



Governing Body

349th Session, Geneva, 30 October–9 November 2023

Legal Issues and International Labour Standards Section

LILS

Minutes of the Legal Issues and International Labour Standards Section

Contents

	Page
International Labour Standards and Human Rights Segment	
1. Report of the eighth meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 11–15 September 2023) (GB.349/LILS/1)	3
Decision	8
2. Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2025 (GB.349/LILS/2)	10
Decision	14

International Labour Standards and Human Rights Segment

1. Report of the eighth meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 11–15 September 2023) (GB.349/LILS/1)

1. **The Employer spokesperson** stressed that the Employers' group highly valued the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and recognized its relevance for the overall ILO standards system. At the eighth meeting of the SRM TWG the three groups had managed to achieve balanced and consensual conclusions despite differences on some items. Difficulties in finding consensus did not necessarily represent a setback to the work of the SRM TWG, but rather indicated the complexity of the issues at stake and were evidence of the efforts of all SRM TWG members to ensure the delivery of their mandate and meaningful outcomes.
2. The Employers thanked the outgoing Chairperson of the SRM TWG for her efficient contribution over the last four years and expressed their appreciation for the Office's preparatory work. The document on outstanding issues, including the different proposals from the groups, prepared by the Office during the meeting was a very helpful tool and the Employers encouraged the Office to continue that practice. However, the inclusion in the technical notes of the Office's own recommendations to the SRM TWG ahead of the possible options for conclusions constituted undue influence on the tripartite discussions and interfered with the independence of the SRM TWG.
3. The Officers' report to the Governing Body should accurately reflect each group's views as expressed during the discussion. Any last-minute changes to the draft text, particularly the introduction of new paragraphs, should not occur, as they could create an imbalance. The accuracy of the Officers' report was equally crucial when, despite all efforts, it was not possible to reach consensus on certain points. In such cases, all options discussed and related arguments put forward by the groups should be faithfully reflected to enable the Governing Body to better understand the complexity of the issues involved and the reasons underlying the different positions, and to make an independent informed decision.
4. The dialogue with the Director-General had been appreciated, as it had provided an opportunity to exchange views openly and constructively and to raise questions on the future of the SRM TWG. It was important to abrogate or withdraw outdated instruments swiftly without unnecessary delays once a decision on their outdated status had been taken and it was illogical to defer a decision on the abrogation or withdrawal of an outdated instrument. The Employers opposed the practice of making abrogation or withdrawal conditional on the ratification of more modern instruments on the same subject matter, as the abrogation of an outdated Convention did not necessarily or automatically result in a gap in protection in countries that had ratified that Convention. Furthermore, the Employers disagreed with the practice of fixing mid-term evaluations to assess the steps taken towards the ratification of an outdated Convention by States parties to the outdated Convention, where the possibility existed to postpone the abrogation date. Such a practice unjustifiably delayed the removal, from the body of ILO standards, of an instrument that was no longer relevant, and therefore prevented the SRM TWG from fulfilling its mandate.

