the best practices identified by the Joint Inspection Unit (JIU).
- 891. A representative of the Director-General** (Deputy Director-General for Management and Reform), replying to the inquiry regarding recommendation 1 concerning the skills-mapping exercise, noted that the Committee's recommendation was to encourage management to produce a workable end result, without going into the details of the exercise itself. He explained that the exercise was led by the Human Resources Development Department with the support of the Business Innovation Unit, and was in the form of a pilot process to look at the skills required across the Office, particularly in the context of the Centenary Declaration and the future of work. He confirmed that the exercise would certainly include the review of skills relevant to providing services to the three groups of constituents.
- 892. The Chairperson of the IOAC**, answering a question about the positive and negative impacts of COVID-19 on the internal audit approach, said that the Committee was pleased that the Chief Internal Auditor had been able to introduce remote reviews to ensure audit presence in the field offices to facilitate the smooth continuation of oversight activities under difficult circumstances. Regarding recommendation 2, although the processes were in place, there was no single source of information for a potential whistle-blower to understand the process of reporting wrongdoings, the actions taken to investigate and the follow-up on substantiated cases. The Committee therefore recommended that the relevant processes be simplified, such as in a diagram format, with the focus placed on the person making the report, in order to clarify all the options available and the processes undertaken, to encourage a culture of willingness to report wrongdoings. Regarding the proposed amendments to the Committee's terms of reference, she agreed that the suggestion to include a specific provision for the Committee to hold regular information meetings with the Governing Body was important. The Committee had been holding such sessions and would continue to do so. It would consider proposing the inclusion of such a provision formally in the next review of its terms of reference.
- 893.** Adding to the remarks made by the Chairperson of the IOAC on recommendation 2, **the representative of the Director-General** (Deputy Director-General for Management and

Reform) recalled that resources for a full-time Ethics Officer position had been included in the Director-General's Programme and Budget proposals for 2022–23. If approved, the recommendation to streamline the communication of the processes for handling the reporting of wrongdoings would be part of the initiatives to be introduced by that position.

- 894.** The Screening Group agreed to submit the item for a decision by correspondence. The decision was approved by consensus and announced to all Governing Body members on 15 March 2021.

Decision

- 895. The Governing Body, by correspondence, took note of the annual report of the Independent Oversight Advisory Committee contained in Appendix I to document GB.341/PFA/8 and approved the revised terms of reference set forth in Appendix II to that document.**

(GB.341/PFA/8, paragraph 5)

Summary of written comments received during the consideration of the item by correspondence ¹⁴

- 896. The Employers' group** stressed that the skills-mapping exercise must include all categories of staff at headquarters and in the field. Skills-mapping should assess the capacities and skills relevant to meeting the needs of the three constituents. The group endorsed recommendation 2. It was critical for the ILO to develop a transparent, fair, respectful and inclusive culture. All staff should feel protected to report wrongdoings through non-bureaucratic means, and retaliation of any sort should not be tolerated. The group supported recommendation 3. Clear response and follow-up action by management was fundamental to ensure that improvements were made and clear accountability established. Supporting the revised terms of reference for the IOAC, the group welcomed the inclusion of its suggestions under "Self assessment and continuous review" and the new text under "Responsibilities" concerning providing advice in cases of allegation of misconduct or of retaliation concerning the Director-General.
- 897. The Workers' group** supported recommendation 1 and trusted that the skills-mapping exercise would allow the Organization to fill gaps through upskilling and external recruitment, in consultation with the Staff Union. It endorsed recommendations 2 and 3, and understood that the Office was following up on recommendation 4. The group was looking forward to the results of the specific performance audit on external collaboration contracts conducted in 2020, and thanked the IOAC for the consultations held in 2020 on the proposed amendments to the IOAC's terms of reference. Concerning the changes in paragraph 2(c) of Appendix II, the group agreed with the amendments on the clear understanding that the IOAC would not have oversight of the evaluation function and that the work plans of the evaluation unit would only be used to ensure coherence between internal oversight functions. The group supported the deletion of "conflicts of interest" in paragraph 3(g) and other changes aimed at ensuring the independence of the ethical function, and it welcomed the induction programme proposed in

¹⁴ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

paragraph 25 – such briefings should be provided at no financial cost. It agreed with paragraphs 30, 37, 38 and 42, and hence with the revised terms of reference.

898. The Government of Morocco stated that the proposed amendments to the Committee's mandate were consistent with strengthening the transparency and governance of the ILO. However, under the heading "Independence", the increase in the number of years required to hold office in the ILO prior to appointment to the Committee was restrictive and did not necessarily strengthen members' impartiality. The proposed amendment to paragraph 37 referred to self-assessment by the Committee without explaining the mechanisms for its implementation. Regarding paragraph 42, the proposed amendment must take account of the fact that the daily subsistence allowance of members was covered when they participated in official Committee activities, as was the case for secretariat support indicated in paragraph 41.

899. IMEC expressed its concern about the lack of ILO governance functions in 2020 caused by the inability to hold some of the regularly scheduled meetings due to health restrictions arising from the COVID-19 pandemic. The ILO had responded well to the extraordinary circumstances. The group expressed its gratitude to the IOAC for having accomplished its important work virtually during the reporting period. The group noted with concern that the unfunded After-Service Health Insurance liability on the net asset position remained significant. It hoped that the change in the risk management system would streamline ILO risk assessment, planning and mitigation in future. Regarding recommendation 1, IMEC underlined the importance of the new skills-mapping exercise when further implementing the Centenary Declaration and the Decent Work Agenda. It welcomed the development of new virtual learning models by the Turin Centre and encouraged it to pursue its efforts in that regard. Regarding ILO accountability, it was important to properly implement recommendation 2 and crucial for management to make reporting easy, safe and encouraging. IMEC urged the ILO to implement recommendations 3 and 4 without delay, and fully supported the proposal to fund a full-time Ethics Officer. Most of its proposals had been taken into account in the revised terms of reference. Independent oversight was the way to ensure adherence by the Director-General to the strictest standards of conduct. The IOAC must undertake annual self-assessments and report all results to the Governing Body, and should review its terms of reference at least once every three years. IMEC supported the work plan 2021, with the comments mentioned, and endorsed the draft decision.

9. Report of the Chief Internal Auditor for the year ended 31 December 2020 (GB.341/PFA/9)

900. In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 3 March 2021. At that session, the Office provided clarifications and additional information in response to questions raised by members, as summarized below.

901. A representative of the Director-General (Chief Internal Auditor) confirmed that the Office took account of lessons learned from audits and investigations and disseminated those lessons to staff mostly in the form of revised and updated internal governance documents. In cases of substantiated cases of fraud, it was difficult to quantify a loss and report it to the Governing Body. Once the Office of Internal Audit and Oversight (IAO) had issued an investigation report, internal processes had to be followed before the value of a loss could be determined. In the event that the individual or individuals subject to an investigation reimbursed the ILO – either in full or in part – the value of any loss would differ from the figure recorded by the IAO in its report, which could be misleading.

Eventually, losses would be reported in the ILO's audited financial statements. At the request of the European Commission's Directorate-General for International Partnerships, the IAO had agreed to undertake a forensic analysis of two cost elements of a project implemented by the ILO, as the explanation initially provided by the ILO had not been satisfactory, a situation that was holding up the closure of the project. The IAO had taken on the assignment – which did not form part of the IAO's risk-based audit plan – on an exceptional basis in order to resolve the issue.

- 902.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 15 March 2021.

Decision

- 903. The Governing Body took note, by correspondence, of the report of the Chief Internal Auditor for the year ended 31 December 2020.**

(GB.341/PFA/9, paragraph 4)

Summary of written comments received during the consideration of the item by correspondence ¹⁵

- 904.** According to **the Employers' group**, the IAO's revised and refocused audit plans executed through remote audits in the context of the COVID-19 crisis exemplified the continuity of an essential Office function. The issue of confidentiality was of paramount importance when investigating allegations of sexual exploitation and abuse and retaliation against whistle-blowers. With regard to misconduct, a culture of prevention was critically needed. The virtual meeting on ethics and reporting misconduct to raise awareness among staff in Africa was a step in the right direction and such training should be offered to all staff at all levels. The Office should also consider developing a mandatory course on ethics, harassment and fraud. The continued existence of fraud relating to the Staff Health Insurance Fund (SHIF) and implementation agreements was a concern. There should be a thorough review of all grant agreements to ensure the proper use of the grants mechanism and reports on activities should be reviewed and validated. The Employers strongly supported the IAO's recommendation in that regard. As for the substantiated cases, senior management must communicate the findings and lessons learned to all staff members. The Office bore a responsibility for misdeeds that occurred in the absence of consequential management and an effective grievance procedure. Senior managers needed to provide proper leadership, establish systems that facilitated ethical conduct and create a climate that strengthened the relationships and reputations on which the Office's success depended.
- 905. The Workers' group** acknowledged the difficult conditions in which audits had been undertaken in 2020 and urged the Office to continue its efforts to maintain the number and quality of audits undertaken in previous years both at headquarters and in the field. The Workers welcomed the review of the Office's ability to adapt to the current circumstances and noted with satisfaction that the Office had shown a high degree of agility, particularly in terms of its communication strategies, COVID-19 specific outputs and the management of ILO offices. It was important to ensure that staff received training to adapt to remote work. The Workers noted with regret the recurring themes

¹⁵ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

in the report of the assurance audit undertaken in 2020 in West Africa and the fact that three of the 12 assurance audit reports published in 2019 had still not been properly followed up. The Office should take action to ensure the implementation of all internal audit recommendations in a timely manner. The Workers' group took note of the investigations undertaken in 2020 and urged the Office to consider the implementation of the lessons learned.

