



Governing Body

343rd Session, Geneva, November 2021

Institutional Section

INS

Minutes of the Institutional Section

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Opening remarks

1. **The Chairperson** welcomed participants to the 343rd Session of the Governing Body, which was being held in a hybrid in-person and remote format due to the COVID-19 pandemic. All 17 agenda items that had been put to a decision by correspondence in advance of the session had been approved by consensus; the relevant comments and decisions had been published online. She drew attention to document *Special arrangements and rules of procedure for virtual sessions of the Governing Body of the ILO*, which detailed the special measures adopted for the session. Participants in the Governing Body's deliberations must respect parliamentary language, and she urged them to exercise caution when using social media so as to prevent outside interference in the Governing Body's discussions and negotiations.
2. **The Employer Vice-Chairperson** said that although in-person exchanges were vital to achieving consensus, virtual interactions ensured the continuity of multilateral institutions by facilitating important decisions; those decisions must be supported by all constituents. A number of developments since the Governing Body's previous session had increased the pressure on the world of work, not least the economic consequences of the COVID-19 pandemic, which in some countries had decreased private sector activity by 25 per cent, with small and medium-sized enterprises the hardest hit. The crisis had thrown into sharp relief the strengths and weaknesses of labour markets and institutions. The cooperation that had so far successfully guided the ILO's response to the pandemic must continue, and balanced decisions were required to ensure that all needs were met, particularly those of employers and workers in enterprises of all sizes and those in the real economy.
3. Turning to the agenda for the session, she highlighted the importance of the discussions on the ILO's response to the pandemic and the ILO Centenary Declaration for the Future of Work (Centenary Declaration). They would help ensure the Organization's continued leading role in labour standards, employment, social dialogue, skills anticipation and improvements to productivity, a role that also depended on support from the Office and constituents for the creation of sustainable enterprises and the business environments necessary for sustainable employment. The matter of occupational safety and health was a priority for her group, and in-depth analysis and discussion were required to assess how its inclusion among the fundamental principles and rights at work would impact trade and ensure that the related Conventions were fit for purpose.
4. A number of short-term measures must be adopted to increase ownership, transparency and tripartite governance within the ILO, including in relation to discussions on the procedure to appoint members of the Committee of Experts on the Application of Conventions and Recommendations (CEACR). Particular attention should be paid to the Human Resources Strategy for 2022–25, which involved the implementation of previous Governing Body decisions on diversity. The Governing Body would discuss several important country cases, and she drew its attention to the recent arbitrary detention of the President and Vice-President of the Higher Council for Private Enterprise (COSEP) by the Nicaraguan authorities and expressed her group's concern for the safety of that organization's staff.
5. The forthcoming election of a new Director-General would influence many of the discussions and decisions on the Governing Body's agenda. Her group would continue to advocate for a transparent recruitment process that involved all constituents, and it had called for the application of appropriate integrity standards. While her proposals for integrity assessments for all candidates had not been accepted by the other Officers of the Governing Body, she hoped that procedures relating to integrity would be improved in future elections.

6. **The Worker Vice-Chairperson**, welcoming the steps taken to allow a degree of in-person participation at the session, said she hoped that it would be possible for the Employer Vice-Chairperson to attend the following Governing Body session in person. Rising inequality in the distribution of COVID-19 vaccines posed a major obstacle for many workers, businesses and governments, and job losses and precarity were also increasing. She would continue to work with the other Officers of the Governing Body to promote integrity in election procedures, to which she was fully committed.
7. **A Government representative of the Philippines**, speaking with the approval of the Officers in his capacity as Chairperson of the Government group, underlined the critical role of the ILO in assisting its constituents to achieve an inclusive, sustainable and resilient recovery from the COVID-19 crisis and promoting decent work and equal employment opportunities for all.
8. **The Director-General** recognized the constraints imposed on Governing Body members by the virtual format of its 343rd Session, made necessary by the ongoing COVID-19 pandemic, and thanked them for their commitment, resilience and patience. The effects of the crisis continued to take their toll on labour markets; the eighth edition of the *ILO Monitor* showed that the recovery was fragile, incomplete and uneven. In 2021 globally, labour market recovery had stalled, hours worked were stabilizing considerably below pre-pandemic levels and the robust recovery trajectories of the advanced economies and China diverged significantly from those of developing and emerging economies, which were hardly growing. The follow-up to the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (global call to action) adopted by the International Labour Conference in June 2021, to be decided by the Governing Body, was therefore of immediate and strategic importance for the contribution of the ILO and its constituents to fostering a human-centred, inclusive, sustainable and resilient recovery from the crisis. The four proposed areas of follow-up action were: continued tracking of the impact of the pandemic and the recovery process; the convening by Member States of tripartite national dialogues for human-centred recovery strategies; the involvement of the ILO in issues and processes relating to financing recovery; and a major Multilateral Policy Forum, the modalities of which were to be decided upon by the Governing Body. That Forum should be approached with real ambition targeting representation at the highest level from Member States and international organizations in order to marshal international coherence and strong political will to the cause of human-centred recovery. In addition, as requested by the 108th Session of the International Labour Conference, the Governing Body would consider proposals for including safe working conditions in the ILO's framework of fundamental principles and rights at work. The document presented would enable the Governing Body to deliberate on the relevant issues and take a fully informed decision on that highly significant topic.
9. In recent years, the Governing Body had dealt with several country situations emanating from complaints submitted under article 26 of the ILO Constitution. In each instance, the Director-General had called for them to be dealt with in strict adherence to established process and for the principles contained in the Conventions under consideration to be upheld; the purpose of going through the process was to secure the full application of the ratified Conventions which were the object of the complaints concerned. He expressed confidence in the Governing Body's understanding of its responsibilities in examining the cases of Bangladesh, Guatemala, Myanmar and the Bolivarian Republic of Venezuela. The examination of such complaints acted as a test of the strength of the ILO's tripartism and the effectiveness of its normative system; in view of the major disagreements that had arisen in the Organization over the setting and supervision of standards, he called on the Governing Body to act

conscientiously to avoid aggravating such disagreements and to move towards their resolution.

10. Turning to the procedure for the appointment of the members of the CEACR, he encouraged the Governing Body to focus on common values and areas of agreement and stressed the absolute need to safeguard the independence and authority of the experts. The appointment process could be made more open and participatory, but a situation whereby experts became the nominees of one group or another would undermine those very considerations of independence and authority.
11. Emphasizing the invaluable nature of the mandate and work of the Standards Review Mechanism Tripartite Working Group (SRM TWG), he urged the Governing Body in its consideration of the sixth report of the Working Group, in which the Group was unable for the first time to present consensus recommendations, to exert its full efforts to avoid a further blockage in the ILO's normative activities and processes.
12. The Governing Body would also consider the Human Resources Strategy for 2022–25, designed to ensure a secretariat fully equipped to discharge its responsibilities, embodying diversity and operating in a respectful environment, as a precondition for an organization that was fit for purpose. The recently concluded third ILO staff survey had given positive feedback on the progress made in the organizational health index and also pointers on areas still needing improvement. He paid tribute to the fortitude, resilience and dedication of ILO colleagues in countries facing challenges in connection with acute political or social instability.
13. A second precondition of an ILO fully fit for purpose was full, equal and democratic participation in the ILO's tripartite governance, and the Governing Body would be updated on progress made by the SRM TWG on that subject and on ratification of the 1986 Instrument for the Amendment of the Constitution of the International Labour Organisation (the 1986 Amendment).
14. The 343rd Session was taking place against a backdrop of intense multilateral activity intended to address global challenges. The need for greater social justice permeated all of those challenges and must be the shared motivation with which the ILO approached the present session and all else that would follow from it.
15. Regarding the election of the 11th Director-General of the ILO, he mentioned the view of several Governing Body members that the vote should take place in the physical presence of voters and said that the Office would try to prepare with that consideration in mind. He emphasized the Office's responsibility to arrange for a fair, transparent process with neutrality and impartiality, and above all to ensure the continuity of the Office's activities at a time when they were so badly needed.

1. Approval of the minutes of the 342nd Session of the Governing Body (GB.343/INS/1)

Decision

16. **The Governing Body approved the minutes of its 342nd Session, as amended.**
(GB.343/INS/1, paragraph 2)

2. Agenda of future sessions of the International Labour Conference (GB.343/INS/2(Rev.1))

17. The Governing Body had before it an amended version of the draft decision in paragraph 45, 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 111th Session of the Conference (2023) an item on just transition for general discussion; ~~standard-setting on the basis of a single discussion and approved a programme of reduced intervals for the preparatory stages as follows:~~
 - ~~(i) summary report and questionnaire sent out by the Office by 30 March 2022;~~
 - ~~(ii) replies from governments reach the office by 31 October 2022;~~
 - ~~(iii) final report by the Office sent to governments by 28 February 2023;~~
 - ~~(iv) single discussion at the 111th Session of the Conference in June 2023;~~

OR

- ~~(b) to place on the agenda of the 112th and 113th Sessions of the Conference (2024 and 2025) an item on just transition for standard-setting on the basis of a double discussion;~~
- ~~(e)(b)~~ to request the Office to take into account the guidance provided, ~~including with regard to its discussion on a possible standard-setting item on just transition,~~ in preparing the document concerning the agenda of future sessions of the Conference for the 344th Session (March 2022) of the Governing Body;
- ~~(e)(c)~~ to place on the agenda of the 111th Session (2023) of the Conference an item on the abrogation of Convention No. 163 and the withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185;
- ~~(e)(d)~~ to place confirm on the agenda of the 112³th Session of the Conference (2024⁵) the item on the abrogation of Conventions Nos 45, 62, 63 and 85; ~~which had been included in the agenda of the 2024 session of the Conference; and~~
- ~~(f)(e)~~ to place on the agenda of the 118th Session (2030) of the Conference an item on the abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 133, 134, 146, 164 and 166.

18. **The Chairperson** noted that, should the Governing Body decide in favour of a standard-setting discussion on a just transition of the world of work towards environmentally sustainable economies and societies for all in 2023, along the lines proposed by the Office in paragraph 45(a) of the document, a single standard-setting discussion must be included as an item on the agenda of the 111th Session (2023) of the International Labour Conference at its current session and, in addition, the Governing Body would have to approve a programme of reduced intervals to prepare for that discussion. The Governing Body was also encouraged to take a decision on the Conventions and Recommendations proposed for abrogation or withdrawal by the Conference at its 111th Session, in accordance with paragraph 45(d). If the Governing Body was not ready to take a decision on any of the other matters raised in the document, it may still wish to provide guidance to inform discussions at its future sessions.
19. **The Worker spokesperson** expressed the strong hope that the 110th Session (2022) of the Conference would be held in person, circumstances permitting.
20. Her group agreed with the proposal to include the withdrawal of the Labour Inspection Recommendation, 1923 (No. 20), and the abrogation and withdrawal of maritime instruments, on the agenda of the 111th Session (2023), and agreed to the proposal to place the abrogation of the Underground Work (Women) Convention, 1935 (No. 45), the Safety Provisions (Building) Convention, 1937 (No. 62), the Convention concerning Statistics of Wages and Hours of Work,

1938 (No. 63), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), on the agenda of the 112th Session (2024).

21. Her group supported the initiation of a new cycle of recurrent discussions as of 2025, and saw no need for a prior evaluation. However, it would be interesting to hear the views of other groups on that matter. In reference to paragraph 12, she recalled that the recurrent discussions under the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration) and the linkages between them and the General Surveys should also be used as tools to identify regulatory gaps and areas for future standard-setting.
22. Her group supported a standard-setting discussion on a just transition towards environmental sustainability, on the basis of a double discussion, so as to allow sufficient time to prepare. However, it reserved the right to return to that issue once the other groups had expressed their views. It did not support another general discussion on the item. Such discussions had already been held, in 2007 and 2013, leading to the adoption in 2015 of the *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, and the Governing Body had discussed the subject at its 340th Session (November 2020). Furthermore, governments were currently meeting at the United Nations (UN) Climate Change Conference (COP 26) in Glasgow and the hope was that they would increase the level of ambition needed to tackle climate change. Until a standard recognizing the common but differentiated responsibilities in relation to climate change had been set, the ILO had to give priority to redoubling its efforts to promote and implement the aforementioned guidelines, in order to assist governments in implementing their nationally determined contributions under the Paris Agreement of the UN Framework Convention on Climate Change and to support a transition to a low-carbon economy centred on social and environmental justice.
23. Her group supported a general discussion on decent work and the care economy for 2023, and welcomed the scope outlined in Appendix I. Such a discussion would be timely in view of the numerous important developments in the care economy since the onset of the COVID-19 crisis, particularly in relation to gender inequality and the central importance of the care economy to women's opportunities in the labour market.
24. Subject to the views on the proposal to hold a standard-setting discussion on a just transition, her group would support the setting of a standard on decent work in the platform economy; the new universe of online work required global regulation to ensure a level playing field and the conditions for decent work. The tripartite meeting of experts on the issue, scheduled for 2022, may recommend setting a standard. Accordingly, space should be allocated in the agenda of the Conference for such a discussion.
25. Regarding the follow-up envisaged in relation to subjects currently under preparation, her group took note of the research undertaken by the Office in respect of the prevention and resolution of labour disputes, and looked forward to its findings, which would be particularly relevant to the work of the SRM TWG. However, her group was not convinced of the added value of scheduling a meeting of experts in the 2022–23 biennium without yet knowing when the corresponding instruments would be reviewed by the SRM TWG. Her group welcomed the decision made by the Governing Body at its 341st Session (March 2021) to hold a technical meeting on the protection of whistle-blowers in the public sector during the 2022–23 biennium and looked forward to the outcome of that meeting. Her group supported the proposed tripartite meeting of experts to be held in the first quarter of 2023 on the protection of workers' personal data in the digital era, as the ILO code of practice required updating.
26. Turning to the follow-up to the recommendations of the SRM TWG, her group welcomed the decision made by the Governing Body at its 341st Session to include a standard-setting item

on biological hazards on the agenda of the Conference in 2024 and 2025. However, it noted that the recommendations submitted by the Governing Body in November 2017 concerning chemical hazards, ergonomics and the manual handling and guarding of machinery had not yet been followed up. Those recommendations should be considered as a matter of institutional priority. Considering the high degree of technical expertise required for standard-setting discussions, her group could exceptionally support the proposal to convene three separate preparatory technical conferences, possibly in 2023, 2024 and 2025, followed by a single discussion by the Conference, possibly in 2026, 2027 and 2028. However, her group asked the Office to clarify the logic behind that proposal.

27. Her group did not support the amended version of the draft decision submitted by the Employers' group, because another general discussion on a just transition was superfluous.
28. **The Employer spokesperson** said that, while her group was keen to continue the practice of recurrent discussions beyond 2025, an evaluation of their impact, including on the implementation of the Social Justice Declaration, would help the Governing Body make an informed decision. Her group agreed that the process of setting the Conference agenda should be guided by the Centenary Declaration and the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (global call to action), but recalled that those instruments went beyond reaffirming the importance of ILO standards and reinvigorated in a holistic manner the mandate of the ILO. With reference to paragraph 12 of the document, General Surveys and recurrent discussions often addressed policy matters that went beyond the mandate of the SRM TWG. Agenda-setting discussions should therefore be conducted independently and not be dictated by the work of the SRM TWG. The SRM TWG and the Governing Body were separate and independent bodies, as demonstrated by the fact that not all SRM TWG members were members of the Governing Body. That view should be consistently reflected in future documents on the topic.
29. In line with the ILO's priority to have an up-to-date body of international labour standards, she was in favour of retaining the withdrawals and abrogations of Conventions and Recommendations on the agenda of future sessions of the Conference as initially scheduled, including for the upcoming sessions in 2022 and 2024, rather than as proposed in paragraph 19 of the document. There was no need to defer those items, since no additional technical committee was required. She recalled that the Fee-Charging Employment Agencies Convention, 1933 (No. 34), had been withdrawn at the 109th Session (2021).
30. Regarding possible items for the agenda of future sessions of the Conference, a general discussion on a just transition in 2023 would be timely and useful, but a just transition should not be made a standard-setting item. The ILO had adopted guidelines for a just transition in 2015 and there was no expectation that a standard would be developed. Climate change and a just transition were evolving topics and a static standard could easily be overtaken by rapid developments. In addition, it would not be practical to address two standard-setting items in parallel. It would be prudent to wait for the outcome of the meeting on the platform economy, scheduled for October 2022, before considering the harnessing of the potential of technology as a possible agenda item. A general discussion on decent work and the care economy would be timely, in the light of the COVID-19 crisis. Her group stood ready to support the inclusion of that item on the agenda in 2023.
31. More time was needed to consider when the three remaining items relating to occupational safety and health should be included on the agenda. Nonetheless, in view of the complexity of the topics, her group preferred the first option, set out in paragraph 37, of maintaining the double-discussion procedure for each item and scheduling them consecutively. That would be

consistent with the approach taken to the item on biological hazards. The scope for the standard-setting item on ergonomics and manual handling must be revised to ensure that ergonomics was discussed only in the context of manual handling, in line with the recommendation by the SRM TWG. Her group maintained the view that all occupational safety and health standards should be consolidated in an integrated instrument, similar to the Maritime Labour Convention, 2006, as amended.

32. On the prevention and resolution of labour disputes, no action should be envisaged before the results of the Office's research on the subject had been published and submitted to the Governing Body for consideration. It was surprising that work on the subject of workers' personal data had been progressing, given slower progress on topics that had been submitted earlier. Her group called on the Office to prepare proposals on the topics of ensuring that education and training systems were responsive to labour market needs and the role of sustainable enterprises as the principal source of full and productive employment and decent work.
33. The options set out in the draft decision gave the impression that a standard-setting item on a just transition was the only item under consideration, when in fact the Governing Body was being asked to consider three proposals for the agenda of the 111th Session (2023) of the Conference, including the option of holding a general discussion on a just transition. The Employers' group had therefore proposed a revised version of the draft decision providing for a general discussion on a just transition in 2023, and removing all references to standard-setting on that item. In addition, her group proposed that subparagraph (d) of the draft decision should be amended to confirm the placement of the item on the abrogation of Conventions on the agenda of the 112th Session (2024) of the Conference.
34. **Speaking on behalf of the Africa group**, a Government representative of Niger noted that, in a context of global economic and labour recovery that was dominated by information technology and the need to adapt to climate change and preserve the environment, agenda items should correspond to the achievement of the Sustainable Development Goals and decent work for all. The momentum of instruments such as the Centenary Declaration and the global call to action should be maintained and special attention should also be paid to social justice, training and development at work, labour protection and a just transition. Serious discussion was needed on topics of concern that had already been the subject of past sessions, such as access to labour justice, individual labour disputes, and decent work in the platform economy. His group proposed that two topics should be combined to form a single theme: a just transition of the world of work through environmentally sustainable economies and societies that took into account the potential of technology, in order to achieve decent work for all. His group supported the draft decision contained in the document.
35. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Chile said that he agreed that the Organization must have a clear, solid and up-to-date corpus of international labour standards. The inclusion on the agenda of the 111th Session of the Conference of a general discussion on either the care economy or a just transition was therefore appropriate. He concurred with the view, expressed in the document, that a general discussion on the care economy would provide an opportunity for the timely and integrated review of the evolution of care work, and noted that a just transition was essential to generating prosperity in response to climate change. GRULAC supported the draft decision, as set out in the document, particularly with regard to the abrogation and withdrawal of Conventions and Recommendations at the 111th, 113th and 118th Sessions of the Conference, as suggested by the SRM TWG.

- 36. Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia expressed her support for the inclusion of a general discussion on the agenda of the 111th Session of the Conference, with a preference for a discussion on a just transition, as one of the most fundamental changes in the world of work. The tripartite nature of the ILO meant that it was well placed to contribute to the global conversation on that matter and a general discussion would ensure that all perspectives were heard and the needs of all constituents addressed. Although her group remained open to the possibility of a standard-setting item on a just transition, more detail was needed on that proposal.
- 37.** Given that a standard-setting discussion on apprenticeships had been scheduled for the 111th Session (2023) of the Conference, any standard-setting discussion on a just transition should be held at the 112th Session (2024), at the earliest, and based on a double discussion. Her group would also support a general discussion on decent work and the care economy at a future session of the Conference, since decent work deficits in that area had been highlighted and further entrenched by the COVID-19 pandemic and a gender-responsive recovery would be indispensable to ensuring decent work for all. With regard to the three remaining standard-setting items on occupational safety and health, she expressed support for the second option, of convening three separate preparatory technical conferences, and asked the Office to provide further information on the required financial resources. ASPAG supported the action on the abrogation of Conventions and Recommendations outlined in subparagraphs (d) to (f) of the draft decision.
- 38. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Sweden, emphasizing the importance of a strategic and coherent approach to setting the agenda of the Conference, said that the follow-up to the recommendations of the SRM TWG was a vital and integral part of that approach, including when considering standard-setting agenda items, to ensure a robust and up-to-date body of international labour standards. He therefore welcomed the preparation of proposals on three further standard-setting items relating to occupational safety and health, guided by the SRM TWG's recommendation. IMEC was ready to explore the second option, subject to clarification of the preparatory conferences and the cost implications.
- 39.** In a context of international efforts to combat climate change and strengthen the labour market and employment, a just transition was a topical subject for discussion. The ILO played an important role in the international system, as a just transition was strongly aligned with the ILO's mandate and ambitions on decent work. IMEC supported the inclusion on the agenda of an item on decent work in the platform economy, possibly at the 113th Session (2025) of the Conference, contingent on the outcome of the meeting of experts on that topic scheduled for 2022.
- 40.** The group was not yet in a position to offer guidance on the options concerning the future agenda of the Conference. He requested more information on a possible standard on a just transition: whether the Governing Body could decide on the form of the instrument, what added value a standard or a general discussion would provide to constituents, and what the possible content of a standard would be. He suggested that further discussion on subparagraphs (a), (b) and (c) of the draft decision should be deferred, pending further information from the Office. IMEC accepted subparagraphs (d), (e) and (f) of the draft decision, but did not support the amendment proposed by the Employers' group.
- 41. Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Slovenia said that Montenegro, Serbia and Norway aligned themselves with the statement. The EU and its Member States supported retaining the items on both decent

work and the care economy and harnessing the fullest potential of technology for discussion of the Conference agenda at the next session of the Governing Body.

42. The EU and its Member States had long supported elevating safe and healthy working conditions to a fundamental principle and right at work, especially in the light of the COVID-19 pandemic, and therefore supported its inclusion in the agenda of the 110th Session of the Conference. She reiterated the importance of integrating the follow-up of the SRM TWG into ILO activities, including when setting the Conference agenda, as a matter of institutional priority, and welcomed the three standard-setting items on occupational safety and health. The arrangements for the standard-setting discussions should be flexible, innovative, and time- and cost-efficient. The EU and its Member States were open to exploring the option of convening three separate preparatory technical conferences, subject to clarification regarding the preparatory conferences and their cost implications. Such conferences could be designed in a manner similar to tripartite technical meetings, where the Office bore the costs of the participation of the social partners, and interested governments attended at their own expense. Three separate preparatory conferences in 2023, 2024 and 2025 followed by three single discussions in 2026, 2027 and 2028 would recognize the complexity of the items under discussion, but the group remained open to further discussions on the timing.
43. An inclusive and constructive discussion on the topic of a just transition of the world of work, especially one leading to environmentally sustainable economies and societies for all, would provide a positive impetus towards achieving a just transition for all. In view of the current global situation and the ongoing discussions across the UN system, the ILO should place itself at the heart of any deliberations. She requested the Office to provide further details on a possible standard on a just transition and its added value, and suggested that the Governing Body would need more time to discuss subparagraphs (a), (b) and (c) of the draft decision. She supported subparagraphs (d), (e) and (f) of the draft decision, but did not support the Employers' group's proposed amendment.
44. **Speaking on behalf of Barbados, Canada, Israel and the United Kingdom of Great Britain and Northern Ireland**, a Government representative of the United Kingdom said that the ILO, with its unique tripartite structure and with a mandate central to the issue of climate change, was the appropriate organization to drive implementation of the declaration of COP 26 on supporting the conditions for a just transition internationally. He strongly supported the development of a standard on a just transition, preferably in a double discussion, which could be based on the ILO's 2015 *Guidelines for a just transition*. It was imperative for the ILO constituents to show unity by agreeing to place an item on a just transition on the agenda of the Conference as soon as possible. He asked the Office whether the Standing Orders would allow for a double discussion in 2023 and 2024. The ILO constituents should not wait any longer to take forward their responsibilities on climate action. If the ILO did not act, there was a risk that another international organization would pursue an international standard that would not be negotiated on a tripartite basis. He therefore did not support the amendment proposed by the Employers.
45. **A Government representative of Barbados** emphasized the fact that climate change was threatening the very existence of small island developing States; thus the matter of a just transition was vital and urgent for them. The ILO was well placed to play an integral role, including the provision of technical expertise, as countries sought to transition to environmentally and socially sustainable economies, while contributing to the goals of decent work, social inclusion and the eradication of poverty. The world of work was central to achieving sustainable development. He therefore urged the Governing Body to place the

matter of a just transition on the agenda of the Conference for discussion and possible standard-setting as soon as possible.

46. **A representative of the Director-General** (Director, International Labour Standards Department) acknowledged the unanimity in favour of subparagraphs (d) and (f) of the draft decision. The reason for the proposal in subparagraph (e) was that the Governing Body had previously decided to discuss the abrogation of Conventions Nos 45, 62, 63 and 85 at the session of the Conference to be held in 2024, which had subsequently been deferred to 2025. She noted that the governments that had spoken had supported placing the abrogation of those instruments on the agenda of the deferred session, in 2025, while the Employers' group preferred to place it on the agenda of the 112th Session (2024) and the Workers' group was open to joining the consensus.
47. The rationale behind the proposal to have three separate preparatory meetings on the instruments on occupational safety and health in 2023, 2024 and 2025, followed by single discussions in 2026, 2027 and 2028, had been to begin the standard-setting discussion at a time where there was not yet a standard-setting item on the Conference agenda. However, the sequencing of the discussions could be discussed and all options were open. Regarding the financial implications for the different options, the Office had put forward the three proposals to see which option the Governing Body wanted to be developed further; it would then provide more details at the March 2022 session. Responding to the Employers' group's comment concerning the item on a just transition in the draft decision, she said that the intention had been to highlight the fact that, if the Governing Body wished to consider a single standard-setting discussion on a just transition in 2023, it would need to take a decision at its current session. Any other decision of the Governing Body with respect to a Conference discussion item on just transition could wait until March 2022. In response to a question from IMEC, she explained that, under article 19(1) of the ILO Constitution, the Governing Body could place a standard-setting item on the agenda of the Conference, but only the Conference could decide on the form of the instrument. As to the added value of a possible standard on a just transition, it would ensure that the imperative of decent work creation was at the centre of all global and national responses to climate change and would provide an internationally recognized and agreed definition of a just transition. As the ILO's 2015 *Guidelines for a just transition* had been agreed by the tripartite constituents, they could form a basis on which to develop a potential standard. It would be possible to place a standard-setting item on a just transition on the agenda for 2023 only if it was a single discussion; under the Standing Orders, a double discussion could be placed on the agenda for 2024 and 2025 at the earliest.
48. **The Worker spokesperson** underscored that the Governing Body had considered the recommendations of the SRM TWG to be an institutional priority. She welcomed the fact that the Employers' group and several government groups considered the item on the care economy as a serious option for a general discussion in 2023, especially if the just transition was to be a standard-setting item in the future. She clarified that it had never been the intention of the SRM TWG to address an update of manual handling issues only under the topic of ergonomics; rather, it had had a broad discussion on the fact that ergonomics was a new issue that needed to be addressed. The Workers were in favour of further exploring the possibilities of standard-setting on the matter of a just transition, with the ILO at the core of the action. However, having only one standard-setting item on the agenda of each session of the Conference meant that the ILO would never be able to overcome all of the challenges it faced. That was also why the SRM TWG had recommended that the Office should consider innovative approaches, such as holding technical conferences to prepare for a standard-setting discussion, which the Governing Body should take into account.

49. **The Employer spokesperson** reiterated that a just transition was not a matter for standard-setting, as it was too complex; it touched on many other issues outside the scope of the ILO and the challenges could not be overcome through a standard. It would therefore be advisable for the ILO to hold a general discussion on a just transition in 2023. That would mean that the topic could be discussed as soon as possible, which would be in tune with the other discussions currently being held in other international organizations.