5. Provisions exempting certain categories from specific protection could not be equated to gaps in coverage. The existence of an exemption indicated an intentional decision by the constituents. Gaps in coverage, which referred to a legal gap in the body of standards, must be distinguished from gaps in protection, which concerned the national level. The SRM TWG's systematic promotion of the ratification of Conventions it classified as up to date should be limited to the examination of the possibility to ratify. Ratification decisions required thorough prior analysis and assessment of a country's ability to implement a particular Convention and its possible impact, as well as close consultation with the social partners. An informed and well-founded decision to implement only certain parts of a Convention and therefore not to ratify it, should be appreciated as much as a decision to ratify. The Employers recalled the particular relationship between the SRM TWG and the Governing Body, and their autonomy. The Governing Body had the final decision-making power and could approve, reject or replace a recommendation by the SRM TWG with its own decisions if it saw fit. He supported the draft decision.
6. **The Worker spokesperson** said that her group was pleased that the SRM TWG had been able to agree on consensual recommendations regarding the status of the instruments and necessary follow-up on three of the four topics examined. It was regrettable that the decision on the status of the instruments on night work of children and young persons had been postponed. She thanked the outgoing Chairperson of the SRM TWG for her work and noted that there had been good cooperation with her Employer counterpart, the Government representatives and the Office, whose hard work and critical guidance had helped ensure that the deliberations and conclusions of the TWG were consistent with the normative mandate of the Organization.
7. The SRM TWG had classified the Maternity Protection Convention, 2000 (No. 183), as up to date. While agreeing that there was no gap in coverage in relation to maternity protection per se, the SRM TWG had recognized that paternity and parental protection complementary to maternity protection were increasingly considered to be important to the achievement of gender equality at work. Although consensus had not been reached on actions to be taken in that regard, it had been agreed that the Office should conduct research on the matter, to be discussed by a tripartite meeting, to be determined by the Governing Body. The gap in coverage in the body of labour standards with regard to paternity and parental rights required ILO normative action.
8. The SRM TWG had confirmed that the Maternity Protection Convention (Revised), 1952 (No. 103), and the Maternity Protection Convention, 1919 (No. 3), were outdated and had agreed an abrogation date in 2033, with an interim evaluation in 2028 to assess steps taken by Member States that had ratified the older instruments towards ratification of Convention No. 183. The modalities on follow-up involving the abrogation or withdrawal of instruments provided clarity and allowed governments and constituents time to seek technical assistance to ratify related up-to-date Conventions, which ensured the continued protection of workers by the international labour standards. It was important to ensure that there were no gaps. As in the example of maternity protection, when a specific instrument was found to be outdated, that did not mean that it was irrelevant. While ideally the newer instruments would be ratified widely, that was not always the case. The older Conventions were still very relevant in the countries that had ratified them. Although they were outdated compared to the new instruments, which had been developed specifically to provide better protections, the ratification process was not straightforward and the older instruments still provided some protection. That issue had been recognized by the Government group, which was why they had agreed to have a mid-term evaluation before the final decision on abrogation. It was

important to promote ratification and implementation, which was part of the ILO's standard-setting mandate. She called on the Employers to work with the trade unions at the national level to put pressure on governments to ratify the more modern instruments.

9. Regarding the follow-up to the six outdated instruments on social security (old-age, invalidity and survivors' benefits), the SRM TWG had again taken note of the unequal access to social security for agricultural workers and the specific challenges they faced, particularly in light of possible exemptions under the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128). The TWG had recommended a set of actions to address that decent work deficit and recommended that the instruments be considered for abrogation or withdrawal in 2033. The Workers' group welcomed the adoption of those measures and stressed the need for a comprehensive approach to ensure that there were no gaps in protection for agricultural workers. It was not simply an issue of national implementation. If an international instrument allowed for exemptions, that was an international issue. Agricultural workers especially were often included in such exemptions, which were widely used, resulting in them being excluded from protections.
10. Regarding the eight instruments on minimum age that had been reviewed, the SRM TWG had decided to consider the abrogation or withdrawal of the instruments in a single package in 2028, to lighten the burden on governments and social partners. Although agreeing that there was no gap in coverage, it had recommended that the Office produce technical guidance to review the use of exceptions to the prohibition against child labour in light work and in family undertakings with a particular focus on agricultural work.
11. The SRM TWG had had complex discussions regarding the status of the five instruments on night work for children and young persons, which had revealed significant differences in approach. Consequently, the working group had unfortunately been unable to reach agreement and decided to postpone the decision on the classification of those instruments. It recommended research to assess the existence of possible gaps in coverage in the body of standards and, if so, possible normative and/or non-normative actions. The Office should promote the inclusion of night work within national determinations of hazardous work prohibited to children. The prohibition of child labour was an ILO fundamental right, and the Workers' group believed that night work was detrimental to human health in general, particularly for children and young people. There was a gap in coverage, which the research would help identify. The five instruments reviewed remained substantively relevant in many respects, and so could not be abrogated or withdrawn before standard-setting action had been taken.
12. She agreed with the agenda and modalities proposed for the 2024 SRM TWG meeting. Her group was committed to ensuring that the SRM TWG delivered recommendations that achieved a clear, robust and up-to-date body of international labour standards for the purpose of the protection of all workers. It would continue to measure the success of the SRM TWG by its capacity to adopt new standards when gaps were identified, the ratification of up-to-date standards, and efforts to avoid creating gaps in protection when decisions were made to withdraw or abrogate outdated instruments. The Workers' group reserved its right to reconsider its participation in the process if it became clear that it had become an abrogation and withdrawal machine without proper consideration for standard-setting and the effective promotion of up-to-date Conventions to replace outdated instruments.