- 906.** IMEC appreciated the extremely important work of the IAO, welcomed the fact that the IAO had been able to conduct audits in what had been exceptional circumstances and encouraged it to continue to develop innovative working methods, some of which might even be useful in post-pandemic times. IMEC congratulated the IAO for having been able to issue in 2020 one assurance audit report covering a field office in Africa and one advisory report relating to a headquarters function and welcomed the IAO's cooperation with other international organizations to discuss the impact of COVID-19.
- 907.** IMEC noted with satisfaction that the Office had demonstrated a high degree of agility, commitment and resourcefulness to adapt or change working practices and policies to enable continued delivery of the ILO's programme of work, and noted that the Office had managed to continue its operations and maintain the health of its staff through the increased use of information technology. IMEC stressed the importance of the five strategic recommendations set out in the report. As it had done previously, it encouraged the Office to implement and report on all audit recommendations in a timely manner, noting that, in many cases, the responsible unit had not presented an action plan on the issue within the required three months and many of the accepted recommendations had not been addressed within the six month deadline.
- 908.** IMEC stressed once again the importance of risk management. As recommended by the IAO, the use of risk assessments in the early stages of development cooperation projects assisted in reducing fraud. Furthermore, liaising with the Senior Risk Officer when planning large-scale projects was advisable. For reasons of accountability, and as recommended by the IOAC, it was important to undertake a review of the process for handling the reporting of wrongdoings at the ILO. Furthermore, management had to be committed to promoting an open culture and internal processes to facilitate and encourage reporting and to make it safe.
- 909.** IMEC appreciated the important investigations work pursued by the IAO in 2020, despite the challenges of conducting such work in a primarily remote environment as a result of COVID-19. It noted the continued occurrence of substantiated cases of fraud and professional misconduct and supported the IAO's conclusion that additional training sessions were needed to address issues related to the ethical conduct of ILO officials, including staff obligations regarding outside activities. IMEC noted with concern the growing backlog of cases under investigation, which might discourage the reporting of misconduct and should therefore be addressed. It agreed with the IAO's assertion that hiring a full-time Ethics Officer, as proposed in the Programme and Budget for 2022–23, would facilitate the implementation of such initiatives. However, the ILO Ethics Office should also review as soon as possible current training packages and revise or develop, as necessary, targeted, structured and regular training to improve awareness of the ethical conduct standards required of ILO staff. IMEC invited the Office to implement the IAO's other recommendations and supported the draft decision.

10. Matters relating to the Joint Inspection Unit (GB.341/PFA/10)

- 910.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 4 March 2021. At that

session, the Office provided the clarifications and additional information in response to questions raised by members, as summarized below.

- 911. A representative of the Director-General** (Director, Strategic Programming and Management Department) noted that the report of the Joint Inspection Unit (JIU) on multilingualism was still under review by the UN System Chief Executives Board for Coordination (CEB) and would be submitted to the Governing Body at a future session. Details of the ILO's follow-up status on each of the JIU's recommendations were provided in separate reference documents ([GB.341/PFA/10/REF/1](#) and [GB.341/PFA/10/REF/2](#)). With regard to the recommendations made in the JIU's report on the review of change management in UN system organizations, he recalled that the ILO had been a pioneer in the area of change management and had undergone many years of management reform. In the three documents presented to the Governing Body, the Office had presented its views on the ILO's follow-up status in the light of policies and practices in the ILO, including on the basis of the past Governing Body decisions and guidance given to the Office for implementation. The Governing Body was invited to review the information presented in those documents and provide guidance as to where more efforts were needed. With regard to the recommendation concerning the annual letter from the UN Entity for Gender Equality and the Empowerment of Women (UN Women) addressed to the Director-General, the Office would look into the issue and consider relevant follow-up.
- 912.** The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 15 March 2021.

Decision

- 913. The Governing Body, by correspondence, took note of the information contained in documents GB.341/PFA/10, GB.341/PFA/10/REF/1 and GB.341/PFA/10/REF/2 and provided guidance to the Office.**

([GB.341/PFA/10](#), paragraph 30)

Summary of written comments received during the consideration of the item by correspondence ¹⁶

- 914. The Employers' group** supported the Office's position with respect to the comments of the CEB. With regard to strengthening policy research uptake and enhancing inter-agency collaboration, policy coherence among the different UN agencies would need to be prioritized and any collaboration in the area of research should respect and meet the needs of the constituents. With regard to the recommendations that were currently under consideration, the Office should take into account the return on investment, associated risks and budgetary implications in the long term. On inter-agency mobility, the Employers' group supported the non-acceptance by the Office of the recommendation requesting the Director-General to enable all UN system staff members to compete for vacant posts on a basis equal to that established for ILO staff, as the unique tripartite mandate and governance structure of the ILO required its staff

¹⁶ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

to have specific skills and competencies, which were critical for serving the Organization's constituents.

- 915. The Workers' group** concurred with the CEB's comments concerning the recommendation on strengthening policy research uptake, notably with regard to the importance of taking account of each organization's mandate and strategic objectives, and recalled the comments it had made in October 2019 on the Research Strategy and in November 2020 on the high-level evaluation of the ILO's research and knowledge management strategies and approaches.
- 916.** On the review of the UN System-wide Action Plan on Gender Equality and the Empowerment of Women, the Workers' group took note of the Office's commitment to enhance its efforts to improve performance within the framework of the ILO Action Plan for Gender Equality 2018–21, while maintaining its alignment with the System-wide Action Plan. The Office should participate in the review of the next phases of implementation of the System-wide Action Plan, in 2022–23.
- 917.** The Workers' group also concurred with the Office's comments concerning the review of the integration of disaster risk reduction in the work of the UN system in the context of the 2030 Agenda for Sustainable Development (2030 Agenda). The ILO's standards, in particular the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), played a central role in strengthening peaceful and resilient societies and were the key ILO contribution to disaster risk reduction, including in the response to the COVID-19 crisis.
- 918.** The Workers' group noted with satisfaction that actions to implement the recommendations made in respect of the review of change management in UN system organizations had already been taken at the ILO. With respect to managing cloud computing services in the UN system, the Workers' group concurred with the comments of the CEB and the Office and was in favour of the Office thoroughly checking cost-effectiveness and choice of cloud provider on a case-by-case basis.
- 919.** On the review of audit and oversight committees in the UN system, the Workers' group had taken note of the Office's response to the relevant recommendations and referred the Office to the comment that it would make on the report of the IOAC and the proposed changes to the Committee's terms of reference (GB.341/PFA/8).
- 920.** On the review of staff exchange and similar inter-agency mobility measures, the Workers' group had taken note of the CEB's comments and noted that the Office was still considering recommendations 7 and 9 due to issues related to compatibility with the ILO's internal rules and governance framework. In terms of creating a common management structure (recommendation 7), the Workers' group agreed that the recommendation should be considered in the light of the complex changes to management structures that were part of the UN reform. In particular, a greater understanding and promotion of the ILO's tripartite structure and normative system throughout the UN reform process was of the utmost importance in that regard. The Workers' group supported the non-acceptance of recommendation 8, which requested the Director-General to enable all UN system staff members to compete for vacant posts on a basis equal to that established for ILO staff. Any further deliberations on such issues should include consultations with the ILO Staff Union.
- 921.** On the review of contemporary practices in the external outsourcing of services to commercial service providers by UN system organizations, the Workers' group agreed with the comments of the CEB and the Office. The ILO's procurement procedures and information technology governance mechanisms regarding outsourced services,

including its risk assessments, were in line with the recommendations that had been accepted and the ILO would carefully assess additional action in terms of added value and cost-effectiveness.

- 922.** IMEC greatly appreciated the work of the JIU, which was the only independent external oversight body of the UN system, and was of significant importance for efficiency, accountability and transparency within the UN and for creating system-wide coherence with the ILO as a key part of the UN system. The JIU provided indispensable input for the conceptualization and development of collective frameworks and sets of scrutinized and comparable information and data, as required for the implementation of the 2030 Agenda and the ongoing UN reform, and taking into account the challenges of COVID-19.
- 923.** IMEC welcomed the information provided in the reference documents and was pleased to note the generally positive conclusions on the work of the ILO. It looked forward to the ILO taking account of forthcoming system-wide reports that would certainly be of relevance to the ILO, including those on cybersecurity and the ethics function.
- 924.** Given the increasingly important role of information technology in the ILO's daily work, secure and trusted data handling and storage that guaranteed data privacy must be a priority. IMEC would be interested to learn in more detail how the ILO approached those questions and where it saw potential to work with the UN International Computing Centre.
- 925.** The documents showed that the ILO had taken a constructive approach to the recommendations from previous relevant reports. IMEC appreciated that the Office had continued the procedure of reporting on the JIU recommendations of the previous three years. IMEC was also pleased to learn that in all cases the ILO provided a response to all the recommendations. It noted, however, that recently concluded JIU reviews – including the reports on the state of investigation functions and enterprise risk management – which had been made available in 2020, had not been included in the documents, and it looked forward to their inclusion in the next ILO document on the item.
- 926.** The Office should continue to reflect its implementation actions in the JIU web-based tracking system, to help enhance understanding of the ILO's follow-up status on the recommendations, especially when no follow-up was given. In future reporting, the Office should clearly distinguish between the recommendations that were intended for the Director-General and those that were intended for the Governing Body. The Office should also make use of the possibility to indicate its priorities by proposing and rating the relevance of topics envisaged for future reviews to be included in the JIU's programme of work.

Personnel Segment

11. Statement by the Chairperson of the Staff Union

The statement by the staff representative is reproduced in [Appendix III](#).

12. Amendments to Staff Regulations

(No amendments were submitted to the Governing Body at this session.)