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

50. **The Chairperson** announced that, after several rounds of consultations, the consultative group had endorsed a revised draft decision, which had been circulated to the Governing Body.
51. **The Employer spokesperson** expressed her group's regret that a just transition had not been included on the agenda of the 111th Session (2023) for a general discussion, in spite of the broad agreement on its urgency and relevance and the need for the ILO to take a leadership role. She reiterated that a standard-setting discussion was not appropriate, as there was a risk that any ILO standard would quickly become outdated owing to developments linked to environmental sustainability. A resolution at the 110th Session (2022), as suggested by the Workers' group, would fail to capture all of the nuances and would produce no added value. Her group would continue to advocate for a general discussion on a just transition at the 344th Session of the Governing Body.
52. The Employers' group considered the issue of the care economy to be of great relevance and was willing to consider its inclusion as a general discussion at the 113th Session (2024) of the Conference). As many groups had supported both a just transition and the care economy, a decision on them should be taken at the same time.
53. Regarding the abrogation of Conventions Nos 45, 62, 63 and 85, she welcomed the support from all Governing Body members for discussing the item at the 113th Session (2024). Abrogation represented an important step towards ensuring the ILO had a clear, robust and up-to-date body of standards, as called for in the Centenary Declaration.
54. **The Worker spokesperson** expressed her group's strong concern at the lack of consensus on setting a bold and ambitious agenda for the future. Given the broad agreement on the importance of addressing the care economy, a decision could have been reached on including it on the agenda of the 111th Session (2023) of the Conference. Similarly, given the general agreement on the urgency of addressing a just transition, it was unclear why the International Labour Conference would not be in a position to address a just transition in a resolution tabled at its 110th Session, as doing so would enhance the relevance of the Organization without precluding the possibility of placing a technical item on the agenda of a future session of the Conference. Further general discussions on climate change and a just transition would produce no added value; a more binding commitment was required.
55. It was regrettable that the Governing Body had reached decisions only on the withdrawal and abrogation of standards, which did not reflect the high level of ambition, also expressed by the SRM TWG, that the ILO should work towards having an up-to-date and robust body of standards. In addition, important discussions were yet to be held on the setting of occupational safety and health standards as decided by the Governing Body in the context of the Standards Review Mechanism. On the understanding that the Workers' group would not always agree to such decisions on future sessions of the Conference, she supported the draft decision.
56. **Speaking on behalf of IMEC**, a Government representative of Sweden supported a standard-setting discussion on a just transition beginning in 2024, but noted that views differed within the group on the appropriate form of a standard. He expressed disappointment that the

Governing Body had been unable to come to a decision to include it in the agenda of the 112th Session (2024) of the Conference, as the issue was urgent. IMEC therefore supported the Workers' group's proposal to include a resolution on a just transition on the agenda of the 110th Session (2022). He asked the Office to prepare comprehensive background papers and to engage in informal tripartite discussions to inform members of the impact and added value of each option, which could allow the Governing Body to reach a consensus-based decision at its 344th Session (March 2022). His group would have preferred to have a reference to standard-setting included in the decision. However, as no options had been ruled out, his group could support the draft decision.

- 57. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with the statement. She reiterated that the ILO must place itself at the heart of any deliberations on a just transition, and advocated a standard-setting discussion as soon as possible. It was regrettable that the Governing Body had been unable to agree on how to address it; an opportunity to make a clear statement on the ILO's commitment to a just transition had been lost. In the hope that further tripartite consultations would facilitate consensus, she accepted the Office's proposal to postpone discussions on a just transition until the next session. As that would mean that the first opportunity to hold a standard-setting discussion would be in 2024, the intervening time must be used effectively to make preparations and secure wide support for ILO leadership. The information provided by the Office on a just transition would be useful to help the Governing Body understand the implications and added value of the various options, and should constitute a significant part of the document submitted to the next session, which the Office should provide as soon as possible. On the understanding that the 344th Session would include the urgent consideration of a standard-setting or general discussion on a just transition, she could accept the amended draft decision. Furthermore, in view of the postponement of the decision, she was willing to consider the Worker's group's proposal to produce a resolution during the 110th Session (2022) of the Conference, pending further details.
- 58. A Government representative of the United States of America** supported the inclusion of decent work in the care economy in the agenda of the 111th Session (2023) of the Conference. Care workers had proven to be vital in the response to and recovery from the COVID-19 pandemic and the work-related challenges that they continued to face must be addressed by the ILO.

Decision

- 59. The Governing Body decided:**
- (a) **to request the Office to take into account the guidance provided, in particular its resolve to urgently address the item on just transition, and the views expressed in relation to the item on decent work and the care economy, in preparing the document concerning the agenda of future sessions of the Conference for the 344th Session (March 2022) of the Governing Body;**
 - (b) **to place on the agenda of the 111th Session (2023) of the Conference an item on the abrogation of Convention No. 163 and the withdrawal of Conventions Nos 70, 75, 165, 178 and of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), as well as of Recommendations Nos 9, 10, 20, 28, 48, 75, 76, 78, 105, 106, 108, 138, 140, 141, 142, 155, 173 and 185;**

- (c) to place on the agenda of the 112th Session of the Conference (2024) the item on the abrogation of Conventions Nos 45, 62, 63 and 85, which had been initially included in the agenda of the 113th Session of the Conference; and
- (d) to place on the agenda of the 118th Session (2030) of the Conference an item on the abrogation of Conventions Nos 22, 23, 55, 56, 58, 68, 69, 92, 133, 134, 146, 164 and 166.

(GB.343/INS/2(Rev.1), paragraph 45, as amended by the Governing Body)

3. Matters arising out of the work of the 109th Session (2021) of the International Labour Conference

3.1. Follow-up to the resolution concerning the recurrent discussion on the strategic objective of social protection (social security) (GB.343/INS/3/1)

- 60. **The Employer spokesperson** said that the five components outlined in document GB.343/INS/3/1 were appropriate frameworks for ILO action to give effect to the conclusions adopted by the International Labour Conference on social protection.
- 61. Under component 1, particular attention should be paid to fostering a propitious environment for the growth of businesses, which constituted a cornerstone of sustainable social protection systems. Supporting the transition to the formal economy was of prime importance; over 60 per cent of the global workforce was still operating in the informal economy. At the same time, care should be taken in relation to emergency social protection measures adopted as part of crisis response and recovery strategies, as they may not be sustainable in the medium and long term. The progressive establishment of rights-based social protection systems, to avoid the poverty trap and eliminate incentives to remain in the informal economy, was crucial. It was important to find solutions that prepared workers and employers for change and labour market transitions, and to boost employability and jobs creation by coordinating employment, labour market and active inclusion policies in order to promote decent work and formalization of employment.
- 62. With regard to component 2, special attention should be paid to the best practices of those who had successfully addressed structural change, those making optimal use of existing means to extend and strengthen social protection systems, and those combining contributory, non-contributory, voluntary and mandatory schemes. The use of suitable policy combinations should be documented and appropriate options for financing social protection explored. In addition, the governance of social protection systems, including the independence of their decision-making bodies, must be guaranteed in order to protect their long-term policies.
- 63. In respect of component 3, mobilizing domestic resources was very important. The use of resources for development cooperation at the global level, while important for least developed countries, risked being unsustainable in the long term. The presentation of reports on the impact of resource allocation would be important, with a view to improving resource mobilization. Taking note of the support that the ILO Global Flagship Programme on Building Social Protection Floors for All (SPF Flagship Programme) would provide to 50 Member States, his group asked the Office for further information on the selection criteria for that support and the level of involvement of the social partners.
- 64. Noting the ILO's current efforts under component 4 and the launching of a ratification campaign for the Social Security (Minimum Standards) Convention, 1952 (No. 102), he

highlighted the need to focus on how the Organization could support legal and political reforms to allow for the effective application of up-to-date ILO social security standards, and expressed surprise that no reference was made to the Social Protection Floors Recommendation, 2012 (No. 202). While fully supportive of the Office's efforts to support Member States in extending access to social protection for all workers, those efforts should be deployed in close coordination with those on the transition from the informal to the formal economy. Furthermore, ILO support to Member States should go beyond standards-related action, extending to financing with a view to long-term sustainability and a focus on social protection floors and active labour market policies.

65. Under component 5, his group firmly believed that the ILO should reaffirm its leadership in the area of social protection, in the multilateral system. The ILO must extend its collaboration with international financial institutions to cover matters relating to social protection, for example by developing a common political framework with other relevant UN bodies. It was important for international financial institutions to take into account the provisions of international labour standards, particularly Recommendation No. 202 and Convention No. 102, in their guidance to countries, and for the ILO to consider the analyses and policies proposed by such institutions in order to find common ground. That was particularly necessary in view of the serious impact of the COVID-19 pandemic.
66. His group would continue to participate constructively in discussions on a global financing mechanism that supported national resource mobilization efforts towards universal social protection, and looked forward to hearing the Governing Body's views on the proposal to introduce an International Social Protection Day. His group took note of the list of high-level outputs in the appendix to the document and supported the draft decision.
67. **The Worker spokesperson** said that the new estimates published by the ILO exposing the gaps in global social protection coverage reaffirmed the urgency of taking action to deliver on the internationally recognized human right to social protection. His group welcomed the proposed plan of action in the document, which would allow the ILO to contribute to the establishment of rights-based universal social protection systems. In particular, he welcomed the objective of launching a ratification campaign for Convention No. 102, the provision by the Office of guidance and technical advice for the mobilization of domestic resources, and the deepening of collaboration between the Office, other actors in the UN system and international financial institutions on domestic resource mobilization in a manner consistent with ILO standards and principles.
68. Enhancing international coherence on social protection and respect for international labour standards was a clear priority for his group. As such, he welcomed the planned engagement by the ILO with the World Bank on its social protection strategy and took note of the planned engagement with the International Monetary Fund (IMF). The planned review of IMF background papers should ensure alignment between IMF implementation of social spending floors and ILO definitions of social protection. Regarding proposals for a new international financing mechanism, it would be critical for the Office to proactively initiate and engage in discussions on the governance and financing modalities for such a fund. His group therefore welcomed the plan to develop a feasibility study presenting options for such a fund and took note of the proposals submitted by the United Nations Special Rapporteur on extreme poverty and human rights, underscoring that further follow-up action must take those developments into account. Welcoming the plan for the Office to support the design and implementation of the Global Accelerator for Jobs and Social Protection, an initiative of the United Nations Secretary-General, he emphasized that the establishment of a global social protection fund should be seen as critical to delivering on the ambitions of the Global Accelerator.

69. His group welcomed proposals for further research and capacity-building to support ILO constituents in designing and implementing universal social protection systems, including training and further development of relevant data. He expressed the hope that training for constituents on social protection at the International Training Centre of the ILO (Turin Centre) would be a mixture of in-person and online. Regarding the sixth meeting of the SRM TWG, he welcomed their conclusions on the Social Insurance (Agriculture) Recommendation, 1921 (No. 17), and fully supported the follow-up envisaged requiring the Office to provide guidance and support to ensure that social security schemes applied to all agricultural workers, without exception. He further welcomed the Office's research into the key challenges and opportunities involved in applying those schemes to all agricultural workers, with a view to assessing further follow-up options. His group considered that the plan of action could allow the ILO to positively contribute to the establishment of rights-based universal social protection systems and support the achievement of the Sustainable Development Goals. His group supported the draft decision.
70. **Speaking on behalf of the Africa group**, a Government representative of Algeria, noting that the proposed plan of action was reflected in frameworks, strategies and commitments already set by the ILO, called on the Office to adopt a coordinated, coherent and cross-cutting approach to the plan's activities in order to avoid duplication while achieving optimal results with existing resources. While his group recognized the relevance of the five components, the implementation of the plan should focus more on the specific needs and contexts of regions or countries with social protection coverage deficits owing to budgetary constraints and a dominant informal economy. An effective way of doing so would be to align Decent Work Country Programmes with the priorities identified in the plan.
71. Similarly, his group invited the Office to assist Member States with all aspects of the design, implementation and modification of their national social security strategies and policies taking into account their economic growth and budgetary resources, with particular focus on the extension of social protection to all workers and the prevention of existing and emerging risks, particularly epidemic risks. Social dialogue must be encouraged at all levels in order to better address the constraints faced by developing countries and capitalize on gains and successes. His group underscored the importance of mobilizing and allocating adequate resources to deliver the outputs under the plan and of drafting regular reports on the results achieved. He therefore requested clarification from the Office on the measures that it envisaged for mobilizing additional resources, where necessary, including in the context of its partnerships with international organizations responsible for implementing related activities.
72. While international social protection standards undeniably had a central role to play, the Office should encourage Member States to ratify the relevant ILO Conventions and provide them with technical support and guidance before and after ratification. Regarding its leadership role, the ILO should also strengthen its dialogue with international and regional organizations, including the African Union, in order to optimize synergies between policies and programmes and address challenges relating to sustainable development and social cohesion. His group reaffirmed its desire for greater recognition of social protection during the implementation of the 2030 Agenda for Sustainable Development.
73. He called on the Office to explore all means of supporting the mobilization of financial resources to complement Member States' efforts to extend social protection by taking steps to set up an international fund to respond to urgent financing needs, particularly in Africa, and to establish an active partnership to support and maintain social protection systems in view of the scale of public needs and expectations.

74. He welcomed the proposal to proclaim an International Social Protection Day and requested further information on the timescale and modalities for the implementation of that initiative. His group supported the draft decision.
75. **Speaking on behalf of a broad majority of Latin American and Caribbean countries**, a Government representative of Chile noted that the conclusions of the second recurrent discussion on social protection were particularly relevant to his region. The persistence of the informal economy was a key factor hindering the achievement of universal social protection systems, particularly in low- and middle-income countries. He therefore welcomed plans to consult constituents to explore opportunities for a more coordinated implementation of Recommendation No. 202 and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The proposed plan of action was particularly important in the context of the transition to formality. Various countries in the region had expressed the special focus they would give to the conclusions of the second recurrent discussion and the integrated implementation of Recommendations Nos 202 and 204. The relevance of international bilateral and multilateral agreements for portability of benefits was also highlighted. Due support should be provided by the Office and the tripartite constituents to promote universal social protection, mobilize the required means and reaffirm the mandate and leadership of the ILO in the area of social protection.
76. **Speaking on behalf of ASPAG**, a Government representative of China said that social protection, as one pillar of the Decent Work Agenda, played a principal role in boosting employment, economic development and social justice. The COVID-19 pandemic had led to a heightened need for universal social protection. She therefore called on the Governing Body to consider for inclusion in its agenda at its 344th Session in March 2022, the issue regarding a multilateral regime that would facilitate access to social protection for migrant workers, based on contributory service in a host country. The proposed plan of action was a welcome response to the global call to action and would be pivotal to achieving the relevant Sustainable Development Goals targets. Her group recognized the ILO's important role in providing technical advice to ILO Member States on social protection issues. Under the plan of action, research carried out should be driven by constituents' needs on the ground. The Office should boost capacity-building for constituents in collaboration with the Turin Centre, the International Social Security Association and other partners. The importance of a normative approach to social protection called for the Office to provide timely, effective and tailored technical assistance to Member States, particularly those willing to ratify up-to-date social protection standards, including Convention No. 102. She encouraged the Office to take definitive steps to promote multilateral policy coherence in social protection.
77. The success of the proposed plan of action rested on sophisticated planning and effective resource mobilization and allocation. She called on the Office to allocate adequate, sustainable resources from the regular budget to the area of social protection in the current and future biennia; redouble resource mobilization efforts in line with the ILO's Development Cooperation Strategy for 2020–25, including South–South and triangular cooperation, and cooperation with United Nations Resident Coordinators and country teams; and make use of the second phase of the SPF Flagship Programme to ensure contributions to the proposed plan of action. Given that ASPAG accounted for 60 per cent of the world's working population, she wished to know whether any consideration would be given to the regional context when distributing resources under the plan of action. In addition, it would be useful to know what criteria would be applied to identify priority outputs, should insufficient resources be available to deliver on all of them. ASPAG supported the draft decision.

- 78. Speaking on behalf of IMEC**, a Government representative of Portugal noted that the right to social security was a human right and that investment in social protection systems brought high social and economic returns. Nevertheless, more than 4 billion people had no social protection and the COVID-19 pandemic had exposed and deepened inequalities. He expressed support for the proposed plan of action and commended the gender-responsive and disability-inclusive focus in the proposed work on national social protection policies and strategies. Research and capacity-building under the plan should include a more focused effort regarding the use of the questions developed by the Washington Group on Disability Statistics. Given the need to accelerate the ratification of Convention No. 102, he called for work to explore the implications of gender-based language in social security instruments to be completed as soon as possible. Additional activities should be included in the plan of action to promote Recommendation No. 202. Highlighting the importance of social dialogue, he noted that collective bargaining had not been mentioned in the plan of action and should be included. A more detailed proposal was needed on financing and mobilizing international funds for social protection, alongside more information on the promotion of synergies with international initiatives and events, such as the proposed Global Accelerator for Jobs and Social Protection. He sought assurances from the Office that the principle of collective financing would form a basis for work with constituents, since it had not been mentioned in the document. In the context of a just transition and the convening of the 26th Conference of the Parties to the UN Framework Convention on Climate Change, he expressed surprise that climate change had only been mentioned once in the document.
- 79.** IMEC supported the pivotal role played by the ILO in supporting countries to formulate and adapt social protection policies and strategies, and promote policy coherence in the multilateral system. The action and voice of the ILO were needed, through ambitious short- and medium-term objectives, to foster a human-centred, inclusive and sustainable recovery and help countries progress towards comprehensive, adequate and sustainable social protection for all, with special attention to inequalities in access. IMEC pledged support for the implementation of the plan of action, while acknowledging the need for strengthened international cooperation based on political will, coordinated multilateral action, adequate funding, technical knowledge and reinforced social dialogue. Strengthening the coverage, adequacy and sustainability of social protection systems for all must be a policy priority; increased investment was needed in universal social protection. IMEC supported the draft decision.
- 80. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that the North Macedonia, Montenegro, Serbia, Albania and Norway aligned themselves with the statement. The EU and its Member States aligned themselves with the statement by IMEC and welcomed the proposed plan of action. She reaffirmed the importance of the conclusions concerning the second recurrent discussion on social protection (social security) in view of the targets set out in the ILO Centenary Declaration and the Sustainable Development Goals. The COVID-19 pandemic had further highlighted the need for robust and sustainable social protection systems in a context of profound change in the world of work. The proposed plan of action therefore came at a critical juncture and should include appropriate measures and tools that could be adapted to national circumstances, in line with the realistic and flexible approach of the ILO social security standards. The document set out a comprehensive framework for the Office to support public policies worldwide. A participatory approach, through social dialogue, was integral to identifying gaps in coverage, needs and priorities, and considering how social protection floors could be extended to all members of society. Self-employment and non-standard forms of work, including work organized through the platform economy and domestic workers, required tailored responses on social protection.

Given the importance of financing and mobilizing funds for social protection, a more detailed analysis from the Office covering that aspect would be welcome. Her group acknowledged and supported the pivotal role the ILO played in supporting countries in formulating and adapting social protection policies and strategies. She supported the draft decision.

81. **A Government representative of Bangladesh** expressed appreciation for the proposed plan of action. The Office should strengthen partnerships to support social protection programmes, particularly in countries with resource constraints, and promote the development of low-cost social protection packages for workers in the informal economy and small- and medium-sized enterprises. Providing details of the measures taken in her country for social protection, she suggested that the proposed plan of action should reflect ongoing activities at the national level.
82. **A Government representative of Barbados** said that the ILO's proposal to provide assistance for Member States was critical as they engaged in rebuilding efforts. In order to attain the Sustainable Development Goals, it was necessary to design strategies to extend social security to workers in the informal economy. Given the diversity of situations from one country to another, it was paramount for the ILO to support Member States in their national efforts to improve and strengthen social protection systems, achieve universal protection and ensure sustainable and adequate financing of such systems. He emphasized the importance of reinforcing the ILO's leadership role in ensuring policy coherence on social protection in the multilateral system, and endorsed all its efforts to forge collaborative relationships within the UN and with the wider multilateral system in that regard.
83. **A Government representative of Eswatini** said that it was no understatement that the COVID-19 pandemic had exposed the glaring gaps in social protection and had underscored the worrying consequences of insufficient coverage, particularly of employees in informal economies, and migrant and other vulnerable workers. It had reinforced the importance of ensuring adequate social protection coverage for all, regardless of form of employment, residency status or nationality. Countries should engage actively in finding ways to progressively build on or transform temporary relief measures into comprehensive and shock-responsive social protection systems for all. In that context, he provided details of the COVID-19 social protection response measures taken by his country and the technical support received from the Office in social protection.
84. **A Government representative of India**, acknowledging that universal, comprehensive, inclusive and sustainable social protection systems were a prerequisite for ensuring decent work, highlighted recent social security measures taken by her country. It was necessary to ensure social security benefits for overseas workers who migrated for work. The signature of bilateral and multilateral social security agreements between countries was integral to protecting the interests of migrant workers. Greater efforts should be made to provide technical support for Member States to conclude such agreements, and to extend their scope to cover informal workers.
85. **A Government representative of Cuba** said that the Government of Cuba was proud to report that it had taken dozens of labour, wage and social security measures during the COVID-19 pandemic, with particular emphasis on protection of working women. It had guaranteed full payment of wages and social security benefits in the event that a person was unable to work as a result of age, maternity, paternity, sickness or invalidity, all of which had been financed from the national budget. The Government would be able to achieve much more if the United States ended the blockade that it was maintaining and intensifying despite the international call for an end to that inhumane policy, as evidenced during the general debate of the

76th session of the United Nations General Assembly, where dozens of countries had spoken out on the matter. She reaffirmed Cuba's commitment to the protection and well-being of people, including the implementation of social security protection measures for the entire population; those areas would continue to be priorities for the Government.

86. **A representative of the Director-General** (Director, Social Protection Department) said that five criteria had been used to select the countries for the SPF Flagship Programme, in consultation with the global technical team, regional and country directors and the members of the Global Tripartite Advisory Committee. Those criteria were: a shared understanding among government, employers' and workers' representatives about the importance of progressively achieving universal social protection through rights-based gender response and disability-inclusive social protection systems; strong political will and national ownership on social protection; potential to achieve results within the first five years of the SPF Flagship Programme; prioritization of social protection under the United Nations Sustainable Development Cooperation Framework and the ILO Decent Work Country Programmes; and pre-existing collaboration with other international and national bodies to provide a strong basis for the multiplication of the ILO's investments through the SPF Flagship Programme. The implementation of national strategies and policies based on social dialogue at the national level was supported by the Programme. Out of the 50 countries pre-identified for in-country support during the second phase of the Programme, 26 were from the Africa region. The Office would prioritize the mobilization of extrabudgetary resources for those countries to develop in-country projects with national and international staff, and support would be provided by social protection specialists and the technical support facility in the region for actions such as the development of country-specific social protection strategies and priorities. An emphasis would be placed on workers in the informal economy. The Office would still provide other countries not in the SPF Flagship Programme with advisory support as required, and within its capacity.
87. The various components of the global campaign for the ratification of Convention No. 102 were currently being designed, including the provision of technical support in the form of comparative assessments between national laws and practices and the requirements of the Convention. The campaign would also focus on following the SRM TWG's decisions in 2021, with a view to facilitating the ratification of the ILO's up-to-date instruments by countries that were now party to older Conventions to be abrogated in the future. The objective of reaching 70 ratifications by 2026 was very ambitious, and while the Office could actively engage in supporting national processes, the final decision would be taken by Member States. The Office was supporting countries that had already ratified ILO social security Conventions to extend the scope of social protection systems to groups that were currently unprotected.
88. Ongoing collaboration with other international and regional organizations on social protection was being strengthened, particularly for the Africa region. Two major projects run by the European Commission's Directorate-General for International Partnerships and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) had already been established to increase financing for social protection. Regarding the UN Secretary-General's Global Accelerator for Jobs and Social Protection, in the following months the ILO would be holding consultations with a diverse set of constituents to give substance to the initiative. Work would be carried out on the Global Accelerator for Jobs and Social Protection to see how it could mobilize additional funding and channel the existing funding in a more coherent manner. The ILO and the IMF were undertaking joint work in four pilot countries between 2021 and 2022, with a self-assessment planned for the first quarter of 2023. ILO country-level interventions provided multiple means of support for the extension of coverage to workers and employers in the

informal economy, as well as to small- and medium-sized enterprises, to facilitate the transition to the formal economy. The ILO had adopted a range of instruments on migrant workers, some of which focused on social protection for them more specifically.

89. The focus of the SPF Flagship Programme on the Convention No. 102 ratification campaign was not intended to detract from the implementation of Recommendation No. 202, as promoting the ratification of Convention No. 102 could also promote the establishment of social protection floors. While the participatory drafting of social protection policies might not have been explicitly mentioned in the plan of action, it was clearly part of the ILO's principles and was fully implemented whenever the Office supported national policy design processes. However, in practice, many national policies were developed without the social partners and without ILO support. It was vital to enhance the ILO's visibility and action in the multilateral system as there were other stakeholders that may not attach equal importance to social dialogue and the ILO normative standards. With respect to collective financing, the principle of solidarity was key and was incorporated into discussions on social protection financing with UN agencies and international financial institutions.
90. **The Employer spokesperson** noted the broad consensus on the relevance of the components of the proposed plan of action on social security for the period 2021–26, the major obstacles to implementing universal social protection and the urgent need to extend coverage to the informal economy. He expressed appreciation for the positive perspectives on how to move beyond a standard-setting approach and highlighted the importance of the effective implementation of Recommendation No. 202. The emphasis on identifying solutions aligned with country contexts would contribute to the development of innovative approaches.
91. **The Worker spokesperson** welcomed the Governing Body's strong support for the plan of action and supported the draft decision. Nonetheless, the issue of migrant workers and social protection should receive closer attention. He supported the calls for intensified efforts to implement Recommendation No. 202 and the document's emphasis on strengthening the capacities of the social partners to participate effectively in policy and strategy development, governance and social dialogue, including collective bargaining.

Decision

92. **The Governing Body requested the Director-General to:**
 - (a) take into account its guidance in implementing the plan of action on social security for 2021–26 as set out in document GB.343/INS/3/1; and
 - (b) consider the plan in the preparation of future programme and budget proposals.(GB.343/INS/3/1, paragraph 28)

3.2. Follow-up to the resolution concerning a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (GB.343/INS/3/2)

93. **The Worker spokesperson** agreed with the concern at the unequal, uncertain and fragile recovery from the COVID-19 pandemic, and reiterated the need to prioritize urgent, coordinated action to achieve vaccine equity. She noted that some important elements of the global call to action were missing from the proposed priorities in document GB.343/INS/3/2, particularly addressing decent work alongside productive employment, and designing industrial policies to help developing countries to create decent, well-paid jobs. She welcomed

the proposed expansion of research on decent work and the digital economy, including its gender-related aspects, and on strategies to extend social protection coverage to the diverse forms of work arrangements that had increased during the pandemic; however, the scope of that work must be broader than social protection. The labour protection floor, agreed on in the Centenary Declaration, covering fundamental rights, maximum hours of work, adequate minimum wages and safety and health at work was urgently needed so that all workers, including those in insecure forms of work, were protected. In order to build forward better, it was important to leverage recent good practices implemented by several Member States to extend social protection and wage and employment measures to include groups such as self-employed, temporary and domestic workers. The work on occupational safety and health set out in the document should be more ambitious, given its increased relevance during the pandemic and its strong link with the increase in precarious employment.

94. She welcomed the proposed research on global supply chains, but requested further details. More importantly, urgent action was needed to promote more resilient supply chains that would foster decent work, environmental sustainability and the sustainability of enterprises while respecting human rights, as the pandemic had clearly shown the rights violations and vulnerabilities of supply chains across numerous sectors. On the proposal on integrated approaches to address informality, the Office should have mentioned the upcoming Conference discussion on the social and solidarity economy in addition to the discussion on inequalities.
95. She supported the proposal to establish a recovery tracking framework, which should enable the Office to advise Member States on policies to create an inclusive, sustainable and resilient recovery. She also endorsed the invitation to governments to convene national dialogues on human-centred recovery, which could lead to the adoption of national jobs plans. For effective social dialogue to take place, Member States must create the institutional environment for the respect of freedom of association and collective bargaining. She supported the proposal for the Office to submit a report to the Governing Body providing the possibility for national constituents to share their experience directly. She requested the Office to clarify why the document had not mentioned the key role to be played by the public sector in the recovery or the transformative agenda on gender equality, especially since the pandemic had exacerbated widespread gender inequalities.
96. She welcomed the proposals to shape the international agenda on increasing financing of sustainable development. As it was imperative to integrate decent work and social justice into the international efforts, the Office should build on its role in the Initiative on Financing for Development in the Era of COVID-19 and Beyond, particularly through its leadership of Cluster II. The Workers' group fully supported scaling up the Climate Action for Jobs Initiative and welcomed the proposed Global Accelerator for Jobs and Social Protection; the ILO should take a leading role to ensure that the jobs created were decent and environmentally friendly. The Global Accelerator must be built on the four pillars of the ILO's Decent Work Agenda and should promote greater policy coherence to achieve social justice for all.
97. Her group supported the establishment of a global social protection floor. Its implementation must be coupled with capacity-building on increasing domestic resource mobilization by establishing more efficient and progressive taxation systems and increasing economic diversification and industrialization to ensure a more equitable, resilient recovery. She welcomed the Office's efforts to promote international labour standards with multilateral development banks, which must be part of all ILO partnerships. In particular, the proposed partnership with the IMF must be aligned with the ILO's mandate and maintain a rights-based approach to comprehensive social protection systems rather than safety nets.