13. Responding to the comment made by the Employer spokesperson about the role of the Office, she found the Office's work to be extremely helpful and in accordance with what had been agreed. It was worrying to hear the Employers describe their work as interference that could prejudice the work of the SRM. On the contrary, the Office was impartial and had great expertise to help all three constituents understand the background of certain technical, legal and standard-setting issues. Their guidance on potential ways forward was useful.
14. Lastly, although the Governing Body was the final decision-making body, the SRM TWG was also a tripartite body, so all participants should take responsibility for clearly explaining to their constituents the reasoning behind the decisions taken in the SRM TWG, in preparation for the Governing Body session. That was particularly true for the Workers' and Employers' groups, because the same spokespersons participated in both bodies. It was disingenuous to point to the autonomy of the different bodies to avoid the conclusions of the SRM TWG.
15. **The Employer spokesperson** said that the Governing Body was not the appropriate forum for technical arguments and if he did not respond to all the points raised by the Worker spokesperson, that did not constitute acceptance. It was important to understand that not all members of the Governing Body also participated in the SRM TWG, so detailed coverage of discussions should be provided in the documents, including the arguments that prevailed and the decisions that were ultimately taken. Such improvements would also assist future meetings of the SRM TWG.
16. **The Chairperson of the SRM TWG** said that at its eighth meeting the SRM TWG had once again reached consensual recommendations on all items on its agenda. As in previous years, she had been impressed by the commitment of the members of the SRM TWG. The two Vice-Chairpersons had played a key role and led by example, and the Government representatives' input had enriched the discussions. The SRM TWG had had a forward-looking exchange of views with the Director-General, during which he had assured them of his support both in the working group's review of standards and in the follow-up to its recommendations. The SRM TWG was proposing a practical and time-bound package of follow-up actions in relation to the instruments it examined on maternity protection, social security (old-age, invalidity and survivors' benefits), night work of children and young persons, and minimum age. An important decision had been taken with regard to the establishment of a provisional work plan for the next five years, with a view to possibly completing the review of all instruments in its initial programme of work by 2028. It had recommended to the Office and Governing Body that its planned programme of work was considered in the ILO's strategic planning and future resource allocations, to ensure that relevant departments were appropriately resourced to support the work of the SRM TWG. The SRM TWG had proposed an ambitious agenda for 2024, to review instruments concerning fishers, dockers, indigenous and tribal peoples, and other categories of workers. She looked forward to the discussion and guidance from the Governing Body. She noted that it had been her last session as Chairperson of the TWG; she would continue to follow its work from afar.
17. **Speaking on behalf of the Government group**, a Government representative of Namibia welcomed the recommended package of time-bound and practical follow-up actions, noting that the recommendations should be acted upon by the Office and the tripartite constituents as a matter of priority, to ensure timely, effective real-world impact. He supported the recommended follow-up involving general and targeted promotional campaigns and non-normative action to ensure maternity protection for all women workers, adequate protection for young persons, and the application of old-age, invalidity and survivors' benefits to all workers, including agricultural workers, as well as additional research to identify potential gaps in the areas identified. He supported putting the proposed abrogation and withdrawal of

outdated instruments on the agenda of future sessions of the International Labour Conference and noted that there must be clear target dates for proposed abrogations and withdrawals, giving Member States sufficient time to consider ratification of more up-to-date instruments, where appropriate. The provision of targeted technical assistance to Member States was important in that regard, taking account of national circumstances. He welcomed the proposal to examine standards concerning fishers, dockers, indigenous and tribal peoples, and other categories of workers at the ninth SRM TWG meeting in 2024. The standards concerning indigenous and tribal peoples were of particular importance in many regions and would require extensive consultations prior to the meeting. He requested the Office to publish the technical paper associated with that review as soon as possible. He welcomed the adoption of a provisional five-year work plan, with a view to completing the initial programme of work in 2028, while recognizing the importance of maintaining the quality of the standards review process. He thanked the social partners for their constructive engagement in the work of the SRM TWG, the Chairperson for her able stewardship of the discussions, and the Office for its support in facilitating the tripartite deliberations, as well as the Director-General for his ongoing support for the SRM process. To that end, he emphasized the need for the strategic use of resources and internal policy coherence to support the ongoing work of the SRM TWG and ensure comprehensive implementation of its recommendations. He supported the draft decision.

18. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Saudi Arabia appreciated the efforts made by the SRM TWG to ensure a clear, robust, and up-to-date body of standards and stressed the need for timely follow-up action of its recommendations as adopted by the Governing Body. The ILO must be flexible and ensure that its instruments were suited to the changing and complex nature of the labour market, which would result in more ratifications. He supported the recommendation of the SRM TWG that research should be undertaken to enable the Organization to identify any gaps in the ILO body of international labour standards in relation to paternity and parental rights. He wished to know how the Office intended to study those gaps, and whether there were any preliminary proposals for review and modernization mechanisms. Commending the SRM TWG's decision to provisionally set its work plan for the next five years, with the aim of possibly completing the review of all instruments in its initial programme of work by 2028, he stressed the urgent need for the work to be considered in ILO strategic planning and future resource allocations. He encouraged the Office to develop a more effective plan to promote the ratification of standards with low ratification rates on the basis of constructive and respectful negotiation and tripartism. He supported the draft decision.
19. **Speaking on behalf of the Africa group**, a Government representative of Namibia said that her group aligned itself with the statement made on behalf of the Government group. In considering gaps in coverage of up-to-date standards, "coverage" should be understood as referring to the breadth of a particular standard with respect to the potential areas of protection and to the categories of persons within its ambit. Maternity protection was essential to achieving gender equality and non-discrimination in the world of work. The Office should conduct thorough research that took into account the diverse social conditions and cultures of Member States in order to close gaps in paternity and parental protection. The ILO needed to assess not only the robustness of its standards, but also analyse their impact and application in greater depth; the impact of international labour standards was beyond the number of ratifications. Up-to-date Conventions should be promoted globally, not only in the few Member States that had ratified the out-of-date Conventions. She urged the Office to gain a better understanding of the reasons for low numbers of ratifications, such as the inability to finance

social protection benefits, and recommend effective and time-bound measures to overcome challenges related to ratification.

20. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Spain said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Türkiye, Iceland and Norway aligned themselves with the statement. He aligned himself with the statement made on behalf of the Government group. The ILO's body of standards should be clear, robust and responsive to the ever-changing world of work to protect workers and take into account the needs of sustainable enterprises, which was crucial to ensure the credibility of the Organization and enhance its role in global cooperation. The SRM TWG played a vital role in that regard. He was pleased that a consensual solution had been found on most of the instruments that had been discussed, but regretted that the SRM TWG had to postpone its decision on the classification of the instrument on night work of children and young persons. It had been the second time since its establishment that the SRM TWG had been unable to agree on all its recommendations to the Governing Body, and he hoped that consensus on all recommendations could be reached at its future meetings. He welcomed the SRM TWG's decision to aim for a possible completion of its work by 2028 while ensuring the continued quality, thoroughness, and authoritativeness of its work, and the call to give institutional priority to adequate resources. He supported the draft decision.
21. **A representative of the Director-General** (Director, International Labour Standards Department) thanked the Governing Body for the useful guidance which would be followed up. She said that follow-up to the recommendations of the SRM TWG had been incorporated into the Programme and Budget for 2024–25 as an institutional priority. The Office would publish its preparatory documents to facilitate the SRM TWG's review of standards concerning fishers, dockers, indigenous and tribal peoples, and other categories of workers as soon as possible, as it always endeavoured to do. The conceptualization of research into gaps in ILO standards had started only recently.
22. **The Director-General** reiterated that the Office attached great importance to the work of the SRM TWG and would continue to support it in the 2024–25 biennium. He expressed the Office's appreciation to the outgoing Chairperson for her leadership.

Decision

23. **The Governing Body took note of the report of the Officers concerning the eighth meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and, in approving its recommendations:**
 - (a) welcomed the SRM TWG's consensual recommendations and noted that it had postponed its decision on the classification of the instruments concerning night work of children and young persons, pending research requested from the Office, until its next review at an appropriate time;
 - (b) decided that the instruments concerning maternity protection, social security (old-age, invalidity and survivors' benefits) and the protection of children and young persons that were reviewed by the SRM TWG at its eighth meeting should be considered to have the classifications it recommended;
 - (c) called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations as organized by the SRM TWG into practical and time-bound packages of follow-up action;