13. Report of the Board of the Special Payments Fund (GB.341/PFA/13)

Decision

927. The Governing Body took note, by correspondence, of the report of the Board of Trustees of the Special Payments Fund contained in the appendix to document GB.341/PFA/13 and approved the proposed amendments to the terms of reference and rules for administration of the Special Payments Fund as set out in the annex to the report, effective 1 April 2021.

(GB.341/PFA/13, paragraph 4)

14. Appointment to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board) (GB.341/PFA/14(Rev.1))

Decision

928. The Governing Body decided, by correspondence, to submit the following resolution to the International Labour Conference at its 109th Session (June 2021):

The General Conference of the International Labour Organization,

Appoints to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board) until 8 October 2022 the following members and alternate members:

Members

Mr J.C. Pomareda Muñoz (Government)

Mr F. Merle (Employers)

Mr L. Cirigliano (Workers)

Alternate members

Mr L. Abbé-Decarroux (Employers)

Mr C. Pardini (Workers)

(GB.341/PFA/14(Rev.1), paragraph 7)

15. Matters relating to the Administrative Tribunal of the ILO

15.1. Proposed amendments to the Statute of the Tribunal

929. The document was written in consultation with the tripartite constituents and, in preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 4 March 2021.

930. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 15 March 2021.

Decision

931. The Governing Body, taking into account the guidance provided during the Governing Body discussions at the 335th and 337th Sessions on the proposed amendments to the Statute of the ILO Administrative Tribunal, and having duly consulted the Tribunal as well as the organizations having recognized its jurisdiction and their staff associations, decided, by correspondence:

- (a) to approve the draft resolution appended to document GB.341/PFA/15/1 concerning amendments to the Tribunal's Statute and to its Annex, for possible adoption by the International Labour Conference at its 109th Session (2021) relating to:
 - (i) the procedure according to which an international organization that has recognized the jurisdiction of the Tribunal may revoke its declaration of acceptance;
 - (ii) the eligibility criteria for judges, the geographical distribution and gender balance in the composition of the Tribunal, and the term of office of judges;
 - (iii) the extension of the appointment of judges in the event that the Conference does not meet prior to the expiry of their term; and
- (b) to defer consideration of the advisability of undertaking an independent review of the functioning of the Tribunal in light of the review of the jurisdictional set-up of the United Nations common system undertaken by the UN Secretary-General pursuant to General Assembly resolution 74/255B and welcomed the Office's cooperation in this review.

(GB.341/PFA/15/1, paragraph 53)

Summary of the written comments received during the consideration of the item by correspondence ¹⁷

932. The Employers' group noted that the proposed amendments to the procedure for revoking acceptance of the Tribunal's jurisdiction were aligned with the group's view that the withdrawal procedure should be well defined and flexible so as not to become a barrier to initially accepting the jurisdiction. Providing reasons for withdrawal should not be obligatory but part of an understanding to share experience and undertake good governance in a spirit of transparency.

933. The proposed amendment to article III reflected the group's view that the qualifications of appointed judges should be emphasized, and also their moral character, supported by the wording that "due regard shall be given" to geographic distribution and gender balance.

934. In relation to the independent review of the functioning of the Tribunal, it was reasonable to await the completion of the UN common system review.

935. The Workers' group welcomed the proposed amendment regulating the extension of a judge's appointment in the absence of a session of the Conference; it was regrettable that a lack of consensus under the current version of the Statute had led to a highly

¹⁷ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

qualified and experienced judge stepping down from the Tribunal as the Conference had not met in 2020 prior to the expiry of his term.

- 936.** On the proposed amendments to the withdrawal procedure, the group reiterated its concern that organizations might increasingly consider leaving the Tribunal due to “forum shopping”. It would prefer stronger and binding legal obligations, but could accept the current proposals. The Office should monitor how organizations lived up to expectations, including proper consultations with the relevant staff representative bodies prior to the decision to withdraw, to ensure the new clause would have the desired effect.
- 937.** The group could accept the proposed changes concerning judges’ terms of office, as the Tribunal had indicated its agreement. The good practice of judges stepping down on reaching the age of 75 had not been codified, but the Tribunal would nevertheless be expected to continue the established practice.
- 938.** As to geographical distribution and gender balance in the composition of the Tribunal, the Workers’ group concurred with the Tribunal that the general requirements regarding high quality, integrity, experience and qualifications required from judges, including language requirements, should always take priority over any other requirements. The group could accept the proposed formulation that “due regard shall be given to geographical balance and gender balance”.
- 939. The Government of India** agreed with awarding a seven-year extension to currently serving judges, who should adhere to the good practice of stepping down at age 75. It recommended that deliberations should commence on introducing transparency to the process of shortlisting judges to the Tribunal by consulting national judiciaries and governments.
- 940. The members of IMEC** noted that the proposed amendments represented one of the most significant reforms in the history of the Tribunal and introduced key best practices to better align it with more recently established international tribunals. They included a crucial staggering mechanism which would prevent a recurrence of the present need to appoint six of the Tribunal’s seven judges simultaneously, and a means to prevent the regrettable situation where the Tribunal lost a talented judge because the Conference was not held in 2020.
- 941.** Importantly, the new language codifying and rationalizing the process for an organization’s withdrawal did not grant the ILO Governing Body a veto, as a decision to withdraw could only be made by the organization in question and its members. The draft decision also acknowledged the critical cooperation that the Office had provided to the UN Secretary-General in the compilation of the initial review of the jurisdictional set-up of the UN common system;¹⁸ IMEC looked forward to actively engaging in the continued discussions at the General Assembly.
- 942.** The group expressed deep satisfaction that the tripartite membership had approved the package of amendments by consensus after more than two years of negotiations, and thanked the Office for its work with the tripartite membership, the judges and registry, and member organizations of the Tribunal to formulate a balanced set of amendments acceptable to all stakeholders. IMEC anticipated the swift adoption of the package of amendments by the Conference in June 2021.

¹⁸ A/75/690.

15.2. Composition of the Tribunal (GB.341/PFA/15/2)

943. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 31 March 2021.

944. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 14 April 2021.

Decision

945. The Governing Body, on the recommendation of its Officers, decided, by correspondence, to propose to the International Labour Conference to adopt one of the following draft resolutions, depending on whether the Conference has previously adopted the amendments to article III of the Statute of the Administrative Tribunal of the ILO and the transitional measures for the implementation of amended article III proposed in document GB.341/PFA/15/1:

(i) if the amendments are adopted:

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, as amended on [...] June 2021, and the transitional measures adopted for its implementation,

- (a) to convey its deep appreciation to Mr Giuseppe Barbagallo (Italy), Ms Fatoumata Diakité (Côte d'Ivoire), Ms Dolores Hansen (Canada) and Mr Yves Kreins (Belgium) for the valuable services they have rendered to the work of the Administrative Tribunal of the International Labour Organization;
- (b) to appoint Ms Rosanna De Nictolis (Italy), Mr Clément Gascon (Canada), Mr Jacques Jaumotte (Belgium) and Ms Hongyu Shen (China) as judges of the Tribunal for a period of five years each;
- (c) to renew the appointment of Mr Michael Moore (Australia) and Sir Hugh Rawlins (Saint Kitts and Nevis) as judges of the Tribunal for one further non-renewable term of seven years each.

Or

(ii) if the amendments are not adopted:

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization,

- (a) to convey its deep appreciation to Mr Giuseppe Barbagallo (Italy), Ms Fatoumata Diakité (Côte d'Ivoire), Ms Dolores Hansen (Canada) and Mr Yves Kreins (Belgium) for the valuable services they have rendered to the work of the Administrative Tribunal of the International Labour Organization;
- (b) to appoint Ms Rosanna De Nictolis (Italy), Mr Clément Gascon (Canada), Mr Jacques Jaumotte (Belgium) and Ms Hongyu Shen (China) as judges of the Tribunal for a term of three years each;

- (c) **to renew the appointment of Mr Michael Moore (Australia) and Sir Hugh Rawlins (Saint Kitts and Nevis) as judges of the Tribunal for another term of three years each.**

(GB.341/PFA/15/2, paragraph 8)

Summary of the written comment received during the consideration of the item by correspondence ¹⁹

- 946.** The Government of India expressed its agreement with extending the appointment of the two judges mentioned in subparagraph 8(i)(c) by seven years. The good practice of capping the age at 75 years should be adhered to by those judges. It recommended that deliberations should begin on making the process of shortlisting judges for the Administrative Tribunal of the ILO more transparent by consulting national judiciaries and governments.

16. Update on the Human Resources Strategy 2018–21: Agility, engagement and efficiency (GB.341/PFA/16)

- 947. The Employer spokesperson** said that while his group recognized the Office's efforts to strengthen the human resources function, it considered that diversity in recruitment needed to extend beyond geographical and gender diversity to encompass professional experience, background and constituent-relevant experience, which was why it had proposed an amendment to the draft decision. Regarding the first pillar, on enhanced organizational agility and workforce management, functional and geographical mobility should be encouraged for staff with the required qualifications and core competencies, to enable the Office to serve its constituents with a multi-skilled, capable and experienced workforce. Geographical mobility should be three-directional, with movement from the field to headquarters, from headquarters to the field, and from the field to the field. Staffing decisions must be made based on core job requirements and not at the expense of the Organization or its constituents. He asked the Office to explain why the results for indicator 1.1 on functional and geographical mobility were below target and to indicate the measures taken to accelerate staff mobility. Concerted efforts should be made to create additional frontline positions in the Professional category to meet constituents' current needs through efficiency gains, and to reprofile existing posts. In line with the Centenary Declaration, the ILO required greater expertise on lifelong learning, technology and productivity. His group reiterated its request to establish specific posts for Employers' activities specialists. Experience working with the tripartite constituents should be a prerequisite for Director positions, as well as relevant field experience.
- 948.** With respect to the second pillar, on engaged employees, there was no description of strategic efforts made to increase the recruitment of staff with constituent-relevant experience. He wished to know whether a copy of the results or the key findings of the mapping exercise of the ILO's future skills needs, referred to at the 337th Session of the Governing Body, could be shared during the current session to allow for an understanding of the workforce needs and for the provision of relevant input. The mapping should include not only professional staff, but also staff in the General Service category, as they represented a significant resource. The Office should ensure that such

¹⁹ The complete text of the comment in the original language is available on the [Governing Body's web page](#), together with the decision.

staff had up-to-date skills that matched its current needs and demands. The lack of progress made with indicator 2.3 on an improved culture of respectful and inclusive behaviour across the Office gave cause for concern, as it indicated that the ILO was not doing enough to ensure decent work for its own staff. It would be useful to know whether the Office-wide campaign to prevent sexual harassment and misconduct, and the internal communication initiatives, were proving effective. The Office should accelerate the administrative framework and disciplinary process to ensure that consequential management was in place. It was vital for senior management to communicate misconduct and substantiated cases actively, in order to demonstrate to staff that the Office was serious about securing an inclusive and ethical workplace.