98. She supported the proposed establishment of the Multilateral Policy Forum, which should enable the development of a comprehensive strategy and policy coherence to give full effect to the Centenary Declaration and the global call to action. However, in view of the Governing Body's heavy workload, she requested clarification on the feasibility of convening it in early 2022. The Workers' group supported the draft decision.
99. **The Employer spokesperson** noted that the intention of the global call to action was to accelerate the implementation of the Centenary Declaration, and that the Governing Body should not renegotiate what had already been agreed. As the Office document referred to social protection and financing for development, without mentioning business continuity, which had been a key component of the global call to action, she asked how financial resources would be allocated to enterprises disproportionately affected by the crisis. Furthermore, the financing should be prioritized for areas in which the ILO already had a strong mandate, rather than areas in which it had limited expertise and authority, such as humanitarian development.
100. While global supply chains had been disrupted by the COVID-19 pandemic, it was inappropriate to discuss re-engineering them; the global call to action instead had clear wording on fostering more resilient supply chains.
101. The Office document had taken the concept of building support for international labour standards across the multilateral system out of context, since it had not mentioned skills development, active labour market policies or financing the business continuity of enterprises disproportionately affected by the crisis. That had been included in the same paragraph in the global call to action.
102. As strategies envisaged by the Office were realized at the country level through Decent Work Country Programmes, these should be the central mechanism to develop and implement action and should be better supported. Moreover, the proposed tripartite national dialogues should be anchored in the work of the Decent Work Country Programmes, and the social partners should be involved in social protection programmes on the ground. In conjunction with the Global Partnership for Universal Social Protection to Achieve the Sustainable Development Goals (USP 2030 partnership), the Office should collaborate more closely with the IMF. The social partners must be involved in the selection of the pilot countries, as that would impact the resulting recommendations. In addition, the work must include an assessment of the national financing capacities and options, and be linked with reducing informality, which was the main barrier to financing sustainable social protection systems in many countries. Her group did not support the proposal to expand research on the relationship between decent work and the digital economy, which would be discussed in various meetings of experts starting the following year. Care was needed in allocating future resources to research on platform work, as the *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work* report had not included the views of the enterprises concerned. The Employers' group emphasized that research must benefit all three constituent groups.
103. The group welcomed the reference in the document to further developing the approach to productivity and resilience based on productivity ecosystems, and looked forward to seeing the related research, policy development and advocacy. The group also welcomed the Office's proposal to provide enhanced technical support to support business resilience and the creation of an enabling environment for innovation, productivity growth and sustainable enterprises. The Office should take a leadership role within the UN system on reducing informality by building partnerships with other multilateral organizations to ensure policy coherence. She agreed with the arrangements for the Multilateral Policy Forum. The ILO's

leadership role in the recovery had to be substantiated with action, impact and value. The Employers' group supported the draft decision.

104. **Speaking on behalf of the Africa group**, a Government representative of Morocco emphasized that any action by the ILO must take into account the devastating impact of the COVID-19 pandemic on the weakest economies and social protection systems, the rise in the informal economy, particularly in Africa, and the increased inequalities among Member States. The proposal to support national tripartite dialogues on policy implementation for a human-centred recovery was relevant, but he requested more details on the technical and financial support it would provide. The ILO's work on mobilizing resources was commendable, but additional efforts were needed to develop the appropriate frameworks, programmes and funding formulas required. It was more important than ever for international organizations specialized in various fields to work together to help countries to overcome the impact of the pandemic. The mechanisms available in Africa for building legal and institutional capacities could play an important role in the recovery, including in expanding social protection, but such reform would require greater international and regional cooperation. The proposed Multilateral Policy Forum was an important initiative and should result in targeted approaches and specific cooperation tools; the Office should consult constituents on the aspects that they considered to be important for the Forum. His group supported the draft decision.
105. **Speaking on behalf of GRULAC**, a Government representative of Chile reiterated the call for global cooperation to ensure equitable access to COVID-19 vaccines and treatments to avoid deepening inequalities. As the global call to action comprised four pillars of policy actions to ensure inclusive economic growth and jobs, the protection of workers, universal social protection and the promotion of social dialogue, the proposed actions could have been better structured around them. They should also be focused on protection of the most vulnerable groups and should include the gender perspective as a cross-cutting issue. Support for young people, entrepreneurs and enterprises was essential for recovery, and actions to protect frontline workers, ensure job retention, and protect labour and trade union rights must be strengthened.
106. GRULAC supported expanding research on the relationship between decent work and the digital economy and prioritizing strategies to curb the spread of informality; sectors mentioned in the global call to action should be prioritized. The group welcomed the continued publication of the *ILO Monitor: COVID-19 and the world of work*, and said that it should contain general policy recommendations to support recovery efforts. The group requested more information on ILO support for the proposed national tripartite dialogues and the expected results of the dialogues, on the proposed Global Accelerator for Jobs and Social Protection and the USP 2030 partnership, and on the work of the Office on international trade policy and decent work, particularly in collaboration with the World Trade Organization (WTO).
107. The GRULAC spokesperson supported holding a Multilateral Policy Forum in early 2022, but urged caution to avoid duplicating efforts of other international organizations. He requested more information on the hybrid format, as there must be equitable participation of all countries and regions. Interactive thematic discussions should be based on the four pillars of action of the global call to action and should take a human-centred approach. He agreed that the objective of the Forum should be to provide coherent support to national recovery strategies. He asked how the Forum would achieve joint initiatives among organizations, and how governments would be involved. The Office should consult with the social partners to ensure that all relevant stakeholders participated and that outcomes were translated into useful action to support a human-centred recovery.

- 108. Speaking on behalf of ASPAG**, a Government representative of Indonesia emphasized that policy and development initiatives to support the recovery must take full account of national circumstances and should target vulnerable population groups. Strategies and action plans should be based on national consultations to address new technologies and ways of working. Social dialogue should be at the heart of all follow-up to the global call to action, and should have received more attention in the Office document. The ILO should strengthen its multilateral coordination to promote implementation of the human-centred recovery, and should promote universal access to vaccines. He commended the Office on the *ILO Monitor* and the online information hub on country policy responses, which should be expanded to include vaccination policies. He supported the proposed recovery tracking framework, but requested information on the financial and reporting implications for Member States. He supported the proposed national tripartite dialogues, provided that governments were consulted and national ownership was respected. As the global call to action emphasized a gender-responsive recovery, the follow-up action should have a greater emphasis on gender. ASPAG supported the plan to scale up the Climate Action for Jobs Initiative, but requested more information on it; care should be taken to ensure that relevant governments were consulted and that there was no overlap with existing partnerships and initiatives.
- 109.** ASPAG welcomed the proposed Multilateral Policy Forum, but asked whether there was sufficient time in the official meeting schedule to convene it in early 2022. The group supported the hybrid format to facilitate the equal participation of all Member States; invited speakers should represent all regions, levels of economic development, have a gender balance and focus on the most disadvantaged. The agenda should include discussion of the disproportionate challenges facing Member States and the possible solutions. The outcomes of the Forum and follow-up action should complement other international initiatives on COVID-19 recovery. He asked the Office to provide an initial estimate of the cost of convening the Forum. ASPAG supported the draft decision.
- 110. Speaking on behalf of IMEC**, a Government representative of the United States of America said that the Office document was a helpful start in planning ILO action, but would benefit from further elaboration. She asked the Office to provide further information on the implications of giving effect to the global call to action specifically for activities under the policy outcomes in the programme of work for 2022–23, and for the objectives specified in the Strategic Plan for 2022–25. It was of concern that certain important issues, namely forced labour, child labour, youth and disability, and the cross-cutting issue of gender, were inadequately addressed in the document.
- 111.** IMEC welcomed and supported the proposals on enhanced areas of research and work to accelerate the transition to the formal economy, support business resilience and create an enabling environment for productivity growth and sustainable enterprises. The proposals regarding occupational safety and health should be further developed to reflect the importance of that work and the need for ILO leadership in that regard. IMEC welcomed the continued publication of the *ILO Monitor* and would like more information about the potential added value of the proposed recovery tracking framework and whether it would be feasible to monitor trends at the subnational level.
- 112.** While emphasizing the value of tripartite dialogue, IMEC questioned whether using the ILO's limited resources to send an invitation and a framing issues paper to all Member States was the best way to support recovery efforts. The group welcomed the proposed expansion of the ILO's collaboration with other international organizations to ensure that initiatives prioritized the Decent Work Agenda, and supported initiatives at the country level to facilitate access to funding. However, the references to "trade and living standards" should be replaced by "trade

and decent work”, in line with the ILO’s mandate and mission. IMEC noted with interest the proposed joint research with the WTO and encouraged the Office to develop similar initiatives with the IMF, the World Bank and the Organisation for Economic Co-operation and Development.

113. IMEC agreed with the importance of social protection; care should be taken to ensure coherence between the proposals in the Office document and the ILO plan of action on social security for the period 2021–26. IMEC supported a strong role for the ILO in the international system concerning a just transition and decent work in the context of climate change and welcomed ILO work to ensure coherent action with global partners to achieve specific outcomes on that subject. Furthermore, the ILO should continue to engage with international financial institutions on developing social safeguards and addressing labour issues. The proposed collaboration with the IMF was especially welcome. The Office should more extensively consider the ILO’s role in tackling increasing inequalities in the world of work. IMEC supported the proposed Multilateral Policy Forum and would welcome the opportunity to be involved in the preparations for it, but would like additional information on the budget, participants and intended outcome. IMEC supported the draft decision.
114. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with the statement. Emphasizing the importance of setting ambitious objectives and taking concrete actions in the short and medium terms, she noted with satisfaction that the proposed actions focused on creating synergies across the multilateral system. The regular publication of the *ILO Monitor* highlighted the unique work of the ILO and its suitability to lead the COVID-19 recovery efforts, and the proposed recovery tracking framework would be a valuable resource for constituents.
115. She welcomed national policymaking rooted in tripartite dialogue, noting that the ILO should focus its support on States that needed and requested it. The Office document had correctly identified the sectors that had been most affected by the COVID-19 pandemic and highlighted the importance of tackling employment and social protection issues in tandem with recovery strategies. The proposed country-specific integrated financing scenarios could promote the adequate, sustainable and sound financing of social protection systems. Human-centred COVID-19 recovery strategies should also include safe and healthy working conditions, the eradication of child and forced labour, decent work in global supply chains, gender equality, youth employment, the digital divide, regulation of teleworking and the platform economy. Some of the actions proposed in the document, such as scaling up the Climate Action for Jobs Initiative or exploring the interlinkages between international trade policies and domestic policies and investments, would benefit from more detailed examination. It should be made clear that any consideration of a channelling of Special Drawing Rights would remain voluntary and subject to national laws and regulations.
116. The proposed Global Accelerator for Jobs and Social Protection would provide an opportunity for the increased mobilization of international support, and would be most effective if it was developed jointly with all relevant stakeholders and included agreed results-oriented actions. The development of the Global Accelerator should be linked with the proposed Multilateral Policy Forum. The modalities for the Forum set out in the Office document were encouraging and captured the need for greater cohesion across the multilateral system. She welcomed the proposed outcome of the Forum and underlined that, for specific commitments to be achieved, high-level participation would be necessary. The EU and its Member States supported the draft decision.

- 117. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia acknowledged the socio-economic impact of the COVID-19 pandemic on her region and the world. The unevenness of the recovery was exacerbated by disparities in vaccine access and economic resources, and changes to global supply chains. Universal access to vaccination remained vital. At a recent summit, ASEAN leaders had reaffirmed the region's commitment to enhance steps towards the recovery, inter alia, through improvements to market resilience and the securing of vaccines. ASEAN supported the ILO's efforts to increase its influence on global funding mechanisms, although clarity and transparency were required, along with reassurances that its efforts would be targeted, fair and undertaken with the proper foresight. It urged the ILO to focus its technical support in respect of ecosystems for decent work and business resilience on micro, small and medium-sized enterprises.
- 118.** ASEAN encouraged the ILO to continue to leverage its role in the multilateral system to enhance its research tools and capacity to define initiatives that addressed important priorities stemming from the COVID-19 pandemic, and it would welcome information on how the ILO would measure the results of that endeavour quantitatively and partner with regional and subregional groups. Participation in the ILO's mechanisms to track the recovery should be voluntary so as to avoid increasing the already substantial reporting burden on constituents. Similarly, while it acknowledged the potential merits of a Multilateral Policy Forum, ASEAN encouraged the ILO to give due consideration to the volume of events already planned for the first quarter of 2022 and to provide assurances of the broadest possible participation in terms of geography and time zones. ASEAN supported the draft decision and commended the ILO's efforts to accelerate the implementation of the global call to action and the Centenary Declaration.
- 119. A Government representative of Ecuador** said that the ILO's principles had guided her Government's successful roll-out of COVID-19 vaccines and its efforts to promote decent work, the elimination of child labour and the incorporation of women into the labour market. She called on the Governing Body to support the global call to action and to enable the ILO to guide less developed countries in ensuring a recovery in the world of work.
- 120. A Government representative of Indonesia** expressed his Government's commitment to a human-centred recovery that was inclusive, sustainable and resilient at both the national and the global levels. The national dialogues on human-centred recovery proposed by the Office were vital to national recovery strategies, and the ILO should continue to support Member States in convening them. Additional time was needed for adequate deliberations on the modalities and expected outcomes of the Multilateral Policy Forum, which was proposed for early 2022. Noting that care must be taken to avoid duplication of the work of existing multilateral forums, he asked how the Forum would help strengthen the ILO's coordination with other international groups. His Government welcomed the ILO's continued leadership of the human-centred recovery, and supported the draft decision.
- 121. A Government representative of Barbados** noted that, although the impact of the COVID-19 pandemic had been far-reaching, the Office document revealed the significant variations in outlooks for countries with differing levels of income. All States must recognize their responsibility to ensure equal access to vaccines; a country's inability to save the lives of its citizens owing to the inequitable distribution of vaccines or insufficient economic resources should be a source of discomfort for all. His Government fully supported the ILO's actions in the areas of social dialogue, funding and multilateral action in the context of the recovery. The ILO must support Member States in accessing funding and strengthen its position in the international system to leverage the support of other organizations. Its efforts to ensure policy

coherence were commendable. All parties must take action at the national, regional and global levels to build a fairer, more sustainable world economy, create a better future and achieve a human-centred recovery.

122. **A Government representative of Cuba** said that during the COVID-19 pandemic in Cuba, workers' protection had been achieved and measures had been implemented to protect the health of the entire people, to ensure continued employment and to defend labour rights and guarantees for all, which were bastions of the Cuban social system. A total of 36 labour, wage and social security measures had been implemented. Remote working and teleworking had been increased; wage guarantees had been expanded; more than 240,000 private workers had been exempted from paying taxes; payment of pensions had been maintained; and social workers had paid particular attention to families in need. The Cuban people had confronted the COVID-19 pandemic with the additional burden of the economic, commercial and financial blockade of the Government of the United States, which had escalated to extreme levels during the Trump Administration and in an opportunistic manner in the context of the pandemic, despite the international call for an end to the blockade that had been made during the general debate of the 76th session of the United Nations General Assembly. Cuba had developed three vaccines and two prospective vaccines against COVID-19 and was hoping to have its entire population immunized by the end of 2021. At the same time, it had contributed to combating the pandemic in 40 countries by sending more than 4,900 collaborators, organized in 57 medical teams. She reaffirmed her Government's commitment to the ILO's mandate and highlighted the need for joint efforts to overcome the challenges posed by the pandemic.
123. **A Government representative of Rwanda**, drawing attention to the global call to action's ongoing relevance to her country's post-pandemic recovery, highlighted the need for sustained global effort to ensure that recovery was human-centred. Equitable access to vaccines was vital in ending the pandemic. Renewed and coherent multilateralism was therefore required, and the Office should continue to play its multilateral role to secure the desired global recovery. Her Government would welcome regular updates on the progress made in implementing the follow-up actions.
124. **A Government representative of Colombia** highlighted the vital role played by the ILO in the Initiative on Financing for Development in the Era of COVID-19 and Beyond, particularly its leadership of Cluster II. Her Government was committed to the recovery process and had made resources available to protect jobs and create mechanisms to counter the economic and social consequences of the crisis. The ILO could contribute, through its regional offices, to efforts to promote social dialogue and facilitate consensus building. Her Government supported the draft decision.
125. **A representative of the Director-General (Deputy Director-General for Policy)**, responding to questions raised, said that the proposed Multilateral Policy Forum was intended to produce concrete outcomes that mainstreamed the human-centred approach and social investment, such as prioritizing strategies to increase public and private investment in employment opportunities, social and labour protections and people's capabilities. Specific programmatic commitments would be sought to boost the resources available to Member States in those and other areas linked to building back better. Since action would be needed at the country level to have an impact, the Office would work with the international financial institutions to increase support for Member States' efforts to accelerate a fully inclusive human-centred recovery from the crisis. The tripartite constituents would be key to the success of the proposed Forum, which would provide an opportunity to deepen understanding between the ILO and multilateral organizations, and to promote and advance the agenda set out in the global call to action. The World Bank, the IMF, the WTO, the World Health Organization and other agencies and regional

bodies would be invited to participate, as they all had mandates that could advance a human-centred recovery. The cost of holding the Forum would become clear once the details were finalized but was not expected to be excessive, as much of the meeting would be held virtually, which would also address the issue of accessibility. The Office would work in line with established ILO practice to determine participation; the Forum could be opened to a wider audience through pre-registration. The dates would be set as soon as possible, and would most likely be late February 2022.

126. Tripartite dialogues were critical to the development of national recovery policies. The Office encouraged all Member States to organize such dialogues and would support them wherever possible, with field offices providing advice, guidance and technical support to assist constituents.
127. The ILO had a lead role to play in the Global Accelerator for Jobs and Social Protection, which had been launched by the UN Secretary-General in September 2021. Its aim was to create at least 400 million jobs, primarily in the green and care economies, and to extend social protection floors to people currently not covered by any social protection measures by 2030. The architecture of the initiative was under discussion with the UN Secretary-General's office and other key partners. The proposed Multilateral Policy Forum would provide an opportunity to advance the Global Accelerator, including on the priorities set out in the global call to action, which was the basis on which the ILO was engaging with other multilateral institutions in preparatory discussions about potential outcomes of the Forum.
128. The USP 2030 partnership was chaired by the World Bank and the ILO and sought to realize universal social protection based on the principles reflected in the ILO social protection standards.
129. The Office had been engaging with the WTO on how trade could support the Decent Work Agenda and on the impact of gender and trade in the context of recovery from COVID-19 in particular. A workshop on research findings had recently taken place and a joint webinar was planned on gender, trade and decent work. The collaboration was expected to contribute to developing joint research activities and the Office would share more information as the work proceeded.
130. Work on business continuity included the development of the Sustainable and Resilient Enterprises (SURE) tool for small and medium-sized enterprises, piloting of a business continuity mode in the field through the Sustaining Competitive and Responsible Enterprises (SCORE) programme, preparation of a forthcoming paper proposing a framework to guide governments in developing countries to support small businesses in dealing with and building resilience to crisis-related shocks, and the publication of a brief on business continuity in the context of COVID-19.
131. As to multilateral policy coherence, the ILO participated in six G20 groups in addition to the Employment Working Group, which provided an opportunity to strengthen the ILO's presence and response to continuing recovery. The proposed Multilateral Policy Forum would complement outcomes related to policy coherence and its goal would be to strengthen joint initiatives and institutional arrangements between international and regional organizations through dialogue and commitment, based on the priorities expressed by the constituents through the global call to action.
132. The recovery tracking framework was intended to provide a consistent approach to monitoring trends in the overall labour market and the impact on specific groups and sectors over the coming years, drawing from the methodological insights and innovation in the *ILO Monitor* and

elsewhere in the Office. Guidance on monitoring recovery would facilitate country-level recovery diagnostics and provide key input to ILO specialists to design responses to requests. No additional financial implications or reporting burdens for constituents were expected and the framework would be part of the Office's technical assistance.

133. The Office would take into account all of the Governing Body's guidance. It had identified a number of areas of greatest urgency and potential impact, but all the issues in the global call to action, and the importance of decent work, would be addressed and promoted. Discussions at the International Labour Conference would inform work on some issues, such as inequalities and skills and lifelong learning. Other issues, such as global supply chains, would benefit from the discussions of tripartite working groups. The reference in the Office document to re-engineering of supply chains was intended to describe an apparent existing phenomenon and should not be understood as a recommendation by the Office.
134. Proposed follow-up work on gender included an integrated approach to the transformative agenda, and would also focus on populations in vulnerable situations, such as persons with disabilities and young people. A forthcoming global report on the care economy would set out policy recommendations and a cost-benefit analysis of investing in care-led policies, childcare and elder care to advance gender equality and non-discrimination as part of a resilient, sustainable and job-rich recovery. A comparative report on wage transparency legislation on gender was also forthcoming.
135. The interrelated nature of decent work issues meant that matters such as social protection would impact other areas in the world of work, such as significantly reducing child labour. On industrial policies, the document recognized that a variety of sectors required strong policy and investment and that there was a sectoral dimension to work in many areas. That understanding would be reflected in the Office's action, which would, as always, be guided by international labour standards.
136. **The Director-General** said that he wished to reassure the Governing Body that the Programme and Budget for 2022–23 and the ILO's Strategic Plan for 2022–25 had been adopted specifically with a view to implementing the Centenary Declaration in the context of the COVID-19 pandemic. Document GB.343/INS/3/2 was a strategic, urgent document, produced for a specific purpose, and complemented the information on other issues that was already included in the Programme and Budget for 2022–23.
137. With regard to financing for development, the ILO's efforts to mobilize resources were an important part of its work and were also discussed elsewhere. The intent in the document was to place the ILO within the system-wide discussions taking place on financing the recovery, which extended far beyond the Organization alone and therefore required interaction with the IMF, the multilateral development banks and others. One place for that interaction would be the proposed Multilateral Policy Forum. In the wake of the most devastating economic and social crisis in living memory, the proposed Forum was a critical priority and therefore required an ambitious time frame.
138. **The Employer spokesperson** agreed that the follow-up to the global call to action had to be considered in the context of the decisions taken in the Programme, Financial and Administrative Section. The priority was to ensure that the proposals were indeed put into practice. The ILO was the organization in the UN family that was best placed to directly communicate and cooperate with civil society on the ground. It should therefore assume leadership in the multilateral system on the recovery from the COVID-19 crisis. The ILO also needed to ensure that, for all activities, the rights-based approach was underpinned by real economic developments. Promoting the transition to the formal economy should be a priority

so that workers could benefit from the rights-based approach and social protection could be expanded. She expressed the hope that the ILO would make a significant contribution so as to make a difference to those who had lost their employment or had been pushed into informality due to the COVID-19 crisis.

- 139. The Worker spokesperson** said that she hoped that the ILO's leadership role would not depend solely on the organization of a forum. She expressed serious concerns as to whether the Multilateral Policy Forum could be organized properly to provide for the kind of guidance that was sought within the proposed timeline, in view of the busy calendar of ILO meetings; however, her group would align with the majority opinion. She was unconvinced by the response from the Office that references to certain issues of major importance, such as increasing levels of precarious and informal work and the transformative agenda on gender equality, were included in other documents and therefore were not duplicated in the document under discussion, but welcomed the assurance from the Office that they would be taken into account in the further development of the follow-up.

Decision

- 140. The Governing Body requested the Director-General to implement the follow-up actions detailed in document GB.343/INS/3/2, taking full account of the views expressed during its discussion.**

(GB.343/INS/3/2, paragraph 40)

3.3. Analysis of the measures taken to promote the effective functioning of the Conference (GB.343/INS/3/3(Rev.1))

- 141.** In preparation for the adoption of the decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 142.** 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 document GB.343/INS/3/3 in which the draft decision would be corrected so as to convey the fact that comments on the item would be submitted by Governing Body members in writing.
- 143.** The decision contained in document GB.343/INS/3/3(Rev.1) was adopted by consensus and announced to all Governing Body members by a communication of 1 November 2021.

Decision

- 144. The Governing Body requested the Office to prepare for its consideration at its 344th Session (March 2022) a detailed programme of work for the 110th Session of the International Labour Conference (2022) taking into account the written comments received on document GB.343/INS/3/3(Rev.1).**

(GB.343/INS/3/3(Rev.1), paragraph 55)

Summary of the written comments received during the consideration of the item by correspondence¹

145. **The Employers' group** noted that all proposals in document GB.343/INS/3/3(Rev.1) to enhance the functioning of in-person Conference sessions, including but not limited to those in paragraphs 7, 16, 17, 22 and 26, should be presented and discussed at the 344th Session (March 2022) of the Governing Body before being implemented. Changes to in-person sessions should not be made on the basis of a single virtual session; the document should have focused only on improvements for the resumed part of the 109th Session.
146. The group supported the proposal to provide individual email addresses for persons accredited to the Conference and asked the Office to share those email addresses with the relevant group secretariats for coordination and communication purposes, and to duly include a clause in the registration form to fulfil data privacy requirements. The four-minute time limit for interventions should be maintained, but also continuously monitored. Reaffirming its regret at the last-minute nature of consultations for the World of Work Summit, the group stressed the importance of early preparation and consultation for events in order to ensure the availability of speakers. Furthermore, consulting group secretariats was key to allowing the work of the Conference to be conducted within agreed working hours. The group agreed with the proposals in paragraphs 29, 42, 49 and 54.
147. **The Workers' group** recalled that it had agreed to the discussion of document GB.343/INS/3/3(Rev.1) by correspondence on the understanding that the document would draw on lessons learned from the first part of the 109th Session of the Conference in order to improve the resumed part. The group noted with concern that the document suggested digitalizing many aspects of future in-person Conference sessions. The group asked the Office to take its comments into account during the preparation of the programme of work for the 110th Session of the Conference to be discussed at the 344th Session of the Governing Body.
148. While acknowledging that the first part of the 109th Session had been a success, the group reiterated that it had agreed to a virtual format only because of the exceptional circumstances in connection with the COVID-19 pandemic. Full in-person Conference sessions should be resumed from 2022 onwards, circumstances permitting. In that connection, the group reiterated its commitment to the global call to action to ensure timely, equitable, affordable and global access for people in all regions to quality, safe and effective COVID-19 vaccines.
149. The group agreed that, aside from technical improvements, no adjustments to the special arrangements and procedures for the resumed part of the 109th Session of the Conference were necessary. The group expressed great concern at any attempt to digitalize future Conference sessions, and pointed out that the document failed to acknowledge the challenges faced by many constituents, particularly workers' organizations, in accessing the technological infrastructure and equipment necessary to participating fully in ILO digital events. The group did not support the proposal in paragraph 7 to extend the practice of advance virtual preparatory meetings.
150. The group required a better understanding of the implications for the Workers' delegation before agreeing to the proposals on attendance in paragraph 16, but supported the provision of access to visitors in principle. The group did not support the combined approach of physical presence and remote participation suggested in paragraph 17; alternative venue

¹ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.

arrangements in Geneva would be preferable to a combined approach during building renovation. The group did not support the proposal in paragraph 22 to split the formal, procedural opening from the more substantive and ceremonial opening of the Conference if it entailed holding the former in a virtual format. Appreciative of the Office's willingness to resolve the challenges that had greatly affected the workload of the Bureau for Workers' Activities (ACTRAV) during the first part of the 109th Session, the group supported the Office's initiative to find an alternative system for connecting to group meetings and committee and plenary sittings for the resumed part. The group required more details on the adjustments implemented in the amendments validation process before agreeing to retain them, as proposed in paragraph 36. Finally, while the group supported the rationale for reducing the amount of paper printed, the conditions for moving to a fully paperless Conference had not yet been met. A limited number of documents, such as amendments, still required printing.

151. **GRULAC** urged the Governing Body to examine the lessons learned from the COVID-19 pandemic and the special arrangements made for the International Labour Conference. The experience provided an opportunity to rethink and improve the way in which the Conference would be held in future. The group therefore invited constituents to have an open-minded discussion on the matter to ensure that participation in the Conference could be as equitable and democratic as possible.
152. The virtual format had improved some aspects of the Conference: the reduced time allotted to plenary sessions had helped to keep discussions on track; advancing the formal opening of the Conference had allowed for preparatory work ahead of the start of the committees, meaning that substantive work could start sooner; and important speakers had attended the World of Work Summit who might have been unable to attend an in-person event. However, issues had arisen during the accreditation process, and engagement had been weakened by low levels of participation in some meetings and the security and connectivity issues experienced by some delegations. Such issues should continue to be improved to ensure the full and equitable participation of all constituents. The group noted in particular the communication strategy implemented by the Office to bring the first virtual session to ILO priority audiences in coordination with regional and country offices. GRULAC supported the draft decision, insisting on the need to discuss additional improvements to future sessions of the International Labour Conference at the 344th Session of the Governing Body.
153. **The Government of Cuba** was prepared to accept the proposals concerning the nomination of officers provided that the process would be carried out in a timely manner following consultations with constituents. Since group meetings at an in-person Conference would presumably be held in person, holding such meetings well before the start of the Conference as advised in the document would be impractical because delegates would be required to arrive before the Conference's scheduled start date, entailing unforeseen expenses for governments; the practice was therefore suitable for virtual meetings but not for in-person meetings. The Government disagreed with the reintroduction of individual registration in committees since that process was only feasible for in-person meetings. The inability of ministers and other high-level officials to address the committees should also be reviewed. The Government did not support the suggestion to limit accreditation – a measure that could potentially contravene the ILO Constitution – since delegates and technical advisers should not be treated as observers or visitors at in-person meetings. It would be in the interest of all delegates to hold an in-person meeting rather than a hybrid meeting if the public health situation improved sufficiently.
154. Access to the internet and information communication technologies, including the Zoom platform, continued to be restricted in Cuba as a consequence of the ongoing economic

blockade. The Government, therefore, could not participate in online meetings on an equal footing if access to the platform used was restricted in Cuba. The Office should ensure that all constituents were able to connect to meetings in equal conditions. Lastly, given its nature, the Committee on the Application of Standards might not always be able to apply the rules established for virtual meetings; governments should therefore have the opportunity to submit information in writing if they so desired.