- (d) requested the Office to take the necessary action in follow-up to the recommendations of the SRM TWG at this and previous meetings as a matter of institutional priority;
- (e) requested the Office to prepare research to be discussed by a tripartite meeting, to be determined by the Governing Body at the earliest date possible, so as to enable the Organization to assess whether there are gaps in respect of paternity and parental protection and, if so, what normative and/or non-normative actions could be appropriate;
- (f) underscored the need to ensure that the SRM TWG's planned programme of work is considered in the ILO's strategic planning and future resource allocations, to ensure adequate funding is provided to support the work of the SRM TWG, and requested the Office to take the necessary steps in this regard;
- (g) noted the SRM TWG's recommendations concerning the abrogation and withdrawal of certain instruments, in relation to which it will consider:
 - (i) placing an item concerning the abrogation of Conventions Nos 10, 33, 59 and 123 and the withdrawal of Convention No. 5 and Recommendations Nos 41, 52 and 124 on the agenda of the 116th Session of the International Labour Conference (2028);
 - (ii) placing an item concerning the abrogation of Conventions Nos 35, 36, 37, 38, 39 and 40 on the agenda of the 121st Session of the International Labour Conference (2033);
 - (iii) placing an item concerning the abrogation of Conventions Nos 3 and 103 and the withdrawal of Recommendation No. 95 on the agenda of the 121st Session of the International Labour Conference (2033). An evaluation will be held in 2028 to assess whether Member States with effective ratifications of those outdated Conventions have taken any necessary action to ratify Convention No. 183. If progress has not been made, the date at which the Conference will consider the item may be reconsidered by the Governing Body;
- (h) decided to convene the ninth meeting of the SRM TWG from 16 to 20 September 2024, at which it should review fourteen instruments, and examine the follow-up to four outdated instruments, concerning fishers, dockers, indigenous and tribal peoples, and other categories of workers, as included in sets of instruments seventeen and nineteen of the SRM TWG's initial programme of work; and
- (i) noted the SRM TWG's decision to provisionally set its work plan for the next five years with the aim of possibly completing the review of all instruments in its initial programme of work by 2028, taking into account the need to guarantee the quality of its work reviewing the standards.

(GB.349/LILS/1, paragraph 6)

2. Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2025 (GB.349/LILS/2)

24. **The Worker spokesperson** said that annual General Surveys were extremely important instruments for constituents, as they offered a comprehensive overview of law and practice at the country level and provided an understanding of the extent to which effect had been given, or was proposed to be given, to ILO instruments and of problems that delayed ratification. General Surveys and follow-up to their discussion in the Committee on the Application of Standards therefore needed to be given greater visibility.
25. Regarding the three options presented in the draft decision, she said that the first, for a General Survey concerning the Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982, would be highly valuable, given the instruments' relevance to the current economic and social context. The instruments promoted employment security by addressing the unfair termination of employment, provided safeguards against the misuse of fixed-term contracts and dealt with the need for consultation with worker representatives in the case of economic or structural lay-offs. The fact that neither the Working Party on Policy regarding the Revision of Standards (the "Cartier Group") nor the tripartite meeting of experts established in 2011 had reached any conclusions from their examination of those instruments meant that Convention No. 158 had not received adequate attention and only 36 States had ratified it. A General Survey could bring attention to those instruments, identify States that complied with the Convention in law and practice, explain obstacles to ratification and provide valuable information for the discussion on those instruments by the Standards Review Mechanism in 2027.
26. With regard to the second option, she said that the role of the ILO and labour standards in times of crisis was not sufficiently understood, and choosing to conduct a General Survey on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), would shed further light on the Organization's mandate for peace and social justice in times of crisis and allow the Committee of Experts on the Application of Conventions and Recommendations (CEACR) to explore measures to prevent and respond to the devastating effects of crises on economies and societies. The Recommendation contained guiding principles to respond to crisis situations; advocated a multitrack strategic approach to all aspects of decent work; addressed the linkages between the world of work and society, paying special attention to the situation of migrants, refugees and returnees; and highlighted the critical importance of social dialogue in all aspects of policy response to crisis situations. An analysis by the Committee of Experts could clarify its application in law and practice to guide Member States and constituents at a time when the world was facing multiple crises.
27. Turning to the third option, she said that a General Survey on the Plantations Convention (No. 110) and Recommendation (No. 110), 1958, and the Protocol of 1982 to the Plantations Convention, 1958, would focus on a significant part of the global workforce, as plantations continued to be an important component of the rural economy in many regions. Plantation workers faced many rights violations and the sector was severely affected by natural disasters and climate change. A General Survey on the issue would be helpful since little guidance was available and it would serve to explore issues related to rural work.
28. Although all three options concerned important standards that deserved attention, her group preferred the first option because it presented an opportunity to unlock the full potential of employment security standards in times of need, which was unlikely to arise again before 2030.