- 949.** He introduced an amendment to the draft decision that the Office had circulated before the sitting. The Employers' group proposed the addition of the words ", in particular by taking care of diversity in terms of geographic and gender distribution as well as in terms of experience relevant to the three constituent groups" to the end of the draft decision.
- 950. The Worker spokesperson** said that her group would welcome clarification on how the Office intended to assess the impact of the COVID-19 crisis on the implementation of its mobility policy, particularly regarding transfers from headquarters to ILO regional and field offices. With respect to the revision of the job descriptions of ILO country directors, one of the key roles of such directors should be to ensure that the social partners could fully participate in the development of country-level priorities and that the Organization's normative mandate was fully taken into account by the UN resident coordinators. Regarding the proposed development of a new employment contract framework, the ILO should continue to grant permanent contracts to a certain number of staff and to ensure decent working conditions for those on short-term contracts, in order to preserve the independence of international civil servants. Her group wished to know when the UN System Chief Executives Board for Coordination Task Force planned to issue its report on the Future of Work in the UN system. In addition, it wished to know whether the reference to new remote working arrangements and the potential to attract a more diversified pool of new talents, contained in document GB.341/PFA/INF/5, meant that the Office would now hire staff who would work from places other than the office to which they were assigned.
- 951.** Further information on efforts made to hire persons with disabilities would be welcome. With respect to the action plan for improving the diversity of the ILO workforce and the figures presented, it would have been useful to provide a comparative table for the three years of the strategy, not only the past two years. It would be important to include figures on where ILO staff worked and where they came from, throughout the four-year period of the initiative, in the final report. The final report should also include the figures, disaggregated by region, normally provided on an annual basis in the Governing Body document. Her group hoped that the increasing gender gap observed in senior positions at the ILO would revert from 2021 to 2024, due to the number of staff who would reach mandatory separation age during that period. Consultations with the Staff Union, particularly on flexible working arrangements and working methods, should continue. Her group wished to propose an alternative amendment to the draft decision, namely, the addition of the words ", with due regard being given to the action plan for improving the diversity of the ILO workforce" to the end of the text proposed by the Office.
- 952. Speaking on behalf of ASPAG, the Africa group and the Eastern European group,** a Government representative of Japan welcomed the improved information on the composition and structure of the ILO workforce, which clarified the situation with regard to representation. While progress had been made to improve geographical diversity,

work remained to be done. Indicators such as the number of net increase of staff from less-than-adequately represented countries, the percentage of staff from those countries, or the number of under-represented countries could be included in the Human Resources Strategy 2022–25. The Office should cooperate more effectively with Member States to formulate measures to improve geographical representation, with particular regard to young professionals so that they be given priority especially at the entry levels. The ILO should develop diversity of skills and professional experience across its workforce, including with regard to tripartism, in order to cater to constituents' needs.

- 953.** Job requirements should be limited to those specifically relevant to a particular position and systemic barriers, such as requirements of extensive international experience and language skills, should be removed. The review of generic job descriptions was welcome in this respect. The Office should fully implement the provision of the Staff Regulations that professional staff whose mother tongue is not one of the ILO's working languages should have a satisfactory working knowledge of one of the ILO's working languages. He commended the Office's effort in reviewing generic job descriptions as stated in Initiative 3 of the action plan endorsed at the 337th Session. The revision should prevent unjustified "requirement inflation" and monitoring that no such unjustified inflation happened in actual recruitment was important. The Office should demonstrate its commitment to gender equality and disability inclusion, particularly concerning gender equality across positions at the P5 level or above. He asked for further information on efforts made and lessons learned in that regard.
- 954.** While expressing confidence that the ILO could achieve the goal of a fully diverse workforce, he said that it should consider a review of all measures, including the Staff Regulations, if meaningful progress was not achieved. The Human Resources Strategy 2022–25 should be based on the needs of constituents and lessons learned from the current implementation period. The members of ASPAG, the Africa group and the Eastern European group remained committed to working with the Office to strengthen the human resources function, and expressed support for the draft decision, as proposed by the Office. Each group would express its position on the proposed amendments.
- 955. Speaking on behalf of ASPAG,** a Government representative of Japan said that his group supported the amendment proposed by the Employers' group and had no position on that proposed by the Workers' group.
- 956. Speaking on behalf of the Africa group,** a Government representative of Lesotho said that data on geographical representation should be more transparent, recalling that the Office had previously shared a table outlining geographical representation and gender diversity, which could have been appended to the report. He asked for information regarding the geographical distribution of professional positions by region. Internships for young professionals had not been included in the report, and should be included in the Human Resources Strategy 2022–25 along with other issues specific to Africa. Recruitment should be decentralized and country offices granted the autonomy to recruit junior officers. The Human Resources Strategy must continue to take into account the outcome of the Abidjan Declaration.
- 957.** With regard to the draft decision, his group proposed the addition of the words "that is to fully address geographical diversity and under-representation by giving opportunities to young professionals from the under-represented Member States, among other measures" to the end of the text proposed by the Office.

- 958. Speaking on behalf of GRULAC**, a Government representative of Barbados noted the positive results relating to performance management and training and professional development services. While recognizing efforts to ensure staff mobility, he expressed concern that mobility targets in the biennium 2018–19 had not been met. While noting the factors affecting the Office's scope to improve gender parity and geographical diversity, he expressed concern that current initiatives would be insufficient to meet the established goals and said that relevant good practices from other international organizations should be applied. The implementation of the Human Resources Strategy 2018–21 should be reviewed, taking into account the needs of staff in the context of the COVID-19 pandemic, so as to incorporate lessons learned. His group supported the draft decision proposed by the Office.
- 959. Speaking on behalf of IMEC**, a Government representative of Canada welcomed the commitment to recruiting staff on the basis of merit. Efforts to strengthen diversity and inclusion were welcome, but must continue, with particular regard to gender parity. Expressing concern at the decrease of the number of women occupying positions at the P5 level and above, she asked whether attention was being paid to attrition of women at senior levels and what initiatives could be implemented to achieve gender parity at those levels. Future reports should provide details of gender ratios at all levels and outline trends over time. Disability inclusion was a priority for her group, but human resources strategies must not duplicate work under the ILO policy on disability inclusion.
- 960.** The Office should continue its efforts to expand the reach of vacancy advertising to ensure the recruitment of the highest quality candidates while simultaneously implementing the action plan for improving the diversity of the ILO workforce. Future overviews should include data on geographical diversity, disaggregated by gender. She asked the Office to review recruitment policies for junior policy officers and technical cooperation staff in order to ensure that the ILO was an attractive employer.
- 961.** She asked the Office to prepare a document for the next Governing Body session outlining lessons learned from the implementation of the Human Resources Strategy 2018–21. The Human Resources Strategy 2022–25 should include updated objectives and outline specific steps that the Office will take to prevent sexual harassment and misconduct and address all forms of violence in the workplace, in line with Convention No. 190. It should also contain a dedicated section on flexible working arrangements and their implications for the safety and health of workers.
- 962.** Her group supported the draft decision as proposed by the Office and did not support the amendment proposed by the Employers' group. She requested that the amendment proposed by the Workers' group be circulated.
- 963. A Government representative of China** welcomed the Office's efforts to improve mobility and digitalization, and diversity in the workforce. Noting progress made towards gender equality, it was regrettable that the document did not mention efforts to improve geographical diversity. She asked the Office to provide further information in that regard. The information provided relating to indicator 2.1.2 did not accurately reflect the geographical diversity in the Organization, and recruitment from under-represented countries should be prioritized. The Office should increase efficiency in recruitment, expanding its outreach and focusing on qualifications and experience of tripartism, in line with the actual needs of each position.
- 964. A Government representative of the Russian Federation** reiterated that subsequent reports should continue to include information on the representation of all countries, and should provide desirable ranges for each country; regional data should be

secondary. During the period 2022–25, the Office should make concerted efforts to ensure equal geographical representation and provide annual reports on progress made in that regard. The fundamental criteria for recruitment should be the skills and experience relevant to the given position. Moreover, the ILO's understanding of staff diversity should align exclusively with that of the International Civil Service Commission (ICSC). The Human Resources Strategy 2022–25 should seek to implement UN General Assembly resolutions and ICSC recommendations concerning working conditions and staff entitlements, ensuring uniformity and decent working conditions across the UN common system. He supported the draft decision as proposed by the Office.