- 155. The Government of the Islamic Republic of Iran** supported the draft decision. However, the document had understated the extent of the connectivity problems encountered by some delegations. Zoom, the company providing the online platform used at the first part of the 109th Session of the International Labour Conference, did not provide services to users in the Islamic Republic of Iran because of economic sanctions imposed on the country, and Iranian delegates had therefore experienced disruptions in connectivity throughout the virtual meeting. Such restrictions on the Government's participation in ILO events violated its inalienable right as a Member State to contribute to the Organization's activities and was incompatible with the spirit of multilateralism. The Office should therefore take steps before the second part of the 109th Session in December 2021 to ensure the full and effective participation of the Government of the Islamic Republic of Iran in that session and all future ILO events, and should address the issue in its report to the 344th Session of the Governing Body.
- 156. The Government of Morocco** acknowledged the relevance of the Office's examination of the methods employed during the first part of the 109th Session of the International Labour Conference. Nonetheless, in-person meetings allowed for higher-quality negotiations, and the committees provided further space for exchanges among constituents. The limited time available during online meetings occasionally led constituents to rush through topics and amendments, to the detriment of the quality of discussions. The Office's efforts to maintain security and connectivity were noted, but to avoid confusion, invitations should be sent to accredited individuals in accordance with their registration with the respective committees.
- 157. An Employer member from Japan** expressed appreciation for the Office's efforts to hold the International Labour Conference virtually. However, the topic should have been included on the agenda for discussion at the 343rd Session of the Governing Body to allow the Office to obtain more constituent views to shape the arrangements for future meetings. It had proved difficult for Employer representatives in Asia to participate in the virtual meetings given the time differences; the Office should therefore pursue in-person meetings – or, failing that, hybrid meetings – to enable more constituents to actively engage in discussions and to allow the informal exchanges that were so crucial to building consensus on sensitive and difficult issues.

4. Progress report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration (GB.343/INS/4)

- 158. The Co-Chairperson of the tripartite working group** said that the group had continued to have fruitful, informative and occasionally challenging discussions at its third and fourth meetings, which illustrated both the significance of the democratization of ILO governance and the commitment of all members of the group to the goal set forth in the Centenary Declaration. The group continued to fulfil its role as a platform for focused dialogue and the development of proposals on full, equal and democratic participation in the ILO's tripartite governance, and a number of governments and social partners had reaffirmed their support for its work.

- 159. The other Co-Chairperson of the tripartite working group** said that the group had called on the Governing Body to request the Director-General to intensify the promotional activities in relation to the 1986 Amendment because more effort was needed to capitalize on the impetus of the Centenary Declaration to secure the prompt entry into force of the 1986 Amendment. The Governments of Ireland, the Republic of Moldova, and Somalia had recently ratified the 1986 Amendment and official confirmation of the ratification by the Government of Liberia was expected. The Governments of Brazil, the Islamic Republic of Iran, Lithuania and the Philippines were taking steps towards that goal. The group would seek to maintain that momentum while also fulfilling its responsibility to serve as a platform for dialogue. In the spirit of constructive engagement, the group expected that the Governments of India and Italy, the two Members of chief industrial importance that had ratified the 1986 Amendment, would share their experiences in that respect.
- 160.** The group had held an initial discussion on the measures required to implement the 1986 Amendment upon its entry into force, some of which were within the remit of the Governing Body and the International Labour Conference and others which fell under the competence of each regional group, and further discussion would be needed to determine the timing of those measures. She thanked Member States and other governments for their active engagement in the group's work and looked forward to further fruitful exchanges at its fifth and final meeting. The Co-Chairpersons would continue to hold bilateral meetings with governments interested in supporting the group's work to achieve its mandate.
- 161. The Worker spokesperson** said that her group continued to view the prompt ratification of the 1986 Amendment as a priority. She congratulated the Governments of Ireland and Somalia for ratifying the instrument and welcomed the information provided by the Governments of Brazil, the Islamic Republic of Iran, Lithuania and the Philippines concerning steps taken in that regard. She welcomed the adoption of the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance by the International Labour Conference at the June segment of its 109th Session, which would ideally generate more interest in that regard. She expressed hope that the clarification of the obsolete reference to "socialist" States of Eastern Europe would remove the obstacles to ratification faced by those Member States. She commended the Director-General for writing to the 15 Member States of the Eastern European group and the Members of chief industrial importance that had not yet ratified the 1986 Amendment, but noted with regret that no further replies to his letter of 14 January 2020 had been forthcoming. Member States should respond to the call for the completion of the ratification process contained in the resolution on the ILO Centenary Declaration for the Future of Work.
- 162.** Her group noted the report of the tripartite working group and supported the decision to renew the nomination of the Government members of Nigeria and Switzerland as its Co-Chairpersons. The tripartite working group should remain focused on the entry into force of the 1986 Amendment rather than expanding the scope of its work, and efforts should be stepped up to accelerate that outcome. Her group welcomed the move to invite the Governments of India and Italy to share their experiences at the fifth meeting of the group, which would hopefully encourage other Members of chief industrial importance to promptly ratify the 1986 Amendment and enable the Organization to complete that important process. The Workers' group supported the draft decision.
- 163. The Employer spokesperson** said that his group welcomed the decision to reappoint the Government members of Nigeria and Switzerland as the Co-Chairpersons of the tripartite working group. He thanked the Governments of Ireland, the Republic of Moldova and Somalia for their recent ratification of the 1986 Amendment. He recalled that the tripartite working

group had been established with the sole purpose of promoting the ratification and entry into force of the 1986 Amendment, which when achieved would increase the equitable representation of the different regions within the Governing Body and democratize its work. He took note of the progress achieved thus far and noted with satisfaction the invitation extended to the Governments of India and Italy to share their experiences. He noted the publication by the Office of an information note on the measures required to implement the 1986 Amendment upon its entry into force. The Employers' group supported the draft decision.

- 164. Speaking on behalf of the Government group**, a Government representative of the Philippines took note of the increase in the number of ratifications of the 1986 Amendment and said that her group would consider the implications of its entry into force. Her group supported the draft decision and would continue to work with the tripartite working group to achieve its objectives.
- 165. Speaking on behalf of the Africa group**, a Government representative of Uganda noted the report of the tripartite working group. He reaffirmed his group's commitment to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted by the International Labour Conference, which was not an end in itself but a reminder that more needed to be done to secure the entry into force of the 1986 Amendment. The purpose of the 1986 Amendment was to introduce equity and fairness into the composition of the Governing Body; it was therefore encouraging that most constituents viewed it as an effective measure that would democratize the ILO's governance. Its entry into force should remain a key focus of efforts to realize the principle of equality among ILO Member States. His group welcomed the ratification of the instrument by the Governments of Ireland, the Republic of Moldova and Somalia, and the invitation extended to the Governments of India and Italy to share their respective experiences. Noting that the tripartite working group would submit its final report to the 344th Session (March 2022) of the Governing Body, he called on the working group to step up its work in order to fulfil its mandate in line with the Centenary Declaration and its accompanying resolution and to engage with all stakeholders in the process leading to the entry into force of the 1986 Amendment. He called on the Office to intensify its efforts and engagement in that respect, focusing in particular on Member States that had yet to accept the instrument.
- 166. Speaking on behalf of ASPAG**, a Government representative of Australia said that the stake of her group in the resolution of participation and representation issues affecting the Organization, where it was under-represented, was welcome. In accordance with the Centenary Declaration, the full contribution of the ILO's constituents to the attainment of social justice was contingent on their full, equal and democratic participation in its governance. ASPAG strongly encouraged the tripartite working group to conduct further consultations with the tripartite constituents regarding participation and representation issues, and to propose workable responsible reforms towards democratization. She supported the draft decision.
- 167. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Albania and Norway aligned themselves with the statement. The question of democratization went beyond the entry into force of the 1986 Amendment. Yet the increased rate of ratifications following the Centenary Declaration should be acknowledged. She took note of the information provided by the Office on the measures required to implement the 1986 Amendment. The EU and its Member States would continue to constructively engage in discussions on the measures required to implement the 1986 Amendment, and were committed to any solution that would pave the way for a transition to more democratic governance founded on the principles of equality, inclusivity and fair representation. She endorsed the draft decision.

- 168. Speaking on behalf of ASEAN**, a Government representative of Indonesia fully agreed that the 1986 Amendment should enter into force at the earliest possible opportunity to promote democratization at the ILO. Her group encouraged ILO Members that had not yet ratified the 1986 Amendment to continue efforts towards ratification. The group congratulated the Governments of India and Italy for ratifying the instrument and encouraged other Members of chief industrial importance to follow their example. ASEAN supported the draft decision.
- 169. Speaking on behalf of GRULAC, the Africa group and a substantial number of countries belonging to ASPAG**, a Government representative of Brazil said that some countries and regions were clearly over-represented in the current structure of the Governing Body, as there was an overlap of membership within and across the groups. Such an imbalance sometimes led to an inaccurate perception of prevailing views and the favouring of one group to the detriment of another. The tripartite working group was therefore an appropriate forum for further discussion on how to address the issue, with a view to submitting proposals to the Governing Body in that regard. He expressed support for the draft decision.
- 170. Speaking on behalf of a number of countries belonging to ASPAG**, a Government representative of Pakistan said that the pronounced imbalance in the representation of Member States and regions in the Governing Body needed to be addressed. She drew attention to the fact that continents with vast populations were represented through only one regional group, while Europe had two, despite having the smallest population. The Standing Orders of the Governing Body referred only to four geographical regions. However, the group of industrialized market economy countries (IMEC) was not a geographical region and enjoyed a dual representational privilege, which often hindered Government group consensus, and which violated the principle of the sovereign equality of States enshrined in the Charter of the United Nations and international law. The same asymmetry was reflected in the tripartite Screening Group entrusted with determining the agenda of the Governing Body which, in accordance with the Compendium of rules applicable to the Governing Body of the International Labour Office, was meant to comprise only four geographical regions, and not six. She therefore requested the Office to provide legal clarification on the tripartite Screening Group's composition. The issue should also be addressed by the tripartite working group in the preparation of proposals to promote full, equal and democratic participation in ILO governance. She supported the draft decision.
- 171. Speaking on behalf of a group of countries, consisting of Austria, Belgium, Croatia, Denmark, Finland, Iceland, Netherlands, Norway, Portugal, Spain, Sweden and Switzerland**, a Government representative of Sweden placed emphasis on the importance of the resolution on the ILO Centenary Declaration for the Future of Work, which called for the completion at the earliest opportunity of the process of ratification of the 1986 Amendment and the importance of that instrument for a full, equal and democratic participation in the ILO's tripartite governance. All efforts by the Office and the Member States to promote the ratification of the 1986 Amendment were welcome. She endorsed the draft decision.
- 172. A Government representative of Cuba** noted the progress made in the ratification of the 1986 Amendment. However, much work remained to be done and she looked forward to the next meeting of the group.
- 173. A Government representative of Indonesia** said that in line with the resolution on the ILO Centenary Declaration for the Future of Work, the completion of the process to ratify the 1986 Amendment at the earliest opportunity should remain the focus of the tripartite working group. His Government supported the draft decision.

174. Replying to the request for legal clarifications made by the Government representative of Pakistan, **the Legal Adviser of the ILO** said that the role of the four regional groups, as well as the composition and function of the tripartite Screening Group, were set out in the introductory note to the Standing Orders, which was a compilation of long-standing practices and working methods that the Governing Body had not yet decided to codify in a binding set of rules. The recognition of the two European subregional groups, and the participation and speaking rights of groupings, such as IMEC, established on criteria other than geographical, were part of those well-established practices. Such matters could be more amply discussed in the context of the tripartite working group.

175. The Worker spokesperson said that her group could support the draft decision.

Decision

176. The Governing Body:

- (a) **took note of the progress report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance; and**
- (b) **requested the Director-General to intensify the promotional activities in relation to the 1986 Amendment pursuant to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted at the June segment of the 109th Session (2021) of the International Labour Conference.**

(GB.343/INS/4, paragraph 9)

5. 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

(Discussion deferred to the 344th Session (March 2022). The document will be submitted for information (see GB.343/INS/INF/5(Rev.1)).

6. Proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work (GB.343/INS/6)

177. The Governing Body had before it two amended versions of the draft decision. The first had been proposed by IMEC and circulated by the Office to all groups, and read:

The Governing Body decided to:

- (a) ~~decided to place on the agenda of the 110th Session (2022) of the Conference the following item: "Inclusion of safety and healthy working conditions in the ILO's framework of fundamental principles and rights at work";~~
- (b) ~~requested the Director-General to prepare for the 344th its next session (March 2022) of the Governing Body~~ a draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6 and to organize informal consultations to this effect;
- (c) request the Office to prepare a background paper on the instruments containing general safety and health principles so that the Governing Body, in its discussion at its 344th session, identifies and agrees on those instruments to be declared fundamental.

- 178.** The second amended version had been proposed by the Governments of Brazil and Colombia and circulated by the Office to all groups, and read:

The Governing Body:

- ~~(a) decided to place on the agenda of the 110th Session (2022) of the Conference the following item: "Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work";~~
- (ba) requested the Director-General to prepare for its next session a comprehensive research on the possible impacts of a decision to include safe and healthy working conditions in the ILO's framework of fundamental principles and rights, addressing possible implications on domestic regulatory frameworks and on international trade agreements, as well as potential conventions to be declared fundamental and terminology to be used in the case of a future ILC declaration; draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6 and to organize informal consultations to this effect.
- (b) decided to update the 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 as follows:
 - (i) 344th Session (March 2022): discussion of the comprehensive research prepared by the Director-General on possible impacts of a decision to include safe and healthy working conditions in the ILO's framework of fundamental principles and rights;
 - (ii) 346th Session (November 2022): consideration of possible conventions on occupational security and health to be potentially declared as fundamental, as well as of terminology to be adopted;
 - (iii) 347th Session (March 2023): upon agreement on which conventions should be declared fundamental, consideration of the elements of a possible draft outcome document for consideration at the 111th Session (2023) of the Conference and arrangements for the Conference discussion;
 - (iv) 111th Session (2023) of the Conference: consideration of a possible outcome document concerning the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work.

- 179. The Employer spokesperson** emphasized the strong commitment of her group to the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration) and recognized the positive impact of occupational safety and health on working conditions, productivity and overall economic and social development.
- 180.** It was disappointing that the document had not indicated the advantages and disadvantages of the two options proposed for the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work and had instead appeared to advocate for the option that envisaged an amendment to the 1998 Declaration – the simpler, but not necessarily the less intrusive, of the two options. Occupational safety and health did not fit into any of the existing categories of fundamental principles and rights at work, which was why it had not originally been included in the 1998 Declaration. Amending the 1998 Declaration would also require various other ILO Declarations and Conventions to be amended; while the document had helpfully provided wording for those amendments, they should not be adopted automatically and constituents should have the opportunity to reflect on the proposals.
- 181.** The document's focus on the phrase "safe and healthy working environment" over "safe and healthy working conditions" was unbalanced and did not help constituents to make a well-informed decision on the way forward. The phrase "safe and healthy working conditions" had been included in the resolution on the ILO Centenary Declaration for the Future of Work and

other international human rights instruments. The term “working environment” was much broader than “working conditions”, which could cover mental health in addition to physical health, and it would be important to discuss the implications and practicalities of both formulations. The amendment proposed by IMEC, in particular its reference to a “background paper on the instruments containing general safety and health principles”, was too broad in scope.

182. The importance of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), for occupational safety and health was widely recognized. There were 30 other up-to-date instruments on the topic and a dozen more had been abrogated. The process of identifying and selecting the instruments to become fundamental Conventions should begin promptly to allow constituents the opportunity to analyse their content before making a decision. She recalled that Member States would be required to report on their implementation of such Conventions every three years and, if the 1998 Declaration were to be amended as proposed, would be obliged to promote the principles concerning occupational safety and health regardless of whether they had ratified those Conventions.
183. She disagreed with the Office’s assessment that the decision to elevate occupational safety and health to a fundamental principle and right at work would have no implications for trade, and made reference to the 2006 International Law Commission’s Guiding Principles applicable to unilateral declarations of States and to the 1974 Judgment of the International Court of Justice on the Nuclear Tests Case, which had confirmed that unilateral declarations could potentially have the effect of creating legal obligations. Constituents would therefore need a more detailed analysis of those implications. The amendment proposed by the Governments of Brazil and Colombia should be considered by the Governing Body as comprehensive research on the possible impact, and additional time for discussion of the matter would help constituents to make a well-informed decision and build consensus.
184. **The Worker spokesperson** said that, in the light of the broad agreement on the issue at its 341st Session, the Governing Body should decide to include safe and healthy working conditions – or ideally, the concept of a safe and healthy working environment – in the ILO’s framework of fundamental principles and rights at work. There was not just a strong moral case to do so, but a business and financial case too, as it would help to prevent costs arising from occupational diseases and injuries.
185. The protection of workers’ safety and health had a clear basis in the ILO Constitution and was similar in scope to the current fundamental principles and rights at work. She supported the option to amend the 1998 Declaration since incorporating all fundamental principles and rights at work into a single instrument would preserve its unity, authoritativeness and coherence. The draft resolution envisaged in the document for consideration at the 110th Session of the International Labour Conference showed that only minimal amendment to the instrument would be needed. The draft resolution should also include the amendments to be made to the ILO Social Justice Declaration and the Global Jobs Pact to reflect the fact that safety and health at work would be recognized as a fifth category of fundamental principles and rights at work if the proposals achieved consensus. Amendments to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), however, would need to be deferred to the Governing Body. She supported the Office’s proposal to partially revise other documents referring to four categories of fundamental principles and rights at work through the adoption of a new Convention to that effect.

186. Turning to the implications on free trade agreements, she said that parties to such agreements would have the freedom to decide whether or not to modify them to take into account the amendments of 2022. Similarly, countries might need to modify generalized systems of preferences referring to fundamental principles and rights at work to include the potential fifth category. International courts had long ruled that States were free to establish obligations under bilateral free trade agreements, which extended to any decision to voluntarily bind themselves to pre-existing legal obligations assumed through their membership of the ILO. Researching the hundreds of free trade agreements in force to assess the potential implications and then engage in even more discussion would only delay the inclusion of occupational safety and health in the framework of fundamental principles and rights at work. According to previous ILO research and an expert report on one such bilateral free trade agreement, the implementation of fundamental principles and rights at work had no negative impact on competitive positioning and trade and could in fact have a positive effect on economic performance. Provisions on safe and healthy working environments were found in several private compliance initiatives, international framework agreements and safeguard policies of international lending institutions, and would continue to feature in human rights initiatives developed and agreed by governments, companies and other regional and multilateral organizations. Her group supported the proposal to discuss amending the 1998 Declaration at the General Affairs Committee at the 110th Session of the International Labour Conference.
187. She reiterated her strong preference for the concept of a “safe and healthy working environment” to be included in the framework of fundamental principles and rights at work. That wording was consistent with existing ILO instruments on occupational safety and health and rightly emphasized the protection dimension enshrined in the ILO Constitution. Her group would support the integration of two Conventions into the fundamental principles and rights at work. Convention No. 155 should be used as the basis, since it codified several key principles concerning occupational safety and health and provided clear guidance on the respective rights and duties of governments, employers and workers. The Occupational Health Services Convention, 1985 (No. 161), should be the second, as occupational health services helped to identify and address potential causes of occupational disease and injury; supported workers with health concerns and disabilities, thereby helping to prevent high staff turnover; and created savings for governments and employers in several areas, such as insurance and welfare expenditure. Recognizing Conventions as fundamental instruments would likely increase their ratification rate; nonetheless, ratification rates should not be factored into the decision. In any case, the Governing Body should decide which Conventions to select at its 346th Session, following the discussion of the amendments to the relevant instruments at the 110th Session of the International Labour Conference.
188. She supported the draft decision as originally worded, as the amendment proposed by the Governments of Brazil and Colombia would delay proceedings unnecessarily.
189. **Speaking on behalf of the Africa group**, a Government representative of Senegal said that the COVID-19 pandemic had confirmed that safe and healthy working conditions were fundamental to decent work. The consensus agreement at the 108th Session (2019) of the International Labour Conference had demonstrated constituents’ commitment to strengthening the right to a safe and healthy working environment. His group supported amending the 1998 Declaration because that Declaration already benefited from a promotional follow-up mechanism. Furthermore, recognizing certain occupational safety and health Conventions as fundamental Conventions was consistent with the ILO’s previous practice. However, those instruments should be selected with care. It was clear that, given the

complexity of the matter, further discussion among all tripartite constituents was required and his group therefore supported placing the matter on the agenda of the 110th Session (2022) of the International Labour Conference, preceded by informal consultations. His group supported the draft decision as amended by IMEC but did not support the amendment proposed by the Governments of Brazil and Colombia.

- 190. Speaking on behalf of ASPAG**, a Government representative of Australia welcomed the proposed preliminary draft resolution and said that the work to reach consensus on including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work should continue without delay. Her group supported an amendment to the 1998 Declaration, thereby ensuring that all fundamental principles and rights at work were contained in one declaration. The decision on which Conventions should be considered as fundamental Conventions could be made after a wider discussion had taken place at the International Labour Conference. She noted the information provided concerning the implications for free trade agreements. She requested the Office to address those concerns when revising the draft resolution and suggested that they should be discussed during informal consultations. The consultations should be inclusive of all tripartite constituents and should consider the draft resolution and any other questions raised by the constituents.
- 191. Speaking on behalf of IMEC**, a Government representative of Sweden supported the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work and said that an International Labour Conference resolution to amend paragraph 2 of the 1998 Declaration was the most efficient way forward as it would put all fundamental principles on an equal footing. Noting the concerns raised by some constituents, her group agreed that any such amendment should not affect current free trade agreements and requested the Office to provide a draft paragraph to that end to include in the Conference resolution. Furthermore, the revised Declaration should have a different title from the original 1998 Declaration, to ensure clarity. Further discussion would be required on which Conventions should be considered as fundamental Conventions, and the Office should provide a background document in that regard. She also asked the Office to clarify the terms "working conditions" and "working environment" prior to the next session of the Governing Body. Her group welcomed the preliminary draft resolution and the planned tripartite informal consultations. It looked forward to the discussion at the 110th Session (2022) of the Conference and agreed that the matter could be referred to the General Affairs Committee. Finally, her group supported the draft decision with the amendment it had proposed but did not support the amendment proposed by the Governments of Brazil and Colombia.
- 192. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Ukraine aligned themselves with the statement. The EU and its Member States aligned themselves with IMEC's statement. She said that the COVID-19 pandemic continued to highlight the importance of occupational safety and health, and that safe and healthy working conditions should be an integral part of the human-centred response and recovery. She supported the proposal to amend the 1998 Declaration, which would put all principles on an equal footing and help Member States to respect, promote and realize the fundamental principles and rights. Her group agreed with including the matter on the agenda of the 110th Session (2022) of the Conference and the proposed title for the agenda item; that the amendment should be limited to paragraph 2 of the 1998 Declaration; and that the matter should be referred to the General Affairs Committee, or if required, to an ad hoc technical committee. It agreed that amending the 1998 Declaration would not give rise to new legal obligations relating to free trade agreements and she consequently asked the Office to

propose appropriate wording to insert into the resolution to address the concerns expressed by some constituents. She noted that the references to protection against disease and injury and adequate protection for the life and health of workers contained in the ILO Constitution and the Declaration concerning the aims and purposes of the ILO, 1944 (Declaration of Philadelphia) made the protection of workers' health an integral part of ILO membership. She reiterated her group's preference for using the phrase "safe and healthy working conditions", which was used in other treaties, but recognized that further discussion would help to determine the best terminology to use. The decision on which Conventions could be considered as fundamental could be made following the amendment of the 1998 Declaration. However, she reiterated that her group considered Conventions Nos 155 and 187 to be key. The EU and its Member States supported the draft decision as amended by IMEC but did not support the amendment proposed by the Governments of Brazil and Colombia.

- 193. Speaking on behalf of ASEAN**, a Government representative of Indonesia welcomed the preliminary draft resolution and the planned discussion of the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work at the 110th Session (2022) of the International Labour Conference. She hoped that a consensus would be reached on how to proceed. She asked the Governing Body to discuss with care which occupational safety and health Conventions should be considered as fundamental Conventions, and the possible implications of each. Moreover, the Office should be prepared to support Member States in fulfilling any new obligations pursuant to a Conference decision. Occupational safety and health were an integral part of development, and her group encouraged an action-oriented approach to protecting workers, particularly in light of the COVID-19 pandemic.
- 194. A Government representative of Brazil** said that his Government was strongly committed to the promotion of occupational safety and health and that its inclusion in the ILO's framework of fundamental principles and rights, in follow-up to the Centenary Declaration, required a more detailed assessment of all the direct and indirect implications. Prior to making any decision, the Governing Body should fully address the advantages and disadvantages of adopting an amendment to the 1998 Declaration or a stand-alone resolution, and should reach an agreement on which Conventions should be considered as fundamental and on which terminology should be used. Removing the term "working conditions" from the draft decision did not reflect the terminology used in the Centenary Declaration. As several questions remained outstanding, he did not support including the matter as an item on the agenda of the 110th Session (2022) of the International Labour Conference, and could not support the original draft decision, or the amendment proposed by IMEC. The Governing Body should take the time needed to assess the remaining issues and seek consensus on a way forward, which was the motivation for the amendment his Government had proposed.
- 195. A Government representative of the United States of America** strongly supported the inclusion of occupational safety and health in the framework of the ILO's fundamental principles and rights at work, noting the need to protect workers from retaliation for speaking up about violations, and therefore agreed that the matter should be placed on the agenda of the 110th Session (2022) of the International Labour Conference. She supported adopting a limited amendment to the 1998 Declaration but said that the title of the revised Declaration should be clearly distinguishable from the 1998 Declaration, and that the resolution to be adopted by the Conference should include a saving clause. She requested the Office to prepare a background paper on the possible instruments that could be considered as fundamental and the value each would add, and on the usage and implications of the terms "working conditions" and "working environment". Her Government understood that parties to a free trade

agreement were obligated to comply with the terms of that agreement, and any changes to those terms would require mutual agreement. She supported the draft decision as amended by IMEC and did not support the amendment proposed by the Governments of Brazil and Colombia.

196. **A Government representative of Barbados** said that the provision of safe and healthy working environments should be included in the framework of ILO fundamental principles and rights at work by amending the 1998 Declaration, to ensure that occupational safety and health were accorded the same level of respect, prominence and promotion as the other four categories, sounding the call for Member States to fulfil their obligations in that regard. The ILO must facilitate access to technical and other assistance for Member States if required. Although a period of transition was inevitable, it should not delay the decision. The impact of the COVID-19 pandemic had highlighted the urgent need for progress in integrating occupational safety and health into the fundamental principles and rights. He supported the draft decision as amended by IMEC, highlighting his Government's particular support for subparagraph (c) of that amendment.
197. **A Government representative of India** highlighted the importance of occupational safety and health not only to workers' well-being, but also to economic growth. The inclusion of occupational safety and health in the ILO's framework of fundamental principles and rights at work had implications for Member States' legal and regulatory frameworks and trade agreements. Those implications had to be the subject of in-depth analysis by the Office that took into account differing levels of development and the need for occupational safety and health to be addressed through national legislation and guaranteed by employers. The prerogative of Member States to adopt the policies that they deemed necessary had to be respected.
198. Further discussion and analysis were also required with regard to which Conventions should be recognized as core Conventions in respect of occupational safety and health and, also, whether the inclusion of occupational safety and health in the framework of fundamental principles and rights at work should occur through a stand-alone instrument or an amendment to the 1998 Declaration. The draft decision should therefore be amended to postpone the inclusion of the matter on the agenda of the 110th Session of the International Labour Conference. His Government supported the amendment proposed by Brazil.
199. **A Government representative of Ecuador**, highlighting the vital importance of the inclusion of occupational safety and health in the framework of fundamental principles and rights at work, noted that the adoption of a resolution to amend the 1998 Declaration to that end was the simplest solution and would ensure coherence among the fundamental principles and rights and afford them equal recognition and visibility. The term "safe and healthy working environment" should be favoured over "safe and healthy working conditions" given its broader scope and coherence with the provisions of Convention No. 155. The declaration of a safe and healthy working environment as a fundamental principle could occur in parallel to a decision on which Conventions were to be declared fundamental. While his country was flexible with regard to amendments to the road map for the discussion, that discussion must include all tripartite constituents.
200. **A Government representative of Mexico** drew attention to the particular relevance of occupational safety and health in the light of the COVID-19 pandemic and the consequent significance of its inclusion in the ILO framework, which should be achieved by means of an amendment to the 1998 Declaration, as set out in the annex to the document. Agreement on the instruments considered fundamental should be reached prior to the declaration of

occupational safety and health as a fundamental principle; her delegation therefore wished to commence tripartite consultation on the matter immediately, as well as on the use of the term “safe and healthy working conditions”, which should be preserved to reflect the language of the Centenary Declaration, and on any other issue that required further deliberation, so that agreement could be reached at the 344th Session of the Governing Body. Her delegation was therefore flexible with regard to the inclusion of the matter on the agenda of the 110th Session of the International Labour Conference. It welcomed the amendments to the draft decision proposed by IMEC, but considered that the reference to “working conditions” in subparagraph (a) should be preserved and that, in the Spanish version of new subparagraph (c), the words “su discusión en la 344.^a reunión” should be replaced by “que el Consejo de Administración, en su 344.^a reunión, identifique y acuerde aquellos instrumentos que serán declarados fundamentales”. The background paper requested from the Office should include an in-depth analysis of each Convention.