However, General Surveys on Recommendation No. 205 and on the plantations instruments should be considered again in the future.

29. **The Employer spokesperson** said that he welcomed the fact that the number of instruments proposed for the General Survey had been strictly limited, which allowed for their consideration in greater detail. He hoped that a similar approach would be taken in the future. Evaluating the impact and relevance of standards was the most important of the objectives outlined in paragraph 2 of the document.
30. He expressed a preference for the second option. The world was entering a new era of division, rising geopolitical tensions and increasing numbers of armed conflicts, with a negative impact on all stakeholders in the world of work. A General Survey on Recommendation No. 205 would shed light on the extent to which affected Member States had implemented the Recommendation, allow an exchange of good practices and identify assistance needs in those countries.
31. With regard to the third option, a General Survey on the instruments related to plantation workers was urgently needed, as neither Convention No. 110 nor Recommendation No. 110 had been studied since their adoption in 1958 and a large number of people were employed in that sector. Convention No. 110 was one of the Conventions with the fewest ratifications, and a General Survey could be used to explore ways in which it could provide added value in ensuring decent work.
32. He was not in favour of conducting a General Survey on Convention No. 158 and Recommendation No. 166, as proposed in the first option. Given that General Surveys of those instruments had already been conducted, in 1995 and 2001, and a very detailed report had been prepared for the tripartite meeting of experts in 2011, the Office had sufficient information on employment security legislation. He harboured doubts as to the existence of a link between the issue of employment security and target 8.8 of the 2030 Agenda for Sustainable Development, as neither of the indicators for that target addressed the issue.
33. **Speaking on behalf of the Government group**, a Government representative of Namibia said that his group attached great importance to the process of selecting instruments for the General Survey and to consultations that would inform the development of the corresponding report forms. It was also mindful that the selection of any of the three options presented to the Governing Body would place a legal obligation on Governments, requiring them to take action and report on relevant activities. He expressed appreciation to the Office for presenting a structured, detailed analysis of the options, noting in particular the comprehensive background provided on the topic of employment security. A General Survey on that subject would provide a global overview of laws and practices in that regard, while also helping to establish the role of the relevant instruments in promoting employment security and identify challenges to their low ratification and implementation.
34. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran expressed his group's preference for the second option, which was highly relevant in the current climate and aligned with his group's strategic goal of promoting peace and resilience. Moreover, as Recommendation No. 205 had been adopted relatively recently, its application had not yet been given due attention. While his group remained flexible regarding the third option, the low level of ratification of the plantations instruments indicated potential challenges if that option were to be selected.
35. The selection of instruments for the General Survey should be done carefully and in consideration of their relevance to the strategic goal of employment and the legal and financial

implications of their implementation. With that in mind, he expressed concern regarding the validity of the first option, given the low ratification rate of Convention No. 158, and suggested prioritizing efforts to promote its ratification instead.

36. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Mexico said that her group aligned itself with the statement made by the Government group. She emphasized the importance of ensuring that the questions posed as part of the General Survey were aligned with the language used in the instruments in question. She expressed a preference for the first option, which would allow for a broader focus in the General Survey.
37. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Canada said that her group aligned itself with the statement made by the Government group. Her group supported the first option, as employment security was of critical importance and warranted a comprehensive assessment in a world facing economic stagnation, rising unemployment and the COVID-19 pandemic recovery. A General Survey on the topic would provide essential insights on how to strengthen labour protections, enhance social stability and foster sustainable economic growth. It could also provide an opportunity to address challenges faced by Members in ratifying Convention No. 158 and shed light on employment security among vulnerable workers. In the spirit of achieving consensus, however, her group remained open to considering the second option. She requested the Office to organize informal consultations and share a preview of the draft report form to facilitate the exchange of preliminary views before the March 2024 session of the Governing Body. The report form must be concise and reflect the language used in the instruments in question.
38. **The Chairperson** suggested that, as there appeared to be no strong support for the third option, the Governing Body should focus its discussion on the first and second options, both of which were very relevant in the current context. He encouraged the Governing Body to remain flexible in the interest of achieving consensus, recalling that choosing a particular option did not mean that the others could not be examined at another point in the future.
39. **The Employer spokesperson** reiterated his group's preference for the second option. It was inappropriate to discuss employment security, as proposed under the first option, when a series of unprecedented crises were unfolding and emigration appeared to be the most appealing prospect for many young people. A General Survey on Recommendation No. 205 was urgently needed to provide an insight into the current situation and present a realistic outlook for the future. His group would, however, remain flexible.
40. **The Worker spokesperson** said that, while Recommendation No. 205 was important and should receive further consideration in future, the ILO could make a more relevant contribution to the issue of employment security given its mandate. Moreover, the first option was pertinent to countries in all circumstances, including those not currently affected by challenges relating to peace and resilience. Her group therefore remained in favour of the first option.
41. **Speaking on behalf of the Africa group**, a Government representative of Morocco said that his group supported the first option, but could accept the second option in the interest of consensus.
42. **The Employer spokesperson** said that, while his group could accept the first option, there was already a wealth of information available on that topic, which was not the case for the issues proposed for examination under the second option. It would therefore be preferable to fill those gaps in knowledge.

43. **The Chairperson** observed that the first option was supported by a majority of constituents and that several speakers had demonstrated that they would remain flexible regarding the second option.
44. **The Employer spokesperson** said that the decision was not yet clear cut, as both his group and ASPAG had signalled their preference for the second option.
45. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran reiterated that his group supported the second option.
46. **Speaking on behalf of GRULAC**, a Government representative of Mexico recalled that her group had expressed a preference for a General Survey concerning Convention No. 158 and Recommendation No. 166, to be prepared by the CEACR in 2025 for discussion by the Committee on the Application of Standards in 2026, as set out in the first option. However, following consultations with the various groups and in the interests of showing flexibility and reaching agreement, her group proposed that the General Survey to be prepared in 2025 for discussion in 2026 could address Recommendation No. 205, as set out in the second option, on the understanding that the subsequent General Survey, to be prepared in 2026 for discussion in 2027, would address Convention No. 158 and Recommendation No. 166.
47. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran reiterated her group's position that a General Survey on Recommendation No. 205 would be timely, given the unstable geopolitical situation and the increased frequency of natural disasters as a result of climate change, the repercussions of which extended well beyond the borders of the States directly involved. Furthermore, it was her group's view that Office resources would be better used by conducting a General Survey on an instrument that had not been examined previously. Nevertheless, in the interests of reaching consensus, her group was willing to agree to the proposal by GRULAC.
48. **Speaking on behalf of the Africa group**, the Government representative of Morocco supported the proposal by GRULAC.
49. **Speaking on behalf of IMEC**, a Government representative of Canada expressed appreciation for the flexibility shown by other groups. She supported the proposal by GRULAC.
50. **The Worker spokesperson** said that, although her group had favoured the first option, it appreciated the efforts made by the Governments to reach agreement. In an effort to be flexible, her group could also agree to the proposal by GRULAC.
51. **The Employer spokesperson** observed that, as the General Survey to be prepared by the CEACR in 2026 for discussion by the Committee on the Application of Standards in 2027 was supposed to be on instruments relating to social protection, the proposal by GRULAC could complicate matters. Nevertheless – and although it preferred the second option and could accept the first option – his group could exceptionally agree to the proposal by GRULAC, in the interest of reaching consensus. Decisions of that kind on instruments for two consecutive General Surveys should be avoided in the future.
52. **The Chairperson** said that the situation was indeed exceptional and was not intended to set a precedent.

Decision

53. The Governing Body requested the Office:

- (a) to prepare, for its consideration at its 350th Session (March 2024), the article 19 report form on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), for the General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2025 for discussion by the Conference Committee on the Application of Standards in 2026;**
- (b) to prepare, for its consideration at its 353rd Session (March 2025), the article 19 report form on the Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982, for the General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2026 for discussion by the Conference Committee on the Application of Standards in 2027.**

([GB.349/LILS/2](#), paragraph 44, as amended by the Governing Body)