- 965. A Government representative of Brazil** emphasized the need for further progress under all three pillars of the Human Resources Strategy, with particular regard to increasing geographical diversity and gender balance in the workforce. Job descriptions should reflect the skills and experience required by each position. However, recruitment processes should also promote diversity and avoid systemic barriers that excluded qualified applicants. He supported the draft decision, as amended by the Employers' group.
- 966. A representative of the Director-General** (Director, Human Resources Development Department) thanked the Governing Body for its support and guidance, which would help to ensure the effective implementation of the Human Resources Strategy for the period 2018–21 and the preparation of the new Strategy for 2022–25, which would be done in close cooperation with representatives of all groups and the ILO Staff Union. The Human Resources Strategy was accompanied by action plans and a set of targets for measuring progress, in particular with regard to gender parity and equitable geographic distribution in the workforce.
- 967.** Improving geographic diversity remained a priority for the Office. While at 31 December 2020 there had been 780 staff posts (23 per cent of the Professional workforce) subject to geographical diversity criteria, the actual geographical diversity among the ILO's staff as a whole was, in fact, greater, if the total ILO workforce was to be taken into account. The values of competence, integrity and professionalism remained at the heart of the ILO's workforce.
- 968.** The Office had made efforts to work with the group secretariats and permanent missions to the UN in Geneva to raise awareness of employment opportunities within the ILO and broaden the pool of candidates for staff posts. The ILO Jobs website had received more than 3.5 million hits, which was testament to the effectiveness of those efforts. The ILO's reach was being widened by increasing its presence on professional social networking platforms and ongoing efforts, in cooperation with the Staff Union, to revise generic aspects of job descriptions for General Service and Professional staff. The Human Resources Development Department (HRD) remained optimistic that diversity in staffing would increase as posts became vacant in 2021–23 as a result of scheduled retirements.
- 969.** Regarding gender parity, it was disappointing to note that despite excellent results when considering staffing of the Organization as a whole and across Professional posts up to and including P4 level, women remained under-represented at management level. More would need to be done to redress the balance. The change of the mandatory age of separation in 2018 had meant limited possibilities for new recruitments to high-level posts. In 2020, 60 per cent of post descriptions had included competencies linked to gender, while 100 per cent had referred to gender sensitivity. Work in that regard would continue, in line with the Governing Body's guidance and recommendations. Inter-agency exchanges had already enabled women to be brought into high-level posts and would continue.

- 970.** Regarding competencies and professional experience, the Office had made efforts to attract particular types of expertise from workers' and employers' organizations, as well as public administrations. Work was under way with ACT/EMP and ACTRAV to raise awareness of employment opportunities and encourage applications. Vacancy notices were worded to encourage applications from candidates with work experience relevant to the ILO's mandate. An alert system had been set up through the ILO Jobs website, through which interested parties could register to receive vacancy notices. The Office was eager to work closely with workers' and employers' organizations and show them that working with the ILO was in the interest of the Organization.
- 971.** Persons with disabilities were encouraged to apply for jobs at the ILO; assistance was offered for filing applications. Staff members on interview panels were trained in awareness and sensitivity to diversity in recruitment and selection. In 2021, the Office would implement a joint project with the ITU, to improve accessibility to UN agency online recruitment platforms for persons with disabilities.
- 972.** Regarding sexual harassment and abuse, the Office had a zero-tolerance approach, which had been set out explicitly in a new office-wide policy on sexual exploitation and abuse, adopted in July 2020 and disseminated to all staff. Work on eliminating harassment was a priority for the Director-General and was being done in collaboration with other UN agencies.
- 973.** Decentralized recruitment had been ongoing for several years, not only in national recruitment at the General Service level, but also for internationally recruited Professional posts. The Governing Body's support for the Junior Professional Officer programme was particularly welcome. The programme had a retention rate comparable to internship programmes in other UN agencies. The primary objective of the programme remained to allow young professionals to learn from their experiences at the ILO, whether they remained on the staff long-term or use their expertise elsewhere. The programme was merit-based and contributed significantly to encouraging diversity in recruitment.
- 974.** He suggested that informal group consultations could be held to discuss the proposed amendments to the draft decision.
- 975.** Following the informal consultations, a revised draft decision had been circulated by the Office to all members of the Governing Body, which read as follows:
- The Governing Body requested the Office to take into account the guidance provided in the further implementation of the Human Resources Strategy 2018–21 and in the preparation of the Human Resources Strategy 2022–25, so as to ensure a workforce of the highest standards of competence, efficiency and integrity, with due regard being given to the action plan for improving the diversity of the ILO workforce (GB.337/PFA/11), including in terms of gender, geographical diversity, also addressing under-representation, experience relevant to the three constituent groups, and opportunities for youth and for young professionals.
- 976. The Worker spokesperson** said that the revised draft decision took account of all aspects of diversity that were relevant for the constituents. The Workers' group would be happy to adopt it, and hoped that the Office would take it into account in the new Human Resources Strategy for the period 2022–25.
- 977. The Employer spokesperson** thanked the Office for the support provided in revising the draft decision, which would allow the ILO to take better account of diversity in all its dimensions. The staff were the ILO's most important asset. Recruiting from more diverse professional backgrounds and life experiences at all levels would give the Organization

greater opportunities to reap the benefits of diversity and enhance both the ILO's competitive edge and its relevance. His group supported the revised draft decision and hoped that it would be duly reflected in the Human Resources Strategy 2022–25.

Decision

978. The Governing Body requested the Office to take into account the guidance provided in the further implementation of the Human Resources Strategy 2018–21 and in the preparation of the Human Resources Strategy 2022–25, so as to ensure a workforce of the highest standards of competence, efficiency and integrity, with due regard being given to the action plan for improving the diversity of the ILO workforce (GB.337/PFA/11), including in terms of gender, geographical diversity, also addressing under-representation, experience relevant to the three constituent groups, and opportunities for youth and for young professionals.

(GB.341/PFA/16, paragraph 42, as amended by the Governing Body)

► Appendix I

Opening remarks by the Director-General including the introduction of the Programme and Budget proposals for 2022–23

341st Session of the ILO Governing Body (Monday, 15 March 2021)

Chairperson, members of the Governing Body,

I am pleased to welcome you all to this 341st Session. That pleasure is tainted somewhat by the fact that for the second consecutive time and following the previous cancelation of the Governing Body and postponement of the International Labour Conference in 2020 we are again constrained to meet virtually.

Last November, thanks to the efforts of us all, we showed that we can make a virtual Governing Body work, have substantive discussions, and take important decisions. And, we have learned from that experience and built upon it. Through the guidance you have provided, in very intensive consultations, we have further refined our working methods, and agreed on how to address agenda items – with no less than 22 being dealt with by correspondence, leaving 22 for debate in our virtual sessions and a further 17 for information only. The aim has been to reproduce, to the fullest extent possible, how we operate in a normal, physical session.

I cannot overstate how important these organizational achievements are. They are crucial for the institutional integrity and business continuity of the ILO. But I am conscious too that the challenges in this regard will not be finished even with the successful conclusion of this Governing Body.

And that is because we are also faced with the responsibility of ensuring the holding this year of a session of the International Labour Conference which we are all agreed is absolutely necessary and, for reasons of which we are painfully aware, will also be virtual. That task, given the size and complexity of the Conference is formidable. But if we approach the technical and political issues involved in the same spirit that we have brought to the preparation and conduct of these virtual Governing Body sessions then it can be done.

If we do it, then it will mark a decisive institutional victory of the ILO over COVID-19. If we fall short then the virus will have inflicted an important defeat on us all.

And looking beyond the Conference, the Governing Body is also required to take decisions to set in motion the process for the election of the next Director-General who will take office in October of next year.

I begin with these considerations which are about internal organizational matters because I am convinced that the capacity of the ILO to move forward with its work weighs heavily on the way in which the world of work will move forward along the path of recovery from the pandemic-induced crisis by which it has been immersed over the past year.

The ILO has measured and analysed the impact of the crisis, offered extensive policy advice, and advocated for a human-centred recovery. We have worked hard with our Member States and in the international system, we have been visible, we have had impact.

For example, the COVID-19 response page on our website has had visits from 76,000 users since last April.

But the world of work is still in crisis, despite the real prospects for recovery unlocked particularly by the development and, we trust equitable distribution of vaccinations.

And that means that the activities of the ILO now and in the months ahead must, above all, be directed at promoting and implementing the human-centred recovery, guided by its Centenary Declaration for the Future of Work. That thought obviously applies with particular force to the programme and budget proposals to which I will turn in a few moments.

But in this context let me underline also that the preparation and adoption by this year's Conference of an outcome document will be decisive in positioning the ILO as a leader in the global response to and recovery from the crisis. As we have developed the building blocks for that outcome document we have learned quite a lot: that we need a strong political, global, tripartite statement; that we must not try to renegotiate or duplicate the Centenary Declaration; that we must not simply repeat what is already in our programme and budget and strategic plan; that we must add real value; and that we must get to the Conference with the highest degree of convergence and agreement. That is asking a lot. But we should not think we can do less.

The agenda of our meeting reminds us all of the broader multilateral context to the ILO's own activities. This is not new. The challenges and opportunities of UN reform have already been the subject of intense debate here. And we have a clear mandate from the Centenary Declaration to reach out for greater policy coherence in the multilateral system.

So the fact that both issues are again on our agenda might seem no more than the continuation of an ongoing conversation. But I think our current circumstances make them more than that. Because the traumatic experience of the pandemic not only requires us to focus on the effectiveness of multilateralism with greater intensity but also injects a new sense of urgency and purpose. That is evident from discussions in other organizations and I hope will find an echo here, an echo which generates action. The documents presented to the Governing Body are designed to facilitate your guidance on this. They provide a full and honest account of the ILO experience of UN reform and also of what we are doing and could in the future do in cooperation with other international organizations. It is an area where innovation, creativity, and ambition might be expected of us and beneficial to those we represent.

We will be returning as well to themes which were of high priority pre-pandemic but which have been "paused" in the move to virtual Governing Bodies. But they have lost none of their relevance.