201. **A Government representative of Colombia** requested clarification as to how the protection dimension set out in the ILO Constitution and the dimension of prevention could be reflected if the draft decision did not take into consideration instruments linked to social protection floors; whether the Office had undertaken studies to identify gaps, such as health, if those instruments were not considered; how States could fulfil their obligations on working conditions in the face of challenges relating to health; and whether all Conventions relating to occupational hazards would be considered fundamental. It remained unclear whether the inclusion of occupational safety and health in the framework of fundamental principles and rights at work would affect free trade agreements. Broader, more in-depth debate was required to ensure the full integration of health systems, accident and illness protection and labour market, labour inspection and occupational safety and health policies. Her Government supported the amendments to the draft decision proposed by Brazil.
202. **The Worker spokesperson** said that it was time for occupational safety and health to be declared fundamental given that the ILO’s efforts in that area dated back a century. It was her understanding that the decision to place the matter on the agenda of the 2022 session of the International Labour Conference must be taken at the current session of the Governing Body. Turning to the amendment proposed by IMEC, she suggested that subparagraph (a) should not give a title to the agenda item but should read “place on the agenda of the 110th Session (2022) of the Conference an item on the inclusion of safety and health in the ILO’s framework of fundamental principles and rights at work”. She sought confirmation from the Office that decisions on the title of such an agenda item, as well as on whether the term “safe and healthy working environment” was preferable to “safe and healthy working conditions”, as her group believed, and on the Conventions to be declared fundamental, could be taken at the next session of the Governing Body.
203. It was her impression that the Governing Body wished to discuss which ILO instruments were most relevant to occupational safety and health and should therefore be declared fundamental, rather than all instruments containing occupational safety and health provisions. Subparagraph (c) of the amendment proposed by IMEC should therefore begin with “request the Office to prepare a background paper on the potential instruments to be selected as fundamental, notably”, followed by a reference to Conventions Nos 155, 161 and 187. While her group would be willing to hold those discussions after the 2022 session of the International Labour Conference, such a postponement should not delay the other discussions on the matter that were scheduled to take place at the Conference. There appeared to be majority support for an amendment to the 1998 Declaration to include occupational safety and health in the framework of fundamental principles and rights at work.

- 204. The Employer spokesperson** noted that deliberations should not be limited to consideration of which Conventions could be declared fundamental; all implications of the decision had to be examined, particularly with regard to trade and methods for including occupational safety and health in the framework of fundamental principles and rights at work, which might extend beyond the two options proposed by the Office. The Conventions declared fundamental by the 1998 Declaration had already been widely ratified at the time of its adoption. However, it appeared that the Governing Body now wished to undertake that process in reverse, first declaring Conventions to be core labour standards and then examining whether their ratification should be promoted. The draft decision needed to have the support of all Member States, regions and groups so as to instruct the Office on how to proceed.
- 205. A representative of the Director-General** (Deputy Director-General for Policy) said that while a link existed between occupational safety and health and social protection floors, the two differed significantly; ensuring safe and healthy working environments relied principally on prevention.
- 206. A representative of the Director-General** (Director, Governance and Tripartism Department) said that the concept of a safe and healthy working environment was broader than that of safe and healthy working conditions and encompassed two different areas. First, the workplace itself, whereby all potential risk factors that may affect the physical and mental health and safety of workers should be considered and addressed holistically. Second, the wider environment influencing the workplace, whereby an integrated approach was taken to public policy in order to ensure the enabling conditions for prevention at workplace level, including the principle of safety in design, such that, for example, machinery and equipment were manufactured according to high safety standards. Furthermore, the term “safe and healthy working environment” was that most recently used in relevant international labour standards, including Conventions Nos 155, 161 and 187, of which the latter explicitly affirmed the right of workers to a safe and healthy working environment as the foundation for a national preventative safety and health culture. In contrast, the term “safe and healthy working conditions” tended to vary according to context. “Conditions” was a term used by some legal instruments, be they national or regional. There was more of a discussion around liability, obligations and violations (with reference to a “duty”) regarding “conditions”, which might imply a potential for greater enforceability. EU documents, for example, considered “working conditions” to include the working environment and the terms and conditions of the employment relationship. It needed to be nonetheless recalled that “safe and healthy working environment” was the terminology most recurrently used by ILO occupational safety and health standards.
- 207. The representative of the Director-General** (Deputy Director-General for Policy) said that having consulted an ILO database on free trade agreements, the Office had identified 103 such agreements that had labour provisions, of which only 23 provided for binding dispute settlement. While recognizing the concerns raised, she emphasized the importance of noting that all 23 of those agreements already included occupational safety and health among the labour rights that were internationally recognized. Therefore, the possibility that obligations relating to occupational safety and health might find their way indirectly into existing free trade agreements, through a dynamic interpretation or otherwise, was unsupported. A non-binding Conference resolution or a new stand-alone occupational safety and health declaration would not give rise to new obligations for ILO Members, nor would an amended 1998 Declaration. Exploring language for a savings clause in a possible resolution was an option, but the Legal Adviser would have to be consulted. The Office stood ready to provide papers on the information requested in order to facilitate discussion and progress towards consensus.

208. The Director-General highlighted the unanimity among Governing Body members on the principle of including safety and health as a fundamental right; the only disagreement lay in how to do so and the possible implications. He expressed confidence in the Governing Body's ability to reach consensus and emphasized that it was urgent to do so. The drafting of legal language could be the easiest and most explicit means of reassuring those concerned about the implications for free trade agreements, while the question of which Conventions to refer to, as well as that of whether to use the term "conditions" or "environment", could be discussed again and resolved during the 344th Session of the Governing Body.

209. A Government representative of Mexico asked for all amendments and subamendments submitted to be reflected in the draft decision.

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

210. The Chairperson introduced a revised version of the draft decision, which read:

The Governing Body decided to:

- (a) ~~decided to place on the agenda of the 110th Session (2022) of the International Labour Conference the following item: "Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work"~~ an item regarding the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998;
- (b) ~~requested request~~ the Director-General to prepare for the 344th Session (March 2022) of the Governing Body a draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6 ~~and to organize informal consultations to this effect;~~
- (c) request the Office to prepare for its 344th Session (March 2022) a background paper to address the issues raised in the discussion, including:
 - (i) the terminology to be used taking into account the views expressed by the Governing Body;
 - (ii) the occupational safety and health instrument(s) to be recognized as fundamental, with a view to preparing proposals for decision at the 110th Session (2022) of the Conference; and
 - (iii) the possible legal effects, direct and indirect, on existing trade agreements concluded by Member States; and
- (d) request the Office to organize informal consultations on the above issues prior to the 344th Session (March 2022).

211. The Employer spokesperson said that, following the informal discussions, agreement had been reached on the item to be placed on the agenda of the 110th Session (2022) of the International Labour Conference. Further discussion would be required on the terminology to be used, the occupational safety and health instruments to be identified as fundamental, and the possible legal effects on existing trade agreements. The comprehensive background papers to be provided by the Office would help to build a solid consensus at the next session of the Governing Body. Her group supported the revised draft decision.

212. The Worker spokesperson welcomed the agreement on the item to be included on the agenda of the 110th Session (2022) of the Conference. On the outstanding issues, she reiterated that her group had a preference for using terminology that was consistent with existing ILO instruments. She noted that there was also pressure on constituents to identify which instruments should be considered as fundamental, as that would now be part of the discussion at the Conference. Her group did not share the concerns regarding the effect of a

Conference resolution on existing free trade agreements but any pending questions should be addressed prior to the 344th Session of the Governing Body (March 2022). Reiterating the work that lay ahead, her group supported the revised draft decision.

- 213. Speaking on behalf of GRULAC**, a Government representative of Chile supported the revised draft decision and welcomed the flexibility demonstrated by constituents during the informal discussions. Any decision issued by the International Labour Conference must have a solid basis, and for that reason he emphasized the importance of the discussions that would take place during the 344th Session (March 2022) of the Governing Body on the outstanding elements mentioned in subparagraph (c) of the revised draft decision, with particular regard to identifying the instruments that would be recognized as fundamental. If agreement were to be reached, the planned informal tripartite consultations would be crucial and should be launched as soon as possible.
- 214. Speaking on behalf of IMEC**, a Government representative of Sweden commended the progress made on the important issue of including occupational safety and health in the ILO's framework of fundamental principles and rights at work, particularly in light of the COVID-19 pandemic. Reiterating that further discussions would be required to identify the instruments to be considered as fundamental and to tackle outstanding concerns, IMEC supported the revised draft decision.
- 215. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Albania and Norway aligned themselves with the statement. Her group aligned themselves with the statement delivered on behalf of IMEC. While her group did not share the concerns of some others, she said that the revised draft decision struck a good balance and would ensure that constituents were fully informed prior to its next discussion at the 344th Session (March 2022) of the Governing Body. Her group supported the revised draft decision.
- 216. The Chairperson** thanked the Governing Body for working tirelessly to reach consensus on such an important issue.

Decision

217. The Governing Body decided to:

- (a) **place on the agenda of the 110th Session (2022) of the International Labour Conference an item regarding the inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998;**
- (b) **request the Director-General to prepare for the 344th Session (March 2022) of the Governing Body a draft resolution for consideration at the 110th Session (2022) of the Conference based on the guidance and views expressed during the discussion of GB.343/INS/6;**
- (c) **request the Office to prepare for its 344th Session (March 2022) a background paper to address the issues raised in the discussion, including:**
 - (i) **the terminology to be used taking into account the views expressed by the Governing Body;**

- (ii) the occupational safety and health instrument(s) to be recognized as fundamental, with a view to preparing proposals for decision at the 110th Session (2022) of the Conference; and
- (iii) the possible legal effects, direct and indirect, on existing trade agreements concluded by Member States; and
- (d) request the Office to organize informal consultations on the above issues prior to the 344th Session (March 2022).

(GB.343/INS/6, paragraph 52, as amended by the Governing Body)

7. Annual report on the implementation of the ILO technical cooperation programme “Strengthening of the National Tripartite Committee on Labour Relations and Freedom of Association in Guatemala for the effective application of international labour standards” (GB.343/INS/7)

- 218. The Worker spokesperson** recalled that, given the seriousness of the trade union situation in Guatemala, her group had opposed the closure of the procedure initiated under article 26 of the ILO Constitution concerning the complaint alleging non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). She remained convinced that the case would have merited the establishment of a Commission of Inquiry, and it was regrettable that the Employers’ group and a number of governments at the 334th Session (October–November 2018) of the Governing Body had not shared that view.
- 219.** The fall in the number of assassinations of trade union members during the seven-year period during which the Governing Body had been considering the complaint – when the Guatemalan Government had been under pressure to comply with the road map adopted in 2013 in the context of the follow-up to the complaint – suggested that those attacks had not been random accidents or the result of high levels of criminality in the country. Since the closure of the procedure, assassinations had once again been on the rise, and the Guatemalan Government appeared unwilling to identify or punish the perpetrators or instigators of those crimes in the absence of oversight from the Governing Body. The report made no mention of the climate of fear, violence and intimidation against trade unions in the country despite the special focus in the ILO technical cooperation programme on action against anti-union violence and impunity. The Office should provide clarification on the objectives of the programme and its next annual report to the Governing Body should contain more background information in that regard.
- 220.** The assertion in the report that no mediation or dispute settlement meetings had been held in the period under review painted a misleadingly positive picture of the situation. In reality, factory workers were being dismissed from their posts because of their trade union membership and other trade union members were being subjected to intimidation, threats, legal proceedings and wage theft. Although the modernization of the trade union registration system was a valuable measure, the Ministry of Labour and Social Welfare had obstructed the registration process for several years by continually adding layers of bureaucracy, an issue that required a change in attitudes and not just a new computer system. She hoped that the training activities on international labour standards organized by the Office for public officials and legal practitioners would inspire the Guatemalan authorities to change their views regarding fundamental labour rights and foster political will to act in favour of Guatemalan workers.

- 221.** She commended the Office for its continuing commitment to the implementation of its programmes, despite the challenges posed by the COVID-19 pandemic. Nonetheless, the limited progress previously achieved in Guatemala appeared to have been reversing in the last three years. She welcomed the allocation of funds from the Regular Budget Supplementary Account and the financing provided by the EU for the project to support Guatemala in meeting its commitments in the road map on freedom of association and collective bargaining, and hoped that the social partners would be included in the development and implementation of that project. She urged the Office to take all necessary measures to address the assassinations of trade unionists, the lack of investigation into such cases and the high number of labour disputes in Guatemala as a matter of priority.
- 222. The Employer spokesperson** reiterated his group's support for the technical cooperation programme. He took note of the support provided by the Office to the National Tripartite Committee on Labour Relations and Freedom of Association and its subcommittees, which had helped to break an impasse resulting from disagreements between the Government and workers' organizations, and its efforts to accelerate important processes such as registering trade unions and training public officials and legal practitioners on international labour standards. The EU's commitment to provide financial support towards the implementation of the road map was also welcome. The Guatemalan Government and the social partners should engage in sincere dialogue focused on ensuring compliance with the commitments in the road map, and all Guatemalan state institutions should prioritize its objectives in their work. His group did not wish to reopen the debate on decisions that the Governing Body had already taken regarding the possible establishment of a Commission of Inquiry. His group supported the draft decision.
- 223. Speaking on behalf of a significant majority of Latin American and Caribbean countries,** a Government representative of Chile acknowledged the commitment demonstrated by the Government of Guatemala to strengthen negotiation and agreement processes through the National Tripartite Committee on Labour Relations and Freedom of Association and its subcommittees by prioritizing social dialogue and respect for international labour standards. He encouraged all three branches of the Guatemalan Government and the social partners to continue to leverage the Office's technical support to strengthen capacities in line with international labour standards, and noted their efforts to do so in spite of the barriers imposed by the COVID-19 pandemic. He called on donors to provide technical and financial support to Guatemala to strengthen national efforts and enhance the resources available for the implementation of the technical cooperation programme so that the Office's next annual report to the Governing Body would show that progress had been made.
- 224. Speaking on behalf of the EU and its Member States,** a Government representative of Slovenia said that North Macedonia, Montenegro, Albania, Iceland and Norway aligned themselves with the statement. She recalled the commitment undertaken by Guatemala under the EU–Central America Association Agreement to effectively implement, in law and in practice, the fundamental ILO Conventions and took note of the recent developments on labour relations and freedom of association, as outlined in the report. Notwithstanding the closure of the article 26 procedure at the 334th Session of the Governing Body, the EU and its Member States continued to closely follow progress on issues related to the implementation of Convention No. 87 and to work closely with Guatemala on labour issues.
- 225.** It was highly regrettable that impunity persisted in the oldest murder cases and that murders of trade unionists had risen in the previous year. As prevention, protection and response mechanisms relating to threats and attempts against trade union officials and activists had not been strengthened, the situation was likely to continue. The Government should adopt without

delay the legislative reforms that had been submitted to Congress and should fully implement the road map, including through the effective implementation of the technical cooperation programme. The EU and its Member States would continue to support that programme. An initial funding package of €500,000 was to be approved in November 2021, and further funding was envisaged, to be allocated once the results were known. The EU and its Member States supported the draft decision.

- 226. A Government representative of the United States of America** expressed deep concern that the Government had failed to make meaningful progress since the closure of the article 26 complaint, despite all the support from the Office. He called on the Government to take action to: improve investigative processes and increase prosecutions of those responsible for acts of violence and murder against trade unionists; recognize threats, intimidation and harassment against trade unionists as acts of violence; create a safe enabling environment that allowed all workers to freely exercise their rights; adopt consensus legislation to align national laws with international standards on freedom of association and collective bargaining; continue to improve the system for registering trade union organizations and collective agreements; and ensure the timely issuance of notices to employers of workers' intent to unionize. He supported the draft decision.
- 227. The Worker spokesperson** asked the Office why it had produced a technical report on activities undertaken and had not reported on the current situation in Guatemala. In view of the serious concerns raised by the Governing Body, she requested the Office to take a different approach when preparing the next report.
- 228. A representative of the Director-General** (Director, International Labour Standards Department) said that the Office would take full account of the Workers' group's comments when further implementing the technical cooperation programme. The focus over the previous year had been on supporting the Legislation and Labour Policy Subcommittee and the Mediation and Dispute Settlement Subcommittee of the National Tripartite Committee. However, the important matter of improving the prevention and investigation of trade union violence as part of the technical cooperation programme would be given priority in the coming year, alongside giving full effect to comments related to Guatemala issued by the Committee on Freedom of Association and the Committee of Experts through concrete action and follow-up.
- 229. A Government representative of Guatemala** (Minister of Labour and Social Welfare) indicated that, to demonstrate his Government's commitment, he was accompanied by high-ranking authorities from different branches of the State. He thanked both the Office and the EU for their financial and technical support, which would contribute to the achievement of the road map, with funding of €500,000 for 18 months. The Government remained committed to taking action to fulfil its obligations under international agreements that it had ratified. To address anti-union violence, five meetings of the Trade Union Technical Committee had been convened by the Public Prosecutor's Office; the uninterrupted investigative work of the Public Prosecutor's Office, the allocation of additional resources to the investigation of allegations and sustained adherence to due process within the judicial system had led to an increase in verdicts, resulting in 28 judicial decisions based on due process. The Government condemned any act of violence against trade unionists and reiterated its commitment to freedom of association. The Ministry of the Interior was continuing to apply the protocol for the implementation of preventive security measures to persons involved in the defence of labour rights and, also, to carry out its preventive activities prior to risk assessments being carried out by the National Civil Police. Furthermore, the judiciary had continued to establish collegiate labour courts, and had provided capacity-building for judicial staff. Proposed reforms of the

Labour Code to align it with Convention No. 87 and with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), had been subject to tripartite discussions in the National Tripartite Committee and the Subcommittee on Legislation and Labour Policy, and agreement had been reached on using the tripartite agreements of 7 March 2018 as the basis for a draft law. The Chairperson of the National Tripartite Committee had submitted a communication to the Labour Commission of Congress to facilitate discussion on complying with the international commitments set out in point 5 of the road map that were not yet covered by national legislation.

- 230.** The Government was seeking to maintain the gains made by tripartite consensus on the most relevant points of legislation. It acknowledged the technical cooperation provided by the Office and expressed sincere appreciation for the support that the technical cooperation programme would provide. The Government further reiterated its commitment to international labour standards and the supervisory mechanism. It would promote social dialogue, giving priority to the National Tripartite Committee and its three subcommittees as mechanisms for conflict resolution, in the hope and expectation that they would be spaces in which conflicts and the proposals put forward by the tripartite constituents could be addressed at the national level by consensus and that while it might not be possible to achieve consensus on all points, the complexity of the serious efforts made by the tripartite constituents to respond and fulfil the mandate adequately taking into account the needs and interests of workers and employers, as well as adherence to the law in the decisions reached by the Government, could be understood. He expressed appreciation for the Governing Body's comments on how best to maximize efforts to address national and international concerns.

Decision

- 231. The Governing Body took note of the information provided by the Office in document GB.343/INS/7.**

(GB.343/INS/7, paragraph 12)

8. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions (GB.343/INS/8)

- 232.** The Governing Body had before it an amendment to the draft decision, which had been proposed by the Government of the United States of America and supported by the Workers' group. The amendment had been circulated by the Office to all groups and read:
39. In the light of the developments in Myanmar outlined in document GB.343/INS/8 and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:
- (a) expressed profound concern that no progress has been made to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected government, and called on the military authorities to restore democratic transition and civilian rule in Myanmar;
 - (b) expressed profound concern that the military authorities have continued with the large-scale use of lethal violence and with the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, for exercising their human rights, and repeats it call on the military authorities to cease immediately such activities, and to release from detention and drop any charges

against trade unionists and others who have peacefully participated in protest activities;

- (c) expressed grave concern that the military authorities continue to interfere in the operations of ILO Yangon, including through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials and the denial of tax exemptions, and urges the military authorities to desist immediately from such interference and to respect the status of the Office in keeping with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
- (d) expressed deep concern over the announced termination of the Memorandum of Understanding on the Myanmar Decent Work Country Programme and urged the military authorities to reconsider their decision, as this would have long-term implications and negatively impact Myanmar's relations with the ILO's tripartite constituency;
- (e) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, and called for the immediate release of the General Secretary of MICS-TUF and other trade unionists and activists who have been detained;
- (f) expressed serious concern over reports of the use of forced labour by the military and the relisting of Myanmar in the 2021 annual report of the Secretary-General of the United Nations on children and armed conflict, and urged Myanmar to end immediately the use of forced labour and to uphold its obligations under the Forced Labour Convention, 1930 (No. 29);
- (g) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy; and
- (h) requested the Director-General to report to the Governing Body at its 344th Session (March 2022) on developments in Myanmar, and to include information on potential follow-up by the 110th Session of the International Labour Conference.

233. A representative of the Director-General (ILO Liaison Officer for Myanmar (ILO–Yangon)) drew the Governing Body's attention to the deteriorating situation in Myanmar, where conflict and violence were widespread. More than 1,200 civilians had been killed, 7,000 remained in detention and 200,000 had been displaced. Three million persons required life-saving assistance and protection. Despite the announcement by the military authorities of the release of more than 1,000 prisoners and the dropping of charges against over 4,000 protesters, fewer than 500 of them had left detention; they included the director of the Solidarity Trade Union of Myanmar and 11 workers from trade unions affiliated with the Confederation of Trade Unions Myanmar (CTUM). Around 100 had been rearrested.

234. Trade unionists and labour activists remained in danger, and many were in hiding. In particular, the Office was gravely concerned at the situation of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation (MICS-TUF); the military authorities had not responded to the Office's requests for information on his status or its calls for his release. The authorities continued to harass and intimidate trade union members and leaders. The Agriculture and Farmer Federation of Myanmar (AFFM IUF) had been warned against issuing statements that questioned the military authorities, and a prominent pro-democracy and labour activist who had been involved in ILO activities had been arrested. There were reports of a rise in the use of forced labour by the military and border guard forces and of forced recruitment by two armed groups aligned with the military.

235. The military authorities had recently proposed extending the Memorandum of Understanding on the Myanmar Decent Work Country Programme (MoU–DWCP) for a further year. The Office understood that proposal to supersede the authorities' previous notification of termination of the MoU–DWCP and therefore suggested deleting subparagraph (d) of the draft decision. The military authorities continued to obstruct the Office's development cooperation activities, for example by refusing to extend international staff members' visas and hindering payments to implementing partners. Myanmar's credentials at the General Assembly of the United Nations remained under consideration.

236. The Chairperson said that in light of that updated information, the Office had circulated a revised draft decision, which read:

39. In the light of the developments in Myanmar outlined in document GB.343/INS/8 and the update report provided by the Office and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:
 - (a) expressed profound concern that no progress has been made to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected government;
 - (b) expressed profound concern that the military authorities have continued with the large-scale use of lethal violence and with the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, for exercising their human rights, and repeats its call on the military authorities to cease immediately such activities, and to release from detention and drop any charges against trade unionists and others who have peacefully participated in protest activities;
 - (c) expressed grave concern that the military authorities – despite the withdrawal of the notice of termination of the Memorandum of Understanding on the Decent Work Country Programme 2018–2022 – continue to interfere in the operations of ILO Yangon, including through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials and the denial of tax exemptions, and urges the military authorities to desist immediately from such interference and to respect the status of the Office in keeping with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
 - ~~(d) expressed deep concern over the announced termination of the Memorandum of Understanding on the Myanmar Decent Work Country Programme and urged the military authorities to reconsider their decision, as this would have long-term implications and negatively impact Myanmar's relations with the ILO's tripartite constituency;~~
 - (e) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, and called for the immediate release of the General Secretary of MICS-TUF and other trade unionists and activists who have been detained;
 - (f) expressed serious concern over reports of the use of forced labour by the military and the relisting of Myanmar in the 2021 annual report of the Secretary-General of the United Nations on children and armed conflict, and urged Myanmar to end immediately the use of forced labour and to uphold its obligations under the Forced Labour Convention, 1930 (No. 29);
 - (g) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy; and

- (h) requested the Director-General to report to the Governing Body at its 344th Session (March 2022) on developments in Myanmar.

- 237. The Worker spokesperson** noted the recent worsening of the already extremely serious situation in Myanmar, including the use of lethal violence, forced labour, arrest, detention, harassment and intimidation to suppress human and trade union rights. Living conditions were precarious in the country, which continued to be ravaged by the COVID-19 pandemic. The military authorities' systemic human rights violations, some of which could constitute crimes against humanity, were of extreme concern to her group, which rejected the annulment of the results of the November 2020 elections. The military authorities must give effect to the resolution adopted at the 109th Session of the International Labour Conference. The response of the international community had been insufficient. ILO constituents must act with urgency to ensure that the military regime did not enjoy direct or indirect political, economic or military support that would allow it to continue its subversion of democracy and its brutality towards civilians, including trade unionists, some of whom had reported being tortured. Many trade unionists remained in detention, and some faced trial in civilian courts. Two had been sentenced by military tribunals to life imprisonment for participating in peaceful protests. She called for the immediate release of all trade unionists and human rights defenders in Myanmar and the overturning of the sentences handed down to those who had already been convicted.
- 238.** Her group rejected the imposition of martial law in regions that were the site of many factories. The deteriorating situation was hampering the work of enterprise unions and was exploited by some employers who reported or threatened to report trade unionists. The General Secretary of MICS-TUF had been due to be tried in a military court on 6 November 2021, but there had been no news of the outcome. Public gatherings of more than five persons had been banned and a curfew and a ban on discussing politics in public imposed in certain areas. The exercise of freedom of association and collective bargaining was impossible, and workers were afraid to assert their rights for fear of arrest. Many garment factory owners had torn up collective agreements and slashed wages. Her group deplored the authorities' moves to terminate the Decent Work Country Programme. Given the reversal of that decision, her group supported the Office's amendments to the draft decision. However, the draft decision's references to "the military" and "the military authorities" should not be understood as legitimizing the military regime in any way. Her group would also support the amendments proposed by the Government of the United States provided that the words "restore democratic transition" were replaced with "restore democratic order" to reflect the wording of the resolution adopted at the 109th Session of the International Labour Conference.
- 239.** The increased use of forced labour by the military had to cease immediately. Her group was deeply concerned that numerous multinational enterprises currently did business, directly or indirectly, with the military, while many more worked with private enterprises on projects that violated human rights. Such business relationships posed a risk to those multinational enterprises and also risked affording the military regime legitimacy and revenue. The coup d'état had seriously jeopardized employers' ability to ensure decent work and sustainability, and it would be very difficult for multinational enterprises that took their due diligence obligations seriously to continue those relationships. Noting the willingness of many workers' organizations to make significant sacrifices to ensure a return to democracy, she urged Member States to refuse to recognize the military regime and to recognize instead the National Unity Government as Myanmar's legitimate representative. Her group welcomed the recent decision of ASEAN to refuse to allow Senior General Min Aung Hlaing to represent Myanmar at its summit and expected that the Credentials Committee of the General Assembly would take a similar decision.

240. She noted the alarm expressed by the UN Special Envoy for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar at the escalation in violence perpetrated by the military, whose continued disregard for international norms and obligations in its interference with the staffing of the ILO and other international organizations was also alarming. She urged the Governing Body to use all means possible to support democracy in Myanmar.
241. **The Employer spokesperson** expressed his group's disappointment that the situation in Myanmar had not improved and reiterated its support for the measures called for by the International Labour Conference at its 109th Session. However, he noted with appreciation that ASEAN Member States had taken a step towards implementing the recommendation made in paragraph 2 of the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the Conference at its 109th Session (2021) by urging Myanmar to implement the five-point consensus reached on 24 April 2021, which included: immediately ceasing violence; engaging in constructive dialogue; engaging in mediation through the ASEAN Chair; receiving and engaging with humanitarian assistance; and receiving an ASEAN special envoy who would meet with all parties. Progress on that action should be monitored.
242. Regarding whether and how the nation of Myanmar and those claiming to represent it were recognized and engaged with through the UN, he noted that more clarity may be available by the 344th Session of the Governing Body.
243. In complement to the information given by the ILO Liaison Officer for Myanmar, he highlighted the fact that economic activity in Myanmar had further declined, leading to job losses and reduced incomes. The garment sector in particular had suffered significant damage, with around one in four workers having lost their jobs. Since the coup in February 2021, the Myanmar kyat had depreciated significantly against the US dollar, leading, in combination with trade disruptions, to rapid price increases for various imported products, including fuel. Those significant economic and human challenges had been aggravated by the COVID-19 pandemic.
244. Regarding the amendments to the draft decision submitted by the United States, his group wished to hear the views of other Governing Body members and the explanations behind those amendments before sharing its own views. Turning to the amendments proposed by the Office, he associated his group with the serious concern expressed in subparagraph (f) over the reports of the use of forced labour and stressed the importance that Myanmar uphold its obligations under the Forced Labour Convention, 1930 (No. 29), and all other ratified ILO Conventions. Subparagraph (b) did not sufficiently reflect the current circumstances for enterprises and employment in Myanmar. Subparagraph (a) should include the wording suggested by the Workers' group in the Conference resolution for a return to democracy and respect for fundamental rights in Myanmar. If subparagraph (d) was indeed factually incorrect, its deletion was merited. The amendment to subparagraph (c) seemed unnecessary; the wording without the amendment was precise and effective. More significantly, the amendment was problematic: while the information given in the Memorandum of Understanding on the end date of the Decent Work Country Programme was ambiguous, the understanding of the employers' organizations party to the Memorandum had been that it was due to expire in 2021, not 2022, rendering the possibility of terminating the Memorandum questionable. Owing to the confused and conflicting information, his group was not in a position to agree with the amendment to subparagraph (c).
245. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that Turkey, North Macedonia, Montenegro, Albania, Iceland, Norway and Switzerland aligned themselves with the statement. The EU and its Member States continued

to condemn the military coup in Myanmar in the strongest terms and called once again on the military authorities to respect the result of the 2020 election. The EU remained deeply concerned by the widespread human rights violations committed by the military and the acts of intimidation, threats, violence and torture committed against trade unionists and others supporting the return of Myanmar to its democratic path. The EU welcomed the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the Conference at its 109th Session. The EU continued to fully support the efforts made by ASEAN to secure a peaceful return towards democracy in Myanmar and called on the military authorities to engage constructively with the ASEAN Special Envoy to swiftly and fully implement the ASEAN five-point consensus. The EU reiterated its full support for the efforts of the Special Envoy of the United Nations Secretary-General on Myanmar.

246. The ILO and its constituents had a crucial role to play in advancing and complementing efforts to engage in a meaningful political dialogue, which must include all relevant stakeholders. The EU stood firmly with the people of Myanmar and reiterated its call for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those detained and sentenced in connection with the coup, including trade unionists and human rights defenders. The EU called for the establishment of a genuine political dialogue and a peaceful return to the country's democratic path and the rule of law. Expressing deep concern about the escalation of armed conflict, deployment of armed forces in rural areas and increase in clashes resulting in civilian casualties and displacement, the EU called for the full respect of human rights and an immediate end to the violence. Perpetrators of human rights violations, including sexual and gender-based violence, must be brought to justice.
247. The EU noted with the utmost concern the possibility of the military authorities withdrawing from the MoU-DWCP and urged them to continue to engage. The EU also noted with concern that the ongoing conflict had contributed to rising unemployment and increasingly precarious economic situations for workers, rendering them more vulnerable to exploitation. The continued and increasingly frequent cases of forced labour were cause for deep concern. The EU urged Myanmar to uphold fully and without delay its obligations under all ratified ILO Conventions, in particular Conventions Nos 29 and 87.
248. The EU and its Member States would continue to provide humanitarian assistance in Myanmar in accordance with the principles of humanity, neutrality, impartiality and independence, including urgent aid to contain the spread of COVID-19. The EU urged the military authorities to ensure rapid, safe and unhindered access to all displaced persons and persons in need, including by guaranteeing the safety of humanitarian and health workers. The protected status of international missions in Yangon must be guaranteed.
249. The EU supported the draft decision, including the proposed amendments by the Office and the amendment of subparagraph (h) proposed by the United States. Regarding the amendment to subparagraph (a) proposed by the United States, the EU suggested that it should instead read: “, and called for restoration of democratic transition and civilian rule in Myanmar” in order to remove any reference to the military authorities, which could be perceived as providing legitimacy.
250. **A Government representative of Canada, speaking also on behalf of Australia and the United Kingdom of Great Britain and Northern Ireland** condemned human rights violations in Myanmar following the military coup and called on the regime to respect the wishes of the Myanmar people and release all those arbitrarily detained, including trade unionists, human rights activists, those who had participated in peaceful protests and foreigners. Reports of forced recruitment by armed actors, including the military authorities, and displacement to

avoid conscription gave cause for concern. The group of countries continued to work with the Independent Investigative Mechanism for Myanmar to ensure that such violations were documented. She echoed the concern expressed at military interference in humanitarian and development assistance, and recognized the risks presented by economic deterioration, particularly with regard to trafficking and forced and exploitative labour, including child labour.

251. She urged international stakeholders to sustain their focus on the rights and empowerment of women and girls in Myanmar. It was increasingly difficult to obtain reliable data on trafficking and forced marriage; the ILO's monitoring of forced labour should therefore also take into account those issues. She noted the update on the withdrawal of the notice of termination by the military authorities of the Decent Work Country Programme and urged them to end interference in and restrictions on ILO operations in Myanmar. The efforts of the ILO Liaison Office in Myanmar to continue supporting social partners under the difficult circumstances were commendable.
252. **A Government representative of the United States of America** observed that the violence of the military authorities in Myanmar continued unabated, the progress on ending forced labour made by the ILO was being reversed and the military authorities had criminalized the exercise of fundamental freedoms and basic human rights. Referring to the recommendations by the Committee on Freedom of Association concerning violations by the military authorities of the right to freedom of association, right to opinion and right to peaceful assembly and protest, he condemned the use of detention for participation in peaceful protest, the withdrawal of trade union rights and the declaration of 16 trade unions as illegal, and called for the military authorities to restore Myanmar to the path to democracy. His Government stood by the workers and unions under attack for exercising their fundamental freedoms and human rights in the struggle for democracy. He urged all ILO constituents to consider what additional action could be taken to restore the path to democracy and civilian rule. The continued work of ILO–Yangon and its intervention on behalf of detained trade unionists and activists were commendable. Interference by the military authorities in the ILO's domestic operations gave cause for concern, however; the ILO should be allowed to operate free of interference or preconditions. The Office should take note of the discussion, in the event that further steps needed to be taken at the 110th Session of the International Labour Conference.
253. His Government had proposed two amendments to the draft decision. The proposed amendment to subparagraph (a) was aligned with the decision made at the 341st Session of the Governing Body and the resolution on Myanmar from the 109th Session of the International Labour Conference. The word "transition", used because the Government prior to the coup was transitional, could be deleted if that was the preference of the Governing Body. The proposed amendment to original subparagraph (h) was intended to ensure that the Governing Body would have, if necessary, the required information to hand prior to the 110th Session of the International Labour Conference.
254. **A Government representative of the Russian Federation** noted that the parties to conflict had demonstrated restraint and a sense of responsibility for the fate of their country. Steps towards reconciliation were needed to avoid the escalation of violence and further victims. The rise of extremism among the opposition and attacks on civil servants and local officials gave cause for concern, particularly given the general decline in protest activities and gradual stabilization of the situation. Dialogue and cooperation between Myanmar and Bangladesh were key to normalizing the situation in Rakhine State, and the international community must support the implementation of agreements between Myanmar and Bangladesh and provide practical assistance to develop Rakhine State.

- 255.** Despite the challenges of the COVID-19 pandemic, the authorities in Myanmar were doing everything possible to meet their obligations under the ratified ILO Conventions. Progress had been achieved in the elimination of child and forced labour, and in strengthening social dialogue. A key task of the ILO was to support efforts to bring national legislation into line with international labour standards without interfering in the country's internal affairs. Attempts by certain countries to use the platform of the Organization to politicize discussions on social and labour issues in Myanmar were counterproductive. He called for respect for the principles of neutrality and impartiality, and a focus on the mechanisms of Conventions and domestic labour and socio-economic legislation. A politicized approach would make it difficult for the authorities to implement ILO decisions and jeopardize the Organization's authority and reputation. He rejected any narrowing of the draft decision.
- 256. A Government representative of China** said that it was in the interests of all to maintain peace and stability in Myanmar. All parties in Myanmar should shoulder their responsibility to maintain political and social stability and development, act in the interests of the people and address conflict through dialogue and consultation within the constitutional and legal framework, while promoting democratic transformation. The ILO, the UN and ASEAN, of which Myanmar was a member, should be supported to play a constructive role in mitigating the situation in that country. The Governing Body should uphold the principle of respecting the sovereignty of Member States, promote dialogue and reconciliation among all parties in Myanmar within its mandate, and help protect the legitimate rights and interests of workers and employers in the country. He encouraged the Office and Myanmar to find constructive solutions to the difficulties encountered in development cooperation and administrative operations.
- 257. A Government representative of Japan** expressed deep concern about the situation in Myanmar and urged the military authorities to stop violence against civilians immediately, release all those detained, including State Counsellor Aung Sang Suu Kyi, and restore democracy. The ILO was fulfilling its mandate by demanding that workers and employers be allowed to perform their functions without intimidation or threat of harm and exercise their freedom of association in a climate free of violence, arbitrary arrest and detention. The efforts of ILO–Yangon to continue providing technical assistance under constrained circumstances were commendable. Reports of the use of forced labour by the military authorities gave cause for concern; such activities must end. Developments in Myanmar should be followed closely in the Director-General's report to the 344th Session of the Governing Body. He supported the draft decision, as amended by the United States, and accepted the language suggested by the Workers' group and the EU.
- 258. A representative of the Director-General** (Legal Adviser) clarified that the Memorandum of Understanding on the Myanmar Decent Work Country Programme had been signed by all parties on 21 September 2018 for a duration of four years, as explicitly provided for in paragraph 5, and was therefore scheduled to remain in effect until 20 September 2022, despite the typographical error in the title of the programme document. That understanding had been confirmed in May 2021 in bilateral meetings with representative organizations of employers and workers who had signed the Memorandum, and all four social partners had confirmed the 2022 expiry date. That common position had been shared, on 12 May 2021, in a virtual meeting with the Ministry of Labour, Immigration and Population of Myanmar, and a note verbale, dated 8 June 2021 and containing the above information, had been transmitted to the Ministry.
- 259. The Worker spokesperson** said, with regard to the amendment proposed by the Government of the United States, that the wording used in the resolution adopted at the 109th Session of the International Labour Conference, "restore democratic order and civilian rule in Myanmar",

should be preserved in subparagraph (a) of the draft decision. She requested the Office to clarify whether it was appropriate to use the wording “called on Myanmar”, as in the resolution from the 109th Session, or “called on the military authorities”. She supported the language in subparagraph (c) of the revised draft decision, as well as the deletion of subparagraph (d). She also endorsed the amendment proposed by the United States to the final subparagraph of the draft decision, which was intended to ensure consistency with the Conference resolution.

- 260. The Employer spokesperson** concurred that any changes to subparagraph (a) of the draft decision should be closely aligned with the resolution agreed at the 109th Session of the Conference, and supported the deletion of subparagraph (d). However, his group had concerns about subparagraph (c) of the revised text proposed by the Office and needed more time to discuss points of ambiguity before it could accept the entire text.
- 261. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia endorsed the wording “called on Myanmar to restore democratic order and civilian rule” agreed at the Conference.

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

- 262. The Employer spokesperson** thanked the Office for having provided clarification in the meantime, notably concerning the expiry date of the Memorandum of Understanding on the Decent Work Country Programme and the withdrawal of the notice of termination by the military authorities. He noted the importance of prior notification of amendments to draft decisions, where possible. His group had reviewed the proposed amendments to the draft decision and supported them.

Decision

- 263. In the light of the developments in Myanmar outlined in document GB.343/INS/8 and the update report provided by the Office, and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:**
- (a) expressed profound concern that no progress has been made to respect the will of the people, democratic institutions and processes, and restore the democratically elected government. It called on Myanmar to restore democratic and civilian rule in the country;
 - (b) expressed profound concern that the military authorities have continued with the large-scale use of lethal violence and with the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, in the exercise of their human rights, and repeated its call to the military authorities to cease immediately such activities, and to release from detention and drop any charges against trade unionists and others who have peacefully participated in protest activities;
 - (c) expressed grave concern that the military authorities – despite the withdrawal of the notice of termination of the Memorandum of Understanding on the Decent Work Country Programme 2018–2022 – continue to interfere in the operations of ILO Yangon, including through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials and of tax exemptions. It urged the military authorities to desist immediately from such interference and to respect the status of the Office in keeping with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;

- (d) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, and called for the immediate release of the General Secretary of MICS-TUF and other trade unionists and activists who have been detained;
- (e) expressed serious concern over reports of the use of forced labour by the military and the relisting of Myanmar in the 2021 annual report of the Secretary-General of the United Nations on children and armed conflict, and urged Myanmar to end immediately the use of forced labour and to uphold its obligations under the Forced Labour Convention, 1930 (No. 29);
- (f) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy; and
- (g) requested the Director-General to report to the Governing Body at its 344th Session (March 2022) on developments in Myanmar, and to include information on potential follow-up action by the 110th Session of the International Labour Conference.

(GB.343/INS/8, paragraph 39, as amended by the Governing Body)

9. 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 time frame (GB.343/INS/9(Rev.1) and GB.343/INS/9(Add.1))

- 264.** The Governing Body had before it an amended version of the draft decision, which had been proposed by the Government of Colombia, seconded by the Government of Brazil and circulated by the Office to all groups. It read:

In light of the developments in Venezuela outlined in document GB.343/INS/9(Rev.1) and taking into account its decision of March 2021, the Governing Body, on the recommendation of its Officers:

- (a) deplored that no progress has been made by the Government to accept the recommendations of the report of the Commission of Inquiry two years after its adoption;
- ~~(b) acknowledged recent steps taken by the Government to start a dialogue with social partners;~~
- ~~(be) urged the Government, as a matter of priority, to further develop this dialogue before March 2022 into a social dialogue forum with the assistance and presence of the ILO, in line with point 4 under paragraph 497 of the Commission of Inquiry's report; to observe the provisions of the ILO Constitution in Articles 29(2) and 34;~~
- (c) decided to cease any technical cooperation or assistance from the Office with the Government of Venezuela, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry;
- ~~(d) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country, and~~

~~on the provision of technical assistance to support this process, as well as on the option of establishing a Special Representative of the Director-General, by March 2022;~~

- ~~(e) requested the Director-General to present a report to its 344th Session (March 2022) on actions taken by the Director-General, measures referred to and steps taken with regard to paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry; and~~
- ~~(d)f) decided to include an item on the agenda of its 344th Session (March 2022) entitled "Assessment of progress made by the Government in the decisions and measures taken by the Governing Body and the Director-General for ensuring the compliance with the recommendations of the Commission of Inquiry and in light of that, consideration of all possible measures, including those foreseen in the ILO Constitution, for this purpose".~~

- 265. 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 of the Governing Body on a matter concerning his Government. He said that, since the Governing Body's discussion of the matter at its 341st Session (March 2021), his Government, which valued all constructive suggestions by the ILO supervisory bodies, had demonstrated its full commitment to broad and inclusive social dialogue and to improving its compliance with ILO Conventions. Its many efforts in that regard included a large-scale meeting for national dialogue on the world of work (21 May–23 June 2021), which had involved the participation of a range of employers' and workers' organizations and addressed issues relating to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), Convention No. 87, and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- 266.** Following several sessions of a technical round table to which employers' and workers' organizations had contributed, a minimum wage-fixing method that complied with Convention No. 26 had been drawn up and communicated to the social partners. Convention No. 144 had been addressed at sessions of another technical round table, resulting in the establishment of a system for effective social dialogue that entailed multiple meetings each year. In the context of that round table, talks had been held with the social partners to review the reports on the Conventions to be submitted by the Government for 2021.
- 267.** His Government had always been open to the technical assistance of the ILO, which it had requested on several occasions in order to determine the representativeness of employers' and workers' organizations and which, regrettably, had not been forthcoming.
- 268.** The challenges of the COVID-19 pandemic had been worsened by illegal unilateral coercive measures resulting from disastrous, irresponsible and criminal actions linked to right-wing capitalist policies. Such measures would continue to cause indiscriminate harm to actors in the world of work and to fundamental human rights in his country. In her report to the Human Rights Council in September 2021, the UN High Commissioner for Human Rights had highlighted the effect of those measures on economic and humanitarian conditions and the enjoyment of fundamental rights in the country and had called for them to be lifted. He reiterated his Government's grounds for rejecting the recommendations of the Commission of Inquiry, namely that they violated his country's Constitution and the principles of the separation of powers, legality, independence, sovereignty and self-determination. Nevertheless, his Government remained committed to strengthening its compliance with Conventions Nos 26, 87 and 144, and all other ILO Conventions that it had ratified.
- 269.** His Government noted with satisfaction that the draft decision, which had been prepared by the Officers of the Governing Body, recognized the measures that had been taken to strengthen dialogue with the social partners and looked ahead to progress that would be

made by March 2022. It welcomed the constructive proposals that had been made by the Workers' group during the drafting process, and the objectivity shown by some governments. It was willing to hold a frank and open dialogue with the Employers' group to gain their support, and valued the progress made with employers at the national level. Although it did not support some aspects of the draft decision, his Government did not reject it and would work to implement its constructive elements, in direct contact with the Director-General.

- 270.** His Government rejected categorically the amended version of the draft decision, which had not been submitted in a timely manner and did not reflect the reality in his country. He called on the Governing Body to support the draft decision, and trusted that, in March 2022, it would welcome the continued progress made by his Government.
- 271. The Employer Vice-Chairperson** noted the exceptional nature of the Venezuelan Government's persistent rejection of the recommendations of the Commission of Inquiry, which demonstrated disrespect for the Organization and was all the more concerning given the time that had elapsed since their adoption. The matter had institutional implications, including for the procedure under article 26 of the ILO Constitution. The ongoing threat to freedom of association in the Bolivarian Republic of Venezuela affected both employers and workers. The September 2021 report of an independent fact-finding mission established by the Human Rights Council confirmed that human rights violations affecting freedom of association went unpunished. The Venezuelan Government had, for years, used the judicial system to repress dissent. The Commission of Inquiry had noted that institutions and practices in the country violated the guarantees set out in the relevant Conventions, particularly in relation to employers' and workers' organizations and social dialogue, reflecting systemic problems with the rule of law. She welcomed the tripartite approach that had been taken towards preparing the draft decision.
- 272. The Employer spokesperson** said that the serious violations of freedom of association in the Bolivarian Republic of Venezuela were evident. The Government's refusal to engage with those challenges and its dismissal of the findings of international institutions hampered efforts to protect fundamental rights. Although some timid steps had been taken, the Government had failed to act on the requests made by the Governing Body at its previous session and had continued to reject the recommendations of the Commission of Inquiry. The Government's meetings with the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) and other employers' and workers' organizations could not be deemed effective dialogue because they had lacked the necessary formalities. He questioned how many times the Governing Body would be forced to reiterate the urgent need for the Government to accept and implement the recommendations of the Commission of Inquiry in good faith, rather than asserting that technical assistance was required only in certain domains. While, internally, his group agreed with the amended version of the draft decision proposed by Colombia, it valued consensus and would therefore support the original draft decision.
- 273. The Worker Vice-Chairperson** underscored the need for genuine social dialogue in line with the recommendations of the Commission of Inquiry. A number of employers' and workers' organizations, including FEDECAMARAS, had reported that the Venezuelan Government had taken steps in that direction, and FEDECAMARAS had called on the ILO to provide support to ensure that further progress was made. The Government should be given support and encouragement to develop a forum for social dialogue, including technical assistance and the possible appointment of a Special Representative of the Director-General.

274. In accepting the draft decision, the Venezuelan Government had acknowledged the need to work with the ILO to fully implement the relevant Conventions and bring about genuine social dialogue. The amended version proposed by Colombia was regrettable, as was the position of the Employers' group; internal opinions should not be shared with the wider Governing Body. Tripartite consensus on the matter was important to convey unified support for the ILO supervisory system. Her group supported the draft decision.
275. **Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Switzerland aligned themselves with the statement. The EU and its Member States fully supported the Office's efforts to engage with the Venezuelan Government and noted with disappointment the Government's continued unwillingness to implement the recommendations of the Commission of Inquiry. They noted with concern the findings of the CEACR in relation to the lack of progress in the implementation of those recommendations and regretted the Government's continued hostility towards employers, workers and their organizations. They also noted with regret that, although the Government had flagged its readiness to improve compliance with the ratified Conventions, the meetings organized by the Government could not be deemed effective tripartite consultation. The Government's failure to engage with the technical assistance programme intended to improve its adherence to the ratified ILO Conventions was also regrettable; those Conventions must be addressed comprehensively, not just in relation to the issues selected by the Venezuelan Government.
276. She urged the Government to work with the Office to accept and implement the conclusions and recommendations of the Commission of Inquiry. Meetings must fulfil the conditions set out by the Commission of Inquiry, and the autonomy of employers' and workers' organizations must be ensured. She called on the Government to develop further its dialogue with the social partners, with the assistance of the ILO. The EU and its Member States supported the Director-General in his efforts in that regard and called for the ILO and its supervisory system to adopt measures to facilitate compliance with ratified international labour standards. At its next session, the Governing Body should consider all possible measures, including those set out in the ILO Constitution, to ensure the Government's compliance with the recommendations of the Commission of Inquiry. The EU and its Member States supported the draft decision.
277. **Speaking on behalf of a group of countries, consisting of Brazil, Chile, Colombia, Ecuador, Paraguay and Uruguay**, a Government representative of Brazil said that any decision taken by the Governing Body with respect to the Venezuelan Government's non-compliance would have repercussions for the credibility of the ILO and its supervisory bodies. All Member States must respect the Organization's rules and ensure that the supervisory system was strengthened and not eroded. The measures being taken and presented for consideration by the Governing Body were not in compliance with the Commission of Inquiry's recommendations. As the Government's position appeared to remain unchanged, she urged it to clearly express its commitment to accept and apply the recommendations. The Governing Body should adhere to the decision it had taken at its 341st Session regarding the adoption of a resolution at the 109th Session of the International Labour Conference if there was a continued lack of progress on the implementation of the recommendations. The Governing Body had a duty to take concrete measures to ensure compliance with the decisions that it adopted and with the provisions of the ILO Constitution, which should be applied equally to all ILO Members.
278. **A Government representative of Colombia** said that the draft decision was inconsistent with the provisions of the ILO Constitution and the decision adopted by the Governing Body at its

341st Session. Accordingly, Colombia had submitted an amended version of the draft decision, which had been seconded by Brazil.

- 279.** He recalled that, under article 29(2) of the ILO Constitution, a government had to inform the Director-General within three months whether or not it accepted the recommendations contained in the report of a Commission of Inquiry; and if not, whether it proposed to refer the complaint to the International Court of Justice. The Venezuelan Government should therefore indicate whether it wished to refer the complaint to the International Court of Justice.
- 280.** Furthermore, the report presented by the Director-General did not meet the requirements set out in subparagraph (g) of the decision on the item adopted by the Governing Body at its 341st Session, and the information provided did not relate to actions carried out to implement the recommendations.
- 281.** In the draft decision, the Director-General was called on to engage with the Government to provide technical assistance for recommendations that had not been accepted, and the possibility of establishing a Special Representative was raised, without the Governing Body having been informed of the financial implications, which should be reported in accordance with paragraph 5.5.1 of the Standing Orders of the Governing Body. Any technical assistance should be suspended until the recommendations of the Commission of Inquiry had been accepted.
- 282.** To date, the Government had not stated in writing, as required under article 34 of the ILO Constitution, that it accepted the recommendations. He therefore did not agree with the proposal to place an item on the agenda of the 344th Session (March 2022) on assessing the Venezuelan Government's progress in ensuring compliance with the recommendations. None of the provisions of the ILO Constitution established that, if a government did not accept the recommendations of a Commission of Inquiry, the Governing Body could consider other actions as implicit acceptance. He called on the Governing Body to ensure that any decision adopted was properly in line with the ILO Constitution. He therefore firmly objected to the draft decision, recalling paragraph 46 of the introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office, according to which 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.
- 283. A Government representative of the Russian Federation** noted that, despite its initial rejection of the establishment of the Commission of Inquiry, whose real purpose was to place pressure on the authorities, the Venezuelan Government had respected the Governing Body's decision and had fully cooperated with the Commission. In recent years, the Government had made progress towards the implementation of Conventions Nos 26, 87 and 144 and the strengthening of social dialogue, and had expressed its willingness to receive technical assistance from the Organization. Protecting workers' rights and improving living standards were fundamental aspects of the Bolivarian Revolution that was aimed at building a fairer State and social system. The Government would no doubt demonstrate further progress in the observance of international labour standards. In the context of the COVID-19 pandemic, more time must be granted for the Government to meet its obligations. Since the ILO's authority rested to a large extent on the impartial and consistent functioning of its supervisory mechanisms, a measured approach was needed, with no room for politicization or other misuse. He supported the draft decision.
- 284. A Government representative of Cuba** said that the Venezuelan Government had demonstrated its commitment to comply with international labour standards through tripartite, broad and inclusive social dialogue, and was making progress in that regard, despite

the war and the unilateral coercive measures against it. The Government's repeated request for technical assistance should be granted without delay and without conditions. Its willingness should be recognized by all international organizations, including the ILO.

285. He reiterated his Government's rejection of manipulation by multilateral bodies with the aim of interfering in the internal affairs of States. No country could be required to act in a way that was contrary to its constitution, internal democratic order, sovereignty or self-determination. His Government opposed the unfounded application of additional measures, requested by a minority, against the Venezuelan Government, which would further politicize the Governing Body's decisions and undermine the rights and interests of the Venezuelan people. Instead, the focus should be on dialogue and cooperation through technical assistance. He endorsed the original draft decision and rejected the amended version proposed by Colombia. His Government would also reject any call for a vote on the item under the special arrangements and rules of procedure, which did not have consensus and which did not provide transparency in the Governing Body's work.
286. **A Government representative of Cameroon** urged the Governing Body to continue to support the provision of technical assistance to the Venezuelan Government, which would enable it to pursue, together with employers' and workers' organizations, the establishment of frank and ongoing social dialogue in the country. He did not support the amended version proposed by the Government of Colombia.
287. **A Government representative of Namibia** commended the Venezuelan Government on the progress that it had made in line with the recommendations of the Commission of Inquiry, which should be supported through the provision of technical assistance. She supported the original draft decision.
288. **A Government representative of China** noted that the Venezuelan Government had implemented several of the Commission of Inquiry's recommendations, which reflected its constructive attitude, cooperative spirit and hard work. The provision of technical assistance would help the Venezuelan Government to determine the representativeness of employers' and workers' organizations, further increase trust among constituents and strengthen the capacity for compliance. She supported the draft decision but not the amended version proposed by Colombia.
289. **A Government representative of Algeria** said that it was important to grant the Venezuelan Government the time necessary to continue to implement the actions to improve compliance with the ratified Conventions, within the framework of genuine social dialogue and with ILO technical assistance. He supported the original draft decision.
290. **A Government representative of Argentina** noted that progress was being made towards compliance with the recommendations of the Commission of Inquiry and said that the Venezuelan Government should be encouraged to continue its efforts, which included strengthening its institutions and increasing the participation of all stakeholders in the world of work in the country. He supported the original draft decision.
291. **A Government representative of the Islamic Republic of Iran** said that the Governing Body could play a critical role in ensuring continued progress by the Venezuelan Government by recognizing its achievements to date and by providing technical assistance to encourage additional achievements. He supported the original draft decision.
292. **A Government representative of Canada** expressed deep regret at the Venezuelan Government's continued unwillingness to accept and fully implement the recommendations of the Commission of Inquiry. Its recent efforts to hold social dialogue forums did not satisfy the

requirements for genuine tripartite dialogue in accordance with the Commission's recommendations, and the reports of continued hostility towards employers, workers and their representative organizations were deeply troubling. She therefore urged the Venezuelan Government to undertake inclusive, authentic tripartite social dialogue on labour and employment matters, immediately cease hostile campaigns against social partners and their organizations and take immediate, concrete actions towards implementing the Commission's recommendations in full cooperation with the ILO. The matter should remain on the agenda of future sessions of the Governing Body, where options for action under the ILO Constitution could be considered. She agreed that strong action was needed, as proposed in the amendment of the Government of Colombia, but could support the original draft decision.

- 293. A Government representative of the United States of America** said that it was deeply concerning that workers were being excluded from the Venezuelan Government's efforts to initiate dialogue with the social partners and remained unable to freely exercise their right to freedom of association, particularly in the light of serious allegations of violence. The failure to accept the Commission of Inquiry's recommendations and make meaningful progress in addressing them was indicative of the continued deterioration of human rights and the rule of law in the Bolivarian Republic of Venezuela. His Government would support solutions that would secure the implementation of the Commission's recommendations and compliance with international labour standards. While he shared the sentiments expressed in the amended version proposed by the Government of Colombia, he supported the original draft decision. He requested the Office to provide clarification on the resources needed to establish a Special Representative of the Director-General.
- 294. A Government representative of the United Kingdom of Great Britain and Northern Ireland** noted the recent progress made by the Venezuelan Government in holding social dialogue forums. Nonetheless, she expressed deep concern at the findings of the Commission of Inquiry regarding institutions and practices that violated the guarantees and rights set out in ILO Conventions, and the reports of persistent harassment levelled at FEDECAMARAS and its affiliates and workers' organizations not close to the Government. The Venezuelan Government must accept the Commission of Inquiry's findings and implement its recommendations. She supported the draft decision.
- 295. A Government representative of Pakistan** noted that the Venezuelan Government had demonstrated its willingness to cooperate with the ILO by committing to respect the relevant Conventions and engage in social dialogue. She encouraged all parties to resolve the outstanding issues amicably in the spirit of tripartite cooperation and social dialogue while respecting the national sovereignty of States; it might be inadvisable to resort to exceptional measures. The Office should continue to engage in dialogue with the Venezuelan Government to secure its cooperation, improvements in labour standards and the promotion of social justice, taking account of the country's specific circumstances. She supported the original draft decision.
- 296. A Government representative of Saudi Arabia** said that it was important to reach consensus on decisions issued by international organizations concerning specific countries and to secure the cooperation of the Government in question to achieve the objectives. He would therefore prefer to have more time available for negotiations to achieve consensus.
- 297. A Government representative of Barbados** strongly encouraged the Venezuelan Government to accept and implement the recommendations of the Commission of Inquiry, using the available technical assistance. Decisions made by the ILO's supervisory system must be taken seriously and observed by all Member States. While some progress had been made

in implementing some of the recommendations, including the initiation of social dialogue and the inclusion of social partners in the drafting of legislation, the Commission of Inquiry's requirements regarding the structure of social dialogue had not yet been fulfilled; however, for social dialogue to be effective and have credibility, the parties must agree with the structure. He supported the original draft decision.