We are, you will recall, required by the terms of the 2019 Conference resolution, to return to the question of possible inclusion of safe and healthy working conditions in the ILO framework of fundamental principles and rights at work. This is no small matter; indeed its significance could hardly be clearer than in the midst of a global pandemic. There are important political and technical issues to be addressed, but cutting through

them basically the Governing Body has to answer two sequential questions: does it want to designate occupational safety and health as a fundamental principle and right; and if the answer is “yes” how would it proceed to do so?

In similar vein, it is the moment, on the basis of the report of a meeting which reflected divided opinion, for the Governing Body to set a much-needed clear forward path for ILO action on global supply chains, something which has proven elusive since the Conference debate of 2016.

It is not for me, now, to comment on the merits of the diverse positions that have been repeatedly expressed here on this matter. But it is my responsibility to confront the Governing Body with a simple reality. Global supply chains are important to the world of work and raise major issues which are under active discussion elsewhere. There are expectations of the ILO, expectations that if not met may mean that these important issues will be dealt with in other places, instead of in this unique global tripartite forum where, you may think as I do, they properly belong. And we would all be diminished if that happened. I am confident that it will not.

As always at this stage of Governing Body proceedings, I have some reflections to make on the country-specific items before us. I generally do so without reference to the substance, confining myself to issues of process. I will stick to that precedent in respect of the Bolivarian Republic of Venezuela and Bangladesh, but depart from it with regard to Myanmar because there is obvious need to do so.

The case of the Bolivarian Republic of Venezuela is now at a point where the procedures that flow from an article 26 complaint are practically exhausted with the Governing Body in unfamiliar or indeed unprecedented territory. By contrast, in the case of Bangladesh, the opposite is true and there appears to be real prospects, at this early stage of resolving the issues involved through dialogue and a road map of cooperation for which the Governing Body called at its last session.

Notwithstanding these contrasts, the three criteria I always urge on the Governing Body apply equally to them:

- Process: we must act strictly and impartially in accordance with the procedures set out in our Constitution.
- Principle: our task is to have the ratified Conventions concerned applied in full, no less and no more.
- Perseverance: our efforts must be directed tirelessly to find consensus with a view to producing results which are not always immediate.

The case of Myanmar is different. We are not in the situation of an active article 26 complaint but faced with dramatic and tragic events in which the lives of peaceful demonstrators are being taken, and the basic principles of justice, rights, and democracy are at stake. It is this, as well as the ILO's long involvement in the country, which has been so instrumental in bringing historic change that makes our debate necessary and timely. I trust we will come together in delivering without equivocation the message that these circumstances demand of us.

There is much else of substance before the Governing Body. We have the opportunity to sharpen our understanding of key issues of productivity and decent work and what the ILO should be doing to address them appropriately and strategically. We will return to the ILO strategy to promote the rights of indigenous people for inclusive and sustainable development.

I will turn now to the programmatic and financial issues on the agenda, including of course my programme and budget proposals. In this regard, let me first refer to the items which provide important background to those proposals or are relevant to the Office's capacity and working methods for their implementation.

As instructed by the Governing Body at its last session, we have provided preliminary information on how COVID-19 has impacted the delivery of the programme and budget for the current biennium specifically in 2020. This addresses both programmatic content and the financial underspend resulting particularly from the impossibility of travel and the cancellation of physical meetings. At this stage, this information is presented for information and guidance, but it is clear that at the end of the biennium important decisions of a financial nature will need to be made. Further proposals, with significant financial implications are also before the Governing Body on the use of the 2018–19 net premium.

It is worth keeping both of these resource points in mind when considering the programme and budget proposals themselves.

Similarly, the continuing pursuit of better performance, greater efficiency and effectiveness which has been a common denominator of every programme and budget I have presented, with this one no exception, finds expression in a number of documents before the Governing Body. That is notably the case for the human resource strategy and the information technology strategy on which there are updates, and the development cooperation strategy for which we present an implementation plan.

And in a different way, but no less importantly, the first report of the tripartite Working Group on full, equal and democratic participation addresses issues of basic significance for the optimal governance of our Organization.

Introduction of the Programme and Budget proposals for 2022–23

Turning now to my programme and budget proposals themselves, I can summarize their rationale and content in three key ideas: continuity; adaptation; and improved performance.

Continuity is practically a choice imposed by previous decisions of the Governing Body, reflected for example in the Strategic Plan adopted last November, to make the operationalization of the Centenary Declaration the guiding star for the Organization. That is what defined the programme for the current biennium, and it can hardly be considered a task of just two years.

This is why the eight proposed policy outcomes focus on the same areas as do those currently in place: the tripartite constituents and social dialogue; international labour standards; economic, social and environmental transitions full employment and decent work for all; sustainable enterprises; skills and lifelong learning; gender equality and equal opportunities; protection at work; and social protection for all.

The elements of continuity in these policy outcomes are clear, and they add up to the robust and coherent approach to the implementation of the ambitions of the Centenary Declaration that we have already committed to and from which it makes no sense to depart.

But, continuity must be combined with adaptation, above all the incorporation into each of the policy outcomes of the lessons and challenges generated by the social and economic impact of COVID-19, and the actions required to make the ILO the agent of human-centred recovery that we all wish it to be.

The Governing Body will note too that the outputs under each policy outcome are framed to increase the capacity of constituents to address the relevant issues and with reference to the international labour standards concerned. These permanent ILO comparative advantages, normative and tripartite, are the thread running through everything that is proposed.

It will note also that the establishment or consolidation of external partnerships is given emphasis, precisely because we want to be coherent about policy coherence.

And it will note that we continue to align policy outcomes with key SDG targets. The ILO was a first mover in aligning its programme with the UN 2030 Agenda. It is clear, one decade out, that we must stay the course to the end.

In this context of continuity and adaptation, a particular effort is made in my proposals to strengthen organizational performance. This is evidenced in the reinforced enabling outcomes, in the strengthened results framework, and in the proposed unit to drive knowledge and innovation across the Organization. The Office has made considerable progress in these areas and we have learned lessons particularly from our work in response to the pandemic. But we know that more needs to be done, and we are aware that across the multilateral system dedicated capacity in these areas is recognized a best practice. So I believe this is the logical next step.

In this connection, let me add that, as the Turin Centre Board is engaged in a major re-examination of its business model there will be major opportunities to harness further the expertise of the Centre not only in respect of knowledge and capacity-building but in innovation too.

I will, as always, conclude with the bottom line – the resource implications of the programme I am proposing.

In line with the long-term financial trajectory of the ILO, I am, once again, proposing a zero real growth budget amounting to US\$790,640,000 in constant dollar terms. This represents a nominal increase of US\$12.9 million, or 1.63 per cent to cover expected cost increases. This will be complemented by extrabudgetary, voluntary contributions for which on the basis of available evidence we estimate expenditure at US\$520 million for the biennium.

I have said before, and I repeat now, that I and my colleagues are acutely aware of the financial constraints on public finances in many of our Member States, particularly as they act impressively to support enterprises, workers, jobs and incomes in these times of pandemic.

We are aware that we must earn your confidence and support for the resources you place at our disposal. This is what drives our unrelenting efforts to deliver more value for the money you provide.

Within the zero real growth envelope, I am proposing to redeploy a further US\$10.44 million from backroom support functions to frontline substantive policy areas which deliver that value to Member States without compromising the stewardship of the Organization.

Concretely, that means the creation of three new technical posts at headquarters and five more in the field – one in each region. It also allows for the establishment of a full-time ethics officer which is a reflection of our unqualified commitment to the highest standards of behaviour and integrity. It means too that there are increases in regular budget allocations to all policy outcomes and all regions, necessarily modest, but real nonetheless.

Combined with the efforts of the past four biennia this would take the cumulative transfer of resources to improve service delivery to US\$79.84 million in the time I have served as Director-General. A reflection of the sincerity and reality of the Office's collective commitment to do more and to do better.

I hope you will find in the proposals before you, good reasons to invest your efforts and your resources in an ILO which is striving to respond to the formidable world of work challenges of the moment and to meet all of your expectations of us.

And with this, I commend my Programme and Budget proposals 2022–23 for your approval and for forwarding to the International Labour Conference for adoption.

Thank you.

► Appendix II

Director-General's reply to the discussion of the Programme and Budget proposals for 2022–23

341st Session of the ILO Governing Body
(Tuesday, 23 March 2021)

Chairperson, members of the Governing Body,

As is our usual practice, I will now respond to last week's discussion of my programme and budget proposals for 2022–23.

With your agreement, Chairperson, I will begin with my reaction to the major issues that arose in the debate, the “big picture” issues. Then I would ask my colleague, Mr Jiang, Director of the Strategic Programming and Management Department, to provide information and answers to some of the more specific, or technical points before concluding with some comments on the all important resource issues and the level of the budget.

The underlying rationale in my proposals of continuity with adaptation with the intent of applying the Centenary Declaration to the task of promoting human-centred recovery from the COVID-19 crisis met with overwhelming support in the Governing Body.

From this flowed the very broad and strong approval expressed for the eight policy outcomes proposed. Nevertheless, the Employers' group, but it alone, argued once more for the splitting up of proposed outcome one so as to provide for a stand alone outcome for employer and business membership organizations (and by implication further such outcomes for workers' organizations and public labour administrations).

I am, of course, aware of the strength of feeling on this matter. The positions taken on all sides reflect exactly those expressed in previous programming exercises and it follows from the absence of any change in this regard that the proposal should stand, as was.

There was nothing in last week's debates that would justify a change of course at this stage.

But it is worth noting, perhaps, that on this occasion it was said explicitly that the point of disagreement was not about the level of resource allocations, but of visibility and of substance, let me address both of these.

Firstly, it is well understood, and I welcome the opportunity to confirm this, that activities for employers' organizations are not limited to their role in social dialogue and the fact that they are located within a broader outcome does not imply that. There is much else that must be done to assist in their capacity to recruit and to represent members and their interests.

Nor are concerns about the visibility of these activities borne out by our experience to date. On the contrary, the ILO's ability to advocate persuasively for the role of employers', and indeed workers' organizations, for example in United Nations (UN) processes and to increase resources for the relevant outputs in the current biennium have benefited from the integrated approach under outcome 1.

This will be reflected in the implementation report that will be presented to the Governing Body one year from now. In line with the decision of the Governing Body in November 2019 I therefore propose that outcome one be retained in its existing form.

Some other very important points were made about the content of different policy outcomes, and I want to focus on three of these.

Firstly, the issue of “just transition” to environmental sustainability, where the concern was expressed that the proposed approach might be unduly narrow, concentrated in a single policy outcome – outcome 3 – or even one single output – output 3.3. I agree strongly that at a time when the world is focusing its efforts on overcoming the multiple challenges of COVID-19, the ILO must not lose sight of the reality that climate change remains the defining global challenge of our time, and that we must act accordingly.

In this regard, let me underline that just transition is embedded in several policy outputs, in particular those relating to enterprise development, business practices, lifelong learning, equal opportunities and treatment, and social protection, and that the Office will continue to reduce its own carbon footprint as indicated under enabling outcome C. The new Just Transition Innovation Facility will identify, enhance, test and disseminate high potential ideas for new solutions and support constituents in applying innovative methodologies.

Let me add too that this is an area where partnerships are at a premium, the ILO will contribute actively to existing ones – I think particularly of the Climate Action for Jobs – and to developing new ones.

Secondly, it was the Africa group, in particular, that stressed compellingly the responsibilities of the ILO in respect of youth employment. I believe it is absolutely right to do so, because as the ILO has itself reported, the impact of the COVID-19 pandemic on youth has been more devastating than for any other demographic, and that impact is likely to continue long after the pandemic is overcome.

Therefore, we are taking our responsibilities for a human-centred recovery with decent jobs for youth very seriously. The proposals before you include a stronger focus on the renewed follow-up to the plan of action on youth employment for the period 2020–30 endorsed by the Governing Body in November 2020, in particular under output 3.1 on employment policies and output 3.5 on labour market programmes and employment services. We are continuously monitoring and analysing the situation with respect to youth employment for effective policy dialogue and responses, and in this context we have set up an Employment Policy Action Facility to streamline our country assistance for recovery from the pandemic. We are also working closely with the UN and other partners, especially our partners in the Global Initiative on Decent Jobs for Youth, in developing new knowledge including through global surveys, and country action to address the situation. Finally, as you have seen, many of the targets set for the corresponding indicator are in Africa.

Thirdly, I revert to the issue of productivity which has been much discussed at this Governing Body session both in the context of my programme and budget proposals and in last Thursday’s policy debate on decent work and productivity, at the end of which the Office was instructed to take into account the guidance provided in the implementation of the ILO programme.

This instruction was anticipated in the Executive Overview to my proposals where I addressed the issue of “evolving demands” in respect of global supply chains, and occupational safety and health, as well as productivity – all of which are on the agenda of this Governing Body session. As a consequence, I believe we are well placed to move forward on all these fronts.

I should underline that already, and building on and beyond what we are doing in the current biennium, productivity is now addressed in several of the proposed policy outcomes, including those on employers’ activities, the rural economy, an enabling environment for sustainable enterprises, transition to formality, and social protection coverage and adequacy as well as in output 4.2 on enterprise productivity enhancement.

It is encouraging that our Governing Body debate showed clearly that productivity is recognized by all groups as an important area of ILO work and that all constituents have an interest in it and the productivity ecosystem model which offers an integrated, holistic approach. That gives us a good basis for the further development of our activities in line with the guidance you have provided. There is, for example, immediate scope for further research work to strengthen our evidence base and it may be that the Governing Body will wish to renew its discussion of productivity to monitor progress and update its guidance.

There were quite a lot of questions last week on my proposal to establish a unit to drive knowledge and innovation across the Organization.

The intent here is to respond to the need, which I believe is an urgent priority, to promote, encourage, and facilitate new thinking, skills, competencies and ways of working in the Organization. There is always a danger of inertia in secretariats such as ours; of existing practices perpetuating themselves; of simply reacting to requests and events as they unfold rather than applying foresight, anticipating and innovating.

The reasons to move in the direction I am proposing come from two sources: firstly, everything that emerged during the future of work exercise, which instructed us all on the need to look at key emerging world of work issues differently – not just for the single year of the centenary but on a permanent basis and to apply that lesson to the Office as well as to the external environment; and secondly, from the processes being developed across the multilateral system where the need to promote internal innovation has been underlined by the Secretary-General, the United Nations System Chief Executives Board for Coordination (CEB) and the Joint Inspection Unit and was also reflected in the 2020 High-level evaluation of ILO research strategies and knowledge management.

In short, we are striving to adopt recognized best practice with the necessary investment of leadership and resources.

In this context, the objective of the proposal is to provide ILO staff and management with an internal resource which they can call upon to develop, guide and implement improvements in operations, and for policy advice, knowledge products and services, all with the final objective of better delivery to you, our constituents. The proposed unit would provide expertise on change, innovation, and knowledge management methodologies and stimulate a culture of staff enablement and participation.

All of this would meet clear demands we encounter every day in our work. But we do not begin from a standing start. The Governing Body may recall that the Office set up in 2015 a Business Innovation Unit (BIU) as part of my reform programme. Its reviews of ILO business processes have been instrumental in generating the efficiency and

effectiveness improvements which have enabled us to redeploy some US\$80 million to front line service delivery over recent biennia.

The intention now is to consolidate capacity in the existing BIU and the Knowledge Management Team to support sustainable, dynamic change processes. Inter alia this will allow the Office to reduce its resort to external consultants and strengthen sustained support and monitoring of what, I have always maintained, needs to be continuous improvement across the Office.

Concretely the Unit would comprise one P5 and four P4 staff and be located in the Management and Reform Portfolio.

I turn now to the question of why the presentation of the strategic budget is at the level of the proposed outcomes rather than the proposed outputs.

This is not a new story. In fact it is quite an old one, going back to 1999 when the International Labour Conference instructed the Director-General to implement result-based management. As a result, for the last 20 years the ILO has presented the budget by outcome, moving away from operational/departmental budgets to strategic ones. We have done so in the interests of enhanced accountability, on instruction and with guidance from you, our constituents. We have strengthened and improved the systems as we have gone along.

The approach that you have told us to adopt allows for stronger accountability and a more integrated use of resources, linked to the results they generate. It has been an essential contribution to strengthened governance, and helps us to present the programme implementation report at the end of each biennium.

It should be clear that the outcome-level resource presentation in my proposals is synonymous with the choice of strategic budgeting. That can be changed, but that would mean throwing the direction of travel of the last two decades into reverse.

This said, in response to concerns expressed by the Employers' group in particular, an effort is made to provide more granular information on the relationship between the operational and the strategic budgets and this is to be found in Information annex 4 of my proposals. Certainly, the Office can explore ways to build further on this.

Finally, before passing the floor, with your permission Chairperson, to my colleague Mr Jiang, let me say a few words about our presentation of estimated extrabudgetary funding, on which there were a number of comments last week.

Here, there are two fundamental realities that need to be clear to all.

The first is that the figures we present are our best estimates, based on resources already available, commitments already made, and our expectations for future resource mobilization. We simply cannot do otherwise, and I have considered it prudent to adopt a cautious approach with regard to the figures we have given you, combined with assurances that we will do all possible to mobilize more funds.

The second reality is that, because it is voluntary, extrabudgetary funding frequently comes with different degrees of earmarking attached. That is to say the use to which it is put is not at the full discretion of the Office, or indeed of the Governing Body. This is a partial explanation and response to those who expressed concern about the level of extrabudgetary allocations to certain outcomes. The other part of the response is that the Office will direct its resource mobilization efforts particularly to areas where funds are scarce, in line with our Development Cooperation Strategy, and will use

unearmarked Regular Budget Supplementary Account (RBSA) funding strategically to meet key and emerging needs.

I take the opportunity to express sincere thanks to our voluntary funding partners and particularly those who contribute through our RBSA modality which is such an invaluable asset.

With this, may I ask you, Chairperson, to authorize Mr Jiang to intervene, after which I will have some concluding remarks?

[Statement by Mr Jiang]

Finally, let me return to the level of the budget.

As I said last week when I presented my proposals to the Governing Body, I am conscious that in pursuing a zero-real-growth trajectory, an important effort is being asked of Governments in conditions of pandemic and significant fiscal constraints. A number of members of the Governing Body said that they would await this response from the Office before taking a definitive position on this matter.

I very much hope that our response has served to clarify points that were raised and to reinforce my central message that, particularly in view of the difficulties of the moment and the needs that flow from them, rather than in spite of them, the proposed programme is one that justifies this investment. And I would urge you to agree to it.

In maintaining, as I now do, the proposal for zero real growth let me end by adding one further point from a purely financial perspective.

It is true that I am asking the Governing Body to recommend a nominal increase of \$12.9 million in appropriations for the 2022–23 budget, and that this is an important amount.

But, as the Governing Body is aware from its consideration of the impact of COVID-19 in programme and budget delivery for 2020–21, it is inevitable that we will arrive at the end of the current biennium with an underspend that will exceed that \$12.9 million. Already, the underspend in 2020 on meetings alone totals some \$9.27 million and this cannot be repurposed to other areas. There is further underspend in other areas.

It follows that through no decision of ILO management, and for objective reasons which fall beyond its discretion, we will record an underspend this biennium which will exceed, and more than compensate, the nominal increase implied by zero real growth for the next biennium.