- 298. The Employer Vice-Chairperson** emphasized that the case concerned not only employers' organizations; fundamental freedoms were at stake. Under article 23 of the Venezuelan Constitution, international treaties concerning human rights obligations had constitutional status; therefore, there appeared to be no legal barriers to its acceptance of the recommendations of the Commission of Inquiry. The draft decision had been carefully constructed by all three Officers of the Governing Body in the spirit of social partnership and tripartism with the aim of achieving consensus and real progress in the implementation of the Commission of Inquiry's recommendations. She therefore supported the original draft decision.
- 299. The Worker Vice-Chairperson** agreed that the matter concerned fundamental principles and rights, and the measures endorsed by the Governing Body to remedy the situation should be taken seriously. Workers and employers in the Bolivarian Republic of Venezuela must be assured of freedom of association. There was clear agreement in the Governing Body on the need for the Venezuelan Government to step up its efforts to implement the recommendations of the Commission of Inquiry for the benefit of the Venezuelan people, and the Employers' and Workers' groups had worked together on the draft decision.
- 300. A Government representative of the Bolivarian Republic of Venezuela** said that his Government had taken note of all statements, and that it expected to submit a positive report on its progress to the Governing Body in March 2022. Noting the consensus on the original draft decision, he requested the Governing Body to adopt it.
- 301. A representative of the Director-General** (Treasurer and Financial Comptroller), responding to comments raised, said that it was not possible to accurately estimate the cost of establishing a Special Representative of the Director-General before the discussions outlined in subparagraph (d) of the draft decision had taken place. The Office would report back to the Governing Body after those discussions had concluded.
- 302. A Government representative of Colombia** requested the Chairperson to place on record, in accordance with paragraph 46 of the introductory note to the Compendium of rules applicable to the Governing Body of the International Labour Office, the objection of his Government to the adoption of the original draft decision.
- 303. The Chairperson** took note of the objection of the Government of Colombia and observed that the original draft decision had the clear support of other members of the Governing Body.

Decision

- 304. In light of the developments in Venezuela outlined in document GB.343/INS/9(Rev.1) and taking into account its decision of March 2021, the Governing Body, on the recommendation of its Officers:**
 - (a) deplored that no progress has been made by the Government to accept the recommendations of the report of the Commission of Inquiry two years after its adoption;

- (b) acknowledged recent steps taken by the Government to start a dialogue with social partners;
- (c) urged the Government, as a matter of priority, to further develop this dialogue before March 2022 into a social dialogue forum with the assistance and presence of the ILO, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (d) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country, and on the provision of technical assistance to support this process, as well as on the option of establishing a Special Representative of the Director-General, by March 2022;
- (e) requested the Director-General to present a report to its 344th Session (March 2022) on actions taken by the Director-General, measures referred to and steps taken with regard to subparagraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry; and
- (f) decided to include on the agenda of its 344th Session (March 2022) an item entitled "Assessment of progress made by the Government in ensuring the compliance with the recommendations of the Commission of Inquiry and in light of that, consideration of all possible measures, including those foreseen in the ILO Constitution, for this purpose".

(GB.343/INS/9(Rev.1), paragraph 17)

10. Report by the Government of Bangladesh on progress made with the timely implementation of the road map taken to address all outstanding issues mentioned in the complaint concerning alleged non-observance of the Labour Inspection Convention, 1947 (No. 81), 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) (GB.343/INS/10(Rev.2))

- 305.** The Governing Body had before it an amendment to subparagraph (a) of the draft decision, which had been proposed by the Government of the United States of America and circulated by the Office to all groups, to insert the words "at which the Governing Body will again discuss the implementation of the road map" at the end of the subparagraph after "(March 2022)".
- 306. A Government representative of Bangladesh** said that his Government had demonstrated progress towards implementing the time-bound actions under the four clusters set out in the road map taken to address all outstanding issues mentioned in the complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98, as set out in the report contained in the appendix to document GB.343/INS/10(Rev.2). He noted that his Government had also submitted a National Action Plan on Labour Sector Reforms to the EU, many elements of which overlapped with the road map under discussion. The Cabinet of Bangladesh had approved the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, and had made progress towards ratification of the Minimum Age Convention, 1973 (No. 138). In addition,

work to review and amend the Bangladesh Export Processing Zone Labour Act, 2019, would begin ahead of schedule.

307. Turning to the actions set out in the road map, he highlighted the creation of the Tripartite Implementation and Monitoring Committee and six technical subcommittees, and the Reform Implementation Coordination Unit. He looked forward to the ILO's support for those initiatives. Draft amendments to the Bangladesh Labour Rules, 2015, were to be submitted to the National Tripartite Consultative Council, and a tripartite committee was being formed to consider an initial draft of amendments to the Export Processing Zone Labour Rules. Those amendment processes took into account the relevant observations and recommendations of the CEACR.
308. The Department of Labour was carrying out regular training on trade union registration and was continuing to streamline the online trade union registration system, while the offline registration system remained functional. He noted that an online database containing information on trade union registration was ready to launch, which would ensure that relevant information was accessible to all. Pre-application services were available at all offices of the Registrar of Trade Unions.
309. In order to fill vacant labour inspector posts: the Bangladesh Public Service Commission had recommended 89 candidates; the second phase of efforts to increase human resources at the Department of Inspection of Factories and Establishments was under consideration; and steps were being taken to standardize the internal promotion process. The Labour Inspection Management Application was in use and the Department of Inspection of Factories and Establishments had begun conducting inspections in the export processing zones and modalities for those inspections were under discussion. The National Occupational Safety and Health Council had approved the National Plan of Action on Occupational Safety and Health and unveiled the updated National Profile on Occupational Safety and Health in Bangladesh. Two helplines were operational to receive and address workers' complaints. New labour courts were being established and staffed, and discussions were under way with the ILO to develop standard operating procedures for conciliation and arbitration, alongside the provision of training on the use of those services.
310. Regular training and advocacy work was carried out to address unfair labour practices and anti-union discrimination, and to improve complaint management. The actions concerning social protection and the minimum wage would be considered in accordance with the timeline set out in the road map. A pilot project to begin implementation of the Employment Injury Insurance Scheme would be launched in January 2022.
311. In conclusion, he urged the Governing Body to consider closing the case against Bangladesh, which would encourage further progress. His Government would continue to engage with the social partners and other stakeholders to improve the labour situation in Bangladesh.
312. **The Worker spokesperson** said that despite the statement made by the Government representative of Bangladesh, it was regrettable that the Government had not shown any serious commitment towards the full and timely implementation of the road map, with particular regard to the rights to freedom of association and collective bargaining. The vast majority of actions set out in the road map remained unfulfilled.
313. While a Tripartite Implementation and Monitoring Committee had been formed, no schedule of regular meetings had been circulated, and no indication had been given regarding the link between that Committee and the Reform Implementation Coordination Unit. She urged the ILO to provide technical assistance to support the work of the Committee and its subcommittees.

314. Prior to the deadline of September 2021, the proposed amendments to the Bangladesh Labour Rules, 2015, had not been submitted to the Cabinet of Bangladesh or vetted by the Ministry of Law, and a Statutory Regulatory Order or Gazette notification had not been issued. Furthermore, the Government must urgently publish meeting schedules and agendas for the Tripartite Labour Law Review Committee and the National Tripartite Consultative Council. Additionally, the Government must share the draft Export Processing Zone Labour Rules and schedule consultations thereon with social partners. However, she emphasized that those Rules would still not eliminate the fact that workers in the export processing zones were denied their right to form or join a trade union.
315. She expressed concern that trade unions had not been consulted regarding processes for trade union registration, and said that the offline registration system was still used to discriminate against independent trade unions. Moreover, the online registration system contained a large number of inactive trade unions, which undermined the claim of progress offered by the Government in terms of freedom of association. In addition, no specific training programmes were available on the trade union registration process.
316. Highlighting the number of vacant labour inspector positions, she noted that the promotion of inspectors had been delayed. There were no modalities for carrying out labour inspections in the export processing zones and the Export Processing Zone Authority retained power over the operation of labour inspectors in the zones, in violation of Convention No. 81. Complaints submitted to the Department of Inspection of Factories and Establishments were not followed up effectively. No progress had been made to establish an effective occupational safety and health system. The lack of proper training on labour law for new labour court judges and the absence of court processes to ensure speedy and effective trials had led to continued delays, corruption and injustice. She welcomed efforts to develop a standard operating procedure for a conciliation system, and said that the procedure must also provide for alternative dispute settlement. That work should be undertaken with the assistance of the ILO and in consultation with social partners.
317. It was of serious concern that steps had not been taken to address anti-union discrimination, unfair labour practices and violence against workers, including actions perpetrated by police and other security forces. In that connection, no statistical information system for unfair labour practices had been established, and there was no mechanism to inform workers of their rights or how to access legal support if those rights were violated.
318. The COVID-19 pandemic should not be an excuse for not making substantive and timely progress on implementing the road map and the Government should make use of the technical assistance from the ILO and development partners in that regard. She supported the draft decision, as amended by the United States.
319. **The Employer spokesperson** took note of the measures taken since October 2019 and of the final road map of actions submitted by the Government of Bangladesh in May 2021. He welcomed the Government's timely reporting of progress and information, which appeared comprehensive, noting that action had been taken in consultation with the social partners and that a Tripartite Implementation and Monitoring Committee and a Reform Implementation Coordination Unit had been established to support implementation of the road map. The Government's engagement with the Office and social partners was appreciated and he urged it to continue reporting progress, address the comments of other ILO supervisory bodies, and provide detailed and updated information on Freedom of Association Cases Nos 3203 and 3263 (Bangladesh) prior to the following session of the Committee on Freedom of Association in March 2022. His group remained committed to assisting the Government of Bangladesh to

implement the road map and other initiatives, such as the ILO statement “COVID-19: Action in the Global Garment Industry”, and called for substantial progress on upholding labour rights and improving workplace safety. The amendment to the draft decision proposed by the United States reflected his group’s understanding of the original text. Given the concerns expressed by the Workers’ group, he called for the Employers’ and Workers’ groups, the Office and the Government of Bangladesh to continue to liaise on the follow-up to the complaint.

- 320. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with the statement. She welcomed the road map and the progress achieved so far, noting that the road map was considered a signal of commitment by the Government of Bangladesh to speedily address the significant gaps in the alignment of national law and practice with ILO Conventions. The EU and its Member States remained committed to their long-standing cooperation with the Government on labour standards and had strengthened their support to address the effects of the COVID-19 pandemic in Bangladesh. Finalization of the National Action Plan on the Labour Sector of Bangladesh (2021–26) would reinforce the road map as both documents emphasized compliance with ratified ILO Conventions, and the Tripartite Implementation and Monitoring Committee had a central role in monitoring their implementation. She called on the Government to intensify efforts to deliver on the road map; labour law reform must be accompanied by effective action to combat violence against workers, address low rates of trade union registration, and reinforce labour inspection capacity and enforcement. The extensive timelines for some of the commitments set out in the road map called for regular monitoring of progress. She supported the draft decision, as amended by the United States.
- 321. A Government representative of the United States of America** said that, while she welcomed the comments by the Government of Bangladesh and the road map, the timeline for reform was too long. The road map lacked clear milestones and targets to determine progress and accountability; such targets should be included in the Government’s report to the Governing Body in March 2022. Success was dependent on meaningfully addressing the concerns raised by the complaint and the CEACR, rather than on compliance with the procedural aspects of the road map. Although tripartite inclusion was critical to the needed reforms, trade unions had not been fully included in the process of establishing the Tripartite Implementation and Monitoring Committee and had been excluded from key meetings on labour law reform.
- 322.** It was regrettable that the road map had committed merely to examining amendments to the Bangladesh Labour Act, 2006, in the light of comments by the ILO supervisory bodies and that the Government had already fallen behind the timeline for amending the Bangladesh Labour Rules, 2015. Workers’ groups had reported that the Department of Labour continued to collude with factory owners to prevent independent unions from registering, and harassed those that did. Progress to fill vacant labour posts was slow, despite the urgency of expanding labour inspection and enforcement in all sectors. It was disappointing that the road map addressed acts of anti-union discrimination, unfair labour practices and violence against workers primarily through training, with little focus on accountability for the perpetrators of those acts, and that the review of fines for anti-union discrimination would not take place until December 2022. Furthermore, there had been no indication of whether steps had been taken to investigate alleged cases of violence and harassment of workers by police.
- 323.** The case merited serious and continued consideration by the Governing Body. Although the absence of progress merited the establishment of a Commission of Inquiry, she could support

the draft decision, if it was amended to add, at the end of subparagraph (a), the words “at which the Governing Body will again discuss the implementation of the road map.”

- 324. A Government representative of Cuba** thanked the Government of Bangladesh for the information provided on the implementation of the road map, tripartite social dialogue and cooperation with the ILO. He reiterated the importance of giving governments time and space to work with domestic stakeholders under national legislation in order to meet their obligations under ILO instruments. The efforts of States to honour their commitments to the ILO despite the difficulties caused by the COVID-19 pandemic should be taken into account. Tripartite dialogue and consensus building were fundamental principles that the Organization must support.
- 325. A Government representative of Canada** noted the efforts by the Government of Bangladesh to improve working conditions through labour law and policy reforms and expressed appreciation for its commitment to further improvements. Nonetheless, reports of serious violations of fundamental and priority ILO Conventions persisted and must be addressed without delay. He called on the Government of Bangladesh to set an ambitious timeline for implementation of the road map, specifically with respect to enacting labour law reforms, facilitating the registration of trade unions, enhancing labour inspection capabilities and enforcement, and preventing and addressing all acts of anti-union discrimination, including violence and harassment against workers. The road map should continue to be implemented in close cooperation with the Office and in consultation with the social partners. His Government remained committed to working with the Government of Bangladesh and all stakeholders to resolve all concerns and ensure full respect for labour rights. He looked forward to hearing of significant, demonstrable progress on implementation of the road map at the following session of the Governing Body in March 2022. He supported the draft decision, as amended by the United States.
- 326. A Government representative of the Russian Federation** said that it was clear that the Government of Bangladesh was on the right path. Systematic efforts were being made, in cooperation with the social partners, to strengthen occupational safety and health, enhance workers’ well-being and qualifications and ensure the unimpeded operation of trade unions. Comments on the pace of change in the sphere of social and labour relations ignored the harsh blow dealt to the textile industry – a pillar of the Bangladeshi economy – by the COVID-19 pandemic. The Government of Bangladesh had demonstrated its willingness to cooperate constructively with the ILO repeatedly in recent years. He called on delegations to carefully consider the information and proposals presented by the Government of Bangladesh.
- 327. A Government representative of China** commended the Government of Bangladesh for its development of a comprehensive, realistic and actionable road map and acknowledged the substantial progress made on its implementation. Despite the impact of the COVID-19 pandemic, the Government of Bangladesh had mobilized resources and undertaken major legislative and administrative reforms. The Governing Body should conclude the case as soon as possible.
- 328. A Government representative of India** took note of the sincere efforts made by the Government of Bangladesh to implement the road map in consultation with the social partners and in cooperation with the ILO. The labour sector reforms carried out were encouraging, especially amendments to the Labour Act and the refixing of minimum wages in the ready-made garment sector. The adoption of policies on occupational safety and health and the protection of domestic workers demonstrated the Government’s commitment to ensuring workers’ rights. Efforts to update the national action plan for the child labour elimination policy

were also welcome. In view of those transformative efforts, the ILO and the international community should continue to support the Government of Bangladesh to achieve reforms and strengthen employment and labour policies. The Government of Bangladesh should be afforded every opportunity to resolve the issues through the ILO's supervisory mechanism.

- 329. A Government representative of Nigeria** noted the commitment demonstrated by the Government of Bangladesh, which had highlighted its implementation of the road map under all four priority areas, which covered the operational obligations arising from the three Conventions under review. Nigeria believed that international labour laws should be reviewed in conformity with extant ILO Conventions and that all labour regulations should be humane and provide for freedom of association and adequate deterrent sanctions in respect of unfair labour practices, discrimination and violence against workers. He commended the Government of Bangladesh for establishing the Tripartite Implementation and Monitoring Committee and the six thematic subcommittees to support implementation, and looked forward to further progress. In view of the manifest commitment of Bangladesh and the verifiable progress set out in the report, Nigeria did not support either the Office's draft decision or the proposed amendment thereto.
- 330. A Government representative of Cameroon** commended the Government of Bangladesh for its efforts, set out in the report contained in the appendix to document GB.343/INS/10(Rev.2), and for the significant administrative and labour reforms implemented to improve union activity, occupational safety, wages, skills development and well-being at work. He asked the Office to approve the report and support the Government of Bangladesh in implementing its reform measures, for which tripartite dialogue was necessary.
- 331. A Government representative of Algeria** commended the Government of Bangladesh for its implementation of legal and administrative reforms to comply with international labour standards, adoption of measures including social dialogue and tripartite consultations despite the difficult circumstances of the COVID-19 pandemic, and establishment of the Tripartite Implementation and Monitoring Committee and six subcommittees. He called on the Office to continue to support Bangladesh in implementing the road map and encouraged the Government of Bangladesh to continue to work closely with the Office towards achieving a situation where the Governing Body could close the case.
- 332. A Government representative of the Islamic Republic of Iran** welcomed the efforts made by the Government of Bangladesh to implement reforms in the four priority areas and took particular note of the tripartite nature of the reform processes. The measures taken demonstrated the commitment of the Government of Bangladesh to improving the situation amid the difficulties posed by the COVID-19 pandemic and, as such, merited consideration by the Governing Body.
- 333. A Government representative of Pakistan** commended the Government of Bangladesh for the administrative and legislative progress reported, for its continued engagement with the social partners and for its timely submission of responses to address concerns raised in the complaint. Noting the disproportionate socio-economic impact of the COVID-19 pandemic on developing countries, she emphasized that the constraints faced by countries such as Bangladesh should be given due consideration. The Government of Bangladesh had reaffirmed its commitment to upholding the rights of workers; however, in view of the complexity of the issue, she called on all parties to amicably address concerns and complaints in a spirit of tripartite cooperation. Alternatives to the article 26 procedure could be explored to redress outstanding issues. Her country agreed to the adoption of a consensus-based approach to reaching a decision. In order to safeguard the objective and neutral character of

the role of the ILO in promoting international labour standards, the ILO standards implementation and supervisory mechanisms should be used to promote compliance with standards in a collaborative manner and not to perpetuate conflicts among parties.

334. **A Government representative of Saudi Arabia** welcomed the efforts made by the Government of Bangladesh and acknowledged the administrative and judicial reforms implemented and positive progress achieved despite the challenges posed by the COVID-19 pandemic. It was important to devote sufficient time to the discussion of the issue at hand in order to reach consensus on the matter and close the case.
335. **A Government representative of Oman** welcomed the measures taken and the progress made by the Government of Bangladesh towards compliance with Conventions Nos 81, 87 and 98. In recognition of the commitment of the Government of Bangladesh to improving workers' conditions amid the challenges of the COVID-19 crisis, he favoured closing the case.
336. **A Government representative of Bangladesh** said that he had taken note of the views and suggestions of the members of the Governing Body, which would be useful to further improve the labour situation in Bangladesh, and thanked the development partners of Bangladesh for their support and assistance, particularly amid the challenges posed by the COVID-19 pandemic. Against that backdrop, his Government had demonstrated serious commitment to removing the remaining minor obstacles affecting labour rights; it would have done more had it been able, but it was unrealistic to expect a developing country with resource and capacity constraints to maintain the pace of its efforts at a pre-pandemic level.
337. A permanent committee consisting of 60 members with equal government, employer and worker representation had held 68 meetings on the amendment of labour laws and rules in line with ILO requirements. His country was committed to resolving Cases Nos 3203 and 3263 as soon as possible. No defendants were currently in custody in connection with those or any other cases. The prevailing atmosphere in the labour sector in Bangladesh was congenial; there had been no unrest for a year. His Government's initiative to submit a time-bound road map on labour sector reform demonstrated its commitment to labour rights and to ensuring decent work in line with the Centenary Declaration. He welcomed the recognition of Bangladesh by the ILO *Global Wage Report* as having one of the lowest gender pay gaps in the world. Given that any delay in closing the case would affect the current pace of progress and employment opportunities, particularly for women, he urged the Governing Body to close the case at the earliest opportunity.
338. **The Worker spokesperson**, in response to remarks made by the Employers' group, said that she recognized fully the importance of involving both the Employers and the Workers in the case at the national and international levels. Her group intended to liaise further with the Employers before the 344th Session (March 2022) of the Governing Body to determine how to jointly support further progress in Bangladesh. Regarding comments made by some governments on the constraints imposed by the COVID-19 crisis, she emphasized that it was of crucial importance to address major challenges relating to freedom of association irrespective of the circumstances. In addition, she expressed concern about the limitations imposed on trade unions and their members that prevented them from contributing to their country's recovery from the pandemic and its social and economic future. However, considering the commitment expressed by the Government of Bangladesh, she trusted that tangible progress would continue to be made.
339. **The Employer spokesperson** reiterated his group's support for the amended draft decision.

Decision

340. Taking note of the road map of actions submitted in May 2021 and of the report on progress made with its timely implementation submitted in September 2021, the Governing Body on the recommendation of its Officers:

- (a) requested the Government of Bangladesh to inform it of the progress made in the implementation of the road map to address all the outstanding issues mentioned in the article 26 complaint at its 344th Session (March 2022), at which the Governing Body will again discuss the implementation of the road map; and
- (b) deferred the decision on further action in respect of the complaint to its 346th Session (November 2022).

(GB.343/INS/10(Rev.2), paragraph 8, as amended by the Governing Body)

11. Report of the Committee on Freedom of Association

396th Report of the Committee on Freedom of Association (GB.343/INS/11)

- 341. The Chairperson of the Committee on Freedom of Association** said that the Committee had examined 20 cases on their merits, 7 of which had been closed. That left the Committee with 129 active cases. The Committee was appreciative of governments' efforts to provide observations amid the pandemic, and made an urgent appeal to the Governments of Bahamas, Belarus, Haiti, Jordan, Kenya, Madagascar and the Netherlands for their observations. The deadline for submission of additional observations by all governments was 2 February 2022. The Committee had examined the follow-up given to its recommendations in 5 cases, all of which had also been closed. In particular, the Committee had welcomed the progress made in Case No. 2870 (Argentina), noting that trade union status had been granted to the Federation of Energy Workers of the Argentine Republic (FETERA).
- 342.** The Committee drew the attention of the Governing Body to four cases, owing to the seriousness and urgency of the matters dealt with therein. Case No. 2318 (Cambodia) was a long-standing case which concerned allegations of murder of trade union leaders and the continuing repression of trade unionists. The Committee had expressed concern regarding the lack of progress and had called on the Government to take swift action to improve the exercise of the right to freedom of association. The Committee had urged the Government to expedite the investigations into the murders of trade union leaders, to ensure that the perpetrators and instigators of those crimes were brought to justice, and to provide information on the outcome.
- 343.** Case No. 2609 (Guatemala) concerned allegations of murders and acts of violence against trade union members, and the climate of impunity. The Committee had once again urged the Government, with the active participation of, and monitoring by, the National Tripartite Commission, to continue to take all necessary measures to ensure the effective investigation of all acts of anti-union violence and punish the perpetrators and instigators. Expressing its deep concern at the new cases of deaths of members of the trade union movement in 2020 and 2021, the Committee once again urged the Government to: resume and strengthen the trade union committees and the Ministry of the Interior's Special Investigation Unit for the analysis of attacks against human rights advocates; achieve full and effective coordination between the Ministry of the Interior and the Public Prosecutor's Office in the granting and handling of security measures for members of the trade union movement; and provide the necessary funds to ensure that all security measures required were granted as soon as

possible to members of the trade union movement who may be at risk. The Committee had requested the Government to contact and meet the complainant organizations to facilitate the identification of all reported cases of anti-union violence and to take all necessary measures to prevent the commission of any further acts of anti-union violence.

344. Case No. 2508 (Islamic Republic of Iran) was a long-standing case that concerned allegations of acts of repression against the local trade union at a city bus company, the arrest and detention of several trade unionists and an inadequate legislative framework for freedom of association. The Committee had welcomed measures taken towards the ratification of Conventions Nos 98 and 144. The Committee had expressed the firm expectation that, in consultation with employers' and workers' representatives, Iranian legislation would be brought quickly into line with the principles of freedom of association, in particular by allowing trade union pluralism, with particular regard to the recently adopted guidelines and procedures on the establishment of associations of culture, art and media professionals. The Committee had once again urged the Government to ensure that workers in the Tehran and Suburbs Bus Company were free to choose the trade union they wished to join. The Committee had requested the Government to provide information on the actions attributed to three trade unionists and to ensure the immediate release of Mr Ehsani Raad, should his conviction be due to his trade union activities.
345. Case No. 3185 (Philippines) concerned numerous allegations of extrajudicial killings of trade union leaders and members, illegal arrests, detention, red-tagging, intimidation and harassment, and the failure to adequately investigate those cases. The Committee had trusted that the Government would make it a priority to investigate those serious incidents and had urged it to ensure the immediate release of any detained trade unionists, should their arrest or detention be connected to the legitimate exercise of their trade union rights. The Committee had expected the Government to ensure that any past or future allegations of labour-related killings and other forms of violence against trade unionists were rapidly and properly investigated so as to clarify the circumstances of the incidents, identify those responsible and punish the perpetrators, irrespective of whether they were private persons or state agents, with a view to preventing the repetition of such acts. The Committee had also urged the Government to reinforce its efforts to combat violence against trade unionists by designing and implementing any necessary measures to that effect, including clear guidance and instructions to all state officials and operationalization of national monitoring and investigative mechanisms, so as to prevent recurring incidents of violence against trade unionists and to ensure that they were not indiscriminately linked to insurgency or other paramilitary groups, considering the stigmatizing effect that may have on the exercise of legitimate trade union activities.
346. Finally, recalling that the Committee had decided in March 2021 to agree criteria to assess whether it should examine a complaint, he said that the Committee had decided that it was not in a position to provide pertinent recommendations under its mandate with respect to four complaints and had therefore decided not to examine them.
347. **A Worker member of the Committee** highlighted the urgent need for progress in the cases listed in paragraph 5 of the report, which were long-standing and involved the loss of life and personal freedom. She summarized several of the cases considered by the Committee, drawing attention to the lack of progress in relation to Case No. 3185 (Philippines), as corroborated at a virtual meeting between the Government of the Philippines and representatives from the Employers' and Workers' groups, and the need for a high-level tripartite mission to the country prior to the 2022 session of the International Labour Conference. Progress was also lacking in the investigation of the murders of trade union

leaders in Case No. 2318 (Cambodia), and there had been reports of further anti-union violence, in some instances lethal, in relation to Case No. 2609 (Guatemala). Despite the release of the workers whose arrest formed part of Case No. 2508 (Islamic Republic of Iran), other trade union leaders had been charged with collusion against national security. Nevertheless, the Committee welcomed the steps taken by the Iranian Government towards the ratification of a number of Conventions.