And since the financial regulations require that a budgetary surplus be credited back to Member States once their contributions have been paid in full, it follows that their overall financial contributions, when taking all of these elements into account will most likely be less in nominal terms for 2022–23 than it was for our current biennium.

Viewed pragmatically and on the whole I would hope that these circumstances which, I repeat, are beyond the influence of the Office, and the explanations and clarifications that we have provided, will allow the Governing Body to come together in recommending the proposed programme and budget for adoption by the International Labour Conference.

I thank you for your attention.

► Appendix III

Statement by the Chairperson of the Staff Union

341st Session of the Governing Body (March 2021)

Chairperson, Director-General, delegates and colleagues,

It is my honour to deliver this statement as the elected Chairperson of the ILO Staff Union, which represents two thirds of staff members at headquarters and in the field.

One year ago almost to the day, the ILO was beginning, alongside the rest of the world, to comprehend the magnitude of the coronavirus disease (COVID-19) and its consequences for the Organization's governance, functioning and, of course, all of its staff. I will leave it to you to report on policies and changes in focus in other meetings, but it is my customary duty to tell you something of the mood of my colleagues in the extraordinary circumstances resulting from this pandemic.

First, I believe I can state on their behalf that they remain fully invested in their mission and objectives in the face of an already changing world of work that has been shaken by the pandemic. They are aware that all actors in the world of work – workers, business leaders and governments – who have been hit by the full force of this turmoil must benefit from the century's worth of expertise and competence of the Organization to which they belong. For my colleagues, 2020 was a year of constantly readjusting priorities to best meet the needs and requirements of constituents. Staff members have demonstrated the adaptability and flexibility that are frequently called for in this forum, sometimes going above and beyond the call of duty and despite working environments that, depending on the duty station, are changing, unequal and complicated. Some have had to juggle work and family responsibilities, like so many; others are expatriates dealing with serious isolation, far from their family; others have seen their duties reinvented; others still have grappled with the disease itself; and some have even lost their lives. In human terms, the ILO has paid a heavy price. The grief-stricken teams who have lost a colleague have needed special attention and psychological support to rebuild mentally to be able to function again.

Given the length of the pandemic and the uncertainty as to when it will end, staff members must clearly tap into their individual resources now more than ever to motivate themselves to keep on top of the challenges, and must receive constant support and encouragement from the organization that employs them. How fortunate that we are the ILO...

In these extraordinary circumstances, those three simple letters take on their full meaning, notably thanks to the Senior Management Team's ability to support and guide staff in overcoming these challenges. In circumstances like these, the need to boost collaboration and internal connection among everyone and the willingness to adapt internal rules and operational arrangements are the essential fuel for the sound running of the Organization. The Staff Union fully recognizes the Administration's efforts in this regard, which contribute positively to reinvigorating the sense of belonging to an organizational culture that has sometimes tended to fade in recent years. Of course, it is up to the Administration to turn words into action to ensure that all the suggestions and good practices that have emerged during these difficult times are sustained. The Staff Union stands ready to engage in future discussions with the Administration on the need

to improve certain regulatory frameworks relating to working conditions, such as the teleworking policy, and to strengthen the institutional framework on occupational safety and health so that all ILO workers enjoy the same protections, wherever they are. As a final note on the consequences of COVID-19, the Staff Union wishes to thank the Administration for all the steps it has already taken and remains at its disposal to engage in effective social dialogue to ensure that the future of work for ILO staff is indeed part of a “better normal”.

The activities of the ILO are continuing, and as the spokesperson of the staff members, it is also my responsibility to inform you of some of their concerns relating to documents before the Governing Body.

I would now like to turn to the update on the ILO Human Resources Strategy (GB.341/PFA/16). The Staff Union has taken note of the updated composition of staff, as have you all, and wishes to make a number of comments.

Now that staff on development cooperation contracts are in the majority for the first time, and although objectives under voluntary and regular contributions are now combined in the programmatic framework, the Administration can no longer be unaware of the unequal treatment of this category of staff with regard to their terms and conditions of employment.

The findings of a Staff Union evaluation are enlightening. Repeated violations of basic principles of “One ILO” in the exercise of these officials’ duties abound: lack of transparency in recruitment and selection; certain forms of violence at work; uncertainty until the end of a contract as to whether it will be renewed; inability to access training opportunities; limits on eligibility for maternity leave; basic security of staff members dependent on external financing, and so on. Of course, the staff members concerned only very rarely complain, as their continued employment is at risk.

Furthermore, a significant proportion of these workers, whom the Staff Union considers to be in precarious employment, are not involved in activities directly linked to the implementation of a development cooperation project that would justify their status. In such cases of “false assignment” to development cooperation projects, precarious contracts are too often used to have ongoing missions carried out at low cost and, for example, as a way around formal institutional recruitment frameworks and to bypass the safeguards allowing for fairness, transparency and ultimately the trust of this category of staff in recruitment processes.

Purely in relation to respect for staff members and for workers’ rights, those colleagues who manage to build a career through successive precarious contracts, at the cost of sometimes incredible efforts in terms of mobility or remuneration, must be treated as long-term workers, at the very least. After a certain length of service, they are entitled to claim the same rights as regular-budget staff members in matters of training, promotion, mobility and general career support.

All officials who provide their skills to serve the ILO’s mandate and who have a proven track record should be able to pursue a career within the ILO and receive appropriate recognition for it.

There simply has to be an end to this unequal treatment, which is tantamount to the very discrimination among workers that the ILO condemns in its position statements and recommendations. Furthermore, ending discrimination, particularly in accessing salaries based on length of service, will be a top priority for the Staff Union going forward, in strict adherence with the founding principles of this Organization.

On another note, the Staff Union has unfortunately noted the limited success in terms of gender parity in senior positions, and the efforts yet to be made in relation to diversity and inclusion within the Office. In the Staff Union's view, these factors are closely linked to the lack of safeguards and transparency in the recruitment process for management positions, and the failure to identify clearly how staff diversity can be improved.

Furthermore, and directly linked to the alignment of the workforce with the Organization's activities, the Staff Union is particularly concerned at the repeated assertion in the document of the need to always recruit more qualified candidates, as if those recruited one year previously were no longer able to meet the high requirements on the basis of which they were recruited. The grass cannot always be greener on the other side; it is time for the Administration to tend to its own pasture. It is difficult for staff members to accept that, year after year, the Administration boasts in this report that it has provided them with a learning programme, which on closer examination appears mainly geared towards soft skills. If we wish to do something meaningful and equip staff to deal with the current challenges, the endless, albeit necessary, time management and communication courses must urgently be supplemented to provide existing staff with access to genuine programmes that allow them to develop their specialist and technical skills, and a real system for valuing and certifying the acquired skills must be developed.

Still on the same document, the Staff Union is also surprised by the timidity, tinged with wishful thinking, of the Human Resources Development Department with regard to managerial accountability, despite it being an area on which the Administration and the Staff Union have worked together, particularly to help strengthen the performance appraisal system and to improve staff members' participation in 360-degree evaluations of their managers. While that work did aim to improve managerial accountability for the benefit of the Organization, it was also intended to strengthen staff members' trust in the process. It is not merely a question of "expecting" that it will happen, as stated in the document, but of doing everything possible to make managerial accountability a reality.

Of course, this brings me to the broader issue of staff matters more generally within the UN system. We have paid particular attention to document GB.341/INS/7 on the United Nations reform. The Staff Union can only welcome the Organization's increased visibility in this vast reform process, but it reiterates the need for regular consultation with ILO staff representatives, in the field and at headquarters, when necessary. I am referring in particular to the paragraphs of the document that mention a future unified performance management framework and a need to harmonize contracts and to pool human and logistical resources. All these matters must be subject to due consultation within the ILO with a view to improving conditions, rather than a race to the bottom, given that the ILO is, in many ways, a model in this area. The Staff Union is also greatly concerned at the excessive workload placed on our colleagues in the field by this reform process; this calls for a specific evaluation and if necessary the allocation of adequate human and logistical resources.

Furthermore, the Staff Union is now paying close attention to the work of the task force operating under the leadership of the High-Level Committee on Management. Its alarming initial proposals shook all staff representatives to the core at the thought that both the very essence of the international civil service and its key features were disappearing to make way for a worrying "Uberization" in the name of agility. The staff federations were later invited to join the task force, and the results are eagerly awaited.

Lastly, turning to document GB.341/PFA/INF/6, I must share with you the disappointment and weariness caused by the lack of significant progress in matters that have been left to lie fallow. Indeed, the Staff Union remains astonished by the incomprehensible stubbornness of the UN General Assembly in protecting its technical body, the International Civil Service Commission (ICSC), rather than adopting responsible management measures to reform it. There is a high reputational risk in continuing to utter the same inaccurate information on the pension fund or salary-setting for the sole purpose of justifying political decisions taken almost three years ago. You will recall that the lack of a resolution to this conflict has meant that, here at the headquarters duty station and at other duty stations, the concept of “equal pay for work of equal value” no longer applies. This hardly reflects well on an institution that has just celebrated its 75th anniversary and that boasts of publicly defending fundamental rights, which include labour rights, on a daily basis.

The Staff Union will therefore once again keep a close eye on the decisions taken at meetings of the ICSC in the coming weeks and in the face of moves to refuse to postpone the upcoming salary surveys, in the middle of a public health and economic crisis and despite the fact that the revised methodologies have not been validated or tested. Sometimes just a few triggers are enough to turn the disappointment that I mentioned earlier into anger once again.

The UN system has the honour and good fortune to have within it an agency that specializes in working conditions, dialogue and social justice, and where internal social dialogue works, particularly in these times of crisis. So if we want to talk seriously about the future of work for the staff of the UN, its senior management and constituent assembly would do well to draw inspiration from the best practices being implemented within it so as to build lasting social peace from which the UN in general, as well as its staff, would only stand to benefit.