348. Case No. 3386 (Kyrgyzstan) had been considered in the absence of a reply from the Government and concerned the drafting of laws that would interfere with the functioning of the Federation of Trade Unions of Kyrgyzstan (FPK) and its affiliates and an audit of FPK launched by the Government. The Committee had requested that the Government consult fully the social partners when drafting legislation and conclude the investigations concerned without delay. In relation to Case No. 3313 (Russian Federation), the Committee had expressed concerns regarding the ability of trade unions to express opinions critical of government policies and encouraged the Government to engage in social dialogue to render union regulations compatible with freedom of association.
349. Case No. 3380 (El Salvador) concerned the Government's refusal to recognize the election of the president of the country's most representative employers' organization, and the Committee had taken the view that the imposition of additional procedural formalities to allow an elected official to act as a legitimate spokesperson was incompatible with freedom of association. In its consideration of Case No. 3378 (Ecuador), the Committee had reiterated that the arrest and charging of trade unionists must be based on legal requirements that did not infringe the principles of freedom of association. In relation to Case No. 3399 (Hungary), the Committee had recalled that public sector workers had the right to collective bargaining and any restrictions on their freedom to strike must be imposed with the agreement of the social partners.
350. She drew attention to the Committee's request for urgent replies from a number of governments. Finally, she stressed that, over time, results would be seen from the criteria adopted by the Committee for the selection of cases, which would filter out only those that did not present a matter suitable for consideration by the Committee.
351. **An Employer member of the Committee** commended the Office's work to facilitate both virtual and in-person participation at the Committee's most recent session and encouraged it to build on the lessons learned in that regard. It was the Employers' understanding that it had been agreed that there was one single principle of freedom of association – as there was one single principle of the effective recognition of the right to collective bargaining – which framed the mandate of the Committee; the references in the report to the "principles" of freedom of association were therefore inappropriate.
352. The *Compilation of decisions of the Committee on Freedom of Association* provided guidance from previous decisions, rather than principles of jurisprudence. His group was of the view that the Committee's mandate did not extend to detailed examinations of compliance with Conventions, and he urged the Office and the Committee to consider revising existing paragraphs that provided such analysis prior to their inclusion or in the next edition of the *Compilation*. Some of the Committee's reports included new references and statements that had the potential to be incorporated into the *Compilation*, and the Office should use existing wording wherever possible and, when proposing new wording, provide clear explanations of the inadequacy of existing guidance. He also called for consistency in the wording used for closed cases and definitive reports; his group's preference was: "The Committee considers that the case is closed and will not continue its examination." The criteria for the classification of

serious and urgent cases should also be applied consistently. His group requested that the Office provide updated information on cases that were also before other supervisory bodies at the beginning of each session.

- 353.** He noted that the Committee had engaged in very constructive debates on complex issues requiring special consideration of the national context, mentioning in particular Case No. 3380 (El Salvador), which concerned acts of harassment and interference against an employers' organization, and Case No. 3399 (Hungary), which concerned legislation adopted as part of the COVID-19 response which allegedly violated the right to collective bargaining and the right to strike. The latter case illustrated a difficult situation faced by many governments, who had been forced to take urgent decisions in the absence of social dialogue during the COVID-19 pandemic, and the legislation adopted in Case No. 3399 (Hungary) had implemented permanent, rather than temporary or transitional, measures. The Committee must continue to consider the national context when examining such cases on a case-by-case basis. His group supported the adoption of the report.
- 354. Speaking on behalf of the Government group of the Committee**, which consisted of new members appointed by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from Sweden expressed her group's commitment to continuing to work in the spirit of its predecessors and said that it had noted from the very first meeting the commitment shown by the Employers' and Workers' groups. Her group also expressed its commitment to furthering the work already begun on rendering working methods more effective and transparent and to playing a firm, active role in discussions, delivering clear starting points and seeking compromise. Her group endorsed the efforts made to communicate the Committee's conclusions and recommendations to the parties involved and other relevant constituents and thanked the Committee's Chairperson for his commitment.
- 355. Speaking on behalf of GRULAC**, a Government representative of Chile took note of the work of the Committee on Freedom of Association and congratulated the new members of the Committee and the Chairperson on their election. He welcomed the hybrid format in which the Committee's meetings had been held, which had allowed some members to be present at ILO headquarters.
- 356.** Reaffirming GRULAC's respect for the ILO supervisory bodies and its commitment to freedom of association and the right to bargain collectively, he noted with deep concern that the region continued to have the highest number of cases before the Committee. His group welcomed the closure of five cases for the region and reiterated the commitment of governments in the region to provide detailed and timely information. It was important that the Committee devoted due attention to all such information.
- 357.** His group reiterated its call for the clearer use of terminology. In particular, when cases were declared "closed", that must be clearly reflected in the NORMLEX database.
- 358.** GRULAC welcomed the efforts made towards establishing admissibility criteria, including with regard to the handling and follow-up of matters at the national level. In that connection, he noted that some countries in his group had specialized independent tripartite committees to settle freedom of association complaints at the national level, demonstrating the group's commitment to apply international labour standards and its willingness to engage in social dialogue.
- 359.** His group welcomed the efforts made to improve the Committee's working methods, including the [information note](#) on the measures adopted by the Governing Body and the ILO's

supervisory bodies regarding the possibility of recourse to voluntary conciliation at the national level. He urged the Committee to continue its progress in respect of the settlement of cases and the strict application of the agreed working methods.

- 360. A Government representative of Cuba** took note of the Committee's report and welcomed the closure of some cases in the Latin America and Caribbean region. The Office should endeavour to make the Committee's reports available as soon as possible after the conclusion of its work. Member States and the social partners must be afforded more time to analyse and consult as necessary in order to be able to contribute to a richer dialogue with the Committee.
- 361.** She reaffirmed her Government's willingness to cooperate with ILO supervisory bodies, as evidenced by its provision of responses to the allegations under Case No. 3271 (Cuba). However, she reiterated that that case should never have been admitted by the Committee as the allegations were unfounded and politically motivated. The examination of those allegations by the Committee had allowed the complainants to manipulate the ILO supervisory machinery, which her Government had warned against and rejected. She expressed the hope that the Committee could uphold the principles of independence, objectivity and impartiality in its work and consider the abundant information provided by Cuba in order to close the case.

Decision

- 362. The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1-51, and adopted the recommendations made in paragraphs: 77 (Case No. 3379: South Africa); 99 (Case No. 3210: Algeria); 119 (Case No. 3331: Argentina); 140 (Case No. 3338: Argentina); 157 (Case No. 3293: Brazil); 172 (Case No. 2318: Cambodia); 188 (Case No. 3361: Chile); 230 (Case No. 3133: Colombia); 257 (Case No. 3354: Costa Rica); 273 (Case No. 3380: El Salvador); 306 (Case No. 3378: Ecuador); 348 (Case No. 2609: Guatemala); 383 (Case No. 3139: Guatemala); 426 (Case No. 3399: Hungary); 452 (Case No. 2508: Islamic Republic of Iran); 485 (Case No. 3386: Kyrgyzstan); 507 (Case No. 3193: Peru); 528 (Case No. 3185: Philippines); 595 (Case No. 3313: Russian Federation); 616 (Case No. 3374: Bolivarian Republic of Venezuela), and adopted the 396th Report of its Committee on Freedom of Association as a whole.**

(GB.343/INS/11)

12. Reports of the Board of the International Training Centre of the ILO (GB.343/INS/12(Rev.1))

- 363. The Employer spokesperson** said that his group was pleased that the Board of the International Training Centre of the ILO (Turin Centre) had adopted the Centre's Strategic Plan for 2022-25 and its Programme and Budget proposals for 2022-23, signalling an era of new growth. Some important positive points had emerged from the Board's discussions and informal consultations, including the adoption of a human-centred approach, the creation of fellowship funds and a view of the Turin Centre as an innovation and learning hub for building individual as well as institutional capacity. In addition, more open and frequent informal consultations between Board members and the Centre's management would be held, and line managers would be granted greater autonomy and accountable for results. Strategy in relation to the issue of campus utilization and cost would need to be reviewed by mid-2023 if no agreement on campus occupation could be reached with international partners by that time. His group would continue to monitor the implementation of a plan in that regard and assist in finding solutions. The Strategic Plan and the Programme and Budget adopted would

guide the Centre through the current turning point and ensure its competitiveness, productivity and sustainability.

- 364. The Worker spokesperson**, noting that the reports contained in the document faithfully reflected the Turin Centre's efforts to adapt to the situation created by the pandemic, expressed her appreciation for the efforts of its staff to adapt programmes to a virtual format and the hope that the Board would meet in person in 2022. The sustained support of donors, in particular the Government of Italy and the ILO, had provided much-needed financial stability, and placed constituents in a better position to reflect on the Centre's future. The Centre's critical and unique role in advancing the ILO's agenda of social justice and labour rights must be reflected at the core of its strategic planning and programming, to ensure that reducing inequalities and achieving social justice remained a priority. Although the shift to a virtual format had enabled more participants to engage in its programmes, digital technology was not accessible to all constituents and was of marginal relevance to the work of many sectors. The Centre should therefore ensure that programme content was not overly focused on such technologies but was primarily attuned to the realities of the world of work and the profiles of beneficiaries. Given the benefits of human exchanges, a hybrid format would best maintain the Centre's relevance.
- 365.** Assuring the sustainability of the Centre demanded a prudent approach. It would be crucial to work together to design clear rules for partnerships and new sources of funding as well as a comprehensive, realistic road map for campus management that underscored the benefits of social dialogue with staff. Noting concerns raised by the Staff Union Committee regarding its involvement in decision-making, she called on the Centre to ensure that the human-centred approach enshrined in the Centenary Declaration was applied to its own staff. All constituents had shown their commitment to strengthening the Centre's role and the need for solid, comprehensive planning in order to tackle future challenges effectively was broadly recognized. Her group was therefore committed to working towards an appropriate proposal on the way forward.
- 366. Speaking on behalf of GRULAC**, a Government representative of Chile said that his group attached great importance to the high-quality training services provided by the Turin Centre to constituents from all regions and highlighted its key role in the fulfilment of the ILO's mandate. The new operational model would enable the Centre to respond to growing demand for its services by harnessing the potential of digital technologies to reach more people and would create cost efficiencies in the long term, saving money for constituents wishing to participate in its activities while expanding its base of potential beneficiaries. While in-person training was valuable, distance learning could be an appropriate option provided that services remained inclusive and all participants were able to engage in activities on an equal footing. The Centre should therefore remain mindful of and address the digital gap between and within regions by using inclusive technologies and providing appropriate infrastructure where necessary. He expressed appreciation for the support provided to the regions in order to promote equal participation in virtual and in-person courses and took note of the decisions adopted by the Board.
- 367. Speaking on behalf of ASPAG**, a Government representative of China expressed appreciation for the continued support provided to the Turin Centre by the Government of Italy and ILO constituents. He noted with satisfaction the Centre's efforts to respond to the changing and challenging situation by diversifying its training modalities, updating digital learning solutions and transforming its service portfolio, and called for the full implementation of its Strategic Plan for 2022–25 and Programme and Budget proposals for 2022–23. The Centre should address current and future challenges by adjusting its service mix, positioning itself as

a learning innovation hub within the UN system and focusing on building capacities in line with the Centenary Declaration and the global call to action. He encouraged the Centre to enhance communication and coordination with constituents and prioritize training programmes that would support economic recovery and social development, taking into account national circumstances.

- 368. Speaking on behalf of IMEC**, a Government representative of the United States of America commended the Turin Centre for adapting its training and service delivery in response to the COVID-19 pandemic by shifting to a virtual training model. While the increase in virtual training had expanded access to the Centre's services, the value of in-person learning experiences was irreplicable and some constituents continued to be affected by weak technological infrastructure; the Centre should therefore work with the Board to strike the right balance between virtual and face-to-face training. Her group appreciated the updates on the implementation of the Centre's human resources strategy, in particular regarding skills development to help staff adjust to the recent changes in the Centre's service delivery. Such changes should also be taken into account in discussions on resizing the campus, and further discussion should be held on key financial issues such as the further development of a resource mobilization strategy and the procedures governing the use of institutional investment funds. She encouraged the Centre to ensure that international labour standards, social dialogue and tripartism remained key components of its courses.
- 369. Speaking on behalf of the Africa group**, a Government representative of Namibia took note of the proposed operational model and commended the Turin Centre for increasing participation in distance learning to counter the decline in face-to-face services resulting from the COVID-19 pandemic. She welcomed the Centre's Strategic Plan for 2022–25 and the Programme and Budget proposals for 2022–23, which set out the challenges in the capacity development services market. The Centre should strictly adhere to the Strategic Plan and align its implementation of the Programme and Budget proposals with the ILO's normative mandate and the global call to action. Her group was willing to engage with the Centre to strengthen distance learning and discuss how Member States with poor internet infrastructure could benefit from its services in view of the shift to digital service delivery.
- 370. The Director-General** said that the Governing Body had set an important forward course for the future work of the Turin Centre at a time of immense change and challenge. The Turin Centre was an integral and important part of the ILO, and he commended the support of governments and the social partners, particularly the Government of Italy. He thanked Mr Liu for his strong and empathetic leadership of the Turin Centre since 2016, particularly during the uncertainty caused by the COVID-19 pandemic and the move to virtual working. The Turin Centre would benefit in particular from the ground-breaking work led by Mr Liu on innovative educational techniques. He wished Mr Liu well in his future endeavours.
- 371. A representative of the Director-General** (Director, Turin Centre) thanked the Director-General, the Governing Body, the Office and his colleagues at the Turin Centre for their support during his term as Director. The Turin Centre would learn lessons from its experience during the COVID-19 pandemic and, having adopted both reports, would be ready to face whatever unknown challenges it might encounter in the future.

Decision

- 372. The Governing Body took note of the reports of the 84th Session (24 May 2021) and the 85th Session (25 October 2021) of the Board of the International Training Centre of the ILO (Turin Centre).**

(GB.343/INS/12(Rev.1))

13. Report of the Director-General: Regular report (GB.343/INS/13)

- 373. The Chairperson** presented the document and proposed that the Governing Body observe a minute of silence in memory of the former Governing Body member whose obituary was included in the document and of Mr Timothy Olawale, whose obituary had not been included owing to insufficient time. She suggested that the draft decision be amended to convey the condolences of the Governing Body to Mr Olawale's family and invited Governing Body members wishing to pay tribute to the memory of the deceased to do so in writing.
- 374. The Employer Vice-Chairperson** conveyed her condolences, and those of her group, to the family and colleagues of Mr Olawale.
- 375. The Worker Vice-Chairperson** drew attention to the obituary of the former Worker member that was included in the document and noted with sadness the death of the former Employer member. Her group welcomed the numerous ratifications mentioned in the document, especially given the difficulties encountered by governments in the previous two years. She commended in particular the ratifications of the Violence and Harassment Convention, 2019 (No. 190); the ratification of Conventions Nos 87 and 98 by the Republic of Korea; and the ratification of Conventions Nos 87 and 144 by Sudan; her group hoped that the Sudanese Government would implement those Conventions fully.
- 376. Speaking on behalf of GRULAC**, a Government representative of Chile recognized the Office's efforts to boost the number of ratifications of international labour Conventions and the 1986 Amendment. In welcoming the newly appointed Directors and Principal Officers, the group emphasized the importance of maintaining regional and gender balance across the Organization. GRULAC supported the draft decision.

Decision

377. The Governing Body:

- (a) **took note of the information contained in document GB.343/INS/13 regarding the membership of the Organization, progress in international labour legislation and internal administration;**
- (b) **paid tribute to the memory of Mr Newstead Zimba and invited the Director-General to convey its condolences to the family of Mr Zimba and to the Zambia Congress of Trade Unions and the International Trade Union Confederation;**
- (c) **paid tribute to the memory of Mr Timothy Osuolale Olawale and invited the Director-General to convey its condolences to the family of Mr Osuolale Olawale, to the Nigeria Employers' Consultative Association and the International Organisation of Employers.**

(GB.343/INS/13, paragraph 11, as amended by the Governing Body)

Summary of written statements concerning obituaries ²

Mr Newstead Zimba

- 378. The Zambia Congress of Trade Unions (ZCTU)** paid tribute to the former Secretary-General of the ZCTU, Newstead Lewis Zimba, whose career as a trade union leader and politician spanned decades. As a member of the United National Independence Party (UNIP) from 1960 onwards and a member of the National Union of Teachers (NUT) since 1962, Mr Zimba was always active on the political front. In 1971, he became full-time president of the NUT and, later that year, acting president of the ZCTU; in 1974, he was elected Secretary-General of the ZCTU and, while at the helm of the labour movement, he served as a Worker member of the Governing Body. In 1991, Mr Zimba joined national politics following the opening up of the political sphere in Zambia. He later retired after serving as Zambia's ambassador to Sweden.
- 379.** Mr Zimba was a vigorous defender of workers' rights. A series of conflicts between the Government and the unions in the early 1980s confirmed the ZCTU, led by Newstead Zimba as Secretary-General and Frederick Chiluba as Chairman General, as the most significant opposition force at the time. The ZCTU provided the national administrative structure and the critical popular support that gave the Movement for Multiparty Democracy (MMD) legitimacy as a political party. Mr Zimba's desire to free Zambian workers from untold misery under the economic policies of the UNIP made him unpopular with the ruling class, but he persevered until the one-party rule was outlawed in 1991. Mr Zimba was a man of integrity, who went out of his way to promote trade unionism in Zambia. He was committed to his beliefs, led by example, showed strong will and courage, and was admired for his frankness and lucidity, earning great respect, both nationally and internationally.
- 380. The Africa group** offered its sincere condolences to the Republic of Zambia on the death of Mr Zimba, Zambian trade union leader and former Minister of Labour and Social Security. It paid tribute to his achievements, most notably his dedication to his work with the Organization. The Africa group extended its condolences and sympathy to Mr Zimba's family.

Mr Timothy Osuolale Olawale

- 381. The Africa group** expressed its deepest sympathy following the death of Mr Timothy Olawale, employer leader of the Republic of Nigeria, who contributed to poverty reduction and job creation for many people. The Africa group extended its condolences and sympathy to Mr Olawale's family.

13.1. First Supplementary Report: Follow-up to Governing Body decisions (GB.343/INS/13/1)

Decision

- 382. The Governing Body requested the Office to prepare, for its 346th Session (October–November 2022), a supplementary report on the follow-up to the decisions adopted since November 2020.**

(GB.343/INS/13/1, paragraph 5)

² The complete text of each statement in the original language has been published on the [Governing Body's website](#).

13.2. Second Supplementary Report: Documents submitted for information only (GB.343/INS/13/2)

Decision

383. The Governing Body took note of the information contained in the following documents:

- Approved symposia, seminars, workshops and similar meetings (GB.343/INS/INF/1);
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.343/INS/INF/2);
- Measures identified by the Office to accelerate progress in respect of specific indicators of the ILO Action Plan for Gender Equality 2018–21 (GB.343/INS/INF/3);
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.343/INS/INF/4);
- 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.343/INS/INF/5(Rev.1));
- Voluntary contributions and gifts (GB.343/PFA/INF/1).

(GB.343/INS/13/2, paragraph 3)

13.3. Third Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Sri Lanka of the Labour Inspection Convention, 1947 (No. 81), and the Protection of Wages Convention, 1949 (No. 95) (GB.343/INS/13/3)

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

Decision

384. In the light of the conclusions set out in paragraphs 38, 40, 45, 48, 52, 55, 60, 63, 65, 70 and 72 of document GB.343/INS/13/3 with regard to the matters raised in the representation, the Governing Body, on the recommendation of the Committee, decided to:

- (a) approve the report of the Committee;
- (b) request the Government of Sri Lanka to examine ways, in full consultation with the social partners, in which the system for labour inspection can be strengthened, in particular in relation to Article 3(1)(a) of Convention No. 81;
- (c) invite the Government to consider engaging in consultations with the social partners at the national level to find effective solutions to the matters raised in the Committee's conclusions set out in the report;
- (d) invite the Government to send information on the results of those processes in its next report to the Committee of Experts on the Application of Conventions and Recommendations;

- (e) invite the Government to explore ways and means to improve the collaboration between officials of the labour inspectorate and employers and workers and their organizations, with a view to supplying technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; and
- (f) make the Committee's report publicly available and close the procedure initiated by the representation.

(GB.343/INS/13/3, paragraph 73)

14. Reports of the Officers of the Governing Body

14.1. First report: Finalization of arrangements for the public dialogues with candidates for the position of Director-General and preparation of the hearings and election to be held during the 344th Session (March 2022) (GB.343/INS/14/1(Rev.1))

- 385. The Employer Vice-Chairperson**, noting that the document reflected a consensus that had been reached among the Officers following a prior discussion on the item, said that it was the shared responsibility of the three constituent groups, and of the Office, to ensure that the highest levels of transparency, integrity and impartiality were upheld during the election process. She recalled that the Employers' group had agreed to the request made by some governments to allow for additional interactions, even though those were not foreseen under the current rules applicable to the appointment of the Director-General, as it recognized that such interactions were a way to ensure transparency and ownership of the process. Internal candidates should dissociate themselves from ILO activities, or at least refrain from taking a prominent role during the discussions of the Governing Body or the International Labour Conference, especially on sensitive topics. Integrity checks conducted by an external organization should be introduced for all candidates, in order to preserve the ILO's credibility. Such a practice should be consolidated in Annex III to the Compendium of rules applicable to the Governing Body of the International Labour Office. The questions prepared by the groups to put to the candidates should remain confidential, and they should not be shared with the candidates in advance, in order to ensure that interactions remained frank and spontaneous. Regarding the arrangements for the hearings to be held at the 344th Session (March 2022), it was of the utmost importance for Governing Body members to be physically present, should the public health situation and travel restrictions so allow. Her group supported the draft decision.
- 386. The Worker Vice-Chairperson** expressed support for the proposed arrangements and the Office's efforts to ensure equal conditions for all candidates, and noted with satisfaction the number of candidatures received. Her group agreed that the questions to be put to the candidates should not be shared in advance, to prevent candidates from giving prepared speeches rather than engaging in useful interaction. If the public health situation allowed, her group would prefer to have an in-person meeting between the candidates and voters before the election. Reiterating the importance of the integrity of the process, she expressed full confidence in the current Chairperson of the Governing Body and said that her group would remain open to an evaluation of the election following the completion of the process. The Workers' group supported the draft decision.

- 387. Speaking on behalf of the Africa group**, a Government representative of Morocco noted with satisfaction the proposed new arrangements for the election process. The public dialogues would give the constituents the opportunity to ask each candidate about their views, ambition and vision and to see how each candidate would respond to their concerns. Scheduling the dialogues over two days would allow sufficient time to discuss the diverse aspects of the Director-General's mandate and perspectives for the future, and the 80-minute time limit would ensure good time management. He called on the Office to ensure that all parties would be able to access secure, reliable connections in order to enable them to participate on an equal footing. His group supported the draft decision and remained open to discussing more detailed proposals.
- 388. Speaking on behalf of GRULAC**, a Government representative of Chile expressed appreciation to the Office for heeding the concerns of the Government group expressed at the 341st Session of the Governing Body and for providing an opportunity for the constituents to learn more about the profiles, proposals and vision of each candidate. His group took note of the format suggested by the Office, and although it could be flexible in that regard, it would prefer a panel discussion to be held with the participation of all candidates, to allow them to answer the same questions under equal conditions.
- 389. Speaking on behalf of IMEC**, a Government representative of Canada welcomed the adaptations made to the proposed election process. Transparency, openness and equality were critical for the good governance of the ILO. IMEC commended the proposed public dialogues with the candidates, which would ensure equal participation for all candidates and provide constituents with meaningful opportunities to meet and listen to them. IMEC supported the proposal to defer the decision on the hearings and the ballot process until early 2022 and expected the election to take place using a secret ballot and in person. She asked how the election process, in particular the proposed public hearings, would be evaluated, and how the findings would be communicated to constituents and integrated into the rules governing future elections. IMEC supported the draft decision.
- 390. Speaking on behalf of the EU and its Member States**, a Government representative of Slovenia said that North Macedonia, Montenegro, Serbia, Albania, Iceland and Norway aligned themselves with the statement. The EU and its Member States aligned themselves with the IMEC statement. The highest standards of efficiency, competence and integrity, and a firm commitment to the purposes and principles of the ILO Constitution, as well as those of the United Nations, were key requirements for the role of Director-General of the ILO. A proper electoral process required transparency and accountability, and the proposed virtual public dialogues would contribute to that goal. While expressing a preference for a single collective panel at which all candidates would be asked the same questions, thereby ensuring a level playing field for all candidates and a more dynamic and interactive experience for all those involved, she said that the EU and its Member States could agree to holding individual successive dialogues under the arrangements proposed in the document. They supported the proposal to defer consideration of the organization of the hearings and the ballot process until early 2022 and were strongly in favour of an in-person secret ballot. She welcomed the efforts to safeguard against the questions being shared with the candidates in advance. She encouraged the Office to review the effectiveness of the dialogues, and the election process as a whole, in order to enhance the experience for candidates and constituents in future elections. In that regard, she asked for more information about how the process would be evaluated. The EU and its Member States supported the draft decision.
- 391. The Director-General** gave his assurances that the Office was expending great efforts to ensure that the election process was characterized by the highest levels of integrity and ethics,

including with regard to behaviour towards internal candidates. He agreed that the election process as a whole, and the public dialogues in particular, should be evaluated; the evaluation could take place once the new Director-General was in office, and the results would be available to guide the Governing Body in making any improvements it deemed necessary to the rules governing the appointment of the Director-General. Noting that some groups had expressed support for a single collective panel rather than successive individual interviews, he expressed appreciation for the flexibility shown by those groups and noted that there appeared to be a consensus on the draft decision.

- 392. The Employer Vice-Chairperson** noted that the dialogue process was complex and therefore incompatible with a panel structure; it should remain as proposed in the document. As to the suggestion that all candidates should be asked the same questions, she recalled that each group of the Governing Body was autonomous, and their decisions on questions for the candidates should remain free from external interference and confidential to ensure that each hearing was meaningful and spontaneous.
- 393. The Worker Vice-Chairperson** agreed that the evaluation of the election process could take place once the new Director-General was in office. An evaluation of the virtual measures adopted owing to the COVID-19 pandemic would improve preparedness for similar circumstances in the future. The Workers agreed that the autonomy of each group must be respected with regard to their questions for the candidates. To avoid repetition, the provisions for the dialogue required that all representatives seeking to put questions to the candidates should prepare more than one question. The exchange of views should be lively, and excessive planning should therefore be avoided.
- 394. The Chairperson** clarified that efforts to structure the process were intended to ensure equality among candidates. In holding a public hearing, the Governing Body had a responsibility to adhere to the established timelines and to conduct the process appropriately.

Decision

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

- (a) **decided that the dialogues with candidates scheduled on 20 and 21 January 2022 will be organized in accordance with the arrangements contained in the appendix to document GB.343/INS/14/1(Rev.1); and**
- (b) **requested its Officers to prepare and submit for decision by correspondence, in early February 2022, the process and practical arrangements for the hearings and election of the Director-General to be held during the 344th Session of the Governing Body (March 2022).**

(GB.343/INS/14/1(Rev.1), paragraph 8)

14.2. Second 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 Workers' Representatives Convention, 1971 (No. 135) (GB.343/INS/14/2)

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

Decision

- 396.** In the light of the information contained in document GB.343/INS/14/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and, as it relates to Conventions dealing with trade union rights, to transmit the representation to the Committee on Freedom of Association for examination as per the procedures set out in the Standing Orders on articles 24 and 25 of the Constitution of the ILO.

(GB.343/INS/14/2, paragraph 5)

14.3. Third report: Representation alleging non-observance by France of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.343/INS/14/3)

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

Decision

- 397.** In the light of the information contained in document GB.343/INS/14/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.343/INS/14/3, paragraph 5)

15. Composition, agenda and programme of standing bodies and meetings (GB.343/INS/15)

- 398.** In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 19 October 2021.
- 399.** 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 1 November 2021.

Decision

- 400.** The Governing Body, upon the recommendation of its Officers, decided:

- (a) to approve the dates and composition of the Meeting of experts on decent work in the platform economy, and to authorize the Director-General to invite as observers the intergovernmental and international non-governmental organizations listed in the appendix to document GB.343/INS/15;
- (b) to approve the dates, composition and agenda of the Meeting of experts for the tripartite validation of technical guidelines on biological hazards, and to authorize the Director-General to invite as observers the intergovernmental and international non-governmental organizations listed in the appendix to document GB.343/INS/15;
- (c) to approve the composition of the tripartite working group on options to ensure decent work in supply chains and the dates of its two meetings; and
- (d) to take note of the programme of meetings contained in Part II of document GB.343/INS/15 as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.343/INS/15, paragraph 17)

Summary of the written comments received during the consideration of the item by correspondence³

- 401. IMEC** noted that its points relating to the tripartite working group on options to ensure decent work in supply chains had been reflected, and accepted the proposed schedule of holding the Meeting of experts on decent work in the platform economy later than expected as two other important meetings were to be held in the first half of 2022, namely the technical meeting on COVID-19 and sustainable recovery in the tourism sector and the Meeting of experts for the tripartite validation of technical guidelines on biological hazards.

Closing remarks

- 402. The Chairperson** conveyed her thanks to all members of the Governing Body, particularly the consultative group for their tireless efforts to find solutions that could be agreed on by all, and to the colleagues who had shared the chairing responsibilities. She paid tribute to Mr Robert Shepard, who was retiring after representing the Government of the United States of America at the Governing Body and the International Labour Conference for 18 years.
- 403. The Director-General** joined the Chairperson in thanking Mr Shepard for his 18 consecutive years of active participation, noting that he embodied the commitment and values that made the Governing Body a special organ of the ILO.
- 404. The Government representative of the United States of America** thanked the Director-General, the Office and his friends from the Employers', Workers' and Government groups for their excellent work at the current and previous Governing Body sessions. Together they had spent a great deal of time trying to solve what seemed like unsolvable problems, but the ILO had genuinely accomplished many remarkable things during its history and would continue to do so in the future.
- 405. The Worker Vice-Chairperson** paid tribute to Mr Shepard's long years of service to the ILO, his efforts always to find ways forward and his recognition of the importance of social dialogue.
- 406. The Employer Vice-Chairperson** expressed her appreciation of Mr Shepard's commitment to compromise and constructive discussions, particularly during negotiations of the Centenary Declaration.

³ The complete text of each comment in the original language is available on the [Governing Body's web page](#), together with the decision.